

**JOINT SPECIAL CALL CITY COUNCIL/HIGH SPEED RAIL COMMISSION MINUTES
MONDAY, OCTOBER 13, 2014 4:00 P.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

CITY COUNCIL: Mayor Richard Winger; Vice Mayor Jay Kramer; Councilmember Pilar Turner; Councilmember Amelia Graves and Councilmember Craig Fletcher, excused absence **Also Present:** City Manager, James O'Connor, City Attorney, Wayne Coment and City Clerk, Tammy Vock

HIGH SPEED RAIL COMMISSION: Chairman Ken Daige; Vice Chairman Don Croteau; Members: Brian Heady and Frank Pizzichillo

1. CALL TO ORDER

Mayor Winger called today's meeting to order.

2. PLEDGE OF ALLEGIANCE

Mayor Winger led the Council and audience in the Pledge of Allegiance to the flag.

3. PUBLIC COMMENT/PRESENTATIONS

Mayor Winger referred to a Resolution passed by Indian River County (please see attached). He also mentioned the Resolution that the City Council passed on May 6, 2014 (please see attached). He expressed the point of this meeting is that they need to come to a conclusion on the railroad issue. He said this small City has very little influence on the matter. The meeting to make comments on the Environmental Impact Study (EIS) will be held on November 5th at the Indian River State College/Richardson Center.

Mayor Winger explained that he would conduct this meeting as the City Council meetings operate, which means anyone speaking at the podium needs to address the Chair. The City Council will listen to all the facts and opinions that the public makes. The only item discussed today will be the railroad. He asked that the public only come up one time to speak and he will not allow debate. He said the people listed on the agenda will have within reason, time they need to speak and everyone else will be given three (3) minutes. At this time, he opened the meeting.

A) Representative Debbie Mayfield to discuss All Aboard Florida/High Speed Rail

Representative Debbie Mayfield arrived at the meeting at 5:02 p.m. She said she was at the meeting because Mr. Daige asked her to come and speak. She is against this railroad project and has spoke to All Aboard Florida (AAF) concerning that. She felt the main thing that they need to stay focused on is safety. She recently attended a Press conference held in Jupiter with the Medical Center located there and there were some good points brought out that they need to focus on. She has reached out to the Hospital here in Indian River County and the County Commission to get the word out that they need to start looking at safety concerns and someone needing to get to the hospital if there is an emergency. She also had a big concern that economic incentive dollars were going to be given to Miami and Palm Beach and that will be a detriment to this community. She would be in her office if anyone needed to speak with her further on this matter.

B) Ms. KC Traylor/Florida Not All Aboard

Ms. KC Traylor was the first speaker heard today. She gave a Power Point presentation (please see attached).

Mr. Heady told Ms. Traylor that she seemed very knowledgeable on this subject. He asked her to tell everyone, in her view, what her number one objective is to All Aboard Florida (AAF).

Ms. Traylor explained that she has many objections, but it is up to each person to decide what their number one objection would be. She said it would be different depending on what area someone lives in.

Mayor Winger pointed out in the EIS there is an answer to each of the issues. His biggest objections are traffic and dividing the City in half. He commented that Vero Beach by itself won't be heard very well.

Mrs. Turner expressed the concerns of the citizens of Vero Beach are important and they have the right to make their voices known. She said there are a lot of things not addressed in the EIS, like the Old Vero Man site. She feels Vero needs to take a stand on this.

Mr. Pizzichillo said his three main concerns are safety, the 110 mph speed limit, and that there are no stops in Vero Beach.

C) Mr. Jim O'Connor /City Manager

Mr. Jim O'Connor, City Manager, agreed there are a lot of safety concerns when talking about the EIS. He said there are two (2) pages that identify each of the topic areas and those that would affect us the most will be outlined. He said with the creation of a sealed corridor it does not mean having fences running through the City of Vero Beach. He said that Mr. Falls met with the consultants hired by the County in trying to address the comments of the community. The consultants are working for the County, but have agreed to address all of the crossings, even if they are located in the City. He would not discourage citizens from making verbal comments even though the City will also be making comments.

Mr. Monte Falls, Public Works Director

Mr. Monte Falls, Public Work's Director, reported that he met with the County consultants today and they hope to have a draft of their comments prepared around October 24th and hope to have their final study completed by November 18th. They are reviewing all the crossings in the County, including the City's crossings. If they find deficiencies in the report they won't be specific, they will just say there are deficiencies in this area. The consultants have done this before and know how it works. The consultants talked about the comments being made by the public and how that would work. They have suggested that the City transfer their comments to the County, but individuals send their own comments, copying the County if they wish to.

Mr. Falls acknowledged a letter he sent to Mr. Frank Fey of the Florida Railroad Association (please see attached) who led the public to believe that the City was considering closing some of their crossings, which was not correct and the wrong choice of words were used. The City has made it clear that they have made no suggestions to close any crossings and that cannot be done unless the City makes a

request. He has heard loud and clear from the Council that they are not interested in closing any of the crossings.

Mayor Winger commented that the deadline for the grant money is getting close and they have done nothing in attempting to get some of that grant money.

Mr. O'Connor explained at this point they don't have enough material gathered to make a grant application. He has talked to Mr. Rusty Roberts, of All Aboard Florida, who told him they will be getting enough information if they want to apply for grant money for the quiet zones. Mr. O'Connor was told that the grant money will probably be in next year's budget and they will have an opportunity to submit an application. He said that the City of Sebastian has instructed their City Manager to go ahead and apply for some of the grants based on some design work that he did at his previous employment.

Ms. Graves did not think that this was a full grant, but a matching grant from the City. Mr. O'Connor told her that was correct.

Mr. Croteau had some concerns that if this project goes through there will be additional maintenance cost that the City will incur for the crossings. He felt that AAF should have to pay for maintaining the crossings and this is something that all the communities along the corridor should agree with. He has heard a lot of comments made that the EIS is incorrect. He has read it and a lot of detail could be defended and there are legitimate basis for serious negative comments on the EIS. He said the consultant hired to do the EIS was hired by AAF and approved by the FRA.

Ms Graves asked what this maintenance cost will be.

Mr. O'Connor explained that the City will be able to negotiate what the costs will be, which will be done before they sign something not knowing what they will be paying.

Mr. Heady commented that the public needs to understand that AAF will do the work and send the bill to the City for payment. He said that the City does not have a choice in the contractor that AAF chooses to use to do the work. He agreed that this should be of the expense of AAF and they should not be saddling the taxpayers with additional costs.

Mr. Daige expressed that what he is hearing from the community is that they expect their Elected Officials to be prepared in the event that this project goes through. The public's main concerns are safety, noise, speed, and the money issue.

Mr. Wayne Coment/City Attorney

Mr. Wayne Coment, City Attorney, said that he really did not have anything to report other than he agreed that they don't want to make AAF a third party beneficiary in their crossing agreements until they know what the increased costs will be. He expressed that maybe AAF should pay for some of the additional expense.

Mrs. Turner referred to a copy of an Ordinance dating back to 1966 where the speed of trains was 25 miles per hour (please see attached).

Mr. Coment informed her that the Ordinance was not legally enforceable.

Mr. Heady questioned what the current speed limit is and thought that it was 79 mph.

Mr. Phil Matson/MPO Staff Director

Mr. Phil Matson, MPO Staff Director, reported that on October 21st the County Commission will be discussing the EIS. He said that the County Attorney has taken the lead on the responses for the EIS. The consultant that the County hired is looking at the technical side of the EIS. They hope to have a draft report prepared by November 18th. The County has hired an attorney who specializes in railroad issues and the attorney is looking at if things have been put together legally. He expressed that the County is also working with the City on the crossing agreements. He said the devil is in the details and they will be forthcoming. He didn't have anything else to add. But, said he would keep the City in the loop and come back in the future.

Mayor Winger felt that the City should be in unity with the County. The County passed a Resolution on October 7, 2014, in which they oppose AAF and he felt that the City should pass a similar Resolution. He read the Resolution in its entirety (please see attached).

Mrs. Turner agreed with moving forward in passing a similar Resolution as to what the County has passed.

Mr. Pizzichillo recalled the newspaper article that was printed after the County Resolution passed and he read comments made by three (3) of the County Commissioners.

Mr. Croteau commented that AAF will have to pay taxes to the State and maybe some of that money could be used to pay for the cost of the maintenance for the crossings.

Mr. Matson did not know the specifics of where the money goes, but would ask the County Attorney if he knows.

Mr. Matson reported on November 5th the public comment meeting on the EIS will be held at the Richardson Center. He said the meeting will be held from 3:00 p.m. to 7:00 p.m., but no one will be required to stay the whole time. Everyone will have the option of dropping their comments into a drop box. Once he finds out more specifics on the agenda for that day he will let everyone know.

Mr. O'Connor reiterated that the public does not need to stay at the meeting for the whole four (4) hours.

Mayor Winger opened public comments at 5:05 P.M.

Mrs. Honey Minuse, introduced the Train Impact Coalition (TIC), which was formed to identify impacts of AAF. She said that people in the group are located throughout the County. Some of those involved are the Chamber of Commerce, Heritage Center, County Historical Society, Cultural Center, Old Vero Man Site, Gifford Progressive League, Sebastian Property Owner's Association, School Board, Sheriff's Department, Hospital District, Airport, Conservation Wildlife Protection, the three governments, etc. She said that TIC feels that the EIS released is very deficient. There are no ridership studies, grade crossings, no noise or vibration reference tables, etc. She was shocked to see that the report was so unprofessional. She reported that AAF is now seeking private activity bonds and what she is hearing is

that the EIS is not required if they (AAF) get 100% funding in this matter. She suggested that the three (3) governments coordinate and allow their response to come from the County. She said perhaps an interlocal agreement would work in this matter. She told Council that the people of this community need their help and this Coalition is here to help them.

Mr. O'Connor agreed with having a Memorandum of Understanding (MOU) signed by the different governments. He said this would show what is taking place. He would like to get everything that the City would like to see over to the County so they can incorporate it into their report.

Mr. Pizzichillo mentioned that they are working with the County and Sebastian, so why stop there. He suggested that they work regionally with other communities.

Ms. Graves told him that was happening.

Mayor Winger reported that Treasure Coast Council of Local Governments (TCCLG) passed a Resolution at their last meeting and will be asking all of the cities on the Treasure Coast to pass a similar Resolution.

Mr. Kramer asked who is collecting all of these documents.

Mr. O'Connor reported that they have worked with the MPO in gathering all of the information. He said Mr. Matson has been designated by the County to work with the hired consultant on the railroad issue.

Mr. Pizzichillo wanted to see something more binding.

Mr. Daige stated that he would be happy to put something together showing how they are all standing together as a community.

Speaker (name not audible) from Melbourne Beach stated that it is not at all clear what will be used to fund this project. She said that AAF is now seeking private activity bonds, which means that St. Lucie, Indian River County and Martin County will not have a say on this. She will be doing a series of articles that will appear in the Press Journal. She said there will be about five articles done, which will give the public an opportunity to respond on the comments they have on the EIS. She urged Council not to sign agreements in allowing AAF to become a third beneficiary of the railroad crossing agreements. She said the EIS is very specific that this is a traffic rail service between Orlando and Miami. They don't have any say on how this will impact freight trains. There have been on-going discussions with Amtrak and projections for train stations to go in Brevard County, which could be expensive.

Mr. Keith Kite gave a Power Point presentation (please see attached).

Mr. Bob Webster, Winter Beach, was a retired systems analyst where he had to deal with facts. He has not come out opposing or supporting AAF, he is just supporting the facts. He encouraged comments from the Council. He explained the type of equipment to move high speed trains where they could go 125 mph can be used in the less urban area where they can go 110 mph. He talked about grade crossings and said it is there because people want it and if the people want it then it has to be paid for. With traffic delays the time on this is about 48 seconds for a train crossing. He said chances are most people in this community will not encounter these trains. Even if they are stopped by a train, they won't be stopped as long as they are for a traffic light. If you silence a train horn then you have done a lot to address the issue. Quiet zones being paid by AAF will be a benefit. How AAF gets funding and to put it

in a Resolution is a big mistake. He talked about freight trains and was disappointed with the Resolution passed by the County. He cautioned the City Council not to pass a similar one. He suggested talking to AAF about their concerns.

Mayor Winger told the public if they are going to speak longer than three (3) minutes then they need to contact the Clerk and ask her to put them on the agenda.

Mr. Heady told the Mayor that it was their job to represent the public and they can't represent them if they are not listening to them. He objected to the interruption.

At this time, Council took a ten-minute break and the meeting reconvened at 6:10 p.m.

Mr. Joseph Guffanti commented that CSX tracks didn't want to have anything to do with AAF. He explained that grants are public funds and if you apply for one and receive money then the City is supporting this project financially. He stated that according to the conductor of the train, the speed limit on the track is 79 mph.

Mrs. Melinda Meikle commented she had two (2) words that come to mind and they are respect and honesty. She hopes the FRA will take them seriously and listen to their comments. She wanted to know who would be reviewing their comments. She reiterated that all she was asking for was honesty and that their voices be heard.

Ms. Patricia Hunt stated that she came to Indian River County to go to flight school and become a pilot. She noted there were a lot of well educated people in this room and in this State. They do have a say on this and pulling together makes a difference. In November with the Election coming up we the people should be able to get a Task Committee formed, which would show what goes on in this County does count. She said number one is safety, which should out rank any dollar amount. People need to work together as a team. Let's get to the facts of the matter, get the Governors involved, and get a Task Force formed to do an independent study. She would be happy to organize this Task Force Committee.

Mayor Winger closed public comments at 6:27p.m., with no one else wishing to be heard.

4. DISCUSSION OF THE ENVIRONMENTAL IMPACT STUDY (EIS)

Mr. Croteau reiterated that his biggest concern was safety. He said the freight trains (who are not part of this project) will have a big impact on splitting the City. The cost of quiet zones will be minimal. There will be a lot of upgrading of the crossings and it will be the City's responsibility to maintain the crossings. He said the railroad pays taxes to the State and maybe that will be the funding that will cover this. The speed of the trains is a great concern to him and they should do something if they can to reduce the speed of the trains.

Mr. Pizzichillo had concerns about the financing of this project. He doesn't want to see them have to foot the bill if this project goes belly up. He sees no local benefit to the project. It is a negative. There are no stops in Vero Beach. He said people should think of safety before profits.

Mr. Daige commented that they have all heard today that access to getting to the hospital is a major concern. He said whether or not AAF proceed that freight intends to expand in the future. He has spoke to Representative Bill Posey and he knows about the situation in this County. He said one thing

he took away with his conversation with Representative Posey is that the surrounding counties need to work together and become one voice. They have until December 3rd to get their comments together and the City can take the lead in doing an MOU. He referred to his memo that he presented today (please see attached) and noted that Orlando, Ft. Lauderdale, Miami, and Tampa wish to see AAF succeed. Federal officials will rely on local officials to act on their community needs. He questioned how will AAF economically benefit Vero Beach. What plan is in place to work with the Indian River County Attorney and their legal rail expert and what access will Vero Beach have to this legal assistance. They need to know what their legal rights are. They need to know what their (City of Vero Beach) liability will be, as well as how much will the maintenance costs be. The average speed will be 103 mph through Indian River County and people have been asking what is considered a safe speed for high speed trains through the City. We need to deal in facts and hear what a safe speed is. Will all the gates come down at the same time. He asked will there be a sealed corridor. He commented that silence is taken as support. He thanked the Council for meeting with the HSRC and hoped that they would meet jointly again.

Mr. O'Connor was trying to make sure that everyone understands the definitions they are talking about is a critical process and safety is a major concern.

Mrs. Turner agreed that the EIS has deficiencies. She concurred with working with the County and the different resources that they have to offer. She recalled in the beginning, AAF came to them for private funding and then they hear they are asking for State and Federal funding. She is all for private property rights, but this project has not been transparent or clear. She would like to see the City Council go forward in passing a Resolution supporting the County's current Resolution saying they are opposed to AAF.

Mayor Winger agreed with Mrs. Turner's comments, but wanted to have their Resolution be a little cleaner than what the County passed. He also felt that they needed to have a MOU. He was not in favor of the railroad project. He said it is crystal clear that the railroad project is one of their top issues, very close to the Lagoon.

Ms. Graves felt that the Resolution that the City passed did address some of their concerns and was delivered to some of the key officials in the State. She does not see in their budget where they could cut in order to maintain these crossing. She agreed with the community on banning together to make a difference.

Mrs. Turner felt that someone was reading these Resolutions that are being passed because AAF has changed their mind about funding and are now looking at private funding. She said their voices are being heard and they only need to get louder.

Mayor Winger commented that when all the facts are presented and the comments are brought back on the EIS, they have to hope that they are heard in the proper halls in Washington and Tallahassee. He said in the long run this matter will probably end up in the courts. He said regardless of that they must all ban together.

Mr. Kramer commented that whether they like it or not the railroad is here, it is in their City, and they must maintain a fairly decent working relationship with them. He said if their working relationship breaks down they might not have the opportunities to upgrade their crossings reasonably. They must make sure they keep their relationship with the railroad non-abrasive and professional. He knows it is

tough to do that because they keep hearing a lot of specious things. It is obvious they don't get much benefit out of this and he thinks that the railroad sees that. One of the problems they have is "divided we all fall" mentality that they must overcome. There exist a number of voices and if they hit critical mass they will hit the scales up in Washington where this decision is made. The only way to accomplish that is if they come together and converge on a solution to present up in Washington and that needs to be their mission. The only organization that they have to do this is the MPO. He said there is representation of the MPO in each County and they have a precedence of working with each other.

Mayor Winger made a motion that the City come forth with a Resolution paralleling and not necessarily identical to the County's Resolution and that they come forward with a Memo of Understanding (MOU) of how they are going to work with the other governments, in particular Sebastian and Indian River County. Mrs. Turner seconded the motion.

Mr. O'Connor requested that Mr. Daige give staff some input on this.

Mr. Heady commented that he has concerns that at this juncture coming forth and approving a Resolution and MOU is not the normal protocol. These things need to be heard by the public. He felt that the particular documents need to be available for discussion with both the HSRC and the City Council at one of their meetings. He did not think tonight was the proper time or place to pass these items.

Mrs. Turner thought it was clear that the documents would be reviewed and heard at a future Council meeting.

Mr. Heady was fine after hearing Mrs. Turner's comments.

Mayor Winger withdrew his motion. He made a new motion that a Resolution be prepared paralleling the County's Resolution, and that a Memorandum of Understanding (MOU) be prepared on how they are going to move forward and it be brought to the HSRC first and then to City Council. Mr. Kramer seconded the motion and it passed 4-0 with Ms. Graves voting yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes

Mr. Daige commented that Mr. Kramer brought up a good point regarding the MPOs. He agreed that was the way to go for them to hear their voices in Washington. He said MPOs are set up in communities like theirs to be the eyes and ears for the Federal Government.

Mayor Winger made sure that the record was clear that this railroad has a business plan and they are pursuing their business interest as any business would. In the years ahead one way or another they will be running freight and trains will be an important part of the community. He said most people are not in agreement with their plan, but they also don't need to be overly critical.

5. ADJOURNMENT

Today's meeting adjourned at 6:54 p.m.

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