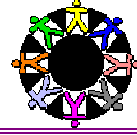


# CONA COMMENTS



SARASOTA'S ONLY COUNTY-WIDE ASSOCIATION OF NEIGHBORHOODS  
SINCE 1961

[WWW.CONASARASOTA.ORG](http://WWW.CONASARASOTA.ORG)

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## Rep. Keith Fitzgerald answers questions on oil drilling off Sarasota County's beaches at November 9 CONA meeting

Representative Keith Fitzgerald answers questions on oil drilling off Sarasota County's beaches and what the Legislature might do about it, at the November 9 CONA meeting, 7 pm at the Sarasota Garden Club, 1131 Boulevard of the Arts, Sarasota (Corner of US 41 and Blvd of the Arts).

Representative Fitzgerald serves on the Florida House's "Select Policy Council on Strategic & Economic Planning" which began holding hearings on the subject in October. Also attending the CONA meeting will be a representative of the Natural Resources Defense Council's Southern Clean Energy Project. Members of the public and the media, as well as CONA members, are invited to attend and ask questions.

CONA, the Sarasota County Council of Neighborhood Associations, is a county-wide coalition of over 70 neighborhood and condominium associations and individuals, organized around making Sarasota County more neighborhood friendly.



## Emergency response training available for neighborhood reps

Sarasota County Emergency Management and the Sarasota County Technical Institute (SCTI) announce their first Community Emergency Response Team training, scheduled for November 5 through December 3, 2009. Classes will be held at the SCTI Fire Science Academy on Circus Boulevard east of Beneva Road. Individuals or neighborhood teams are welcomed. Pre-registration is required. Cost for the course, including your backpack, vest, hard hat and numerous supplies is \$50.00. Applicants may register in person in building 1, on the SCTI campus (Beneva and Proctor roads). For registration forms or questions, please call Karen Johnson, Sarasota County Technical Institute, 941-924-1365, extension 62473, [lkaren\\_johnson@sarasota.k12.fl.us](mailto:lkaren_johnson@sarasota.k12.fl.us).

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## Nominees to CONA board being sought for December 14 election

Notice is given that at the December 14 CONA meeting elections will be held for the 2010 CONA Board of Directors. If you are an officer or member of a CONA member association and would like to represent your association on the board, please email your name, address, phone number and the name of your homeowners or condominium association to: [conasarasota@comast.net](mailto:conasarasota@comast.net)



Miami Beach: If you don't want Sarasota County to look like this, pay attention to local elections

## State blasts county commission's eliminating wetlands, greenways from proposed 5,500 home village

Florida's land planning agency has filed strong objections to the Sarasota County Commission's initial vote to eliminate previously promised wetlands, wild life habitat and open space from a proposed 5,500 home village at Lakewood Ranch. The State said changes allowed by the initial yes vote by commissioners Barbetta, Staub and Mason violated state standards for water resources, natural systems and land use. Mason initially voted against the changes but apparently changed her vote after a visit with the developers. Commissioners Thaxton and Patterson voted to reject the developer's request to weaken development standards.

A key objection was reducing a 550 foot greenway buffer required by the County's 2050 Plan with a 200 foot buffer. State officials called this action inconsistent with the county's own comprehensive plan requirements and state requirements.

The changes now come back to county commissioners for a final vote and developers are expected to exert extreme pressure to override state objections. They apparently are already supporting a challenger to Nora Patterson, who voted *against* the changes. Shannon Staub, who initially voted in favor of the changes, said she only voted yes to see what the state would say. Now that the state has clearly spoken against the proposed changes, let's hope our commissioners will not again bow to developer pressure over the public interest.

## Trouble for developer's taxing district

The West Villages Improvement District, a developer-formed special taxing district relied upon by North Port and Sarasota County for promised road and other improvements, is apparently unable to meet its obligations without more money from the developer, according to an October 30, 2009 story in the *Sarasota Herald Tribune*.

"According to the Florida Community Development District Report...there are 600 districts like West Villages in Florida .... So far, more than 100 of them are in default on \$3 billion in bonds, and another 100 are expected to go under as bond payments come due next year."



## Ernst: Criticism, high marks for Venice slow growth plan

*Excerpts from Sarasota Herald Tribune, Nov. 1, 2009*

By Eric Ernst

"A slow-growth City Council tried to take an aggressive approach in emphasizing that construction be compatible with existing neighborhoods, that it not outpace the city's ability to deliver services and that it adhere to the latest strategies in protecting natural resources. In some ways, Venice is trying to set a pace the rest of the state might want to emulate, and it appears the DCA, with a few exceptions, does not object."

"The Florida Department of Community Affairs, which reviews these planning and growth blueprints, scrutinized the Venice version and came up with 26 shortcomings and recommendations. Considering that the document has 900 pages and 300 goals and objectives written by a half-dozen authors over three years, the critique can hardly be classified as a repudiation. As chief planner Tom Slaughter puts it, 'The windows and doors got moved, but the foundation stayed the same.'

## Be more effective in land use hearings Sarasota, Wednesday November 4th from 2 - 5 P.M.

The Public Interest Committee of the Environmental and Land Use Law Section will be conducting a FREE workshop on November 4th from 2-5 at the Bayfront Community Center in Sarasota {803 N. Tamiami Trail} entitled "Land Use 101: Understanding the Land Use Approval Process and How to Effectively and Ethically Participate."

The workshop features three panelists (Alan Roddy of the Sarasota County Attorney's Office representing a fictitious local government, Scott Rudacille of Kirk Pinkerton, P.A. representing a fictitious developer, and Martha Collins of Collins & West, P.A. representing a fictitious public interest group) who, while referencing a hypothetical development project when appropriate, will comment on the land use approval process from the preparation of an application for a comprehensive plan amendment to, as time permits, the approval of a development order. The workshop will be of benefit to anyone interested or engaged in Florida's land use laws and how to most effectively participate.



## Community Thoughts....

### Developer may challenge commissioner for voting to keep promised wetlands and greenways

By Bill Zoller

Summer is over, and now we must begin to pay attention to politics once again. No rest for the weary! Nationally, it becomes so continuous and contentious that we almost end up tuning it out. Talk about mind-numbing! The Crist-Rubio race, inasmuch as it is for U.S. Senator, is a "national" one, I guess. Crist is raising money in the Hamptons (New York), which tells us that a senator's vote is sought-after by special interests all over the country, not just in his/her home state. Hard not to be cynical about that. As popular as Crist seems to have been as governor, it will be interesting to see if Rubio can challenge him in the primary. Stay tuned for that one.

Incumbent County Commissioner Barbetta has recently been criticized by some former supporters, including Sierra Club members, for several important votes that they view as a shift away from his former sustainable growth view. If a candidate for Barbetta's seat emerges, that could be an interesting race as well. In any event, the election may shape up to be, once again, a polarizing one. In spite of all the work done over the years to reach consensus on how and where we want Sarasota to grow and develop, elections seem to boil down to "pro-growth" vs. "sensible growth". Even with the current abysmal state of our housing and commercial real estate markets, there are those who see any effort to limit or control growth as a definite threat. These are the folks who seem to think that they (and they alone) know what is best for Sarasota... that they (and they alone) understand what makes Sarasota a great place. These are the folks who would like it just fine if all the neighborhood and environmental types would just go away and let them make this the community they envision (in other words, allow them to scrape and pave to their hearts' content, and to make a lot of money in the process).

The only thing standing in the way of unfettered and uncontrolled development is our elected officials. They are the ones who vote on the endless requests for comp plan changes, zoning changes, special exceptions, etc. Our elected officials are our first line of defense in protecting our neighborhoods, our natural resources, our environment, and our quality of life. They decide on capital improvements (roads, utilities, facilities, etc.). The job of county commissioner is one of the very most important jobs in the county. *Continued next column*



If you care about Sarasota County and your quality of life, pay attention to upcoming November 2010 county commission elections.

#### *Zoller continued*

The importance of this job is the reason that citizens need to pay close attention to these races. We need to understand the records of the incumbents; we can actually review their votes on important issues. For non-incumbent candidates, we must review their past positions and actions in civic issues, what they say in their campaign literature and public appearances, and we can ask them about specific concerns and issues we have. Attending forums sponsored by various groups (CONA will have a forum later in the season) is a great way to ask questions and to become informed. The importance of one vote on a five-member county commission cannot be overstated, so we need to make our decisions carefully and wisely when we enter the voting booth.

#### **St Pete Times: Fla. Chamber should put up or shut up**

*Excerpts from St Pete Times Editorial published Wednesday, October 14, 2009*

"The Florida Chamber of Commerce talks a good game: Invest in education, restore infrastructure, improve transportation, attract high-paying jobs, protect the state's quality of life. But don't be hoodwinked by the feel-good message chamber leaders espoused this week at their conference at the Disney Yacht Club Resort. Actions speak louder than words, and for years the chamber has touted the same lofty goals only to undercut them with their lobbying efforts during the annual legislative session. It's time for the chamber to act like a leader for Florida's future, not just talk about it." "Even worse, the chamber helped exacerbate Florida's problems this year instead of laying groundwork for a new economy. It joined with home builders and developers to back Senate Bill 360 over the objections of cities and counties. The law decimates the state's growth management laws and lets developers off the hook for paying for road improvements to handle the traffic their projects create. The chamber expected it to jump-start growth even as 300,000 homes sat empty. High-tech industries and the employees they attract are not lured by the notion of urban sprawl, clogged roads and more strip shopping centers. It would not be surprising if the chamber's next brainstorm for job creation is oil drilling that risks the tourism industry."



Oil spills can destroy beaches and tourism income for a community

## Florida Legislature begins hearings on oil drilling in Gulf Waters

*Excerpts from Florida Today, October 22, 2009*

TALLAHASSEE -- Oil drilling in Gulf waters would mean thousands of jobs for Floridians and millions of dollars in new revenue for the state, business interests told legislators Wednesday. But it also would mean betting Florida's tourism industry on an untested expectation of a new energy economy, environmentalists warned in a five-hour hearing marking the start of one of the most contentious debates of the 2010 legislative session.

Winter Park Rep. Dean Cannon, a Republican drilling proponent in line to become speaker of the House next year, said his special council on economic planning will have a series of meetings so all sides can be heard.

"Energy independence is possible, but we won't achieve it by drilling in the Gulf," said David Cullen of Sarasota, representing the Sierra Club of Florida. "It will send a message that Florida has abandoned its destination image and traded it for an industrial economy." (Please see the attached, amazing map of Gulf of Mexico oil drilling provided by Senator Bill Nelsen's office).

## Sarasota County seeks resident input on yard waste collections

Sarasota County is asking residents for their opinions on yard waste collection, backyard composting and possible changes to curbside pick-up procedures. The Solid Waste Department is holding three community focus group discussions in early November with residents in the northern, central and southern portions of the county. Meetings will last about two hours and participants must live in the unincorporated area of Sarasota County and use Sarasota County curbside yard waste pick-up services. Residents can register for focus groups by contacting Jill Cappadoro at [Jill@QCAusa.com](mailto:Jill@QCAusa.com) or by calling 866-662-6273, or the County Call Center at 941-861-5000.



## HOA/Condo question of the month: Can a single board member bind your condo or neighborhood association

*Excerpted from [hoaleader@weber.com](mailto:hoaleader@weber.com)*

"Under Florida law, the president of a corporation--and in Florida all condo associations and most homeowners associations have to be incorporated--the common law of corporations is that the president has apparent authority to sign a contract." Most states follow that common law rule, but check with an attorney in your state to know your specific law.

Bob explains what that means in lay terms. "When Bill Gates was running Microsoft, if he'd have called me up and said, 'Bob, I want you to do some work for Microsoft,' I could have reasonably assumed he had the authority to bind his company," he says.

"Third parties don't have to look any further when a president of a corporation contacts them. They have the right to rely on the apparent authority of that president and can hold the association's feet to the fire."

That doesn't mean the president is off the hook. "If the president didn't have the authority to bind the corporation, the president runs the risk of a breach of fiduciary duty action."

What if the board member isn't the HOA's president? "Third parties who rely on anyone else do so at their danger," says Bob.

"There's specific language in Florida law that says owners have no right to act on behalf of the association simply by virtue of being owners. As a matter of corporate law, it's my position that a simple director who's not the association's president has no apparent authority, and no third party has a right to rely on any representation from other directors."

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**Get involved: Join CONA**

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

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

