

CITY COUNCIL MEETING OF
June 15, 2011
VERBATIM TRANSCRIPT ITEM 108

**SUP-41200 SPECIAL USE PERMIT PUBLIC HEARING- APPLICANT/OWNER:
OASIS LAS VEGAS, LLC Request for a Special Use Permit FOR A 50-FOOT TALL, 14-
FOOT X 48-FOOT OFF-PREMISE SIGN at 110 North Jones Boulevard (APN 138-25-404-
008), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).**

Appearance List:

OSCAR B. GOODMAN, Mayor

TIM MULLINER, Attorney, Ballard Spahr, 100 North City Parkway, Suite 1750

BRYAN SCOTT, Assistant City Attorney

GARY REESE, Councilman

LOIS TARKANIAN, Councilwoman

10 minutes

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MAYOR GOODMAN

One O eight is SUP-41200. Special Use Permit, a Public Hearing. The applicant/owner is Oasis Las Vegas, LLC. Request for a Special Use Permit for a 50-foot tall, 14-foot by 48-foot off-premise sign at 110 North Jones Boulevard in Ward 1. Planning Commission and staff both recommend denial. Its a public hearing, which is now open. Yes, Sir.

TIM MULLINER

Mayor, members of the Council, my names Tim Mulliner with Ballard Spahr Law Firm. Im here on behalf of the applicant, Oasis Las Vegas, LLC. My address is 100 North City Parkway, Suite 1750. Weve been in front of the Council several times on this same issue or related issues between the same parties, so I wont go through the

MAYOR GOODMAN

Is this the underground billboard?

TIM MULLINER

This is the off-premise.

COUNCILMAN REESE

(Inaudible).

BRYAN SCOTT

Yes, yes, Mayor, this is the same billboard.

COUNCILMAN REESE

(Inaudible). The one that doesnt exist.

MAYOR GOODMAN

Okay, I just wanted to focus. I refer to it as the underground billboard.

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TIM MULLINER

The underground?

MAYOR GOODMAN

Yes.

COUNCILMAN REESE

Oh, yeah.

TIM MULLINER

Well, to a large extent there is still a billboard underground and that's part of our complaint, but that's not why we're here on today. Essentially, factually, the Councils are aware of our position, and that is that our special use permit was taken away unilaterally by Lamar and the adjacent landowner, D&W, Inc. We are doing what we can to get that special use permit back. We've filed a request for a building application to rebuild our billboard, which was denied. We're asking for a special use permit here today in the same fashion that our permit was taken away unilaterally by Lamar, slash, D&W, Inc. We request to have ours back and take theirs away and we'll resolve the rest in the private party dispute that exists between ourselves.

MAYOR GOODMAN

Are you in litigation now?

TIM MULLINER

We have filed a petition for judiciary review of earlier decisions from the City Council. So, there is litigation pending, but it's not what I would really consider to be all end all of what probably will happen between the parties privately.

MAYOR GOODMAN

There is a, an action, though, involving our decision?

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TIM MULLINER

That is correct, your prior decisions.

MAYOR GOODMAN

What type of time table is that on?

TIM MULLINER

The City was served, I believe, 20 days ago. So, I think, we've got about ten days before we put the record in front of a court.

MAYOR GOODMAN

And how soon thereafter is it usually decided?

TIM MULLINER

We've got a briefing scheduled from there, which I think, that we'll discuss with the attorneys for the City, but I think the standard is we start our briefing 30 days after the record is posited with the court, and then the City, I believe, has 30 days, and then, I think, we have 20. So that briefing schedules over the course of about three months.

MAYOR GOODMAN

Thank you. Okay. Are there any questions?

TIM MULLINER

I would like to add, too, one fact that has changed since the last time we were here, is there was a sign built on the adjacent property owned by D&W. Inc. To my understanding, (inaudible) what that billboard was placed in a manner, which was not prescribed by the City Council. So, another reason, in our view, that special use permit should not exist because the billboard was not built pursuant to the City's prescription.

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MAYOR GOODMAN

Okay. It sounds like something

COUNCILMAN REESE

Lamar (inaudible).

MAYOR GOODMAN

Sounds like something the court should decide. Okay, anybody like to be heard? All right, well close the public hearing. Councilwoman Tarkanian?

COUNCILWOMAN TARKANIAN

(Inaudible).

BRYAN SCOTT

Councilwoman, do you, may I say something?

MAYOR GOODMAN

Yes, Mr. Scott.

COUNCILWOMAN TARKANIAN

I was going to ask you to say something, because I know that we have to keep this narrow as to what I can do.

BRYAN SCOTT

This is a billboard that cant be approved given the fact that another billboard has come within its proximity, too close, in accordance with our Code. So, this is something you would have to deny.

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TIM MULLINER

If I may, our position on that, of course, is our billboard was there within the same distance with the one that now exists, and our special use permit was taken away. Ours was there prior in time and at the same time let

MAYOR GOODMAN

I appreciate that, but .

BRYAN SCOTT

And just for the record

MAYOR GOODMAN

Yes.

BRYAN SCOTT

their billboard was removed voluntarily by Lamar, who owned the billboard prior to the time that the special use permit was granted for (inaudible).

MAYOR GOODMAN

I remember. This is like Yogi Berra would say, its déjà vu all over again.

TIM MULLINER

And without the owners consent it was removed.

BRYAN SCOTT

It doesnt matter.

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MAYOR GOODMAN

Okay. But I think

TIM MULLINER

I understand. I hope you understand my (inaudible).

MAYOR GOODMAN

No, I understand. And

TIM MULLINER

I've been here several times on prior hearings. I understand there's some frustration with the Council hearing the same issue, but please understand my position. We feel that there was a real wrong done to my client, and I have a duty to zealously advocate that position.

MAYOR GOODMAN

And you're performing that duty and we have no problem with that.

TIM MULLINER

Thank you, Sir.

MAYOR GOODMAN

Councilwoman Tarkanian.

COUNCILWOMAN TARKANIAN

And I do believe you're doing a good job performing your duty. But you've heard the advice from our counsel. And I have checked with other counsel before this came up today and I have been told the same thing. So, I will deny, because we cannot approve billboards that close. And that's what exists today. **So, I move for denial.**

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MAYOR GOODMAN

All right. Lets vote on that, please. Post. Motion carries. **(Motion carried unanimously)**
Thank you.

TIM MULLINER

Thank you.

(END OF DISCUSSION)

/ac;gpb