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Valiquette, Marks to continue as heads of Planning Commission

01/17/2009
Island Reporter
TAMMY ZINK

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Newly-appointed Planning Commissioner Holly Smith was welcomed by her fellow commissioners at an abbreviated meeting of the board on Tuesday morning.

Lasting less than an hour, the meeting started with a vote for Chair and Vice Chair of the Commission. Although the first round of voting for nominees Tom Krekel, Dr. Philip Marks and Michael Valiquette did not yield a majority, a second poll of the board gave the nod to Valiquette to continue as Chairman of the Commission. Dr. Marks was reinstated as Vice Chair.

Getting down to business, a scheduled public hearing addressing an application for a variance to the Land Development Code was postponed until the Planning Commission meeting scheduled for Feb. 10. The applicant, East Branch Canal Homeowners Association, Inc., has requested a variance to the Land Development Code which would allow docks to extend into a canal in excess of the 20 percent allowed by law.

Development Permit applications filed by the applicant propose dredging of about 8,000 square feet of a man-made canal, the removal of mangrove, the replacement of a pedestrian foot bridge and installation of seven single-family boat docks.

The Commission also heard from Mayor Mick Denham, who addressed his concerns about South Florida Water Management District Governing Board member Charles Dauray, who voted against the \$1.34 billion agreement to buy more than 180,000 acres of agricultural land from U.S. Sugar Corporation for Everglades restoration. The measure passed by a margin of 4-to-3.

"He's turned his back on Southwest Florida," said Denham, adding that Council has requested a letter be drafted to Dauray outlining the City's displeasure with his recent voting record on matters of importance to Sanibel. Dauray represents Lee, Collier, Charlotte and Hendry counties on the SFWMD Governing Board.

In other business, Commissioner Paul Reynolds expressed concern about a recent scale infestation that seemed to be overwhelming native plants on Sanibel.

According to information published online by the Lee County Extension Service, the scale is an insect that feeds on native plants — especially firebush, croton and other such vegetation. Although it is reported that the scale is fairly easy to obliterate, the sooty mold condition left behind by the insect is not. Mealybugs, which prey upon the immobile scale insect, may be an organic answer to the infestation.

However, the infestation has not yet been completely investigated, and the Council is awaiting a staff report on the subject before taking action. Denham said that report would be distributed to Planning Commissioners as soon as it is available.

The Planning Commission will meet next on Jan. 27 at 8 a.m., when the body will be seated as the Land Development Code Review Committee, before the Planning Commission meeting starts at 9 a.m. Any business left to be discussed by the Land Development Code Review Committee will be completed at the conclusion of the Planning Commission meeting.

Among items up for discussion at the LDCRC meeting is a revised ordinance for preliminary plat extensions, which would allow City Council, with Planning Commission recommendation, to approve an additional two-year extension beyond the two years now allowed by code.

The issue was raised by the developer of the Wulfert Point Estates subdivision, who has faced numerous delays due to wildlife and water, along with other governmental regulations.

Also on the agenda is continuation of discussion about potential amendments to Land Development Code Chapter 86, Article II, Section 86-43, which pertains to the appearance, mass and size of structures in the city.

Reynolds warned his fellow board members that they were in for a passionate debate on the subject, and suggested seeking input from as many members of the community as is possible.

"We have a luxury that some of the people who wrote these codes still live here," said Reynolds. "We can get their input on what exactly they meant."

Florida's priorities for the new president

01/17/2009

St. Petersburg Times - Online

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After Barack Obama takes the oath of office Tuesday, the new president will face enormous issues ranging from the economic recession to wars in Iraq and Afghanistan. But the second Democrat to win Florida's electoral votes since 1976 also will have on his plate a number of topics that directly affect the Sunshine State. If he takes the long view, Obama can make a real difference in the state's economy, its environment and the quality of life of its residents. These are among the issues the new president should consider as priorities for Florida's future:

Create a national catastrophe fund. Florida's property insurance scheme is surviving only because there haven't been any hurricanes in the last two years. The state's hurricane catastrophe fund is grossly overextended, and the state-run Citizens Property Insurance Corp. charges premiums that are actuarially unsound.

If a major hurricane hits the state, the only alternative will be to look to Washington for help. A national catastrophe fund would deal with the issue up front and spread the risk of hurricanes and other major storms. Congress has failed to pass legislation, but Obama supported the creation of a catastrophe fund during the campaign.

Pay up for Everglades restoration. Gov. Charlie Crist has been bold in acquiring thousands of acres from U.S. Sugar as part of the project. While questions remain about the price and use of that land, the state already is further along than the federal

government in paying for its share of the restoration. Obama has pledged to follow through with the federal government's promise to be an equal financial partner, and these restoration projects would create badly needed jobs.

Shift energy policy away from offshore drilling. Two of the three federal bans protecting Florida's beaches were eliminated during last year's frenzy over high gas prices. That leaves only a 2006 law, which bans drilling within about 230 miles of Tampa Bay and 125 miles of the Panhandle. Obama offered encouragement in August for a bipartisan energy plan that would permit drilling within 50 miles of Florida's west coast, but fortunately the plan never passed.

As Obama pushes for an energy plan that focuses on renewable sources, he should leave the 2006 lines in place. It is one thing to tell the oil companies to drill first in the 68-million acres they can access now but have not touched. But opening up more water closer to Florida's shores should be off the table and is an unnecessary risk to the state's economy.

Refocus the space program. Florida's Cape Canaveral has an enormous economic impact, and NASA is adrift. The shuttle fleet is scheduled to retire in 2010, and the Obama administration's support for the next generation spacecraft is less than solid. Space exploration may be a tough sell in this economic climate, but it creates jobs and fuels many Florida communities. The new president should ensure that NASA has a clear mission and realistic priorities so that the public and private sectors can plan for the future.

Loosen Cuba restrictions. The U.S. policy toward Cuba has been a failure, and attitudes in Florida — even among Cubans in South Florida — are softening. Obama should follow through on his campaign pledges to lift restrictions on the money Cuban families here can send to relatives and on the visits they can make to the island.

Preparations also should be made for lifting the trade embargo, which would have a significant economic impact on South Florida. While Obama would offer to lift the embargo as a carrot for changes such as releasing political prisoners, the embargo is an outdated relic of the Cold War.

Allow states to collect sales tax on all Internet sales. Florida loses hundreds of millions of dollars in potential revenue by failing to collect sales tax on Internet sales involving sellers who have no physical location in the state. The state could join a group of states with uniform tax definitions that works with retailers who voluntarily collect the tax, but there is an easier way.

Obama could ask Congress to overturn a 1992 U.S. Supreme Court decision and enable states to force companies outside their borders to collect the sales tax on Internet sales. The National Conference of State Legislatures is lobbying to add the proposal to the economic stimulus plan and estimates it could generate \$30-billion nationwide for state and local governments facing severe cutbacks in public services.

This would be a tremendous help for Florida. It is a fairness issue as well as a revenue issue, and Obama should embrace it.

Advertising & Marketing Refreshed ads replay Miami law firm's effective 1980s message

01/19/2009

South Florida Business Journal

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South Florida Business Journal - by Jeff Zbar

What is old is new again and cost-effective in an economic downturn.

Miami law firm Gross & Telisman, which made a name for itself with a novel There ought to be a law ad campaign in the 1980s, will debut a new take on the work almost 25 years later.

The new campaign is a reactivation of the 1984 effort from South Florida ad veteran Stuart Dornfield. It features a close-up of a woman on screen proclaiming, It wasnt my fault, and there ought to be a law.

In its day, it really resonated with the target audience, Dornfield said. It really cut through the clutter.

The original spot was shelved after the Florida Bar banned testimonials and dramatization in attorney advertising, Dornfield said. Recently, he saw a similar spot featuring a waitress and a truck driver, people from all walks of life giving testimonials, Dornfield said. He alerted Gross & Telisman attorneys, who soon learned from the bar that such ads were now allowed.

If ads have worked well in the past, why not revisit them? asked Dornfield, who spent part of this week in the editing suite preparing the new spots.

Its also cost-effective, he said. Rather than spending close to six figures on a new campaign, the attorneys invested several thousand dollars remaking a proven ad, he said.

In these economic times, as long as nothing has changed, in terms of your core messaging, it makes sense to revisit the campaigns or ads that worked, said Dornfield, creative director of Stuart Dornfield Creative in Miami Beach.

Better still, he said, new ads can be repurposed: They also make great Web videos.

Ad campaign encourages carpools

Your door is ajar, the robotic voice says as the car revs. Your fuel is low. Your passenger seats are empty. Youre crazy for not carpooling.

Its never said that before, remarks the startled driver.

The dialogue is part of a radio campaign for South Florida Commuter Services new 95 Express travel lanes. The campaign

promotes how cars with three or more passengers can travel toll free in the special lanes if they're first registered with the service.

The campaign also includes newspapers, print and outdoor media along Interstate 95 and U.S. 1. The campaign includes English, Spanish and Creole ads. Since its December debut, the campaign has helped almost double registration for the service. It is slated to run through Presidents Day weekend.

Beber Silverstein Group in Miami created the campaign. Joe Perz was creative director on the work. Pantin/Beber Silverstein handles public relations.

You're going to register three and ride for free. Your spirits are high, the voice says earning a woo-hoo from the driver, but your fuel is still low and your door is still ajar.

New accounts

Shamin Abas Public Relations in West Palm Beach has been named to four new accounts. They are: nightlife impresario Cleve Mash and his Dr. Feelgoods ventures with Mtle Cre frontman Vince Neil; Clematis Social from Rapoport Restaurant Group; InterAir Media, an airline/airport media buying and placement agency; and author and naturopath Michael Constantine and his book, *The Holism Movement: 30-Day Wellness Plan to Balance Your Mind, Body and Spirit*.

Boardroom Communications in Plantation has been named to several new PR accounts. They are: the Lawrence Group, an agricultural operation seeking to purchase U.S. Sugar Corp.; Ladenburg Thalmann & Co., a Miami-based investment banking and brokerage firm; CEO Fitness Challenge, a statewide contest designed to motivate people in the workplace to lose weight and gain muscle; and CSI Associates, a Fort Lauderdale consulting firm that assists with telecommunications needs.

Where Obama stands on Florida issues

01/19/2009

Palm Beach Post - Online

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Here's the latest on how the new president has said he will deal with some issues of importance to Floridians:

National disaster insurance

Supports national catastrophic insurance to allow states to pool their risk in a national consortium and sell catastrophe bonds.

Everglades

Will fulfill the promise for the federal government to shoulder half of the \$10.9 billion cost of restoring the Everglades; as a senator, he supported the bill authorizing money for Everglades restoration.

U.S. Sugar deal

Made no offer to aid the state's proposed \$1.34 billion buyout of U. S. Sugar Corp., which owns 187,000 acres north of the Everglades.

Social Security

Strongly opposes privatizing and supports keeping it solvent.

Seniors

Wants to eliminate income taxes for those making up to \$50,000.

Medicare

Sees waste in private plans that contract with Medicare to manage the treatment of a quarter of its recipients — about 10 million seniors. Studies show those plans cost the government roughly 13 percent more than traditional medicine. Thinks Medicare could save by covering more preventive care.

Prescription drugs

Supports closing the 'doughnut hole' in the Medicare Part D prescription drug program. Also, wants to allow safe medicines from other developed countries to be imported.

NASA

Supports the goal of sending humans to the moon by 2020 and calls for narrowing the gap between the retirement of the space shuttle, scheduled for next year, and the first flight of its successor system.

Cuba

Wants to lift travel restrictions on families wishing to visit relatives and relax restrictions on cash remittances, according to Secretary of State nominee Hillary Clinton.

Offshore oil drilling

Willing to consider opening Florida's coast for more oil drilling in a limited number of offshore areas if it helps Congress pass energy legislation.

Mideast

Says Israel's security is 'sacrosanct.'

Biodiesel fuels

Renewable energy sources, such as biodiesel, ethanol, solar and wind, look to get \$25 billion in tax credits from the federal stimulus plan.

Carol Browner, who once headed the Florida Department of Environmental Regulation and was EPA administrator, was named to the new position of White House Coordinator of Energy and Climate Policy (commonly called the energy czar). Browner grew up in Miami and took hikes through the Everglades.

Gay marriage

Supports civil unions but opposes gay marriage. Also wants to repeal the 'Don't Ask, Don't Tell' policy and allow gays and lesbians to serve openly in the military.

Source: Palm Beach Post reporting.

Cost of new underground tanks forces many Florida gas stations out of business

01/19/2009

Palm Beach Post

Salisbury, Susan

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Jan. 19--First it was high credit card fees. Then came higher gas prices. Now, hundreds of gas stations around the state are shutting down because their insurance companies will not renew policies unless stations install new double-walled underground gas tanks, which can cost \$400,000.

That can make or break stations, which make money on the sale of sodas and plastic-wrapped honey buns, not gas.

"We are going to lose a lot of stations because they have not upgraded," said Pat Moricca, president of the Florida Gasoline Retailers Association in Longwood.

Charles Beale, owner and vice president of Delta Petroleum, a Mangonia Park-based firm that sells and installs the tanks, said: "There are a lot of people having trouble. I had one in here the other day who had tears in his eyes. He said there was a good chance he would lose his property and his business."

Figures are not available on how many stations have closed, but an estimated 20 percent of the state's approximately 8,000 to 9,000 gas stations have yet to make the change.

"If it is a mom-and-pop and the margins are slim, it's not worthwhile for them to spend \$250,000 to \$300,000 to upgrade the tanks. Some will shut that down and just run the convenience

store," said Jack Barsin, president of Tank Insure Inc. in Merritt Island.

"You will see more and more of it by the end of the year."

It's not just gas stations at risk.

George Lott, owner of Lott Bros. Marina in North Palm Beach, spent \$20,000 to have the marina's underground tank removed rather than replacing it for around \$100,000.

"It would have taken me the rest of my life to pay that off with what we make on gas," he said. In business since 1962, the marine and tackle store no longer sells fuel to boaters.

The tank rule affects hundreds of businesses with underground fuel tanks, whether the fuel is for a generator or lawn mowers.

Publix Super Markets has fuel tanks to run standby generators; hospitals in Palm Beach County do, too. Golf courses, churches, nursing homes and farms are subject to the regulation.

But it comes at the worst possible time for gas station owners.

When gas prices were high, station owners had to pay up to 12 cents a gallon to credit card companies, which tie their fees to the cost of gas. As prices nose-dived, the tiny profit margins on gas sales tightened even further. As the recession took hold, even the sale of snacks -- a profit generator -- fell.

The nation's credit crunch has exacerbated the inability of station owners to finance new tanks, a job that typically costs \$200,000 to \$300,000.

Larger, newer stations aren't likely to have a problem.

"With the smaller ones, the older ones with two or three bays, definitely the tanks are an issue," said real estate broker Marc Gomes, vice president of PetroProperties and Finance in Coral Gables.

"They can't afford to get them done, or they cannot afford to get financing to get them done."

Real estate broker and consultant Ron Santicola, president of Highland Beach-based Condevco LLC, said: "There were people who had tank construction jobs lined up, and the banks pulled funding."

The wave of insurance cancellations "came out of nowhere," Moricca said. "This was something we never expected."

Even though the new tank deadline is not until Dec. 31, insurers have been cutting off stations since last year. Lott, for instance, said he made the decision after cancellation of the marina's pollution insurance in September.

It's illegal to operate in Florida without pollution insurance.

Tank Insure's Barsin said ACE Insurance, a global firm headquartered in Zurich, Switzerland, has dropped at least 200 of his clients. The other two major providers of pollution liability insurance will not write policies for new customers.

"I have files lined up the wall that have been non-renewed by ACE," Barson said. "They can't get insurance."

The Florida Department of Environmental Protection is aware that insurers are not renewing policies for gas stations.

"We can't control the decisions of the insurance company," spokeswoman Cristina Llorens said.

One reason insurance companies are skittish is that evidence of fuel spills might be found during installation. Remediation could easily run into five figures, Santicola said: "You can't blame the insurance company."

Jim Smith, president and CEO of the Florida Petroleum Marketers and Convenience Store Association in Tallahassee, estimates at least several hundred stations are in jeopardy of closing or have closed because of the lack of pollution liability insurance.

Staying open may just cost too much.

Carl Berner, president of Berner Oil in Clewiston, is primarily a wholesale distributor whose company delivers fuel to farmers and small gas stations. He also owns six stations, including two in Clewiston that need new tanks. That town's future is in jeopardy because of the state's pending buyout of U.S. Sugar Corp.

"I am looking at a quote to do my tanks right now for \$184,000, and that is with me providing the tanks. We are looking at \$200,000 to \$220,000 per location," Berner said.

"I have to do a couple of locations out here, and I am looking at the town being decimated." Rich Ice Cream made the decision more than a decade ago.

"We were told they needed \$150,000 worth of upgrades" to gas and diesel tanks, said Alan Beswick, plant engineer for the West Palm Beach ice cream maker.

"We decided at that point it wasn't worth it."

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County will seek input from residents on landfill site

01/21/2009
Sun Sentinel
Jason Parsley

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By JASON PARSLEY | Forum Publishing Group
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For now, western communities' residents can breathe a sigh of relief as the Palm Beach County Commission decided to wait another 60 days before choosing an alternative site for the new western county landfill. The recommended site would have put the landfill on Southern Boulevard and U.S. Route 98. They postponed their decision in part because many residents said the county hadn't done enough to inform the public. Additionally, Commissioner Karen Marcus will meet with the South Florida Water Management District to see if a land swap deal can be reached with the state's future purchase of the U.S. Sugar Corporation's land.

Wellington Mayor Darell Bowen attended the meeting and told the commission that he didn't feel enough public outreach had occurred.

"Our council has taken a position that we supported the original site," he said.

That position, however, put the council at odds with environmentalists who are adamant against it because of its proximity to the Arthur R. Marshall Loxahatchee Wildlife Refuge. Many of them are more comfortable with the Southern Boulevard site.

Bowen, however, did soften the village's stance.

"I'm not sure that we couldn't support one of the other sites, but I think we feel there needs to be more dialogue," he said. "Our residents don't feel like they have had enough information about the two or three remaining sites. Our council has not been in a position to take an official position of the [other] sites, totally for or against."

Bowen also referred to the Southern Boulevard site as "the gateway to the Glades."

Councilwoman Lizbeth Benacquisto also showed up to voice her discontent with the recommended site and the process that it took to get there.

"Our concerns come with the process," she said. "The folks just didn't know."

She said since the meeting had been announced they had been able to collect 500 signatures from residents opposing the site. She also said that regional public meetings to discuss the landfill had been promised over the summer, yet never happened. The commission agreed that in the next 60 days they will reach out to the local municipalities involved, including Fox Trail, the community closest to the recommended site. Fox Trail is in unincorporated Palm Beach County.

"We have not been brought into the discussion," said Fox Trail resident Nancy Gribble. "We are concerned, especially with the traffic. We have a concern about our quality of life."

Wellington resident Melissa Fritsch is also concerned.

"I don't feel the Wellington residents were given adequate opportunities to voice their opinions of the current selection of sites," she said. "I also have concerns about transportation safety on State Road 80. As a mother of three, I travel back and forth on State Road 80 quite a bit and I don't think that with the increase in truck traffic the route would be safe."

She, along with several others, said the process should be completely reopened and new locations should be sought out. However, it was apparent that the commission did not want that to happen. The other two locations include the Hundley property, which is four miles west of 20-Mile Bend on County Road 880 and the Okeelenta property, which is five miles south and five miles west of South Bay on County Road 827. The Hundley property was the selection committee's second choice, but even so it was said that the Southern Boulevard and Hundley sites were essentially tied.

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