



CITY OF CONCORD

New Hampshire's Main Street™

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager-Development

DATE: April 24, 2017

SUBJECT: Main Street Lamp Post Banner Program

Recommendation

Accept this report.

Background

As part of the Main Street construction project, 98 lamp posts were fitted with brackets for the hanging of community or event banners. A policy is now needed to provide applicants and City staff with a coherent and equitable procedure to make this happen.

Discussion

Drafting of the enclosed program required extensive coordination between City Administration, Community Development, General Services and the City Solicitor's Office. Every effort was made to ensure that an applicant's rights, the best interests of the community, and the impact on City forces required to review, install and remove the banners were balanced.

The program, as proposed, provides for an annual deadline for groups to make requests for pole locations. *The deadline does not preclude a group from approaching the City later on in the year.* However, it was felt that an initial deadline was required ideally to provide City staff with a comprehensive picture of the entire year to best allocate City forces needed to hang/remove banners. Any group applying after the deadline will still be considered but will only be eligible for pole locations that were not already awarded or may become available due to cancelations.

Based on the necessary collection and review work by the City's Code Administration Office and the required mobilization and work by the Downtown Services Team to hang and remove the banners, it is estimated that it would likely cost the City in excess of \$50 per pole (in staff compensation) for the banner program. Staff feels that charging \$50 or more per pole would be a disincentive at this time and is, instead, recommending that a fee of \$25 per pole be levied. It is important to note that each pole can accommodate two banners.

Therefore, an applicant wishing to hang two banners on one pole, in essence, would only be paying \$12.50 per banner. 50% of the fee would be due upon application. If an applicant is awarded one or more pole locations, the full fee would be collected prior to any banners being hung. If the applicant is not awarded a pole location the deposit would be refunded.

Eligibility for banner applicants is based on the following:

- Banners which meet the purpose of this Main Street Lamp Post Banner Program.
- Banners shall not have a primary purpose of endorsing or promoting commercial interests, including commercial offers, solicitations, products and other materials, the primary purpose of which is to promote economic interests.
- Business logos will not be permitted except for businesses that are sponsoring local cultural, educational, and civic events, including City sponsored and co-sponsored events. Sponsorship and corporate logo recognition(s) within a banner design shall not exceed 20% of the overall banner area.
- Banners shall not include campaign messages that endorse or oppose a candidate for election to public office.

The decision to award banner locations will be made by the Licensing Coordinator, in consultation with other City staff, based on the aforementioned eligibility criteria. There may be instances when an eligible applicant's pole request may not be able to be fulfilled in its entirety due to competing demands for the same poles, such as from City events, for example. Organizations that have agreements or licenses with City Council that include provisions for banners will supersede the Lamp Post Banner Program and would preclude certain poles or certain dates throughout the year (such as the Greater Concord Chamber of Commerce's Visitor Center banners). The City reserves the right to assign alternate banner locations and dates that may differ from the applicant's initial request. An applicant in this situation would not be compelled to accept this change and could simply ask that their deposit be refunded if unsatisfied.

Banner designs would need to be approved by the Licensing Coordinator prior to installation.

As this is the first time that the City adopts such a comprehensive banner program, it is expected that there will be some learning involved by all parties. Staff will adapt as much as possible to overcome any unforeseen circumstances to ensure that the spirit of the program is met. It could be possible, however, that some substantive revisions to the program will become necessary within a year or so. If so, an amended policy will return to City Council for review and approval.

Please note, this lamp post banner policy does not apply to the two *cross-street* banner locations (Loudon Road and South Main Street). Those banners, due to the size of the banners and requirements for special aerial installation equipment and a police detail, will require a separate set of guidelines currently under development.