



POWERLINE

News of the California Sign Association & Sign Users Council of California • April 2006

February Dinner Meeting Review

The location was Spenger's Fresh Fish Grotto in Berkeley. The topic was Extruded Aluminum and the speaker was TJ VandenHeuvel of SignComp. How can you go wrong? You can't. It's that simple. TJ spoke to the northern participants about extrusion component parts and complete systems.



He described hinged and non hinged applications, moldings, weather considerations, and various fabrication methods. He actually made a typically dry subject fun and interesting. Maybe it was the crowd...my bet is on the presenter!

TJ will speak to the southern audience on June 20th at the Pomona Valley Mining Company restaurant. If you have even the slightest interest in extruded aluminum systems, you



should be at this meeting. If you have not ventured to this part of the industry, come by and hear what TJ has to say. Either way, you are sure to have a good time with your peers, enjoy a wonderful networking opportunity, and a truly great meal! ▼

The Basics of Electricity and Trouble Shooting: Neon; Fluorescent; LED; HID Lighting and Electronic Message Centers

Mark your calendar for June 3 in Modesto and June 10 in Ontario. It has been five years since the CSA Education & Training Committee brought this type of seminar to you. Over 235 owners and employees attended these seminars.

The speakers and presenters represent a broad spectrum of the manufacturers and distributors of all of the electrical products and components used in the sign and lighting industry. They will utilize various working props to demonstrate different troubleshooting techniques.

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From the Executive Director

Your Board of Directors and CSA staff have been hard at work over the last several months and will continue in the coming months on a multitude of projects. The Joint ISA/CSA CEC Committee has held several meetings and is making tremendous progress on the educational front. Research is underway and we are sure to have some surprising results. The CSA Education Committee held five successful Boom Truck and Crane Safety seminars during the month of February and are gearing up for two Basics of Electricity seminars in June. Putting together trainings as extensive as this is no small project. Jeff Tanielian, Commercial Neon and Larry Vannatta, Vannatta Insurance Agency have put in countless hours in order to provide quality education to the industry. The strategic plan is being reviewed, which is a huge undertaking. This committee is chaired by the 1st Vice President in the year of the review. That makes this year's chair Roy Flahive! Does this man ever sleep?



We will continue the Dinner Meeting series through June. Upcoming topics include Sign Failures and Extruded Aluminum. There are a scattering of fun events on the schedule beginning with a Poker Night in Oakland in May, and the annual Hi-Jinks golf tournaments in May and June. July's calendar has Saturday the 29th marked with a big fishing hook—the 4th annual fishing trip is sure to be a big splash! And don't forget the convention. This year we will venture to Monterey and enjoy a little fun in this beach community.

CSA is an active association. Just jump right in and get involved. Take a day off and hit the links at one of our golf tournaments or enjoy a few hours in the evening listening to a speaker over dinner and chat with a peer.

Your association is here for you. Use it!

Connie Seitz

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Legal and Legislative Update

by Jeff Aran

Legal Briefs. . .

Sign Wars...The Pechanga Resort and Casino in Corona has sued Regency Outdoor for taking down its \$10,500/month ad and trying to resell the space for \$25,500/mo. The sign was originally built by Outdoor Media 100 feet from another sign. Riverside County officials filed restraining orders.

Trash Tax...Dubious honors to the City of Oakland for becoming the first city in the nation to mandate fast-food restaurants, convenience stores and other businesses to pay a tax to fund efforts aimed at cleaning up street trash. Under a tax approved in January, businesses will be assessed annually between \$230 and \$3,815, depending on their size. The city would use the projected \$237,000 yearly revenue to hire crews to pick up litter in commercial areas around high schools and middle schools where most of the garbage is found. Watch out now for that trash tax surcharge when dining in Oakland.

Church Signs...Despite opposition alleging the town was becoming a "forest of pole signs," the Manteca City Council recently approved a freeway

oriented EMC for Crosswoods Grace Community Church so it could advertise its bookstore, café and performing arts center.

If You Can't Beat 'Em, Join 'Em...Colfax, in the Sierra Nevada mountain range, decided to offer town merchants ad space on a city-owned billboard along Highway 80 – at \$1500/mo. The goal is to give local businesses "a shot at freeway advertising," according to the city manager, as reported in the Colfax Record.

Damaged Signs O'Plenty...Last January's storms wreaked havoc on signs throughout California. Heavy snow sheared off the Taco Bell sign in Weed, upending the structure (fortunately in the parking lot)... The Motel 6 sign in West Sacramento took a dive, pole and all. (The city won't allow reconstruction at the old height – but don't forget B&P Section 5499 allows signs to be maintained at existing height and size when the topography is such that a material impairment of visibility will occur by conforming.)...And in San Diego, a Caltrans sign spanning the 805 freeway collapsed across the northbound lanes when a truck crashed into it. ▼

State Round-Up

Elk Grove – This growing metropolis in Sacramento County recently seceded from the County and has now put forth its first new sign ordinance as an incorporated city, regrettably including a ban on pole signs and electronic message boards. Back in October, City staff sought a complete ban on new sign applications. That ban was defeated. This time, staff again promulgated an ordinance without sign industry input, and gave just one week's notice. CSA Government Affairs Chair, Mark Gastineau, and attorney Jeff Aran met with the City on March 17 to review over 60 defects identified in the ordinance needing correction. Fortunately, staff is amenable to hearing our concerns and we hope to resolve many of the problems shortly.

El Segundo – Speaking of bans, a proposal to ban animated signs "fell flat," reported the *Daily Breeze*, when no one on the city council would sec-

ond the motion, which was made in response to a request for an LED display on Sepulveda Boulevard.

Burlingame – Signage Science Project – Does more equal victory? In a sort-of scientific study, students at Burlingame Intermediate School conducted a "behavioral science project" to analyze how signs influence elections and whether candidates with the most campaign signs had a better chance of winning. The students counted over 2,000 signs throughout their community. *Survey Said:* Candidates with the most signs win, unless you're the incumbent. The winning candidates posted 553 and 431 signs, respectively. The mayor, who was running for reelection, posted only 205 signs but won anyway due to "name recognition." Results notwithstanding, two behavioral scientists who reviewed the data concluded that popularity, regardless of the number of signs, was probably the decisive factor, reports the *San Mateo Times*.

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Bits n' pieces. . .

Baseball...SF Giants suffer identity complex...first it was PacBell, then SBC, and now AT&T park...Nothing like bragging rights when your name is on a ball field.

San Mateo...is celebrating its new joint offices for the chamber of commerce and downtown merchants association. First on the agenda – tackling a new sign ordinance for the community.

New sign ordinance revisions underway...Dunsmuir, Paso Robles, and probably in a town near you! ▼

Oregon Court Case Update

The 9th Circuit Federal Court of Appeals recently ruled that the City of Lake Oswego's sign ordinance, banning pole signs upon a mere face change of an existing grandfathered sign—when there's a change of copy—was not unconstitutional content control. While acknowledging Supreme Court guidance that restrictions on commercial speech must be "narrowly tailored to serve a significant governmental interest," the 9th Circuit nonetheless found the city's limitations in this case were justified without reference to content. (*GK Ltd Travel v. City of Lake Oswego*) GK Travel purchased an existing travel agency and sought to install a new face with its logo and the name of its business on the property's existing pole sign. The sign code had an amortization clause requiring all pole signs to conform by May 2004. It also included this provision:

"A nonconforming sign...may be maintained or undergo a change of copy without complying with the requirements of this chapter, with the exception that any change for a new business or use...will comply with this chapter at such time as change in copy or alteration occurs."

Notwithstanding this language, city officials apparently determined that GK was a new business and refused to grant a permit for the face change. GK ultimately filed suit, alleging the ordinance was not content

neutral, constituted an unlawful prior restraint, and was unconstitutionally vague, among other things.

Sign advocates have argued for years that where a government official must review the sign content to determine whether a permit is needed, the ordinance is unlawfully content based. The Court rejected that blanket proposition and affirmed that content control exists only when "the ordinance singles out certain speech for differential treatment based on the idea expressed." In Lake Oswego, the Court held it wasn't necessary to read the message to determine whether a permit was required because anyone could simply compare the new and old signs and easily conclude the new sign wasn't the same. "A grandfather provision requiring an officer to read a sign's message for no other purpose than to determine if the text or logo has changed, making the sign now subject to the city's regulations, is not content based."

California sign companies are reminded that our statutes differ from Oregon's, and that Business & Professions Code Section 5499 will serve to protect nonconforming signs from having to be reduced in height or size when topographical circumstances would result in a material impairment of visibility, regardless of any amortization provision. If upheld on appeal to the US Supreme Court, this case could nonetheless have a significant impact on face changes throughout the western US. It also provides meaningful guidance to lower courts on how to address these sorts of constitutional challenges. The US Supreme Court, however, does not hear every case appealed and could deny further review, letting the decision stand. ▼

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Ohio Appeals Court Rules in Favor of Small Business - Value of Signage a Deciding Factor

The inherent value of signage played a decisive role in a ruling passed down recently by a Cincinnati-area court of appeals. What began several years ago as a compensation hearing to settle an eminent domain case, in which the city took possession of personal property for a development project, became controversial when the city and the home owners disagreed on the value of the property.

The defendants, Matthew and Sanae Burton, operated a Kumon Learning Center out of a home they owned in Norwood, near Cincinnati. During the nearly ten years that the couple owned the business, developers opened a large retail mall directly across the street, featuring 48 shops and restaurants. As cars waited at a traffic light to exit the mall, they looked directly at the Burton's property.

Eventually, the city approved a plan to expand the retail center and used its powers of eminent domain to take the Burtons' and 98 other parcels which it would then sell for the development of the new complex. It offered compensation to the Burtons based on the parcel's value as a residence and disregarded its use as a business with excellent visibility.

As part of the initial compensation trial, the Burtons presented testimony from signage expert R. James Claus, Ph.D. on the visibility component of commercial property in determining its value. According to Dr. Claus, the location of the Burton's property in proximity to the mall made the home's value incomparable to anything else in the neighborhood. Using his appraisal methodology and formula, combined with local traffic count data and advertising rates,

Claus estimated the value of the Burtons' property at \$500,000. The jury awarded to the Burtons \$500,000.

In this most recent appeal, the City of Norwood argued that the court improperly allowed expert testimony from Dr. Claus. After an extensive voir dire, an examination of prospective jurors or witnesses under oath to determine their competence or suitability, the appeals court ruled in favor of the defendants. "We conclude that Claus' expertise in the value of a visibility component to commercial property, especially one located directly opposite a lifestyle mall, was relevant," the court said in its ruling.

"This is a symbolic victory for the sign industry," said ISA President Lori Anderson. "An official court ruling such as this just validates our stance that there is inherent value of signage. We can use this case as an example for years to come." ▼

Strategic Plan Review

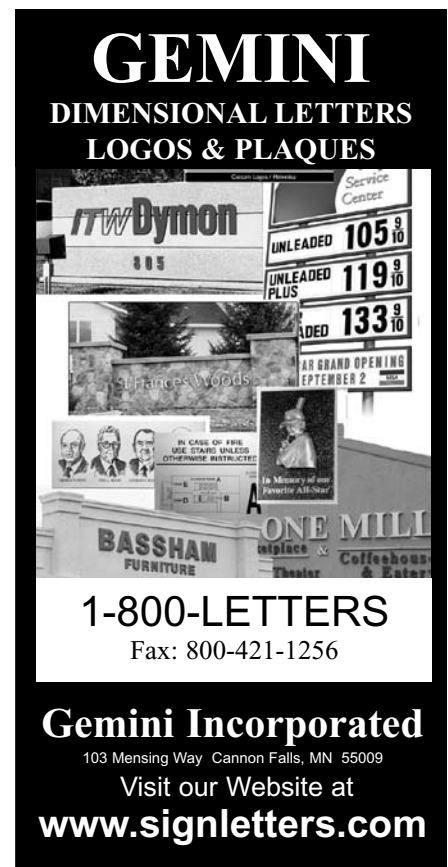
The CSA Strategic Plan will be reviewed and updated this year. Put into place in 2000, the strategic plan is a road map for the association. It was originally designed to be reviewed every three to five years. The last review was in 2003. "It makes sense for the organization to review its direction every few years," stated 1st Vice President Roy Flahive, chairman of the review committee. "We have established a committee and are surveying members and other industry professionals as to the wants and needs of the sign community." The committee will meet in late April and formulate recommendations for the Board of Directors' consideration. "Your voice is very important to the Board," stated Flahive. "Every survey turned in will be thoroughly considered." If you have not received a survey, please contact the CSA office at 916-932-0021. ▼

The Basics of Electricity

Continued from page 1

Some of what you will learn, are the very "basics" of electricity; the latest in testing equipment; primary power issues; voltage drops; the "basics" of all types of transformers; UL 2161 issues and much more. We will give additional specific details in the next issue of the Powerline.

New and timely topics that we will cover are: Title 24 issues; the new UL 48 that is proposed and we have added time to cover electronic message centers. Each attendee will receive a three ring binder covering all of the information disseminated at the seminars. Mark your calendars now for these seminars. ▼



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April Dinner Meetings: Sign Failures

The April Dinner Meetings will feature a presentation by WT “Dub” Northcutt, president & founder of



Structural Technology Consultants, Inc., a San Diego-based structural engineering firm specializing in signage engineering. A member of

CSA since 1996, Dub is currently on the Board of Directors and active with the ISA Technical Committee.

The evening program will begin with a review of sign failure photos and will highlight a specific sign in which the failure has not been determined. He will also discuss the work of the ISA Technical Committee and the testing of sign failures to determine cause.

Join us in Commerce on Tuesday, April 25th, at the Wyndham Hotel or in Pleasanton at the Crowne Plaza Hotel on Thursday, April 27th. Both programs start at 6 p.m. with a reception, followed by dinner and then our presentation. Call the CSA office for a registration form or visit our Web site at www.calsign.org where all forms are available. We'll see you there! ▼



CSA Fishing Trip July 29

Don't miss CSA's 4th Annual Fishing Trip! We will be fishing off of Dana Point in Southern California. Mark your calendar for Saturday, July 29. We hope you like early mornings, because departure from the dock is at 5am! Brochures were mailed in February and registrations have started coming in. You will want to reserve your spot ASAP as we will only be taking 45 participants. This event sells out and last year we even had a waiting list! It is a fun opportunity to get outdoors and enjoy time with peers. We hope to see you there. ▼

It's Spring – Time for Hi-Jinks!

The Hi-Jinks Golf Tournaments are fast approaching and it's time to reserve your spot on the course. Our Golf Committee Chairman, Pat McGehee, has selected excellent courses for the two tournaments this spring.

The Southern Tournament will be held at the Westridge Golf Club in La Habra on Tuesday, May 23rd. A new course in the north Orange County area, Westridge promises to deliver a great day on the links. The shotgun start is at 12 Noon.

The Northern Tournament will be at Whitney Oaks Golf Club in Rocklin on Tuesday, June 13th. Nestled in the Sierra Nevada foothills, golf legend Johnny Miller and architect Fred Bliss designed this 6,800-yard course. The shotgun start is at 12:30 p.m.

Each tournament will close the day with an awards reception & dinner immediately following play. The price per player is \$125.



Sponsorships are still available for tees, specialty holes and gifts. We are also looking for a sponsor for a Hole in One contest. If you would like to sponsor and/or play, please call the CSA office at (916) 932-0021 or call Pat McGehee at (702) 219-0574. Registration forms are also available for download on CSA's Web site, www.calsign.org. ▼

Membership Directory Updates

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Mystery Golfer Revealed

In last month's issue of Powerline there was an article about the golf tournament held in San Diego during the Western Sign Show. There was a photo of the winner of the Straightest Drive but we could not identify him. Thanks to Ed Urlik, Interstate Electric Company we can now congratulate John Skalla, Sheffield Plastics, Inc. as the winner of that specialty contest. ▼



Golf Chairman, Corky Schauer, Signtech
Electrical Advertising, Inc.; Kevin Cline;
and John Skalla, Sheffield Plastics, Inc.



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An open letter to the Sign Industry

Dear Sign Family,

Wayne Heath, a CESA Past President and industry legend is currently staying at a convalescent hospital. For any industry member who knows him or remembers him...Wayne would greatly appreciate receiving your "thinking of you" card and an industry story that would bring him a laugh! Please send correspondence to:

Wayne Heath
c/o Fountains at the Carlotta
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Thank you.
Sincerely,
Jerry Jackson

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2006 Dates to Remember

General Membership Meetings

Southern Meetings:

April 25	Commerce	Structural Engineering
June 20	Pomona	Extruded Aluminum

Northern Meetings:

April 27	Pleasanton	Structural Engineering
May 18	Oakland	Poker Night

Board of Directors Meetings

May 18	Oakland
September 23	Monterey

Annual Convention

September 21-23	Monterey	Hyatt Regency Monterey
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Golf Tournaments

May 23	La Habra	Southern Hi-Jinks – Westridge Golf Club
June 13	Rocklin	Northern Hi-Jinks – Whitney Oaks Golf Club
September 20	Monterey	Convention Golf Tournament

Fishing Trip

July 29	Dana Point
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Electricity Seminar

June 3	Modesto
June 10	Ontario

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