

# CONA COMMENTS



SARASOTA'S ONLY COUNTY-WIDE ASSOCIATION OF NEIGHBORHOODS

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## Commissioners and attorneys debate merits of amending Florida Constitution at April 12 CONA meeting

Former City Commissioner David Merrill and neighborhood lawyer Dan Lobeck, who favor Amendment 4, will debate County Commissioner Jon Thaxton and construction and real estate attorney Phil Hammersley, who oppose the measure, at CONA's April 12 meeting at 7 pm at the Sarasota Garden Club 1131 Boulevard of the Arts, Sarasota (Corner of US 41 and Blvd of the Arts).

Proposed Amendment 4 will be on the November 2010 ballot. If approved by voters it would allow citizens of a community to have the final say on how and where future development and growth occur in their particular county and/or city.

Members of the public and the media, as well as CONA members are invited to attend.



CONA President Ann Kaplan (right) presents 2010 CONA civic award to Riverview student Kristen Howell.

## CONA gives 6<sup>th</sup> annual Evie Anderson Memorial Civic Award

By Ann Kaplan

The Sarasota County sponsored group C.Y.D. (Community Youth Development) is an outstanding teen leadership development program led by Karen Bogues and a very dedicated staff and adult volunteers who make miracles happen every day helping high school students become confident, civic-minded and better prepared for a successful future!

For the past six years CONA has sponsored an scholarship for Outstanding Community Service awarded to a high school senior in the CYD program demonstrating special leadership skills through civic engagement.

This year CONA's Civic Engagement Scholarship was awarded to **Kristen Howell** of Riverview H.S. Some of Kristen's activities include the Board of the Community Foundation of Sarasota, Special Olympics, student government, 3 honor societies, sports teams, camp counselor and peer tutor.

Kristen is a wonderful example of the many teens that have benefited greatly from CYD's influence.

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**Has your neighborhood joined CONA?** Costs \$35 per year. Go to CONA's website for info on [www.conasarasota.org](http://www.conasarasota.org)

Email: [conasarasota@comcast.net](mailto:conasarasota@comcast.net)



## Shouldn't voters have the final say on where and how their community grows?

By Bill Zoller

A land-use attorney friend of mine in Manatee County told me recently that while development activity is dead (we knew that), the fear of the passage of Amendment 4 in November is keeping land-use attorneys all over the state busy filing for comprehensive plan amendments so as not to have to submit them to "the people" for approval. We know that, if you added up all the residential "units" contained in all of the comprehensive plans in Florida, they have already provided for 100 million residents. So, with no further changes to any comp plan in the state, we could more than quadruple our population, which is currently around 18 million! Just imagine what the road network and other infrastructure would look like!

I know... it seems crazy ... especially in these times when we can look around us at the "smoking ruins" and witness the results of the overdevelopment of the past few years. Maybe developers have some sort of crazy gene that compels them to want to convert every unoccupied acre of land they see into more (unnecessary) buildings. I guess there are the twin factors of fear and greed at work as well. Somehow they think Amendment 4 will close the door on all development, so they better get it while they can. Perhaps they know that the kind of development they like to do is the very kind of development despised by many citizens, so their fear may be justified! The bad developments are the very thing that Amendment 4 is designed to stop.

On the other hand, those developers who have a track record of good planning and good, sensitive use of the land do not seem to fear Amendment 4 at all. I spoke with Pat Neal recently, and Pat, as one of the long-time residential developers whose projects garner quite a bit of praise, told me that he did not fear the impact of Amendment 4. He has not (yet) come out with a statement of support for it, but it will be interesting to see if he does.

The fact is, folks, that while you will hear and read a lot of warnings about the terrible catastrophe that A4 will visit upon Florida, the only catastrophe will be the effect on bad development proposals ... deservedly so! All of the warnings that "Florida might as well hang out a 'closed for business' sign at the border" are a lot of poppycock ginned up by the forces of darkness.

*Zoller continued right column*

## CONA's Mission Statement



CONA exists to: (1) further the overall interests and provide a voice for homeowner and condominium associations and neighborhood groups throughout Sarasota County, Florida; (2) provide practical association-related information to and encourage networking between member associations on common concerns and issues; (3) urge local and state government to encourage sensible growth and protect existing neighborhoods from incompatible development, adverse environmental impacts and other actions adverse to Sarasota County's neighborhoods and the overall public interest.

*Zoller, continued*

It's too bad our economic development types do not devote more energy to focusing on one of our best industries... one we already have: agriculture. That's another story for another day. For the moment, beware of apocalyptic predictions by politicians and representatives of the development industry; we have already seen the apocalypse, and it was brought to us by those very developers and by the politicians who permitted it to happen!

The bottom line is: the only way that we will ever be able to limit bad development proposals is through Amendment 4. Senator Mike Bennett and other legislators are doing everything they can think of to gut Florida's Growth Management laws. Amendment 4 is our greatest opportunity to give control of the future of our community to the citizens. I plan to vote FOR Amendment 4 on November 2.

**CONA is Sarasota County's  
only county-wide  
neighborhood coalition!**

**Get involved. Join CONA  
today?**

[Go to CONA's website for membership  
forms and more info:  
www.conasarasota.org](http://www.conasarasota.org)



Association contracts can bind association without board's knowledge

## Is association liable when president signs a contract without board knowledge?

By Bill Earl

Can the president of your condo or home owner's association take binding action, such as entering into a landscaping contract, without the knowledge of other board members? In Florida, the short answer is yes. Florida courts use a test based on whether the other party to the transaction (the landscaper in our example) reasonably believed that the association president had the "apparent" authority to enter into the contract. If the landscaper reasonably believed that the president had such authority, the contract is binding on the association even though the association's board had no knowledge of it. Simply stated, under Florida law a corporate president has apparent authority to enter into a contract binding the corporation. Third parties contacted by the president have a right to believe that he has authority to contract, absent unusual circumstances. In Florida most condo or homeowner associations must be incorporated.

If the president didn't have *actual* authority under the bylaws to enter into a contract without board knowledge or authorization, he or she can be liable for breach of their corporate, fiduciary duties to the association. Florida law expressly provides that a unit owner has no right to act for the association just because she is an owner. Generally, third parties have no right to rely on the authority of other officers or directors who are not the president. The bottom line is to choose your association's president wisely. She or he can easily make the association liable to third parties.



## Planning meeting for Gulf Gate revitalization set for April 8

Residential and commercial property owners are invited to attend the next phase of a community-based discussion on the future of the Gulf Gate Library and the surrounding neighborhood at 6 p.m., Thursday, April 8 at the Chelsea Center, St. Thomas More Catholic Church, 2506 Gulf Gate Drive, Sarasota.

"The meetings we have held so far have been very well attended and the feedback from residents and business owners is the best tool we have in developing a concept plan for the area," said Jane Grogg, manager of Sarasota County Neighborhood Services.

County planners envision a revitalized neighborhood center that is more accessible for pedestrians who live nearby and offers a greater diversity of amenities and uses. The goal also is to maintain the small scale and casual ambiance of the area surrounding the existing Library.

## North Port Tree Fair on April 24: Native tree sales, plants, vendors & food

Saturday, April 24 from 10-2 at the North Port Community Center, 4940 Pan Am Blvd. People for Trees and the City of North Port present the 12th annual tree festival, "Tree Fair 2010". Native tree sales, plants, vendors, food. Those who attend at FREE tree workshop can purchase two native 3-gallon trees for only \$12. Choose from sweet gum, red cedar, elm, dahoon holly, bald cypress, or pine. Additional trees are \$12 each. Children who attend may purchase a one-gallon tree for only \$3. Workshop times: 10:30/11:30/12:30. For more information contact Alice White at 426-9752.

### Evie Anderson Award *continued from Page 1*

Kristen is a wonderful example of the many teens that have benefited greatly from CYD's influence. She told us how she had 'found her voice and the freedom to speak her mind' with adults as well as peers through her participation in volunteer work through CYD. She also gained more knowledge about and became more involved in the larger community, learning how to make effective changes through civic engagement. The special confidence she gained from these experiences has helped her in all areas of her life.

If you would like more info on CYD for your teens or as an adult volunteer or to donate to this superb organization, their website is [www.cydonline.org](http://www.cydonline.org)



### What exactly is a "lien" on property?

A lien is a financial claim to property to secure a debt. When a lien is filed in the official records of the county where the property is located, such property is said to be "encumbered" by a lien. If property is encumbered by a lien it generally can't be sold until the lien is "satisfied," meaning the debt is paid off or satisfied with a portion of the proceeds of a sale or refinancing.

Liens are paid in the order filed. For this reason, if your condo or HOA is owed money by a homeowner, it is prudent to file your lien first and then work through payment options after the lien has been filed. If an encumbered property is transferred to another owner rather than sold, the lien stays with the property and applies to the new owner.

### EPA holds hearings on proposed numerical Florida water quality standards

By Ann Kaplan

CONA representatives will testify in Ft. Meyers on **April 13** at the EPA hearings in support of the proposed new standards to reduce water pollution throughout FL's rivers, canals, streams, springs and lakes. CONA has joined a coalition of many local and state groups that support environmental protection to urge adoption of these improved water quality standards.

The proposed action, released in January for public comment and based heavily on state data and science developed in collaboration with the state, would set a series of numeric limits on the amount of phosphorus and nitrogen, also known as "nutrients," that would be allowed in Florida's water ways. The proposed standards aim to make it easier and quicker to address the economic, environmental and health issues of nutrient pollution.

In a recent EPA study of a PORTION of Florida's waterways, serious contamination from sewage, fertilizer and manure was found in 1,000 miles of rivers and streams, 350,000 acres of lakes and 900 sq. mi. of estuaries. For much more information on this subject, please go to Florida Wildlife Federation's website- [www.fwfonline.org](http://www.fwfonline.org) and click on "Water Quality, Numerical Nutrient Standards".



### County commission to consider comprehensive plan changes April 13

Sarasota County commissioners will conduct public hearings next week to consider adoption of proposed amendments to the county's comprehensive plan.

Commissioners will conduct adoption-stage public hearings on the amendments during their regular meetings Tuesday, April 13, and Wednesday, April 14, in the Commission Chamber, County Administration Center, 1660 Ringling Blvd., Sarasota. The meetings begin at 9 a.m. both days. During the April 13 public hearing, which begins at 1:30 p.m., commissioners will take public comments and consider adopting the following amendments which will affect several chapters of the comprehensive plan.

### County staff to hold three comp plan input sessions in late April

Sarasota County Planning Services invites you to attend any one of three public meetings to comment and make suggestions as part of an evaluation of the Sarasota County Comprehensive Plan.

Three meetings are planned for 6 to 8 pm in Sarasota (1660 Ringling Blvd.) on April 20, in Englewood (101 N. Orange Street) on April 21, and in Nokomis (234 Nippino Trail East) on April 24. Each session will begin with the same overview presentation followed by a facilitated work session meant to help identify major community issues.

**Sarasota County Council of  
Neighborhood Associations, Inc.**

**P O Box 15788**

**Sarasota, Florida 34277**

**Get involved: Has your association joined CONA yet?** It only costs \$35 per year. Go to CONA's website for info on benefits and how to join.

**Web site:** [www.conasarasota.org](http://www.conasarasota.org)

**Email us at:** [conasarasota@comcast.net](mailto:conasarasota@comcast.net)