

Constructing Adult Entertainment And its consequences

Introduction:

For many years, adult entertainment clubs have been a part, albeit a small part, of Fort Myers culture. Adult entertainment clubs existed next to other businesses and communities for many years. This condition was a relatively quiet one in the city, without much open public concern over the topic. However, beginning around 1993, issues concerning adult entertainment clubs became a focus of city politics. The City Council of Fort Myers felt that they had to act upon this issue, and thus began a long debate regarding these facilities.

How this issue developed, and why focus was placed on adult entertainment clubs, was not the focus of this study. Instead, this study focussed on the constructions of adult entertainment within the City Council and the ramifications this construction on policy. In order to debate, or even create a discourse involving adult entertainment, such facilities had to be constructed. These constructs were the initial goal of the City Council in an attempt to define the issue. Constructions evolved through a series of public hearings before the council, as well as closed hearings involving the council itself.

As this evolutionary process was taking place various counter claims were voiced. These counter claims offered resistance to the dominant construction that was quickly becoming evident. Adult club

owners spoke their minds during the public hearings, as did other employees of adult clubs. Owners also hired attorneys to represent them during the City Council hearings. However, despite the efforts of supporters of adult establishments a dominant theme did develop.

The construction of adult clubs, combined with the counter claims and subsequent resistance shaped, and continues to shape, the manner in which the issue is debated. The voicing and varied acceptance of these competing claims shaped the direction and parameters of the policies that the City Council was willing to accept. Other options were rarely voiced, and when voiced, ignored. Alternative constructions that did not fit into either claims were non-existent.

Studying this issue was an excellent example of how constructions, claims and counter claims shaped policy. Council people accepted information from various authorities as “findings of fact” (November 22, 1993) without further investigation of these “findings.” Other information came from private citizens, representatives from various organizations and businesses such as the American Automobile Association (October 26, 1993), the Citizen’s Action Line (July 16, 1997) and religious organizations such as The Southern Christian Leadership Conference (May 16, 1994). Counter claims were voiced mostly by adult club owners, employees and their legal representatives.

The data for this study was collected directly from the Minutes of the Fort Myers City Council. This allowed for a very diverse set of

opinions, statistics, debates and voices. However, the data is limited to those people who attended the public hearings, or were present during the City Council meetings. This suggests a skewing of the data, as well as the resulting constructions of adult entertainment. For instance, it was clear that those people who patronized adult establishments were not well represented during the public hearings. Often, citizens would remark that “No one wants adult entertainment establishments...” (Philip Schwartz, July 16, 1997) however, when trying to decide upon a particular site for clubs one issue, as expressed by Councilwoman Knight, recurred “Ortiz Avenue (eg.) might not be able to handle the additional traffic caused by the adult entertainment establishments.” (January 5, 1998) If it was true that ‘no one wanted adult establishments’ then the issue of traffic would be irrelevant. For these reasons all constructions and claims alluded to in this paper must be assumed to exist only within the City Council itself. The information given may not have been representative of Fort Myers as a whole.

Part I: The Construction of Adult Entertainment

It seems that America has declared war on God with our deteriorating moral and family values.

Captain Dane Branson
November 22, 1993

As the above quote might suggest, the dominant construction of adult entertainment facilities was negative. “Historically, it has been consistently shown that adult entertainment establishments have negatively impacted the health, safety, and financial well-being of

communities around the country.” (Chief of Police Donna Hansen, 11/22/93) Adult establishments were viewed as obscene. Dancers were called “exhibitionists.” (Raymond MacNeil, 10/26/93) Those who patronized adult establishments were considered perverts or even pornography addicts. “People who are addicted to pornography need more hard core pornography.” (Lisa Turner, 10/26/93) Overall, “No one believes adult entertainment establishments are a good idea.” (Michael Walker, 1/5/98)

But what were adult entertainment establishments? How can one kind of adult entertainment, Rated R movies for example, be differentiated from other forms of adult entertainment? Could Lisa Turner’s definition be correct when she stated that “All sexually oriented businesses and establishments should be incorporated in the adult entertainment ordinance?” (10/26/93) Would sex therapists, or hotels which catered to newlyweds, be considered ‘adult entertainment?’ Perhaps Robert Bone’s definition, “a place where specified anatomical areas are exposed...” was adequate. However, which anatomical areas were specified, and under what context. A doctor’s office would most certainly not be considered adult entertainment. What about the beach, swimming pools, or gym showers?

The difficulties of definition seemed to be satisfactorily resolved by the City Attorney, Jacqueline Hubbard. She instituted the following definition of adult entertainment as any establishment which offers “to

customers a product, service or entertainment which is intended to provide sexual stimulation or sexual gratification to such customers...the establishment is...distinguished by an emphasis on or the promotion of matters or persons depicting, describing, displaying, exposing, simulating or relating to specified sexual activities or specified anatomical areas. An adult performance establishment shall mean an establishment where any employee displays or exposes any specified anatomical areas; offers, solicits or contracts to dance or perform with a person other than another employee for compensation; or dances or performs within three feet of a person other than another employee for compensation.” This, of course, included “nudity.” (11/22/93) Despite the problems of determining a business owner’s ‘intent’ or what constitutes ‘sexual gratification’ this definition seemed to satisfy the City Council.

By concentrating on the above definition, the City Council could then resort to their overall goal. The government of the City of Fort Myers reputedly served to “protect the health, safety, morals, property values and general welfare of the citizens, businesses and industries of the City of Fort Myers.” (Sargent Mark Zellman, 11/22/93) This philosophy was reflected by City Attorney Hubbard “a municipality has the right to establish reasonable regulations that pertain to health, general welfare, safety and morality of the citizens.” (10/26/93) This

being the goal of the City Council, why should they concentrate their efforts on adult entertainment facilities?

In order for the adult entertainment issue to be of concern to the City Council it had to be constructed in such a way as to prove that it was bad for the general welfare. "The United States Attorney General's commission on pornography in 1985 indicated that the evidence says simply that the images that people are exposed to bear a relationship to their behavior." (Bernadette Reilly, 11/22/93) Statements like this were used to link adult entertainment to an increase in crime in Fort Myers. "Ed Benjamin owner of Benjamin's Cyclery and resident stated that the marketing efforts of Babe's (an adult club) brought every rowdy person within 3 counties to within 100 feet of his bedroom window. Loud, noxious, undesirable and intimidating events have dramatically increased and did not exist before Babe's was in the neighborhood." (11/22/93) This suggests that undesirables from outside of Fort Myers were coming into the city, bringing crime. "Ms. Reilly stated that a crackdown on adult book stores, x-rated movie theatres and massage parlors in Cincinnati resulted in an 83% drop in rape, robberies and aggravated assault." (11/22/93) If the adult entertainment establishments did not exist, there would be less crime, is the contention of Ms Reilly. Similar statements were reflected in official statements such as from Grant Alley, Acting City Attorney, "The Attorney Generals of the United States and the State of Florida have determined that there is

an increased frequency in criminal activity ranging from prostitution, drugs, and violent crimes surrounding adult entertainment establishments.” (12/15/97) Robert Bone, Assistant City Attorney stated “that it has been consistently shown that adult entertainment establishments have a detrimental effect on property values in the neighborhoods where they are located, whether commercial or residential and there is a relationship to higher crime activity in those neighborhoods.” (11/22/93) Adult entertainment clubs, so defined by the citizenry, and reinforced by public officials, obviously merited further investigation.

A significant construction concerning adult entertainment facilities as constructed above was the link between adult clubs and pornography. “William Lytell, Pastor Gospel Baptist, stated that adult entertainment establishments includes [sic] pornography, immorality and wickedness.” (11/22/93) “Bernadette Reilly, resident, stated that Webster’s Dictionary defines pornography as that which causes the arousal of sexual desires and that is what the adult entertainment clubs do.” One wonders if Ms. Reilly ever ‘caused the arousal of sexual desires.’ Would that maker her pornographic?¹

Pornography is further defined as causing criminal activity including serial murder. “John Asher, Business owner, stated that serial

¹ The Webster’s Dictionary 1984 defines pornography as **writings, pictures, etc.** intended primarily to arouse sexual desire.

killers claim pornography played a part in their decision to commit heinous crimes.” (11/22/93) Murderers such as Ted Bundy were invoked as an example of a man who was addicted to pornography. “87% of convicted child molesters of females are addicted and confessed regular users of pornography.” (Lisa Turner, 10/26/93) Those who patronize adult establishments were seen as being addicted to pornography to the detriment of themselves. “Sam Camparetto stated that his son was addicted to adult bars and was murdered at the age of thirty.” (1/5/98) Was his murder related to adult bars? “Doug Caton stated that he was addicted to pornography from an early age. Mr. Caton stated that pornography is devastating to...the men who go to adult entertainment establishments because it leaves permanent scars in their mind.” (11/22/93) Adult entertainment clubs were addictive, and destructive to men. Via pornography, adult clubs were linked to crimes as horrific as serial murder.

More immediately, however, adult clubs were linked to prostitution. “Prostitution is the foundation upon which pornography is built.” (Officer Andy Rudolph, 11/22/93) Of course, prostitution brings crime into the area. “The City of Fort Myers has also experienced an increase in prostitution related offenses...I would point out to you that Cape “Coral has no adult clubs and made 6 prostitution arrests...Fort Myers has 6 clubs and made 59 in 1992. I would also add that nearly 50% of the prostitution arrests made so far this year have been within

1000 feet of an adult entertainment establishment.” (Sargent Mark Zellman, 11/22/93) Among the crime that is brought into Fort Myers through prostitution is organized crime “It is the department’s contention that there is a link between adult entertainment establishments, prostitution and organized crime.” (Sargent Mark Zellman, 11/22/93)

Through prostitution and organized crime, those who were involved with adult establishments were criminalized. Owners were “organized crime figures,” or, if they were not “it is usually a matter of time before the ownership of these businesses are taken over and controlled by organized groups.” (Officer Rudolph 11/22/93) Not only were performers in adult clubs characterized as ‘exhibitionists’ they were also typified as prostitutes. “Bobby Borris, President Services Taylor Made, Inc. stated that dancers who reside in the complex are followed home by some of the clientele of the adult entertainment establishments, creating disturbances in the properties.” How Mr. Borris knew that those men following the dancers home were from the adult establishments was unexpressed. Nor did Mr. Borris give any details as to what kind of disturbances were being made. The insinuation, however, was quite clear and accepted throughout the debate. Performers in adult clubs were prostitutes.

Of course, prostitution was not only characterized as a criminal issue, but a health issue. “Tim Ripley, registered nurse, stated that sexually transmitted diseases are being passed around and entertainers

from the clubs have these diseases...the immoral, perverse behavior of the entertainers is what causes the spread of disease.” (11/22/93) Mr. Ripley said nothing about the immoral, perverse behavior of those who were being entertained. Prostitution, and the dancers were prostitutes, was often constructed as the harbinger of disease. “At least 50 communicable diseases may be spread by activities occurring in adult use establishments.” (Sargent Mark Zellman, 11/22/93) Not only do “Adult entertainment establishments encourage prostitution,” (Lisa Turner, 10/26/93) but other unsafe behaviors such as unprotected sex. (Jacqueline Hubbard, City Attorney, 11/22/93) By linking adult clubs with pornography and prostitution, which is in turn linked to public health, the clubs themselves became a public health issue.

Adult clubs were also constructed as detrimental to families and children through this link to prostitution. As stated above child molestation was linked to pornography. “Jaci Williams, resident, stated that during her teen years an adult member of her family went to Miami to visit the adult entertainment establishments and would return with descriptive material and information which was degrading. Ms. Williams stated that the actions of that family member led to sexual abuse in the family.” (11/22/93) Not only are children in danger of being victimized by patrons of adult clubs, but may even become snared into the clubs themselves. “Brenda Brewer, citizen, stated that a thirteen year old could obtain a job as a professional dancer.” “Hampton Rowland,

Citizen's Action Line Coordinator, stated that a thirteen year old girl can dance in an adult entertainment establishment and say she is making an artistic statement, as long as she is not serving liquor." (7/16/97) The archetypal thirteen year old girl reappears throughout the debate. Where this very intriguing information came from is never mentioned.

Overall, adult clubs were constructed as institutions which "damage people." (David Caton, 7/16/97) They are destructive to children, to the men who patronize the establishments and to women in general, as well as the thirteen year old girl who might get caught up in the adult entertainment lifestyle. The constructions lead to the claim that adult clubs are anti-family. "Wipe these anti-family establishments off the map." (Marilee Linder, teacher, 7/16/97) "Adult entertainment businesses bring certain types of crime and degradation to the quality of our life, particularly to the children." (Councilman Grady, 11/22/93)

Because adult entertainment facilities were defined as having such a deleterious affect on people and families it rested on the families to protect themselves from such 'noxious' interference in their lives. This, in turn, was presumed to have an impact on the property values of residencies and businesses. Reduction of property values seemed of the greatest concern to the City Council. Numerous business people and home owners gave volumes of input into the affects of adult entertainment on their property. "Terry Marsh, Owner Grandy's, stated that there is an adult club next to Grandy's. Customers with children

would not come to Grandy's if adult entertainment establishments are located in the area. Roger Serman, Division Manager, AAA Motor Club is located one block from Flirts (an adult club) stated that he has a multi-million dollar operation invested in this location. The AAA serves over 65,000 local members, many of whom are elderly, conservative and concerned about crime and safety. Establishments such as Flirts would not be in the best interest of AAA..." (10/26/93) That adult clubs might negatively affect businesses is of special interest in a town which is dependent on a tourist economy for growth. "Marketing efforts are based on attracting families to Fort Myers." (Frank Nocera, Director of Marketing and Tourism, 11/22/93) Tom Hart, Esq., representing the greater Fort Myers Chamber of Commerce was very explicit. "The Chamber of Commerce is concerned about the possibility that adult entertainment establishments would be located in downtown Fort Myers which would undermine the efforts that the city and individuals have made in trying to promote redevelopment downtown." (11/22/93) If adult clubs move into the area it was feared that other, legitimate businesses would move out, reducing the number of employers and jobs in the area and in turn reducing property values. (Ron Kerr, 7/16/97)

Woodward Hanson, of Hanson Appraisals gave testament to the dangers posed by adult clubs on property values. "One property was on the market for almost 2 years with little interest and during the winter when the windows are open, the loud noise is obvious and

apparent...due to the fighting, trash and noise, has a perceived negative impact on the quiet and peaceful enjoyment of real estate nearby.” (11/22/93) Wayne Blanton who lives one thousand feet from the Paradise Club (an adult club) stated “that the property values have been affected by the club being there. There is fear in the neighborhood and neighbors cannot walk for exercise in the evenings.” (11/22/93)

Grant Alley, Acting City Attorney stated that “the courts have recognized that adult entertainment establishments bring about negative secondary effects as follows. 1. Lower values on surrounding property. 2. Increase in crime 3. Detrimental effects on tourism and local business.” (12/15/97) This summarizes the dominant construction of adult entertainment with fair accuracy. Kathy Miller, President Right to Life, however, had a more direct interpretation. “The issue at hand is not entertainment, but should be called what it is, perversion.” (11/22/93) Regardless of the rhetoric, the negative connotations of adult entertainment establishments could not be escaped throughout a reading of the minutes.

The dominant construction of adult entertainment may or may not have been an accurate portrayal of such clubs and their affects on the community. The construction was the result of claims made by people and organizations with vested interests. The accuracy of the many and varied statistics and quotes given was left unknown, as those who spoke during meetings and public hearings never cited the studies that they

were quoting (with the exception of the Meese Commission Reports). Other statistics were of blatantly dubious origin. For instance, Officer Zellman made use of an interesting chart in his speech before the City Council. The column on the left represents six adult clubs with the number of calls to the police department immediately to its right. Beside that was the name of a non adult facility and the number of calls to the police. At the bottom were the totals. This table might be indicative of the dubious statistics used. For instance, six adult clubs were compared to five non-adult clubs. Secondly, non-adult clubs such as The Veranda and Victoria Pier were not clubs at all, nor were they bars. Instead, they were mid-priced to fairly expensive restaurants. The reasons why the police were called were never specified. Were they responding to accidents? Were they responding to anything that was directly related to activities within the establishments? Most of the adult clubs were located in areas that were relatively high in crime, whereas the non-adult establishments were located in less crime ridden areas. Does this mean that the adult establishments were the cause of the crime in their areas? According to the dominant construction, they were. It is also interesting to note that Flirts, an adult club that did not serve alcohol (because their dancers were completely nude) had less calls to the police than all of the other non-adult establishments with the exception of the Veranda, a relatively expensive restaurant. Why wasn't this chart used to demonstrate the negative aspects of alcohol?

Babes	111	Brybills	55
Berts	46	Hooters	58
Flirts	34	Runabouts	96
Foxy Lady	115	Veranda	19
Paradise Club	147	Victoria Pier	35
Mermaids	58		
Totals	511		263

This was just an example of the questionable means in which constructions were formed within the City Council meetings. For the purposes of this study, however, the accuracy of the claims, statistics, putative facts and opinions were irrelevant. The only meaningful information necessary for this analysis was that a construction existed from which policy decisions could be made. This construction was predominantly unfavorable to adult entertainment facilities.

Part II: Counter Claims

Every time City Council tries to legislate morality it ends up
making a worse mess than when it started. Government cannot
Control property without controlling people.
Patricia Cardullo
September 5, 1995

Despite the dominance of negative constructions concerning adult entertainment facilities counter claims did exist. These counter claims, usually voiced by owners and legal representatives of adult clubs, were very vocal. The counter claims, though not of the majority opinion, along with overt acts of resistance to subsequent policy decisions demonstrated that contrary and minority voices could have an impact on policy.

The first goal of counter claimants in this issue was to downplay the negative images of adult entertainment created by the dominant construction. Counter claims insinuated that the negative constructions were exaggerated. Keith Stengel, previous owner of the Foxy Lady Lounge shed doubt upon the statistics offered during the public hearings. "The statistics were taken from municipalities much larger than Fort Myers with a higher prevalence of organized crime. When the Foxy Lady Lounge was started there was one incident in 13 years where two of the girls were arrested because their bathing suit bottoms were too small." (11/22/93) "Kimmi Cohen, dancer, Paradise Club stated that illegal acts are not performed at the Paradise Club." (11/22/93) Regarding the affects on property values Robert Tremaine, representing Seasons Cocktail Inc. stated that "a study has not been done in Fort Myers to establish that property values have been affected or crime increased where there is an adult entertainment business." (8/10/93) Allegations of crime and negative impact on communities, according to counter claimants was without basis.

It was argued by supporters of adult clubs that these establishments were legitimate businesses and had a right to do business. "There is a demand for adult entertainment clubs." (Jack Salloway, rep. Bert's Club, 9/18/95) As legitimate businesses the adult clubs "provide employment for people." (Andrew Martin, Venture Capitalist, 1/18/94) Without the adult entertainment establishments,

according to Jack Salloway, “three hundred dancers would be out of work...” The dancers are depicted as under educated and thus would be unable to earn more than six dollars an hour to support their families. Once again, the actual educational level and family status of dancers was never revealed. They were constructed as benefiting from adult businesses.

The legitimacy of adult clubs as a business was further linked to the First Amendment of the Constitution of the United States. Performances in adult entertainment clubs was constructed by counter claimants as ‘expression,’ and therefore a form of speech. “There is a constitutional right to freedom of speech and behavior has been determined by the Supreme Court as a form of protected speech.” (Jacqueline Hubbard, City Attorney, 8/10/93) David Wasserman Esq., one of the most aggressive defenders of adult clubs stated that “the constitution protects adult entertainment clubs.” (8/21/95) Councilman Grady concurred with adult club’s rights to do business as did Ms. Hubbard. However, City Attorney Hubbard pointed out that obscenity was not a form of protected speech. Efforts to define what was or was not obscene never materialized, however.

Counter claimants furthered their arguments concerning the negative construction of adult entertainment by tackling the crime issue. Those representing adult clubs claimed that crime happens everywhere. They voiced that it was not fair to blame crime on adult clubs.

“Seventeen percent of child molestations were committed by clergymen in 1994.” (Jack Salloway, 9/18/95) This claim was reinforced by those who were not affiliated with adult clubs. Councilman Alimenti stated that “Non-adult entertainment establishments cause more police activity than adult entertainment establishments.” (9/5/95) One business owner offered an alternative explanation for an increase in crime. “Tony Webster, nursery owner in South Fort Myers stated that the nursery is not near an adult entertainment club, but it was broken into. Crime is everywhere...The influx of population to Fort Myers may be the cause of higher crime.” (11/22/93) Kevin Shatto, business owner remarked that “Fort Myers has a major crime problem which is unrelated to adult entertainment clubs.” (11/22/93)

Legislation of morality, not surprisingly, was also a major argument to subsequent policy proposals. Horace Gravitt, Manager, Taboo Lounge “stated that the city does not have the authority to direct a person’s morals.” (8/10/93) Marie Webster was a surprising proponent of this view. A mother of three, Ms. Webster stated “that what goes on behind closed doors at an adult entertainment club is for adults who make their choice. Men and women at Fort Myers Beach have less clothing on than the women in the adult entertainment clubs and they are drinking, getting drunk and being rowdy where children of all ages can see.” (11/22/93) According to this argument it was not the place of the government to legislate the moral choices of individual adults.

As a minority claim, overshadowed by a dominant construction, however, representatives of adult clubs had to resort to direct acts of resistance. This resistance primarily took the form of legal action. David Wasserman, Esq. already had litigation in the works. He was nice enough to offer an end to the litigation “if the existing adult entertainment establishments are allowed to remain in their current locations.” (2/6/95) ² David Rynders, Esq., “filed a fifty page motion to dismiss, alleging that the adult entertainment ordinance is unconstitutional.” (7/16/97) The sheer volume of litigation was prohibitive to the City Council. “Councilman Allimenti stated that it would cost millions of dollars in lawsuits if adult entertainment establishments are not allowed.” (9/5/95)

These counter claims offered considerable resistance to policies that may have resulted had the dominant construction stood alone. Of course, the counter claims were subject to the same analysis as the dominant construction within the realm of this study. They were, quite obviously, the interests of owners of what were considered “offensive businesses.” (7/16/97) Certainly, it was in the best interest of these businesses to construct adult entertainment as harmless and misunderstood; they had to convince the City Council that they were legitimate businesses that did not harm the community or individuals. If nothing else, they had to rely upon the ideal that they had a right to do

² Location of adult entertainment facilities will be discussed in more detail.

business. To secure this right they had to show that they were willing to fight, by legal means, to protect these rights.

The counter claimants were not successful in fulfilling all of these goals, but, as we shall see, they were a meaningful voice in the ongoing debate over adult clubs. Their counter claims and resistance did have an overall affect on policy decisions, though not the optimum. Ideally, owners of adult clubs wished simply to be left alone. The status quo was acceptable to them. This, however, was not to be.

Part III: Surveillance and Invisibility

Adult entertainment establishments are not being banned,
there is simply another layer of restrictions being added.

John Kremski, Planning Director

5/16/94

Due to the previously discussed construction of adult entertainment as destructive to individuals, families and communities the City Council decided that the status quo could not be maintained. Something had to be done in the interest of the public welfare. Grant Alley, Acting City Attorney offered two options to the City Council. "The courts have ruled that two ways to regulate the negative secondary effects of adult entertainment establishments are by spacing requirements or by concentrating them into an entertainment area or designated zone." (12/15/97) Elements involved in both of these options involve surveillance and invisibility. By narrowing their options down to two generalized alternatives the City Council hoped to make adult clubs maximally visible to government regulation and inspection. At the same

time, the City Council wished to make adult entertainment establishments invisible to communities, families and, especially, children.

Licensing was proposed to be one method of maximizing the visibility of adult clubs to government regulation. “An adult entertainment employee would need a licensee to work in an adult entertainment establishment...the application requests information if an applicant has been convicted of any felony in any state or of the United States...The applicant’s social security number or employer’s tax identification number must be submitted to the city.” (Jacqueline Hubbard, 8/10/93) Ms. Hubbard also stated “that adult entertainment establishments would be subject to stringent, regulatory and licensing requirements.” (10/26/93) Such requirements might even include a floor plan of the establishment on file with the City. (8/10/93)

Dona Hansen, Fort Myers Chief of Police, stated that this would be extended to escort services which would be required to “have an office in the city which is open and available for records inspection.” (10/26/93) Such stringent licensing requirements brought protest among adult entertainment owners who claimed that such intrusion was a violation of one’s rights to privacy. They concentrated on the employee’s rights rather than the rights of the business itself. “The ordinance would require the janitorial service to obtain an adult entertainment establishment license. The employee is required to submit certain data

which would violate the rights to privacy.” (Paul Liles, rep. Dama A. Beta, Inc., 11/22/93)

Policing was another aspect of increased inspection. Policing was to take place in the “interest of health, peace, safety, morals and general welfare of the people.” (Jacqueline Hubbard, 11/22/93) “Bill Burdette stated that adult entertainment establishments should be located where there is adequate police and emergency protection.” (12/15/97) However, as it stood, adult clubs and facilities were located in various locations throughout the city. This created a problem for visibility.

Larry Hart, Chief of Police, stated that “adult entertainment establishments are scattered through the city and can be better policed in one location.” (12/15/97) Many statements concurred with this concept. “Topless bars should be in an area where they can be monitored.” (Carl Radcliffe, Southern Christian Leadership Conference, 12/15/97) One man, Christopher Bancroft, took this idea to an entirely different dimension when he suggested that adult clubs “should be designated zone with a ten foot barbed wire fence around it and a police department in the compound.” (12/15/97) Though most were not this radical, the majority of voices suggested that adult facilities “could be moved to a small zone for ease in policing” (Jim Phelps, Promise Keepers, 9/5/95)

These zones would also serve the purpose of making adult entertainment invisible. They could be moved to areas in which they “do

not impact schools, residential areas, property values and business...an inoffense area.” (Jacqueline Hubbard, 10/26/93) These areas would, as suggested by Vickie Caton, “have no exposure to passersby,” and “where no one would get hurt.” (9/5/95) This would satisfy communities who were trying to protect their families and children. “Sharon Black stated that her son should not have to grow up near an adult entertainment establishment.” (12/15/97) Businesses would also be able to prosper without the negative influences of adult entertainment as they would be removed from “the tourist and family areas.” (Grant Alley, 1/5/98)

Another option, less spoken, and ultimately ignored also dealt with making current adult businesses invisible. This objective was to make the adult clubs invisible in their current location. “The businesses that are grand-fathered in shall not allow any of the exterior walls of the establishment, excluding signs, to be any color other than a single achromatic or pastel color, and shall not allow awnings, canopies, window shutters, or trim to be any color other than a different shade of single achromatic or pastel color of the walls.” (from ordinance no. 2762, Div 6, Sec. 2.5-71, e)

As the idea of moving adult businesses into one “inoffense area” grew it seemed to dominate all discussion concerning the issue. However, certain aspects of the counter claims started to surface. The major issue of counter claimants to achieve some notability was the right of adult entertainment facilities to remain in business. The issue of

economic viability came to the fore. “Robert Tremaine, Representing Season Coctail, Inc. stated that the city should guarantee the economic viability of the new location before forcing a business out of its existing location.” (8/10/93) By making adult entertainment clubs invisible to the public, isolating them may make them invisible to potential customers. However, the Council decided that and adult club patron was a “destination user, not an impulse user.” (Hanson, 11/22/93) The patrons of adult entertainment establishments “are repeat customers who are aware of the location.” (Councilman Grady, 10/26/93) Isolating adult entertainment facilities, according to the City Council, would not negatively impact that business.

By isolating adult entertainment establishments, however, what would be created is essentially a red light district. “By placing all the adult clubs together in one area a pimp could locate a couple of Winnebagos on the side and work all the clubs.” (Michelle Shadd, Employee Babes, 11/22/93) No communities were at the front of the line, volunteering to host these ‘inoffense areas.’ “Ward 3, namely the industrial group, have voiced an opposition to the adult entertainment establishments being recommended for their area...If adult entertainment is not good enough for Cleveland Avenue and not good enough for Fowler Avenue, then it is not good enough for the rest of the city.” (Councilwoman Shoemaker, 11/22/93) Nobody wanted these facilities in “their back yard.” (Steve Hartshell,12/15/97)

Part IV: So Where Should They Go?

The Dunbar area has become a cesspool and inherits everything that is undesirable. Anything is allowed to happen to those who are impoverished.

Gerri Ware, Citizen

1/5/98

As much as the City Council was agreed that adult establishments should be placed in one area, isolated from the rest of the citizenry and in plain view of government inspection, they were equally perplexed by yet another challenging puzzle. Fort Myers was a city, like any other city, possessed of limited space. Where could adult establishments be relocated that would satisfy all of the above conditions?

Indeed, much of the initial discussion included where adult entertainment facilities could not go. For instance, “an adult entertainment center cannot be located within 1500 feet of an area zoned for residential use.” (Councilman Grady, 8/10/93) they could not go downtown because “the city is working on a plan to create an entertainment district in downtown Fort Myers which will offer a variety of entertainment options for the entire family.” (Don Paight, Downtown Redevelopment Agency, 11/22/93) Adult clubs could not be located on the waterfront, because that is the site of many “cultural and family activities.” (Hart, 11/22/93) It was decided that adult entertainment facilities could not be located near parks where children play, near churches or near educational establishments. Also areas such as Lee Boulevard that are planned to be “major commercial corridors,” would be debilitated by adult entertainment. (Commissioner Albion, 1/5/98)

So what did this leave for the City Council? Where could adult entertainment go? “Councilman Grady stated that adult entertainment businesses harm commercial and residential neighborhoods and while not desirable by the owners of industrial businesses, adult entertainment businesses do not effectively diminish the value of property or business in industrial areas.” (11/22/93) Locating adult establishments in industrial zones would also isolate them from recreationally zoned areas, parks and public schools. (Joanne Gallagher, Assistant Planner, 10/26/93) The key industrial zone mentioned was the Dunbar area along Dr. Martin Luther King Blvd.

An area was also suggested because it was relatively out of the way. “Councilman Grady stated that an area could be designated on the street across from the Eastwood Golf Course where the minimum security prison and the well field are located on Ortiz Avenue.” (9/5/95) Two more areas suggested were in the outer limits of the city. One site “1200 feet east of Buckingham Road.” (John Kremski, Planning Director, 12/5/97) The last reasonable suggestion was on State Road 31, though this was suggested by a non-council member. It was also the location of the Lee County Civic Center, and not given much more thought.

So, one would think that the problem was solved. Three sites were located that fit the description of a perfectly isolated, yet easily policed area. This was not the case, however. The Buckingham Road plan did not amount to much. It was located too close to Lehigh Acres, a

relatively conservative, retirement oriented part of Lee County. “The proposed site for the adult entertainment establishments is close to where the Buckingham Park was built at a cost of approximately \$2,000,000...Lee County is spending approximately \$18,000,000 to widen Lee Boulevard, a gateway to Lee County and adult entertainment establishments adjacent to Lehigh Acres is a concern.” (Commissioner Albion, 12/15/97) “School busses travel on Buckingham Road which would expose children to adult entertainment.” (John Mitchell, 12/15/97)

This left Ortiz Avenue, and Martin Luther King (Dunbar). Both areas also house communities which are exclusively lower class, predominantly minority areas. Ortiz, however, is also the site of a juvenile detention facility and a juvenile halfway house as well as a mental health facility. “There is a mental health facility on Ortiz Avenue and those people do not need further pollution.” (Jim Flemming, citizen, 1/5/98) “Facilities on Ortiz Avenue are trying to help the young become men and the adult entertainment establishment will not benefit the issue.” (Radcliffe, 1/5/98)

That, of course, left Dunbar, certainly the poorest of the areas suggested for zoning adult entertainment. In fact, of twelve proposed sites on November 22, 1993 six were located in the Dunbar region. One site was located very close to Martin Luther King Blvd. “Councilman Grady stated that adult entertainment establishments under the existing

law can be located in most areas of Dunbar.” (5/26/94) Mayor Grady made an interesting statement when he said “Martin Luther King will be widened and beautified with a higher traffic count and an adult entertainment establishment can open on Martin Luther King after it is widened.” (1/5/98) Oddly, other sites were ruled out, such as downtown, and Lee Blvd, partly because the roads were being widened and the communities ‘beautified.’ What made Dunbar different? However, Dunbar seemed to be the last option for creating an adult entertainment zone.

This idea, however, was resisted by community leaders of the Dunbar area. Councilwoman Shoemaker alleged that “the poor areas of the city are not well policed and would not be appropriate for adult entertainment.” (9/5/95) Rod Jance seemed the most emotional when he stated “that Dunbar is probably the most crime infected area in Fort Myers where people are trying to restore what has been broken...the community could be cleaned up by having educational programs, however, educational programs cannot be placed near adult entertainment establishments.” (9/18/95)

In an attempt to preserve what was left of their community, the leaders of the Dunbar area cried foul. “Chris Budshu stated that the city has taken the problem and moved it into another community.” (12/15/97) Councilwoman Shoemaker and Councilwoman Knight were probably the most vociferous critics of the Dunbar Plan. “Adult

entertainment establishments should not be placed in the industrial areas of the Dunbar Community.” (Shoemaker, 5/2/94) Other than the efforts of Councilwomen Shoemaker and Knight, and a number of community churches, however, the Dunbar community did not seem to have a voice. All of the constructions regarding adult entertainment’s negative impact on family, communities, individuals and children did not seem to pertain to those same institutions in the Dunbar Community.

Conclusion

Adult entertainment clubs should not be moved to the industrial area where there is heavy equipment operating.
Sidney Jacobson, Resident
11/22/93

Adult entertainment establishments were constructed as being a negative and ultimately destructive influence on children, families and communities. They were damaging to people and communities by bringing in crime that would otherwise not exist, such as prostitution and organized crime. Adult entertainment was defined as a form of pornography which was addicting and lead to more severe crimes and was a significant health hazard to communities. Such accepted definitions reputedly would lead to lower property values.

On the other hand, counter claims were offered that the detrimental effects of adult entertainment were exaggerated. Adult facilities had a right to exist not only as businesses, but as a form of expression. Crime was everywhere, and it was unfair to hold adult clubs to unreasonable standards. As legitimate, though offensive, businesses

adult clubs and facilities employed otherwise minimally employable women who would be in dire straits without such clubs.

Due to these two competing claims the right of adult entertainment establishments to exist was accepted—grudgingly. However, the City Council agreed that the existence of such clubs was conditional to very stringent forms of regulation and control. Among these means of control were the attempts to make adult establishments maximally visible to government regulation such as licensing and policing. In order to maintain the clubs, which had a right to exist, and to protect communities, however, these businesses had to become invisible.

Invisibility and surveillance could be accomplished by relocating adult entertainment facilities into a single zone within the city. These inoffense zones would be away from the populace, but easily policed. Unfortunately, no communities wanted what amounted to a red light district near them. In order to establish an area for adult entertainment, a site was chosen which had the least voice, and the least valuable property.

This study reveals how constructions and counter claims can affect policy making decisions. By constructing adult entertainment as deleterious, policy decisions were made which involved rigid control. This, unlike art museums, or theatres which are not so constructed though may equally intend to excite sexual gratification, is defined as a social problem which must be solved. Also, by so defining adult

entertainment, the problem is diverted to the communities of the most oppressed and marginalized in our society. Whereas museums and theatres are often welcome in elite neighborhoods, adult clubs are relegated to the poorest corners of the city.