



Meeting: Village Board
Meeting Date: June 10, 2013
Agenda Item: No. 5a

Mission Statement

Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Paul F. Evert, Village Administrator

AGENDA ITEM: 5a Review and take action on Resolution 2013-21, Objecting to a Provision in the Joint Finance Committee's Proposed Budget That Includes Special Interest Language Regarding the Relocation of Billboards

ACTION REQUESTED: __Ordinance XResolution __ Motion __Receive/File

POLICY ISSUE

Should the Village Board approve a Resolution Objecting to a Provision in the Joint Finance Committee's Proposed Budget That Includes Special Interest Language Regarding the Relocation of Billboards?

BACKGROUND INFORMATION

Since 1989, the Village of Howard has prohibited the placement of new off-premise signs, aka billboards. During the last two years, the Wisconsin State Department of Transportation, as part of the Hwy 41/29 expansion, has removed many existing billboards in the region and specifically in the Village of Howard. The billboard owners have received compensation for these takings. One billboard company, Next Media, whose local assets were recently acquired by Lamar Outdoor Advertising, sued the village in federal and state courts due to the prohibition of off-premise signs. They have also applied for variances in front of the village's Zoning Board of Appeals. The federal action and first state action have been resolved by the village's insurance company. Recently the Village was sued again when the Zoning Board of Appeals did not grant a variance for a sign to be realigned on an existing site. The Zoning Board of Appeals held that the DOT had bought all rights to place a sign on the site in question. That case is pending.

The billboard industry has been actively lobbying the state legislature in order to retain their billboards. The law was changed at their request in the last state budget bill in 2011 to allow the industry to realign their billboards on existing sites if a DOT project caused the sign to be moved. Once this change was put into practice, the billboard industry did not find this satisfactory. After putting increased pressure on the state legislature, the Joint-Finance Committee of the State Legislature slipped into the state budget a broad provision allowing non-conforming billboards that are relocated by a DOT project to be placed anywhere within the municipality in which they are located. In Howard's case, for example, this could mean billboards could be moved from Hwy 29 to Hwy 41 as the project moved west on Hwy 29. It could also mean billboards could be moved to residential areas along the highway or even into a community's downtown.

PRIOR ACTION/REVIEW

On June 4, 2013 the Legislative Agenda Committee adopted the attached resolution believing the action by the Joint Finance Committee was an unwarranted favor to special interests and that it is an unreasonable preemption of local control.

FISCAL IMPACT:

- | | |
|------------------------------|-----------|
| 1. Is There A Fiscal Impact? | <u>No</u> |
| 2. Is it Currently Budgeted? | <u>No</u> |
| 3. If Budgeted, Which Line? | <u>No</u> |

RECOMMENDED ACTION

The Legislative Agenda Committee recommends approval of the attached resolution and hopes trustees will let their opinions be known to the state legislature and governor.

If the Village Board agreed with this action, the following motion could be used, *“Motion to approve Resolution 2013-21, objecting to a Provision in the Joint Finance Committee’s Proposed Budget That Includes Special Interest Language Regarding the Relocation of Billboards.”*

POLICY ALTERNATIVE(S)

The Village Board could take the following actions:

- Approve with revisions
- Deny the suggested motion
- Table the suggested motion and request additional information

ATTACHED INFORMATION

1. Language from Omnibus Amendment at Joint Finance Committee
2. Resolution 2013-21

COPIES FORWARDED TO:

specify that, for the purposes of determining eligibility for the "food" category under the specific information sign program, bakery items produced by the retailer shall be counted toward the types of food that are counted towards the 50% minimum of food sales that an establishment must have to qualify for placement of a sign.

26. *Environmental Impact Statement for East Arterial Highway and Bridge.* Require the Department of Transportation to begin an environmental impact statement (EIS) in the 2013-15 biennium for a proposed east arterial highway running from the intersection of STH 54 and STH 73 in Port Edwards to the intersection of STH 54 and Wood County CTH W in Wisconsin Rapids, including a new crossing of the Wisconsin River. Require the Department to fund the EIS from the major highway development program and specify that the current law requirement that the Transportation Projects Commission provide prior approval of an EIS do not apply to this study.

27. *Environmental Impact Statement for USH 12 in Walworth County.* Require the Department of Transportation to begin an environmental impact statement (EIS) in the 2013-15 biennium for a proposed project on USH 12 from Elkhorn to Whitewater in Walworth County. Require the Department to fund the EIS from the major highway development program and specify that the current law requirement that the Transportation Projects Commission provide prior approval of an EIS do not apply to this study.

28. *Relocation of Outdoor Advertising Signs.* Modify current law provisions related to outdoor advertising signs that are classified as "nonconforming" with respect to a local ordinance and that are caused to be "realigned" as the result of a highway project, and that require local governments to make a payment to DOT equal to the cost of sign condemnation (minus relocation costs) in cases where the sign is condemned rather than realigned, as follows: (a) eliminate the term "realignment" (meaning the relocation of the sign on the same site) and replace it with the term "relocation," defined as the dismantling and moving of a sign to a new location within the same municipality or the removal of a sign and erection of a replacement sign, constructed of new materials, at a new location within the same municipality; (b) specify that the owner of a nonconforming sign that would be affected by a highway project may elect to relocate a sign within the municipality; (c) define the term "municipality" for the purpose of this provision, as a city, village, or town; and (d) specify that the relocation of a nonconforming sign (instead of, under current law, sign realignment) does not affect the sign's nonconforming status. Specify that if a highway project causes the relocation of a nonconforming sign, all of the following apply with respect to the relocation: (a) the size of the sign face and the number of sign faces on the sign after relocation shall be the same as prior to relocation; (b) the height of the sign, as measured from road-grade level of the highway from which motorists are intended to view the sign, after relocation shall be equal to or greater than prior to relocation; and (c) the new location for the sign shall meet all requirements for a sign permit, to the extent the Department issues permits for signs. Specify that these provisions first apply to signs relocated on the 30th day after the effective date of the bill.

29. *Regulation of Golf Carts by Municipalities and Counties.* Specify that a municipality or county may, by ordinance, allow the operation of golf carts on any highway that has a speed limit of 25 miles per hour or less and that is located within the territorial boundaries of the municipality or county, as applicable, regardless of whether the municipality or county has jurisdiction, for

The Village of Howard, Wisconsin

RESOLUTION No. 2013-21

“Objecting to a provision in the Joint Finance Committee’s proposed budget that includes special interest language regarding the relocation of billboards”

- WHEREAS,** the Wisconsin Legislature’s Joint Finance Committee has recently completed work on the state’s 2013-2015 biennial budget, and
- WHEREAS,** the proposed budget bill as amended by the Joint Finance Committee includes special interest language that allows billboards that must be removed by a DOT project to relocate anywhere in the municipality where the sign is located including the construction of a completely new sign, and
- WHEREAS,** this provision in the proposed budget is designed to limit local control over the outdoor advertising industry and will strip communities of their ability to control the location of billboards in their communities,
- WHEREAS,** this provision grants the billboard owners the option to usurp local zoning control and relocate billboards wherever they wish, and
- WHEREAS,** the Department of Transportation opposes this language because the provision will give the sign owner the decision to condemn or relocate, regardless of cost to the taxpayers, and
- WHEREAS,** this provision will also require the Department to pay for the relocation of the sign to another site within the same municipality, notwithstanding the objections of the municipality, and
- WHEREAS,** this provision is likely to increase project costs and increase the likelihood of project delays, and is also likely to harm the Department’s relationship with some municipalities that have enacted ordinances to minimize the prevalence of outdoor advertising, and
- WHEREAS,** the outdoor advertising industry was the only industry granted such a benefit to continue a non-conforming use, while other conforming businesses such as retailers and farmers have not been given such a benefit,

NOW THEREFORE, the Village Board of the Village of Howard, Brown County, Wisconsin hereby objects to this reckless change in public policy being inserted in the biennial budget bill and calls on the legislature to remove this language from the budget, and in the event both houses of the state legislature approve this language, the Village Board calls on the governor to use his line item veto power to strike this special interest language.

Approved this 10th day of June, 2013.

Burt R. McIntyre, Village President

Christopher A. Haltom, Village Clerk