

Dothan, Alabama and the incremental adoption of “Sustainable Development”

by Don Casey, Oct. 31st, 2010

On Sept. 7, 2010, citizens of the Dothan area, a mid-sized city located in the southeast corner of Alabama, were allowed three minutes to speak before the City Council in opposition to the adoption of an updated version of the city’s ordinances.

The adoption of the revised ordinances is a prime objective of the city’s Professional Planner Todd McDonald.

Prior to his employment with the City of Dothan, Mr. McDonald was the chief planner for Alabama’s affluent Shelby County. His gold star accomplishment during his tenure in Shelby County was the adoption of an Agenda 21/Sustainable Development Comprehensive Plan.¹

Mr. Johnson, one of the opponents of the revised Dothan ordinances, stated during his allotted three-minute period, that sustainable development is part and parcel of the revision. The design, he said, is to utilize land use regulations to ultimately control human activity.

Professional Planner McDonald in a published written response addressed Mr. Johnson’s keen observation:

“Mr. Johnson shared his belief that the purpose of the ordinance was to promote sustainable development practices leading to global control through land use restrictions, etc.

As a practicing planner with over twenty years of experience, I believe that all development should maintain or enhance economic opportunity in the community while protecting and restoring the natural environment and resources upon which people and economies depend.

Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.”²

Mr. McDonald’s response does not deny Mr. Johnson’s assertion that the objective of sustainable development is to ultimately control human activity. In fact, his response is an affirmation - by requiring that “ALL DEVELOPMENT should maintain or enhance” the three pillars of “sustainable development” – economic, environmental, and people/social.^{2a}

He finishes the paragraph with the standard definition for sustainable development, which was published by a Commission³ sponsored by the United Nations.

At the end of the Sept. 7th City Council meeting, the council postponed the vote for the adoption. The matter would be taken up at the next City Council meeting on Sept. 21st.

Opponents of the revised ordinances also stressed during the Sept. 7th City Council meeting^{3a} that the City is creating a bureaucracy that would be controlled by a “planning and zoning czar”. Responding to the mounting criticism, the City called a press conference^{3b} to rebut the creditable assertions of the opponents. At the nine-minute and thirty-three-second mark of the videotaped press conference, Mr. McDonald begins a series of statements which demonstrate a clear understanding of the authority that he would acquire – the crown of a planning and zoning czar. For instance, regarding businesses operated out of a home, Mr. McDonald stated:

“I didn’t see why I should penalize a fellow who just wanted to do an internet photographic business that wasn’t going to have an outward impact on his neighborhood.”

This and a series of other “I” statements by Mr. McDonald brought a swift correction at the ten-minute and twenty-one-second mark by Mike West, City Manager, who was seated besides Mr. McDonald and was obviously in charge of the press conference. City Manager West stated: Let’s change it from “I” to the “committee”. Mr. McDonald concurred and thereafter refrained from verbalizing his czarist position.

Another aspect that deserves prominent acknowledgement is that the elected officials were not in charge of the press conference. Indeed, the Mayor seated behind both the appointed City Manager and the soon-to-be-appointed zoning and planning czar was an apparent token appearance.

A flow chart of the organizational structure of local government is not needed, for the sitting arrangement at the press conference clearly indicates the transfer of power from elected officials to the un-elected bureaucracy.

On Sept. 16th, proponents of private property rights held a public meeting to explain how the revised ordinances would violate individual rights. The meeting was videotaped and may be viewed at: <http://vimeo.com/15048084>.

September 21, 2010

Considering the growing interest in the controversial ordinances, the City anticipated that a record turnout might occur for the Tuesday morning City Council meeting. The city limited the impact of a large audience by dividing them into two groups. The large overflow would be seated outside the City Council Chamber in the spacious entry lobby, where fifty folding chairs had been set up to watch the proceedings on closed circuit video. It was reported that the entry lobby seating was not sufficient.

This deceptive action would prevent media video and photographs of the actual size of the whole

audience. The local bureaucracy obviously understands the meaning of the old saying - “a picture is worth a thousand words”.

Don Casey, Vice-Chairman of the Alliance for Citizens Rights, was asked to attend the Sept 21, 2010⁴ City Council meeting. The following are his remarks to the Dothan City Council.

“I would like to thank you for the opportunity to speak about the issue surrounding the proposed ordinances – ‘sustainable development’. I have for the past 18 plus years watched as the philosophy of “sustainable development” has been enacted through ‘comprehensive planning’ and ‘local ordinances’.

“The following is a shortened version of my printed remarks which are footnoted to provide validation for my quotes.

“Sustainable development is in this country seldom publicly acknowledged especially at the local level.

“So, I would like to commend Mr. McDonald for his support for this philosophy. His efforts are reflected in his work in Dothan and Shelby County.

“Mr. McDonald stands with very prominent members of our society when he espouses this philosophy. For instance, Colin Powell, while he was Secretary of State, stated that President Bush and the American people have an enduring commitment to sustainable development.

“William K. Reilly, while he was EPA Director, stated that the Earth Summit – which, by the way, I happen to have a copy of and is the document that he was talking about – presented an unprecedented opportunity for governments at all levels, both locally and nationally, to pursue strategies for sustainable development.

“These glowing remarks by prominent public officials do not, in my opinion, convey the true nature of this philosophy. In the interest of clarity, I believe the following speaks to the heart of the issue – ‘private property rights’.

“In 1976 during the Habitat I conference, William K. Reilly, who was EPA Director, was the lead delegate. Carla Hills, who would later become the primary U.S. negotiator for the North American Free Trade Agreement, was second in command. Now, here is the telling quote or the telling paragraph.

““Land cannot be treated as an ordinary asset controlled by individuals and subject to the pressures and inefficiencies of the market.’

“Private land ownership is also a principle instrument of accumulation and concentration of wealth and therefore contributes to ‘social injustice’.

“Now, let me restate that – if you are able to create some wealth from your land, you have committed an act of ‘social injustice’.

“This paragraph goes on to say, ‘if unchecked’ – in other words, if the situation is allowed to continue – ‘it may become a major obstacle in the planning and implementation of development schemes. The provisions of decent dwellings and healthy conditions for the people can only be achieved, if land is used in the interest of society as a whole.’

“Public control of land use is therefore indispensable.’

“In closing, I would like to say that it is easy to incrementally lose your property rights. Please contemplate the ramifications of your vote for the proposed ordinances and examine other ordinances that are already on the books, such as the Flood Damage Prevention Ordinance. Thank you for your time.”

A video of Mr. Johnson’s and Mr. Casey’s remarks to the Mayor and City Council may be viewed at: <http://vimeo.com/16313861>.

During their remarks, Professional Planner McDonald is seated to the right of the speaker’s podium. It has been noted that his nonverbal response is reflected in his eye and facial expression.

The September 21st, City Commission meeting ended with the adoption of the revised ordinances. But the vote was not unanimous. A lone black commissioner, Amos Newsome, cast a "Nay" vote against the passage of the ordinances and in favor of citizen’s constitutional property rights. Mr. Newsome has always been a principled fighter for our Republic. He is a retired Army Lieutenant Colonel.

1. Part IV Implementations, page 1: “Nonetheless, Shelby County intends to fully pursue its vision of an integrated network of compact, walkable and sustainable communities, woven into a canvas of functional green infrastructure. By exploring, developing and using "out-of-the box" methods, tools and techniques, we plan to harness the power of "the market" to advance the development of traditional communities, and stem the tide of sprawl. Rather than reacting to development as it happens - as has largely been the case to date - Shelby County intends to proactively direct where, when and how development occurs following the goals and vision of the Plan.”

For additional “sustainable” goals and objectives do a word search for “sustainable” in section two.

<http://www.shelbycountyalabama.com/comprehensiveplan.shtm>

2. page 7 of 10 <http://www.scribd.com/doc/37448701/Response-to-Citizens-Questions-on-Zoning-09-14-10>

2a. The United Nations 2005 World Summit Outcome Document refers to the "interdependent and mutually reinforcing pillars" of sustainable development as economic development, social development, and environmental protection. http://en.wikipedia.org/wiki/Sustainable_development

3. http://en.wikipedia.org/wiki/Brundtland_Commission

3a. "Dothan Residents Speak Against Zoning Ordinance Changes" <http://vimeo.com/14778426>

3b. The City of Dothan press conference 38 minutes in length <http://vimeo.com/15063489>

4. View the Sept 21 Dothan City Council meeting one hour 7 minutes in length - <http://vimeo.com/15172456>