

## Church question moves toward a new ruling

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It's a zoning dilemma, fraught with emotions, questions of religious freedom, and revival of past controversies and court fights over alleged abuse in drug treatment programs.

An angst-ridden Planning Commission, who listened to hours of testimony Monday night, could not agree on whether to recommend either approval or denial of the creation of a new church in the city.

"If it turns out a church is a legal, appropriate use and we go with what the citizens want and deny this, are we prepared (to go to court)?" planning commissioner George Gonzalez said.

Now the city's special master must decide whether a controversial personal and legal history trumps a possible constitutional right of religious expression.

**Dr. Miller Newton**, who is trying to get a special use permit for a "private chapel" at two homes here, says he may take the city to court if it blocks his request.

"We are dealing with a constitutional issue regarding religion," says **Newton**, who said he is "doing my best to be a good neighbor."

But **Newton's** neighbors, who repeatedly cited his controversial involvement with two drug treatment programs, Straight Inc. and Kids Centers of America, say they don't "trust" **Newton** because of his past. They are organizing to oppose **Newton's** "church."

Resident Marsha Loper told the commission that **Newton** had previously "misled" the neighbors about the property's use.

"There is a history of not exactly doing what the verbal intent was, so how do we know what they will be doing?" resident Ann Bunting asked.

Resident Byron Holsombach worried that the creation of a church would adversely affect the neighborhood's property values.

"There is a great uneasiness in the neighborhood," resident Dallas Holtman said. "**Dr. Newton** has a highly controversial past. He brings a lot of baggage to the table."

The city's switchboard busily fielded calls Tuesday from people throughout the state who claim they were abused in **Newton's** drug programs. They say they are coming here to fight **Newton's** attempt to legalize the religious activities at the two properties.

**Newton** acknowledged his controversial history, but insisted it should have no bearing on his application for a special exception to the city's zoning codes.

**Newton** is a longtime Madeira Beach resident. In 1988 he lost his bid for mayor by only 30 votes. Previously he had run unsuccessfully for Congress. **Newton** also served on the city's Board of Adjustment from 1982 to 1997, including several terms as chairman and vice chairman.

But it is his history with the Straight drug program, and later at the Kids Centers, that draws the most controversy. Several successful lawsuits were filed in 1983 against the Straight program charging that former clients were abused or held against their will.

**Newton** left the program that same year to start a similar program in New Jersey with affiliated programs in Texas, Utah and California, where similar complaints and investigations subsequently occurred.

In 2000, **Newton's** program and others settled a \$4.5-million suit filed by a former client. An additional \$6.5-million was awarded to former clients in 2003. He said the lawsuit was filed against the program and some associated psychiatrists and not him personally. It was the program's insurance company and the malpractice insurance firm for the doctors who settled, **Newton** said.

"Yes, the Straight program was controversial, but I really have trouble with this becoming an issue. I am not doing treatment anymore. I am living a very quiet religious life," **Newton** said. "It's unfair to bring it up."

The city's special master, Judge Herbert Langford Jr., will now try to resolve the issue at 7 p.m. Jan. 24 at City Hall when he reviews **Newton's** request to formally allow religious activities, begun several years ago, to continue in a recreation room adjoining two residences owned by **Newton's** Christ at the Sea Foundation. The properties are at 13280 Fourth St. E.

Newton, who says he is now a priest in the Orthodox Church of Antioch, set up the foundation to own and operate the properties as a residence and prayer center for members of the church.

The recreation room, built in the late '90s with full permitting and approval of the city, has been operating since then as a private chapel.

But it was not until Newton recently put a cupola and cross on the top of the recreation building that residents began complaining and raised the zoning issue. Newton, who says he was told by the county that he could install the cupola without a permit, has been cited for a code violation by the city.

That action triggered the investigation of the religious activities at the site.

Now the city's attorney says because prayer services are the "primary" activity conducted in the recreation room, the site is a "church" and must have a special exception permit under the city's zoning regulations.

The special master will consider 10 "factors" in deciding whether to grant a special exception. Those factors include such things as protection of public health, safety and welfare, compatibility with the neighborhood's character, and the adequacy of landscaping and parking.

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