

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 3, 2015 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Vice Chairman/Commissioner District 1	Present	
Jim Barfield	Vice Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

**INVOCATION**

Pastor Curt Peterson, Peach Lutheran Church, Palm Bay, led the assembly in the invocation; he stated Peach Lutheran Church is trying to eliminate homelessness in Brevard County; and he invited the Board and any who would like to attend the event on Saturday, September 19 called Helping People and Giving Hope.

**PLEDGE OF ALLEGIANCE**

Commissioner Andy Anderson led the assembly in the Pledge of Allegiance.

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**ITEM I.A., RESOLUTIONS, RE: RECOGNIZING EAGLE SCOUTS KALEB, MALEK, AND ZALEN BELIZAIRE**

Commissioner Infantini stated she is hopeful all is well, but has not heard from the Belizaire's; and she asked to Board to proceed with business as usual because they may just be running a little late.

**ADMINISTRATIVE ORDER, RE: ADD-ONS**

Stockton Whitten, County Manager, advised the Board of an Administrative Order for Add-On Items distributed less than seven days before the scheduled meeting; they cannot be listed under Consent Agenda and the Items need to be moved to New Business; he noticed Louis Sanders in the audience; and he asked the Board to allow Mr. Sanders' Item II.A., Final Plat Approval, Re: Sanders Acres Subdivision, to move forward as is so he does not have to sit through the entire meeting.

Commissioner Infantini stated she thinks Item II.A. Final Plat Approval, Re: Sanders Acres Subdivision, is allowed to be under Consent Agenda; but the rest of the Items were submitted outside of the allowed time frame.

**ITEM II.A., FINAL PLAT APPROVAL, RE: SANDERS ACRES SUBDIVISION - LOUIS E. SANDERS AND TERESA SANDERS**

The Board granted final plat approval, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chairman to sign the final plat for the project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**PUBLIC HEARINGS**

Chairman Fisher called for a public hearing to consider Planning and Zoning recommendations of August 10, 2015.

**ITEM III.B.1., (15PZ00035) - BEAU J. AND CHRISTIE D. ANASTASIO, AND CECIL J. AND SANDRA L. ANASTASIO - REQUESTS A CHANGE OF CLASSIFICATION FROM GU TO AU ON 30.4 ACRES, LOCATED ON THE SOUTH SIDE OF CENTERLANE ROAD, APPROXIMATELY 2.1 MILES WEST OF BABCOCK ROAD (NO ASSIGNED ADDRESS. IN THE PALM BAY AREA)**

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the zoning classification from General Use (GU) to Agricultural Residential (AU) on 30.4 acres, located on the south side of Centerlane Road, approximately 2.1 miles west of Babcock Road.

There being no comments or objections, the Board approved Beau J. and Christie D. Anastasio, and Cecil J. and Sandra L. Anastasio, request of changing the zoning classification from GU to AU on 30.4 acres, located on the south side of Centerlane Road, approximately 2.1 miles west of Babcock Road.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Trudie Infantini, Commissioner District 3  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM III.B.2., (15PZ00036) - HARRY MAY - (NANCY M. STEPHENSON) - REQUESTS A CHANGE OF CLASSIFICATION FROM BU-1 TO BU-2 ON 0.66 ACRE, LOCATED ON THE EASE SIDE OF N. U.S. HIGHWAY 1, APPROXIMATELY 0.11 MILE NORTH OF JAY JAY ROAD (1885 N. U.S. 1, TITUSVILLE)**

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change classification from General Retail Commercial (BU-1) to Retail, Warehousing and Wholesale Commercial (BU-2) on 0.66 acre, located on the east side of N. U.S. Highway 1, approximately 0.11 mile north of Jay Jay Road; and is for the purpose of having a feed store on the property, as feed stores are not permitted in the existing BU-1 zoning classification; and will be for bulk sales of hay or livestock and need BU-2 zoning classification.

Chairman Fisher disclosed to the Board that he had conversations with the application about his property.

There being no further comments, the Board approved Harry May's request to change zoning classification from BU-1 to BU-2 on 0.66 acres, located on the east side of N. U.S. Highway 1, approximately 0.11 mile north of Jay Jay Road.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Commissioner District 4  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM III.B.3., (15PZ00037) - CAMILLE E. KIECHLE - REQUESTS A CHANGE OF CLASSIFICATION FROM RR-1 TO AU ON 3.93 ACRES, LOCATED ON THE SOUTH SIDE OF SORREL DRIVE, APPROXIMATELY 400 FEET EAST OF ADAMSON ROAD (NO ASSIGNED ADDRESS. IN THE COCOA AREA)**

Cynthia Fox, Planning and Zoning Manager, stated this request is to change zoning classification from Rural Residential (RR-1) to Agricultural Residential (AU) for the purposes of having horses prior to having a principal residence on the property; the existing RR-1 permits limited agricultural pursuits and the keeping of horses, but it precludes the construction of a barn without a principal residence; and the rezoning to AU is necessary to allow them to do that.

There being no comments or objections, the Board approved Camille E. Kiechle's request of changing zoning classification from RR-1 to AU on 3.93 acres, located on the south side of Sorrel Drive, approximately 400 feet east of Adamson Road, in the Cocoa area.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Commissioner District 4  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM III.B.4., (15PZ00033) - GARY K. AND CAROL LYNN BARTLETT, TRUSTEES - (ANGELA ABBOTT) - REQUESTS A SMALL SCALE PLAN AMENDMENT (15S.08) TO CHANGE THE FUTURE LAND USE FROM RESIDENTIAL 1 TO NC, AND A CHANGE OF CLASSIFICATION FROM RU-1-9 TO BU-1-A, ON 0.27 ACRES, LOCATED ON THE NORTHEAST CORNER OF FAY BOULEVARD AND SEVERNDALE STREET (3930 FAY BOULEVARD, COCOA)**

Cynthia Fox, Planning and Zoning Manager, stated this Item needs to be tabled due to the lack of a quorum at the Port St. John recommendation meeting to the October 1, 2015, meeting.

There being no comments or objections, the Board tabled Gary K. and Carol Lynn Bartlett, Trustees request of a Small Scale Plan Amendment (15S.08) to change the Future Land Use from Residential 1 to Neighborhood Commercial (NC), and a change of classification from Single-family Residential (RU-1-9) to Restricted Neighborhood Retail Commercial (BU-1-A), on 0.27 acres, located on the northeast corner of Fay Boulevard and Severndale Street (3930 Fay Boulevard, Cocoa).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM III.C. ORDINANCE, RE: REVISING CHAPTER 62, ARTICLE X, DIVISION 5 (FLOODPLAIN PROTECTION) CODIFYING ORDINANCE NO. 10-26, COMPREHENSIVE PLAN AMENDMENTS (CONSERVATION ELEMENT)**

Chairman Fisher called for a public hearing to consider an ordinance revising Chapter 62, Article X, Division 5 (Floodplain Protection) codifying Ordinance No. 10-26, Comprehensive Plan Amendments (Conservation Element).

Darcie McGee, Special Projects Coordinator IV, stated this Item is the final codification of the Floodplain Comprehensive Plan Policy changes made in 2011; it is almost verbatim from the Comprehensive Plan Policy; and additional flexibility was added to some of the older managed basins in the County for Riverine Floodplain.

There being no comments or objections, the Board adopted Ordinance No. 15-17, amending Chapter 62, Article X, Division 5, Code of Ordinances of Brevard County, Florida, relating to Floodplain Protection, specifically amending Sections 62-3721 Definitions; 62-3723, General Provisions; 62-3724, Development Regulations; and 62-3725, Prohibitions; providing for the interpretation of conflicting provisions; providing for severability; providing for area encompassed; providing for inclusion in Code; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.A., RESOLUTIONS, RE: RECOGNIZING EAGLE SCOUTS KALEB, MALEK, AND ZALEN BELIZAIRE CONTINUED**

Commissioner Infantini read aloud, and the Board adopted, Resolutions No. 15-151, 15-152, and 15-153, recognizing Kaleb, Malek, and Zalen Belizaire for achieving the rank of Eagle Scout.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM IV.A., RESOLUTION, RE: AUTHORIZING RELEASE AND TERMINATION OF A DEDICATION OF PUBLIC RECREATION USE ON SURPLUS LAND UNDER CONTRACT TO SELL TO DR HORTON, INC.**

Eden Bentley, Deputy County Attorney, stated in July 2015 the Board approved a Contract to sell a parcel of surplus land to DR Horton, Inc.; a titled defect has been discovered, specifically a dedication for Park purposes; and in order to convey clear title to DR Horton, Inc., the Board needs to authorize a release of that dedication in the deed.

The Board adopted Resolution No. 15-154, authorizing the release and termination of a dedication of public recreation use on surplus land under contract to sell to DR Horton, Inc.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM IV.B., REQUEST FOR PROPOSAL, RE: LEASING OF BREVARD COUNTY GOLF COURSES**

Jack Masson, Parks and Recreation Director, stated this is the lease proposal for the three County Golf Courses; it is being requested that the Board authorize the solicitation of the Request for Proposals (RFP) for the leasing of the County's three Golf Courses; and authorize the payoff of the remaining Golf Course debt through an internal loan as defined in option two of the Agenda Report. He stated this was fully-vetted and reviewed by the Golf Advisory Board; and the recommendation to the Board is to move forward with the RFP.

Commissioner Infantini stated the reason for the lease option to go forward was because the Board was told it could not separate the Golf Courses, meaning lease all three courses, or there is no lease. She requested the Board turn down the suggestion; she stated in the past, if Brevard County had a tough time managing something, it outsourced it; she thinks there is a leadership problem in that area and a chance needs to be given with the management changes made; in May 2014 there was a study done suggesting to change management, which was just implemented; jumping in and going out to lease due to problems with one Golf Course, is going a little too hasty; and she would rather keep the County as the owner. She added, she is afraid of losing a lot of employees; and she is not comfortable with doing so.

Commissioner Barfield stated he thinks the business runs its business better than the County does; a golf company needs to be looked at to be doing that; and he inquired how are the Golf

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Courses doing revenue-wise up to this point. Mr. Masson responded he can give comparisons of this year's revenue and rounds versus last year to date. He stated The Habitat revenue is up 7.64 percent over last year and rounds are up 15 percent; The Savannahs revenue is up 10.39 percent over last year and rounds are up 16 percent; Spessard Holland revenue is up one percent over last year and rounds are up one percent; and, however, he reminded the Board that last year of the three combined Golf Courses the County showed a negative profit, revenue versus expense of \$61,000. He added, the subsidy from the Golf Courses are only for the debt and for the operation side; with the current trends the County is unable to do capital investment in the Golf Courses, that prohibits from being competitive in the Golf Courses throughout the 27 golf courses in Brevard County.

Commissioner Infantini stated if the Golf Courses can be ran better by people of the golfing community, perhaps all the rest of County government could also be ran better by corporations if they do such a better job with all of it, and why not just turn over all jobs to the private sector; the Board has a job to do perform as an elected officials; and she suggested for the Board to start doing a better job at what it does, instead of outsourcing every single thing Brevard County has. She stated recently the roads are suddenly falling apart; if such a bad job is being done about that why not turn all the roads over to the private sector; and have them take care of the roads because the Board cannot manage it. She apologized for her statement being a little flipid, but the Board needs to start doing its job of what it is supposed to be doing, running County business.

Commissioner Barfield stated he does not know many businesses that run County governments, but he does know of businesses that run golf courses; and they are profit-driven just like any other company is, and that is what they specialize in to make their money. He went on to say when a profit is in there, companies seem to want to work a lot harder, and it is hard to get that out of the County; the County needs to stay out of business, that is not County business; a lot of different things can be worked within the government for a found outsource to a company that can do it for a better price, it is owed to the taxpayers to do so; and he is all for this.

Commissioner Anderson concurred with Commissioner Barfield; he stated there are a few government agencies running golf courses; he thinks government should not be running golf courses; this is a prime example of competing directly with private industry; and he is supportive of outsourcing it.

Chairman Fisher stated two great things were done by outsourcing Animal Services to the Brevard County Sheriff's Office and by outsourcing Country Acres Children's Home to Devereux of Florida. He stated the Board needs to recognize what it does well, and what it does not do well in; and the Board needs to get out of it and allow the private sector to do it.

The Board authorized Jack Masson, Parks and Recreation Director, to solicit Request for Proposals (RFP) for the leasing of the County's three Golf Courses, The Savannahs; The Habitat, and Spessard Holland; approved defeasance of remaining Golf Course debt through an internal loan as defined in Option 2, to enter into a lease agreement as proposed in the RFP, with staff recommending early defeasance of the remaining debt that will allow the County to proceed with immediate leasing of Golf operations and would not require additional General Fund resources; an internal loan will be utilized for the debt defeasance; and the General Fund will continue to make the remaining payments.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jim Barfield, Vice Chairman/Commissioner District 2
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.A., APPROVAL, RE: 2016 LEGISLATIVE PROGRAM**

Stockton Whitten stated this Item is the proposed 2016 Legislative Program; he is not going to go through everything that is in the Board's packet; but he noted the ask is for the Board to approve the packet as presented. He went on to say the new items in the packet are highlighted and the Agenda Report has highlighted priority areas; he asked the Board to add to the priority areas listed one through five currently; and adding a sixth priority area supporting the Indian River Lagoon Programs.

Motion by Commissioner Anderson to approve the 2016 Legislative Program an Identify Priorities for the September 23, 2015, Legislative Delegation meeting.

Commissioner Infantini stated she has her light on; the topic being discussed right now is the Legislative Program priorities; the things the County wants taken to the Florida State Legislature, for them to consider as a priority for Brevard County; and while she was going through the list she found many items that she does not see as a Legislative priority. She stated they want to expand multimodal options on S.R. 528 including, but not limited to, bicycle/pedestrian/recreation features and accommodations for increased freight; she thinks many in the audience today are present to talk about freight being transported; and she thinks that the public would not be in favor of that part being in the Legislative package, and that item should be removed.

Commissioner Anderson stated he thinks that refers to truck freight, like semis.

Commissioner Infantini disagreed; she stated it says to expand multimodal options; she thinks that that means expanding the options beyond roads to freight; and it says accommodations for increased fright. She added, it has support for passenger rail in Brevard County; she does not support passenger rail; and she reiterated that she is against what the audience is present for tonight, All Aboard Florida and its high-speed rail, and she would like to see that item taken out of the package. She went on to say the support for a requirement for lodging operators who rent their home for temporary housing and posting sales tax identification number on all advertisements to demonstrate compliance with all State laws; her sales tax identification number is her sales tax identification numbers; if there is access to it, she does not want everybody using her sales tax identification number; and she thinks that should not be supported. She concluded by saying that she is opposing any Legislation expanding uses of the Tourist Development Tax (TDT) beyond the current Statute, including uses for lifeguards, public safety, or roads and infrastructure; she would like to see some TDT going towards lifeguards because the people she is trying to protect the most at the beaches are the people that are who are uniformed of the dangers at the beaches. She advised there are some big waves out there and she worries about losing tourists; and if a tourist is lost, his or her tourist dollars are lost.

Mr. Whitten clarified for the Board and the audience that the first grouping of Commissioner Infantini's items was from the Space Coast Transportation Planning Organization (TPO). Commissioner Infantini remarked the Board is giving the recommendation and giving its

sanction. Mr. Whitten stated he is not disagreeing with Commissioner Infantini one way or another, but he is just pointing out that those are the TPO items; he stated on the sales tax item it says report a requirement for lodging operators to post sales tax identification numbers on all advertisements to demonstrate compliance with all State laws regarding lodging operators and tax collection requirements; and he thinks it really is a compliance issue and there are not many cases of somebody stealing sales tax identification numbers. Commissioner Infantini advised it is an identification number for a person's business; every business that applies for a sales tax identification number receives one if passing through certain criteria; and she has never seen a sales tax identification number posted, it is public record, but she has never seen it advertised.

Commissioner Smith stated having been a longtime businessman in Brevard County he can tell the Board that it is required to post within a business the sales tax identification number; if there is a rental property the sales tax identification number has to be posted in the rental property; it is not a private number for someone to steal; and he is supportive of restricting use of the TDT. He went on to say as much money as the Tourist Development Council (TDC) is going to have coming in with the success of the USSSA, there is going to be enough money to go around; he would like to approach Legislature to portion some of that money off to roads, because the tourists do use the roads; and he thinks that would be a viable option.

Chairman Fisher stated he thinks that is a different animal because that is State Legislation that deals with how TDC money can be spent; it is not really a County thing; he thinks what they are trying to do is just to comply with the sales tax of whoever should be paying sales tax should be paying it; and Commissioner Smith is free to go to Legislation and ask for them to consider that, the day there is Legislation day. He stated he wants everyone to understand the Board is a member of the TPO by attending all TPO meetings, as well as representation from every municipality in Brevard County is on that board; and that board set forth its recommendations to this Board for Legislative priorities, which all approved in that process in those meeting.

The Board approved the 2016 Legislative Program and Identified Priorities for the September 23, 2015, Legislative Delegation meeting.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.B., APPROVAL, RE: PERMISSION TO QUOTE MATERIALS AND SERVICES FOR ROAD AND BRIDGE CONSTRUCTION PROJECTS - COUNTYWIDE**

The Board authorized staff to utilize written quotations to acquire construction materials or services on a job-by-job basis; and authorized the County Manager, or his designee, to award to the lowest responsive quotation through September 30, 2016, for materials and services on annual bid that contracted vendors are not able to provide during this time, or when the market conditions or public safety concerns prohibit formal bidding.

**RESULT:** ADOPTED [4 TO 1]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Curt Smith, Commissioner District 4  
**AYES:** Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson  
**NAYS:** Trudie Infantini

**ITEM V.C., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: PERTAINING TO THE UTILITY REMOVAL AND RELOCATION AT DIANA BOULEVARD, MERRITT ISLAND**

The Board executed Interlocal Agreement with City of Cocoa pertaining to the removal and relocation of utilities at the intersection of Diana Boulevard and Mercury Street in Merritt Island.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Jim Barfield, Vice Chairman/Commissioner District 2  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.D., APPROVAL, RE: CLARIFICATION OF PROCUREMENT PROCESS FOR HOUSING AND HUMAN SERVICES PROJECTS**

Ian Golden, Housing and Human Services Director, stated in August 2015, the Board approved the FY 2015-2016 Brevard County HOME Annual Action Plan, as contract administration, to use competitive bids to move projects forward; this Agenda Item provides clarification about the different methods to ensure completion of projects in the Action Plan; and has conducted competitive bids.

The Board accepted a clarification to action that was approved on August 4, 2015, for the FY 2015-2016 Brevard County HOME Annual Action Plan; and authorized the Housing and Human Services Department, as contract administrators, to utilize competitive bids, other County Departments, and Construction Management firms to secure contractors to complete proposed projects.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Commissioner District 4  
**SECONDER:** Jim Barfield, Vice Chairman/Commissioner District 2  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.E., STATE AID TO LIBRARIES GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY SERVICES, RE: STATE AID FOR LIBRARIES FOR FY 2015/2016**

The Board executed State Aid to Libraries Grant Agreement with Florida Department of State, Division of Library Services, for State Aid for Libraries for FY 2015-2016; authorized the Chairman to sign any follow-up agreements follow-up and follow-up documents upon Risk Management and County Attorney approval; and approved any budget changes.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Commissioner District 4  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM V.F., PERMISSION TO HIRE INFORMATION TECHNOLOGY DIRECTOR, RE: WALLACE PHILLIPS AT 67 PERCENT ABOVE THE MINIMUM OF THE POSITION**

Commissioner Infantini stated this Item is paying somebody above a pay grade normally set; this person has the skills that are necessary to do the job; and the pay range that was set by the County was insufficient.

Commissioner Smith added, this position was going unfilled because of the low pay that was being offered; it was either fill the position or leave it empty; and the County cannot function with an empty Information Technology position.

Chairman Fisher added, it is a savings of \$68,000 annually.

The Board approved Information Technology Director offering Wallace Phillips the currently vacant position of Senior Systems Administrator at a salary of \$85,000 a year, which is 67 percent above the minimum of the position.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Trudie Infantini, Commissioner District 3  
**SECONDER:** Andy Anderson, Commissioner District 5  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VII.E., ANDY ANDERSON, DISTRICT 5 COMMISSIONER REPORT, RE: COCOA EXPO CONTRACT EXTENSION**

Commissioner Anderson stated the Cocoa Expo Contract is to expire September 9, 2015; and the Contract needs extending to the next regular Board meeting on October 6, 2016.

The Board approved extending the Contract with Cocoa Expo to October 6, 2015.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Curt Smith, Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VII.A., STOCKTON WHITTEN, COUNTY MANAGER REPORT, RE: LETTER OF CREDIT FROM THE VIERA COMPANY FOR BARNES BOULEVARD WIDENING PROJECT**

Stockton Whitten, County Manager, stated earlier in the day he sent an email to the Board regarding the letter of credit from The Viera Company for the Barnes Boulevard Widening Project; the Development Order requires them to make a certain cash commitment of \$12 million towards that Project; part of that requirement is a letter of credit; and the Development Order requirement was for that to be presented in State, and they do not have the ability or a bank to present that in State. He asked the Board to revise the Development Order to accept a

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fax presentation option for letter of credit from The Viera Company for the Barnes Boulevard Widening Project, subject to insertion of language in the letter of credit stipulating that the venue is in the State of Florida for litigation purposes.

The Board approved accepting a fax presentation option for Letter of Credit from The Viera Company for the Barnes Boulevard Widening Project, subject to insertion of language in the Letter of Credit stipulating that the venue is in the State of Florida for litigation purposes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM VII.F.1., JIM BARFIELD, DISTRICT 2 COMMISSIONER REPORT, RE: RESOLUTION TO OPPOSE CANAVERAL PORT AUTHORITY'S PLANNED CARGO RAIL EXPANSION PROJECT MERRITT ISLAND ROUTES**

Commissioner Barfield stated there has been a lot of discussion in the media about what has been going on with the Port; tonight he is bringing forward a non-binding resolution that is going to State, the Brevard County Commission is opposed to the proposed cargo rail expansion route; and this route is proposed to extend from the Port Canaveral west to the Banana River Lagoon, to Merritt Island, then north to the Savannah's and Kars Park, and through the Merritt Island National Wildlife Refuge (MINWR) to link up with the existing National Aeronautics and Space Administration (NASA) rail at Kennedy Space Center. He went on to say the resolution also recommends that the Canaveral Port Authority work towards using a route that goes through the Cape Canaveral Air Force Station (CCAFS); he stated he is not against the rail, but the resolution is meant to be against the rail; it is not about not supporting jobs; it is all about the route because the route is going to damage the environment, go through North Merritt Island where residents live, damaging the quality of life and damaging the property values; and that is unacceptable. He stated the Port Canaveral authorities submitted to the Surface Transportation Board (STB) an application for that route through North Merritt Island; once that is done there are certain things that kick in such as an Environment Impact Statement (EIS) being completed, which is a requirement of the National Environmental Policy Act (NEPA); he worked on EIS's in his career and has a degree in Environmental; and he understands the process inside and out, and when comments can and cannot be made. He stated the process right now is the public comment has been done; they are working questions back and forth between the Port and the STB; the next milestone will be the draft EIS and comments can be made; after STB answers the comments the EIS goes to the development of the final EIS; and once the EIS is final, the record of decision is made. He stated it is at a point right now where the word needs getting out that Brevard County is opposed to damaging the environment, to running people out of their areas, to property values dropping, and quality of life is damaged; this resolution is timely because of the Charter element of the Port being they have the right of eminent domain; and that means the Port District can take property and give fair market value, which is probably not that good because property values will drop because of the train coming in. He reiterated it is a non-binding resolution; he stated it is a resolution telling what Brevard County believes needs to happen; it is only about the proposed route; is not about everything else; and he read aloud the resolution.

Motion by Commissioner Barfield, seconded by Commissioner Smith, to accept the Resolution as it stands.

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Commissioner Infantini stated she would like to have a discussion; when the constituents came and out poured their concerns about All Aboard Florida (AAF), she inquired why was it only she who voted against it; she is worried about the quality of life with high speed rail going 110 miles-per-hour down U.S. 1; and four Board members just approved increasing freight on S.R. 528. She advised the Board that she is confused; she stated it sounds as though the Board is sending a mixed message; and she has concern for the entire Brevard County, not just Merritt Island.

Commissioner Anderson Called the Question; and stated he wants to hear the public speak.

Commissioner Infantini inquired if Calling the Question before hearing the speakers. Commissioner Anderson explained when there is a motion and second on the floor, it can be voted on, and the speakers can still speak.

Chairman Fisher stated before he makes a decision, he likes to hear what the people have to say; the Board will be gone through for the speaker's card for the public to voice his or her concerns; the Board wants to hear the comments; there are about 50 cards; and each speaker will have five minutes to speak.

Ken Belfatto stated he moved to Merritt Island three years ago and invested about \$65,000 worth of improvements in a home; he resides about three and one-half miles from the proposed rail; the option C of a path that goes through to the Air Force Station is not being seen anymore and that path was found at the last public meeting to be one-third of the cost than options A or B; and it would not need another bridge. He stated that is a much better deal with a more pleasant impact on the environment; he reiterated that he does not know why option C is no longer available in any of the pictures for the proposals; and he would like to see option C be re-added because it makes the most economic sense, and to have a bridge located where it is being proposed is a disaster waiting to happen. He went on to say the Port is actually a very tiny Port because it does not have that much land area; he inquired where will the cargo containers go because there is not enough places to put them; he stated other Ports have been seen with stacks and stacks of cargo containers; and the land area is just not there, and it does not justify putting stack and stacks of cargo containers there. He stated Port is a nice recreational Port; it does not have enough area for being a container Port; it needs to be left as a recreational Port because there is just not enough area there; he does not want to see stacks and stacks of cargo containers while he is driving on S.R. 528; and he does not want to hear the trains, smell the diesel, or hear an economic or environmental disaster when a car does fall into the river.

Raymond Godfrey stated he grew up in Brevard County; he loves fishing the Indian River Lagoon (IRL), and he wants to see the IRL be restored, and sustained going forward for future generations; the IRL is a complex system and a great deal of work goes on trying to better understand the IRL; and it is important to remember good science is not necessarily about certainties, is very much about probabilities. He stated this proposed cargo rail extension represent a reasonable level of threat, given the high-importance of the IRL; and he urged the Board to use caution about what goes forward to protect the IRL for future generations.

Chris Cook, North Merritt Island Homeowners Association President, stated his HOA has 480-plus members who are opposed to the route through North Merritt Island; he is not a luddite and has carefully evaluated this proposal with thoughtful consideration, and for incomparability with the character of the neighborhood; there is a lot of flooding that takes place in the area; and building a high, elevated berm train along the watershed is not going to help with the flooding, or quality of life. He stated a lot of surveying has been done and 99 percent of the residents are opposed to this route; the other one percent either had specific financial interests at the Port, or they did not live in the area; the Port has failed to show how this is going to benefit North Merritt

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Island; and he was told it will help the people of Central Florida. He went on to say that is great but helping out people of Orlando is not in the Port's District and they do not have a train running through their neighborhood; it is going to reduce traffic and by their own numbers with the rail it is going to put 440,000 more truck trips a year on the roads; and the best estimate is 25 percent of the traffic is going to go by the rail. He stated there will be jobs created; he inquired how many full-time jobs will be had out of this deal; he stated modern cargo operations has lots of room for containers, big warehouses filled with containers, and not a lot of parking spots for the workers out at the Port; it will have a lot of indirect jobs; and he has nothing against giving a job to a long-distance trucker in Georgia, but put the rail through his neighborhood. He added, the only reason this resolution is before the Board today, is the Port has failed to have any meaningful dialogue with the community; the community seen how Commissioner Barfield was treated; he is a member of the Ports Propeller Club which is a member advocate group; a person is not allowed to directly address the Port commissioners, only comments go to its Chairman; he would like to the Board to understand how the residents feel if it were going through his or her neighborhoods; and he appreciates the Board being the voice for the residents because it feels as though they do not have one.

Kim Smith stated it took her and her husband one year before deciding to live in North Merritt Island; there are thousands of residents like her who will be affected by this proposed cargo rail placement; there are economic and tourism impacts because of this proposal; and causing many to lose the right of peaceful existence. She stated she is supportive of the resolution to oppose the North Merritt Island routes; and she would like to see the Port's commission consider moving the cargo rail path to run next to his or her homes first.

David DeSouza stated he has been a Merritt Island resident since 1966; he does not oppose the rail but he does oppose the route; it is important for the Port; he has been a Port tenant for 40-plus years; and he agrees with Commissioner Barfield that the only opposition is the route.

Robert Bishopric stated he is a new resident of Merritt Island and he has told Commissioner Barfield in his public access meeting recently, that he is impressed with the way Brevard County employees act; he likes Brevard County very much; the Permitting process is easy; and he is happy to be in Brevard County versus being in Dade County. He went on to say he is in favor of the resolution against the expansion of the Port across the Banana River Lagoon (BRL); it seems to him that if a rail is needed it should go through the CCAFS; the Air Force has problems with that route for security reasons; but if it is one-third of the price and easier to do than building a rail, then it makes only sense to him to do that route. He added, there seems to be some talk about this not-in-my-backyard-effort for all the people that are present saying do not build it in my backyard; this kind of project should not be in any ones backyard; this is not the location for it; and his reason for moving to Brevard County is for the environment. He stated having a rail on one of the most protected bodies of water and in a MINWR area simply makes no sense to him; he understands the resolution is a non-binding resolution; he thinks it is a very good thing to resolve being opposed to the rail expansion; and he addressed the Board about Port Canaveral CEO John Walsh speaking so illy about people who are opposed to doing something that he wanted to do.

Darrel McMillan stated he has been a resident of Merritt Island for 35 years; he has seen Brevard County evolve over that time frame, some for good, and some for ill; what he has seen about the proposed rail is ill; he is strongly opposed; he is not opposed to economic development in Brevard County, but there has been many high-paying jobs in Melbourne; and there is no reason why the rest of Brevard cannot do the same thing. He stated he is a technical engineer evaluating project for its technical viability, cost, or a liability for those who built it; this project violated environmental protection rules; it is the running of heavy-rail, not running of a transit-rail, and not something that can be run over soft ground; and is something that requires stabilized ground. He went on to say this area they want to run through is not

stable and cannot handle heavy-rail; it is a wetland area; it is a wildlife preserve; it is something that must be protected; and it cannot tolerate heavy industry, which this rail system would be. He stated there is an alternative to go through CCAFS; there is precedent for commercial-rail going through military bases and it has been done all over the country, and there is no reason why it cannot be done here; it is a shorter and cheaper route that is probably more efficient in the long-run; therefore, he strongly recommends for the Board to push getting the route to run through CCAFS, because there is no reason why that could not be done; and there is no reason why it cannot be negotiated with the Air Force to be beneficial for everyone. He added, the overall viability of a business model saying to turn Cape Canaveral Port into a Container Port is ridiculous, considering it would be competing with Miami, Tampa, and Jacksonville; he further stated, the idea of routing cargo through the Port is going to have to go to a distribution center; and the distribution centers are located in Miami, Jacksonville, Tampa, and Orlando. He stated it will not decrease the cost of goods for the area; the way the rail is routed right now, could be fraught with problems with the first storm that comes through, and there will be flooding; some of the routing takes some rather severe turns; and if there is derailment, the whole area is ruined, and recovery would take years. He pointed out the way this project is currently routed would not be viable or practical from an engineering and cost of liability point of view is a negative for Brevard County and the State; and it is not going to help anybody.

Charles Levi, Jr. stated he commends Commissioner Barfield for sticking his neck out for the residents and he expressed his appreciation; and if this situation was brought up to be passed through the Everglades, it would never happen. He stated this is the most ecologically diverse estuary system in the entire world; the opportunity in Brevard County to be able to bring in viable tax dollars through tourism just to experience the IRL is insane; the IRL offers hope that there is a possibility that one day it will bounce back to the way that it once was; and the IRL is the last stronghold of truly healthy river in the entire Brevard County shoreline. He went on to say the IRL is the only place to go to see massive schools of Redfish, Black Drum, Snook, Tarpon, and all the game fish species that call the Intercostal home; it is a Manatee National Sanctuary; and they should not build a bridge across where Manatees are supposed to be protected from all kinds of environmental issues. He reiterated he commends Commissioner Barfield for all he has done by giving the residents a voice because the Port would not allow the residents to do so.

Tony Dutton stated he is supportive of the proposed resolution opposing the construction of a freight rail bridge across the BRL and up through the MINWR; this is an issue of great importance, not just to one Commissioner, not just to the Canaveral Port Authority (CPA) districts, but to all of Brevard County because it effects the IRL in the entire County top to bottom; if the CPA was a for-profit corporation, its obligation to its shareholders would be to expand by any legal way and increase its earnings for itself, and its shareholders; the CPA is not a for-profit corporation, it is a Public-benefit corporation that has a primary duty to benefit the public; and the CPA was created by the State of Florida and its commissioners were elected for just that, to benefit the public. He inquired what the public benefit is in harming the fragile IRL and all who use it, love it, and make their livings on it; one may respond it is job creation, but it needs doing without causing harm at the same time. He appealed to the Board to urge the CPA to find a way to build and operate a good and efficient Port, without harming the IRL and the MINWR; and he reiterated to urge the CPA to negotiate a different route, preferably one that is publicly owned by CCAFS as the resolution states before the Board tonight.

Vince Lamb stated he started his day this morning at Archie Carr National Wildlife Refuge (ACNWR) volunteering with the Sea Turtles; he highlighted Merritt Island has great environmental success story in Brevard County, and there can be more; he feels there is progress being made with the IRL due to the strong fertilizer Ordinance adoption; the stormwater funding has been increased to help improve the stormwater that is released in the

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IRL; and has achieved more than \$40 million in two years of State funding for muck removal. He advised the Board to not let the Port reverse the progresses being made to the IRL.

Ted Lund clarified that he is present tonight as a private citizen and he does not represent any media group; he stated he resides in District 2 and was born in Cocoa Beach; both sets of his Grandparents owned shrimp boats, out of Port Canaveral; his Grandfather and Father manufactured cast nets in Brevard County for more than 30 years; his career path has been directly influenced by the natural resources that are found along the space coast; and he is a professional journalist who specializes in recreational fishing, marine conservation, and environmental issues. He went on to say he served as member of the Florida Keys National Marine Sanctuary Advisory Council and served on its Environmental Working Group; he is not a luddite; the child that he has adopted pleases him greatly; and he is a steward of the environment, which is a badge-of-honor, not a mask. He stated the BRL and the MINWR have no voice in this process; the BRL as part of the larger IRL complex was designated an estuary of national significance under the National Estuary Program in 1987; a part of MINWR is the area proposed to be dredged and filled has been off-limits to mechanically propelled vesicles since 1991; it is a federally managed sanctuary for the world's largest concentration of West Indian Manatees; and home to the largest breeding record of Brown Pelicans on the planet, as well as dozens of other endangered and threatened species. He stated this area also boasts the last near virgin strands of turtle and manatee grass left in the 156-mile IRL; the IRL contributes nearly \$750 million per year in economic impact, through commercial and recreational fishing, paddle boarding, kayaking, wind surfing, bird watching, Eco tourism, and more; the County along with other regional State and national law makers are currently in the process of allocating nearly \$10 billion to restore, and conserve its fragile resource after more than a century of unbridled development and abuse; and all of these things mean something, or not. He stated a letter to the Board earlier this week from Jerry Allender, CEO of CPA, made the case of CPA's process being transparent and responsive to the people; Mr. Allender has illustrated the type of transparency, arrogance, and contempt for those interested in Port matters have come to expect; Mr. Allender offered notes and a video link to a presentation by a "rail expert Kathryn Floyd", and conveniently leaving out those that Ms. Floyd is a highly-paid cutthroat environmental ninja. He added, in addition to being an attorney, she is a federal Lobbyist with Venable LLP, who the Port has retained for its rail fights; he advised the Board to visit Venable LLP's website to read Ms. Floyd's biography; he understands why she was hired; and "Ms. Floyd has extensive experience counseling companies regarding controversial hot-button topics that draw attention from regulatory agencies and outside groups threatening litigation or disruptions. Ms. Floyd consistently helps clients shape strategic responses and catalogue a documented record to minimize risk, advance approvals and, when necessary, beat back lawsuits. Many of these engagements arise when clients' projects face opposition under environmental laws such as the National Environmental Policy Act, the Clean Water Act, the National Historic Preservation Act, and the Endangered Species Act. In addition to transportation clients, she works extensively in the drilling, mining, and fracking fields." He stated those pesky little obstacles like the National Environmental Policy Act, the Clean Water Act, and the Endangered Species Act are the type of frivolous impediments that Mr. Walsh listed in, as a pet peeve of his in a recent profile by the *Orlando Business Journal*. He stated Mr. Allender asked to wait for the STB to completes its EIS, but the STB is not drafting the EIS, a third-party is called ICF International which was bought and paid for by the CPA; like Ms. Floyd, the ICF International is pretty good at what it does, too; and by the time the EIS is done, it is going to be too late, and is what the CPA was hoping for that no one would notice until the rail was three-quarters across the IRL. He pointed out an important thing about an EIS, it does not tell if something can be done, and only tells how to do it; he stated the STB is in the business of building railroads; ICF International is in the business of building railroads; Venable LLP and Ms. Floyd are in the business of subverting federal oversight, public input, and environmental regulations when building railroads. He advised that people will hear that the United States Air Force (USAF) gave the CPA a list of 58 reasons why the rail could not go through the CCAFS,

which is absolutely not true; he knows of the document being talked about, and it had nothing to do with rail at the Port; and the individual with the USAF told him that if all the slides taken were all added together, it still would not add up to 58 reason. He stated Mr. Walsh claims the STB told him not to discuss the project until the EIS is complete, which again is not true, he got that information from a deputy director who he talked to three times this week, and that was never given to them as an instruction; it will be heard that the rail will be built on trestle, which again is not true; both the STB and at least one Port commissioner confirmed that the plan is the plan; and the only difference is they deleted the word Causeway. He stated at what point did mistruth become lies; no projected economic benefit warrants those types of long-term environmental quality of life and socioeconomic destruction; this embattled rail plan constitutes a clear and present danger to a significant international and national resource; greed in myopic vision has brought the IRL to the point it is at today; and the Board's long-term vision and concern for the residents in communities, and resources can help steer clear of this morass.

Mary Hillberg stated she has a picture to show the audience of the route; most of her issues have already been discussed, however, a cargo rail system is not economically sustainable until cargo is moved over 300 miles; when servicing the Central Florida area, it would be difficult because it is about 150 miles to Tampa from Cape Canaveral; and the argument about needing a cargo product to service Central Florida appears fairly flawed. She stated the property values of unincorporated Merritt Island would decrease; it is not just the area in North Merritt Island it is all of Merritt Island; the jobs and automation of robotics of cargo ports are utilized for efficiency and safety; these technologies will greatly decrease the number of living waged jobs create, in addition, the CPA has noted in its original application "those created jobs will be from economically depressed areas in counties directly south and west of Brevard County; and the jobs are not going to be here, they are going to be in other counties, and that does not seem to be fair. She went on to say it is really a lose-lose for Brevard County because the Port keeps its money, it is a taxing authority; in 1986 it stopped taxing because it flush with money and it could support itself; if it makes money it keeps its money; and if it loses money they reinstitution the tax, and the people pay which is not a gain for any one.

Sue Ford stated she is a North Merritt Island resident and she is a former Port commissioner at Port Canaveral; she expressed her thanks to Commissioner Barfield for bringing forth this resolution; and unlike some Port commissioners, most realize that the weight of this Board is very important to the goal. She stated back in the 1950's and 1960's lots of the IRL was filled in order to create uplands so that houses could be built on canals, and other shorelines; in doing so, they exchanged valuable wetlands that filtered the runoff for sea walls; over the next decade this has caused water quality to deteriorate and grass beds to die; what this new project will do is the same thing to the BRL; the very north part of the BRL is the only area in the Lagoon that still has no development along its shorelines and grass beds doing exactly what nature intended them to do, they filter the runoff before it hits the Lagoon; and therefore, this project will effectively do what was done in the '50's and '60's to the rest of the IRL. She advised this is the one area left that can actually be protected for kids and grandkids to fish; the BRL looks like it did back in the '60's; it is amazing and it is because there has been no development north of the BRL; and this train will not only cross the river and fill for a causeway bridge, but it will go clear along the eastern shoreline of northern Merritt Island, and fill the wetlands in order to run train tracks. She stated that is what ruins estuaries like this; it cannot be allowed to be done; Port Canaveral has done a wonderful job with its cruise industry; the Port is still a small Port in size; they do not really have enough land to handle a new container cargo business; and they plan to extend outside of their boundaries, not only with a freight-train but also with storage throughout the County. She added, they already purchased land in West Cocoa, south of Titusville, and they intend to purchase a lot more property throughout Brevard County to store its cargo because they have no place to store it at the Port; she stated Ports in Jacksonville and Tampa already has container cargo business because they have acreage within their Ports, to where they can actually expand; and it has buffer zones between its industry and neighboring

communities that Port Canaveral does not have. She inquired why anyone would want its Port to be competing against other Ports to bring in a business that no resident will benefit from; she stated this is a grassroots community effort filled with passion about the BRL; and she is hopeful of the entire Board's support of this important resolution.

Ron Pritchard provided the Board with a handout; he stated the area being talked about is the MINWR and it has been in existence since 1963, in 1962 is when NASA started purchasing property for what is now the Kennedy Space Center (KSC); Port Canaveral has proposed the construction of an 11-mile railroad track across the BRL via causeway and trestle onto the MINWR, and then north to an existing 17-mile rail-line that runs from Titusville to the Vehicle Assembly Building (VAB) on the KSC; they have stated the initial impact will be one rail-line with four trains per week containing 75 freight cars per train for eight round trips that will travel at approximately 10 Miles per hour (Mph); and that is three-quarters of a mile of freight train. He went on to say the Port also said that within five years they anticipate five trains per week or 100 round trips; he stated considering there are 28 miles of track, and at speeds of 10 Mph it will take each train approximately two hours and 48 minutes for each one-way trip; and meaning that 50 trains equates to 100 round trips time two hours and 48 minutes equals 11.7 days, for 100 round trips. He inquired how that can be done when there is only seven days in a week; he stated unless they are going to speed up the trains or build additional rail-line that will create additional noise to the recreational neighborhoods, more impact to the MINWR, and more fill for the widened causeway; and adding another earthen causeway that further restricts what little water flow currently enters the BRL is detrimental to the health of that body of water, and the abundance of critters feeding off of it or using it a nursery. He stated his wife and he believe the correct solution is to go through the CCAFS; if the CCAFS is so concerned about the possibility of a terrorist attack; and he does not see the Port being concerned about the Trident Basin or the infrastructure at the Port, which would certainly also be an issue to be concerned about if leaning towards not bringing it through the CCAFS because of potential terrorist attack. He added, a high-ranking Port official stated the costs would be approximately one-third the cost of going through the MINWR, if using the CCAFS; the environmental impact of noise to residential neighborhoods would be far less; and he asked the Board to take additional steps addressing environmental health of the IRL. He pointed out an article in the *Port Beacon* about CPA getting an update on rail project of the lead federal agency of jurisdiction over the Port's rail proposal is a decision about route alternatives to studies will be made by the STB, not CPA nor the Board of County Commissioners; the public will have full opportunity to comment or in writing during meetings after the draft EIS is published; and he asked the Board to not present its case, until after a decision has been rendered.

Seb Perin expressed his thanks to Commissioner Barfield for his concern and introducing a resolution opposing the Port's rail plans; he expressed his thanks to the Board for its best interest of Brevard County residents; he stated most people present tonight are homeowners, environmentalist, and entrepreneurs who are determined to prevent potential destruction of an environmentally sensitive Lagoon, as has been numerated by his collages previously; and according to geographic information analysis that the proposed rails would crossover and shade 30 to 40 acres of BRL. He mentioned that he read an article published by Congressman Bill Posey entitled *Our Lagoon is a Local Treasure*, who indicated that in addition to the unique biodiversity of the IRL that in a 2008 study commissioned by the St. Johns River Water Management District (SJRWMD) found that the IRL's overall economic benefit to communities would be significant; the overall estimated annual value of the IRL is more than \$3.5 billion, and supports approximately 15,000 jobs; recreational activities generate nearly \$1.4 billion in economic activity and about \$629 million a year in residential income; and a vibrant IRL is a key contributor to property values and the local tax-base and it is important to take steps to preserve its quality. He advised the CPA has taken these steps with a total lack of transparency and accountability, nor

regard for the best interest of the community at-large; although this resolution is non-binding, it marks only the beginning of the battle; and Mr. Walsh has underestimated resident's diligence and determination to prevail.

Ken Karpinski stated he has been in the seaport business for over 30 years; he was the Deputy Port Director at Port Canaveral from 1980 to 1987; during that time he was faced with a Port that was losing \$750,000 in taxes; within five years he was able to get it to be profitable and off the tax rolls; and back then he predicated containers would not be around for 30 more years. He stated that he believes that putting forth this resolution will fire a shot across the bow of one of the most arrogant public bodies that this County has ever seen; he inquired what the impotence is for the rail; he stated CPA did not go out for any expressions of interest or any other normal means to produce a container terminal operator; Port Canaveral is a niche Port that serves Central Florida, not the eastern seaboard or the hinterland; and all of the talk about cargos coming in and being distributed here and there, is just pie-in-the-sky. He went on to state that what has happened at the Port is they have given away land that is necessary to support future cruise business, which is an expanding industry; if they get any additional cargo business, they will need that space; they have turned the land over to land developers to put in competing facilities with businesses on County property; they are buying up land to put in logistic centers when there is no logistics to be had; and that impacts the County by losing its tax revenues. He added, the Port wants to dredge its canal to 55 feet so they can get the massive 14,000 container carrying vessels that carry that capacity to come in to Port Canaveral; the 55 feet means having to take the Ports existing channel and environmentally dig out two or three miles to get 55 feet in the ocean so those ships can get in; and if this happens more of BRL will be filled in to expand for the Ports next facility, it their plans and diagrams, and it does not look well. He stated the rail is not necessary for Port development; and he asked the Board to support Commissioner Barfield's resolution.

Maurice Boudreau, President of East Merritt Island Homeowners Association, stated his primary concerns are quality of life and economic values; once this rail is brought through there can be no going back; at some point in time there has to be a decision if it is worth the cost of quality of life to the community; and economic values to him is the property taxes that support the County, property values, and if the Port really needs the rail. He added, the gentlemen who runs the Gulf's container had said that as far as he was concerned if the rail does not go through it would not affect his ability to manage business; he suggested putting the rail through the CCAFS; and do not go through Merritt Island.

Larry Fitzgerald stated the property in question is the publics property not the Ports property; after reading the proposed resolution he became upset; the Port commissioners do not work for anyone present tonight, they work for themselves with a business interest in a foreign; Commissioner Barfield is his Commissioner but he considers the entire Board all of his Commissioners, because the entire County rides on all of his or her decisions; and he pleaded with the Board to support the resolution.

Mark Buchness stated he lived in Maryland and is familiar with the hundreds of thousands of acres that Baltimore has of container disbursements around the area; a news article he saw several weeks ago showed a container ship coming into the Port having about 400 containers on it, it was offloaded, stacked up, and he started to wonder when he would see the containers going up and down S.R. 528; after a week or so without seeing any containers, he noticed there was some scope about some repairs to S.R. 528; and he went to the U.S. Coast Guard Station to talk to a friend of his to find out what is going on, and he

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found a small area that the containers could be housed in because there were no containers present. He went on to say he asked about what happened to all of the containers; he was told it was a dog-and-pony-show; the news media showed up, the boat showed up with new containers on it, and the containers were offloaded and empty; after the ceremony and photographs the containers were loaded back up onto the ship; and then the ship left with all of those containers. He added, he started to think more about where the Port is going to expand thing and how the Port would be viable for enough containers to come in even if they use surface transportation on S.R. 528; the U.S. Coast Guard Station informed him that right now in Washington, D.C., the Port is trying to come through with some kind of an eminent domain to take the U.S. Coast Guard Station and to take the Submarine Base for its expansion process of Port activities. He stated he does know where the Port came up with this idea, but it seems ludicrous that they purchased two cranes and one was nonfunctional, and spent millions of dollars to make it operational; after having the cranes in place they started looking around for a way to haul the cargo in and out; and he never understood why the Port did not tell anyone of its plans to build. He stated he is suggesting to the people in the room today to keep an eye on what goes on in the Port; when something peculiar is seen, trying asking around for some information about what they are doing; he tried contacting the reported assigned to the Port to find out what is going on, but he never gets a reply back; he tried questioning through the *Orlando Sentinel*, but he gets no information back; and it seems as though the Port has information on lockdown that they know, and they have, but they do not want the public to know.

The Board recessed at 6:59 p.m. and reconvened at 7:10 p.m.

Doug Martin expressed his thanks to Commissioner Barfield for taking the initiative to represent and stand up for his district; he stated he and his wife are adamantly opposed to this rail project across the BRL and up through Merritt Island; the proposed route is less than one mile from his house; he has lived near a railroad in the past and there is no way to abate the low frequency rumble of trains, much less the horns; and North Merritt Island is a quiet and peaceful enclave, not a train corridor. He stated federal and State governments have spent great sums of tax dollars protecting and improving the IRL estuary; now a small, local government agency wants to undo that work and cause irrefutable damage to the BRL, to the endangered species, and to the current way of life; most of this is being done for the profit or a foreign company and without due regard for the people who reside here; and he finds this to be particularly objectionable. He stated in the *Florida TODAY* this morning, Mr. Walsh called opponents of the project luddites, meaning against progress; the proponents of a project have no rational argument in their favor; they inevitably turn to name calling and demagoguery in an effort to force support; he finds it appalling for the CEO and spokesman of a public body to resort to name calling, to push his flawed agenda; if saving the estuary makes him a luddite then he is a proud one; and he asked the Board to support the resolution.

Ron Bobay stated his comments related to the broader topic of expansion from limited cargo at the Port to becoming a major cargo Port, this is actually driving the need for containers which requires rail for cost efficiency; the Port is a beautiful cruise destination that has complemented Brevard County as a tourist destination; he believes that the compromise is to the County to accomplish this goal are too great; although the County has no jurisdiction in this matter; and he believes the statement holds great weight in gaining the attention of the community at-large. He went on to say as a community it is being asked to run a rail through the heart of the MINWR or potentially being advised to consider the S.R. 528, which is no better causing an unsightly image as traveling across the inter coastal compatible with visitor orientation; while the MINWR was established as a buffer for the Space Program, it has become a national treasure in its own right; Canaveral National Seashore and the Wildlife Center constitute the largest undeveloped coastal property left in Florida; and considers itself as a gateway to nature as one asset. He

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stated he understands the CCAFS reluctance to run rail through its coastal area; he is not in favor of the route; in addition the Port facility is limited in land area; there are approvals going back to the 1960's and indicating up to 250 acres of the BRL can be filled; and the Port had already indicated a need to fill 50 acres in the short-term to accommodate the proposed rail. He stated the Port requested the EIS from the STB as required when rail is requested; the Port commission can take the request off the table and there would be no need for waiting for a report from the STB; and the Port commission has made a decision, but as a community the rail is not wanted and there is no need to do the study. He advised there has also been discussions to move rail by barge up the Intercoastal Waterway to Port St. John and north of Titusville; he stated the image of commercial barges moving up and down the IRL is not a positive image; and he does not wish to see the Port moving beyond limited cargo, no rail is needed under this approach, they are land limited, and it is not compatible with the images of tourist destination.

Floyd Rippetoe stated the East Merritt Island homeowners have twice invited the Port to meet with the group to inform them of its plans, but no one was available to do so; the idea of building a damn across part of the IRL is absurd; the overall idea of bringing ships and containers into the Port has become more absurd; and he thinks the recent events in China and shipping containers destroyed a city in China, and makes him wonder why take the risk of coming to this little Port. He went on to say the USAF does not want a railroad going through its station, but it would have control if they let a rail run through; he expressed his appreciation to Commissioner Barfield for bringing the Item forward, even though it does not have the power liked to be had, but will have a lot of effect; and he requested for all of the Commissioners to support approving the resolution.

Alex Gorichky stated he runs a local service called Local Lines Guide Service and he is the leader of No Fill No Kill; there are a lot of people who are upset; he expressed his thanks to the Board and staff for the opportunity to speak on behalf of the Lagoons and the citizens of Brevard County; and he stated he is not a part of Florida Associated Clubs, a public relations firm, a lobbyist, or against growth, but he is a neighbor and a friend. He went on to say the goal of the No Fill No Kill movement is not that of a luddite, but is having a responsible plan for the Lagoons, the future, and the community; many accomplishments have been made to help the Lagoons, such as Parks and Recreations and Environmentally Endangered Lands Programs, and returning watersheds to natural forms; and continuing to have dialogue to save and help the Lagoons, that make this such a unique area. He stated the most glaring examples of failure to learn from were made by the Board's predecessors; the non-tidal waters in areas said yes to development and diverting natural wetlands for development; they said yes to septic tanks and sewage plants all aligning the Lagoon; they said yes to cheap land filled causeways and have choked the Lagoon to death, which he sees on a daily basis; and he does his best as a guide to cover and shield his clients from mistakes made. He added, the Lagoons are considered an estuary of natural significance, with many endangered species, and generating massive amounts of income for eco-based activities; and he asked the Board to stand with him, the residents, and Commissioner Barfield to pass the proposed non-binding resolution. He mentioned the Port is scared of a non-binding resolution; the Board does have a voice for the people's voice; and the people did not get a voice with the Port.

George Rosenfield stated the present capabilities of Port Canaveral are due to the vision of persons of prior years; now present times persons have a vision of the future of Port Canaveral; he believes that the future can be obtained with only minor deleterious effects on the environment; on many occasions he has addressed the Board when considering environmental issues and similarly with the many city councils; and due to the history of septic tanks, there are many that have not been maintained, and largely account for the current deteriorated Lagoons condition. He stated he remembers Port Canaveral in 1957 that the only ships using the Port were the Melonite fishing fleet; the only commercial activity at the Port were three gasoline tanks; the following years, including NASA and Port Canaveral developing into what it is today

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with some of it being environmental friendly, and some not; the Jetty was built which stopped the southward natural sand flow that kept the beaches renourished, and now sand is replaced at great expense; there were several causeways with bridges were built, crossing both the IRL and the BRL; and the Beachline Expressway to Port Canaveral, NASA Causeway to NASA and CCAFS by crossing only the IRL of the Max Brewer Causeway to the MINWR, and the railroad serving both NASA and CCAFS. He added, future development of the Port would allow this national, regional, and local asset to continue to grow, diversify, and create jobs; it can be done in an environmentally friendly manor; if a new railroad crossing of the wetlands and waterways is needed, Port Canaveral has fully committed to building on piles not causeways; and if the existing railroad tracks through CCAFS cannot be used and a new crossing is needed, it should be adjacent to one of the existing causeways so that only a little damage to the environment is possible. He went on to say if it needs to travel close to developed housing areas, then sound and vision barriers can be built; he asked the Board to think of good results of an environmental construction should be used.

Earl McMillin stated he has been a proponent of this rail for 20 years; the Port did not look worldwide for interests in having rail at the Port, but he did 20 years ago and he gave all of that information to the Metropolitan Planning Organization, and to the Port Authority; and over the years he has given it to them again. He provided the Board with an overhead picture of Harbour Island, which is located in downtown Tampa; everything to the east is tank farms, tanker docks, railroads, and ship yards; there are now multi-million dollar homes and condominiums on Harbour Island; the ship yards and the railroads did not stop that development; the idea of property values being destroyed by a rail, that no one is going to be able to see will only go 10 mph, and operating only in daylight hours is overblown; his mother's house faced the ship yard and it was privately appraiser for \$100,000; and it was sold in four days for \$130,000. He went on to say residents have been told that they are going to be taxed to pay for this railroad; no one ever mentions that the recently created Seaport Investment Program is available to fund these projects, or that the Florida Seaport Economic Development Program has been in existence for a number of years to funds these types of programs; the trestle will damage the BRL; they never mentioned the fact that the study in California showed that artificial structures are 27 times more environmentally friendly to marine life than the natural reefs or the plan to put oyster mats on the substructure; and the good water quality that Florida has done is not ever heard about. He stated the Board has been told that to not wait to go forward; the CCAFS is due to respond to the Port within one to two weeks; the CCAFS option is not off the table; and the STB is going through its process and will be able to issue its preliminary report soon. He added, there are a lot of people present who have spoken against the rail, he has been in contact with other Brevardians who supports the rail that are fearful of speaking out in any way because they are expecting their businesses to be damaged; and they fear that social media will be used to vilify them. He suggested for the Board to wait for the CCAFS to speak, wait for the STB to speak, and table the resolution.

Susan Termini stated the CPA has said that the trains will only run from sunrise to sunset, but the NASA requirement says from sunset to sunrise; the trains will run one-third of one mile away from homes with no buffer; she thinks that is a downside on property values; she is concerned about what the trains will be carrying; and there has been trains in the United States in the past few years that have leveled towns by carrying flammable materials. She advised the CCAFS route is less environmentally damaging, less expensive, has more safety potential; she believes the CCAFS route is the only route to consider and should not wait until the STB is done; Mr. Walsh can call the residents many names and he can question the motives, but he is out of line and this many people present proves that.

Jack Ratterman stated he is reading a book called *A New Green History of the World*; the reason he chose this book is because he is a retired history teacher; it says in the book that one of the fundamental issues to address by all traditions and the relationship between humans and

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the rest of nature are humans, and internal part of nature, or are they superior and separate from it; in some way there is integration with all natural things; and the answer is critical in determining how different thinkers and religious leaders decide which humans actions are regarded as legitimate, and morally justified. He went on to say other related questions about whether all plants and animals are solely for the benefit of humans having a superior role, or having a responsibility to guard and take care of each of God's creations; since the meeting started off with a prayer, he is hopeful the Board is interested in the stewardship of the history of Brevard County; and he is hopeful of the Board keeping Brevard County the unique community that it is today.

Ron Taylor expressed his thanks to Commissioner Barfield for standing up for the citizens of the district that he represents; the personal attacks on Commissioner Barfield show the lack of professional respect due a County Commissioner; it is simply more of an arrogant behavior by the Port's officials and addressing the concerns of citizens impacted by their expansion plans; and Mr. Walsh labeled the citizen's as luddites and troublemakers. He advised that now other Port officials are using the same arrogant and demeaning approach to bully the Board into rejection of Commissioner Barfield's resolution; he asked the Board to say no to the Port and yes to Commissioner Barfield's resolution; and he asked the citizens to remember the treatment to Commissioner Barfield and the way they were treated by the Port, as citizen's exercising constitutional right of freedom of speech.

Larry Fallon stated if there is a major spill in the IRL every district will be majorly affected; he provided a picture of Port of Savannah, which is the type of Port the CPA is looking to be; he is supportive of the resolution against the rail going straight across the BRL; and he does not want to see this type of stuff happening in Brevard County. He added, the Port has no oversight but has a lot of money, and are backed by Arabs with a lot of money; they are proposing to but a trestle through the last Lagoon grasslands; he stands with Commissioner Barfield; and he is hopeful for the rest of the Board to stand with him; and pass the resolution. He suggested that if this rail cannot be stopped it needs to go through the CCAFS, because they will make sure of what is coming through its property, but no assurance of what is coming through the County's property.

Cathy Testa stated the Port of New York has the Intrepid and other cruise ships and is a nice place; she grew up living right next to train tracks; trains make noise and when going over rails they tend to spark; in North Merritt Island there are wetlands but there also are fires started from lightening because there is a lot of dry foliage; and there is a great chance of trains starting a fire. She went on to say there is no fire protection in the area that should be considered; flooding is a big issue and once building has started in places where there should not be building's out there; the land has been protected for over 50 years; she understand they may have the right to come in and take the land; but it is wrong and CPA should be doing the right things; and she expressed her appreciation for the Board to vote in support of getting the rail moved away from North Merritt Island.

Tammy Wilson stated the resolution is very well written; it expresses what most people feel about not being against growth, jobs, or economic development but is against the proposed route; and passing the resolution is going to send a strong message to CPA, that residents are not the enemy but is going to be its conscious.

Anthony Falanga stated the definition of wildlife refuge is an area designated for the protection of wild animals; unless a diesel train is a wild animal, it does not belong; in 1963 NASA put aside for protection of wildlife 140,000 acres for non-operational use of federal government land; the federal government had the good sense to preserve the MINWR for the area over 50 years ago; a no motor zone was established to protect the BRL, manatee, fish, and wildlife; and it is an area that runs north of Kars Park and north of the BRL. He went on to say fish nurseries

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were dying; manatees were literally being ran over by boats; birds were on the endangered species list; and after 20 years populations have been fighting to come back. He stated the CCAFS argues the use of the existing rail system to KSC is a threat to national security; this proposed route will run less than one mile of the North Merritt Island communities; these communities do not have protection, but the CCAFS does; the CPA is going to benefit; and he finds it confusing that NASA, FWC, Coast Guard, and the federal government potentially signed off on this. He inquired why and what are they gaining; and he stated those organizations need to be on the residents side and put aside the monetary gain, and support the community because the homeowners are going to be getting decreased property values and wildlife, changes in the quality of life, and changes in natural resources. He advised that the CPA plans on filling in 50 acres of the BRL just north of the locks, this 50-acre land project will hold all these containers but they will not stop there; the leeching from the trucks coming and going will into the BRL; and in the railroad proposal there was no mention of the 50-acre island. He inquired what the real agenda of a wildlife area is and a residential community is not the correct place for a railroad project; and he stated this is a forced project for monetary reasons.

Mary Sphar stated she is concerned about the potential adverse environmental effects of the proposed rail route over the BRL and through the MINWR; this proposed route will further stress the IRL at a time when it is in crisis; the project will sacrifice wetlands important to the IRL ecosystem and the MINWR; many Ports are now competing for the cargo rail business and they all will not win; the cargo rail is unpredictable and risky; and she inquired about what if things do not work out for the Port after degrading the IRL, and destroying wetlands. She went on to say it is possible that the taxpayers in the north-end of the County could be on the hook to bailout the Port, since the Port has every right to tax the taxpayers; and she inquired if it is really for the public's interest for the Port to degrade the IRL, MINWR, and the North Merritt Island community for an unpredictable and risky venture into cargo rail. She asked the Board to support Commissioner Barfield's resolution.

Ruth Nelligan stated the resolution may be non-binding but it will provide the public some increased awareness of the issue; she downloaded some things from the Internet and the GulfTainer Company which obtained the 35-year lease to operate Port Canaveral is a subsidiary of the Crescent Group, and because the deal was based on a lease and not on ownership it received no national security review; GulfTainer's 35-year lease was secretly negotiated by Canaveral officials under the code name Project Pelican; and it was approved without a national security review by the Treasury Secretary Jacob 'Jake' Lew, a long-time associate of former President Bill Clinton. She went on to say the GulfTainer operates the Iraq container terminal inside Iraq's deport Umm Qasr Port, located on the Persian Gulf near Kuwait; GulfTainer is a United Arab Emirates container Terminal Operator was recently awarded this lease at Port Canaveral, Florida, adjacent to a U.S. Navy nuclear submarine base in NASA's KSC which does alarm her; the deal was rubber-stamped by the Treasury/Secretary after the Crescent Group CEO donated to the Clinton Foundation; and GulfTainer has been implicated by Iraqi Officials for delivering weapons to Iranian-backed terrorist in Iraq called the Bidar Brigade, and stopped by the Israel Defense Forces (IDF) in Gaza. She added, military and intelligence sources were completely caught off guard by this development, as the entire process was done in virtual secrecy of Project Pelican; she stated a report was published in Arabic by the electronic newspaper *Al alum al jadid* on February 10, 2015, that GulfTainer is moving weapons to terrorist groups, the Bidar Brigade and the Assad Ul Haq, and attempted to secure the lease at the Port of Jacksonville, but was abruptly rebuffed by the Port of Jacksonville Officials; and both groups are listed as terrorist organizations by the United Arab Emirates government privately-owned GulfTainer, and the Crescent Group based in the United Arab Emirates. She inquired why would a foreign-owned company make its entry into the United States here; and she stated it means that this would be the first place in the country that would allow a foreign company to get control of an American Port.

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Susan Smith stated she is supportive of the resolution proposing the railway over the BRL; she agrees with a lot of the comments made about the negative impact it will have; she inquired if there was approved funding for the State of Florida to research and improve the IRL; and would the rail across the BRL go against and contradict that funding that was approved for the IRL. She stated it is her understanding that the CCAFS has not said no to being a viable option for the rail, rather it is the Port choosing not to look at that as an option because maybe it would take them longer to get the rail in place or less money, and less red-tape; however, that is for all remarks made tonight for security, environment, and infrastructure makes sense to go through the CCAFS, if the rail is had at all.

Maureen Rupe stated a few people located in Port St. John were the first ones to be against the Port and Mr. Walsh bringing a barge-rail route to across U.S. 1 to go to Orlando Commission Utility (OUC), but that was Mr. Walsh's first plan; the presentations given by all she thinks were excellent; and she read aloud a note from her granddaughter, "If you really think the environment is less important than the economy, try holding your breath while you count your money."

Terry Skaggs stated the Port has pursues four rail routes in Brevard County; one is in the resolution tonight, CCAFS, S.R. 528, and the barge-rail route; when the S.R. 528 rail was pursued it met a lot of resistance from the homeowners and tabled it; the barge-rail was heavily opposed; deep draft barges were planned to be done by the Port with 25 to 30 containers to go to the OUC plant, build a railroad across U.S. 1, offload the containers, and to meet up with the rail going west; and eventually tabled it, because that railroad was to be built 500 foot from his front door, running several trains each night. He advised both those routes could come back to use for in the future; he asked the Board to consider to expand the scope of the resolution to include the S.R. 528 route and the barge-rail route, and leaving the CCAFS route; and the general consensus seem that people think its most viable going through CCAFS.

Terry LaPlante stated she supports the resolution; she is against the rails because she suspects that it's part of a much larger plan nationally, as well as a Statewide plan to expand the natural gas industry in Florida, and pipelines all over the State; there is considerable evidence to track; there are a lot of 2017 dates being thrown around; and the CPA has until 2017 to put the freight rail infrastructure laid for them to get the \$100 million. She stated Senate Bill 1468 is on the table to prohibit this community and every municipality in the State of Florida from banning and fracking; it is going to make Florida a fracking State, once all infrastructure is in place, and fill the natural gas needs they will be exporting it; and natural gas fills are part of the business that impacts the rails. She stated she is hopeful the resolution will derail the freight lines and for Florida to become a solar State, creating a solar energy policy and creating more jobs.

Chairman Fisher stated he reached out to the CPA because he recognized there is no value two governmental agencies fighting; the Port is a major economic driver and employer in Brevard County; the resolution is important for Commissioner Barfield and his constituents, but he is probably doing it too, because he feels like he is not being heard; if there needs to be a resolution, he would like to reconsider a resolution worded just a little better; and that was declined. He inquired about what could be done to bring the two agencies together; he stated ten people stated the resolution is non-binding tonight; rail is not opposed but it is important to use current infrastructure before starting to build something new; he reached out to Mr. Walsh asking for a joint-workshop allowing the Board to be a part of the process, and having some say in the EIS; and having a workshop with CPA would be meaningful to the Board. He went on to say Mr. Walsh did say that he would participate in the workshop and he would ask the STB to attend also; he has not been to any of CPA's rail meetings; and he does not know the back and forth, but he does know that it would be important that the Board have its input; and CPA declined to give him its input in a resolution, nor did they show tonight.

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Commissioner Infantini inquired if there is a joint-workshop is it going to be under the Board's term where people get to speak or under CPA's terms where people do not get to speak, because she is not interested in entertaining the other type of meeting that is not beneficial to the community, that she was elected to represent. Chairman Fisher responded the workshop can be set any way the Board wants it to be set.

Commissioner Barfield inquired if the resolution is accepted; and to add that language to it. Chairman Fisher responded affirmatively; and stated for the County Manager to reach out to Mr. Walsh to present it to the Board in its Chambers. Commissioner Barfield advised it needs to be with CPA's entire Commission, and not just with Mr. Walsh. Chairman Fisher stated between Commission and Commission. Commissioner Barfield responded affirmatively.

Chairman Fisher stated he created a resolution and he read aloud, "A resolution of Brevard County Board of County Commissioners are requesting a workshop with the Canaveral Port Authority, on the subject of opposed rail extending from the Port westward into mainland, Brevard County; Whereas, the County Commission recognizes the Canaveral Port Authority is a major economic engine in Brevard County, whose economic and employment impacts extends the entire County; and whereas, the Canaveral Port Authority is proposing a rail expansion project that will tie Port Canaveral to mainland, Brevard County; and Whereas, according to the notice published by the Surface Transportation Board, the proposed Cape Canaveral rail extension would utilize, approximately 17 miles of existing rail at NASA KSC to make a connection with a main-line of the Florida East Coast Rail and will provide the Port with direct access to freight-rail service, the new rail-line would begin near the Port's north cargo area, extend west across the Banana River, end at KSC on Merritt Island, south of Carrs Park, and then turn north through KSC; where the economic environmental impact of the opposed rail expansion project appear not to be generally known to Commissioners constituents, and; Whereas, the County Commission requests a workshop to invite the CEO of Port Canaveral with expressed purpose of understanding all of the available facts related to the Canaveral Port Authority option and plan for the rail extension; and Whereas, the County Commission intends to provide comments and recommendation as part of the Environmental Impact Study process if warranted. Now, Therefore, Be it Resolved that the Board of County Commissioners, in regular session, duly recommends that County Manager is hereby directed to contact Chief Executive Officer of the Canaveral Port Authority for the purpose of setting up a workshop with the Port Authority officials, and officials of any other agency that Port CEO may deem appropriate, at a mutually convenient time and location, that if the workshop cannot be set up for any reason, the County Manger is to report back to the County Commission at a regularly scheduled meeting of the Board to discuss what it is going to do next basically."

Commissioner Barfield stated after the now, therefore, part about the meeting, he would like to add that to the bottom of his resolution. Chairman Fisher agreed; and he inquired about adding the paragraph of recommendations. Commissioner Barfield responded that part is being done anyway with the resolution; he advised the resolution will have a lot more strength when the draft EIS comes out; and comments can be worked up to be submitted as a County Commission.

Chairman Fisher stated he wants to put something in before the draft EIS comes out.

Commissioner Barfield advised that necessarily does not mean it will get viewed; it is a federal process; the next thing to come out is the draft EIS that opens it up for public comments; and that is when the Board needs to do it. He went on to say this resolution needs to go right now that the Board is opposed to it.

Chairman Fisher stated the County wants to keep talking with them and have a relationship with the CPA; and hopefully it will accept the invite.

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Commissioner Anderson stated he received an email from Mr. Walsh a few days ago; he was not sure how he felt about it being a non-binding resolution; but he understands it now and is supportive of the resolution, and the language. He went on to say he is a little disappointed the CPA did not show up tonight; if anyone wants the email he forwarded to Mr. Walsh, he will provide it, but initially he was against Commissioner Barfield's resolution, which now he is okay with because everyone understands the non-binding thing; he kind of bashed CPA in the email for them making Commissioner Barfield sound like he is an amateur, but he is one of the most successful businessmen in Brevard County; he will forward the email to Commissioner Barfield in a few days; and he is going to support the resolution.

Chairman Fisher stated he still thinks the Commission needs to be a part of the EIS study before it comes out as a draft; he has not been briefed on the rail and he does not know all of the environmental concerns; and he does not know where staff stands with this issue.

Commissioner Barfield advised that he will take the lead for the County, by working towards getting comments in, and for the Board to review the comments before submitting as a County Commission.

Commissioner Infantini stated she is hopeful all the speakers will come back when she starts working hard to oppose AAF coming down U.S. 1.

Chairman Fisher stated in the first paragraph he would like to have Port Canaveral is a major economic engine in Brevard County and then to provide comments and recommendations as part of the EIS process; and to direct the County Manager to contact the Chief Executive Officer for a workshop with their officials.

Commissioner Barfield stated yes; he needs to add the County Commission intends to provide comments and recommendations at the draft EIS; he is going to take the lead of the process because he understands the process; and there is no input taken until the draft EIS is out, because there is nothing to input to.

Chairman Fisher stated he thought doing so before the draft EIS comes out would impact it on the front end.

Commissioner Barfield stated they will be sent the resolution, but he will have to wait on the EIS before commenting to it.

Chairman Fisher inquired if Commissioner Barfield wants to pick it up from there and go all the way down the resolution and then ask them for a workshop, recognize their economic engine, work with them, provide comments and recommendation for the EIS, and ask the County Manager to contact CPA's executive officer to ask for a workshop with CPA officials.

Commissioner Barfield stated and then going to does hereby oppose the plan of Merritt Island.

Chairman Fisher stated keeping the resolution like Commissioner Barfield has it written and then adding in his comments below that in the resolution; he reiterated adding Whereas, the County recognized that Port Canaveral is a major economic engine in Brevard County whose economic and employment impact extends throughout the entire County, and; Whereas the County Commissioner intends to provide to provide comments and recommendation as part of the Environmental Impact Study process if warranted; and now, therefore, be it resolved that the Board of County Commissioners in regular session duly exemble that the County Manager is hereby directed to contact the Chief Executive Officer of the Canaveral Port Authority for the purpose of setting up a workshop with Port Commission, Port Authority officials, and officials of

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any other agency the Canaveral Port Authority Chief Executive Officer may deem appropriate, at a mutually convenient time and location.

Stockton Whitten, County Manager, stated he is going to read aloud the entire resolution. "Whereas, the County Commission recognizes that Port Canaveral is a major economic engine in Brevard County whose economic and employment impact extends throughout the entire County, and; Whereas, the Canaveral Port Authority Cargo Rail Expansion Project is intended to provide railroad access to the north side of Port Canaveral for the purpose of transporting cargo containers and materials to existing rail services, and maintaining Commissioner Barfield's second, third, fourth, and fifth Whereas; and adding Whereas, the Brevard County Commission intends to provide comments and recommendations as part of the Environmental Impact Study process, if warranted. He went on to say it would then go into now, therefore, be it resolved that the Board of County Commissioners of Brevard County, Florida, does hereby oppose the planned Merritt Island routes for the Canaveral Port Authority Cargo Rail Expansion Project and strongly urges the Canaveral Port Authority Commissioners to listen to their constituents and explore the alternative routes, especially the use of existing railroad tracks through Cape Canaveral Air Force Station. The Board of County Commissioners hereby directs the County Manager to contact the Chief Executive Officer of the Canaveral Port Authority for the purpose of setting up a workshop with the Port Authority officials, and officials of any other agency the Port Commission, Canaveral Port Authority CEO may deem appropriate, at a mutually convenient time and location; and if that workshop cannot be set up for any reason, the County Manager is to report back to the County Commission at a regularly scheduled meeting of the Board to discuss the reasons why such a meeting could not be scheduled."

Commissioner Barfield stated that is acceptable; he amends his motion.


Commissioner Smith stated he is fine with the amendments.


The Board adopted Resolution No. 15-155, opposing Canaveral Port Authority's Planned Cargo Rail Expansion Project Merritt Island Routes.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Vice Chairman/Commissioner District 2
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

Upon consensus of the Board, the meeting adjourned at 8:33 p.m.

ATTEST:

  
\_\_\_\_\_  
SCOTT ELLIS, CLERK

  
\_\_\_\_\_  
ROBIN FISHER, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA