

- Reno City Council Meeting - Item # D.1 Neon Line Reconsideration

[illegible]



Public Comment <publiccomment@reno.gov>

New form response notification

1 message

Reno City Council Online Public Comment Received <cityclerk@reno.gov>

Mon, Oct 23, 2023 at 1:46 PM

Reply-To: cityclerk@reno.gov

To: publiccomment@reno.gov

Your form has a new entry. Here are all the answers.

Your Name (First and Last)	Alicia Barber
Council Meeting Date	Oct 25, 2023
Agenda Item	D.1
Do you wish to speak in person at the meeting?	No, written comment only (please submit your comments in the field below)
Your Comment (if you are speaking, it is not necessary to complete this field)	<p>Please do NOT vote to appeal the Order of Judge Connie Steinheimer regarding Scenic Nevada's lawsuit against the City over the City's Development Agreement with Jacobs Entertainment. I encourage you to read my latest edition of The Barber Brief, which contains information you apparently were not given before Council's approval of the Development Agreement in 2021--that the phrase "Reno's Neon Line District" has been federally trademarked by Jacobs Entertainment to represent its gaming and entertainment offerings. It is not the name of the Northwest Quadrant of downtown or any portion of West 4th Street; it is a company's private brand and does not belong on any "Area Identification Sign" in or over public space. https://thebarberbrief.substack.com/p/neon-matters You may want to give this revelation and its repercussions more thought as the one-year required Council review of the Development Agreement approaches next month. Thank you.</p>
Which City of Reno Ward do you reside?	Ward 1
Please state if you are in favor or in opposition of the agenda item in which you are commenting:	In opposition
By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be	Yes

maintained in a confidential manner, or subsequently exempted from public inspection.

By checking the "Yes" below, you agree that all the information above is true and accurate. For additional information, please refer to the agenda for today's meeting.

Yes

Do you wish to sign-up for Reno Connect e-newsletters?

No



Public Comment <publiccomment@reno.gov>

FW: PC Public Comment Form - 10/25/2023, D 1 appeal Department item City Attorney, Aline C. Barber

1 message

Cali Shy <ShyC@reno.gov>

Tue, Oct 24, 2023 at 8:15 AM

To: Public Comment <PublicComment@reno.gov>

Cc: Michelle Fournier <FournierM@reno.gov>

Good morning,

Please see the public comment below for Item D1.

Thank you,

Cali

From: PC Public Comment <wilseyc@reno.gov>**Sent:** Tuesday, October 24, 2023 3:01 AM**To:** Michelle Fournier <FournierM@reno.gov>; RenoPlanningCommission@reno.gov**Subject:** PC Public Comment Form - 10/25/2023, D 1 appeal Department item City Attorney, Aline C. Barber

Your form has a new entry. Here are all the answers.

Email Address aline611@gmail.com

Your Name (First and Last) Aline C. Barber

Address Narwee, NSW Australia

Phone Number +61 484003268

**Planning Commission
Meeting Date**

10/25/2023

**Agenda Item or Case
Number**

D 1 appeal Department item City Attorney

**Please state if you are in
favor of or in opposition of
the agenda item in which
you are commenting:**

In Opposition

Your Comment

My name is Aline Barber and Reno was my home for 13 years..My son still lives there and I have dear friends that are still there and active in the community. I recently spent a month visiting my son after having been out of the country for 12 years. Much has changed in Reno..some really wonderfull things and some terrible..For me one of the shocking things is what is going on on 4th Street..I cannot believe that the city of Reno has allowed it..The words that come to mind are destructive,horrible,tacky,cheap.I'm against this appeal by the city attorney..There are billboard laws and the judge has spoken..I think all 3 should have been denied but at least 2 is a good thing..There are laws and they should be adhered to besides the unsightlynness of it..Reno and the beautifull valley deserve more,deserve better..I love Reno, and it's where my son is and where I will continue to return to..Please deny this appeal..it sets a terrible precedent..Thankyou for your time..Regards, Aline C. Barber

By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be maintained in a confidential manner, or subsequently exempted from public inspection.

Yes

By checking the "Yes" below, you agree that all the information above is true and accurate. For additional information, please refer to the agenda for today's meeting.

Yes

Sent via [Google Form Notifications](#)



PC Public Comment - 10252023, D 1 appeal Department item City Attorney, Aline C. Barber.pdf
48K



Public Comment <publiccomment@reno.gov>

Opposition to Appeal Case No. CV21-02086 (Sept. 22, 2023)

1 message

Andrew Van Dellen <a.vandellen@gmail.com>

Tue, Oct 24, 2023 at 11:12 AM

To: Publiccomment@reno.gov, Jenny Brekhus <brekhusj@reno.gov>

Hello City Council -

I love to see the investment in downtown Reno and our city growing thoughtfully. However, using city resources and legal capital on behalf of a development company is inappropriate. New signs to represent an arbitrary 'district' in Reno that has been completely fabricated by a single development company is not how our city should be allocating resources. Jacob's entertainment should have to fund the appeal and pursue their own signage.

Thank you,
Andrew Van Dellen



Public Comment <publiccomment@reno.gov>

New form response notification

1 message

Reno City Council Online Public Comment Received <cityclerk@reno.gov>

Mon, Oct 23, 2023 at 9:39 AM

Reply-To: cityclerk@reno.gov

To: publiccomment@reno.gov

Your form has a new entry. Here are all the answers.

Your Name (First and Last)	Cathie Bryant
Council Meeting Date	Oct 25, 2023
Agenda Item	In favor of B.21 -and -NOT in favor of "Neon District" signs
Do you wish to speak in person at the meeting?	No, written comment only (please submit your comments in the field below)
Your Comment (if you are speaking, it is not necessary to complete this field)	I am in favor of B.21 But I am adamantly opposed to all three of the Jacobs companies self promoting "Neon District" signs. A company who has ironically torn down & destroyed a majority of our Neon history. These advertising signs are to benefit and promote Jacobs company (And they are ugly signs!).
Which City of Reno Ward do you reside?	Ward 3
Please state if you are in favor or in opposition of the agenda item in which you are commenting:	In opposition
Email Address	Thevintagelife@gmail.com
Address	304 Roberts St Reno NV
Phone Number	7754032464
By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be	Yes

maintained in a confidential manner, or subsequently exempted from public inspection.

By checking the "Yes" below, you agree that all the information above is true and accurate. For additional information, please refer to the agenda for today's meeting.

Yes

Do you wish to sign-up for Reno Connect e-newsletters?

Yes



Public Comment <publiccomment@reno.gov>

New form response notification

1 message

Reno City Council Online Public Comment Received <cityclerk@reno.gov>

Mon, Oct 23, 2023 at 2:02 PM

Reply-To: cityclerk@reno.gov

To: publiccomment@reno.gov

Your form has a new entry. Here are all the answers.

Your Name (First and Last)	Gaia Brown
If you are representing someone other than yourself, please indicate who you are representing.	myself
Council Meeting Date	Oct 25, 2023
Agenda Item	D.1
Do you wish to speak in person at the meeting?	No, written comment only (please submit your comments in the field below)
Your Comment (if you are speaking, it is not necessary to complete this field)	<p>It's hard for me to know if I am for or against this appeal, so let me state I am absolutely opposed to any of these three signs which suggest that citizens of Reno have designated the area along West 4th Street as Reno's "Neon Line District." We have not. This is a branding by a commercial venture, and shame on them for acting like they are speaking for the people who live in Reno. They are not. And shame on the City Council for agreeing to the placement of these unsightly signs. Those who agreed to this should be turned out.</p> <p>When I moved to Reno 23 years ago it was a rather tired casino town that realized it needed to be something more than a poor sibling iteration of Las Vegas. And wonderful things started to happen, with the emphasis on arts and outdoor adventure and a great food culture. Yes, we have casinos. Well, we have no state income tax. But that doesn't mean that we should turn away from promoting the incredible gifts that we have: our history (which does include small neon signs) and our majestic natural surroundings. Putting up the huge gaudy signs that tell people, incorrectly, that they are in a designated "District" will destroy the best part of what we have. Jacobs has moved in and is trying to take advantage of us. They have their casino, but they don't deserve the heart and soul of Reno.</p>
Which City of Reno Ward do you reside?	Ward 1
Please state if you are in favor or in opposition of the agenda item in which you are commenting:	No position stated - Concerned or Neutral
Email Address	gaiabrown@me.com
Address	4345 Mountaingate Drive, Reno

Phone Number 7757877395

By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be maintained in a confidential manner, or subsequently exempted from public inspection.

Yes

By checking the "Yes" below, you agree that all the information above is true and accurate. For additional information, please refer to the agenda for today's meeting.

Yes

Do you wish to sign-up for Reno Connect e-newsletters?

No



Public Comment <publiccomment@reno.gov>

Item D.1 at City Council Meeting Weds Oct 25, 2023 - AGAINST

1 message

Gary Cecil <garycecil621@msn.com>

Mon, Oct 23, 2023 at 12:31 PM

To: "PublicComment@reno.gov" <publiccomment@reno.gov>

As a Downtown resident with standing through living in close proximity to the J Resort, I am writing to respectfully request that the Reno City Council does not approve the City Attorney's recommendation to appeal the Second Judicial District Court's decision from September 23, 2023 to prohibit the erection of two of three signs promoting the so-called "Neon Line District".

I request this with no animus towards Jacobs Entertainment. From a business perspective, I can understand the promotional strategy of that private organization to want a District all to themselves.

My reasons for not wanting the City Attorney to appeal the September 23 decision by the Court are:

- I agree with the Judge's reasoning that two of the signs do not serve the purpose of area identification, and that one of them is larger than is allowed by the RMC.
- Again, not picking on Jacobs Entertainment, but I do not agree with allowing private organizations to name areas of the City of Reno without direct Resident input. There are still many organizations and private property not owned by Jacobs Entertainment in the area that organization wants to designate as its "Neon Line District". I think allowing them to do so sets a bad precedent.
- When deciding something controversial like a private organization wanting to name a City District, I have always believed that the City should have a referendum. While our system of representative democracy leads residents to cede some amount of responsibility to the City Council to make decisions, if there are the survey tools available to ask for direct public input, I believe the City should use them.
- In recent years, the Council has decided not to appeal Court decisions in favor of Development interests, most specifically in the Verdi area. In those cases, the rationale was financial (cost of losing the appeal) rather than ethical (the City had had its own decisions overturned, and still felt they were correct).
In the case of the "Neon Line District" decision, I find no compelling benefits to the City of Reno that would accrue if a City appeal was successful. I would then, rather that the City not appeal the Second Judicial Court's decision to deny a private organization's request for signs.
- In terms of a financial reason, I would prefer that any costs related to an appeal by the City Attorney be spent on more policing Downtown, a much more important and Resident-affirming way to spend budget dollars.

Kind Regards,
Gary Cecil
255 N Sierra St
Reno, NV 89501



Public Comment <publiccomment@reno.gov>

D 1

1 message

Joyce Thompson <jreno1968@gmail.com>
To: Publiccomment@reno.gov

Mon, Oct 23, 2023 at 5:21 PM

Council members,
Please honor the will of your constituents by upholding Judge Steinheimer's ruling. By granting Jacob's appeal you dismiss the voters and ignore the 2017 Settlement Agreement. The citizens of Reno have spoken and the Court has ruled.

Sent from my iPad



Public Comment <publiccomment@reno.gov>

BILLBOARDS

1 message

Linda Goldschlag <lindagoldschlag@gmail.com>
To: "publiccomment@reno.gov" <publiccomment@reno.gov>

Tue, Oct 24, 2023 at 9:43 AM

We are expressing our concern and disapproval of any added billboards that the JACOBS organization is fighting for.

There are laws in place currently that prohibit additional billboards.

We do not wish to become a mini-Las Vegas and want to keep Scenic Reno clean and pure of these.

Linda and Steve Goldschlag
123



Public Comment <publiccomment@reno.gov>

Wed Council Meeting

1 message

Marilyn Rappaport <mlrapp8@gmail.com>
To: Publiccomment@reno.gov

Mon, Oct 23, 2023 at 10:31 AM

Hello

I have lived in Reno for more than 30 years and while I support growth and development, especially in the downtown area, there are some comments I would like to make concerning two items on the agenda.

First: Item B.21 – **A vote to accept** a grant from the Nevada State Historic Preservation Office to survey and inventory East 4th Street properties is a positive step towards mitigating growth by honoring our history and expanding our definition of development to include both new and preservation development. Recognition and conservation of our historical landmarks is an important value. Both types of development, new projects and conservation projects, would be appealing for our tourist industry, for our residents, and for future growth.

Second: Item D-1 – **A vote to deny** appealing the order of Judge Steinheimer permitting only the one Archway Sign seems the right choice in my opinion. This is the only one that appears to be an Area Identification sign and one that will not intrude on the public areas. Although my hope is that future actions will challenge the use of this specific type of sign, spanning the entire street. After some reading, it seems appropriate that an Area Identification Sign be an **on-premises sign** for some or all of the properties in that area owned by Jacobs Entertainment. The entire region is not part of that company's development plans. Moreover the phrase "Reno's Neon Line District" has been trademarked by Jacobs Entertainment and will explicitly advertise the company's gaming and entertainment projects. Using public areas to advertise the private sector seems wrong to this resident.

Thank you for your time and consideration.

Yours,

Marilyn Rappaport



Public Comment <publiccomment@reno.gov>

a resident weighs in

1 message

pamela mcadoo <pamela.mac@sbcglobal.net>
To: Publiccomment@reno.gov

Tue, Oct 24, 2023 at 3:23 PM

Reno City Council,

Firstly, I would like to strongly encourage the City Council Council to accept the \$30,000 grant (and matching redevelopment funds) from Nevada's State Historic Preservation Office (SHPO) to conduct a survey and inventory of historic properties along East 4th Street as a first step toward nominating it as a National Register Historic District. I hope you will honor the colorful history of Reno's past by voting in favor of Item B.1.

And secondly, re: Item D.1, I urge Council to vote AGAINST appealing the decision that prohibits Jacobs Entertainment from erecting the two proposed signs (the Cemetery sign and the Gas Station sign). Clearly neither is an Area Identification sign, as claimed by Jacobs.

Additionally, I hope Council will consider revisiting the decision to allow the Archway Sign in the public right-of-way which gives Jacobs Entertainment the right to name an area that includes public streets and private property. The Neon Line branding should apply only to properties owned by Jacobs. Please do not allow Jacobs Entertainment to brand the entire west side of downtown.

Thank you.

Pamela McAdoo
Reno resident



Public Comment <publiccomment@reno.gov>

FW: PC Public Comment Form - 10/25/2023, Item D.1, Peter Neumann

1 message

Cali Shy <ShyC@reno.gov>

Mon, Oct 23, 2023 at 12:43 PM

To: Public Comment <PublicComment@reno.gov>

Cc: Michelle Fournier <FournierM@reno.gov>

Public comment for item D1.

From: PC Public Comment <wilseyc@reno.gov>**Sent:** Monday, October 23, 2023 12:21 PM**To:** Michelle Fournier <FournierM@reno.gov>; RenoPlanningCommission@reno.gov**Subject:** PC Public Comment Form - 10/25/2023, Item D.1, Peter Neumann

Your form has a new entry. Here are all the answers.

Email Addresspcn@att.net**Your Name (First and Last)**

Peter Neumann

Address[1 Elm Court, Reno, NV 89501](#)**Phone Number**

775-742-3066

**If you are representing
someone other than
yourself, please indicate
who you are representing.**

Myself, a very concerned citizen

**Planning Commission
Meeting Date**

10/25/2023

**Agenda Item or Case
Number**

Item D.1

**Please state if you are in
favor of or in opposition of
the agenda item in which
you are commenting:**

In Opposition

Your Comment

The Reno City Council ought to DENY the request of the staff report to appeal the Decision & Order of District Judge Steinheimer in Case No. CV21-02086, styled as "Scenic Nevada, Inc. -vs- City of Reno, et. al." Judge Steinheimer is one of the most seasoned and respected District Judges in Nevada, and her 18-page Order, filed September 22nd, 2023 is very likely to be affirmed by the Nevada Court of Appeals and/or Nevada Supreme Court. To vote to spend additional public resources including lawyers and staff salaries of the City Attorney's Office is unreasonable, and contrary to the interest of the people of Reno who pay those salaries with their taxes. The Court's findings and decision that at least 2 of the proposed gaudy "NEON LINE" signs would violate the existing law that prohibits additional billboards, is certainly based on both fact and law. Because the Court is spot-on correct in concluding these two signs are NOT "Area Identification Signs" but rather, a "billboard" and an on-premise sign that would violate the 25-foot limit of the City Code. There has never been a downtown district called: "RENO'S NEON LINE DISTRICT." That phrase is simply the creation of a clever marketing agency for the developer. Now we learn that this phrase was invented AND TRADEMARKED WITH THE U.S. PATENT & TRADEMARK OFFICE, by the developer on November 1st, 2018 as "Standard Character Mark # 88177645." In other words, the phrase "Reno's Neon Line District" is no different that "Coca Cola," or "Best Buy," or "Sears & Roebuck." Would this City Council have allowed the area on West 4th Street to be named the "Best Buy District" and permitted the developer to erect billboards advertising it as such? I think not. I urge the Council to not only DENY the City Attorney's office permission to appeal Judge Steinheimer's Order. But also, I request the City Council to rescind and revoke its approval of the so-called "Archway Sign" proposed to span four lanes of traffic on West Fourth Street, because the application for its construction was made on false and misleading arguments, without disclosing to you the truth: that the phrase "RENO'S NEON LINE DISTRICT" was simply invented and indeed, patented or trade-marked, as a clever way to convince you that there is actually a district by that name. There is NOT. And it is unfair and highly divisive for the this Council to cave-in to the desire of the developer to have his development given what will be, in effect, like a Good Housekeeping Seal of Approval signed by the members of the elected councilwomen and councilmen of our fair city. It is not right. It is wrong. I ask you to correct that wrong. Every time your constituents drive under that misleading, gaudy commercial Archway Sign that will block out their view of the magnificent Sierra Nevada Range, those voters are going to curse that sign. And the people who allowed it to happen.

By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be maintained in a confidential manner, or subsequently exempted from public inspection.

Yes

By checking the "Yes" below, you agree that all the information above is true and accurate. For additional information, please refer to the agenda for today's meeting.

Yes

Sent via [Google Form Notifications](#)



PC Public Comment - 10252023, Item D.1, Peter Neumann.pdf

54K



Public Comment <publiccomment@reno.gov>

Neon Line District

1 message

Sharon Boersma <sharon3boersma@gmail.com>

Mon, Oct 23, 2023 at 11:53 AM

To: Publiccomment@reno.gov

Please do not allow Jacob's Entertainment to declare or imply that "Reno's Neon Line District" is anything but their own trademarked advertising. I do not want a public arch over West 4th Street with their designation. They should only be using this signage on their own properties and within legal guidelines and laws.

Sharon Boersma
100 N. Arlington Ave
Reno, NV 89501



Public Comment <publiccomment@reno.gov>

Item D1 on RENO City Council Agenda 10/25/2023

1 message

Sue Smith <sue@argentnevada.com>

Mon, Oct 23, 2023 at 2:15 PM

To: "Publiccomment@reno.gov" <Publiccomment@reno.gov>

To Members of the Reno City Council:

I am writing to request that you deny the Reno City Attorney's agenda item (D1) to authorize an appeal of Judge Steinheimer's opinion regarding the signage for the J Resorts.

The reasons you should deny this are as follows:

1. There was a vote of the citizens of Reno for no more Billboards. This has been litigated many times and there is an agreement regarding these matters to limit the billboards. I am sure the Reno City Attorney is aware of this agreement.
2. The City knows that the billboard on the Cemetary grounds is a billboard as they have required the previous efforts to erect a sign (Billboard) be removed.
3. The other sign, on Keystone is an offsite sign that is so large and obtrusive that it can only be seen as a billboard as well.

Many of you are new to this process and you should know that J Resorts has been allowed to take over the west end of Reno's downtown without any public hearings. It now looks like a company town (J Resortsville). It has been very disconcerting to see this allowed with the only real result is the rebranding of the GOLD Dust & the Sands Resort.

Please deny this request and do everything you can at this point to include the neighborhoods and the Citizens of Reno in decision making.

Thank you

Sue Smith
[575 Creighton Way](#)



Public Comment <publiccomment@reno.gov>

New form response notification

1 message

Reno City Council Online Public Comment Received <cityclerk@reno.gov>

Tue, Oct 24, 2023 at 2:38 PM

Reply-To: cityclerk@reno.gov

To: publiccomment@reno.gov

Your form has a new entry. Here are all the answers.

Your Name (First and Last)	Victoria Smith
Council Meeting Date	Oct 25, 2023
Agenda Item	D. 1
Do you wish to speak in person at the meeting?	No, written comment only (please submit your comments in the field below)
Your Comment (if you are speaking, it is not necessary to complete this field)	Please stop the Reno Neon Line District from moving forward. It does nothing to enhance the area and contributes to Reno's somewhat unsavory (undeserved) reputation as neon is suggestive of cheap motels, gambling and girly bars. Is this really how we want to move forward?
Which City of Reno Ward do you reside?	Ward 1
Please state if you are in favor or in opposition of the agenda item in which you are commenting:	In opposition
Email Address	pickledog@duck.com
Address	3350 Idlewild Dr., Reno
Phone Number	7753915152
By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be maintained in a confidential	Yes

manner, or subsequently
exempted from public
inspection.

By checking the "Yes"
below, you agree that all the
information above is true
and accurate. For additional
information, please refer to
the agenda for today's
meeting.

Yes

Do you wish to sign-up for
Reno Connect e-
newsletters?

Yes



Public Comment <publiccomment@reno.gov>

Voice Message From: Cisco Unity Connection Messaging System (917753780931)

1 message

publiccomment@reno.gov <publiccomment@reno.gov>

Tue, Oct 24, 2023 at 3:36 PM

Reply-To: DonomaUnity@reno.gov

To: publiccomment@reno.gov

Voice Message delivered by Donoma Unify

From: 917753780931

Click to Call 917753780931

Hi this is William Cooper. I'm a resident of North West Reno providing in Ward 5 at 2, 725 Everett drive. I'm not sure if I will have an opportunity to come in on item. Do you one today? So I'm leaving this message. As some of you may recall, I live in effort to remove and it illegal, billboard place behind my home in 2017 at Mountain View Cemetery. I appreciate the efforts of the Reno, City attorney in settling the matter and taking it down at the time. There were plans to Iraq 9 Billboards along, I-80 between Keystone and McCarran that my neighbors and I were concerned that would abstract art views. I was also one of the citizen to circulated a petition in the year 2000 to place a successful Valor initiative to restrict any new Billboards in the City of Reno and I appreciate the efforts of Scenic Nevada. Since then to Advocate on its behalf, I do not know the detail of the plans signs and if it will impact Reviews, but I respectfully ask that you do not allow for any legal precedent that would allow Billboards in that area for the record. I appreciate the investment that Jacobs is making in the West 4th Street area and the Revitalize ended, Revitalize Asian efforts in the Keystone I-80 area. Thank you very much. Have a nice day.
(Transcription with high confidence)

The information contained in this e-mail and any attachments is privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please notify the sender immediately by telephone or e-mail, and then please destroy all content contained within this communication from your files. Thank you.

**VoiceMessage.wav**

671K



Public Comment <publiccomment@reno.gov>

Oct. 25 Agenda Item D.1

1 message

Lori Wray <lwrap@markwraylaw.com>

Mon, Oct 23, 2023 at 1:24 PM

To: "Publiccomment@reno.gov" <Publiccomment@reno.gov>

Dear City Clerk,

Please see the attached letter and include it in the record for Item D.1 on the agenda for Wednesday, Oct. 25.

Thanks very much for your attention to this matter,

Regards,

Lori

Lori Wray, Director

Scenic Nevada

608 Lander Street

Reno, NV 89509

775 848-8288

 **23-10-23 SN Letter to Reno city Council.pdf**
747K



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Warren Ronsheimer
Southwest Reno

W. Chris Wicker, Esq.
Woodburn and Wedge

Reno City Council
1 East First Street
Reno, Nevada

Re: Oct. 25, 2023 Council Agenda Item D.1 – Possible Appeal of Judge's Decision

Dear Mayor Schieve and City Council Members,

No one knows what the State Supreme Court will do in an appeal. But we know that if you appeal the judge's decision in Scenic Nevada's lawsuit, we will do what we always do – and that is fight for the law adopted by our citizens who voted to ban billboards in Reno.

We are drop dead serious about protecting the ballot initiative and as you may be aware we have been as vigilant as possible when it comes to billboard and sign control given that Scenic Nevada is a non-profit staffed by volunteers.

Mayor Schieve, on behalf of the city, you signed the 2017 billboard Settlement Agreement between the city, Scenic Nevada and Lamar Advertising to enforce the peoples' vote to ban new billboards.

You, and Council Members Jenny Brekhus and Naomi Duerr showed great leadership during that time and refused to be cowed by the billboard industry. Remember what was said by Council Member Duerr in those 2017 meetings, "No (billboards) means no." Mayor Schieve, you and the rest of the council have an obligation now to be fair and honor our agreement.

Referring to our Settlement Agreement, District Court Judge Connie Steinheimer pointed out in her ruling that "[A]n implied covenant of good faith and fair dealing exists in all contracts."

We think when you approved the 2021 Development Agreement that included the Neon Line District signs, you listened to those who thought they had a clever work around to the billboard ban and our city's sign codes. To us that represents a failure on your part to uphold the 2017 Settlement Agreement, which is a contract like any other.

Judge Steinheimer, following the law as she views it, ruled that you are prohibited from granting building permits for the Cemetery and Gas Station signs, leaving the 2021 Development Agreement between the city and the Neon Line developers intact, along with the Archway sign.



The Cemetery sign would not have been located within the Neon Line District, but three-quarters of a mile away facing the freeway, advertising to passing drivers. We said it cannot possibly be considered an area identification sign and that it fits the definition of a billboard. The judge agreed. She called it what it was, a billboard. We said the 25-foot-tall Gas Station sign was prohibited by city codes and the judge agreed. City code limits signs at the proposed location to eight feet. The Archway Sign was assigned casino sign regulations in the Development Agreement that are allowed in the gaming overlay district. Part of those regulations include a location requirement – only casinos can take advantage of the intense signage allowed. The archway sign will not be located on a casino property, but across four-lanes of traffic on Fourth Street, a public road, advertising Jacobs Entertainment's trademark, "Reno's Neon Line District." Even though the judge did not agree with us, we think the Archway sign is an off-premises advertising display – a billboard – under City code.

Now, you have a choice to make. Uphold the people's vote and the Settlement Agreement or appeal the judge's ruling and keep arguing that off premises advertising displays are not billboards, an argument that flaunts City code.

We hope you will keep the promise that was made in the Settlement agreement now and in the future - that billboards can only be erected in the city limits by surrendering a banked receipt and meeting all the other billboard requirements. Do not break faith with us and the people who support you and voted for the billboard ban. Uphold the law.

Sincerely,



Lori Wray, Director
Scenic Nevada