

Chapel leaves up outdoor religious symbols

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A controversial private chapel is again in violation of city codes and faces a potential fine of up to \$500 a day unless its owners remove all exterior religious symbols.

The city has formally cited Christ at the Sea Foundation for failing to comply with conditions set during a hearing last month before Special Master Herbert Langford Jr.

Chief among those conditions were removal of the church's roof-top cupola and cross, as well as all other religious symbols and signage on the exterior of the building, located at 13280 Fourth St. E.

None of those conditions have been met, Director of Community Development Paula Cohen says.

Now, the foundation and its leader, Dr. Miller Newton, will have to appear once again before Langford, this time sitting as the city's special master for code violations. The hearing is set for 2 p.m. April 13 at City Hall.

If no resolution can be reached, the city could levy fines of up to \$500 a day - and even a jail term of up to 60 days, according to Cohen.

Only two things could stop this process - compliance with the conditions set by Langford or a court injunction.

Meanwhile, residents in the area, who originally protested conversion of part of a single family home into a private chapel, are not pleased.

An e-mail sent by resident James Kelley to Mayor Charles Parker two weeks ago castigated the city for failing to take action against Newton and the foundation.

"I am considering suing the city for failure to enforce its zoning laws," wrote Kelley, who accused Parker and City Manager Jill Silverboard of favoring Newton and his church.

However, Parker said Friday that he "believes in the legal process" and approves the code violations filed against Newton.

"Mr. Newton had his day in court (the special master hearing) and he has apparently refused to comply with that ruling. He will have to bear the consequences," Parker says.

But, Newton may be seeking a different kind of "day in court." His attorney, Rena Lindevaldsen of Liberty Counsel, wrote to the city recently declaring Newton's intent to fight the special master ruling in federal court.

"It is unconstitutional for a government entity to impose a land use regulation on a religious organization," Lindevaldsen wrote. "(The order) has created a substantial burden on the ability of Christ at the Sea to use its property in furtherance of its mission."

She asked the city to halt its code violation hearing process until the issue could be decided in federal court.

No federal lawsuit has yet been filed. The deadline for appealing Langford's conditions in state Circuit Court has passed.

Silverboard said the city's attorney instructed her not to postpone the code hearing unless a court stay or injunction is issued.

The home on the property was expanded, with city permitting, in 1998 to include a recreation structure that has since been used, in violation of city code, as a private chapel for the Orthodox Church of Antioch. Newton is a priest in the church and originally owned the building before turning it over to the foundation.

The controversy began months ago when neighbors protested the building of a cupola with a cross on the roof of the foundation's building, which is in a residential neighborhood. The foundation uses the building as a temporary residence and prayer center for members of the church.

Newton then applied for a special exception to use the property as a church to resolve the dispute.

Langford's final ruling in February not only required the removal of all religious symbols on the exterior of the property, but also restricted the use of the building, as well as the type and number of services and the number of people who could participate in those services.

- Dateline: MADEIRA BEACH

