

COT Historic Preservation District Ordinance Revisions Working Group

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Jay:

Based on final meeting of subject working group and recommendations voted on, I doubt very seriously that I can support any proposed Ordinance that is designed solely from Group's work. As I suspected, the level of support for due process rights of private property owners was spurned in every attempt to correct deficiencies primarily resulting from constraints imposed by trying to work within framework of misguided TTFHP Existing Contract with COT. The HPO is the primary arbiter of enforcement of City Ordinance and as an employee of an advocacy group being financed and salaried under contract by COT cannot operate independently of influence of Historical Preservation zealots on Trust Board or ARB. There will be no control by Planning Department over critical enforcement decision-making authority or development and implementation of operational and procedural manuals essential to define the process and procedures in order for the "reasonable and prudent" property owner to know how to defend against inappropriate and erroneous classification of properties.

The discussions among several committee members, not rebutted by City staff including City Attorney's representatives, were a profoundly misguided and erroneous interpretation of the United States and Florida Constitution. The expansive interpretations of the City's police and zoning powers in these matters are Constitutionally suspect and will be legally challenged if incorporated into new City Ordinance.

Unbalanced Committee with no representation by competent and independent land use attorney apparently doomed this effort to craft an Ordinance that will meet with wide community support and Constitutional strictures.

The continuing mindset among City Attorney's Office and Management staff is that any Code, Ordinance, Rule or Statute shall always be interpreted as permissive whether or not the appearance of bias, impropriety or conflict of interest may be present. This mindset is destined to get City into far more trouble in future than it has so far. The prevailing philosophy inside of COT Government is well "that's the way it has always been done". So much for open-mindedness and objectivity.

Scenario for ugly political battles before elected officials has not been abated. That was not my understanding of our mission.

Very disappointing from my perspective.

MIKE

TMH/dba

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