

February 19, 2009

City of Tallahassee
Mayor & City Commissioners
300 South Adams Street (City Hall)
Tallahassee, Florida 32301
and
Tallahassee-Leon County Planning Commission
300 South Adams Street (4th floor--City Hall)
Tallahassee, Florida 32301

RE: February 24 Agenda, documents, & materials relating to:
Lafayette Park Historic District Preservation Overlay

Subject: Lafayette Park Neighborhood Association
Inaccurate claims and voting information

Dear Commissioners:

I wish to take the strongest possible exception to the inclusion of any material in your Staff Recommendations Documents which references a vote or the legitimacy of any vote conducted by or provided by the Lafayette Park Neighborhood Association (LPNA).

Be advised of the following:

There have been multiple requests directed towards the Lafayette Park Neighborhood Association and the Tallahassee Trust for Historic Preservation for documentation and or verification of the so-called vote by that neighborhood association. Many of these requests and replies are included in the voluminous letters and comments attachments provided by the Planning Staff as supplementary information for your consideration. The end result of all these requests is the same: LPNA refuses to provide the following information:

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1. Exact mailing list and/or proof of mailing to any party at any address.
2. Disclosure of actual votes, or presentation of actual votes for impartial inspection, or even a list of responding voters, regardless of their actual vote.

Commissioners, you have been partly relying on a vote tally from LPNA as a cornerstone of your decision to move this matter as far as it has gone already--a vote tally so defective, tarnished and manipulated as to be outright rubbish.

Mr. Pfof, the president of LPNA, addressed me loudly and publicly in the pre-meeting audience of the October 1, 2008 meeting of the Architectural Review Board. He introduced himself to me as the president of LPNA, and I responded by mentioning I had heard of the organization but was not a member. In a stentorian voice, clearly meant to be heard by all persons in the room, Mr. Pfof announced that I was, indeed, automatically a member of the Lafayette Park Neighborhood Association, but a non-paying member. In fact, he went on, LPNA was my representative before the Architectural Review Board and the City of Tallahassee in all matters affecting my property in Lafayette Park.

I told Mr. Pfof that he did not represent me. He responded by saying, "Yes, I do!" I did not pursue the matter with him any further at that time, as the meeting was about to begin.

Mr. Tedder of the Planning Department has been aware of this false claim of representation by Mr. Pfof since my letter to him of October 9, 2008.

At a later public meeting, On December 11, 2008, in the Planning Department's Renaissance Center Building, Mr. Pfof approached me in a small crowd of meeting participants outside the door, just after the meeting ended.

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In reference to the "overwhelming" LPNA vote, which he had mentioned and discussed during the public Open House, I told Mr. Pfof that I had never received a ballot or opportunity to vote and told him his vote therefore was inaccurate. He replied (so that all those standing nearby could hear) that I didn't get a chance to vote because I was not a "homesteaded" resident of Lafayette Park, and lived elsewhere--thus, he did not contact me to vote.

Commissioners, look at your mailing list for the official mailing of City documents pertaining to this issue: take a pencil and check every owner with an address not in Lafayette Park. For the 19 POBox addresses, give the unlikely benefit of the doubt that they do live in the property they own in Lafayette Park. Still, one-hundred ten (110) owners live elsewhere than in Lafayette Park. They represent more than 1/3 of the property parcels in Lafayette Park. Mr. Pfof made it perfectly clear that this 1/3 ownership were left out of his vote. With your staff, you can verify exact numbers, but by my estimation, this is approximately 175 parcels not even asked to vote.

Commissioners, I assert to you that neither Mr. Pfof of the Lafayette Park Neighborhood Association, nor any other member of that organization, nor that organization itself has any authority to represent me in any application for rezoning my property in Lafayette Park, or in any other matters concerning me.

Commissioners, you have been duped into believing that Mr. Pfof and his Lafayette Park Neighborhood Association do represent me and hundreds of other property owners in Lafayette Park due to his constant repetition of the claim that he has our authority, that he has our votes and that Lafayette Park Neighborhood Association has our full community support and authority to act on our behalf. He does not. LPNA does not.

Lafayette Park Neighborhood Association maintains a website, with this page:

http://lafayetteparkneighborhood.org/?page_id=19

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in which they have some of their meeting minutes posted for review. Within that website, please note: Lafayette Park Neighborhood Association Meeting Minutes May 20, 2008 - 73 households are currently members in LPNA. 47 of those are lifetime memberships and 26 are annual memberships.

Commissioners, 73 households DO NOT REPRESENT more than a tiny minority of 475 property owners. They represent only themselves, and each has to be polled individually to determine their stance on this issue. Your own public comments attachments show letters from members who do not support the HPO.

In closing, I would like to certify the truthfulness of what I relate above and my willingness to testify to same under oath in court or before the commission in public, with full understanding that these are serious claims.

The highly irregular and non-representative claims made by LPNA have been the motivating force behind every step of this process through the Tallahassee Trust for Historic Preservation, the Tallahassee-Leon County Architectural Review Board and the Tallahassee-Leon County Planning Commission. They are false claims.

Please reject these applications outright. Retain a little credibility in your public judgement. Stop this nonsense.

Thank you.

Mark S. Daniel
1517 Wekewa Nene
Tallahassee, Florida 32301

Sole legal representative of two parcels, containing seven lots with five dwellings in the Lafayette Park Neighborhood and Marion Avenue Addition