



## AGENDA ITEM COVER SHEET

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**NEW BUSINESS**

**No. 03**

Meeting Date: November 21, 2017

Requesting Department: Recreation Committee

Presenter(s): Council Member Moyer, Recreation Committee Chairman

### ITEM DESCRIPTION *(Brief)*

Discussion regarding sidewalk obstructions caused by placement of chairs along Salem St. prior to the Apex Christmas Parade

### ITEM DETAIL *(Expanded from Item Description)*

Approval Recommended? Yes By: Administration

The Recreation Committee expressed concern that chairs left unattended along Salem St. prior to the Christmas Parade posed accessibility and safety risks. Downtown merchants have also expressed similar concerns to Apex Police Department and staff. Under Chapter 18 of the Apex Code of Ordinances, the Town has the authority to address obstructions on sidewalks including chairs. After receiving feedback from several downtown merchants and discussing options with staff, the Recreation Committee recommends prohibiting unattended chairs along Salem St. until after the Christmas on Salem event ends on Friday night. Furthermore, the Committee recommends not allowing chairs to be tethered together or to other items such as light poles or benches so that they can be moved if needed.

### ATTACHMENTS *(Number items if more than one)*

1. Staff memo



October 30, 2017

**To:** Drew Havens, Town Manager

**From:** Shawn Purvis, Assistant Town Manager

A handwritten signature in black ink, appearing to be "S. Purvis", is written over the "From:" line.

**Re:** Chairs on Downtown Sidewalks Prior to Parade

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The purpose of this memo is to respond to the Recreation Committee's expressed concern about the placement of chairs along Salem St. sidewalks prior to the Apex Christmas Parade. The memo provides varying perspectives regarding the sidewalks and chairs in relation to Downtown activities and the potential enforcement of existing ordinances.

### **Background**

The Apex Christmas Parade is an extremely popular event, attracting thousands to Downtown Apex. Although the parade is not until Saturday evening, many parade-goers place their chairs along the sidewalk curb unattended prior to the parade. This has been common practice on early Saturday morning for years and recently, some of have been leaving chairs as early as Friday night. The Recreation Committee expressed concern that the unattended chairs posed accessibility and safety risks and asked staff to look into how the Town could address the situation. Under Chapter 18 of the Apex Code of Ordinances, the Town has the authority to address obstructions on sidewalks including chairs. Staff spoke to Police and Public Works officials as well as sought feedback from downtown merchants to collect various stakeholder input about the matter.

### **Discussion**

Pursuant to N.C.G.S. 160A-296, the Apex Code of Ordinances prohibits sidewalk obstructions in Sections 18-11 and 18-12. These laws are to ensure ADA accessibility, enable pedestrian travel, and reduce risks and safety hazards. Accessibility and safety hazards appear to be the primary concerns related to unattended chairs along the sidewalk. Committee members and several downtown merchants commented that the chairs make it difficult for people to exit their vehicles safely next to the sidewalk. This obstruction is of particular concern when seniors, children, or those with disabilities need to exit their vehicles directly onto the sidewalk. In most cases, drivers or passengers can move the chairs, but some people link or tie their chairs together, making it difficult to move several chairs at one time. Staff also received feedback from some downtown merchants that they do not view the chairs as a problem as long as they can be moved. Some merchants also mentioned that they felt people being able to leave chairs unattended contributed to the "small-town charm" of Apex and it is now a tradition. Even the merchants who did not have a problem with the chairs suggested setting a time at which people could begin placing their chairs.

Town ordinances do not stipulate the method of enforcement for removing obstructions on the sidewalks. Enforcement by the Apex Police Department would require adherence to laws and policies regarding seizure of property, properly logging the seizure, securing and maintaining the property, and proper verification and release of the property. Enforcement by the Apex Police Department would require at least two officers, and likely three for efficiency in picking up the chairs, driving a truck for collecting the chairs, and one officer for logging the chairs and then returning the chairs after verifying ownership. Police staff expressed concerns about sufficiently logging the chair collection and returning the chairs because there is no way to identify the proper owner of the unattended chairs. The officers needed to enforce the ordinance and collect chairs would also create additional staffing needs and generate overtime because many officers are already committed to the

Christmas on Salem and Christmas Parade safety activities. This memo does not include a cost analysis for enforcement by the Apex Police Department because staff determined collection by a Public Works crew would be simpler and more cost effective. This memo does provide a cost estimate for enforcement by Public Works in the following paragraph and staff has determined that costs for police enforcement would exceed that of Public Works.

Public Works has the ability to collect and store unattended chairs to enforce the sidewalk ordinances. Similar to the police, a Public Works crew would need at least two if not three members for picking up the chairs, driving a truck for collecting the chairs, and one for logging the chairs and then returning the chairs after verifying ownership. Public Works staff expressed concerns over being able to verify ownership of chairs when people come to collect them. Public Works staff performs similar tasks when enforcing cemetery ordinances but is able to identify ownership of items in the cemetery due to placement on or near specific gravesites. A cost analysis for a Public Works crew at 12 hours of work indicates a minimum total cost of \$1,155 (\$831 in labor, \$324 in equipment). If the crew were on duty from Friday night until the road closing Saturday, the labor cost would increase to a minimum of \$1,385 plus equipment costs.

### **Recommendations**

In addition to the information above, staff offers the following options for the Committee to consider while determining if they want to have the Town commit resources to removing unattended chairs on the sidewalks before the Christmas Parade. For all options, staff recommends posting signs on Friday prior to the parade that would identify the course of action the Town will be taking. In all cases, signs should state that no chairs should be bound to one another or other fixed items, such as poles or trashcans. Additionally, the Town should be prepared for complaints of lost and damaged chairs if the Committee asks staff to remove and store chairs and possibly even when only moving them aside.

- *Perform no enforcement and post signs simply asking that chairs not be left unattended on the sidewalk.* The lack of enforcement would likely undermine the desired outcome of the request but would minimize costs to the Town.
- *Allow current practices to continue after a specified time while moving chairs before the specified time.* Signs would indicate when chairs could be left unattended. Until that time, the Town would have to commit staff to move chairs that are blocking access to and from parking spaces or stores as well as chairs that are bound together or to other fixtures. Staff would not collect chairs but would move or stack them to the side or nearby. The Committee would have to determine a time to begin allowing chairs to be left downtown. A couple of merchants recommended 9:00 am on Saturday.
- *Allow the current practices to continue after a specified time and remove chairs before the specified time.* Signs would indicate when chairs could be left unattended. Until that time, the Town would have to commit staff to removing and storing chairs and being available to return chairs when people return for the parade. This would require more staff time and resources as well present difficulty in verifying ownership when people return for their chairs. The Committee would have to determine a time to begin allowing chairs to be left downtown.
- *Perform full enforcement of ordinances, removing and storing all chairs until the roads are closed for the parade.* This option would require Town staff to monitor Salem Street continuously until the roads are closed Saturday afternoon. At a minimum, it would cost the town nearly \$1,200 simply to keep chairs off the sidewalk. This option also includes the difficulty in verifying ownership when people return for their chairs.

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#### **TOWN OF APEX**

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