

Economic Development Committee Minutes

Honorable Council
City of Newark, Ohio
November 1, 2017

The Service Committee met in Council Chambers on Monday October 30, 2017 following the Safety Committee with these members in attendance:

Jeremy Blake, Chair
Jeff Rath
Bill Cost
Mark Fraizer
Jonathan Lang

We wish to report :

1. **Ordinance No. 17-52** amending article 135: display signs and outdoor advertising of the Zoning Code of the city of Newark, Ohio- Thornwood was considered.

Mark Cox- I am with Kessler Sign Company and we want to put a billboard sign on your new road. That is the new road going through the next phase of Thornwood Crossing when they cross the bridge and shut off Cherry Valley Road. We are showing that because we have an existing billboard on Cherry Valley and Reddington that will be obsolete when that happens. The next site map shows you where the billboard goes. It would be 600 feet off of the intersection off of Cherry Valley and 700 feet off of the off ramp at 16 and Thornwood Crossing. These are renderings of the billboard we want to put up. It would be on the east side of the road, it would be a north and south bond read. Other points about the new billboard proposed current code as far as 1000 foot spacing it will be the only billboard allowed on that road between Cherry Valley and State Route 16.

Mr. Rath- if I could address this a little bit since I am the one asking to bring this forward. The billboard at Cherry Valley and Reddington Road at some point when that becomes obsolete is going to be removed is that correct?

Mark Cox- I think that it would have to be we aren't sure we would have to look in to seeing how long the lease with the landowner is. The landowner won't want it there anymore if they aren't making any money.

Mr. Rath- the new location is going to be at the church which is located at the Reddington Road interchange and I believe the owner of that property is here with us as well. We are losing one but gaining one. There is already an arrangement between the owner of the property and Kessler Sign Company if we say yes this will pass. The areas that we are talking about did not exist at the original time the map was produced. I believe the process at this point in time is if we pass this it goes to Council on the 6th and

we forward it on to Planning Commission where they review it and it come back to us with a recommendation.

Mark Cox- they come back to you for a recommendation?

Mr. Rath- yes then we vote in full Council to accept or not.

Steve Layman, 9 N. Third Street- I am here to speak against this proposed legislation. For the new members on Council, some context, about 10 years ago Newark got a new Zoning Ordinance. It would have happened earlier but the most contentious part of the new Zoning Ordinance was the sign ordinance and was specifically the question of the billboards. There is a fair percentage of the community that thinks there are enough billboards already and the billboard companies obviously think there is always room for more. It took about a year to work out the compromise on how to handle the growth or non-growth of billboards and the overlay map was the compromise. That is what enabled us to finally get the new Zoning Ordinance passed in I think 2008. It was a tedious process but I think a fair solution. I would say to you that we're not really talking about trading a billboard because that sign went up in that time period when all the controversy over the billboards was taking place. Kessler took advantage of that time period to put up four signs that was fine. I think that Thornwood Crossing isn't an almost new front door to Newark; I don't think that it needs a billboard and I hope that Council will see fit to leave that as a clean vista. I would agree with the people who think Newark has enough billboards.

Pastor Rusty of Water's Edge Assembly of God, the property in question- I appreciate what you folks do I don't know why anybody would want to do it but I am glad somebody does. The fact if a billboard should or should not be there isn't dependent on a few peoples opinion or somebody saying everybody feels this way. I think that there should be a little bit more information than that if you are going to make a decision of yes or no right now. I appreciate Mr. Layman putting forth the effort that he did so many years ago but it came forth pretty obviously that his problem is more with Mr. Kessler than our sign. So I don't want you making a decision on his concern for that and also for the fact that he doesn't want any more signs in the area and that is his purgative but that is his opinion. I could produce several people that would say they would like the sign so I felt like that was important to say. It would also be a great blessing to the church the income that would come from it. With the Thornwood Crossing coming in it did take away our access to the 10 acres on the other side that we still keep because they didn't want to buy that they just wanted eminent domain through the 5 acres on the side that the church uses so that is 10 acres we can't use now. That would help bring back some of the value of that property for us.

Mark Cox- I think one thing I have learned about the billboard business is that a lot of people have opinions. I heard somebody say there are a lot of people that don't want them but there are a lot of people who do, the Midland Theatre, The Works, OSU and COTC so it is up to you boys. Any questions.

Mr. Rath- as the Councilman in that area I have mixed emotions about this I don't know that I am particularly fond of billboards polluting the skies but I understand their need and their use. I do appreciate the fact that we are losing a billboard at Reddington and Cherry Valley for the residents, I am anxious to have you guys remove that. Nonetheless

I would like to hear the opinion of the Planning Commission before I would make an ye or nay decision on this so with that being said I would like to make a motion to send this on to full Council so it can be referred to the Planning Commission to hear what they say.

Motion by Mr. Rath to send Ordinance No. 17-52 to full Council, second by Mr. Fraizer
Mr. Fraizer- I concur with Mr. Rath, we will let it go to Planning Commission and see what they state. Mr. Layman thank you for coming, thank you as well and we look forward to seeing what the Planning Commission says on this to put that weight in it as well to make our final decision.

Mr. Cost- I'm not sure that I can support this as far as a Council vote but I think that this is one of those things that the full Council should see, have the opportunity to discuss and vote on so that we are all involved in those vote. I am not a proponent of many more billboards either and I know over the years there has been a lot of controversy over adding more billboards. I know that was a sore spot the last time around with some the legislation on signage. I know that has been challenged and there are lots of points of view on that.

Brian Morehead- if you remember when we got into the agreement with ODOT to build the Thornwood Crossing interchange, the city has put about a half of a million dollars into that project and a good portion of that half of a million goes to the ascetic upgrades we did to that corridor. There's form liner pattern concrete on the bridge, there is decorative railing, decorative fencing, decorative lights and decorative lighting along the bike path there all of those things were to create an upgraded corridor there so put that into your thinking when you are thinking about this. We have paid a lot of money to upgrade that corridor and personally I don't think a billboard is the right thing to be putting out there.

Jen Kanagy- has anyone contacted Granville because I know that was a joint project and they are still trying to raise money to plant the trees and to make that real parky right there.

Mr. Blake- I can't answer that but I don't know if Mr. Morehead can

Brian Morehead- I don't know

Mr. Marmie- my comment is to make sure that we don't just focus on your opinion of liking or disliking a billboard we still always have to act on the best interest as far as the landowner and what is the property owners rights. If it fits within the plan of the city that a business of any kind which a billboard is a business fits into a particular area we are on a slippery slope with the Ohio Revised Code if we don't allow property owner rights to be allowed because we dislike the type of business. That would be just like saying that I don't like the shoe business, I do want business there but I just don't want shoes there. We have to keep property owner rights and what is their actual right to do business in the City of Newark.

Mr. Blake- I am in agreement with the comments made that this is worthy to have the Planning Commission discuss and Council to get their recommendation.

Motion passed 5-0.

3. **Ordinance No. 17-53** amending article 135: display signs and outdoor advertising of the Zoning Code of the city of Newark, Ohio- Mt. Vernon Rd was considered.

Mr. Rath- I brought both of these forward for the same reason we have people who want billboards there. The question was can we put them there or not, it's not like I have any skin in the game whether they go there or not but there are businesses that are trying to exist as Mr. Marmie would say and we have simply just not given them an answer. That is why I brought this forward for consideration and again I would be interested in hearing the opinion of the Planning Commission.

Mrs. Floyd- where on Mt. Vernon Road?

Mr. Rath- it is the far north end of the city

Brian Morehead- north of the Village of Glen Ridge subdivision.

President Ellington- by the old Dry Creek

Mr. Lang- it looks like it is currently allowed on the other side of the street we would just be allowing it on the west side of Mt. Vernon Road.

Motion by Mr. Rath to send Ordinance No. 17-53 on to full Council, second by Mr. Fraizer

Mr. Cost- on the other piece of legislation the point that was brought out was that road didn't exist at that time so it is a brand new location with a brand new idea this is on a road that has been there since the beginning of time and we are just asking to add an additional billboard to an area that is already been there, got billboards so to me this is a very different thing.

Brian Morehead- I would agree with you. The map which was passed by Council along with the Zoning Code back in 2008 dictates where the billboards can be and the map doesn't allow the billboards in either of these locations. You can get into a lot of discussion about property owners rights and so forth but I think that you need to be an attorney to do that. The map doesn't permit it currently in either of those locations. You are correct the Thornwood Crossing one there was no roadway there so consequently there's no signs permitted there. The Mt. Vernon Road one, the road is there, the billboard is permitted on the east side of the road but not on the west side. This is to allow it on the west side of the road.

Mr. Marmie- the property on Mt. Vernon Road was not in the city of Newark when the map was developed. It was annexed in after the map was developed and this person found out that they couldn't because the maps were drawn up before it was annexed in. It could have been included on the map if it had been annexed back then since there was a sign on the other side of the street.

Mr. Cost- if it had been in the city would the signs be too close together?

Mr. Rath- if I am correct whether there is a billboard allowed in that area or not is not going to effect the distance regulations. If there was another billboard within 1,000 feet then it would be a moot point but I don't believe there is.

Motion passed by a vote of 5-0.

Jeremy Blake, Chair