



HAYWOOD COUNTY BOARD OF COMMISSIONERS

AGENDA REQUEST

***Must be presented to the County Manager's Office
NO LATER THAN 5 P.M. FRIDAY THE WEEK BEFORE THE MEETING***

DATE OF REQUEST: November 9, 2012

FROM: Chip Killian, County Attorney

MEETING DATE REQUESTED: November 19, 2012

*Regular meetings: First (1st) Monday of the month at 9:00 am
Third (3rd) Monday of the month at 5:30 pm*

SUBJECT: Policy for Posting, Display and Placement of Flags, Monuments, Memorials, Signs, Placards and Other Displays on Haywood County Property ("Display Policy")

REQUEST: **NO ACTION TO BE TAKEN** – This is an initial presentation of the policy; public comments and input are requested.

BACKGROUND: At the August 20, 2012 meeting, Mr. Killian presented information on the need for a public display policy. Vice-Chairman Kirkpatrick made the following motion: that the county attorney develop a proposed policy for posting, display and placement of signs, placards, flags and other displays on the courthouse grounds, to supplement or amend the existing Haywood County Facilities Use policy; that in the interim no signs, placards, flags or other displays excepting official government flags as defined by General Statute 144-7(c), shall be permitted on the courthouse grounds; and that any such unauthorized postings, displays or placements be removed by County staff. Commissioner Upton seconded; the motion carried unanimously.

Mr. Killian researched various legislative requirements related to such displays including speaking with the Department of Cultural Resources related to historic properties and sites and use of other legal resources available to provide assistance. The policy was drafted for presentation to the BOCC.

IMPLEMENTATION PLAN: Initial presentation to BOCC on November 19, 2012. No action to be taken.

FINANCIAL IMPACT STATEMENT: N/A

SUPPORTING ATTACHMENTS: YES NO HOW MANY? 1

LIST: Display Policy

PowerPoint Presentation: YES NO

PERSON MAKING PRESENTATION AT MEETING: Chip Killian

TITLE: County Attorney

PHONE NUMBER: 919-877-3810

E-MAIL: chip.killian@nelsonmullins.com

THIS SECTION FOR OFFICE USE ONLY

Received (Date/Time): _____

County Manager / Clerk to the Board Comments: _____

In an effort to save paper, attachments should be copied on both front and back sides.

Policy for Posting, Display and Placement of Flags, Monuments, Memorials, Signs, Placards and Other Displays on Haywood County Property ("Display Policy")

1. **PURPOSE:**

- a. To establish guidelines and procedures for the posting, display and placement of signs, placards, flags, monuments, memorials and other displays on Haywood County Property, collectively known as "Grounds".
- b. This policy shall govern the posting, display and placement of signs, placards, flags, monuments, memorials and other displays on Haywood County Grounds.

2. **AUTHORITY:** The Haywood County Board of Commissioners.

3. **APPLICATION:** This policy applies to the posting, display and placement of signs, placards, flags, monuments, memorials and other displays on Haywood County Grounds.

4. **RESPONSIBILITY:** The Haywood County Manager or the Haywood County Manager's designee responsible for implementation of this policy.

5. **PERMISSIONS:**

- a. A request for permission to post, display or place any sign, placard, flag, monument, memorial or other display on the Haywood County Grounds shall be made in writing or submitted via email to the County Manager's office, 215 N. Main Street, Waynesville, NC 28786. The requesting party shall provide the following information: the name and address of the requesting party; the date and time period requested for the posting, display or placement of any sign, placard, flag, monument, memorial or other display on the Grounds; the expected duration of such posting, display or placement; the nature and purpose of the posting, display or placement; and the number of people expected to be on the Grounds during the duration of such posting, display or placement. The group or individual making the request shall agree to accept responsibility for damages and clean up costs, if applicable. Requests for permission must be made at least thirty (30) days before the planned date of posting, display or placement.
- b. The County Manager or designee shall have the authority to grant or deny permission to post, display or place any signs, placards, flags, monument, memorial or other display in accordance with this policy. When this policy does not address the requested use, only the Board of County Commissioners shall have authority to grant or deny such requests.

6. **SCOPE OF PERMISSABLE USE:**

- a. The continued presence or future placement of "official governmental flags" as defined by G.S. 144-7(c) shall not be subject to this policy.
- b. Upon request as set forth in Section 5.a., permission may be granted for the display of the First National Flag of the Confederacy, sometimes known as the Stars and Bars, used as the official flag of the Confederacy. The official flag of the Confederacy may be displayed at the Confederate Memorial monument on the Haywood County Historic Courthouse lawn on Confederate Memorial Day (May 10) in accordance with Resolution 51, 1961 Session Laws and Resolutions of the North Carolina General Assembly, a copy of which is attached hereto. Display of this flag will be permitted from 7:00 p.m. on the day prior through 7:00 a.m. on May 11. At no point shall the Confederate Battle Flag be displayed on Haywood County Grounds.
- c. Upon request as set forth in Section 5.a., other flags authorized under the Division of State Historic Sites and Properties Flag Policy, a copy of which is attached hereto, may be displayed.
- d. No more than two (2) flags may be displayed at any single memorial. The maximum size for flags shall be 12 inches x 16 inches.
- e. Political signs may be placed at voting locations only on the days when voting is occurring.
- f. Monuments and Memorials of a more permanent nature may be installed, constructed, posted, displayed or placed only upon approval of the Haywood County Board of Commissioners.
- g. This policy refers only to the posting, display or placement of signs, placards, flags and other displays on Haywood County Grounds. Any use of public sidewalks surrounding the Grounds for these activities must be approved by the appropriate municipal government in accordance with its policies and procedures.

7. **LIMITATION OF USE:**

- a. Signs, placards, flags and other displays may only be posted, displayed or placed at the specific location designated by the County Manager or his designee.
- b. Monuments and Memorials may only be installed, constructed, posted, displayed or placed upon the Grounds at a specific location designated by the Haywood County Board of Commissioners.
- c. No display shall be allowed which, in the judgment of the County Manager or his designee, would present the risk of damage to the Grounds.
- d. The implementation of this policy shall at all times be consistent with the rights of citizens under the First Amendment of the United States Constitution.

8. **SETUP AND REMOVAL:**

- a. The authorized user under this Display Policy may install signs, placards, flags and other displays only under the direct supervision of the County Facilities and Maintenance Director, the County Manager, or his designee.
- b. Authorized signs, placards, flags and other displays shall be promptly removed at the conclusion of the authorized period.
- c. Any unauthorized signs, placard, flags or other displays which are posted, displaced or placed upon the Grounds shall be immediately removed by the County Manager or his designee.

9. **IMPLEMENTATION AUTHORITY:** This Display Policy is implemented by the County Manager or his designee, under the general authority of the Board of Commissioners.

STATE OF NORTH CAROLINA

1961

Session Laws and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

AT THE

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE EIGHTH DAY OF FEBRUARY, A.D. 1961

PUBLISHED BY AUTHORITY



1961—RESOLUTIONS

raphers, our sincere and grateful appreciation for the cordial, generous and efficient services and assistance rendered to the members of this, the General Assembly of 1961.

Sec. 2. That a copy of this Resolution be transmitted to the Attorney General of North Carolina and that further copies be made available to each Assistant Attorney General, to each staff attorney and to each member of the secretarial staff.

Sec. 3. That this Resolution shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1961.

H. R. 1058 RESOLUTION 51

A JOINT RESOLUTION CONCERNING DISPLAY AND USE OF THE CONFEDERATE FLAG.

WHEREAS, there is a need for calling attention to the usage of the Confederate flag, to the end that it shall be displayed only in a dignified and reverent manner; and

WHEREAS, it is appropriate that the General Assembly of North Carolina adopt suggestions and make recommendations for our people concerning this and similar patriotic interests:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The flag of the former Confederate States of America when displayed with the flag of the United States of America shall follow the recognized procedure of the display of any other flag with that of the United States of America.

Sec. 2. It is recommended as appropriate that the Confederate flag be flown over the State Capitol and other State buildings on Confederate Memorial Day (May 10) and on other appropriate days, provided that the flag of the United States of America is always flown in connection therewith according to the regulations of the United States government.

Sec. 3. It is urged and recommended that use of the Confederate flag be confined to dignified purposes and events.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 13th day of June, 1961.

H. R. 1081 RESOLUTION 52

A JOINT RESOLUTION RECOGNIZING THE VARIOUS THEATRE GROUPS IN THE STATE AND DECLARING THE LAST WEEK IN JUNE AS OFFICIAL NORTH CAROLINA SUMMER THEATRE WEEK.

WHEREAS, the three outdoor historical dramas, "The Lost Colony" at Manteo on the Outer Banks; "Unto These Hills" at Cherokee in the Great

**DIVISION OF STATE HISTORIC SITES AND PROPERTIES
FLAG POLICY**

- I. **Current or Modern Flags:** The current or modern flags of both the United States and the State of North Carolina will be displayed on a permanent pole or poles in a prominent location at all state historic sites.
 - A. Outdoor display in front of the visitor center or at the front entrance to the site is preferred. When this is impractical, the flags may be displayed inside the visitor center in a place of honor.
 - B. Outdoor flags should be replaced as often as necessary, but at least once a year, to ensure that they present an appropriate appearance to the public.

- II. **Historical Flags:** Flags that represent the history of a particular site may also be displayed at that site.
 - A. All permanent displays of historical flags require the written approval of the division director.
 - B. Displays of historical flags, whether temporary or permanent, above the State Capitol require the written approval of the deputy secretary for Archives and History.
 - C. The flags should be displayed on one or more permanent poles in an appropriate, prominent location.
 - D. Historical flags must always be displayed in a subservient position to that of the current flags of the nation and state, even when the latter are at half staff.
 - E. The purpose of historical flag displays is for educational purposes and will, in order to ensure a balanced interpretation, include all the primary historical flags associated with the period of interpretation.

- III. **Anniversary and Celebration Flags:** Flags that commemorate a local, state, national, or similar anniversary or similar celebration may be appropriate for use at historic sites.
 - A. The use of all such flags requires the approval of the site manager and, if the requested display is for longer than 72 hours, the written approval of the division director.
 - B. Such flags may be displayed on either permanent or nonpermanent poles but must be displayed subservient to the current national and state flags.

- IV. Program Usage: Current, historical, and other flags, as well as appropriate banners, may be carried, displayed or otherwise utilized by staff and volunteers as part of an approved educational program, ceremony, or other special event.
- A. Such flags and banners may not be attached to any permanent pole used for display of the current flags of either the United States or the State of North Carolina.
 - B. Banners may include event promotional materials, including banners recognizing official sponsors or donors, and seasonal, festive, and decorative banners, as deemed appropriate for the specific event.
 - C. All flags and banners are subject to approval by the site manager.
- V. Other Usage: The display or use of any flag or banner that does not meet the above criteria is prohibited without the written consent of the division director.
- VI. Flag Code: All display, care, and disposal of flags at state historic sites shall be guided by the "Flag Code" as contained in the United States Code Title 4, Chapter 1.