



October 19, 2012

THE SARASOTA

News Leader

The Progressive Voice Of Southwest Florida

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SARASOTA NEWS LEADER

The Progressive Voice of Southwest Florida

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Welcome

I recently had the occasion to revisit a statement I made many years ago to new colleagues at a daily paper in North Carolina: The best part about a career in journalism is that you never know what will happen on a given day — and that's also the worst part of the job.

Fortunately, I have found the anticipation far outweighs any anxiety about the uncertainties.

Just this week, for example, our associate editor, Cooper Levey-Baker, and I started out with tentative lists of the stories we planned to tackle, only to see the lists transformed quite a bit as the week wore on.

Cooper did get a good story about the first Legislative Summit of Suncoast organizations working for unity on policy proposals to present to the 2013 Florida Legislature.

What Cooper hadn't anticipated, however, was a raucous discussion among members of the Sarasota County Commission and the Venice City Council during a joint meeting of the boards on Oct. 16.

A meeting I planned to attend on Wednesday didn't materialize. In fact, I haven't been able to find out yet whether it was moved or rescheduled.

When I returned home, I started making some phone "rounds," which led me to a tale about a couple wanting to start a food-truck business in Siesta Key Village — an idea island organizations oppose.

Stan Zimmerman probably long ago lost count of how many story lists he has torn up through the years. Yet with Stan, an editor never has to worry about copy. Stan manages to ferret out more stories and more interesting takes on stories than any other colleague I ever have known. This week, among other topics, he tackled what I will call "The Lewis Legacy" at Sarasota City Hall and the downtown noise ordinance debate, mixed in with City Commission actions and other tidbits from around town.

School Board reporter Scott Proffitt is rounding out things nicely this week with his take on the School Board's vote on proposed new charter schools and a "Telephone Town Hall" the school district held last week.

All in all, we feel you have a wide array of timely topics to peruse in the Oct. 19 issue of *The Sarasota News Leader*.

With warmest regards,

Rachel Brown Hackney

Editor and Publisher





This may take a while.

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LEWIS' LEGACY

Analysis: 'Stacked-deck process' leads to picks of new police chief, city manager — Stan Zimmerman

Interim City Manager Terry Lewis led the City of Sarasota a mere eight months, but citizens will live with his legacy for years and years.

Looking back, it appears he stacked the selection deck for both the new city manager and the new police chief. Lewis is gone, but the other two may remain for a decade.

Lewis was a high-flier in a very tough trade – police management. But he never veered far from use of the basic skills all cops require – how to spot a liar, how to gain compliance with words instead of force and, most important, how to employ the art of misdirection.

When Lewis sat down in the city manager's chair in Sarasota, he had already provided emergency assistance to the City of North Port and the County of Sarasota as their top manager. Previously, he had served as North Port's police chief, as chief deputy of the Sarasota County Sheriff's Office and as a senior agent of the Florida Department of Law Enforcement at its Tallahassee headquarters. Each of those venues carries its own intrigue.

He was such a good politician you never even noticed his moves. Using a patented sense of humor to misdirect questions, he roamed over law enforcement and government bureaucracies like a skater on ice. People liked him and wanted to please him — the acme of the art of politics. ([Full story here](#))



CODE CONFLICTS

A Siesta couple wants to open a food-truck business in Siesta Village, but island organizations oppose the plan — Rachel Brown Hackney

After owning a house on Siesta Key for a couple of years, Anthony and Cheri Bonasto finally decided during the summer to make the island their full-time home.

Instead of just puttering around as retirees, they also decided to build upon the experiences they gained as caterers in Houston to start a food-truck business in Siesta Village.

“We’ve been watching this industry just kind of explode,” Cheri Bonasto told *The Sarasota News Leader* on Oct. 17. “We’re giving it a shot.”

The Bonastos have applied for a temporary use permit to open their new food-truck business, Gumbo Mojo, on public right-of-way on Canal Road at the intersection of Calle Menorca, across from the Siesta Market and Siesta Key Hardware plaza. ([Full story here](#))



LETTING IT ALL OUT

Group therapy session breaks out at joint County Commission-Venice Council meeting — Cooper Levey-Baker

“Good talk, good talk.” You could almost hear those words muttered after Tuesday’s joint meeting between the Sarasota County Commission and the Venice City Council, during which commissioners aired personal grievances and expressed hurt feelings.

Agenda item 2B may have been labeled as just a “Discussion on intergovernmental relations relating to mutual cooperation, improved communications, protocols, and relationship building,” but the moment quickly turned personal. County Commission Chairwoman Christine Robinson introduced the topic while appearing to fight back tears.

“I’m frustrated, would be the best word to say. There are frequently times that things are said at council meetings that are not said to my face,” she said. “I want to stop some of the rhetoric that is happening.”

Commissioner Joe Barbetta blasted the City Council, and particularly Mayor John Holic, for calling the county a “benevolent dictatorship” during an Oct. 9 meeting. ([Full story here](#))



INTO THE MINEFIELD

Sarasota City Commissioner Paul Caragiulo cracks open the ‘noise-ordinance box’ — Stan Zimmerman

The noise ordinance is one of several “third rails” in Sarasota city politics. The people responsible for it are older, wealthier and far more likely to vote than the people who hate it — who are younger, less affluent and far less likely to vote in city elections.

Voters with money versus youngsters with amplified guitars? For politicians, this is a no-brainer.

Therefore, when city Commissioner Paul Caragiulo called for a town-hall-style meeting on Thursday evening, Oct. 17, to take testimony on the decade-old noise ordinance, more than one eyebrow was arched in the downtown condos.

“My purpose is to have an open discussion on the noise ordinance,” said Caragiulo at the start of the meeting. “There is no information or any proposal on the table. I just want to hear from you.”

He got an earful for two hours. What he does with that earful is going to be anybody’s guess. ([Full story here](#))



HOW MANY OATHS

The Florida Republican Party says a newly elected Sarasota County committeewoman cannot take office because she failed to file a state loyalty oath — Rachel Brown Hackney

This year for the first time, Sarasota County resident Linda Long decided to run for elective office.

“People had been encouraging me to do so for a long time,” she told *The Sarasota News Leader* this week. “I felt this was the right time and the right position.”

The “right position” was Republican state committeewoman, a liaison role between local party members and state party officials.

Long won resoundingly in the August primary, taking almost 41 percent of the vote.

However, because of a dispute with the Republican Party of Florida, it appears the second-place finisher in the race, Kathleen “Casey” Pilon — wife of state Rep. Ray Pilon — will be taking the oath of office on Dec. 1 instead of Long.

On Oct. 6, during the quarterly meeting of the RPOF in Orlando, Long says she and other committee people who won their races learned that because they did not file the official state party loyalty oath in a timely fashion, they were being disqualified as office-holders. ([Full story here](#))



A NEW SCHOOL FOR SARASOTA

Sarasota County’s 10th charter school wins approval, but change is in the air for charter schools — Scott Proffitt

The Sarasota County School Board chambers had a standing-room-only audience on Oct. 16 as supporters of three charter schools up for approval awaited the board’s decision.

On a unanimous vote, Sarasota Academy of the Arts won the board’s approval. The other two applicants — The Classical Academy of Sarasota and the Florida Center for Early Childhood Starfish Academy — were voted down.

“Being a charter school gives us the opportunity to expose more children to the arts and affords more students in the community a chance to participate in the arts in a small school setting,” said Cecilia Blankenship, the new principal of Sarasota Academy of the Arts.

Kathryn Shea, president of the Starfish Academy, said, “We respect the decision of the board. The last thing I want to have happen is to start this and fail.”

Shea said she plans to make changes in the school plans, as recommended by Sarasota County district staff and the board, and apply again next year. ([Full story here](#))



LEWIS' LEGACY

Mayor Suzanne Atwell (left) and City Manager Tom Barwin (second from left) join Sarasota Police Chief Mikel Hollaway (second from right) and City Commissioner Willie Shaw (right) in listening to remarks by newly appointed Police Chief Bernadette DiPino. Photo by Norman Schimmel

ANALYSIS: 'STACKED-DECK PROCESS' LEADS TO PICKS OF NEW POLICE CHIEF, CITY MANAGER

By Stan Zimmerman
City Editor

Interim City Manager Terry Lewis led the City of Sarasota a mere eight months, but citizens will live with his legacy for years and years.

Looking back, it appears he stacked the selection deck for both the new city manager and the new police chief. Lewis is gone, but the other two may remain for a decade.

Lewis was a high-flier in a very tough trade – police management. But he never veered far from use of the basic skills all cops require – how to spot a liar, how to gain compliance with words instead of force and, most important, how to employ the art of misdirection.

When Lewis sat down in the city manager's chair in Sarasota, he had already provided

emergency assistance to the City of North Port and the County of Sarasota as their top manager. Previously, he had served as North Port's police chief, as chief deputy of the Sarasota County Sheriff's Office and as a senior agent of the Florida Department of Law Enforcement at its Tallahassee headquarters. Each of those venues carries its own intrigue.

He was such a good politician you never even noticed his moves. Using a patented sense of humor to misdirect questions, he roamed over law enforcement and government bureaucracies like a skater on ice. People liked him and wanted to please him — the acme of the art of politics.

PALMING THE MANAGER CHOICE

Lewis was asked to hold down the municipal fort following the forced resignation of former Sarasota City Manager Bob Bartolotta after thus far unfounded allegations that Bartolotta destroyed public records. It quickly became apparent Lewis was supervising a political nursery. Every city commissioner was in his or her first term, and three had less than one year of experience on the job.

With such novices at the table, the deck was easy to stack. He worked closely with headhunter Colin Baenzinger of Baenzinger's eponymous Wellington firm to winnow a nationwide search of applicants to the guy they wanted.

More than 100 applications arrived, and these were chopped to a list of eight, then the final five. Three of the people were from Florida: Barbara Lipscomb of Casselberry, James Chisolm of Daytona Beach and Ed Mitchell of West Palm Beach. Rick Chaffin was from Texas, and Tom Barwin was from Illinois.

In hindsight, these were somewhat unusual picks. Barwin was from a town one-fifth the size of Sarasota; Chafin's last two jobs were in cities much larger than Sarasota. Mitchell works under a strong mayor in West Palm, also a much larger city than Sarasota; he was later charged with "a history of corruption in his community" by Sarasota City Commission-



(From left) Sarasota City Commissioner Willie Shaw, Police Chief Mikel Hollaway, incoming Chief Bernadette DiPino and City Manager Tom Barwin face the news media during the press conference on Oct. 16. Look carefully. This is probably the only time you will see the new police chief in a dress. Skirts are not issued to city police officers. Photo by Stan Zimmerman

er Terry Turner, who also rapped Chisolm of Daytona Beach for “ill-handled controversies.”

The fifth candidate was an African-American female. Barbara Lipscomb dropped out of the Sarasota race to take the job as city manager of Greenville, NC.

On July 2, the Sarasota City Commission voted 2-1-1 and “no choice” among the five remaining candidates. Barwin picked up two votes (Willie Shaw and Turner); Chisolm, one vote (Paul Caragiulo); and Mitchell, one vote (Suzanne Atwell). Commissioner Shannon Snyder voted for “none of the above.” Because it

takes four votes to hire a city manager, there was a deadlock.

With a room full of city police officers and their families ready to protest a cut in their pensions, headhunter Baenzinger suggested adding as much as \$100,000 to the salary range already set for city manager candidates, to encourage more applicants. A gasp ran through the audience.

“I can’t think of a worse time to have this conversation,” said Caragiulo.

After the City Commission refused to take that bait, Lewis pretended to toss in his tow-



City Manager Tom Barwin speaks during an Oct. 16 press conference about his choice of Bernadette DiPino as the new police chief. Mayor Suzanne Atwell (left) and DiPino join him at the front of the City Commission Chambers. Photo by Norman Schimmel

ONE SMALL BLOT MARS BARWIN'S MOVE

Terry Lewis had urged Tom Barwin to send somebody to nose around the candidates' towns.

“We don’t want any surprises,” Lewis told *The Sarasota News Leader*. Barwin accepted that advice, and we learned he was visiting Ocean City, MD, on Oct. 12.

We contacted him there to ask two questions: Did you offer Ms. DiPino the job? And did she accept? He replied, “[S]till vetting top three, close to a final decision, should have an announcement by mid-week ...”

He visited only Ocean City.

The *Sarasota Herald-Tribune* reported Oct. 16, before the press conference: “When asked to confirm the [DiPino] appointment today, Barwin said he does not know who he is picking until he makes the 3 p.m. announcement.”

el in exasperation, saying he would leave the interim job in early August.

Soon afterward, Chisolm and Chaffin withdrew their candidacies and leave tall, urbane Barwin and rotund, old-Florida Mitchell in the race. On July 14, the vote was unanimous for Tom Barwin.

Could it have gone any other way, considering the menu Lewis presented to the commission? The West Palm and Daytona candidates were both serving city managers with baggage — and making more money than Sarasota was offering; the other three were unemployed. When two of those three withdrew, Barwin was the last man standing.

Lewis then shamed the commission into making a decision, and the deal was done. Barwin had police experience, was independent of any local affiliations with prior experience as a cop and was young enough for a full tour of duty before retiring.

STACKING THE CHIEF'S DECK

After the commission voted unanimously to pick Barwin, Lewis decided to stay aboard until the new man arrived. In the period between July 14 and Aug. 31, Lewis pared down the list of more than 100 men and women who wanted to be Sarasota's next police chief. Local applicants were among the first cut from consideration. He spent a lot of time on the telephone, talking cop-to-cop with semi-finalists.

When Tom Barwin took office Sept. 4, Lewis left a list of 15 names as prospects for police chief, including three women. Barwin quickly slashed that list to seven, then five names. Among those cut was Coleen Conygham, a 26-year veteran of the FBI. Barwin said he want-

ed people with experience on the beat. The other two women survived to make the short list.

The three men and two women on paper looked equally qualified, some a little stronger in one area than others, but all solid professionals. After a public meet-and-greet on Oct. 5, however, a number of citizens quietly said, "It's the two women; it's got to be," as the final finalists.

The following day, the five were grilled by panels of bureaucrats, citizen leaders and cops. The whispers were the same.

All three men, while professionals, were wooden and stiff. The meet-and-greet was a test of their human and political skills, and they could not compare to the African-American female deputy chief of the Richmond, VA, Police Department or the female chief of the Ocean City, MD, Police Department. Only Lewis, who had interviewed them on the phone, could have detected this difference in demeanor.

While the women were the youngest candidates, between them was a vast difference in one specific type of experience: Deputy Chief Tonya Vincent had no familiarity in collective bargaining with a police union. Chief Bernadette DiPino had spent 12 years struggling with a union.

The decision was City Manager Barwin's alone. He had been in office seven weeks. On Oct. 16, he announced at a press conference that DiPino was his choice.

"I looked for an experienced chief to hit the ground running," said Barwin. The quote is telling because only two of the five candidates

were incumbent police chiefs – DiPino and Gregory Anderson of Oak Forrest, IL. In other words, Barwin discounted everybody on Lewis's list except serving or former chiefs.

DiPino took the podium to answer questions.

"I absolutely accept this position," she said.

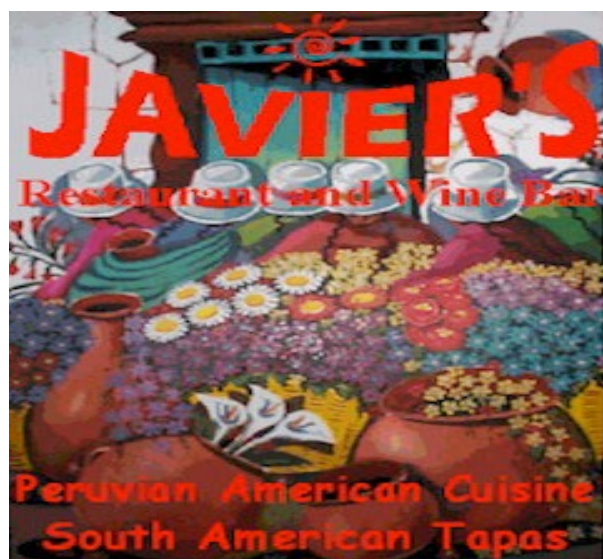
DiPino will begin work on Jan. 1, 2013. Current Chief Mikel Hollaway agreed to extend his tenure to Dec. 31, from Oct. 31.

Once again, Lewis had provided a list that had narrowed itself down, no matter who was

making the selection. Of note is the fact that African-American women were finalists for both the police chief and city manager jobs.

DiPino matched Barwin's credentials: young enough for a full tour of duty before retirement, ready to step up to a larger community and more responsibility and having total independence from local affiliations.

Lewis could not be reached for comment. He and his wife are cruising the South Pacific.



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CODE CONFLICTS

Anthony and Cheri Bonasto hope to open their food-truck business not far from the gazebo in Siesta Village. Photo by Norman Schimmel

A SIESTA COUPLE WANTS TO OPEN A FOOD-TRUCK BUSINESS IN SIESTA VILLAGE, BUT ISLAND ORGANIZATIONS OPPOSE THE PLAN

By Rachel Brown Hackney

Editor

After owning a house on Siesta Key for a couple of years, Anthony and Cheri Bonasto finally decided during the summer to make the island their full-time home.

Instead of just puttering around as retirees, they also decided to build upon the experiences they gained as caterers in Houston to start a food-truck business in Siesta Village.

“We’ve been watching this industry just kind of explode,” Cheri Bonasto told The Sarasota New Leader on Oct. 17. “We’re giving it a shot.”

The Bonastos have applied for a temporary use permit to open their new food-truck busi-

ness, Gumbo Mojo, on public right-of-way on Canal Road at the intersection of Calle Menorca, across from the Siesta Market and Siesta Key Hardware plaza.

“There are always a lot of people around there,” especially at night, Cheri Bonasto said of the location. “Usually the food trucks are really popular with that kind of crowd,” she added.

The couple’s plans call for the food service Wednesday through Monday from noon to 2 p.m. and from 5 p.m. until 2:15 a.m., according to material prepared for the Oct. 23 County Commission meeting.

However, the idea has not proven popular with three Siesta Key organizations.

Six days before the Bonastos' application will come before the Sarasota County Commission, Russell Matthes, president of the Siesta Key Village Association, sent a letter to the County Commission saying the SKVA was not in support of the Bonastos' request for a temporary use permit (TUP) "to allow for a street vendor on the County right-of-way" at Canal Road and Calle Menorca.

The letter adds, "The truck size [18 feet by 20 feet] and location [are] intrusive to the nearby residences and [the truck] competes directly with restaurants within 200 ft. of the proposed vendor site."

Additionally, Matthes wrote, "Restaurants in the Siesta Key Overlay District (SKOD) are limited to the number of [temporary use permits] and are allowed only [a] certain number of day/times of year for such permits.

Siesta Key Business Owners are finally seeing an improvement in their businesses. This type of street vendor could negatively impact existing businesses by limiting future growth and/or sustainability during these challenging economic times."

He continued, "[B]usiness owners feel that this is a step back from the cosmetic enhance-

ments and overall improvements of the Village" over the past 10 years.

Matthes had met with representatives of the Siesta Key Chamber of Commerce and the Siesta Key Association, he added, "and they are in agreement that this type of permit should not be issued at any time on Siesta Key."

SKA President Catherine Luckner told the *News Leader* the Bonastos' TUP application had been a topic of discussion during the Presidents Council meeting early this week on Siesta Key.

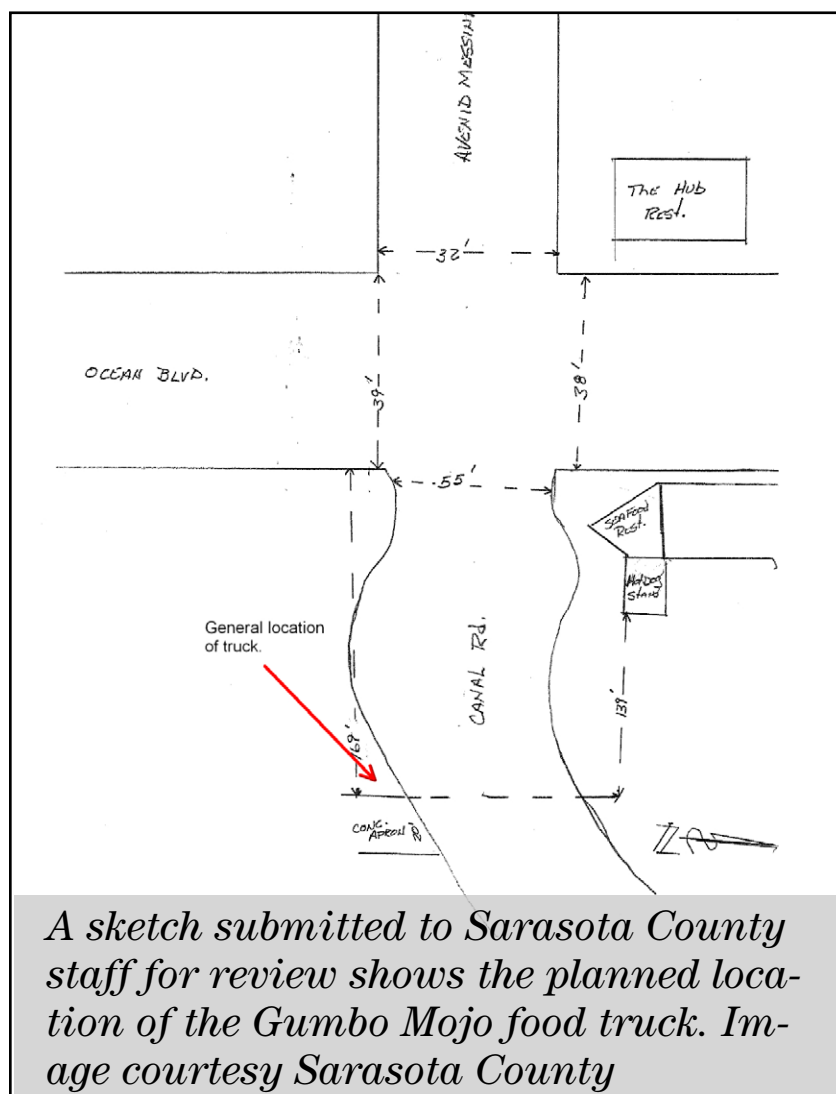
That council is composed of representatives from the SKVA, the SKA, the SKCC and the Siesta Key Condominium Council.

Luckner said she agreed with Matthes and members of the other organizations that the food truck proposal was not compatible with the TUP guidelines the organizations had agreed to and the County Commission

had approved for the SKOD in June 2011.

Luckner and Mark Smith, chairman of the Siesta Chamber, also sent letters to the County Commission on Oct. 17 to oppose the Bonastos' request.

Smith's letter notes, "The applicants are not planning on using a pushcart but a panel truck ... that will block view lines to the adjacent



intersection and cause pedestrians to cross the street where there is no crosswalk.”

In her letter, Luckner concurred with Smith’s concern about pedestrian safety and added her board’s worry that a food truck operating in the requested location could interfere with drivers’ visibility as well.

PROVISIONS FOR TUPS

On May 22, the County Commission voted unanimously to extend the sunset date for TUPs in the Siesta Key Overlay District for two years, to June 8, 2014.

“Everybody is more than satisfied with how this TUP is working,” Commissioner Nora Patterson, who lives on Siesta Key, told her fellow board members before the vote.

The county’s assistant zoning administrator, Donna Thompson, pointed out during the May 22 meeting that no applications had been submitted for TUPs since the ordinance had been in effect.

During an email exchange with Thompson on Oct. 17, Patterson asked whether the Bonastos’ application required a public hearing.

“When we adopted the latest amendment to the [TUP] portion of the code to allow for street vendors,” Thompson added, “we left in the requirement that a public hearing be conducted for any permit requesting [a vendor’s business] ... be located on a public right-of-way and/or on the barrier islands (private property or public right-of-way).”

THE BONASTOS’ PLANS

Asked whether the Bonastos had had any discussions with representatives of the island organizations, Cheri Bonasto told the *News Leader*, “No one has approached us.”

The couple’s neighbors on Winding Way “have been so supportive of us,” she added. “It’s been fantastic. We’ve already got people ordering food.”

As a thank-you to their Winding Way neighbors, who have put up with the truck in the couple’s driveway while they worked on the business plans, the Bonastos “had a little food

tasting” recently, Cheri Bonasto said. “We got a lot of positive feedback.”

The food, by the way, will be a fusion of Cajun and Cuban tastes,

she pointed out. “Everybody my husband and I have told about our food has been very positive,” she said.

People are welcome to check out the business at the website gumbomojotruck.com, Bonasto said.

The couple does plan to be at the Oct. 23 County Commission meeting, which will be held at the Administration Center in downtown Sarasota, 1660 Ringling Blvd. The public hearing on their application will be held during the morning session, according to agenda material provided to the commission.

“People are afraid of new things,” Bonasto said. Nonetheless, she pointed out, “We’re not just some company from outside [Siesta Key].”



Everybody my husband and I have told about our food has been very positive.

Cheri Bonasto





LETTING IT ALL OUT

The Sarasota County commissioners were not all smiles during their joint meeting Oct. 16 with the Venice City Council. Photo by Norman Schimmel

GROUP THERAPY SESSION BREAKS OUT AT JOINT COUNTY COMMISSION-VENICE COUNCIL MEETING

By Cooper Levey-Baker
Associate Editor

“Good talk, good talk.” You could almost hear those words muttered after Tuesday’s joint meeting between the Sarasota County Commission and the Venice City Council, during which commissioners aired personal grievances and expressed hurt feelings.

Agenda item 2B may have been labeled as just a “Discussion on intergovernmental relations relating to mutual cooperation, improved communications, protocols, and relationship building,” but the moment quickly turned personal. County Commission Chairwoman Christine Robinson introduced the topic while appearing to fight back tears.

“I’m frustrated, would be the best word to say. There are frequently times that things are said at council meetings that are not said to my face,” she said. “I want to stop some of the rhetoric that is happening.”

Commissioner Joe Barbetta blasted the City Council, and particularly Mayor John Holic, for calling the county a “benevolent dictatorship” during an Oct. 9 meeting.

“I was appalled at what I heard,” Barbetta said, “and I would hope you would be man enough, woman enough, to say it to our faces, but to call us a benevolent dictatorship is out of line. ... Don’t go making these crazy comments.”

The problems stem from requests for information about the county's Fire Department made by the Council this spring.

"We're not a city council that likes to add layers of bureaucracy, so we would email at times a particular department in the county or the county commissioners and let the commissioners determine what department it should go to," Holic tells *The Sarasota News Leader*.

He asked commissioners one round of questions, then another, then a third — and instead of getting answers, he received a letter asking him to work through the city manager and county administrator instead of contacting the commission. "That's where the communication between the city and the county broke down," he says.

On June 8, Robinson wrote Holic to express "disappointment" in comments he made during a May council meeting. "I find it very unfortunate that you would use the dais to infer that we might have delayed getting you information for less than honorable reasons," she wrote via email. "These kind of unwarranted public criticisms chip away at the partnerships that are needed in a unified approach to serving our citizens."

Holic's caustic email response: "Totally impressive. I don't know how you do it, but I couldn't find the extra hours in a week to listen to your meetings. ... I think you know by now that I am no where near your level in po-

litical or legal astuteness, nor am I known for being politically correct in my presentations."

"I'm a pretty direct person," Holic tells the *News Leader*. "I don't like to beat around the bush and have someone turn around and wonder, 'What are you asking?' ... I'm not doing it to hurt any feelings. I'm doing it to find out an answer to a question on my mind."

During the Oct. 16 meeting, Holic did not apologize. Despite having a "great deal of respect" for Barbetta, he said, "That doesn't mean I'm going to take everything I say and

clear it with you first."

"If you think the relationships are bad, I must be living in some closed-off room," Holic said. "I thought they were pretty good. ... I think the world of you guys."

Other council members and commissioners urged both boards to set aside personal sniping and focus on cooperation — a strategy for which was laid out by County Administrator Randy Reid and Venice City Manager Ed Lavallee. Both pledged to figure out better ways to share information and communicate, and they asked the commission and the council to decide which issues they should tackle first.

Robinson tells the *News Leader* that "funding and the consolidation or de-consolidation of services" are at the top of that list.

Did the discussion clear the air?

If you think the relationships are bad, I must be living in some closed-off room. I thought they were pretty good. ... I think the world of you guys.

John Holic
Mayor of Venice



Christine Robinson/Sarasota County photo

“At the very least we brought a heightened awareness to how each other feels about what happened,” Robinson says. “Hopefully, we’ll work together for more positive results.”

“I never thought that the air was clouded,” Holic says. “I’m sorry that there are some people who focus on minutiae rather than the problems at hand.”

By the time item 2B was over, Robinson seemed eager to embrace “a new respectful beginning.” She said the discussion “ended really well.”

“I’m looking forward to the partnership,” she concluded, before moving along to the next agenda item.



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INTO THE MINEFIELD

Participants in a stakeholders group meeting on the City of Sarasota's noise ordinance listen to a speaker. Photo by Stan Zimmerman

SARASOTA CITY COMMISSIONER PAUL CARAGIULO CRACKS OPEN THE 'NOISE-ORDINANCE BOX'

By Stan Zimmerman
City Editor

The noise ordinance is one of several “third rails” in Sarasota city politics. The people responsible for it are older, wealthier and far more likely to vote than the people who hate it — who are younger, less affluent and far less likely to vote in city elections.

Voters with money versus youngsters with amplified guitars? For politicians, this is a no-brainer.

Therefore, when city Commissioner Paul Caragiulo called for a town-hall-style meeting on Thursday evening, Oct. 17, to take testimony on the decade-old noise ordinance, more

than one eyebrow was arched in the downtown condos.

“My purpose is to have an open discussion on the noise ordinance,” said Caragiulo at the start of the meeting. “There is no information or any proposal on the table. I just want to hear from you.”

He got an earful for two hours. What he does with that earful is going to be anybody's guess.

THE PLAYERS

“Over the past 10 years, not that many venues have live music anymore,” said Shannon Fortner, a performer for the past decade. “It's

more of a headache for local business owners to feature live music.”

“The Lemon Coast was shut down many times,” said Claire Franklin, referring to a former downtown venue. “We played at the Metro Café on Osprey, and even inside a closed building we were shut down.”

Franklin has played in town for 20 years.

Rich Swier Jr., one of the founders of The HuB — the private group that supports a wide range of entrepreneurs — said, “The law is so extreme it does not allow us to build an economy around music and art. There has to be a middle ground.”

Sarasota native Steve McCalister said, “Go downtown now at 11 o’clock, and it looks like a retirement village. These [noise] complaints should not be anonymous. We want to celebrate life; we want this place to be a music destination.”

Floribbean Restaurant Manager Rafael Perez said, “I got citations. I

got written up. They even wrote me up for a guy with a piano. I did 12 hours of community service the first time. The city gave me fines. Then I took them to trial, and the city dismissed the case and apologized. Why is a property owned by the city allowed to play music blasting outside while we who own property can’t do that?”

One place downtown does have special rules. Mattison’s Café on Lemon Avenue can allow

music to be played until 11 p.m. For everybody else, the cutoff is 10 p.m.

One resident of the Savoy condo downtown told the group, “Most of us can accept 10 p.m., but certainly not 11. Let’s compromise and reduce the volume.”

THE REALITY

For a decade, the city’s one-size-fits-all noise ordinance has strangled amplified music downtown. The *cause celebre* was the Lemon Coast Grill at the corner of Pineapple Avenue and State Street.

Dubbed “the downtown beach bar,” the open-air pub bounced live music off the blank wall of an adjacent office building to “entertain” residents of the newly erected downtown condominiums. The Lemon Coast’s owners rebuffed any and all attempts to moderate their noisy endeavor.

In what was to be the first test of Sarasota’s emerging “condo commandos” versus “don’t tread on me” musical

libertarians, the result was the day the music died — and stayed dead for a decade.

The noise ordinance contains several provisions making it more than the usual barking-dog measure. Any complainer may remain anonymous. Normally it takes a real person to make a complaint about an ordinance violation, but the situation is different with this regulation.

As a consequence, investigators cannot measure the sound scientifically at the point of

“I have a picture of the [Young Professionals Group] board from 10 years ago on my office wall. Half of them are gone today.”

Casey Coburn
Sarasota resident



Noise complaints have multiplied downtown since multiple condominium towers went up. Photo by Norman Schimmel

complaint. The ordinance says police have to measure the sound at the source. It is pretty safe to say there is not a rock-and-roll band in existence – and never will be – that produces a sound level lower than 65 decibels measured at the speakers.

The 65-decibel level is quieter than the moderate volume of a television, which is pegged at 72 decibels. So it is no surprise that in 2011, the Sarasota Police Department fielded 262 noise complaints – from barking dogs to noisy parties to loud Harley-Davidsons to downtown musicians.

Peter Fanning, who represents the Downtown Condominium Association, said, “We want a vibrant downtown, but we also need to recognize people bought in residential areas expecting it to be residential.”

He represents 34 condo complexes with 3,400 residents. More than a few of those residents vote every chance they get.

THE LAW

Sarasota is home to a man who knows more about these issues than perhaps any other man alive. Mort Siegel, a member of the city’s volunteer Planning Board, has a day job as an entertainment lawyer representing some huge clients.

“I represent Hard Rock Cafes across the U.S. I did all the regulatory work for Playboy when they had clubs. I was handpicked by [Chicago] Mayor [Richard] Dailey to totally revise their sound-related issues,” he said.

“There is a predictable conflict between entertainment and residential. The first thing that has to be done is for the City Commission to deal with the issue of what they see down-

town as a vision of the future,” said Siegel. “If the folks testifying here say that every area of downtown Sarasota has to have entertainment with sound, it will never happen.”

“Entertainment-specific areas is a good concept, but it has to be taken out to other neighborhoods where the conflict is not so great,” he said. “Loud sound will lose when it competes with people’s lifestyles; it will fail. The city has to decide first. But if you are advocating downtown to be turned into an overall large entertainment center, you will fail.”

THE MIGRATION

As the testimony continued, it slowly morphed into a discussion of how Sarasota can retain younger people born and/or educated here.

“I’m in my final year,” said a New College student. “The reality is you have the [Sarasota] orchestra and the Van Wezel [Performing Arts Hall], but not much else for me. A lot of my peers move away when they graduate; there is nothing for them here. This town is hemorrhaging young people.”

Brian Hadley is a Sarasota native who works at The Players Theatre and has a keen interest in local history.

“From the city’s inception, the founders had in mind a progressive, lively, modern city,” said Hadley. “Fast forward to the ’90s. I remember downtown had a life to it, but we didn’t have the condos at the core. By limiting how much a band can play, and where, you affect their chances for success. Austin [Texas] and Portland [Oregon] have embraced the music scene, and people come from all over the world to listen to bands in little bars.”

Ben Thurman sees both sides. By day he is a successful security consultant to homeowner associations and condominiums. By night, he plays in a band. "I don't want to leave, but I see an expiration date on my citizenship here," he said. "The ordinance really limits my ability to perform in this city. I play in Tampa and Orlando instead. Unless things change, I'm not staying, I'll be here another year or two at most."

More people than Thurman think it is time to go elsewhere. Sean Duaide is chairman of the

membership committee of the Young Professionals Group. "As a YPG'er, I ask students if they want to stay. They say, 'No. How do I get out of here?'" he said. "There is a cost to the current mindset, and that's the loss of your young people."

Attorney Casey Coburn was the final speaker. As a younger man a decade ago, he served on the YPG board. "I have a picture of the YPG board from 10 years ago on my office wall," he said. "Half of them are gone today."



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Vote

HOW MANY
OATHS?

Linda Long

'12

for Republican
State Committeewoman

Linda Long of Sarasota County won a Republican committeewoman's seat this year as a first-time candidate.

THE FLORIDA REPUBLICAN PARTY SAYS A NEWLY ELECTED SARASOTA COUNTY COMMITTEEWOMAN CANNOT TAKE OFFICE BECAUSE SHE FAILED TO FILE A STATE LOYALTY OATH

By Rachel Brown Hackney
Editor

This year for the first time, Sarasota County resident Linda Long decided to run for elective office.

"People had been encouraging me to do so for a long time," she told *The Sarasota News Leader* this week. "I felt this was the right time and the right position."

The "right position" was Republican state committeewoman, a liaison role between local party members and state party officials.

Long won resoundingly in the August primary, taking almost 41 percent of the vote.

However, because of a dispute with the Republican Party of Florida, it appears the second-place finisher in the race, Kathleen "Casey" Pilon — wife of state Rep. Ray Pilon — will be taking the oath of office on Dec. 1 instead of Long.

On Oct. 6, during the quarterly meeting of the RPOF in Orlando, Long says she and other committee people who won their races learned that because they did not file the official state party loyalty oath in a timely fashion, they were being disqualified as office-holders.

In a prepared statement she gave to the *News Leader* this week, Long wrote that, as a candidate for Republican state committeewoman, she had filed an oath with the Sarasota Supervisor of Elections Office. She also filed a Republican Party Loyalty Oath with Joe Gruters, chairman of the Republican Party of Sarasota County.

“Both were filed in a timely fashion,” Long said in the statement.

“However, I did not file a Republican Party Loyalty Oath with the Republican Party of Florida for State Committeewoman in accordance to their procedural rule,” she continued in the statement.

Nonetheless, the statement points out, that oath “is identical to the Republican Party Loyalty Oath for Precinct Committeewoman that I filed.”

Long adds in the statement that state party officials “never notified me in writing [before the election] that I should remove my name from the ballot and that if I were to be elected, I would not be seated as Republican State Committeewoman.”

Long’s statement asks, “How many Party Loyalty Oaths are necessary to seat the winners”

in a countywide election? It adds that the action of the state party “is extremely unfair to a loyal Republican like me”

Long told the *News Leader* she received a formal letter from the RFOP, delivered by Federal Express on Oct. 15, telling her she could not take her seat.

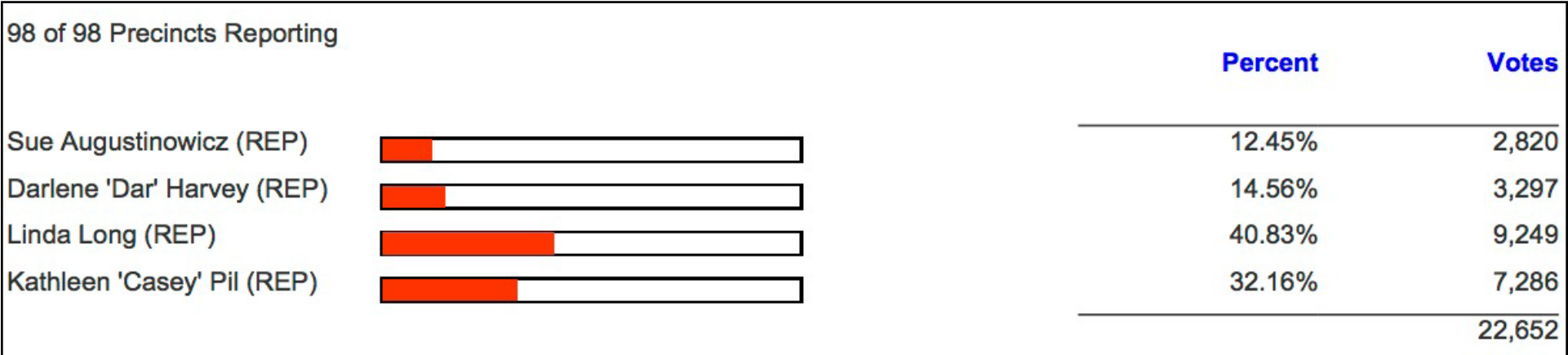
The letter, she said, pointed out that instructions for candidates were clearly available on the RFOP website, and she had had ample time to adhere to the guidelines.

Long said she understood as many as a dozen winners might be affected by the party’s stand on the matter.

In an Oct. 16 interview with the *News Leader*, Gruters said, “I spoke on her behalf” to state party officials. “They could have told her when she didn’t qualify,” he added, instead of allowing her to spend money and time campaigning for the office.

“It’s tough ... to tell them they can’t be seated,” Gruters added of Long and others in the same position. “The will of the voters should come into play.”

At this point, Gruters said — with Long having received the formal letter stating the party’s



The 2012 August primary results from the Sarasota County Supervisor of Elections website shows Linda Long as the winner in the Republican committeewoman race. Image from the Sarasota County Supervisor of Elections

position — he does not feel state officials are going to change their minds.

Sarasota County Commissioner Joe Barbetta told the *News Leader* he found the situation “an embarrassment” to the Republican Party.

Leonard Curry, the party chairman, “should stand up for the voters,” Barbetta said.

It was inexcusable for party officials to wait almost two months after the primary to tell Long she was being disqualified, Barbetta added.

He had heard reports, he said, that Long and others had been victims of RPOF efforts to keep supporters of former GOP presidential candidate Ron Paul from taking committeemen seats because the Paul allies would not sign the party loyalty oath.

Long, Barbetta added, “did everything she needed to do.”

RPOF officials did not return messages left by the *News Leader*.

In spite of receiving the RPOF letter this week, Long has not given up just yet.

“I’m looking at options,” she said, including legal action.

In a 2009 case, *Republican Party of Miami Dade County v. Davis*, Florida’s Third District Court of Appeal ruled in favor of 19 Miami-Dade Republican Executive Committee members whom the state party refused to allow to take their seats because they had not signed the RFOF loyalty oath in a timely fashion.

The opinion signed by Judge Vance E. Salter, says, “What is at stake is the fundamental right of individuals to offer themselves as candidates for elective position — including

political party positions — and the equally fundamental right of party members to vote for the candidates of their choice. ... [W]ell-settled Florida precedent forbids the Party from imposing additional, nonstatutory requirements as a condition of running for elected office.”

The opinion says the party’s “rule establishing the Additional Candidate Condition operates as an additional unauthorized condition on candidacy, and violates the Florida Election Code.”

Party Loyalty Oath



I, _____, hereby swear and affirm that during my term of office I will not actively, publicly, or financially support the election of any candidate other than the Republican candidate in a partisan unitary, general or special election, or a Registered Republican in non-partisan elections, other than Judicial races governed under Florida Statute 105, if there is a registered Republican running for the same office, unless the county executive committee has taken an affirmative vote to endorse one Republican over another per Rule 8(B). I further swear and affirm that I will not engage in activities or conduct that may be deemed by the Grievance Committee and affirmed by the RPOF Chairman as likely to injure the name of the Republican Party or interfere with the activities of the Republican Party.

COUNTY: _____

PRECINCT OR DISTRICT: _____

SIGNATURE: _____

PRINTED NAME: _____

DATE: _____

WITNESSED BY: _____

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The Republican Party of Florida Loyalty Oath is available on the party’s website, www.rpof.org.





A NEW SCHOOL FOR SARASOTA

It was standing room only in the audience for the Sarasota County School Board's Oct. 16 vote on three new charter school applications. Photo by Scott Proffitt

SARASOTA'S 10TH CHARTER SCHOOL WINS APPROVAL, BUT CHANGE IS IN THE AIR FOR CHARTER SCHOOLS

By Scott Proffitt

Staff Writer

The Sarasota County School Board chambers had a standing-room-only audience on Oct. 16 as supporters of three charter schools up for approval awaited the board's decision.

On a unanimous vote, Sarasota Academy of the Arts won the board's approval. The other two applicants — The Classical Academy of Sarasota and the Florida Center for Early Childhood Starfish Academy — were voted down.

“Being a charter school gives us the opportunity to expose more children to the arts and affords more students in the community a chance to participate in the arts in a small

school setting,” said Cecilia Blankenship, the new principal of Sarasota Academy of the Arts.

Kathryn Shea, president of the Starfish Academy, said, “We respect the decision of the board. The last thing I want to have happen is to start this and fail.”

Shea said she plans to make changes in the school plans, as recommended by Sarasota County district staff and the board, and apply again next year.

Because the district's 10th and newest charter school will be a rebirth, so to speak, of the

Julie Rohr Academy — a currently active private school with a 38-year history in Sarasota — some board members expressed concern.

While endorsing the charter school plans, board members Carol Todd and Shirley Brown wondered about a possible trend: more private schools converting to the charter format.

While all of the School Board members praise the county's best charter schools, some have voiced concern about the potential for a doubling of the number of students enrolled in charter schools over the next few years and the need to maintain high educational standards in those schools.

"We don't do our students a service by offering them a choice between this fatty hamburger versus that fatty hamburger," Todd said. "Not all charter schools are equal."

In a related matter, state officials are considering requiring districts to provide even more funding to charter schools. Currently charter schools receive a share of the state funds that come to each district, based on enrollment, but they are not guaranteed a percentage of the local ad valorem tax revenue districts receive. The state may require in the future that districts share the local tax revenue as well, school officials say. Sarasota County already does this, but most counties in Florida do not.

And even the Sarasota County School Board does not divide up all that local pool of money on a per-student basis.

"Capital dollars [money for maintenance and construction] have always been done differently," said Superintendent Lori White. "You don't have the same needs at each school."

White and the board had discussed that issue during a workshop prior to the board meeting. White's position is that the money needs to be allocated on an as-needed basis.

"But the money isn't following the student," board member Frank Kovach said. "The charter schools are not getting a share of the construction and maintenance money on a per-student basis. From a taxpayer's standpoint the charter schools are a very good investment of taxpayer dollars."

Being a charter school gives us the opportunity to expose more children to the arts and affords more students in the community a chance to participate in the arts in a small school setting.

Cecilia Blankenship
Principal
Sarasota Academy of the Arts

Art Hardy, general counsel to the School Board, explained that the allocation of the capital tax receipts was "up to the board. You can look at each school individually or not share those dollars [with the charter schools] at all," he said.

White advised the School Board members to "let this year's plan continue unchanged. No action is required, so wait" — meaning wait to see what action the Legislature takes in 2013 regarding charter school funding.



'TELEPHONE TOWN HALL'

More than 4,000 Sarasota County parents participated in a Telephone Town Hall last week with representatives of the Sarasota County Schools. iStock photo

REACHING 4,368 HOUSEHOLDS, A SCHOOL BOARD PHONE POLL SHOWED 78 PERCENT OF PEOPLE SATISFIED WITH THEIR CHILDREN'S EDUCATION

By Scott Proffitt
Staff Writer

So you are feeling pretty smug because you have learned how to conference call on your smartphone? Think you could handle a conference call with 4,368 people?

That is exactly what happened last week, when Caroline Zucker, Lori White and Scott Lempe — the Sarasota County School Board chairwoman, the superintendent and the school district's chief operating officer, respectively — decided to call a few people: 28,347 people, to be

exact. That is the number of households in Sarasota County with children in the district's schools.

Of those 28,347, more than 4,000 accepted the offer to participate. For district officials, that level of response was a clear indication that while attendance at School Board meetings might be light, parents do care very much about their children's experiences in school.



It was a great way to reach the community. I've been working on this for about a year.

Caroline Zucker
Chairwoman
Sarasota County School Board



Only 20 questions were posed during the Oct. 11 event, dubbed a Telephone Town Hall. Those questions ran the gamut from concerns about bullying, to the starting time at high schools (This writer gets up at 5:30 a.m. to get his son to school in time for a 7:20 a.m. class), to child safety, to students' use of cell-phones and other gadgets, to cameras in the classrooms.

While not everybody stayed on the phone to listen to all the dialogue, the results were encouraging enough, School Board members say, for them to plan on another such undertaking in the future.

Along with the discussions on that wide array of topics, the district representatives took a short poll. The statements and results follow:

- I am satisfied with the quality of instruction my students receive in the Sarasota County School District — 31 percent strongly agreed and 47 percent agreed, for a 78 percent approval rating.

- The funding provided by the 1 percent voted millage is being used effectively to support classroom instruction — 21 percent strongly agreed and 25 percent agreed, for a 46 percent approval rating; 37 percent had no opinion; 12 percent disagreed; and 5 percent strongly disagreed. (The special 1 mill tax first was approved by voters in 2002; it won renewal in referenda in 2006 and 2010.)

The last question concerned whether parents are aware of and/or watch programming on the district's Education Channel. Sixty-one percent of those polled were not aware of the channel's existence, but 21 percent had watched some of its shows.

The cost of the Telephone Town Hall was about \$4,000, district officials said.

"It was a great way to reach the community," said Zucker. "I've been working on this for about a year. We've just got to get faster at answering so we can take more questions."



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A UNIFIED FRONT

Suncoast community representatives are hoping that a unified position on issues will give them more sway with Florida legislators in the 2013 session. iStock photo

LEGISLATIVE SUMMIT PARTICIPANTS IN SARASOTA COUNTY WANT THEIR VOICES HEARD IN TALLAHASSEE

By Cooper Levey-Baker

Associate Editor

What exactly should our legislators be doing up in Tallahassee? That is the question that brought 120 Suncoast community representatives out to the Girl Scouts' conference center Tuesday, Oct. 16.

Organized by the Community Alliance of Sarasota County, a coalition of health and human services nonprofits, the gathering was the first of its kind — a Legislative Summit intended to organize local voices and draft a clear list of priorities and suggestions that will be presented later to the area's legislative delegation. Leaders from many different community groups, including health nonprofits and even the Sarasota County Sheriff's Office, partic-

ipated, as did the public, putting forward suggestions and breaking up into five work groups to study different topic areas.

Florida Center for Early Childhood President and CEO Kathryn Shea, one of the event's chief organizers, says the Summit "went extraordinarily well." Like any first-time event, success was hardly guaranteed. But Shea had a model. Elizabeth Barbella, who has put on events like this week's on the Treasure Coast many times, traveled to Sarasota to facilitate the discussions.

"It was a real active, real involved day for the community," says Shea, adding that early re-

views have been positive, with many calling the Summit “the most collaborative” meeting they had ever attended.

Some clear themes emerged. One: the need to maintain current levels of state health care funding, which has seen major cuts in the last few years. Another: the need to increase revenue by (for example) implementing an Internet sales tax. A third idea: Stop rejecting federal funds because of ideological opposition. The Legislature has denied itself tens of millions of dollars in federal health care money because the funding was appropriated through the hated (by the Legislature) Affordable Care Act.

Shea’s team is working now to compile all the recommendations into a “blue book” that will be delivered to lawmakers in person at a legislative breakfast scheduled for Nov. 13. A representative from the governor’s office will also be present.

A personal story of substance abuse recovery is on the agenda as well that day.

Shea hopes the organized priority list, as well as the direct community participation, will make it clear to lawmakers where the people of the Suncoast stand on some of the state’s most pressing issues. Will they listen? We will find out next spring.



Florida Senate President Mike Haridopolos speaks on the floor during the 2012 session. Photo courtesy of the Florida Senate



HOW DIFFERENT A BOARD?

Proposals to reconfigure the representation of Sarasota County citizens on the County Commission went nowhere this week at a Charter Review Board meeting. Photo by Norman Schimmel`

PROPOSALS FOR SINGLE-MEMBER COUNTY COMMISSION DISTRICTS AND EXPANSION OF DISTRICTS FROM FIVE TO SEVEN SHOT DOWN BY CHARTER BOARD

By Stan Zimmerman
City Editor

Half of the Sarasota County Charter Review Board members – including Chairwoman Cathy Layton – said Sayonara Tuesday, Oct. 16. Five of the 10 declined to run for re-election, and Tuesday was their last meeting.

Four of the five retiring members – Layton, Jud Bodecker, Marie Nisco and Frank Moore – had served 12 years. Matthew Fountain (who was absent from the meeting) was elected in 2004. Layton served as chairwoman for nine of her 12 years on the board.

Sarasota is one of 17 counties in Florida with a home-rule charter, providing a greater separation

between state and county government. The other 50 counties are legally extensions of state government.

Sarasota's charter board is the only one in the state that meets with regularity. Years ago it met monthly. Any recommendation it makes must be approved by voters in a referendum.

The 10 members are elected countywide in a partisan election; they serve four-year terms without term limits.

The board maintains an extremely low profile because it has little appetite to pursue its mandate to “review and recommend changes

to the County Charter for the improvement of County government.” It meets only two or three times per year, and it seldom recommends any changes.

Tuesday’s session was no different. Four proposals were put forward, three by citizens and one re-introduced by Layton. Only Layton’s survived, but any action will be delayed until next year, after the five new members are seated, according to unanimous vote of the panel.

At every meeting, citizens have three minutes each to outline their proposals to improve county government. If the Charter Board votes favorably on a recommendation, the proposer gets to come back to the next meeting for a 20-minute presentation to elaborate on the idea.

Then a simple majority vote of the Charter Board is needed to send the idea to a “special committee.” That might happen once a year.

The special committee can take as long as it likes before reporting back. Then a two-thirds majority vote (seven of 10 members if all are attending) is necessary to schedule a general public hearing on the idea.

After that public hearing, another two-thirds vote is required to forward the proposal to the ballot and allow the voters to make the final decision in a referendum.

Historically, the odds of all this happening successfully are vanishingly small. It is important to note this elaborate procedure is not enshrined in the county charter; it is a set of rules devised by the Charter Board itself.

Very, very few ideas survive this extended process. For example, Charter Board member Bob Waechter had proposed an amendment requiring that at least 60 percent of voters approve an amendment in a referendum before it could be added to the charter, mirroring the level of approval necessary for proposed state constitutional amendments to take effect. His idea was sent to the “special committee,” which was ready to report on Tuesday. Then Waechter said he was withdrawing the idea, so the report was never heard.

His ability to withdraw the idea meant the proposal did not have a life of its own once it was sent to the committee, a very unusual circumstance in legislative rules, because, generally, once a committee accepts responsibility to review something, it reports its findings to the full body. Otherwise, as in this case, the committee’s work is wasted.

SINGLE-MEMBER DISTRICTS NIXED

One proposal did make it out of the special committee for a report back to the full Charter Board. This proposed charter change would require that all the county commissioners run only from districts, instead of living in a district but running countywide. Manatee County uses a district system, with the addition of two at-large commissioners.

Several citizens stepped forward to support the idea. They noted the county had single-member districts for a brief period of time, thanks to a successful petition drive in 1988 and subsequent voter approval. The charter change took effect in 1990, but two years later, voters approved a County Commission-sponsored charter amendment that reversed the single-member district provision.

“Voters put it in place, and then the County Commission – at the urging of the [Greater Sarasota] Chamber of Commerce – proposed the question again, and with poorly worded ballot language, it passed,” said attorney Dan Lobeck. “I urge you to put this to a public hearing.”

Former county Commissioner David Mills ran in that one-time election from a single-member district, and he upset the incumbent in the Republican primary by a 70/30 margin.

“I’ve run in a single-member district, and I’ve run countywide,” said the three-term county commissioner. “If you asked me to chose tonight, it is so much better with a single-member district.”

Charter Board member Steven Fields made a motion to move the single-member district idea to a full public hearing, the next step in the tortuous process. The motion – and the idea – died for lack of a second.

SEVEN DISTRICTS PROPOSED

Sometimes an idea has merit, but it runs up against reality. John Minder found that brick wall when he proposed splitting the county into seven single-member districts. He made the proposal during the “new business” portion of the meeting, when anybody has three minutes to make a pitch.

He was shot down quickly by the Charter Board’s attorney, Deputy County Attorney Kathleen Schneider.

“The charter cannot conflict with state law,” she said. “Section 124.01 requires five [county commission] districts. The state constitution allows seven commissioners.”



The Sarasota County Seal. Photo by Norman Schimmel

Minder apologized for his lack of information, and he stepped away from the microphone. However, under the Charter Board’s rules, citizens could still comment on the idea – even if it was illegal.

Lobeck rose to support it. “I ask you to refer this to a special committee for study,” he said. “It needs work, but more people at the table makes for better government.”

Waechter opposed it. “If you want to move forward, get a proposal that is constitutional and legal,” he said. “I suggest you do not send this to [the special] committee.”

Minder’s proposal died for lack of a motion; it will not move forward unless he comes back to make it again.

PETITION SUNSET PROPOSED AGAIN

In what would prove her final proposal, retiring Chairwoman Layton brought forward an idea she has been pushing unsuccessfully for years. Even when it survived the tortuous vetting process of her own committee, voters did not approve it. Layton wants to limit the time signatures on a charter-change petition remain valid.

Layton passed the gavel on Oct. 17 to make her three-minute pitch. "The charter isn't something one amends as a hobby," she said. "That's what the petition process is all about."

She proposed signatures on a petition be valid for three years.

"It's déjà vu all over again. I made this proposal in 2010," she said. "Of 17 county charters [in Florida], only two have no sunset provision."

Bodecker pointed to the upcoming Nov. 6 ballot. "Look at all the referenda we'll be voting on next month. When [voters] get to the ballot, it may be a snap decision, and not a lot of thought has gone into that decision," he said. "It should be hard to amend the charter."

A number of citizens spoke in opposition to the proposal. "For the current voting population, you need 14,380 signatures. That's a big hurdle," said Paul Cajka. "We should give people the time they need. This is an anti-citizen thing."

Lourdes Ramirez, president of the Sarasota County Council of Neighborhood Associations, said, "This is a solution that doesn't have a problem. I urge you not to consider this anti-citizen amendment."

Waechter disagreed. "This is housekeeping, good housekeeping. Three years is not a burden," he said. "Send it to committee. Let the newly constituted board chew on it. Then see what happens."

Bodecker made a motion to send Layton's proposal to the special committee for review. Layton seconded the motion. The vote was 4-2 to send it to committee, with board members Nisco and Fields in opposition.

Fields then moved to delay establishing a reconstituted special committee until the Charter Board's next meeting, when five new people will be sworn into office. The motion passed unanimously.

The board's next meeting is Jan. 23 at 6 p.m. in the R.L. Anderson Administration Center in Venice.

Full disclosure: Stan Zimmerman was elected to the Sarasota County Charter Review Board in 1986.





OUTREACH PAYS OFF

New steel grating already was visible in the deck of the north Siesta bridge as it opened for a boat in June. File photo

SIESTA LEADERS LAUD FLORIDA DEPARTMENT OF TRANSPORTATION FOR SMOOTHNESS OF BRIDGE PROJECT

By Rachel Brown Hackney

Editor

The presidents of two Siesta Key organizations credit community outreach efforts and good communication on the part of the Florida Department of Transportation for the smooth, months-long process of renovating the north Siesta bridge, they told *The Sarasota News Leader* this week.

Although completion of the project may not come before early November, the nightly lane closures on the bridge ended about two weeks ago, FDOT consultant Jennifer Stafford said on Oct. 17.

The only possibility of any lane closure before the project is completed would be on a rolling

basis, Stafford said — a 5-minute wait at the most, if workers needed to transport materials across the bridge.

“They’re still doing some cleanup work and painting,” she added.

Russell Matthes, president of the Siesta Key Village Association, told the *News Leader*, “The contractor has done an outstanding job [with] very little disruption to traffic.”

He added that that was achieved as a result of FDOT representatives listening to members of the community before the work began on June 5.

“I am truly impressed with the group at FDOT,” said Catherine Luckner, president of the Siesta Key Association.

Sarasota County Commissioner Nora Patterson, who represents the island on the county board, said of the bridge work, “It was pretty painless and very well done on the part of the contractor” and his crew. “My hat’s off to them.”

Months before the work began, Luckner said, “People were afraid,” worried that even with just one lane closed on the bridge between 9 p.m. and 7 a.m., problems would ensue.

Those fears proved to be unfounded, she said.

In fact, Luckner pointed out, few people showed up for a discussion the SKA hosted

with FDOT staff on July 7, 2011, so the project could be explained in detail. She had joked with FDOT officials afterward, she said: “Nobody needed to come and ask anything else” because of the public outreach the department already had undertaken.

Moreover, Luckner said, the entire time the project has been under way, FDOT staff and Stafford “were always available” to answer any questions.

During the monthly SKVA meetings since the project began, Matthes routinely asked whether members knew of issues that had arisen with the project, and no one brought up any.

The fact that complaints were not aired during SKVA and SKA meetings “reinforces the commitment [FDOT] made early on” to make the



Close to 17,000 cars travel daily across the north Siesta bridge, according to Florida Department of Transportation statistics. Photo by Norman Schimmel

project go as smoothly as possible, Stafford said.

Although FDOT had offered the contractor an incentive of \$7,500 per day — up to a total of \$150,000 — to complete the project before Oct. 16, Stafford said the contractor did not earn any of that bonus. On the other hand, she pointed out, the contractor would not be fined for working beyond the contract period.

The contractor for the approximately \$3.49 million project is Coastal Marine Construction Inc. of Venice.

During the July 7, 2011 SKA meeting, FDOT officials had noted the contractor could be fined \$7,500 per day — also up to \$150,000 — for exceeding the 120-day schedule set for work days. The schedule called for work stoppage during the July Fourth and Labor Day weekend holidays.

Stafford said the contractor was allotted about 10 extra weather days for the project after it was under way. Sarasota County had to contend with effects over the summer of both Tropical Storm Debby and Hurricane Isaac.

The contractor's primary concern, Stafford said, was adhering to the schedule for the nightly lane closures to end.

The primary work on the bridge involved the replacement of the sidewalk steel grating and repairs to the concrete and steel in the movable deck. The project included the installation of new windows for the bridge-tender house.

This is the first time the entire steel deck grating on the roadway has been replaced, according to FDOT. The bridge was built in 1972.



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CITY BRIEFING

City Island is home to Marine Max, which soon should be signing an extended lease with the City of Sarasota. Photo by Norman Schimmel

DOMESTIC PARTNERSHIP REGISTRY, MARINE MAX LEASE AND SALES OF CITY-OWNED PROPERTY NOTCH AHEAD

By Stan Zimmerman
City Editor

The Sarasota City Commission made marginal gains on several fronts Monday, Oct. 15. It approved a host of neighborhood micro-grants without turning a hair, gave the green light to a domestic partnership registry, looked favorably upon a long-term lease at City Island and wrestled with the sale of real estate in today's market.

The commissioners approved the domestic partnership registry, but they scrambled to figure out when it should begin. Ken Shelin, the former city commissioner who pioneered adoption of the concept in record time (for city business, that is), wanted implementation

as soon as possible. Normally, it takes 90 days to put a new ordinance into effect.

However, City Auditor and Clerk Pam Nadalini said her staff is swamped. "My office is eager to assist in this process," she said. "Our biggest concern is we are in the process of vehicles-for-hire renewals, and that requires virtually all of my staff."

Getting through the taxi and limo inspections and paperwork will consume her staff's time for the next month, she said.

City Manager Tom Barwin said he would be willing to volunteer some of his staff to help, but he was rebuffed by Nadalini.



City Manager Tom Barwin listens to discussion during a Sarasota City Commission meeting. Photo by Norman Schimmel

“We could help her out, develop the forms,” he said. “My former community has had a partnership registry for many years.”

“The forms aren’t the problem,” she said. “It’s a staffing problem.”

A sample form attached to the ordinance was derived from those in other communities where registries exist. The city attorney and the clerk will develop one specific to Sarasota. Of note: The sample is an affidavit, and it specifically forbids married people from applying for the registry. When asked why that was the case, the city attorney was unable to provide a clear answer except to indicate that would be an unnecessary redundancy for married couples.

The city commissioners must approve the forms before the documents can be used. They set a date of Dec. 4 for implementation of the policy.

TO SELL OR NOT TO SELL?

That was the question pertaining to seven parcels of real estate the city approved for sale months ago. Now that offers are coming in, city staffers wanted some reassurance from the commission that they should proceed with sales.

“Should staff decline any offer below the Sarasota County property appraiser’s figure?” asked Purchasing Director Mary Tucker. “The market is fractured.”

Three parcels were of particular interest. One is on the northeast corner of Washington Boulevard and 12th Street. The city listed it for \$125,000 and received an offer for \$100,000. Much later in the discussion, Commissioner Paul Caragiulo moved to sell it for \$100,000. The motion was approved 4-1. (Commissioner Terry Turner was in the minority).

Another lot was at 2425 Central Ave. The appraisal for taxes is \$18,700, and the real estate appraisal is \$6,000. Two offers have come in. One is \$16,000 from a church; the other, \$16,500 from a firm specializing in rental real estate.

“We get \$500 [more] and it goes on the tax rolls,” said Commissioner Paul Caragiulo.

However, Commissioner Willie Shaw made a motion to sell the lot to the church for \$16,000; the motion passed 4-1 (Turner again in the minority).

The most complex questions were reserved for 1440 Boulevard of the Arts (Sixth Street). This parcel, which is vacant, is the site of a former community garden; it was set to become the site of affordable housing until the

real estate crash occurred. Since then, it has been lying vacant, despite neighborhood pleas to re-establish a community garden or for the city to find some other civic use for the land.

“It’s appraised for taxes at \$330,000 and is zoned Downtown Edge,” said Tucker. “We could make a formal invitation to negotiate, but they may ask for concessions,” she said of the buyers.

Barwin is still learning the town, having taken the city manager’s position only seven weeks ago. “I looked at that area recently. There seems to be a lot of opportunity to regenerate this district,” he said.

The area is commonly known as the Rosemary District, although locals are starting to call it “NOF” – north of Fruitville.

Barwin added, “This is catalyst property or a catalyst opportunity. We could move ahead with the invitation to negotiate, but if we could have a little more time to meet with the NOF people [we could] put a finer point on this discussion, to help stimulate this particular district. We could get back to you in 30 days.”

“We have no control if we sell, other than zoning,” said Commissioner Willie Shaw.

The current zoning would allow five-story buildings and 25 units per acre. The parcel is on high ground, so the highest units would overlook the bay.

Shaw made a motion to direct staff to talk to stakeholders in the area and report back. The motion passed unanimously.

“And the other four parcels?” asked Tucker.

Barwin said, “We’ll bring them back on a sale-by-sale basis. Is that what I’m hearing?”

For unlisted properties – such as the patch of parkland at the intersection of Fruitville and Beneva

Roads – unsolicited offers, like the one from Benderson Development Co. the commission recently accepted for that site, will go before the commission before staff begins to draft paperwork.

“That would be a good policy,” said Barwin. “After receiving the offer, then we can ask others for offers.”

ANOTHER LONG-TERM LEASE

The last time the City Commission considered a long-term lease for a marina — for Marina Jack — there were howls of public outrage over good-deal giveaways. So it was with some trepidation that Pete Smith came forward to ask for a new and extended lease for the Marine Max marina just east of the New Pass Bridge on City Island.

“We’ve leased the property for about a half-century,” said Smith.

He represented Marine Max, a franchise including about 75 other marinas around the county. Smith was co-owner of Gulfwind Ma-

Should staff decline any offer below the Sarasota County property appraiser’s figure? The market is fractured.

Mary Tucker
Purchasing Director
City of Sarasota

rine, which was purchased by Marine Max 10 years ago.

The Sarasota property includes the Old Salty Dog waterfront restaurant as a sublease.

“We pay about \$178,000 in rent and \$120,000 in property taxes,” said Smith. “We do get credit for capital improvements, but we’ve spent far more than the credits we’ve asked for.”

The lease expires Dec. 12, and the company has one five-year extension option, which would take it to 2017. The total area is seven acres; it has been a marina site since 1968.

“We need to have enough lease term to justify making capital expenses. We believe we have been an exemplary tenant,” he said. “We are seeking an additional 20 years on top of the five remaining.”

Among the projects Marine Max would like to pursue are an environmentally friendly boat washdown area, new racks for outside storage, seawall repairs and a strengthened boat haul-out dock.

Commissioners Turner, Snyder and Caragiulo all asked the same question: “Is the rent in the ballpark?” All three expressed “comfort” with the extended duration.

“There are so few real marinas that have access to the Gulf [of Mexico],” said Snyder. “This is infrastructure for people who are here to enjoy our water.”

Staff was sent away to complete the negotiations and return for final commission approval.



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FACING THE THREAT HEAD-ON

Former Sarasota City Commissioner Gil Waters remains focused on a project that would make it easy to close off parts of downtown to traffic for special events. Street closures are a fixture of the popular Downtown Farmers Market. Photo by Norman Schimmel

EVERYBODY WANTS TO GET INTO THE 'DOWNTOWN POOL' FOR IMPROVING THE DRAWS FOR VISITORS, RESIDENTS

By Stan Zimmerman
City Editor

Several new groups popped up at the Downtown Improvement District (DID) meeting on Tuesday morning, Oct. 16. Old names and those previously unknown surfaced under new colors to add their shoulders to the “improve downtown” wheel.

Under the heading of “The last shall be first,” Gil Waters made an appearance. A city commissioner almost 60 years ago, he remains passionate in his view that downtown is for people, not cars. As a writer, developer and political rainmaker, Waters is a Sarasota icon.

He has started a new group called Sarasota Vision Inc., and he says he has raised \$200,000

to give to the city for downtown projects. Waters is working with Brent Park, who demonstrated retractable bollards that could be used to close off sections of Main Street to cars for specific times and purposes.

Waters retains his interest in creating a pedestrian walkover of U.S. 41 at the bayfront, an idea first proposed in 1959.

DID Chairman Ernie Ritz said the ideas and the money deserved more discussion and ordered an appropriate item put on the group’s next agenda.

Paul Thorpe – dubbed “Mr. Downtown” for his tireless work over the decades to keep the



*Cancellation of downtown festivities to usher in 2012 resulted in fireworks only at Marina Jack.
Photo by Norman Schimmel*

area vibrant and meaningful – announced a new organization called the Downtown Promotions Committee. He said the group (with just himself and Ritz at this point) would stage a New Year's Eve celebration downtown this year.

Squabbles among organizations last year resulted in the cancellation of the increasingly popular street party. Thorpe says his group will put the event's facets back together — falling electric pineapple and all. He would like to plow the festivities' profits back into a fund to pay for lighting the oak trees along Main Street and buying hanging decorations for year-round use.

"We had a wake-up call yesterday," he said.

The announcement of 1 million square feet of retail space at a new Benderson Development Co. mall at University Parkway and Interstate 75 is seen as a threat to both downtown and St. Armands merchants. The groundbreaking for the project was held on Oct. 15.

"We need to see something get started immediately," Thorpe said.

Then a representative of a third new organization stepped up. Wendy Getchell with Lotus on Main Street announced the formation of "a

brand-new merchants association." She said it has 25 members right now and is holding a membership drive.

"The goal of the Sarasota Downtown Merchants Association is to be a key ingredient in the vibrant downtown," she said. "It was not formed to compete with any other group."

The organization is planning a winter wonderland in Five Points Park for the weekend after Thanksgiving and the first weekend of December. "The chair of the Downtown Sarasota Alliance asked us to pick up the ball. We need to have the park look festive," said Getchell. "My purpose is to ask the DID for some seed money to buy decorations. We need a little help this year to get the ball rolling."

The DID obliged with a \$3,000 grant.

"We'll bring back a report on how it was spent," said Thorpe.

The district can afford the support. DID Operations Manager John Moran reported a "substantial" cash carry-forward from the last fiscal year to the start of the current period: \$96,343.

"That brings the current budget to \$441,000 with \$158,000 unallocated," he said.



DEADTIME STORIES



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CHARTER CHANGERS



Sarasota City Hall is on First Street in downtown Sarasota. Photo by Norman Schimmel

YOU'VE NEVER HEARD OF CERTIFICATES OF PARTICIPATION?

By Stan Zimmerman
City Editor

If there is a stumper for the unprepared voter on the long Nov. 6 ballot, it is a city charter proposal to ban use of “certificates of participation.”

Certificates of what?

A “certificate of participation” is a financial tool that has been used in the past by government bodies (including the Sarasota County School Board) to avoid holding a bond referendum.

Under Florida law, when a governing body wants to obligate property tax money to pay off a proposed bond issue, it first must ask the voters, through a referendum, for permission

to do so. However, governments sometimes can find it awkward or untimely to seek voter approval.

In that case, they can use a certificate of participation to avoid the bond issue but still receive money from investors. Essentially, a COP is the purchase of government property or assets by investors who then lease the property back to the government and share the income from the lease among themselves.

Let's use the city's construction of a new police station on Adams Lane as an example of how this process works. Voters approved a \$50 million bond issue backed by property taxes for the project, but the city could have

skipped the voters and sold certificates of participation to investors. These investors would have owned the police station, and they would have leased it to the city.

Using the landlord's "1 percent rule," the city would pay \$500,000 to the investors every month in rent to use the building. After 100 months (about eight years), the investors would have all their money back. Depending on the term of the certificates, any money the investors earned from the monthly payments beyond their initial investment would be profit.

Thus, a 25-year certificate would have allowed the city to build the police HQ, then put \$100 million into the pockets of investors over the duration of the deal.

With either a bond or a COP, payback comes from property taxes, but no voter approval is necessary for a certificate of participation.

For communities with little or no bonding ability left, these certificates are an attractive way to build capital projects. However, because the "lease income" is taxable, the government body ends up paying more over the life of such a deal to make it attractive.

Governments are increasingly careful to guard their bond ratings, because employee pensions are causing rating agencies to toughen their examinations of local government books. Certainly any issuance of certificates of participation would reflect the city's existing bond issue ratings.

Voters who believe the City of Sarasota should have the flexibility to use certificates of deposit to finance large capital projects will vote against this proposed charter change.

Voters who wish to keep the right to vote on bond issues to finance large capital projects will vote in favor of this proposed charter amendment.



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A crowd gathered at Mattison's in downtown Sarasota watches as aerialist Nik Wallenda attempts to become the first person to cross Niagara Falls on a high wire. Photo by Norman Schimmel

WALLENDAS HOMECOMING PLANNED FOR OCT. 19



Nik Wallenda, internationally known high-wire artist and Circus Sarasota star, will be given a hero's welcome when he steps off a JetBlue flight at the Sarasota-Bradenton International Airport on Friday morning, Oct. 19, Circus Sarasota has announced.

The flight is expected to arrive at 10:45 a.m.

The public is invited to the airport to welcome Wallenda home for the first time since his walk across the falls in mid-June.

The airport celebration will include remarks by Sarasota Mayor Suzanne Atwell, the reading of a proclamation by Sarasota County Commission Chairwoman Christine Robinson "and Sailor Circus youth cheering their idol on!" a Circus Sarasota news release says.

Pedro Reis, co-founder and CEO of Circus Sarasota, also will be at the airport to welcome his friend and announce that Wallenda will be the star of the circus' 2013 season, the news release says.

The reception will take place in the airport's lower level, adjacent to the waterfall between the departure/ticketing area and baggage claim, the release says. Free parking courtesy of the airport management has been arranged for those planning to attend the event. (Wallenda signs at the airport will guide drivers.)

"Over the weeks leading up to his walk above The Falls, Nik Wallenda shared the spotlight with his hometown; and the world took note," said Reis in the news release.

Since the Niagara Falls feat, Wallenda and his family have been on the road for performances.

“When we welcome him home to Sarasota, we are letting Nik know how proud he has made

us, and how proud we are of him!” Reis said in the press release. “I hope that we will have a huge and enthusiastic crowd to meet Nik at the airport this Friday morning.”

APPARENT DROWNING VICTIM IDENTIFIED



The victim of an apparent drowning this week in Sarasota Bay has been identified, the Sarasota Police Department has announced.

About 9:30 a.m. on Oct. 14, a boater observed a body floating in Sarasota Bay just off of Island Park, a Police Department news release says.

The victim has been positively identified as James LaRive, the release adds.

LaRive, who was 62, previously had described himself as homeless and living aboard a sailboat anchored in the city mooring area, near where his body was recovered, the news release says.

Emergency responders, including two Sarasota police officers in a department boat, pulled LaRive from the water, the news release says. The body was transported to the 10th Street boat ramp, where personnel from the department's Criminalistics unit and the Sarasota County Medical Examiner's Office, along with a Police Department detective, initiated a death investigation, the news release adds.

The release of LaRive's identity was delayed pending positive identification and the notification of next-of-kin, the release says.

The death appears to be the result of an accidental drowning; however, the investigation has not been completed, the release notes.

Anyone with additional information is asked to contact detectives at 364-7309.

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EARLY VOTING OFFERED THROUGH NOV. 3



Sarasota County Supervisor of Elections Kathy Dent is offering early voting for the Nov. 6 general election from Saturday, Oct. 27, through Saturday, Nov. 3, her office has announced.

During the eight-day early voting period, eligible voters may cast their ballots at any one of the six locations listed below between the hours of 7 a.m. and 7 p.m. daily:

- Supervisor of Elections Office, Sarasota County Terrace Building, 2001 Adams Lane, Sarasota; 861-8600.
- Supervisor of Elections Office, R.L. Anderson Administration Building, 4000 Tamiami Trail South, Room 114, Venice; 861-3760.
- Supervisor of Elections Office, Biscayne Plaza, 13640 Tamiami Trail, North Port; 423-9540.
- Fruitville Library, 100 Coburn Road, Sarasota; 861-8600.

- Gulf Gate Library, 7112 Curtiss Ave., Sarasota; 861-8600.
- North Sarasota Library; 2801 Newtown Blvd., Sarasota; 861-8600.

Florida Law requires a voter to present photo and signature ID upon entering the polling place and prior to voting. A voter who appears at the polls without a current and valid photo and signature ID will be allowed to vote a provisional ballot, Dent is reminding citizens.

To vote by mail (absentee), voters should call 861-8618 to request an absentee ballot. Requests for ballots to be mailed must be received by the supervisor of elections no later than 5 p.m. on Wednesday, Oct. 31.

Voters who have questions may contact the Supervisor of Elections Office at 861-8600 or visit the SOE website at www.SarasotaVotes.com.



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TEEN'S AUTOPSY REPORT COULD TAKE THREE MONTHS



The final autopsy report on a 17-year-old Indiana teenager who was found at the bottom of a Siesta Key pool probably will not be ready for three months, a spokeswoman for the Sarasota County Medical Examiner's Office told *The Sarasota News Leader* this week.

That is the general time frame in which to expect all the toxicology reports to be completed in that case, the spokeswoman said.

A toxicology report is required when no obvious cause of death has been determined, Wendy Rose, the community affairs manager for the Sarasota County Sheriff's Office, said this week. No new information had been includ-

ed in the file regarding the investigation into the death of Garrett Mabrey of Columbus, IN, Rose added.

Deputies were called to the Crystal Sands Condominiums at 6300 Midnight Pass Road, Siesta Key, at 3:25 a.m. Oct. 12 by a resident who had found the victim at the bottom of the pool, a Sheriff's Office report said. Mabrey was pronounced dead at the scene.

His family reported having seen Mabrey just before midnight, the report added. The family had come to Siesta Key on vacation, the report said.

Detectives suspected the teen's death was accidental, the report said.

OFFICIAL SAMPLE BALLOTS PUT INTO THE MAIL



Official sample ballots for the Nov. 6, general election should have arrived in voters' mailboxes this week, Sarasota County Supervisor of Elections Kathy Dent announced.

Sample ballots have been mailed to all registered voters in the county who have not requested a vote-by-mail (absentee) ballot, Dent said in a news release.

She noted that the November ballot is two pages, front and back, and is very crowded. "I strongly urge all voters to take the time to study the issues and contests before going to their early voting sites or precincts," she said in the news release.

Voters may preview their sample ballots and mark their choices on the summary that is

included with the ballots, then cut them out and take the ballots to their polling places on Election Day or during early voting (Oct. 27 to Nov. 3).

"Voters who preview their ballots and mark the summary first can save a lot of time at the polling place," Dent said in the release.

Voters also may visit the SOE website at www.SarasotaVotes.com to view their personalized sample ballots and confirm their polling locations prior to Election Day. Click on the sample ballot link under "News Briefs" on the homepage and follow the easy instructions.

Voters who have questions may contact the Supervisor of Elections Office at 861-8600.

Press Releases & News Tips

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NEW TOPICS NEW COLLEGE ELECTIONS DISCUSSION PLANNED



Charles Mahtesian of Politico and New College alumnus Alexis Simendinger of Real Clear Politics will offer national analysis of the 2012 elections at a New Topics New College event on Oct. 23 at 5:30 p.m., the college has announced.

Joining them to provide local and statewide perspectives will be *Sarasota Herald-Tribune* political writer Jeremy Wallace and New College political science professor and ABC-7 political analyst Frank Alcock.

The panelists will discuss such questions as the following: Who will win the presidency and why? What critical races will determine control of the U.S. Senate and House? What are the issues that will shape our local and statewide elections? What effect will this year's elections have on

the future of the Republican and Democratic parties, both nationally and statewide?

New Topics is a collaboration of the New College Foundation and New College of Florida. This community series features guest speakers discussing some of the most relevant topics of the time.

The Oct. 23 program will be held at the Mildred Sainer Pavilion, New College of Florida, 5313 Bay Shore Road, Sarasota. The cost is \$15 per person; the series price for the season is \$75.

A reception follows each program, providing audience members an opportunity to meet the speakers, students and faculty.

For more information, contact the New College of Florida events hotline at 487-4888 or visit events@ncf.edu.



*Alexis Simendinger/
Contributed*

MANASOTA LEAGUE OF CITIES TO HOST FORECLOSURE SEMINAR



The ManaSota League of Cities will hold a presentation titled, "Abandoned, Foreclosed or Bankrupt Properties — What Can Cities Do?" on Nov. 8 at 10 a.m. at Sarasota City Hall, 1565 First St. The public is invited to attend.

Grant Williams Alley, city attorney for the City of Fort Myers, will be the primary speaker.

The Slum Property Sign program instituted by the City of Fort Myers also will be discussed.

The regular meeting of the ManaSota League of Cities will begin at 9:30 a.m.; the presentation is scheduled for 10 a.m.

The ManaSota League of Cities comprises representatives of municipalities located in Manatee and Sarasota counties. Sarasota County is a voting member, while Manatee County is an associate member.

For more information, contact Pamela Nadalini, Sarasota city auditor and clerk or Gail Loeffler at 954-4160.



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FITZGERALD CONTINUES TO OUTRAISE BUCHANAN



New campaign finance reports show Democratic congressional candidate Keith Fitzgerald of Sarasota has out-raised incumbent

U.S. Rep. Vern Buchanan, R-Longboat Key, for the fourth consecutive reporting period, Fitzgerald's staff has announced.

"I'm humbled by the support we have received from thousands of Floridians," Fitzgerald said in a news release.

Not only did Fitzgerald outraise Buchanan by more than \$220,000, an examination of the numbers shows "this is a grassroots effort with middle-class Floridians helping Keith to beat back PACs and special interests," the

news release says. It offers the following statistics:

- From July 1 through Sept. 30, \$467,000 raised.
- More than 2,650 individuals contributed to the campaign.
- The average contribution was \$122.52.
- Eighty-three percent of contributions were from Florida.

Buchanan, the finance chairman for the Republican National

Congressional Committee, has more cash on hand than Fitzgerald, the news release says, but \$250,000 of the funds are debt Buchanan owes himself for a personal loan.

VIDEO OF FITZGERALD-BUCHANAN DEBATE ON YOUTUBE



Scandal-scarred U.S. Rep. Vern Buchanan, R-Longboat Key, squared off against Democratic challenger and former state Rep. Keith Fitzgerald

Wednesday, Oct. 17, in a feisty debate hosted by Manatee Educational Television.

It was the first time the two candidates had confronted each other in person, and the first opportunity for voters to see the pair go head-to-head.

Buchanan and Fitzgerald debated Medicare, Social Security and — you guessed it — congressional ethics.

METV has graciously published the full, 58-minute debate on YouTube, and you [can view it here](#).

A second debate — hosted by Sarasota's ABC station, Channel 7 — is scheduled to air Sunday, Oct. 28.



View this video at <http://www.youtube.com/watch?v=swb1KD-Cu92k>

18 GRADUATE FROM CITIZENS LAW ENFORCEMENT ACADEMY



The Sarasota County Sheriff's Office graduated 18 people on Oct. 11 from the 38th class of the Citizens Law Enforcement Academy.

CLEA, which is held one night a week for 10 weeks, gives citizens an inside look at Sheriff's Office operations, a news release points out. The course includes a tour of the jail and courthouse as well as such activities as a ride-along with a patrol officer, conducting felony traffic stops and firearms training. Additional sessions are offered in law enforcement procedures, criminal investigations and K-9, SWAT and forensics operations, each taught by a subject matter expert, the news release says.

Inspired by a visit to the Florida Sheriffs Youth Ranch, CLEA class members donated \$2,025 to the ranch during a presentation at their graduation.

The next CLEA class will begin in April 2013, but it is already full, the news release says. Applications are being accepted for the fall 2013 session; they may be found on www.SarasotaSheriff.org under the Crime Prevention tab. (Click "Get Involved.")

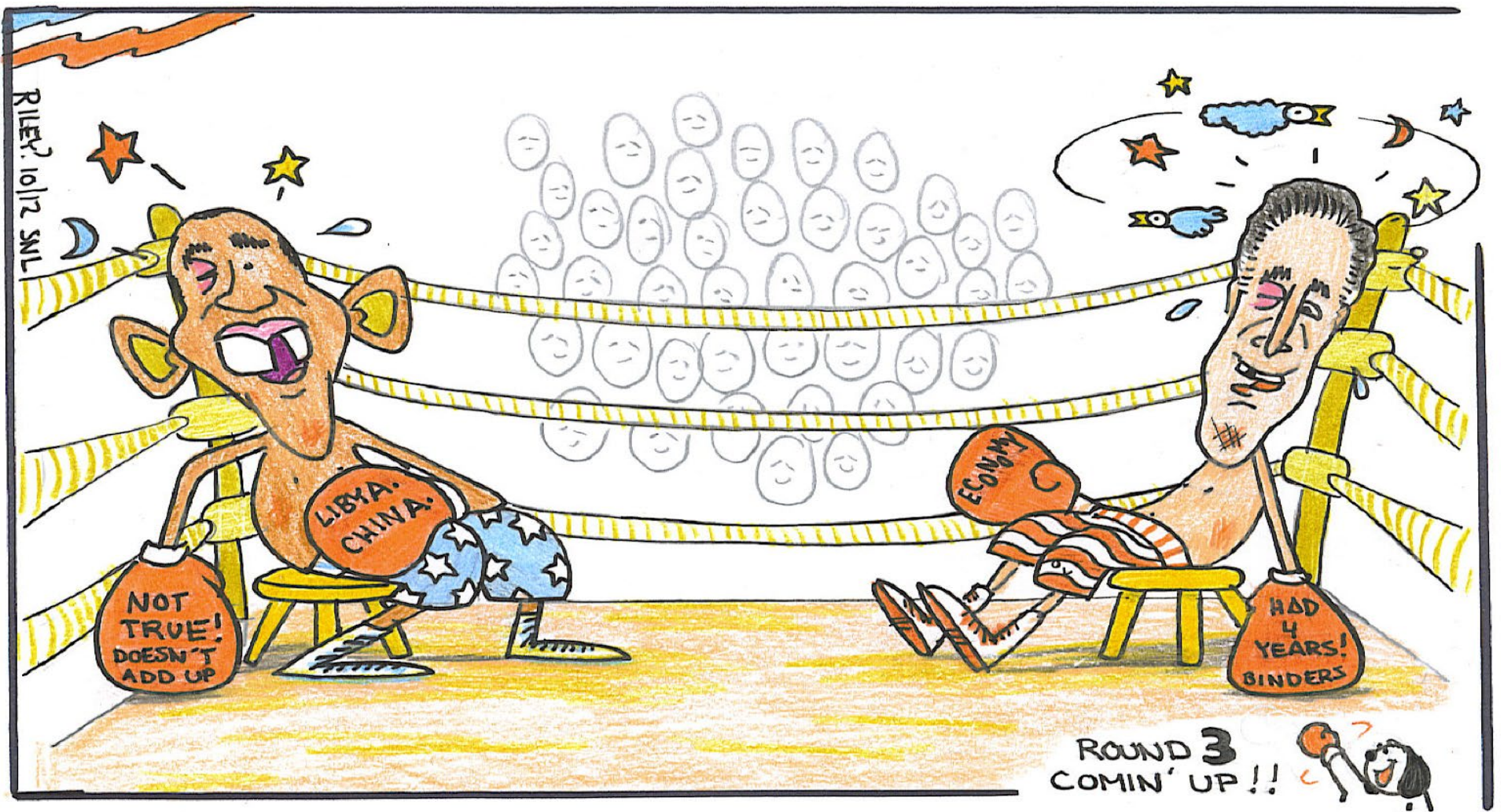
CORRECTION

The article in the Oct. 12 issue titled, "Long time coming" contained incorrect information about a photo showing youngsters playing on Lido Beach. A correction subsequently was made. However, for readers who saw the first version, we want to point out that the children were not participants in the Neighborkids of Newtown program. We also identified SCOPE as the leader of that program, when that also is not the case. SCOPE no longer has any involvement with the Neighborkids program.



The 18 new graduates of the Citizens Law Enforcement Academy gather in front of the Sarasota County Sheriff's Office helicopter. Contributed photo

OPINION



VOTE 'NO' ON AMENDMENTS 5, 6 AND 8

EDITORIAL

Our nation's Founding Fathers, after years of contentious debate and careful compromise, succeeded in crafting a constitution that remains the apotheosis of democratic government. Central to that document's enduring authority is its division of government into three distinct branches: legislative, executive and judicial.

The intention was that no single branch could reign supreme — that a system of checks and balances would ensure that no branch of government would limit the power of another branch. The legislative branch would create laws and appropriate funds, the executive branch would enforce those laws and ensure the sound operation of the government, and

the judicial branch would adjudicate legal disputes and serve as the arbiter for whether an act or action was in keeping with constitutional boundaries.

For more than two centuries, the judiciary has helped moderate the winds of political change, which more directly impact the legislative and executive branches, to preserve the central tenet of a representational democracy: Majority rule; minority rights.

Both the governor of Florida and the state Legislature have attempted in recent years to exceed their constitutionally vested authority to advance their own ideological agendas, but they have been reined in by the Florida Supreme Court. In short, the division of powers in the Florida Constitution, modeled as it

OPINION

is on the federal Constitution, has worked to preserve the integrity of the state government.

Now the state legislature is seeking to end that carefully crafted balance by swamping voters with a host of proposed constitutional amendments, misleadingly named and confusingly

worded. Specifically, were Amendments 5, 6 and 8 to pass, the careful system of checks and balances built into the state constitution would end, and the Legislature would become a virtual politburo in the state, with the power to rule by legislative fiat.

AMENDMENT 5: STATE COURTS

The excesses of the Florida Legislature and Gov. Rick Scott have kept the state Supreme Court busy, striking down one initiative after another as unconstitutional. Stymied in their efforts to run amok, legislators have proposed Amendment 5, innocuously titled, "State Courts." It would diminish, if not eliminate outright, the independence of the judiciary as a branch of state government.

First, the Legislature can overturn established court procedures only by a two-thirds majority vote. The amendment seeks to reduce that to a simple majority, allowing the Legislature to micro-manage the operations and procedures of the state courts.

Second, the amendment seeks once again to politicize the appointments of appellate judges and Supreme Court justices by requiring the judges' approval by the state Senate.

Currently, as a result of a voter initiative that amended the state constitution in 1976, judicial vacancies are filled by the governor, choosing from a list of nominees provided by a judicial nominating committee. Once appointed, appellate judges and Supreme Court

justices serve six-year terms before facing a "retention" vote by state voters.

The change would subject judicial nominees to a lengthy political process that would focus less on legal qualifications and more on political ideology, ensuring that the court would function less in its prescribed role of independent arbiter.

Taken as a whole, this proposed amendment would dramatically diminish the power of the courts to leaven the excesses of the legislative and executive branches, setting the stage for dangerous adventurism by the Legislature and/or the governor.

We urge voters to vote NO on proposed Amendment 5 on Nov. 6.

In addition, we urge voters to vote to retain all three Supreme Court justices:

Vote YES to retain Justice Barbara Pariente.

Vote YES to retain Justice R. Fred Lewis.

Vote YES to retain Justice Peggy Quince.

OPINION

AMENDMENT 6: PROHIBITION ON PUBLIC FUNDING OF ABORTIONS; CONSTRUCTION OF ABORTION RIGHTS

This amendment seeks to do three things: Add to the state constitution a prohibition against any public funding of abortions, with very limited exceptions; reduce the right to an abortion in Florida to no greater right than that conferred by the United States Constitution; and to diminish the constitutional right to privacy to no more than that which is defined in the United States Constitution.

The State of Florida is one of only a few states in the union which has a specific right of privacy enshrined in its constitution. Article I, Section 23, which was adopted in 1980, prohibits government interference in the private actions and decisions of its citizens.

The *Roe v. Wade* decision of the U.S. Supreme Court was based on a court-assumed right to privacy. Since 1973, opponents have argued that, in the absence of explicit language in the federal Constitution granting such a right to privacy, the court decision was fatally flawed. If, in some future term of the Supreme Court, *Roe v. Wade* is limited or overturned because of this, the only recourse would be to amend the United States Constitution to add an explicit right to privacy.

In Florida, however, the presence of that explicit right in Article I, Section 23 would have the effect of continuing women's legitimate access to abortion, because the fundamental judicial philosophy on which *Roe v. Wade* was determined would remain unchanged.

Specifically, were Amendments 5, 6 and 8 to pass, the careful system of checks and balances built into the state constitution would end, and the Legislature would become a virtual politburo in the state, with the power to rule by legislative fiat.

Proponents of this amendment claim the state Florida Supreme Court overturned a parental notification law in 1989 on the grounds that it violated the constitutionally mandated right of privacy. They disingenuously claim that a minor must have parental permission to receive medications at

school, but not to have an abortion. Of course, receiving an aspirin at school requires parental permission because of the implied contract between the parents and the schools. It does not intrude upon the student's right of privacy, because that student could easily obtain the medication on his or her own, and in complete privacy, at a nearby pharmacy or retail store. The right to deal with a pregnancy in private is an entirely different matter.

Assuming a legitimate public interest in limiting the ability of minors to obtain abortions without parental consent, the Legislature simply could have proposed an amendment that

OPINION

would have excluded minors from the right of privacy conferred by Article I, Section 23. But it did much, much more.

The Legislature, in typical overkill fashion, seeks virtually to eliminate abortion rights in Florida by saying the right to abortion in the state is no greater than the right “contained in the United States Constitution,” despite the fact that abortion is not once mentioned in the federal Constitution.

The proposed amendment further seeks to eliminate the right of privacy in Florida by saying the right is no “broader in scope than that [contained in] the United States Constitution.” Because the federal Constitution contains no explicit right of privacy, the essential

effect would be to eliminate the right of privacy from the Florida Constitution.

This amendment is wrong for two very important reasons: It seeks to limit for Florida women a right to abortion granted by the Supreme Court of the United States; and it seeks to diminish or remove entirely the right of privacy for Florida citizens in general and women in particular, as granted under Article I, Section 23 of the state constitution. It is a particularly egregious example of legislative chicanery, in a state legislature renowned for such subterfuge.

We urge voters to vote NO on proposed Amendment 6 on Nov. 6.

AMENDMENT 8: RELIGIOUS FREEDOM

Were there a dictionary entry for “misleading title,” we would imagine the title of this amendment would be included as an example. Amendment 8 has nothing to do with religious freedom — unless, by “religious freedom,” one means ending a long constitutional tradition of separation of church and state and doing away with a prohibition on using taxpayers’ dollars to further religious organizations or activities.

The proposed amendment, with deceitful purpose, appropriates the actual title of Article I, Section 3 of the Florida Constitution.

That section, titled “Religious Freedom,” reads as follows:

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

Amendment 8 would replace the last sentence of that section of the constitution with “No individual or entity may be discriminated against or barred from receiving funding on the basis of religious identity or belief.” In

OPINION

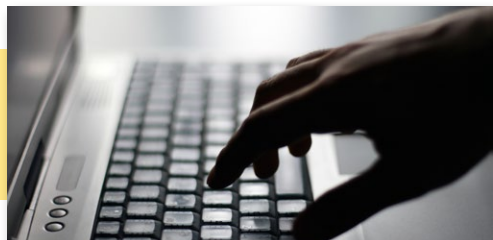
other words, Amendment 8 opens the door for unlimited funding of religious groups or activities with taxpayers' money.

The irony is that federal law prohibits discrimination or unequal application of the law, so — in the unlikely event the federal government did not take exception to the state's constitutional willingness to finance religious groups or activities from public coffers — it could be argued that Florida might be required at some point to use tax money to fund a religious school that would not be as popular with the ultra-right and exclusionary proponents be-

hind this amendment, to wit: an Islamic madrasah.

The current constitution wisely preserves religious freedom by keeping it free from government interference, which always comes with government funding. The proposed amendment naively seeks to remove that prohibition, ultimately diminishing the constitutional protection of religious freedom.

We urge voters to vote NO for proposed Amendment 8 on Nov. 6.



LETTERS TO THE EDITOR

POLICE CHIEF CANDIDATES' CAR MODEL INFORMATION POINTLESS

To the Editor:

Why on earth do you include the type of car that the candidates for Sarasota police chief drive? (Show and tell: Oct. 12 issue)

Are we supposed to judge the worthiness, the capability or the experience of the candidates from the cars they drive? Is the car model supposed to reveal the person's need for power, size of ego, financial astuteness (every finan-

cial planner knows that a car is the worst purchase you can make as far as an investment is concerned), environmental awareness or how likely the candidate is to survive a 4-car pileup? Come on!

The next thing you will be writing about is the label in their jeans!

*Ava Whaley
Sarasota*

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OPINION

READER QUESTIONS NEWS LEADER POSITION ON CITY CHARTER AMENDMENT

To the editor:

The Sarasota News Leader's position on the proposed charter amendment that would split the duties of city auditor and clerk surprises me. A professional auditor as a charter official would provide essential checks and balances in much better fashion than the current arrangement permits.

Under the current structure, an auditor who has no previous governmental auditing experience works for the city. This person is called *city auditor and clerk*, but she is not an auditor and has allowed her own numerous departments to go unaudited. This is a clear conflict of interest that is impossible to eliminate when audit and operation functions are combined under one person.

The audits conducted of other city departments are so superficial and infrequent that outsiders had to reveal numerous scandals.

Recent changes in our administrative structure placed the Information Technology Department under this same auditor and clerk. No other city in Florida has operating departments reporting to an auditor, and IT usually is overseen by the city manager. This department was removed from oversight by our city manager in a highly political maneuver designed to provoke the manager's resignation. When that failed, unfounded accusations were used to force out the manager, and the community has yet to see justification for those accusations.

Historically, the manager and auditor/clerk have been at odds in our city. This has created bizarre turf wars through the terms of three different clerks. Instead of a focus on making the city run better and more efficiently, palace intrigues have ensued.

In the majority of Florida cities, the clerk reports to the city manager to facilitate efficient delivery of government services. Clerks tend to report to the commission primarily in cities that have converted from a strong mayor to a council-manager form of government. In cities where the clerk already had established a political base, it was a *political* decision to create a separation — not a good governance decision.

Sarasota deserves good governance, and a “yes” vote on the proposed city amendment calling for a strong manager is a sound step toward that.

*Yvonne Lacey
Sarasota*

Editor's note: *From the outset, this proposed city charter amendment has been billed as the “strong manager” amendment. We find current efforts by supporters to reframe the initiative as a “strong auditor” amendment to be disingenuous. Furthermore, our opposition to the amendment is a result of its addressing a symptom only, instead of the root problem, which is a factious and inept City Commission. We already have stated editorially a path for the City Commission to follow: [City's solution is simple](#).*

OPINION

READER URGES SUPPORT FOR CITY CHARTER AMENDMENT GIVING MORE POWER TO THE CITY MANAGER

The purpose of my letter is urge support for a Yes vote on the City of Sarasota charter amendment on Nov. 6 titled, *Split Office Of City Auditor And Clerk Into City Auditor And A New City Clerk*.

A Yes vote will fix a dysfunctional aspect of our current Sarasota city government, which divides responsibilities between the city auditor/clerk and the city manager. CEOs and business leaders of corporations and businesses would not tolerate this kind of division of senior level responsibilities in their own operations. They would recognize that it creates a dysfunctional management structure.

In my personal experience as a senior level public administrator, I know you cannot share critical responsibilities with other people. It is a recipe for strife, power struggles, inefficiencies and conspiracies.

The city manager needs to be given the authority over operations that allow for effective and efficient governance with advice, consent and oversight from the elected city commissioners. This amendment accomplishes that task.

This amendment also makes the city auditor a charter official and provides for a professional auditor to maintain the checks, balances and oversight that Sarasota needs. The position must be transformed into a more professional

one, and it must be independent of city management. This charter amendment accomplishes that task.

This amendment makes a lot of sense. It provides an organizational framework that would improve the operations and management of the city's affairs.

Roger J. Barry
Professor emeritus
University of Cincinnati
School of Planning
Sarasota

Editor's note: *The City of Sarasota's auditor and clerk already is a charter official.*



LETTERS TO THE EDITOR

The Sarasota News Leader welcomes letters to the editor from its readers. Letters should be no more than 300 words in length, and include the name, street address and telephone number of the writer. Letters should be emailed to Letters@SarasotaNewsLeader.com, with "**Letter to the Editor**" in the subject line. Letters actually printed will be selected based on space available, subject matter and other factors. We reserve the right to edit any letters submitted for length, grammar, spelling, etc. All letters submitted become the property of *The Sarasota News Leader*.



I like to take my time.

Sure, it's a temptation to rush. Each issue of *The Sarasota News Leader* is brimfull of in-depth coverage of all the news and goings-on in Sarasota County. And it has delightful and informative feature stories. Thanks to its partnership with *This Week In Sarasota*, I always know what the most exciting happenings are each week. Plus, it is simply so beautiful, with photography that takes my breath away.

There is so much there, I don't know where to begin. So it is hard to resist the urge to read it all at once. But I know better. Take your time and indulge in all that it has to offer.

You have a whole week.

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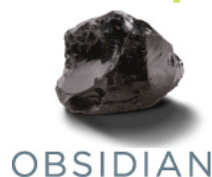
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SCENE





COLLABORATIVE CREATION

DJ David Curran plays an energetic mix of contemporary electro, old school Detroit techno, Italo disco and more. Photos by Arielle Scherr and Tyler Whitson

RINGLING UNDERGROUND EMPHASIZES MUSEUM'S CONNECTION WITH COMMUNITY MEMBERS

By Tyler Whitson
Contributing Writer

For college students and young professionals in the Sarasota area who are in the early stages of their careers and not yet likely accustomed to the “good life,” the Ringling Museum’s enormous, flawless grounds and immaculate facade can appear a bit intimidating — even daunting.

That is how New College art history student Margaret Vincent felt about the museum a couple of months ago. “It seemed very standoffish, because it’s big and imposing and adult,” she said in an interview with *The Sarasota News Leader*.

Her perceptions changed dramatically, though, when she began attending the museum’s recently developed “Ringling Underground” series, which is free to college students in the area and was created to give budding artists an opportunity to get involved with the museum by contributing their own visual and performance art to its showcases.

“It’s nice to know that they’re welcoming to college students,” Vincent went on to explain. “I think it definitely helps people our age get more comfortable with coming here and being involved in the museum.”



Audience members have plenty of freedom to turn the courtyard into a familiar environment.

The art is presented in an environment that is open and relaxed, with a mix of local and nationally known indie bands and DJs performing while attendees saunter around the courtyard and take in the pieces at their own leisure.

The installment of the series that took place on Thursday, Oct. 4, for example, boasted a lineup that featured local acts the Wallies and DJ David Curran followed by Philadelphia, PA, natives Vacationer, with the space between sets filled by contemporary electronic dance music. Visual and performance art pieces by Ringling College of Art and Design (RCAD) students and other Florida artists were distributed throughout the courtyard and arcade, many of the pieces fitting in seamlessly with their surroundings and engendering a mystical aura that was augmented by the breezy gusts

causing the boughs of epic foliage to billow majestically.

This ambiance is something that Vincent's companion, Patrick Tomissen, appreciated immediately. "I love the whole vibe of the event," he told the *News Leader* while casually glancing at his surroundings during the event. "Everyone's out having fun; there's music constantly. Everything's open; everyone's enjoying everything. It's just nice."

The Ringling Museum's assistant director of academic affairs, David Berry, explained to the *News Leader* a few days after the event that this sense of openness and involvement is exactly what he hopes the program will bring to the museum.

"What we're looking to do ... is provide opportunities for college students and young professionals to get actively involved in the museum



The crowd at the event consisted mostly of people in their 20s and 30s.



Lights Off, by Jamie Sealander, blurs the line between painting and sculpture.

and actually be involved in the planning and development of this particular program, really with the aim of trying to take ownership of it to a certain degree,” he said.

He explained that the program is collaborative on multiple levels. First of all, he said, the program was not conceived by a single person, but by a team, each member of which takes on a certain responsibility in the process. Within the museum, there is Christine Fraser in the Events Department, Shakira Refos in the Marketing and Promotions department, and Berry himself. Team members who are not museum employees are Shannon Fortner, who is

in charge of live music and bringing local and national acts to the event, and Jen Nugent, who acts as a liaison between the museum and the artists and is in charge of curating the pieces, which are collectively referred to as “On the Lawn.”

The collaboration extends beyond these more formal channels, however.

“There’s always a sense that museums have something to offer their audience, which is unquestionably true. Where often that falls short is the conception that the audience has something to offer the museum,” Berry explained. “The museum is trying to create



The piece Islands, by Shannon Chong, is constructed from threads and textiles and is described by the artist as symbolizing privilege and subjugation.

an opportunity for younger people to get involved, to have a say in the kind of programming that the museum develops. Those people ... who are collaborating with us help to make it what it is, and they help to do that in a way that we wouldn't be able to do on our own."

Some of the pieces displayed at the most recent show conveyed universal issues, such as that of self identity, in a candid manner common among younger artists.

A piece called *The Faceless*, created by RCAD student Kieren Collen, for example, demonstrated this challenge in a way that was unavoidable in a literal sense. At the front entrance of the lobby, attendees were met by a young woman who handed them a sticker with the word "FACELESS" printed in plain capital letters above a barcode as they walked through a mock PVC fence with several cameras directed at them.

The feeling created by confrontational pieces like this, along with more aesthetically oriented sculptures, challenging performance art

pieces and buoyant musical acts is something Berry feels the museum would not be able to accomplish alone. "This is not a program that we could put together on our own, without the support, without the energy and enthusiasm of the young people who help to make it what it is," he said.

Berry is not bluffing, either. He said community members who want to get involved by suggesting musical acts or pieces can do so by contacting any of the individuals who are directly involved in the program.

The next Ringling Underground event is coming up on Nov. 1. It will feature musicians the Send-Offs, Bwedge and Teeth alongside a fresh lineup of local visual and performing artists. After that, the program will take a short break before coming back in February for three more shows. The lineup for that spring season has not been completely decided yet, so there is still time to get involved.



Vacationer mixes the upbeat stylings of indie rock bands such as Vampire Weekend with the laid-back aesthetics of chillwave.



ASK OTUS

WITH EXPECTED AND UNEXPECTED SIGHTINGS, READERS CHARMED AND ENTRANCED

Dear Otus:

Thanks for the tip on Celery Fields and the Limpkins. I went to the boardwalk on Raymond Road and saw two! Interesting bird, actually very large and handsome. I watched as it gathered snails, one at a time, for dinner. I did not hear it scream though.

Mike

Dear Mike,

Although Limpkins are largely nocturnal and crepuscular, in Florida wildlife sanctuaries, such as Celery Fields, they seemingly have no fear of people and are active during the day. It fluffs up my feathers to learn that you trusted

my advice to visit Celery Fields, where you saw two of them!

Limpkins are about the same size and weight of the American white ibis.

Did you know that limpkin chicks are born downy-feathered and capable of walking, running, swimming and foraging for food the very day they are hatched? That's impressive!

Two weeks ago, I showed readers a charming photo of a parent feeding its small precocial chick. Today, I'm pleased to include a lovely photo capturing a tender moment as a parent feeds its now grown-up chick an apple snail, the absolute favorite food of the Limpkins. The only problem with this picture, as I see it, is that the chick reaches adult size seven weeks after hatching but remains dependent on parents until it is 16 weeks of age. What a mama's chick! At 16 weeks, I, born altricial, had my very own tree perch and didn't have to raid mommy's larder for a midnight mouse snack. That's really impressive!



An adult Limpkin feeds its grown-up chick an extra special treat — an apple snail. Photo courtesy of Rick Greenspun

Mike, I guarantee you will hear the piercing screams of the “crying bird,” as the Limpkin is also called, throughout the birds’ springtime mating and nesting season. You can hear them night and day. The cries are mostly those of males vigorously defending their territory from encroaching intruders.

Limpkins are gregarious communal nesters, but, as with humans who live side-by-side with other humans, the sense of “my-space-do-not-trespass” is very strong.

That is the ornithologist’s scientific explanation for those anguished cries. Personally, I wonder if they don’t express the parents’ despair over having a hungry adult-sized chick still living at home.

Otus

EXPECTED AND UNEXPECTED SIGHTINGS: PART II

The bobcat population on south Siesta Key is still thriving and proliferating. It is getting to the point where I can’t leave my perch without almost flying into one.

People are reporting a momcat with her two adorable (i.e., almost as cute as an owlet) kittens roaming throughout Turtle Beach Park and its bayside areas. But to date, I’ve seen only one photo as a result of the dozens of sightings.

On Sept. 16, in the [8700 block of Midnight Pass Road](#), on a sandy inlet within the mangroves, Angel Rios took a cell phone photo of a fiercely glaring mama sitting guard in front of her kitten, which was peering at Angel with cautious curiosity. Unfortunately, the photo’s pixel resolution is too low for inclusion here.

A warning to readers: Bobcat kittens will remain with their mother for some six months. If you spot a solitary, immature bobcat, do not approach it and try to “pet the kitty.” Protective mama is never more than a few feet away.

More interestingly, a couple of weeks ago, Angel reported seeing a “Black Panther” near that same inlet. This is the third sighting of one in that area during the past year. Angel, who has more than 20-plus years of experience with our key’s wildlife — piscine, avian and mammal — provided me with my first detailed description of the cat people claim is a Black Panther. (Angel is one of the few people who know how to find me; most of you walk right past me!)

The cat slowly emerged from the mangroves onto the driveway. It was not more than 10 yards from Angel. It was jet black and measured about 18 inches tall, with a body length of 24 inches, excluding its very long tail. It saw Angel. Then, moving with great speed, the cat headed straight down the lawn, hugging the line of mangroves. Suddenly it veered into the mangroves and vanished.

Angel Rios has provided us with the first accurate and detailed description of a black morph Jaguarundi (*Puma yagouaroundi*) on our key.

Otus

ABOUT OTUS

Otus Rufous, an Eastern Screech-Owl, was born on Siesta Key and is a full-time resident there. An avid hunter, accomplished vocalist and genuine night owl, Otus is a keen observer of our local wildlife and knows many of nature’s secrets. Otus will answer your questions about our amazing wildlife, but only if you Ask Otus. So please send your questions and photos to askotus@sarasotanews-leader.com. Thank you.



LIFEGUARDS TAKE A 24-HOUR PADDLEBOARD CHALLENGE TO RAISE FUNDS FOR YMCA SHELTER

By Rachel Brown Hackney

Editor



Editor's note: Former readers of the Pelican Press who enjoyed Rachel Brown Hackney's "Island Beat" column, which kept all apprised of goings-on on Siesta Key, will be pleased to know that her new column — "Siesta Seen" — will be a regular feature in The Sarasota News Leader.

Sarasota County lifeguard Robert Martini knows what it is like to be homeless.

"You can be at the bottom and bring yourself all the way back up," he told me this week.

To convey that message to the youngsters at the YMCA Youth Shelter, he recruited another county lifeguard, Brad Ward, to join him in a 24-hour paddleboard fundraiser over the weekend to raise funds for the shelter.



Brad Ward (left) and Robert Martini stand in the surf as they prepare for their paddleboard fundraising challenge. Contributed photo.

Siesta Seen

From 6 p.m. Saturday, Oct. 13, to 6 p.m. Sunday, Oct. 14, Martini and Ward paddled loops of about 4.2 miles to inspire people to contribute to the shelter.

“Last night I was really sore,” Martini said when I spoke with him on Monday.

His feet were swollen Sunday night, his hands were blistered and “I’ve got a really wicked sunburn,” he added. “Other than that, I’m good to go.”

In fact, Martini was back on duty on Siesta Public Beach Monday.

In spite of the aches, Martini was delighted by the financial support that had come in for the shelter.

During a really rough period in his childhood, he pointed out, “My family was homeless before we came to Florida. ... [We] lived in our car for awhile.”

That is why the Youth Shelter’s services are so important to him, Martini said.



Siesta Key lifeguard Robert Martini says people would be surprised how close to shore — and how big — black tip sharks are in the Gulf of Mexico. Photo: Beaucroft | Dreamstime.com

Siesta Seen

Nickie Hartsock, director of the Youth Shelter, told me the facility has 20 beds to serve young people ages 10 to 17. The clients have a variety of issues, she said. They may be homeless, runaways or foster children in between family placement. Some are dealing with truancy problems; others have behavioral issues, she said.

The typical stay at the shelter is 10 to 14 days, Hartsock added.

Martini had become aware of fundraisers for the shelter that had been taking place over the past several months, thanks to the generosity of Gecko's Grill and Pub in The Landings, 4870 S. Tamiami Trail, she added.

"He came to us saying, '[The paddle] is what we would like to do'" to help, she said.

"They rocked it," she added of Martini and Ward. "The kids were so impressed."

Martini is a veteran of paddleboard challenges, having won and placed highly in competitions around the world, from Hawaii to Florida to Australia.

Over Memorial Day weekend in 2009, Martini and a friend, Abe Ucello of Siesta Key, paddled 36 miles down the length of the Sarasota County coastline to raise funds to support the nascent Junior Lifeguard Program sponsored by Sarasota County Parks and Recreation.



Robert Martini (left) is ready to start the event as Brad Ward heads out into the Gulf of Mexico. Contributed photo

Siesta Seen

“You’ve got to do something so gnarly ... and insane” to draw attention as a fundraiser, he said this week. Still, he believes raising money for the shelter is a highly worthwhile cause, especially after “hearing some of these kids’ stories.”

The goal for the shelter, Hartsock said, is to raise \$22,000 for a new van. Shelter staff members drive the young people to and from school, including trips to North Port, she added.

The shelter has a couple of old buses “with a lot of miles on them,” Martini told me. That is why a new van is high on the shelter’s wish list.

Although she did not have an exact figure when I spoke with her, Hartsock said people thus far have contributed several thousand dollars to the cause.

Clothes, shoes and new pillows also are most welcome, Martini and Hartsock pointed out.

“We try and give every single kid a new pillow when they come [here],” Hartsock said, so the child can take the pillow when he or she leaves.

Martini describes Hartsock as “helpful, a real sweet woman ... [whose] heart takes it on in.”



(From left) Robert Martini, Nicole Hartsock and Brad Ward celebrate the success of the YMCA Youth Shelter fundraiser at Siesta Public Beach. Contributed photo

Siesta Seen

Hartsock says Martini is “the one who’s wonderful,” adding, “It’s just amazing” what he and Ward did.

Sarasota County Lifeguard Manager Scott Montgomery joined Hartsock in singing Martini’s and Ward’s praises. They have very big hearts, he said. “It was unbelievable what they did.”

Montgomery pointed out that both men are Sarasota County residents who wanted to give back to their community, “and they did it on their time.”

During the daylight hours, Martini said, he and Ward paddled between Point of Rocks and the channel marker in front of Siesta Public Beach. At night, they traveled along a loop between The Sanderling Club and the public beach.

During the nighttime hours, he added, “We saw lots of marine life.”

Although he had with him an LCD light of the sort used for camping, Martini said he felt better when he kept it off. When it was on, he added, “I saw so many animals I did not want

to see” — including some sharks that were “quite large.”

Among those sharks were hammerheads, bonnetheads and black tips, he said. People do not realize how close to shore those creatures come at night, he pointed out.

He also saw eagle rays, snook and flounder.

Martini was touched by the support of the shelter’s residents, who were gathered on the beach at the start and finish of the weekend event. At the end, he said, the youngsters and Hartsock were there with a big banner.

More fundraisers are planned. In the meantime, Hartsock said, any contributions are welcome.

To donate funds by check, she said, make the check out to “Sarasota Y,” and mail it to the YMCA Youth Shelter, 1106 Briggs Ave., Sarasota, FL 34237.

Items — including new pillows — may be brought to the shelter on Briggs Avenue.

For more information, Hartsock welcomes people to email her at nhartsock@thesarasotay.org.



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Siesta Seen

MONITORING THE ACCESSES

During the Oct. 4 Siesta Key Association meeting, director Michael Shay made another pitch for volunteers to help out with an unofficial program he has begun to monitor the beach accesses on the key.

The organization's goal, he said, is to make sure those accesses stay clean.

Members already are watching over four of the accesses, he added. Anyone who uses a particular access at least once a week would be a welcome addition to the roster, he said.

"It's a very simple thing," he explained — just a matter of keeping an eye on the general situation and reporting any problems to the SKA.

On a related matter, Shay reported that 27 people volunteered with the SKA on Sept. 15 during the observance of International Coast-

al Cleanup Day, sponsored by the Ocean Conservancy.

Locally, Keep Sarasota County Beautiful was in charge of the event.

The SKA split its volunteers into four groups that worked along the public beach that morning, Shay said. "We had a good day," he added. "We had fun."

SKA director Beverly Arias had about 10 people in her group, she said, and director Helen Clifford had "a whole family" — mom, dad and two children — in her group who worked hard to clean up one particular area.

Shay apologized for the short notice about the event, which he announced during the SKA's Sept. 6 regular meeting. Next year, he said, he planned to publicize the date well in advance, with the hope of even more volunteers.

ONLINE MEMBERSHIP RENEWAL

SKA President Catherine Luckner also announced during that Oct. 4 meeting that the organization finally had worked out the bugs in its effort to make membership management possible through the SKA's website (www.siestakeyassociation.com).

By the end of this month, she said, people will be able to use a credit card to pay the \$25 membership fee online.

Over the years, she added, people have called the SKA to check on whether their memberships have expired. That no longer will be necessary, Luckner pointed out, thanks to the new system on the website.

EXOTIC HOME AWAY FROM HOME



For a change of pace on vacation, try living in someone else's home. Photo by Zestmarina | Dreamstime.com

TRY TRADING YOUR HOUSE FOR A PRICELESS ADVENTURE IN AN AREA YOU ALWAYS WANTED TO VISIT

By Harriet Cuthbert
Contributing Writer

Today's travel options are as endless and varied as the countries and destinations sought by the traveler. With few exceptions, we now have safe and easy access to the whole world.

Depending on our budget and time allotment, we can choose to go dog-sledding in the Arctic, mountain climbing in Asia, glacier trekking in South America or maybe just relaxing at a beautiful beach in a place with such an exotic name as the Maldives, Ipanema or Tahiti.

Many people who visit foreign lands prefer in-depth urban adventures — discovering a

new restaurant in a hidden alley; enjoying a visit to a world-famous museum that houses their favorite artist's masterpieces; or just people-watching at an interesting café.

For those who definitely prefer the urban lifestyle and cannot afford to stay in a hotel for as long as they would like, I am recommending a home exchange.

Put simply, a home exchange is the act of staying in someone else's house while they are staying in your house. The most common question asked — immediately, I might add — when this topic is broached is, “What should I



do with my stuff?" Everything about a home exchange hinges upon mutual trust, but you are always free to secure your valuables for your own peace of mind.

Now, with that worry out of the way, let me say that an excellent way to begin a journey into the home-exchange world is to browse information available from one of the long-time professional exchange organizations. I recommend Homelink.org. You can become a member by paying approximately \$100 for a year, which entitles you to list your home along with preferred destinations, desired length of trip and a detailed description of your neighborhood and size of your house, among other information.

Posting photos is strongly advised, as well.

Options such as a car exchange are available but not required. Each member gets his own secret password, which helps to alleviate exchangers' fears of "leakage."

Communicating via email is so easy and convenient that before you know it, an agreement can be reached and you are on your way to your first home exchange.

It is not unusual to get many requests. That also allows for more leeway and more fun in picking your favorite out of the destinations offered.

A home exchange is the best way to become very familiar with an area that interests you. Since you typically will be living in another person's house for a month or more, you can acquaint yourself with the local shops, become comfortable with your neighborhood and even make friends with your neighbors.



What would a trip to Australia be without seeing a kangaroo?



Rowers create a scenic shot on the Yarra River.

Taking public transportation in the cities is also a great way to feel like a local. Sometimes even cooking supper at your temporary home can be fun.

The advantages of living in a residence far outweigh the disadvantages. First of all, it is FREE! No matter how long you stay at your exchanger's residence, you will not have to pay "rent." Second, you might find yourself in a place with a terrace or a nice backyard, where you can enjoy an evening glass of wine.

Doing occasional house cleaning in your home away from home also might seem far easier than you would expect.



The Rod Laver Arena was high on Harriet Cuthbert's list of sites to visit, tennis fan that she is.



Cuthbert captures a scene from a local festival.

The options for a home exchange seem endless, and the comforts that come with staying in a spacious residence in the location of your choice are priceless.

Since living in Sarasota these past 15 years, we have enjoyed five very successful exchanges — from Europe, to Canada, to Australia. None of those month-long trips would have been financially feasible for us otherwise.

Even more important, though, are the memories of wonderful adventures and the new friendships we added along the way.



The writer enjoys the view from her exchange home in Melbourne.



ARTS BRIEFS

The award-winning photographs of Bradenton photographer Linda Jane will be showcased in a solo exhibit starting Oct. 27 and running through Nov. 24 at Art Uptown in Sarasota. Contributed photos

‘UP CLOSE & PERSONAL’ OPENING OCT. 27 AT ART UPTOWN

Art Uptown, Sarasota’s oldest continuously operating artist-owned fine art gallery, will host an exhibition showcasing the photographic artistry of Linda Jane in a solo show called “Up Close & Personal” from Oct. 27 through Nov. 24, the gallery has announced.

An artist’s reception will be held on Friday, Nov. 2, from 6 p.m. to 9 p.m. at the gallery, 1367 Main St.

A photographic artist for 40 years, Jane has won numerous awards for her work. Her pieces have been published five times in the Photographer’s Forum International annual book, *The Best of Photography*, and have been featured in the prestigious *The Artists’ Showcase* quarterly magazine, a gallery news release says.

One critic has noted of Jane, “Her unique eye captures her vast and varied passions in life, treating the viewer to a sight and detail that would otherwise elude the naked eye,” the release adds.

Jane’s works include a broad range of imagery, with scenes “from the tranquil and ethereal beauty of nature to the grit and determination of bull riders behind the scenes of a rodeo, the news release says.

“Above all, my artistic approach is intimacy, whether I’m capturing Mother Nature or Human Nature,” she relates in the release. “In my commissioned portraits, I reveal the inner spirit of my subjects.”

All of Jane’s images are printed as limited editions of five, “to maintain their rarity and value,” she noted in the release.

Her photographic art can be found in private collections throughout the United States.

Art Uptown has been exhibiting the works of local artists for more than 30 years. Regular

gallery hours are Monday through Friday, 11 a.m. to 5 p.m. and Saturday, 10 a.m. to 4 p.m.

For more information, call the gallery at 955-5409 or visit www.artuptown.com.



True Grit by Linda Jane.



Portrait by Linda Jane

JAZZ CLUB OF SARASOTA'S JAZZ AT TWO 2012-2013 CONCERT SERIES CONTINUES IN NOVEMBER

Jazz Club of Sarasota's Jazz at Two 2012-2013 concert series will continue in November with the Dick Reynolds Quartet (Nov. 2); the Rodney Rojas Quartet (Nov. 9); and Melanie Massell Music & All That Jazz (Nov. 30).

The Dick Reynolds Quartet will perform mainstream jazz and standards. Reynolds was a house pianist at the renowned Mr. Kelly's nightclub in Chicago in the 1960s, and he played for Mel Tormé, Carmen McRae, Sarah Vaughn and many other great artists, a Jazz Club news release notes.

Reynolds later started his own commercial studio in Chicago. His quartet consists of Reynolds on piano; Dave Trefethen on bass; David Pruyn on trumpet, drums and vocal; and Greg Nielsen on trombone.

Rojas is considered "one of the most talented and soulful musicians in the region, playing sax and clarinet with a power and creativi-

ty that draws audiences in," the news release says.

With more than 30 years of professional experience, Rojas has performed with a host of greats, from Don Rickles to Doc Severinsen. He has also played with the Florida Orchestra, Sarasota Orchestra, Sarasota Concert Band and the Lakeland Symphony, the news release says. Rojas, who plays alto sax, will be accom-

panied by Billy Marcus on piano, Mark Neunschwander on bass and John Jenkins on drums.

Song stylist and vocalist Massell has opened for Chris Botti, David Sanborn, Jennifer Holiday and many other well-known artists, the release points out.

"Melanie delivers every song with the smoothness of a pearl, the richness of Godiva and the explosion of TNT — all at once," says George Allgair, co-producer of the Jazz at Two series and a Jazz Club board member, in the news release.



Melanie Massell/Contributed photo

With thousands of performances under her belt, Massell holds a Guinness Book of World Records title as a performer in the “World’s Longest Concert by Multiple Artists” in 2010.

Accompanying her will be Dave Mankes on piano and vocals, Kirk Reyes on bass, Sonny Shake on drums and Chuck Weirich on trumpet. The group will play songs from the “Great American Songbook.”

The series is funded by the Jazz Club of Sarasota and ticket revenues, but this year, Allgair says, the Jazz Club is “actively seeking individual and business sponsors to help defray costs. If you’re a jazz aficionado and want



Rodney Rojas/Photo courtesy of Carol LoRicco



Dick Reynolds/Contributed photo

to keep jazz flourishing in our area, give us a call!”

The series, which was founded in 2001, showcases the region’s top jazz performers on Fridays from 2 p.m. to 4 p.m. at the Unitarian Universalist Church of Sarasota, 3975 Fruitville Road, Sarasota, the news release says. Tickets are \$7 for Jazz Club members and \$12 for non-members.

A portion of ticket sales is directed to the Jazz Club’s scholarship program.

For more information, call 366-1552.

FALL ART EXHIBITION UNDER WAY AT NEW DEAL GALLERY

The fall art exhibition is under way at The New Deal Gallery, located in the lobby of the Federal Building, 111 S. Orange Ave., Sarasota.

The free exhibit is part of a visual arts program sponsored by the City of Sarasota; it showcases works by local artists.

The first three featured artists of the 2012-13 season are Linda Larisch, Mary-Louise Biasotti Hooper and Jill Hastings-Ellis.

A painter for more than 40 years, Larisch has been represented by various art galleries in

the United States and Mexico, a City of Sarasota news release says. Her work has been featured in 30 solo exhibitions.

Her medium is acrylic paint on canvas, and her style ranges from realistic to abstract.

She teaches painting and drawing at the Venice Art Center.

Biasotti Hooper is a prize-winning national and international artist. "Her strong oil paintings offer viewers a moment of respite in another place," the news release says.



A painting by Linda Larisch. Contributed photos

She is life juried at Biennale Internazionale Dell'Arte Contemporanea in Florence, Italy, and is in the Gallery of International Fulbright Artist/Scholars.

She also is teaching at the Venice Art Center.

"Hastings-Ellis observed the natural world around her for many years before painting her vision on canvas," the news release says.

"She paints the glorious flora, fauna and surroundings of her home in Florida with the viv-

id colors and strong textures that she loves," it adds.

Her work appears in several art centers, galleries and private collections.

A public reception for the artists will be held on Friday, Oct. 26, from 5:30 p.m. to 7:30 p.m. Light refreshments will be served, the city news release says.

The exhibit is open Monday through Friday from 8 a.m. to 5 p.m.



A painting by Jill Hastings-Ellis.



A painting by Mary-Louise Biasotti Hooper



COMMUNITY CALENDAR

THE BEST OF THE UPCOMING WEEK

19
OCT

WSLR's Third Annual Lumpytunes!

Live experimental music showcase, Oct. 19, 8 p.m. to 1:30 a.m., Growler's Pub, 2831 N. Tamiami Trail, Sarasota. Cost: \$3 at the door (21 and older only). For information: 894-6469 or www.wslr.org.

19
OCT

Meet the Artists at Art Uptown Gallery

Oct. 19, 6 to 9 p.m., featuring Cecile Moran and Patricia Sorg at 1367 Main St., Sarasota; www.ArtUptown.com or 955-5409.

21
OCT

Poetry Open Mic

Oct. 21, 2 p.m., readings by local poets Maureen Donovan, John Foster, Barbara Lupoff and Jesse Millner. More information at www.bookstore1sarasota.com or call 365-7900.

21
OCT

GartenFest Fall Music Series

Oct. 21 & 28, 1 to 3 p.m., Marie Selby Botanical Gardens, 811 S. Palm Ave., Sarasota. Admission: free for members; non-members: \$17, adults; \$6, children ages 6-11; 366-5731.

24
OCT

Nunsense

Preview Night, Oct. 24, 7:30 p.m. to 9 p.m., Player's Theatre, 838 N. Tamiami Trail, Sarasota. Tickets: \$20. Information: 365-2494 or www.theplayers.org

27
OCT

Planned Parenthood's 15th annual Safe Sex Halloween Bash

Oct. 27, 9 p.m. to 1 a.m., Michael's On East, 1212 East Ave. S., Sarasota. Admission: \$75 in advance; \$100, at door. For information: SafeSexHalloweenBash.com or 365-3913. Purchase tickets at [Safe Sex Halloween Bash tickets](http://SafeSexHalloweenBash.com)

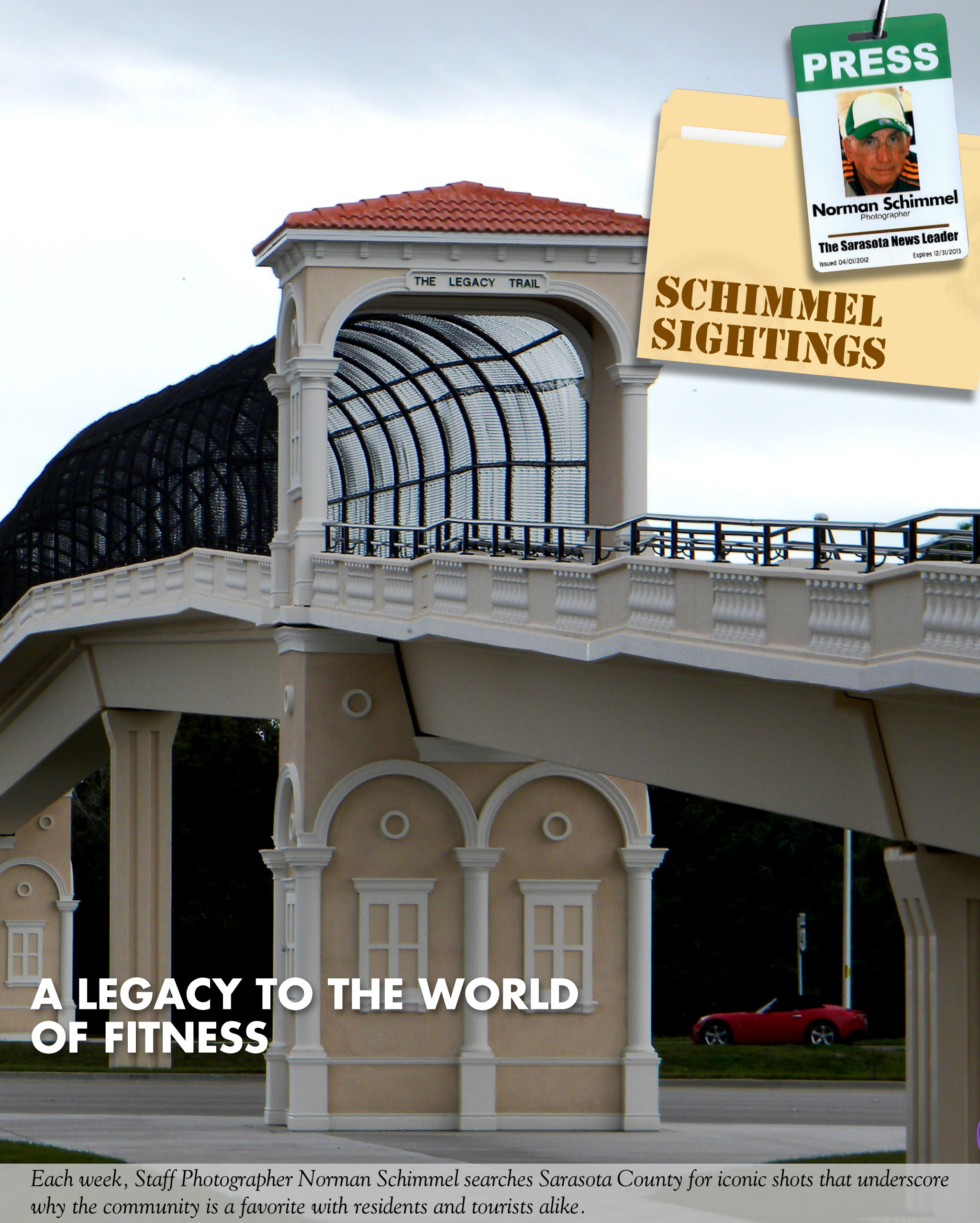
To get all the details on these and other great activities — food, nightlife, music, art, theater, children's events, learning opportunities and more — go to Sarasota's No. 1 source for local events, hot spots, fun activities and hidden gems:



thisweekin
SARASOTA.com
SARASOTA'S MASTER CALENDAR



SCHIMMEL SIGHTINGS



A LEGACY TO THE WORLD OF FITNESS

Each week, Staff Photographer Norman Schimmel searches Sarasota County for iconic shots that underscore why the community is a favorite with residents and tourists alike.