

## **MEMORANDUM**

TO: Roger L. Stancil, Town Manager

FROM: Lance Norris, Public Works Director  
Kumar Neppalli, E.I.T., Engineering Services Manager

SUBJECT: Revised Administrative Procedures and Policy for Approval and Installation of Banners and Flags in the Downtown Area

DATE: November 9, 2009

### **PURPOSE**

Adoption of the attached resolution would revise the existing “Administrative Procedures and Policy for Approval and Installation of Non-Commercial Banners in Downtown.” The revised resolution makes a distinction between banners and flags and stipulates the types of banners and flags permitted for display in banner arms and traditional flag holders, respectively.

### **BACKGROUND AND DISCUSSION**

On April 14, 2008 the Council adopted a policy related to the installation of banners in the downtown area. The policy was established in response to a petition from the Chapel Hill Downtown Partnership. Prior to adoption of the policy, non-standard and custom manufactured banners were being placed in traditional flag holders on utility poles in the downtown area, which required regular monitoring and maintenance. Often after only one day banners were found wrapped around flag holders and poles, damaged from nearby tree limbs, or even missing because of theft. The banner policy aimed to avoid issues such as these. Following adoption of the banner policy, banner arms designed to accommodate a standard size and shaped banner, distinct from existing flag holders, were attached to utility poles in the downtown area.

The current banner policy permits the display of non-commercial banners upon approval of the Town Manager. Per the policy, the specific purpose of installing banners in the downtown district is to promote the downtown. Organizations seeking approval must submit their request to the Chapel Hill Downtown Partnership. If the request meets the criteria stated in the policy and does not conflict with any other approved displays, it is then forwarded along with a recommendation to the Town Manager. Only seasonal, informational and generic banners are given consideration. Banners must be 30” x 60” in order to fit the brackets installed for standard size banners. If approved, the sponsoring agency will be billed the equivalent of the contracted cost for the installation and removal of the banners. The application to install banners must be submitted to the Town for review and approval at least 45 days prior to the actual installation date to permit adequate time for review, approval and scheduling.

At the time we developed our banner policy it was our intent to permit only non-commercial, seasonal, informational and generic banners of a standard size and shape to be installed in banner arms. The Town generally has not used the traditional flag holders for flying flags other than the US, State and Town flags on holidays and special occasions as approved by the Town Manager,

such as national day of remembrance or a special event such as our previous bicentennial celebration. While the old UNC and Susan G. Komen cancer awareness banners were displayed using the traditional flag holders and were often referred to as flags, in reality they were custom banners, distinct from a typical rectangular flag. Concessions were made for these banners since we were not equipped at the time to readily accommodate standard banners.

The Town recently received a request from a not for profit group to display flag-type banners in the flag holders. We think there may be instances in which the use of flag and flag-type banners in flag holders could be acceptable if the duration of the display is limited to 5 days or less and the requesting group understands that the Town would not be responsible for maintaining the banners while they are mounted. Requests for this type of display would still be submitted to the Downtown Partnership and forwarded to the Town Manager for approval. The 45 day application period could be waived by the Manager.

Groups would still be encouraged to use standard banners and provide adequate time for consideration of the request, but the revised policy would allow for exceptions regarding the type of banner and the time frame as noted.

We have developed the attached revised “Administrative Procedures and Policy for Approval and Installation of Non-Commercial Banners and Flags Downtown” for Council’s consideration (Attachment 3). The revised resolution makes a distinction between banners and flags and stipulates the types of banners and flags that can be displayed in banner arms and traditional flag holders, respectively. The proposed revisions are bolded and underlined. The revised policy includes the following additions and revisions:

- **Flags: Flag holders, distinct from banner arms, are to be used primarily to hang US, State and Town flags on holidays and special occasions as approved by the Town Manager. In certain instances, the Town Manager can permit the use of other flags or flag-type banners in flag holders if the duration of the display is limited to five days or less and the requesting group understands that the Town would not be responsible for maintaining the flags or banners while they are mounted. Requests for this type of display would still be submitted to the Downtown Partnership and forwarded to the Town Manager for approval. The Town Manager reserves the right to waive the 45 day application period. All other requests must comply with the standard banner type and purpose specified herein.**
- **Utility poles identified by the Town and the Chapel Hill Downtown Partnership for the displaying of banners and flags may not be used for both a banner and a flag at the same time.**
- **Standard** banners may be permitted up to three months (ninety days), and extensions may be granted by the Town Manager. **The display of flags and flag-type banners in flag holders is limited to five days.**
- Application to install banners **and flags** must be submitted for review and approval at least 45 days prior to actual installation date, **unless otherwise authorized by the Town Manager.**

- The following streets may be eligible for banners **and flags**: Franklin Street, Rosemary Street and Columbia Street, and other streets within the central business district.
- Banners **and flags** are limited to the number of banner arm brackets **and flag holders** that are installed in approved locations and must be hung in Town approved brackets **and flag holders** only.
- All banners **and flags** must conform to the North Carolina Department of Transportation (NCDOT) regulations regarding banners **and flags** on state and federal highways and roadways. The Town of Chapel Hill is responsible for obtaining approval from Duke Energy and N.C. Department of Transportation if needed.
- The banners **and flags** must be hung between the pedestrian light and the street light only. If there are power lines attached to the pole at that point, the banner **or flag** cannot be installed on that pole.
- The Town of Chapel Hill or **its a** Contractor will install and remove approved banners **and flags**. ~~once quarterly and €~~The requesting organization must pay for the installation and removal charges.

### CONCLUSION

We believe that the revised “Administrative Procedures and Policy for Approval and Installation of Non-Commercial Banners Downtown,” which makes a distinction between banners and flags, and further, stipulates the types of flags permitted for display and the conditions under which such flags may be displayed, will provide clarity to the existing policy.

### RECOMMENDATION

We recommend that the Council adopt the attached resolution that would revise the existing “Administrative Procedures and Policy” for approval and installation of banners.

### ATTACHMENTS

1. Existing Administrative Procedures and Policy for Approval and Installation of Non-Commercial Banners in Downtown (p. 5).
2. Proposed Revised Administrative Procedures and Policy for Approval and Installation of Non-Commercial Banners Downtown (p. 7).