

Sign Code Shakedown

-Chris Smithson. Southern Pines native, resident, and Councilmember

If you Google “sign code shakedown,” you’ll get over 4,000 search results including <http://www.scenic.org/billboards/industry/shakedown>

Here’s how the shakedown works according to the newsletter of the California State Bar http://www.calbar.ca.gov/calbar/pdfs/sections/public/public-law-journal_vol-27-No-1_winter-2004.pdf

The plaintiffs in these cases have followed the same script: negotiate leases with private property owners in a jurisdiction with outdated sign regulations; apply for multiple billboard permits, knowing that they will be denied due to noncompliance with the regulations; immediately sue the agency to invalidate the sign code on unrelated grounds based on precedent from other federal circuits and non-sign law cases; and, finally, attempt to convince the court to order issuance of permits for billboards in the otherwise prohibited or restricted locations, or negotiate a similar deal with the victim agency in exchange for a waiver of an attorney fees claim. The deficiencies alleged in these sign code shakedowns generally include: (1) failure to directly advance a substantial government interest; (2) favoring commercial speech over noncommercial speech; (3) undue burdening of fundamental methods of communication; (4) favoring particular groups or speakers; and (5) lack of adequate procedural safeguards.”

A “sign code shakedown” appears to be exactly what our community is now facing. Aberdeen resident Andy Gibson, aided by notorious billboard industry attorney Adam Webb of Atlanta, GA, and local attorney Thomas Van Camp does not want to take “no” for an answer when the people of Southern Pines say “no” to more billboards.

They have followed the script exactly. They applied for permits for billboards knowing they would be turned down; the ordinance clearly prohibits billboards. Once turned down by the Planning Department and the Board of Adjustment, they filed suit in federal court. They wanted to erect three large electronic (giant TV screens) billboards in town and say they have obtained contracts with landowners. One is proposed at the strip center building where Pure Gold is. The property is owned by “SP Futures, LLC.” The other two would be on land near Outback Steakhouse owned by Aberdeen resident John Gessner.

We have a beautiful community. That beauty is directly connected with our livelihood and happiness. If I have anything to do with it, we will stand firm and make it clear to Mr. Gibson and other locals involved (Van Camp, Gessner, etc.) as well as their out of state billboard-specialist attorney that the Supreme Court has upheld our right to ban billboards and that we don’t want them here.

Chris Smithson