

Economic Development Minutes

Honorable Council
City of Newark, Ohio
September 29, 2015

The Economic Development Committee met in Council Chambers on Monday September 28, 2015 following the Service Committee meeting. These members were present:

Jeff Rath, Chair
Jeremy Blake
Bill Cost Jr

Dee Hall
Ryan Bubb for Curtis Johnson

We wish to report:

1. **Ordinance No. 15-27** an ordinance amending article 135: display signs and outdoor advertising of the Zoning Code of the City of Newark, Ohio adopted May 5, 2009 by Ordinance 08-33A was considered.

Mr. Guthrie- I brought this proposal forward as a result of a call that I received Ms. Lew Bline who is a member of First Baptist Church on Newark-Granville Rd. Apparently there is a provision in the current sign code that prevents churches from leaving up a temporary sign for a community breakfast. I told Ms. Bline that I would propose a remedy. I reached out to the Law Director's office and to Mr. Rhodes whom said he did not object to remedying. That is what you have before you. I believe that Brian Morehead has communicated with the Law Director on this. I told the Law Director that I wanted to keep it as narrow as possible so we didn't open the flood gates to temporary signs. It simply applies to churches, synagogues and mosques. Ms. Bline is here if the committee would allow her to speak on behalf of her church.

Ms. Bline- we do have a sign in our front yard advertising a free community breakfast and it is the last Saturday of every month. I was told by Mr. Strauch that I am currently allowed to leave the sign up for 30 days and then I need to take it down for 90 days and then I can put it back up for another 30 days. That sort of defeats the purpose of having a monthly breakfast so we would like to leave it up.

Mr. Rath- so this sign would be up year round? So it wouldn't be a temporary sign?

Ms. Bline- yes year round. Because of the material and that it is on stakes it is temporary. Churches don't know how long they will do breakfasts but ours has been going on for 5 years. We have a permanent sign as well but that is for sermon titles and whatnot. People also see this sign and if they are desperate for food they will come in and ask us.

Mr. Bubb- asked about the size dimensions that can be allowed for a temporary sign

Brian Morehead- 6 square feet

Mr. Rath- so it is about the size of a campaign sign

Ms. Bline- sort of. She shared a picture.

Mr. Cost- what have you done in the past?

Ms. Bline- the sign has been in the front yard for five years

Mr. Cost- straight?

Ms. Bline- well if it fell apart we would get a new one but it is basically the same sign.

Mr. Cost- so for 5 years nobody has had a problem with this?

Ms. Bline- no and we had to send letters to our neighbors and they too had no problem

Mr. Rath- when did that happen?

Ms. Bline- February

Mr. Rath- who did you provide that letter to?

Ms. Bline- Mr. Strauch along with a site map and paid \$50.00

Rusty White, 1409 Residence Dr- can the sign be resized, reworded and relocated and not have to go through all of this?

Mr. Rath- let me answer his question in a different way, if she has a sign that is allowed to be out there for 30 days and has to be down for 90

Brian Morehead- that is what the code says

Mr. Rath- if she has this sign up for the month of October can she put up a different sign for the month of November?

Brian Morehead- according to the code I guess that would skirt the regulation of the code. The why the code is written it is anticipated that it is the same sign, a temporary sign. You put it up for 30 days, you take it down for 90 and then you can put it up again for 30 so technically does it say that you can't put multiple signs up I guess it doesn't say that.

Mr. Rath- so if she had four different temporary signs she could actually rotate those every month and skirt the issue?

Brian Morehead- this whole thing started because we got a zoning complaint about the sign being up too long. So our Zoning Inspector, Nate talked with the church about the complaint and it ended up going to the Board of Zoning Appeals to ask for a variance on that. The Board granted a temporary 6 month variance. They will have to go back to the Board at that time. Marc then got involved and thought that we needed a change in the code.

Mr. Bubb- if we approve this there is nothing that states the church or another church could put up 20-30 signs correct? There is no number specified.

Brian Morehead- yes they could put up temporary signs as long as they wanted.

Mr. Rath- the question that I have with this is the wording, were you involved in the wording?

Brian Morehead- Director Sassen bought it done and asked me what I thought of it and I told him it was pretty narrow and didn't think it was a big deal.

Mr. Rath- I think that it is narrow with the exception of one word. It says the provision of this section does not apply to any church, temple, mosque or other place of religious worship and study. Is that another place of religious worship, religious study or is it a place of study? The way I read it, it could be a place of study.

Brian Morehead- if you have an issue with the wording that is something to take up with Director Sassen.

Mr. Bubb- Lew I appreciate your efforts and what your church does. I think at this time I

would be support of it but I wouldn't mind seeing a number of how many temporary signs could be put out. If we could put that in the legislation I don't think that would be a bad idea. I might offer that amendment later but with that being said I will move for this to be passed on to full Council.

Motion by Mr. Bubb to send to full Council, second by Mr. Blake

Mr. Marmie- I understand the purpose and the intent of the sign and what you are trying to do but what we are really being asked to do is change a temporary sign ordinance to allow a permanent sign. If we just go through the process to create a permanent sign which is what you have, you have a permanent sign. It is permanent until you are going to do business with the free meals just the same as any businesses sign is permanent until they are out of business. Is any sign at all on this earth a permanent forever and ever? No, but is it permanent by meaning more than 30 days. I hate for us to change the definition because of all the things that are being said like what if they have 10 of these temporary signs in front of the church if church decided to do that or if any other house of worship decides to do that. Is that the intent of what we are trying to do or are we trying to make an exception for somebody who is doing the right thing but yet they truly have a permanent sign. What will it take to create that permanent sign? I know financially you don't want to spend the money on a permanent sign. Is it more beneficial for this community to try to come up with a way to help support this church to purchase a permanent sign or is it better for our community to actually change our definition to allow temporary signs because somebody is doing something good which we all support? Is there another alternative that we can do to get these folks a permanent sign. Why can't this sign that she has meet the definition of a permanent sign if she goes through the process of getting the permit and all of that? That is my question, is that possible? There is no true definition; you don't have to have concrete or blocks in order to have a permanent sign do you?

Brian Morehead- depending on the size of the sign, yes. In this case probably not.

Mr. Marmie- as long as she fills out the proper paperwork and gets the permit this could be construed as a permanent sign and follows the setbacks and other things that are required?

Brian Morehead- the issue is that the code allows for one sign and they already have the one sign right behind it.

Mr. Marmie- ok that's a different story and that's why I was asking. Then could we ask for the variance to be that we ask for there to be allowed two permanent signs? We are being asked to change something that could open a little can of worms. Again we are in support of what you are trying to do here, don't get me wrong. It is just trying not to open the flood gates like Mr. Guthrie said. It is hard to limit any law with interpretation, it really is. That is where I am coming from and I think you are hearing some of that.

Mr. Cost- a lot of the churches put up the sign the week they are having the breakfast, lunch or dinner and they leave it up for that week. I want to make sure I understand that you are trying to promote more year round because you are have essentially an unspoken food pantry as well?

Ms. Bline- let's not advertise that part.

Mr. Cost- I guess if you want to leave it year round...

Ms. Bline- the only way that they are going to know about this is if someone is driving by and sees the sign and then they know of someone who is hungry. It is by word of mouth. Our thinking is that if we just leave it up for a few days or a week before we may be missing people who need the service. It doesn't matter if it is up for a week or 30 days it has to be down for 90 days.

Mr. Rath- the way I see it right now you do have two options. One would be to have four different signs, leave each out for thirty days at a time. That is a way to skirt around it. A little more expensive for you.

Ms. Bline- I am thinking about February, I'm not sure that I can get the sign in and out.

Mr. Rath- you can even if you put the wires in coffee cans filled with concrete and stand it up that way. Your other option is that you have a permanent sign out there with four lines and however many characters you could always dedicate that last line to free breakfast Saturday 10-2.

Ms. Bline- it is the last Saturday of every month so we thought of that but the way of the size of the letters we wouldn't get anything else on it.

Mr. Blake- I am just curious, you have done this for a number of years what was the motivation behind the complaints earlier this year.

Ms. Bline- I respectfully disagree with Mr. Morehead because when I went to the meeting they said there was not a complaint that Mr. Strauch happened to be driving by. The bigger side of the picture was replaced in December and so when Mr. Strauch was driving by I didn't get a permit for the bigger sign because it is the same size, shape and color as the old sign. I was unaware that I had to pay \$202.00 to switch out my sign. I got a violation because I didn't do that and while he was on the property looking at the new sign he saw the other sign and that is how I became in violation.

Mr. Blake- so it wasn't a complaint from the neighbor it was from the inspector.

Ms. Bline- correct. Then at the first appeal meeting someone asked if the neighbors had complained and he responded no.

Mr. Guthrie- I obviously support this but something that has been running through my mind here now that we are in the political fall season. We have pretty much exempt real estate signs and political signs and all I am trying to do here is put these folks on equal footing.

Mark Fraizer- I'm sure that there is a better way to write this that it doesn't leave it so open so I think that it would be wise to pass this on to full Council then use the amendment process.

Rusty White, 1409 Residence Dr- I am just asking for a clarification from Mr. Bubb. When you say multiple signs at one time or are you talking about multiple signs through the year?

Mr. Bubb- my thought was multiple signs on a property. If we allow a temporary sign maybe just putting in one or two instead of 20 or 25 at one time.

Mr. Rath- me personally I will support this going to full Council because I think that it warrants a full Council vote but I am very hesitant as to whether I support this or not and again it has nothing to do with you, your church or the service that you are offering. Thank you for doing that and it is a very valuable service and we appreciate you doing that. It has nothing to do with that in any way shape or form. My reservations are along

the same lines of Mr. Bubb's and that is cluttering up our city. I am not saying that you are going to clutter up your city but if another temple or church decides they are allowed to do that now too and they put up multiple signs about a bake sale and different things they are going to do in one weekend and do it every weekend then we have signs everywhere. I am concerned about that ramification happening. I am also very concerned about the interpretation of the place of study. Somebody could call themselves a place of study if they run a tutoring service out of their house whether it has anything to do with religion or not. It could be studying martial arts out of their house.

Ms. Bline- doesn't this legislation say that it has to be zoned in the CSI? Because not everything is zoned CSI.

Mr. Rath- that is true so I guess the house example is far-fetched.

Mr. Guthrie- I just wanted to say that I really have no problem with an amendment along the lines of what Mr. Bubb mentioned. I think that it would be a good idea for the Law Director to draft it because he drafted the language that is in front of you so I can't speak to the reference of the word study.

Mr. Rath- to be honest with you if I hear an interpretation that says this is absolutely a religious study not any study I'm ok with that I just know when I read it that was the first thing that popped in my mind. Is it limited to religion or not. If it is limited to religion than I am ok with the word study but if it could be interpreted as not I would just take that word out.

Motion passed by a vote of 5-0.

Jeff Rath, Chair