

***CITY COUNCIL MEETING OF  
December 20, 2006***

**VERBATIM TRANSCRIPT - ITEM 50**

Discussion and possible action regarding a four month moratorium on the acceptance of any and all new applications for Special Use Permits (SUP) for Off-Premise Outdoor Advertising (Billboard) signs - All Wards

APPEARANCE LIST:

OSCAR GOODMAN, Mayor

BRAD JERBIC, City Attorney

LARRY BROWN, Councilman

LOIS TARKANIAN, Councilwoman

LAWRENCE WEEKLY, Councilman

STEVE ROSS, Councilman

STEVE WOLFSON, Councilman

GARY REESE, Councilman

17 minutes

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**MAYOR GOODMAN**

Item 50 is discussion and possible action regarding a four-month moratorium on the acceptance of any and all new applications for Special Use Permits for off-premise outdoor advertising billboard signs. This applies to all wards. Mr. Jerbic.

**BRAD JERBIC**

Thank you, Your Honor. In conversation with Councilman Brown and with Planning staff, with Business Licensing and with Building and Safety, the number of issues were raised with respect to the erection of billboards in our community, the sustaining of existing billboards in our community, the standard by which we review them, the time lapse in between use permit reviews and based upon some of those concerns that were raised in those meetings, this line item is on before you today.

I'll let Councilman Brown take the lead on this but there are a number of issues that this Council may wish to consider at this point in time including whether or not this Council wishes to continue to issue permits for the erection of new billboards in the Las Vegas Valley. If there is any concern that we have reached a saturation point or we've reached a point right now where we don't want to issue any more, a moratorium would be appropriate to discuss that issue to revise along and bring it back before the Council within four months. With that I'll turn it over to Councilman Brown.

**MAYOR GOODMAN**

All right. Thank you, very much. Councilman Brown.

**COUNCILMAN BROWN**

Thank you, Your Honor. As Mr. Jerbic has stated, I asked for this item as it stated as far as allowing staff sufficient time to address some of these issues and we see it just about every meeting. There seems to be an increased frequency in reviews for billboards, inconsistency in the time, be it three months, six months, two years, the impact on staff resources just on that alone, Special Use Permit billboards versus grandfathered

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billboards. There are some billboards out there that we're not even sure have permits, whether they were annexed into the City, impacts on billboards along the highway with all the construction, when sound walls go up, how does our Code address the ability for companies to move or relocate or raise the height. Technology, a new issue that's been introduced with some of these LED boards, whether that goes through an administrative process or special use. Does that create more permitting? All those issues I think, we can resolve, but more importantly as Mr. Jerbic has indicated, more importantly, the question needs to be asked, has the City of Las Vegas reached a point where enough's enough? Do we have the appropriate number of billboards in appropriate locations in our City? Have we reached that saturation point? And it's my understanding that the City of Las Vegas is the only public agency in southern Nevada that still accepts applications for new billboard locations, which has added additional pressure for companies to look for new sites. Again, all those issues, but most importantly I'd like this Council to ask that question. Has the saturation point been met and should we cease accepting applications for new billboard applications, new billboard?

**MAYOR GOODMAN**

When we ask ourselves that question, Councilman, is that part of the discussion that would be taking place during the proposed moratorium term.

**COUNCILMAN BROWN**

Absolutely. And -- if my understanding, I'm not sure if Margo's here, but Margo Wheeler, the Director of Planning has put together some numbers, statistically, as far as per capita in the City of Las Vegas and it delineates as far as Special Use Permits versus grandfathered and compares it to some of the other public agencies in the Valley. So, that is certainly part of the discussion. From my personal perspective, I think we, if we have not reached that point, we're certainly darn close to that point. And I just, we shouldn't be the only one that companies are targeting because we -- may very well be out of appropriate sites and then the pressure to create inappropriate sites especially off the freeway system into

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neighborhoods, I think, has -- become very evident and at least in the last year that I've seen some of these applications.

**MAYOR GOODMAN**

Well, I -- don't necessarily agree with your philosophical position but that doesn't mean to say that I won't keep my mind open during a period of time to study it. I just believe that free enterprise allows individuals to try to get a billboard in a particular location and it's up to government to -- decide whether or not it's appropriate under a given set of circumstances rather than to put a blanket prohibition on billboards. But if you feel that we can have a meaningful discussion within this four-month window, I'll support the moratorium but I would like to see it resolved one way or the other at the end of the four months.

**COUNCILMAN BROWN**

Yeah. And I agree, Your Honor. You're agreeing and disagreeing. You're --

**MAYOR GOODMAN**

Yeah.

**COUNCILMAN BROWN**

I think philosophically, I have no problems with billboards. I -- think if done in appropriate locations, they are part of the fabric of Las Vegas the signage and the outdoor. Especially the newer ones that actually aesthetically have blended in well in their locations. But a lot of these issues, and that's why it's before us today, a lot of these issues have to be brought before individual members of this Council to have that question answered. Is it appropriate? And some of those other issues that have been raised, what kind of policy direction will we give staff to, if nothing else, become more efficient. I think it's -- an impact, an adverse impact on our resources right now, just in this billboard industry alone.

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That needs to be cleaned up.

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**MAYOR GOODMAN**

And I think that in order for us to resolve this as a matter of policy, we're probably gonna have to need a workshop. It's not gonna have to be a lengthy workshop but a workshop where we could all be expressing our views after we're given briefings by staff so the right decision could be made at the end of the day.

**COUNCILMAN BROWN**

Your Honor, I'd also like to add, before we open it up is -- the possibility that I would include in my motion that all reviews for current billboards, SUPsm whatever the case may be, likewise, be suspended. I don't think there's any harm to the City during that four-month period, Mr. Jerbic, correct me if I'm wrong but I would include that in my motion.

**MAYOR GOODMAN**

I know -- we have one that's going to be brought up today and that's the Presbyterian Church one and I know that there are a lot of people, who are, that are going to be looking at that very closely. I would ask that anything that's on today's agenda be considered today and then perhaps future determinations on other issues will be put off until we decide.

**COUNCILWOMAN TARKANIAN**

Mr. Mayor.

**MAYOR GOODMAN**

Yes.

**COUNCILWOMAN TARKANIAN**

I thought the Presbyterian Church was held. It's not gonna be heard today

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**MAYOR GOODMAN**

Well, I don't know. I don't know. I

**COUNCILWOMAN TARKANIAN**

-- is my understanding. Because of Ofilia having an issue.

**COUNCILMAN WEEKLY**

Yeah, there was a letter that came in

**MAYOR GOODMAN**

Oh, I did -- not see that.

**COUNCILWOMAN TARKANIAN**

Yeah. I think that it will be, it'll be in the, on the agenda this afternoon to be held.

**COUNCILMAN WEEKLY**

I agree.

**MAYOR GOODMAN**

I see.

**COUNCILWOMAN TARKANIAN**

So that wouldn't be the case for right now.

**MAYOR GOODMAN**

I understand.

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**COUNCILMAN WEEKLY**

I have a couple of items

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**COUNCILMAN BROWN**

And, if there's a -- just for clarification, Councilman.

**COUNCILMAN WEEKLY**

Sure.

**COUNCILMAN BROWN**

As in the past, I don't think we've used moratoriums often in my tenure but in the past we have picked a date of time. Perhaps a week or two weeks earlier than today's date to set those that are in the system are certainly not impacted. I think that would cause some problems, legally, but from that date on any new applications or any reviews could be suspended during this moratorium period.

**BRAD JERBIC**

Yeah.

**COUNCILWOMAN TARKANIAN**

Would you repeat that please.

**COUNCILMAN BROWN**

I can't.

**COUNCILWOMAN TARKANIAN**

The last part.

**BRAD JERBIC**

Maybe -- I could restate.

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**COUNCILWOMAN TARKANIAN**

But

**BRAD JERBIC**

Typically

**COUNCILWOMAN TARKANIAN**

-- what my concern is, that if it's in the system and if your go looking at the whole picture, it's better to not do any more so we could look at the whole picture because some of what's in the system may be affecting others. And is that what you're saying?

**COUNCILMAN BROWN**

I'll let Mr. Jerbic handle that.

**BRAD JERBIC**

The, typically when you do a moratorium, people find out about it in advance. Sometimes people rush to the counter, file an application at the last minute. Typically, because of that phenomenon, when you do a moratorium, you pick a date some time earlier than the actual vote of the City Council and say any application that came in prior to this date, we're not going to hear. And that would be our recommendation. News about this particular line item probably hit the public about five or six days ago. It might be prudent, just as a suggestion, to make the moratorium effective at least from December 10th on, so that nobody would have taken any unfair advantage of getting over the line item, file in an application at the last minute, just to get in line. Having an application on file gives you no right at all under our law to a hearing or anything of that type. So, it would be totally appropriate if you wanted to do that.

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**MAYOR GOODMAN**

But let's assume, let's use the Presbyterian Church as an example. Let's assume that that was going to be voted on today, even though it's not. When we come back to whenever it's abeyed to, are we able to vote on it?

**BRAD JERBIC**

You could. This is totally within your call. There's a couple things you might wanna look at. One is new applications. And that would be a recommendation from our office to definitely set a date as to when you cut off new applications and we'd recommend December 10th.

**MAYOR GOODMAN**

Okay.

**BRAD JERBIC**

Applications already in the system that were moving their way through, that are either at the Planning Commission stage or at the City Council stage, I'd recommend that you continue to let those move through. Those aren't new applications, they were just filed from December 10th to today. Those have been in the system some time ago. And then you have the third category which are use permit reviews. Billboards that already received approval of the Council that are up on a one year, three year, five year review. And Councilman Brown has suggested that those reviews to bring consistency to the process also be suspended for a four-month period. That doesn't bring any prejudice to the -- applicant or the person being reviewed. They actually get another free four months out of the deal. So, we -- don't have any problem with that idea is all, at all.

**MAYOR GOODMAN**

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All right. Very good. Councilman Ross.

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**COUNCILMAN ROSS**

Thank you, Your Honor. Councilman Brown, I would certainly hope that in this four-month period that discussion will also be detailed around the existing sign and some of the older signs. I know in both my ward, Councilwoman's ward and Councilman Weekly's ward, a lot of these sign companies are out there doing significant work to their signs without pulling permits so, therefore, the City is losing revenue. So I hope that during this four-month period, we can look at that, those issues as well. There are some signs out there that I've seen that need to be rebuilt from ground up if they're to stay, and that's a bigger issue with me than -- limiting billboards within the City. I think the existing ones that may cause some -- significant damage to someone or someone's property is a -- bigger concern of mine.

**MAYOR GOODMAN**

All right. Thank you. Councilman Wolfson

**COUNCILMAN WOLFSON**

Real quickly, Mayor. I'm not sure if I understand some of the things we talked about. I understand that under Councilman Brown's proposed motion is we would not be accepting any new applications but we're gonna make that retroactive back to December 10<sup>th</sup>. So --

**BRAD JERBIC**

That would be our recommendation.

**COUNCILMAN WOLFSON**

Okay. That's your recommendation. Is that what you're proposing, Councilman Brown? So, anything that's come in December 11<sup>th</sup> forward and that's December 11<sup>th</sup>, obviously

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of '06, is it, is considered in the system and we can move forward as if we're not taking action today; is that right.

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**BRAD JERBIC**

That's correct.

**COUNCILMAN WOLFSON**

But are we also going to give notice to another date because we, the industry, for example, only had five or six or seven days notice if we move forward today, we're not giving them much notice of what we're doing is my question.

**BRAD JERBIC**

Right. You, your, you'd be giving them notice that no new applications will be accepted for the next four months and if they are accepted, they certainly aren't acted upon. And if they are acted upon, it may be under a totally new law, which means that they might not even be valid. But with respect to reviews, what notice would have to go out to them saying if you have a review in the next month or two, it won't be heard for four months because of the moratorium.

**COUNCILMAN WOLFSON**

And I understand that but I guess it's, maybe I'm not catching something, but you talked about the rush to the filing line.

**BRAD JERBIC**

Mm-hmm.

**COUNCILMAN WOLFSON**

If we act today, there's not gonna be any rush to a filing line because, in essence, the filing closed as of December 10th. Do we wanna give any kind of notice? Or do we not wanna give any notice so that if anybody wants to rush to the filing line in the next week or so they'd have that opportunity.

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**BRAD JERBIC**

It's -- your call completely. It's purely a policy call but when we've done moratoriums in the past, and maybe I need to back up a little bit. What separates a moratorium from a change in the law because we can amend the billboard ordinance any time we want and we don't necessarily need a moratorium to do it. What you -- typically have with a moratorium is an identified harm where you need to stop the train, stop the enforcement of the law, don't give any unfair advantage to anybody during this process, freeze the system, while you make a correction. And the problem that's been identified here is we may be out of locations where we want to put billboards. We may even want to stop billboards and rather readdress the issue of old billboards, resurfacing boards, and things of that nature. Those are good reasons for a moratorium. But typically when you do one, and we did one for apartment applications about 10 years ago, you don't want more problems in the system while you're trying to fix the old one. And that's the reason for freezing it. It may sound like short notice to people. It may sound like you're cutting it off. That's exactly what you're doing. What you're doing is saying we're not gonna take anything more, we're not gonna make our problems worse while we're trying to fix the old ones.

**COUNCILMAN WOLFSON**

Okay. Thank you.

**MAYOR GOODMAN**

Thank you. All right. Councilman, your motion, please.

**COUNCILMAN BROWN**

And one other, that issue that will come up, hopefully in the workshop, is there are different terms for it. Somewhat what Councilman Ross indicated. A cap and a replace program needs to be evaluated. And this is, the Special Use Permit boards gives the Council a lot of

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discretion. Whether it's an appropriate location if things have changed under the review, we have some ability to either approve, to renew that location or take it away. It's the grandfathered boards that everyone, including the industry agrees are in inappropriate locations that may have been approved 20, 30 years ago. But through state law we have little or no ability to fix bad location, bad boards and bad locations. And one of the things that could be looked at is some mechanism to start taking those bad boards in bad sites, normally in the midst of neighborhoods, and create a mechanism to remove them in exchange for something else. A new location, some kind of quid pro quo. That would be part of the workshop dialogue. A tough decision, a tough issue to address but ultimately I think this Council wants good boards, clean boards, aesthetically pleasing boards and rid ourselves of the bad, the bad stuff.

**COUNCILMAN REESE**

Can I just ask Councilman Brown a question?

**MAYOR GOODMAN**

Certainly.

**COUNCILMAN REESE**

I don't know how you came up with the four months. You think that'd be enough time? You think maybe six months would help? I, I've worked with the industry for a long time and I just don't think we have enough time in the four months. So, like I said, I don't know how you came up with the four months, maybe six months would be better or --

**COUNCILMAN BROWN**

The six months would be better but the reason I like the four months is, it's gonna force us to either get after it in a workshop and address the issues or let it continue.

**COUNCILMAN REESE**

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You -- answered my question.

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**COUNCILMAN BROWN**

For -- further clarification, the reason I brought this forward is because just over the last couple of years, more so than early in my tenure, I've -- seen a diversity of opinions towards boards, not only from Council but from staff. And I think it was important again from my personal opinion to get some policy direction. Some consistency on the board, if possible, not only for ourselves, for the industry, most importantly for staff. And that was the interest behind that. So, Your Honor, I'm ready to make a motion if anybody has any comments or questions.

**MAYOR GOODMAN**

Okay. Motion, please.

**COUNCILMAN BROWN**

All right. **My motion would be to set forth a moratorium for four months to allow City staff time to review and consider amendments to Title 19 regarding billboard signs within the City jurisdiction, retroactive to December 10<sup>th</sup>. We will not accept any new applications. Likewise, we will suspend any Special Use Permit reviews for the duration of the moratorium and that four month is a limit. It -- could actually come back before the board earlier if need be. And then, I guess, those that are in the system would be addressed accordingly from Mr. Jerbic.**

**BRAD JERBIC**

That's correct.

**MAYOR GOODMAN**

All right. That's the motion. Let's vote on that, please. Post. **(Motion carried UNANIMOUSLY)** Motion carries. Thank you, Mr. Jerbic.

**(END OF DISCUSSION)**

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