

**FORT MYERS BEACH TOWN COUNCIL  
WORKSHOP ON SIGN ORDINANCE  
MARCH 18, 1999  
NationsBank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I. CALL TO ORDER**

Mayor Ray Murphy opened the meeting on Thursday, March 18, 1999, at 6:37 P.M.

**II. PLEDGE OF ALLEGIANCE**

All assembled at the meeting recited the Pledge of Allegiance.

**III. PUBLIC COMMENTS ON AGENDA ITEMS**

**A. MARYANN MONSRUD**

Ms. Monsrud is the director of operations for Sunstream Hotels and Resorts. On Fort Myers Beach alone, their resorts have well over \$100,000 invested in signage. According to the sign ordinance recently passed, signage on the island worth millions of dollars will have to come down in eight years causing a phenomenal financial burden to business owners and residents in condominiums, not only in the value of the signs to be removed but in the cost of their replacement.

Ms. Monsrud read Section 30-1 of the sign ordinance that details the purpose of removing signs that cause a visual blight on the appearance of the Town and encourages the appearance of more aesthetic signs. Ms. Monsrud advised she wholeheartedly agrees with these objectives and that all of the signs in front of the Sunstream luxury beach resorts comply with these objectives. They have only one sign in front of each property, each harmonious with the building it represents. The lighting is appropriate for the turtle hatchlings. They have no banners, no free-standing signs, no portable signs, no sandwich signs, no balloons.

Ms. Monsrud urged us to amend the current ordinance to allow the grandfathering of signs that meet the criteria of safety, aesthetic appearance and enhancement of the community as outlined in the purpose and intent of the current sign ordinance and seek only to prohibit those signs that don't comply.

**B. ED CUSICK**

Mr. Cusick is with Snug Harbor here on the Island. At the last meeting, his impression was that the sign ordinance was passed out of a perceived need to control any more permits being issued under the existing Lee County sign ordinance, which he appreciates. He understands that this workshop is to consider certain amendments to the ordinance. In his opinion, the ordinance as it now exists is an insult to all the people affected by it, which are the business owners. Why are signs that were once legal now illegal? He asked that we listen to Jerry Tatarian, who has done a fantastic job of putting the thoughts of the business owners on paper.

**C. HARRY HOGAN**

Mr. Hogan stated that he also believes in the basic tenets of the sign law. They all agree that they don't want to have a bunch of trashy looking signs and that aesthetics is a hard thing to control. They've had a pole sign since the mid-70s and don't think it's any sort of intrusion or that it adds to any sort of clutter since they have more than 300 feet of Estero Boulevard frontage. Their sign is very simple with only two words on it.

**D. D. J. PETRUCELLI**

Mr. Petrucci advised that the Board of Directors of the Greater Fort Myers Beach Chamber of Commerce has reviewed the sign ordinance as it was adopted by our Council and they are in opposition to some of its provisions. The Chamber has agreed to work with the Design Committee of the Main Street Program, as well as with the Town Council in recommending amendments that would allow this new law to better serve the Town and our business community.

**E. BILL WHITAKER**

Mr. Whitaker, owner of the Dairy Queen, stated he echoed what everyone else has said. He has three businesses on his property, and all of the signage is probably less than five or six years old. The Beach Pier Side Restaurant has invested a considerable amount of money in their sign. He has a real problem after following all the rules and regulations to find out that none of these signs are legal and have to be changed. He asked at what point do we have a sign that is appropriate for this Island. He hopes that we address this.

**F. GREG STAMM**

Mr. Stamm is the owner of the Island Pancake House. Under the ordinance his vehicle sign would be illegal. It represents about 40% of his business and is his way of reaching the tourists. Without it, he doesn't know that his business will survive.

**G. PRISCILLA LONGUA**

Owner of the Scope Shack, Ms. Longua described her business as a small one and that she was speaking pretty much as a landowner on Fort Myers Beach and not so much as a business owner. To her, the signs on the Beach are beautiful. You see all the history of Fort Myers Beach. She likes the flavor of the Beach. We live in a very young, energetic, family-oriented beach. We're not Marco or Sanibel. People who want Sanibel go there. People who want Fort Myers Beach come here. She indicated that signs should make it easy for people to find locations.

**H. ROXIE SMITH**

Mrs. Smith, Chairman of the LPA, said that speaking as a citizen she is delighted that we are having this workshop tonight. She'd like to clear up the misinformation that the LPA hurriedly threw something together, when actually they had the sign ordinance on its agenda 32 times between November 1996 and June 1998. Some of the meetings were at noon and some at night. All LPA meetings are posted and the public hearings were advertised in the papers.

**I. BETTY SIMPSON**

Mrs. Simpson is Vice Chairman of the LPA. She said she'd like to add to Roxie Smith's statements regarding how the sign ordinance was addressed, and she detailed the steps taken from 1996. She noted that during a 17-month period the LPA had a sign committee made up of one LPA member and numerous members of the public, all giving input. She outlined the interest that the Realtors took in the matter of proper signage. She stated that as Roxie Smith has said, this is not a perfect document and certainly amendments will be needed, but it is a start. When it was presented on January 25, 1999, there were over 16 changes addressed and put into the sign ordinance. It was approved by a 3-2 vote on February 1. She asked that we all work on this.

**J. MARY TATARIAN**

Mrs. Tatarian is the owner of Pirate Pete's and Tatarian Real Estate. She said she agrees with Maryann Monsrud and Harry Hogan that the removal of the signs that have been legally permitted and have met the requirements by the Lee County sign codes would devalue their businesses and make them hard to function on the Beach. Her signs cost over \$60,000 and have been put up in the last five years. If we're not careful and don't remove the hand-painted and trashy looking signs and make the businesses lower their signage to 2 sq. ft., we will see businesses with painted pictures and things that are far more offensive to the eye than properly lit signs.

**K. JERRY TATARIAN**

Mr. Tatarian is affiliated with the Remax Realty Group and is Chairman of the Main Street Design Committee. He advised that after reviewing the sign ordinance at a meeting, a lot of people there were alarmed. He has sent packets to the Town Council containing the original ordinance with all the changes highlighted that the Design Committee unanimously approved and a three-page summary with just the changes, item by item, referencing the chapter and section number.

The Design Committee found that there were three main areas of problems that they felt were not addressed. They agree that they need to have a sign ordinance and they need to look at making their signs a little bit smaller and a little bit fewer than what they've see in the past under the Lee County ordinance. But they are also a little bit concerned that maybe the Lee County ordinance was not being fully enforced and causing part of the problem. It appears that there are no little stickers on a lot of signs that Lee County is supposed to issue stickers for.

Another issue is grandfathering of the signs. They feel that the hundreds and thousands of

dollars that people have invested on this beach ought to be protected. We do protect illegally built structures that don't conform now by grandfathering them in. We grandfather in carports; we grandfather in guest apartments.

Another issue is censorship and what you can and cannot put on signs. This gets very technical in some areas and is completely unaddressed in most areas. The third issue is the size and position of the signs. The signs start from the ground and they go up. The Design Committee feels that when signs are so low, they become a safety hazard for pedestrians, bicyclists and cars because they are difficult to see. The normal business sign is 24 sq. ft. A real estate sign would be 2x2 or 4 sq. ft. It can't say for sale on it or for lease but has to indicate only the name and address of the owner of the property, which doesn't make a whole lot of sense. The ordinance seems to eliminate back lit signs by not including them in the approved sources and there is no definition of what an approved source is for lighting. Mr. Tatarian does not feel that a 24 sq. ft. sign is adequate for Topp's Supermarket, a 20,000 sq. ft. building.

The sign ordinance makes reference to equality and not equity. Some businesses are bigger than others. They have more square footage, more frontage, and they are only allowed the same square foot sign as any other business. The Design Committee has put in a measured increase depending on the size of the building, something that Lee County also does in their sign ordinance.

The Design Committee would be happy to go through these changes with the Council. They have worked many hours on them and they also acknowledge the time and efforts the LPA expended in creating the ordinance.

Mr. Tatarian has submitted petitions with about 300 signatures.

Mayor Murphy advised that two of the Council members are former LPA members and he asked them to share with us their input on the sign ordinance process and how we got to where we are today.

John Mulholland, former Chairman of the LPA, stated that he would echo what Roxie Smith and Betty Simpson have said. He noted that Ron Kidder of the LPA took on the sign project and at every meeting Mr. Mulholland, as Chairman, would ask him for a progress report. Mr. Kidder had a committee that worked very hard and they took pictures of every sign on the island.

Mr. Mulholland acknowledged that there were problems with the sign ordinance and he said he would hope that the Council would amend the sign ordinance as needed and not go back to Go and start over again.

Dan Hughes, another former member of the LPA, said he can't add very much to what has already been said. He noted that the LPA had three full drafts of the ordinance as well as copies of signed ordinances from other communities that they had reviewed. There was no other single matter or issue that the LPA spent more time on than the sign ordinance, but he doesn't think that anybody on the LPA or the Town Council expected that there wouldn't be some negative reaction to some of the provisions in the ordinances. That is why they decided to go ahead and adopt the ordinance then have a workshop and see what the public came up with. It appears that it is the commercial interests that have the primary concerns. Jerry Tatarian and his Main Street Design Review Committee by taking the ordinance and highlighting it will make the job of reviewing the ordinance a lot simpler. Dan Hughes added that this was a nightmare for Marsha Segal-George. As a former town attorney, he knows that there is nothing worst than drafting sign ordinances, particularly when you get a multiplicity of ordinances all of which have some good provisions and some of which have some bad provisions and then trying to incorporate them into one ordinance that will hopefully make everyone happy.

Ray Murphy stated that the \$64,000 question is where do we go from here. Would the Council like to go through the suggested changes?

Anita Cereceda asked of if everyone had read the ordinance. Are we going to go through it for the benefit of everyone here or for the benefit of the Main Street Design Committee?

Jerry Tatarian stated that there were probably 12 people here who were at the Main Street Design Committee workshops. Time did not permit them to get the proposed changes into general circulation and they have only produced six copies. He advised that they hadn't made that many changes. Their changes were in square footage and were uniform and fairly simple to understand. Some of the changes involved concepts.

Ray Murphy felt that we should first address the three big areas that were brought forth by Mr. Tatarian. He suggested starting with grandfathering.

Dan Hughes advised that the reverse of grandfathering was amortization, and that is when a sign ordinance is amended or adopted to make what was originally a legal conforming sign a legal nonconforming sign. This is a code enforcement problem and it is going to take some time to ferret those out and hopefully eliminate them. We're talking here about signs that were legal when constructed in accordance with the County ordinance or in the last three years in accordance with our ordinance and now do not meet the standards of our new ordinance and have to be eliminated in eight years.

Dan Hughes said he didn't think he could accept a total elimination of the amortization provision and allow all signs that are nonconforming to be grandfathered. He thinks that what we have to find here is a reasonable middle ground on this issue. We should take another look at the signs that are now legal nonconforming and see if our standards should be changed so that they are conforming. That then eliminates the issue of grandfathering or amortization. Despite the cost, a lot of the signs, even those worth thousands of dollars, will be obsolete and will have to be replaced. Every year a sign is being depreciated and amortized and the courts have upheld an amortization of signs out of existence as long as they're reasonably related to their useful life. Maybe the banning of signs that do not meet the criteria of the new ordinance should be different for different signs, and he's willing to take a look at that.

Anita Cereceda said she agrees with a lot of what Dan said. She would hate to see someone keep a sign in bad repair simply because if he attempts to change it, he would have to put up a lesser sign. And there are people who will do that. By the same token, Anita said, she looks at the new sign at Sunstream and thinks it is one of the best looking things on the island. Then she looks at other signs that are as big and as expensive and doesn't like them at all. But what criteria do you use to decide which sign you will allow and which sign you won't allow? And how do we get to that middle ground? Some people love the Red Coconut sign and some people hate it. But it has been in place so many years that you can tell people how to get somewhere on Fort Myers Beach if it's before or after that sign because it's a monument to them. How do we get to a happy medium without drawing a hard line somewhere?

Dan Hughes said that a sign only has a life of eight years, and this is where the economic impact comes from. The cost approach has been used in some communities and it has some pluses and minuses to it in terms of the amortization aspect.

Anita Cereceda suggested an application process for people who feel that the sign ordinance is going to unduly affect them, or that their sign is of aesthetic or historical value to the community or that it won't impact the community in a negative way.

John Mulholland felt that we should look at the grandfathering aspect first. Ray Murphy stated that as he has said earlier, he's all for grandfathering. And there are several signs on the Beach that to his mind are not offensive, either by size or location. The question is whether we want to come up with and grandfather certain legal signs that have been on the Beach for some time.

The consensus of opinion was that we should look at grandfathered legal signs. Dan Hughes reiterated that he was not in favor of grandfathering all nonconforming signs forever, and Anita Cereceda agreed.

Advised was that this summer they plan to have an intern use a disk camera to take new pictures of all the signs and have a current inventory of pictures of signs for the whole island.

Dan Hughes said he liked the idea of an inventory. From this we can tell if a sign is conforming or nonconforming. If it is nonconforming, the consequence of that is it has to be made to conform in eight years. The other consequence is, if it's destroyed to the extent of 50%, it can't be replaced.

John Mulholland said that he applauded the efforts of Main Street. Do we want to refer the grandfathering back to them or do we want to refer specific things back to the LPA? Dan Hughes said he felt that at the very minimum we should distribute the Main Street recommendations to the LPA, and when this comes before the Council, we will have to have a public hearing on amending the ordinance.

## **XII. ADJOURNMENT**

The meeting was adjourned at 8:21 P.M.

Respectfully submitted,

Lorraine Calhoun  
Transcribing Secretary

**items for action from the workshop meeting of March 18, 1999**

1. The consensus of opinion was that we should look at grandfathered legal signs.
2. Planned for this summer is to have an intern use a disk camera to take new pictures of all the signs and have a current inventory of pictures of signs for the whole island.

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