



# FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

**MEETING DATE:** February 7, 2024  
**PREPARED FOR:** Mayor and Town Council  
**PREPARED BY:** Heather Abrams, Town Manager  
**SUBJECT:** Adopt a Resolution Authorizing the Display of Chamber of Commerce Banners on Downtown Light Posts; Authorize Use of Staff Time to Place Banners; Authorize Town Manager to Pay for Printing of Authorized Banners.

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## RECOMMENDATION

Adopt a Resolution Authorizing the Display of Chamber of Commerce Banners; authorize use of staff time to place banners; authorize Town Manager to pay for printing of authorized banners.

## DISCUSSION

[On May 4, 2022, Council adopted a Flag Display Policy.](#) The Flag Display Policy is designed to ensure that the Town's flagpoles are reserved for government speech, and to avoid raising First Amendment free speech issues. Under the government speech doctrine, the Town may advance its own viewpoint without being required to accommodate the messages of others in the same forum. The policy ensures that the Town retains control of its flagpoles to fly commemorative flags that express the Town's official sentiments. The policy prohibits third-party requests for commemorative flag displays, only allowing for the display of commemorative flags when the request is brought forth by a Town Council member and then authorized by the Town Council as an expression of the Town's official sentiments.

Mayor Coler has requested the display of the Chamber of Commerce banners. In January, Mayor Coler, the Town Manager, and leaders of the Fairfax Chamber of Commerce met to discuss a Chamber of Commerce campaign to encourage local-area residents to shop and dine in Fairfax.

The Chamber of Commerce has drafted these banner designs to be hung from up to 18 poles downtown:



The Mayor and Town Manager meet monthly with the Chamber of Commerce executive director to informally discuss how they can work together to support local businesses. Supporting local businesses is of importance to the Town because residents value a lively downtown with shopping and dining opportunities, and sales tax revenue accounts for approximately 14.2% of the Town's General Fund Taxes and Fees, as shown in the Town's annual budget.

### **FISCAL IMPACT**

There are 30 flag posts available in downtown Fairfax. It requires two Public Works crew members a total of four hours each to hang all the flags. The fully loaded salary and benefit rate is \$81.58 for employee #1 and \$64.91 for employee #2. This does not include the cost to maintain, fuel and someday replace a 30-year-old bucket truck that the crew must use for this work. The costs of the Public Works crew to hang 30 flags on the lamp post in the downtown corridor was estimated to be \$538.00. The cost to hang a smaller number of banners or flags is less, though not simply proportional, due to the time needed to stage and secure the in-street work area and reverse the process is a larger part of the time needed. Staff estimates the cost to hang up to 18 banners requested is approximately \$300.

The printing cost of the banners themselves is estimated at \$210 per banner, plus set up fees and sales tax, for a total cost of approximately \$4,274.

The Chamber of Commerce has raised funds to print a large banner to be hung over Sir Francis Drake Blvd, and the Chamber will pay the customary fee for hanging that banner, as do many other local non-profit groups.

Commercial and non-commercial signs are controlled by the Town's sign ordinance. As shown in the attached non-commercial sign fact sheet, signs cannot be placed on public property without complying with the sign ordinance, and the flag policy in the case of the light pole banners on Town flag poles. The Chamber of Commerce has a sign, previously approved by the Planning Commission, near the west end of Town, which the Chamber may choose to post this campaign material on as well. The Chamber should also augment the campaign by printing flyers for shop windows and get the retail community involved, as per the sign ordinance fact sheet attached.

In total, the financial support requested from the Town is approximately \$4,574.

### **ATTACHMENTS**

- A. Non-commercial sign regulation fact sheet
- B. Resolution



# **TOWN OF FAIRFAX**

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## **TEMPORARY NONCOMMERCIAL SIGN REGULATIONS [Town Code § 17.064.030(B)]**

- Temporary noncommercial signs, including but not limited to political signs and announcements for noncommercial public activities or events, are allowed on property with the property owner's permission.
- These types of signs are limited to four square feet or less in size (24" by 48") be erected no sooner than 60 days before and shall be removed within ter an election or event; or
- If not concerning a particular event, then the sign may be posted for 67 days.
- lly, temporary non-commercial signs may be posted in the windows of or on privately owned commercial buildings for the same time periods described ve if they do not exceed one square foot in size, are not illuminated and
- Noncommercial signs not complying with the above regulations require the review and approval of an exception to the sign permit regulations from the Planning Commission (Town Code § 17.064.070(B)].
- The only permitted public location for posting a noncommercial public activity or events sign is the banner location across Sir Francis Drake Boulevard. Banners a sign permit issued by the staff and they must comply with the banner ements contained in Town Code § 17.064.040(B)(1).

The Sign Ordinance can be reviewed in its entirety with the following link:

[https://codelibrary.amlegal.com/codes/fairfax/latest/fairfax\\_ca/0-0-0-7615](https://codelibrary.amlegal.com/codes/fairfax/latest/fairfax_ca/0-0-0-7615)

RESOLUTION 24-\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AUTHORIZING THE DISPLAY OF CHAMBER OF COMMERCE BANNERS; AUTHORIZING  
THE USE OF STAFF TIME FOR THE PLACEMENT OF BANNERS; AND AUTHORIZING  
THE TOWN MANAGER TO PAY FOR PRINTING OF AUTHORIZED BANNERS DURING  
MARCH 2024**

**WHEREAS**, Mayor Barbara Coler has requested that the Town display light pole banners with the text “eat”, “play” and “shop” with “Fairfax” at the bottom of the banner, in alignment with the Chamber of Commerce’s campaign to bolster local commerce; and

**WHEREAS**, the Town adheres to a Flag Display Policy which was adopted on May 4, 2022 as per Resolution 22-28, which specifies that the Town retains control of its flagpoles and prohibits third-party requests for commemorative flag displays, only allowing for the display of commemorative flags when the request is brought forth by a Town Council member and then authorized by the Town Council as an expression of the Town’s official sentiments; and

**WHEREAS**, the Town of Fairfax finds it in the public interest to support local businesses because residents value a lively downtown with shopping and dining opportunities, and because sales tax revenue accounts for approximately 14.2% of the Town’s General Fund Taxes and Fees; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Council authorizes the display of the light pole banners with the text “eat”, “play” and “shop” with “Fairfax” at the bottom of the banner, that coordinate with the Chamber of Commerce’s campaign in support of local businesses for up to 18 downtown lamp posts for the month of March 2024, ending April 1, 2024, to express the Town’s support for local businesses.

The foregoing resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax on the 7<sup>th</sup> day of February 2024 by the following vote, to wit:

AYES:  
NOES:  
ABSENT:

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Barbara Coler, Mayor

Attest:

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Christine Foster, Deputy Town Clerk