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# Debate shows chasm on Hometown Democracy

## Effect of Amendment 4, to be voted on in 2010, depends on who you ask

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BRADENTON - With the economy stuck in neutral, 12.3 percent unemployment in Manatee County and plenty of blame to go around, an amendment to the state constitution to be voted on next year might be the last thing from most people's minds.

Attorney Dan Lobeck, speaking in favor of Amendment 4, said voters need to get control of decisions over amendments to comprehensive plans.

Approval of Amendment 4 - also known as [Hometown Democracy](#) - will be the end of Florida's economy, said businessman Mike Burton, the chairman of [Floridians for Smarter Growth](#), Manatee, as companies refuse to come to Florida and create jobs.

Attorney Dan Lobeck spoke for Florida Hometown Democracy, and said projections of economic decline are exaggerated and that in his conversations with government officials in planning offices, no company has ever cited a failure to change a comprehensive plan as a reason to not come to the state.

About 75 people attended the League of Women Voters' "Hot Topic" event on growth at the Unitarian Universalist Fellowship in Bradenton on Monday, and heard the two sides present their case in a debate format.

Rosalie Shaffer of the League said growth is certainly a hot topic in Florida.

"Growth is a loaded these days. Some see it as the driving engine for Florida's economy, the source of jobs, advancement and prosperity. Others see it as an out-of-control machine, ravaging the land, raising taxes and destroying quality of life," she said before the debate began. "The main question of this particular debate is whether or not the Florida Hometown Democracy, Amendment 4, on the ballot next year, will bring some needed control over growth by putting the key decision making into citizens hands, as advocates say, or whether this will only make the situation worse by introducing an unwieldy and politicized process, as its opponents say."

By a coin toss, Burton got to speak first and came right to the point.

The case against Amendment 4

"The reason that I am spending my time and volunteering to represent the Floridians for Smarter

Growth in Manatee County is because I feel very passionate that Amendment 4 will be a disaster for the state of Florida," he said. "We are in a recession right now ... my fear is that Amendment 4 is going to solidify this loss of half a million jobs and put us in a permanent recession."

Businesses will not want to come to the state, Burton said, and it will restrict businesses already here from growing.

"In many circumstances, a comprehensive plan amendment is required to even expand businesses," he said. Projects could be delayed until the next election, Burton said, and that could be as long as two years. Also, filling public sector needs could be delayed, too.

Other states would benefit from a new process, he added.

The laboratory for what could happen to the state could be what happened to St. Pete Beach, Burton said. A change to the city charter has cost the 10,000 voters more than a half-million dollars in legal fees. The change requires that every comprehensive plan change go to the voters.

The measure was approved in 2006, and two years later the voters approved four new comprehensive plan amendments. "The Amendment 4 supporters filed a lawsuit to overturn those results within 24 hours of that approval," he said. "The proponents of Amendment 4 want to stop growth, not to give the voters a say," he said.

Ballots would be filled with proposals that voters would have to decide on, Burton said, and it would bring business to a halt.

Floridians for Smarter Growth is backed by more than just business interests, he said, but also some environmental and labor groups as well as local governments worried about the need to have votes for changes to comprehensive plans.

He described Amendment 4's backers as "some very narrow and extreme interests."

The burden to the taxpayers, the damage to the economy and the "chaos" would be a disaster, he said.

"All we have to do to see what would happen if this passes is look to the city of St. Pete Beach, which has been tied up in endless lawsuits, half-a-dozen lawsuits, with half-a-million dollars worth of costs on the taxpayers' side and endless litigation, and a spiraling economy going down the tubes because investors can't put money into these buildings."

The case for Amendment 4

Lobeck replied that opponents of Amendment 4 are spreading misinformation.

Mike Burton, the chairman of Manatee's chapter of Floridians for Smarter Growth, said Amendment 4 could cost the state jobs and future growth

opportunities.

"A grass-roots organization got together and decided that it's high time to give voters a veto over probably the most important decision our local governments make, and this is amendments to the comprehensive plan," he said.

It's true that Leslie Blackner, who Burton mentioned as one of the backers of Amendment 4, has been very active and put a lot of money into the push for it to be on the ballot, but so have hundreds of other people.

"We now have an opportunity to vote to determine whether you, the voters, will have control over your destiny, of whether the final say on amendments to the comprehensive plan will be made by the politicians and the city and county commissions," he said. "It disturbs me to my heart that the campaign against Amendment 4 can't be based on facts, cannot be based on truth."

The development industry will raise millions, Lobeck said, to fight the amendment.

As for St. Pete Beach, it's true that the city adopted the process in 2006, but it's actually working very well. "Many of the comprehensive plan amendments that have gone through in St. Pete Beach have been approved by the voters at the polls," he said.

It's not true that there was half-a-million dollars in litigation. "Flat-out false," Lobeck said. "What happened in St. Pete Beach is a group of developers didn't use the Hometown Democracy provision in the charter, but used an old provision in the charter that allowed any ordinance to go on the ballot through petition. Since compl plan amendments are ordinances, they got the petitions, put it on the ballot with deceptive ballot wording, and got four developments passed."

That wasn't the Hometown Democracy provision, he said. What they did violates state law, Lobeck said, and that's why there has been litigation.

While developers have been complaining about Amendment 4, Lobeck said, it's best to consider the source based on recent events.

"Let me just suggest to you how great a job the development industry has done with out economy up to date," he said. "Our economy has crashed because of overdevelopment. And it's not just true in Florida, it's true throughout the United States and it's had ripple effects in the world. We're saturated with vacant homes, vacant offices and vacant shopping centers.

"And their solution, apparently, is to build a whole lot more."

This would glut the market and make it harder for people to sell their homes.

Also, the state Legislature is "gutting" growth management and looking to eliminate concurrency for roads.

"We don't believe in stopping development," Lobeck said, pointing to a 1999 study that said with all the comprehensive plans in the state to allow the state's population to grow by 5.5 times.

"In Manatee County, there's decades of growth allowed still in your current comprehensive plan," he said.

"The economy has plenty of room to grow," Lobeck said. "But it should grow in a moderated way."

As for Amendment 4 making the planning process political, that's already happening now, he said. "it's political in a way that favors the developers."

Developers give to local candidates, Lobeck said, and it works well for them, and that's why Amendment 4 worries them.

Responses to remarks

Burton dismissed Lobeck's assertion that the situation in St. Pete Beach is working well. "I submit to you that the process is the problem," he said. "They have created a situation in which it is impossible to renovate and rehabilitate buildings in the city of St. Pete Beach because the private sector community there has been put in a Catch-22, where if they try to improve their buildings, they have to take away rooms, and if they take away rooms, it ruins the economic feasibility of the projects."

His solution to the economy stopping due to overdevelopment is to stop all growth, Burton said. "And that will somehow fix the economy?" he asked. "I don't get the logic of that."

In addition, Burton said, the passage of Amendment 4 will create lots of lawsuits and Lobeck will benefit from them, as he said attorneys have benefited from St. Pete Beach's current troubles.

He added that there was an implication that he and his group do not respect voters. "I have the utmost respects for the electorate," he said. "But unfortunately, the proponents of Amendment 4 did not have enough respect for the voters in the city of St. Pete Beach to allow them to have their, because when they had their say, they challenged them."

Burton said that the Manatee Republican Executive Committee is upset about what's being said about Amendment 4. "Those who support business simply don't support Amendment 4," he said.

Lobeck replied that a broad coalition supports the amendment because they are concerned about the future path of the state.

"If you think I said I want to stop all growth, then you weren't listening very much to what I had to say," he said to Burton. "I honestly told you that our comprehensive plans have enough growth built in them to last for decades.

"Can't you just fight fair, Mike?"

The public speaks out

Nannette Eckland of the League of Women Voters said there is an element in the population that

believes voters should have more say. She asked Burton, "Is there anything on your side that would accommodate that?"

"Absolutely," Burton said. "I believe the people who are affected by comprehensive plan changes should be involved in the process from the very beginning."

They should attend the meetings and hearings and, when it comes back, they should be there again. He said he's seen comprehensive plan amendments withdrawn. There are many opportunities for the public to participate, he said.

Lobeck said that Leslie Blackner of Palm Beach, one of the founders of the Hometown Democracy effort, said she was tired of going to meetings and speaking out, and having a good case made, but seeing it pass anyway. "Because the fix was in," he said.

It's not empowerment, Lobeck said, to stand before commissioners for three minutes to ask them not to approve something and then hear them approve it.

"Right now the developers are in the driver's seat," he said of the current situation on the Manatee County Commission. "And we need to take the driver's seat back."

Russell Owens asked about agriculture. "We need to do something to protect agriculture because we all like to eat," he said.

Anything east of I-75 was originally reserved for agriculture. "That lasted about five minutes," he said. "And now we have Lakewood Ranch and all kinds of other individual developments out that way."

More heat than light

After the debate, people seemed glad that they had a year to decide where they stood.

Peg Haynes of Bradenton said she doesn't feel like she'd gotten all the facts.

"I'm going to need to read the amendment and think about it more," she said. "Based on what I know now, I'd probably vote for it."

Growth isn't a problem now, Haynes said, but it was before and probably will be again. It's important to have the right kind of growth that's best for a community, she added.

She said that if she thought it was too limiting or too complicated for people to understand, that might be a reason not to vote for it or not vote at all. "That would be my concern, that it might be too detailed," she said.

Valerie Fisher of Bradenton said she wanted more explanation. "I'm not sure that I learned anything new at this debate. I think it's probably going to gear up and there's going to be a lot on both sides before it comes to us," she said. "It gave us a taste of what we can expect in the future to hear."

