

## **COMPREHENSIVE PLAN COMMENTS**

- 1) Mayor Moss – Suggested Revisions to Draft Comprehensive Plan Based on Mayor Moss’ Comments 9/26/15**
- 2) Staff Responses to Mayor Moss’s Review – Comments on Comprehensive Plan Update**
- 3) Review of the 2035 Comprehensive Plan Policy Document – (Strike-Through Version 06/15/2017)**
- 4) Vice Mayor Harry Howle’s Comments – Comments on Comprehensive Plan Update**
- 5) Councilmember Richard Winger – Policy Document**

**SUGGESTED REVISIONS TO DRAFT COMPREHENSIVE  
PLAN BASED ON MAYOR MOSS'S COMMENTS  
9/26/15**



**Embedded Legislative Matters**

As I stated at the Council Meeting, a number of legislative initiatives are embedded within the Proposed Plan each of which has far-reaching immediate effects as well as lasting long-range consequences. **Each deserves to be considered by the Council and the community separately on its own merits.**

Twin Pairs (p. 2-30, 3-2)

Cultural Arts Village (p.2-28, 2-34, 7-5)

Special Magistrate to replace Code Enforcement (p. 4-7)

Bringing passenger rail service, presumably high-speed (p.3-7)

These matters should be removed from the Plan (all documents).

Recommendation 1: Remove all the items except the Cultural Arts Village from the Comprehensive Plan. It is the staff's opinion that the City has been supportive of the Cultural Arts Village, it would not be fair to not support the effort especially as the staff has already been committed to write the regulations.

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**Threat to Home Rule**

The Proposed Plan threatens our City's Home Rule by chaining us to a new array of interlocal commitments and international standards. Again, each should be determined on its own merits. We should never hand over the reins of the City – the power we now hold – to the County or the State, nor to any quasi-governmental agencies or bureaucrats.

The proposed **new Chapter 9** (Intergovernmental Coordination) is **startling** in this regard. Let's compare.

Existing Goal: **"To coordinate** with federal, state, regional, and local agencies **as necessary . . ."** (p. 9-1 cross-out)

New Goal: **"An effective intergovernmental coordination system will be in place to ensure consistency** among local, regional, state, and federal plans and policies . . (p. 9-1)

Existing Objective: **" . . . to coordinate with** local public entities which provide services to the City or which may be affected by this Comprehensive Plan and its implementation." (p. 9-1 cross-out)

New Objective: **"The City shall continue (to) ensure no inconsistencies or conflicts exist between the City's comprehensive plan and those of** Indian River County and other municipalities within the county, the plans of the School Board, and plans of other units of government providing services but not having regulatory authority over use of land." (p. 9-1)

The new Goal and new Objective are **so onerous and heavy-handed that they are completely blind to one of our most important distinguishing features:** We prohibit short-term rentals. **We are not consistent with the county or the state. We pride ourselves on being unique. We like it that way.**

"To coordinate" is fine.

To "ensure consistency" and "ensure no inconsistencies or conflicts exist" is tantamount to signing the death warrant of the City as we know it.

Recommendation 2: The term "consistency" doesn't mean that the City's regulations must be the same or comply with those of another jurisdiction. The Florida Statutes require coordination of the City's Comprehensive Plan with those of neighboring jurisdictions. However, the language of both the goal and objective should be revised as follows to address the Mayor's concerns:

#### GOAL (Chapter 9)

An ~~effective~~ intergovernmental framework will be in place ~~to ensure~~ to promote consistency among local, regional...

"Objective 1. The City shall continue ~~to endure~~ to satisfactorily address inconsistencies or conflicts ~~exist~~ between the City's Comprehensive Plan...."

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### **A Strong Council**

A strong Council is in the interest of the City. Not only this one, but all Councils of the Future. This Proposed Plan not only circumvents the authority of the Council now but diminishes it in the Future. We cannot know what circumstances future Councils shall face, and **we should not tie their hands needlessly** with the legalistic dictates of bureaucrats.

All new: p. 2-6/1.18

"Amendments . . . shall only be approved if at least one of the following criteria has been met by the applicant to the satisfaction of City Council:

- (a) " . . will correct an oversight . . "
- (b) " . . will correct a mistake . . "
- (c) "is warranted based on a substantial change in circumstances. "
- (d) "is in the public interest and does not conflict with . . "

By its very existence, this section limits the legislative Power of Council. It should be deleted.

**Amendments should be made as this Council or any Council of the Future sees fit.** We are elected. We represent the People. We are accountable to them. The conditions never should be dictated by bureaucrats as appears here. At the same time we rail against higher authorities usurping the Council's power, we face a shameless encroachment upon this very Power from below.

Recommendation 3: Delete Policy 1.18.

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## **Specific Concerns regarding the 2035 Comprehensive Plan Policy Document (Strike-Through Version 06/15/2017)**

### **Chapter 1 Overview**

p. 1-2 RULES OF CONSTRUCTION DELETE/MODIFY

No. Adoption of the plans/standards/documents of other organizations including future amendments should be considered separately and determined by vote of City Council.

Recommendation 4: Add the following sentence to Rules of Construction: “All plans/standards/documents including amendments to be adopted by reference shall be subject to independent approval by the City Council.”

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p. 1-3 PLAN IMPLEMENTATION

No. The primary responsibility is preservation of our quality of life and the unique character of this City. That responsibility belongs to City Council. The Planning and Development Department shall implement policies under the direction of City Council.

The City Council reserves the right to make all decisions regarding funding of capital projects.

Recommendation 5: Revise the last paragraph as follows: “The Planning and Development Department has the primary responsibility for carrying out the on-going policies of the Land Use Element and these policies requiring revisions of the Land Development Regulations adopted by the City Council. It has a coordinating role with other City department in implementing the policies adopted by City Council that fall under the individual Department’s functions, such as water, sewer, solid waste, and stormwater drainage facilities.”

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## **Chapter 2 Land Use**

p. 2-1 GOAL

Suggested by me:

To have maintained the desired quality of life, individual identity and character of the community while allowing for growth and development. This desired quality of life is reflected in the low rise and low density development currently existing in the City of Vero Beach. (These lines currently are crossed-out.)

Should absolutely NOT begin with the words “Growth and development . . .” as proposed. That does not reflect the character of this community.

Recommendation 6: Revise Goal as follows: “Growth and development in the City of Vero Beach will result in an efficient in and efficient distribution, and patter of land uses that Vero Beach’s quality of life, individual identity, small town character with low rise and low density scale of development will be maintained and continued in a manner that 1) provides a compatible and complementary mix of uses....”

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p. 2-4 1.11 What areas are suitable for “large urban scale development and intensities”?

Recommendation 7: Delete the words “medium to large scale” with the word “medium” in Policy 1.9, Mixed Use, 1.11, Industrial. No areas are suitable for large scale urban development. The existing densities and FAR for all Future Land Use categories do not change in the update.

p. 2-5 Table 2-1 “MX Up to 21 dwelling units (with transfer of development rights)”. Why/purpose?

Recommendation 8: Explanation- *This inclusion was necessary to reflect actual language in the Mixed Use zoning district. These provisions have been in the City Code for over 30 years. The incentive was most likely placed to spur redevelopment in the Mixed Use zoning district.*

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p.2-6 1.16 (a) Should involve P+Z Board and City Council, also.

Recommendation 9: No change. The Planning Director has the authority pursuant to Section 60.06 of the Code to interpret land use classifications.

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p. 2-9 1.21 “shall . . . proceed to enact amendments” Council should vote on this matter. Use “consider” in place of “enact”.

Recommendation 10: Replace the word “enact” with the word “consider.”

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p. 2-13 3.1 (d) Delete. Too broad.

Recommendation 11: Delete (d) from Policy 3.1.

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p. 2-14 3.5 Should be discussed/decided by City Council.

Recommendation 12: Delete Policy 3.5

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p. 2-16 (f) words missing or incorrect.

Recommendation 13: Revise (f) to clarify as follows:

“(f) Revise conditional use criteria and standards to improve their clarity and ~~are appropriate to ensure~~ to ensure the proposed conditional use is compatible or in harmony with the immediate neighborhood, protects public health and safety, and is appropriate for the specific location proposed.”

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p. 2-18 3.8 and 3.9 Funding required?

Recommendation 14: Explanation - No funding is contemplated as all the work would be done by the planning staff. However, this wouldn't rule out consultant assistance in the future. Any such funding would require City Council approval.

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p. 2-24 to 2.25 Objective 4 and Policies require discussion/vote(s) by City Council regarding economic tax incentives/development bonus incentives/tax abatement programs.

Recommendation 15: Keep Objective 4 and policies. Add the following policy: “(4.7) Any of development incentives or other redevelopment and infill incentives under this Objective shall require thorough vetting and approval by the City Council.”

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p. 2-26 5.1 Historic Preservation Ordinance not provided.

Recommendation 16: None-The Historic Preservation Ordinance is not part of the Comprehensive Plan agenda package and therefore wasn't included.

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p. 2-28 Objective 6 and Policies require vote(s) by City Council.

Recommendation 17: No change. The Objective language is taken directly from the Vision Plan.

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p. 2-31 8.2 Not “the City shall support”. Requires vote(s) of City Council. Or use “shall consider”.

Recommendation 18: Replace “shall support” with “shall consider.”

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p. 2-33 10.2 “development incentives” should be decided by Council. 10.3 Sentence is incomprehensible.

Recommendation 19: In policy 10.2, replace “shall” in the first sentence with “should.” Any development incentives would have to be decided upon by City Council. Policy 10.3 should be revised to read as follows: “The City should cooperate with property and business owners in maintaining and improving landscaping in the public right-of-way including such elements as landscaping, signage, public lighting, and street furniture.”

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p.2-34 Policies. Council should vote with regard to “development incentives”.

Recommendation 20: No change – the City Council will have to vote to approve any “development incentives.” It will take further study to determine what development incentives may be appropriate.

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p. 2-34 Objective 12 and Policies to be deleted. Separate matter for consideration of Council.

Recommendation 21: Retain

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p. 2-36 Objective 13 and Policies. “Incentives” to be discussed/decided by Council.

Recommendation 22: No change.

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p. 2-38 (c) Plan should not dictate “budget” considerations to Council, e. g., “Work to . . . budget . . .”

Recommendation 23: Revise (c) as follows: “Work to identify and prioritize and budget-needed neighborhood public infrastructure improvements, such as additional street and alley lighting, drainage facilities, sidewalks, and road improvements with input from the recognized neighborhood association and other stakeholders as part of the City’s Five Year Capital Program, such as additional street and alley lighting, drainage facilities, sidewalks, roadway improvements, and other public improvements for consideration by the City Council in the annual budget process.”

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p. 2-38 (h) Funding required?

Recommendation 24: No funding is required from the City of Vero Beach.

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p. 2-44 15.10 New interlocal agreement? Why?

Recommendation 25: The City is required by Chapter 333, Florida Statutes to enter into such an agreement. The City has already entered into the required agreement with Indian River County so this policy should be deleted.

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p. 2-44 Policies. Does the City have authority over the public school system? If not, how can it “ensure adequate capacity” (16.2) or “adopt as the level of service” (16.3)?

Recommendation 26: Explanation- The City has an intergovernmental agreement with the School District, Indian River County, and other localities in Indian River County. Adequate capacity in the school system is ensured through the concurrency management system. If insufficient capacity exists in the school system than no new development projects generating additional students may be approved by a local government.

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### **Chapter 3 Transportation**

p. 3-1 GOAL: “will be provided” by whom? The County, State, and MPO control funding for the most part. This then could become an unfunded mandate. The existing goal is fine.

Recommendation 27: Revise Goal as follows:

“To maintain and promote a safe, efficient, accessible, financially feasible, and attractive transportation system will be promoted and maintained in Vero Beach in a manner which that ....”

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Objective 1 and Policies Does the City have the specific authority and the funds to “maintain a transportation circulation system”? If not, existing statement is fine.

Recommendation 28: The responsibility for the road system is multi-jurisdictional. Keep existing Objective 1 as recommended.

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p. 3-2 1.3 “. . hereby adopts . . ” Adoption of MPO Plan should be discussed/decided by Council.

Recommendation 29: Add the following sentence to Policy 1.3: “If the City Council deems it necessary, the MPO Congestion Management Process Plan shall be reviewed by City Council prior to its adoption by the MPO governing board.”

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p. 3-2 1.4 Twin Pairs is a separate legislative matter.

Recommendation 30: Eliminate “Twin Pairs” from Policy 1.4 and the 2035 Roadway Improvement Plan (Exhibit B)

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p. 3-2 1.6 Review projects separately on the merits of each. No blanket approval.

Recommendation 31: No change. The specific projects in the Capital Improvements Schedule come directly from the 5 Year Capital Program where projects are adopted on a case-by-case basis by the City Council.

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p. 3-5 2.6 Is the City adopting the County’s “Bicycle and Pedestrian Master Plan”? If so, it should be reviewed by Council.

Recommendation 32: Explanation- The City is not adopting the document in this policy but relying upon the Bicycle and Pedestrian Master Plan in making decisions on the location of needed bicycle and pedestrian projects.

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p. 3-6 Policies 3.1 If this County Plan cited above is to be considered a City Policy that should be discussed/decided by Council. 3.2 Requirement of “bicycle parking facilities” should be reviewed by P+Z and Council. On what basis is this requirement deemed necessary?

Recommendation 33: Multi-modal facilities are a required component to be address in the Comprehensive. Add the following sentence in Policy 3.1: “Any proposed bikeways/sidewalks/greenway project shall required review by the Planning and Zoning Board and approval by City Council.”

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p. 3-7 3.7 and 3.9 Any funding by the City required?

Recommendation 34: Response- No funding is required of the City.

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p. 3-7 3.10 and 3.13 Council should discuss/decide the pursuit of passenger rail service.

Recommendation 35: Explanation – Any decision on rail service will require City Council approval. Suggest the following word change in Policy 3.10: replace the word “shall” in the first sentence to “should.”

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p. 3-7 3.12 Does the current Airport Master Plan conflict with the Comprehensive Plan?

Recommendation 36: Response- No the current Airport Master Plan does not conflict with the Comprehensive Plan.

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p.3-8 4.1 Does the City have specific authority over the matters mentioned herein?

Recommendation 37: Response- The City has responsibility over its roads which it has jurisdictional responsibility. For state and county roads the City works with those agencies in addressing traffic operations, roadway maintenance and improvement signalization, turn lane restrictions, etc.

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p. 3-9 5.1 The existing version appears to offer greater protection for the City’s “character”. Why is this crossed-out?

Recommendation 38: Restore existing with revisions as follows: “The City shall continue to maintain and conform with the minimum right-of-way requirements as adopted in Policy 5.4 with consideration of the ~~balanced~~ historic, aesthetic, cultural and residential character of the City.”

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p. 3-12 7.2 and 7.4 Is staff representation/participation new? Please explain.

Recommendation 39: Response-: Staff representation or participation is not new. The language was revised to get the idea across that the staff’s participation was more than being appointed to a committee.

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p. 3-13 8.3 and 8.4 and 9.4 Funding requirements? Has the appearance of unfunded mandate(s).

Recommendation 40: Response -The funding of these programs and techniques is subject to City Council approval. The Council is not required to implement any of the techniques.

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#### **Chapter 4 Housing**

p. 4-1 GOAL : “Affordable, sustainable, safe, and sanitary housing shall be provided that meets the varying needs of all existing and future residents”, “wide range of housing”.

These phrases are overbroad, overreaching, and do not reflect the character of the community. Vero Beach is a unique community not a one-size fits all, cookie-cutter place. These phrases sound more like a description of Disneyworld.

The Goal stated previously now crossed-out was fine.

Recommendation 41: Revise Goal as follows: “ A supply of housing ~~which that~~ permits most households to enjoy safe and healthful living accommodations ~~which and meets~~ accepted standards of affordability; and ~~which are~~ housing that is located in pleasant environments where a sense of civic pride and personal well being can be achieved.”

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Policies: The City Council discusses/decides what “The City shall encourage . . .” or “The City shall support . . .”. It is the responsibility of Council to preserve the unique character of the City and to avoid unfunded mandates as well as unnecessary lawsuits. “Pattern books”, “special zoning districts” and “development incentives” should be addressed separately.

Recommendation 42: Explanation- When the term “City” is used throughout the text, it means the “City Council.” which is the body that has final authority. The Comprehensive Plan outlines in broad terms policies, programs and actions to achieve specific goals and objectives. The actual details, such as the content and application of a “Pattern Book” are subject to City Council approval.

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p. 4-3 2.3 Danger of unfunded mandate/unnecessary lawsuit?

Recommendation 43: The answer is no; however, the policy should be revised as follows to meet your concerns: “Subject to funding, staff availability, and City Council approval, ~~The~~ the City shall provide technical assistance....”

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p. 4-4 2.4 “incentives” are a Council decision.

Recommendation 44: Reword the policy as follows: “The City ~~shall~~should promote a range of housing choices and opportunities by providing a regulatory framework that includes incentives for residential infill and redevelopment and mixed commercial-residential development pursuant to the pertinent policies of the Land Use Element and subject to approval by City Council.”

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p. 4-4 2.5 Did the law change? Are all of these things now required by law?

Recommendation 45: Response- Yes the law has changed and should be incorporated into the Comprehensive Plan update.

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p. 4-4 Objective 3 and Policies: Does the City have specific legal authority and legal remedies for these policies? “development incentives” to be decided by Council.

Recommendation 46: Yes the City has this authority under home rule. The staff sees no legal issues with the policies.

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p. 4-5 Objective 4 and Policies: Did the law change? What is the basis for so many changes? Why are we chained to “the Florida Housing Data Clearinghouse prepared by the Shimberg Center for Housing

Studies”? What is the origin of the Clearinghouse? What kind of organization is the Shimberg Center? Is there a legal requirement for any of these policies? If so, provide a copy of that law. Council decides if the City requests funding or tax credits (4.4) or offers a “density bonus program” (4.7).

Recommendation 47: Response- Yes there have been changes in the statutes and two censuses have been conducted since the 1992 Comprehensive Plan. The Shimberg Center for Affordable Housing was established by the State of Florida at the University of Florida. The Center has contracts with the State to provide housing needs assessments and forecasts for the State of Florida. These policies are consistent with the specific housing element requirements in Chapter 163 of the Florida Statutes. Any type of development incentives must be approved by City Council.

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p. 4-7 5.3 Replacing city code is embedded herein. Should be a separate matter. City Council to vote.

Recommendation 48: Response- The governing body for the Southern Housing Code is no longer in existence. The newer code is more up to date and governed by the International Code Council. This body is responsible for the building and other technical codes related to construction. Just because this policy calls for replacement of the existing code, the City must still go through a formal text amendment process to adopt the new code. It is not automatic.

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p. 4-7 5.3 Why would we replace the Southern Housing Code with an International one?

Recommendation 49: Response- The governing body for the Southern Housing Code is no longer in existence. The newer code is more up to date and governed by the International Code Council. This body is responsible for the building and other technical codes related to construction that are followed by the City of Vero Beach and all jurisdictions in the State of Florida.

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p. 4-8 5.5 Does the City incur any legal liabilities as a result?

Recommendation 50: The City does not incur any legal liabilities. The City has partially implemented such programs in the past.

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p. 4-8 Objective 6 and Policies: Why is the City making a radical shift in this regard? What is the benefit of “coordination” with the County when we previously made our own decisions. Why must we now “support” this Advisory Committee? Previously, the Council evaluated its reports. That is a more objective stance and possibly more desirable. Please explain.

Recommendation 51: Response- To the best of the staff’s knowledge, the City has not made any decisions related to low income housing. The Indian River Affordable Housing Advisory Committee was established by law as pre-requisite for participation in the State Housing Initiatives Partnership (SHIP) program. The SHIP program was instituted in 1993. The City has benefited from this program.

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p. 4-10 7.5 “Development incentives” decided by Council.

Recommendation 52: Response-The City Council has final say on any development incentives.

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p. 4-10 7.6 Why is this not left to the free market?

Recommendation 53: The free market doesn't necessarily meet the needs of the elderly and special needs population. The policy itself commits to encouraging housing and supportive services. For instance the City was supportive of changes in the land use re-designation of St. Francis Manor.

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p. 4-11 8.1 "Historic preservation ad valorem tax exemption ordinance" should be discussed/decided by Council separately.

Recommendation 54: No change. The historic preservation ad valorem tax exemption ordinance has already been enacted by the City Council. This policy calls for the City to explore with the Indian River County the expansion of the ad valorem tax to include the County ad valorem tax exemption on eligible City properties.

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## **Chapter 5 Coastal**

p. 5-1 GOAL:

Should absolutely NOT begin with the words "Growth and development . . ." as proposed. That does not reflect the character of this community.

The crossed-out goal was fine.

Recommendation 55: Revise the existing goal as follows: ~~To establish~~ Growth management strategies and infrastructure will be in place that will allow growth in the coastal zone which does not damage or destroy...."

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p. 5-1 Objective: The crossed-out objective was fine. The new objective is overbroad and overreaching. The City does not control the Lagoon, only a relatively small portion. Also, our section is in better condition than Brevard's, where they have had a "storm water utility" for decades, and those counties south of us.

Recommendation 56: The existing objective is out-of-date in that the Central Indian River Lagoon Basin Management Plan is already in place. The staff believes the revised objective more adequately addresses the current situation and identifies the three programmatic areas that address water quality. However to reflect that City's small portion of the lagoon, the proposed policy should be revised as follows: "The City shall strive to improve the water quality levels for those segments of the Indian River Lagoon within the City of Vero Beach through infrastructure...."

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p. 5-1 to 5-3 Policies of Objective 1: Council should discuss/decide on changes that potentially involve financial commitments by the City. Danger of unfunded mandates, unnecessary entanglements with outside agencies, and legal liabilities.

Recommendation 57: No change- The City is not required to undertake any of these without available funding. The Florida Statutes require the City to demonstrate how the plan addresses estaurine quality in its Coastal Management element. Nothing in these policies place any unfunded mandates or legal liabilities on the City. Many of these policies are already being implemented.

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p. 5-9 Objective 3 and Policies: What is the benefit of now tying ourselves to FDEP and IRC? What are we gaining in return for diminishment of our home rule?

Recommendation 58: Response- The City is tied into FDEP, because that is the regulatory agency government governing development on beaches and dunes. The City is tied into IRC through the County's Beach Preservation Plan that identifies and ranks necessary beach stabilization and nourishment projects. In no case is the City diminishing its home rule as its intergovernmental relationships our helping it to address beach and dune issues in the lagoon including obtaining grant or low-cost loan financing of projects.

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p. 5-12 3.9 State the additional agreements required and their benefits to the City. Thus far, the City's experience with "Tourist Tax" dollars has been abysmal though I actively am pursuing change in this regard.

Recommendation 59: Additional agreements are on a case-by-case basis to obtain funding for beach and dune renourishment. There are other potential funding sources not just the tourist bed tax.

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p. 5-13 4.9 appears to contradict p. 5-14 Objective 5, which increases hurricane evacuation time and compromises the safety of the City. The County never should endanger the City. Evacuation times for the City should NOT be increased.

Recommended 60: Response-Policy 4.9 refers to the CHHA not the entire City. Objective 5 reflect hurricane evacuation times for the entire City based on the most up-dated modeling. It is only serves as a benchmark and does not place any residents in jeopardy.

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p. 5-14 Objective 5: Do NOT increase evacuation time. The crossed-out objective was fine. In-city evacuation times should not be changed. If there is a problem with the County's evacuation time, it should be addressed directly.

Recommendation 61: No accurate evacuation data is available for City evacuation time; however, the Objective should be revised to retain the current City maximum evacuation time for a Category 3 hurricane. Objective 5 should be revised as follows: "The City shall maintain a maximum hurricane evacuation time for the City of 12 hours for a Category 3 or above hurricane."

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p. 5-14 Policies: What is the benefit of now tying ourselves to other governmental and quasi-governmental agencies? What are we gaining in return for diminishment of our home rule?

Recommendation 62: Response- The Florida Statutes grants the authority to counties to coordinate emergency management programs. As the City is locked into the County, it would make no sense for the City to be running a program that conflicted with the County, such as hurricane evacuation. Hurricane evacuation requires multi-jurisdictional planning and cooperation. The City is not diminishing in any way its home rule powers by involving itself with these other entities.

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p. 5-20 6.10 Check/provide the "Indian River County CEMP". The City is not necessarily consistent with the County nor does it wish to be, e. g. short-term rentals, as stated previously. No County policies should be adopted wholesale as they could contain elements harmful to the City.

Recommendation 63: Response- As pointed out previously consistency doesn't require that two or more governments have the same regulations. The City staff representatives are involved in the preparation of the Indian River County CEMP, which insures that any possible conflicts are avoided. Anyway, if a policy of the County is "deemed" harmful or contrary to the City's interests, the City would simply ignore it without any consequences.

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p. 5-21 7.3 Correct Alma Lee Lloyd to Alma Lee Loy.

Recommendation 64: Will correct the typo.

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p. 5-22 Objective 9: Crossed-out version was fine. Does new version put the City at risk for unfunded mandates and legal liabilities? Does the city reserve the right to determine what is considered an "endangered" or "threatened" species? Does the City have legal authority and legal remedies?

Recommendation 65: No the new language does not put the City at any risk or create legal liabilities. The terms "Endangered" or "Threatened" species are defined by federal government. Not sure what is meant about the City having "legal authority and legal remedies."

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p. 5-23 9.9 Stormwater management is a separate matter to be discussed/decided by Council.

Recommendation 66: The City is required to address stormwater management as an element of the Comprehensive Plan. Clearly any stormwater management programs and capital improvements will require City Council approval.

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p. 5-24 10.2 and 10.3 Staff or outside consultant? Funding required? Legal liabilities incurred?

Recommendation 67: The two policies assume implementation by staff unless it is determined that a consultant is warranted, which would have to be approved by City Council. The staff sees no legal liabilities resulting from the implementation of these policies.

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## Chapter 6 Infrastructure

p. 6-2 2.3 What program? Is it new? Funding?

Recommendation 68: The Public Works Department already is implementing such a program. The scope of the program is contingent upon annual funding.

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p. 6-3 Objective 3 Policies: Does this LOS differ from existing standards? Funding requirements for this LOS?

Recommendation 69: The level of service standards have not changed. Only the language has been modified to bring it into full compliance with the City's on-going stormwater regulations, which were missing from the existing level of service standards.

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p. 6-4 3.7 and 3.8 and 3.9 These specific stormwater requirements and changes should be discussed/decided by Council. Funding requirements?

Recommendation 70: These stormwater requirements are addressed through the annual capital improvements program for stormwater management facilities that must be approved by City Council.

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p. 6-5 Objective 4: Capital Improvement Schedule is a guide not a straightjacket. Council to decide. Change "shall complete" to "shall consider".

Recommendation 71: The projects in the Capital Improvements Schedule come directly from the Five Year Capital Program that is adopted annually by the City Council. The City Council has already approved these capital projects; therefore, the language doesn't need to be changed.

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p. 6-5 4.3 and 4.4 and 4.5 Grants, development bonus incentives, and financial options are Council decisions. "shall seek" "shall explore" "shall continue" is the language of a dictate, which is inappropriate.

Recommendation 72: Replace the word "shall" with the word "should" in Policies 4.3 through 4.5.

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p. 6.7 1.2 Does this represent a change in LOS? Funding requirements? Legal liabilities?

Recommendation 73: Yes the language is a change in LOS. It does not impact funding requirements or cause any legal liability. It brings the LOS in line with the capacity issues related to the County landfill.

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p. 6.7 1.3 State any new requirements more specifically and more clearly. Funding required? Legal liabilities?

Recommendation 74: The Florida Statutes require that these improvements be included in the Capital Improvements Schedule as part of the City's concurrency system. No additional funding requirements have been added to the system or legal liabilities.

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p. 6-8 1.7 and 1.8 Funding is a Council decision and is not to be dictated as it is here.

Recommendation 75: The Florida Statutes require the inclusion of capital improvements to maintain its solid waste system. Solid waste services must be funded; revise Policy 1.7 to read as follows: "The shall continue ~~its non-as-valorem assessment program~~ to fund its solid waste management services as well as apply for state and federal grants where appropriate to improve and expand services.

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p. 6.9 Objective 3 and Policies (word missing): This should be discussed/decided by Council, not dictated. The County has a history of taking on projects it later has difficulty completing on-time. The City should be cautious about tying itself to entities outside itself.

Recommendation 76: The City is already participating in the single-stream recycling program. Water and Sewer is exploring alternatives to the landfill disposal of sludge. The State of Florida has established the target level for recycables. The other two policies require as much effort as the City wants to put forth. Reword Objective 3 as follows to clarify that the 75 percent goal is a County-wide goal: "In cooperation with the SWDD and Indian River County, the City shall strive ~~in cooperation with the SWDD and Indian River County~~ to increase the portion of solid waste recycled to 75 percent of ~~its~~ the County's waste stream by 2020."

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p. 6-10 1.1 Use "the" or "a", incorrect as is. Does this represent a new LOS? If so, what is the basis?

Recommendation 77: Delete "a" and replace with "the" in the first sentence. Yes it is a new LOS. The Technical Document provides the backup details on this new LOS. The new LOS is used for determining the impact of demand from proposed development on the capacity of the wastewater treatment facility.

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p. 6-11 1.6 What is the basis of this prohibition?

Recommendation 78: There are no package plants operating within the city limits. Package plants did not provide the same level of performance or reliability as central sewer. **[ON HOLD]**

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p. 6-11 1.9 Is this required by law? Funding required?

Recommendation 79: Yes. The City wastewater treatment plant is required to meet federal and state laws and regulatory requirements. Funding is provided through rate payers, grants, and loans.

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p. 6-12 Objective 2: Is this done currently (100%)? If new, what is the basis for it?

Recommendation 80: The City currently is meeting this target level. [HOLD]

---

p. 6-14 Objective 3: Is this an existing deadline (2035)? If new, what is the basis?

Recommendation 81: The 2035 deadline is established by this plan. The existing plan has no such target. This target was based on the assumption that all septic systems could be eliminated by this time through installation of the STEP system. The existing plan doesn't call for removal of all septic systems.

---

p. 6-15 3.1 to 3.5 Council should decide any new requirements, especially 3.5, which appears to make STEP (currently voluntary) mandatory.

Recommendation 82: Revise the last sentence in Policy 3.5 to read follows: "The City Council shall consider amending Policy 3.1 of this objective and amending the appropriate provisions of the City Code to require mandatory connection to the central sanitary sewer system if deemed desirable and in the public interest."

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Objective 4 and Policies: "The City shall complete . . ." is a heavy-handed dictate. Council to decide.

Recommendation 83: The Florida Statutes require the City Council to approve sanitary sewer capital projects in the annual Capital Improvements Schedule. The sanitary sewer capital projects of the City's Five Year Capital Program approved by City are automatically placed in the Capital Improvements Schedule.

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p. 6-16 1.1 Is this the current LOS standard? If new, state the basis. Funding requirements?

Recommendation 84: This is a new level of service standard. The basis of this level of service standard is covered in the Technical Document to this Comprehensive Plan. The new LOS is used in determining the impact of proposed development on the capacity of the water treatment plant(s).

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p. 6-17 Objective 2 and Policies: Is this the current standard? If new, state the basis. Funding requirements?

Recommendation 85: This is not a level of service standard used for concurrency purposes. It is simply a target level for reduction of potable water usage. A detailed discussion of the reduction in potable water usage is presented in the Technical Document to this Comprehensive Plan.

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p. 6-18 Objective 3 and Policies: "The City shall complete . . ." is a heavy-handed dictate. Council to decide.

Recommendation 86: This objective statement reinforces the fact that projects approved in the annual 5 Year Capital Program need to be completed. It also reinforces an operation policy that this City is already pushing forward on to increase the capacity of the City's RO plant to reduce reliance on the surficial aquifer as a source for potable water.

---

p. 6-21 Objective 2 and Policies: Why was this added? What is the current status/trend? Is this potentially an unfunded mandate?

Recommendation 87: The objective and policies were added to be consistent with requirements of the Florida Statutes and the City's obligations under its consumption use permit from the FDEP. It is not a potentially unfunded mandate.

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## **Chapter 7 Recreation**

GOAL: Crossed-out version fine as is. New version "will be provided" implies something beyond that which already is established and maintained.

Recommendation 88: Reword the first part of the Goal to read: "An open space and recreation system will be ~~provided and~~ maintained that produces...."

---

p. 7-1 1.2 The City's first responsibility is to City residents. How many City residents are transported to City parks and recreation sites by GoLine?

Recommendation 89: No information is available on how many City residents are transported to City parks and recreation facilities by GoLine. It is still important that transportation opportunities be provided to the City's handicapped, elderly and children who may not have access to automobile transportation.

---

p. 7-2 2.1 State how new interlocal and license agreements would benefit City residents.

Recommendation 90: Whether or not the City will enter into such agreements will be decided on a case-by-case basis by the City Council. Generally such agreements allow the expansion of recreational opportunities for City citizens (i.e., Youth Sailing, Rowing Club, Skate Board).

---

p. 7-2 2.4 What authority over and responsibility for facilities/services at school sites would the City have?

Recommendation 91: The City has no authority for facilities and services at school sites, except as provided for in any agreement.

---

p. 7-2 2.7 Application for grants to be decided by City Council.

Recommendation 92: Revise Policy 2.7 to read as follows: “The City shall identify state and federal recreational grant opportunities, and if ~~appropriate~~ approved by City Council, the City shall apply for grants for funding of recreational facilities.”

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p. 7-2 2.8 Fees: Council to decide when to evaluate and what is “equitable”.

Recommendation 93: The City Council must approve all changes in fees. The City Council generally relies on staff to recommend needed changes in the fee schedule.

---

p. 7-3 3-4 Funds required? What is the basis of this “development” of Riverside Park?

Recommendation 94: This Planning and Zoning Board raised an issue related to not-for-profit organizations utilizing public lands on a piece meal basis without any consideration of the long term development of Riverside Park. Other than minimal funds for handling workshops or hearings, funds would only be needed if an outside consultant services were used.

---

p. 7-4 3-5 Funds required? Is there an expressed demand for “bicycle and pedestrian trails”?

Recommendation 95: The word “in” should be deleted in the policy statement. Add a “s” to “park.” A good bicycle and pedestrian trail system benefits the multi-modal transportation network and economy and contributes to the health of residents as spelled out in the MPO Bicycle and Pedestrian Masterplan. Funds would be required to fully link pedestrian and bicycle trails unless grants can be obtained or such linkages are constructed by developers. There is no expressed demand for these trails except as memorialized in the MPO’s plans. This policy only “encourages” the linkage of park and open space. The City is under no obligation to make linkages.

---

p. 7-4 Objective 4 and Policies: Are there existing standards? If so, are they enforced currently? How? Any changes made “in perpetuity” should come before Council (4.1).

Recommendation 96: The City has no Level of Service standards for open space as they have been deleted in the plan update. Policies 4.1 and 4.2 are already in place in the Land Development Regulations. Enforcement of the of basic open space requirements is through the permitting process and recording of conservation easements.

---

p. 7-4 5.1 Why was “private” removed?

Recommendation 97: The word “private” was removed as it was the Planning and Zoning Board and staff’s opinion that the City should not be supporting the efforts of for-profit organizations. Rather than the word “private,” the word “not-for-profit” was used instead.

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p. 7-5 5.2 Applications for grants to be decided by City Council.

Recommendation 98: Revise Policy 5.2 as follows: "The City shall identify foundation, state, and federal arts and cultural grant program, ~~and where appropriate, if approved by the City Council,~~ the City shall apply for available grant funds for arts and cultural programs and activities.

---

p. 7.5 5.3 Delete. Unfunded mandate. Council to decide.

Recommendation 99: The policy does not call for any funding of the Cultural Arts Council, only that the City shall support and cooperate with the Council in carrying out its cultural and arts programs and activities. However, the staff has no issue with deleting Policy 5.3.

---

p. 7.5 5.4 Delete. Separate matter to be considered by Council as stated previously.

Recommendation 100: Retain policy.

## **Chapter 8 Conservation**

p. 8-1 GOAL : Use the crossed-out goal.

The Conservation GOAL should NEVER be changed from "To conserve, protect, and manage . ." to "Reasonable growth and development will be accomplished . . ."

By definition, the GOAL of conservation should be "To conserve . . ."

This is a blatant, heavy-handed threat to the unique character of our City as it exists today.

Recommendation 101: Reword Goal to read as follows: "~~Reasonable growth and development~~ A balance of the built environment and conservation will be accommodated in the City of Vero Beach without compromising the biodiversity and intrinsic value of the natural resources through conservation, protection enhancement, and management of these resources to ensure a high quality natural environment."

---

p. 8-1 Objective 1 and Policies: Are these changes required by law? If so, provide the laws.

Recommendation 102: Air quality is required to be addressed pursuant to Chapter 163, Florida Statutes. These changes bring the plan up-to-date.

---

p. 8-2 1.4 Does the City have the legal authority and remedies required to reduce "vehicular emissions"? Provide the Tree Protection Ordinance. Is it currently enforced? How? What evidence exists proving the need for the multiple new bicycle rack/path requirements herein?

Recommendation 103: No, the City is limited in that regard as such regulations are the prerogative of the state. The City is limited to actions or similar actions listed under Policy 1.4. A copy of Chapter 72 Landscaping and Tree Protection is available in the Clerk's office. Yes the Tree Ordinance is enforced. It is enforced by Code Enforcement and through the permitting process. A permit is required to remove

most non-invasive trees. The bicycle rack/path requirements help foster non-automotive trips thereby reducing automobile emissions. This requirement is hardly a burden on developers.

---

p. 8-4 2.8 How is the Ordinance to be enforced? What legal remedies exist?

Recommendation 104: The ordinance is enforced through code enforcement. The City also contracts with the County to supplement enforcement by City code enforcement personnel. The legal remedies are code enforcement proceedings and fines.

---

p. 8.4 2.9 and 2.10 What is the benefit of tying ourselves to quasi-governmental agencies? What are we gaining in return for diminishment of our home rule? Are there any legal liabilities? Potential for unfunded mandates?

Recommendation 105: The problems facing the City regarding the Indian River Lagoon are far greater than what the City can do on its own in terms of both the scope of the problem and funding constraints. It makes sense for various state agencies, local governments, and dischargers to the Indian River Lagoon to work together to address water quality issues. In fact, the City's interaction participation may better protect the City's position regarding pollutant dischargers and the ability to obtain grants. The staff sees not legal liabilities or any diminishment of home rule.

Home rule is only diminished if a higher level of government or one of its agencies places restrictions on the City. For instance, the City's home rule is diminished by the State's pre-empting local governments to regulated short-term rentals.

---

p. 8-6 3.11 and 3.12 State any funding required.

Recommendation 106: Funding is required for many of the activities under Policy 3.11 and is required for Policy 3.12. Funding for such improvements and programs in through rate payers.

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p. 8-11 5.3 Please explain what conditions necessitate "the removal of any healthy protected trees or palms".

Recommendation 107: The conditions for their removal are spelled out in Section 72.42(d)(7) of the City Code.

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p. 8-11 5.4 Who controls the Tree Replacement Fund? How is it funded?

Recommendation 108: Distribution of the funds from the Tree Replacement Fund for eligible activities is approved by City Manager or designee. Tree Replacement Funds for the purchase of vacant property to preserve existing trees or palms of significant public interest must be approved by City Council. Funds for the Tree Replacement Fund come from mitigation fees for cutting down trees and palms.

---

p. 8-16 8.1 Who issues "a development permit"? How is it regulated?

Recommendation 109: For land clearance involving no building permit, the Planning Director issues a code compliance certification permit. For those activities requiring a building permit, Indian River County issues a building permit authorized by a site plan approved by the Planning Director or Planning and Zoning Board.

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p. 8-17 9.2 What is the purpose of "clustering of density" on "environmentally sensitive lands"?

Recommendation 110: Such clustering is intended to place development on the uplands and environmentally non-sensitive portions of a site away from wetlands and other natural environmental features. It allows more flexibility in site design and better protection the environmentally sensitive areas.

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## **Chapter 9 Intergovernmental Coordination**

p. 9-1 GOAL and Objective 1 : Unacceptable as explained in detail on p. 1 of this Review (See "Threat to Home Rule"). Crossed-out version of goal was fine. Crossed-out version of objective was fine (just delete reference to 1990).

Recommendation 111: See Recommendation 2.

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p. 9.3 1.1 Delete. This represents abdication of home rule and submission of our authority to quasi-governmental agency. See p. 1 of this Review regarding why the City must NOT blindly "ensure consistency" with County and other governmental agencies.

Recommendation 112: This coordination and review is required by Chapter 163. It is not an abdication of home rule. Consistency doesn't mean the City's Comprehensive Plan must be the same as another government. This review does ensure that any conflicts between the City and another jurisdiction be identified and addressed as appropriate. For example, neither the City nor the County would want the other jurisdiction to apply industrial zoning to property immediately abutting single family zoned property in the other jurisdiction.

---

p. 9-3 1.3 No. The Council can decide when and if the need arises. Do not tie us to the Treasure Coast Regional Planning Council at this time.

Recommendation 113: The Florida Statutes require that the City have a formal dispute and mediation process. Policy 1.3 should be reworded as follows: "If the City Council decides that mediation and dispute resolution is needed, the City shall use a state certified mediator who conducts proceeding pursuant to Florida's Environmental and Land Use Dispute Resolution Act."

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p. 9-3 1.6 MPO programs should not receive blanket approval by this Council. The City's needs are woefully underfunded by this organization at this time. I am working to change the City's undeservedly low status.

Recommendation 114: This policy relates to City participation in the MPO. It has nothing to do with any of the MPO plans or programs. Clearly a higher level participation of City Council representatives on the MPO governing board would be beneficial. However, it should be recognized that projects advance in the MPO system based primarily on need and available funding. As the predominate traffic generated development is occurring outside the city limits due to growth, the predominate amount of funding goes for those projects.

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p. 9-3 1.7 To be decided by Council.

Recommendation 115: What level of participation, if any, is of course a City Council decision; however the City is already participating in the IRLNEP and Central Indian River Lagoon Basing Management Plan effort.

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p. 9-3 1.8 No. Danger of unfunded mandate. Thus far, the City's experience with "Tourist Tax" dollars has been abysmal though I actively am pursuing change in this regard.

Recommendation 116: Participation in the Indian River Beach Preservation doesn't create an unfunded mandate. No City funding is required. The City's input is important to identify projects, set priorities, and obtain funding for needed projects for beach renourishment and protection.

---

p. 9-6 Objective 4 and Policies: What is the basis for this? What specific legal authority and remedies does the City have with regard to the School Board concerns listed here? Any funding requirements?

Recommendation 117: The inter-local agreement with the School Board and other local governments is the basis of these policies. It is unclear about what "school board" concerns are being "listed." The policies relate to participation in committees and review of school projects. No funding is required.

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## **Chapter 10 Capital Improvement**

p. 10-1 Objective 1 and Policies: Capital expenditures are a decision of Council not a dictate of this Plan.

Recommendation 118: Chapter 163, Florida Statutes, requires that the Comprehensive Plan have a capital improvements element including an annual five-year budget (Capital Improvement Schedule). The Capital Improvement Schedule details capital projects needed to maintain and improve level of service standards. As stated previously, all these projects come from the City Council annually approved Five Year Capital Project.

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p. 10-2 1.3 and 1.4 Plans, including future amendments, for entities outside the City should not be adopted as part of this Plan. Such plans may be considered each on its own merit. The City always should be cautious in tying itself to entities outside itself.

Recommendation 119: Chapter 163, F.S, require that capital improvement plans and schedules for the School Board, Indian River County MPO, and Indian River County capital projects for solid waste and transportation be included in the Comprehensive Plan. Just because these plans are included in the Comprehensive Plan and adopted as part of the City's Capital Improvement Schedule, doesn't mean the City is tying itself to these entities. However, even though the City has no responsibility for these projects, they are needed for concurrency and required by law.

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p. 10-2 1.5 The Council should decide financial matters such as this one.

Recommendation 120: Chapter 163, F.S., requires that a priority system be included for capital projects. Of course the City Council has the final say on any priorities.

---

p. 10-4 Objective 3 and Policies: The Council reserves the right to make all decisions regarding impact fees, millage rates, and sources of revenue. These are financial matters that should NOT be dictated by this Plan.

Recommendation 121: This policy provides guidance on making sure that the costs of future growth and development bear its proportionate share of the cost to maintain the level of service. These policies are very broad and certainly don't infringe on the matters described above. The City Council is the body establishing impact fees, millage rates, and sources of revenue. No need to reflect that fact here.

---

p. 10-5 Objective 4 and Policies: The Council reserves the right to make all decisions regarding funding of capital projects. These are financial matters that should NOT be dictated by this Plan.

Recommendation 122: Chapter 163, F.S., requires the Comprehensive Plan to demonstrate that level of services will be maintained through needed capital projects. Of course the City Council has final say on funding of any these projects. As the Comprehensive Plan is to be approved by City Council, it would be misleading to say that the Plan is dictating anything.

---

p. 10-6 Objective 5 LOS Standards: Are any of these standards new or revised? If so, please explain.

Recommendation 123: The levels of service standards have been revised for sanitary sewer, potable water, stormwater management, and solid waste. The changes in various Levels of Service Standard are fully discussed in the Technical Document to the Comprehensive Plan.

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p. 10-8 5.3 Has the City signed the "Indian River County Interlocal for Coordinated Planning and School Concurrency" agreement cited herein? Please provide.

Recommendation 124: The document was signed by the City in 2008. A copy will be provided to you.

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p. 10-10 5.10 Please provide the relevant portion of the County's Comprehensive Plan.

Recommendation 125: A copy of the Public School Facilities Element of the Indian River Comprehensive Plan can be retrieved from the County Planning Division website.

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In closing, the rewritten Element Goals (cited hereinbelow) portend a dark tale. We cannot worship at the feet of "Growth and Development" and maintain our quality of life as we now know it.

For those who have not read the rewritten Plan, I shall quote the first words of the following rewritten Element Goals:

p. 2-1 Chapter 2 Land Use Goal: "**Growth and development . . .**"

p. 5-1 Chapter 5 Coastal Management Goal: "**Growth and development . . .**"

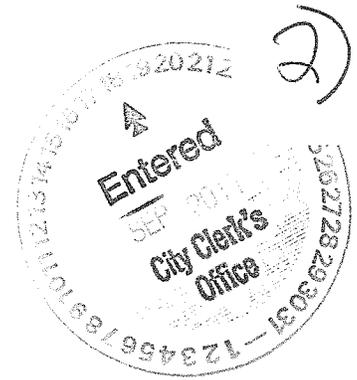
p. 8-1 Chapter 8 Conservation Goal: "**Reasonable growth and development . . .**"

As it stands now, this Plan does NOT have my support.

I am reviewing the Technical Document as well.

Laura Moss  
Mayor, City of Vero Beach

DEPARTMENTAL CORRESPONDENCE



TO: James R. O' Connor  
City Manager

FROM: Timothy J. McGarry, AICP  
Director of Planning and Development

DATE: September 19, 2017

SUBJECT: **Staff Responses to Mayor Moss's Review  
Comments on Comprehensive Plan Update**

As directed by City Council, attached are the staff's responses to the Mayor's review comments for your review and submittal to Tammy for distribution to the City Council.

Should you need further changes or have any questions, please feel free to contact me.

**STAFF RESPONSES TO MAYOR MOSS'S  
REVIEW COMMENTS ON  
6-15-17 VERSION OF POLICY DOCUMENT  
OF THE 2035 COMPREHENSIVE PLAN**

**Embedded Legislative Matters**

As I stated at the Council Meeting, a number of legislative initiatives are embedded within the Proposed Plan each of which has far-reaching immediate effects as well as lasting long-range consequences. **Each deserves to be considered by the Council and the community separately on its own merits.**

Twin Pairs (p. 2-30, 3-2)

Cultural Arts Village (p.2-28, 2-34, 7-5)

Special Magistrate to replace Code Enforcement (p. 4-7)

Bringing passenger rail service, presumably high-speed (p.3-7)

These matters should be removed from the Plan (all documents).

- 1. Staff Response:** *The staff included these policy initiatives in the Comprehensive Plan because the plan is a policy document with numerous policies intended to address and guide future growth and development of the City of Vero Beach and meet the requirements of Florida Statutes.*

**Twin Pairs**

*No change is recommended: The City Council and previous Councils have shown their support for the lane reduction with the adoption of the 2005 Vision Plan. 2010 Evaluation and Appraisal Report and "Twin Pairs Traffic Calming Feasibility Study." The current City Council has hired a traffic engineering consultant to prepare the necessary permit application for the lane reduction. Planning and Zoning Board believes based on its review of background information and facts that the City should support the Twin Pairs reduction.*

**Cultural Arts Village**

*No change is recommended: The City Council has memorialized by resolution its support for the Cultural Arts Village including authorizing the staff to work on the regulations to implement the proposed village concept.*

**Special Magistrate**

*No change is recommended: Policy 5.2 states that the "City shall ....by considering the replacement of the appointed Code Enforcement Board with a Special Magistrate as authorized in the City's Code of Ordinances." The policy doesn't require the replacement of Code Enforcement Board, it only states that the City should **consider** it. The City Code already has provisions for a Special Magistrate.*

**Bringing Passenger Rail Service, presumably high-speed (p. 3-7)**

*No change is recommended. The policy calls for the City to investigate passenger rail service to Vero Beach similar to efforts by the City to bring Amtrak to the City, not the high-speed Brightline system. The policy requires that any such effort evaluate the pros and cons of the proposed rail system, including a cost/benefit analysis.*

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## Threat to Home Rule

The Proposed Plan threatens our City's Home Rule by chaining us to a new array of interlocal commitments and international standards. Again, each should be determined on its own merits. We should never hand over the reins of the City – the power we now hold – to the County or the State, nor to any quasi-governmental agencies or bureaucrats.

The proposed **new Chapter 9** (Intergovernmental Coordination) is **startling** in this regard. Let's compare.

Existing Goal: **"To coordinate** with federal, state, regional, and local agencies as **necessary . . ."** (p. 9-1 cross-out)

New Goal: **"An effective intergovernmental coordination system** will be in place to **ensure consistency** among local, regional, state, and federal plans and policies . . (p. 9-1)

**2. Staff Response:** *The staff does not agree with the Mayor's position. With all due respect, the City is not an entity to itself. It must interrelate with other layers of government in addressing common problems and solutions to those problems. Just because the City must interrelate with these layers of governments doesn't mean that the City is giving up its Home Rule Powers. Chapter 163 requires the City to coordinate with other layers of government needed to implement its Comprehensive Plan and to spell out this coordination in its Comprehensive Plan through enactment of policies governing intergovernmental relations in its Intergovernmental Coordination element.*

*The staff recommends no change as the new goal is more effective language than the existing goal. In showing the new goal, the Mayor fails to include the purpose statement underlined below:*

*"An effective intergovernmental coordination system will be in place to ensure consistency among local, regional, state and federal plans and policies and those of the City of Vero Beach, to identify and resolve conflicts and to promote cooperation regarding the implementation of the growth management plans that affect the City of Vero Beach, Indian River County, and other municipalities in the county."*

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Existing Objective: **". . . to coordinate with** local public entities which provide services to the City or which may be affected by this Comprehensive Plan and its implementation." (p. 9-1 cross-out)

New Objective: **"The City shall continue (to) ensure no inconsistencies or conflicts exist between the City's comprehensive plan and those of** Indian River County and other municipalities within the county, the plans of the School Board, and plans of other units of government providing services but not having regulatory authority over use of land." (p. 9-1)

The new Goal and new Objective are **so onerous and heavy-handed** that **they are completely blind to one of our most important distinguishing features:** We prohibit short-term rentals. **We are not consistent with the county or the state. We pride ourselves on being unique. We like it that way.**

"To coordinate" is fine.

To “ensure consistency” and “ensure no inconsistencies or conflicts exist” is tantamount to signing the death warrant of the City as we know it.

3. **Staff Response:** *Consistency doesn't mean that our regulations have to be or should they be the same as the State, County, or any other jurisdiction. It only means that where our programs and policy decisions intersect or overlap, such as water quality roadway capacity, development impacts, with other local, regional, and state governmental entities, that there needs to be some consistency and coordination.*

*The staff suggests the following revised language for Objective 1 of the Intergovernmental Coordination Element:*

The City shall continue to coordinate the City's comprehensive plan with those of Indian River County and other municipalities within the county, the plans of the School Board, and plans of other units of government providing services but not having regulatory authority over use of land.

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### **A Strong Council**

A strong Council is in the interest of the City. Not only this one, but all Councils of the Future. This Proposed Plan not only circumvents the authority of the Council now but diminishes it in the Future. We cannot know what circumstances future Councils shall face, and **we should not tie their hands needlessly** with the legalistic dictates of bureaucrats.

4. **Staff Response:** *It is unclear to staff how the Comprehensive Plan circumvents or undermines the authority of the current City Council or any future City Council as the City Council must adopt the plan or amendments to the Plan. The Comprehensive Plan is a forward looking document. Although it establishes broad direction for achieving its goals and objectives, it does not tie the hands of future city councils. The plan can be amended at any time. The Florida Statutes requires a thorough review of the plan every seven years.*

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All new: p. 2-6/1.18

“Amendments . . . shall only be approved if at least one of the following criteria has been met by the applicant to the satisfaction of City Council:

- (a) “. . . will correct an oversight . . .”
- (b) “. . . will correct a mistake . . .”
- (c) “is warranted based on a substantial change in circumstances. “
- (d) “is in the public interest and does not conflict with . . .”

**Amendments should be made as this Council or any Council of the Future sees fit.** We are elected. We represent the People. We are accountable to them. The conditions never should be dictated by bureaucrats as appears here. At the same time we rail against higher authorities usurping the Council's power, we face a shameless encroachment upon this very Power from below.

5. **Staff Response:** *This language is intended to limit the number of superfluous and unnecessary map and text amendments that may be considered. All the objectives and policies of the Comprehensive*

Plan must be considered and adopted by City Council. Therefore, it is unclear of how conditions are being dictated to the City Council if the City Council adopts these principles. These principles are recommendations for consideration by the City Council made by the Planning and Zoning Board and staff as part of their duties and responsibilities.

The role of the professional planning staff and the Planning and Zoning Board is to prepare draft objectives and policies for the City Council's consideration based on the best data available. If the City Council wants to delete, modify, or accept the objectives and policies, it is the Council's power and authority to do so.

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## Specific Concerns regarding the 2035 Comprehensive Plan Policy Document (Strike-Through Version 06/15/2017)

### Chapter 1 Overview

#### p. 1-2 RULES OF CONSTRUCTION DELETE/MODIFY

No. Adoption of the plans/standards/documents of other organizations including future amendments should be considered separately and determined by vote of City Council.

6. **Staff Response:** *For the City Council to review and consider each plan/standard/document by separate vote will create lengthy delays without any tangible benefit. It is up to your professional staff to identify any conflicts or revisions to these plans/standards/documents that may conflict with the Comprehensive Plan.*

---

#### p. 1-3 PLAN IMPLEMENTATION

No. The primary responsibility is preservation of our quality of life and the unique character of this City. That responsibility belongs to City Council. The Planning and Development Department shall implement policies under the direction of City Council.

The City Council reserves the right to make all decisions regarding funding of capital projects.

7. **Staff Response:** *It is unclear what "preservation of our quality of life and the unique character of this City" has to do with plan implementation section. The staff doesn't disagree with the comment that City Council sets the policies and the staff implements them.*

---

### Chapter 2 Land Use

#### p. 2-1 GOAL

Suggested by me:

To have maintained the desired quality of life, individual identity and character of the community while allowing for growth and development. This desired quality of life is reflected in the low rise and low density development currently existing in the City of Vero Beach. (These lines currently are crossed-out.)

Should absolutely NOT begin with the words "Growth and development . ." as proposed. That does not reflect the character of this community.

8. **Staff Response:** *The staff disagrees with the statement about growth and development. The Comprehensive Plan is all about growth and development and how the City intends manage and accommodate it through its various elements. The proposed revised goal statement proposed doesn't fit the format. As an alternative, the staff recommends revising the first sentence of the proposed goal statement as follows:*

*"Vero Beach's desired quality of life, individual identity, character of the community, and low rise and general low density development uses will be maintained and continued in a manner that 1) provides a compatible and complementary mix of uses...."*

---

p. 2-4 1.11 What areas are suitable for "large urban scale development and intensities"?

9. **Staff Response:** *In Vero Beach the "medium to large scale" development are 17 residential units per acre, 30 hotel rooms per acre and a Floor Area Ratio 2.0. The specific locations for this intensity and density are established by the Zoning Map. They are generally located in the Downtown, commercial districts, airport, and industrial zoned properties along the Florida East Coast Railroad. What is large scale, medium scale, and low scale is all relative and subject to debate.*

---

p. 2-5 Table 2-1 "MX Up to 21 dwelling units (with transfer of development rights)". Why/purpose?

10. **Staff Response:** *This inclusion was necessary to reflect actual language in the Mixed Use zoning district. These provisions have been in the City Code for over 30 years. The incentive was placed to spur redevelopment in the Mixed Use zoning district.*

---

p.2-6 1.16 (a) Should involve P+Z Board and City Council, also

11. **Staff Response:** *This language provides policy guidance for cases where the future land use conflicts with the underlying zoning district. 1.16(a) is in the Land Development Regulations.*

---

p. 2-9 1.21 "shall . . . proceed to enact amendments" Council should vote on this matter. Use "consider" in place of "enact".

12. **Staff Response:** *The staff concurs with the recommendation.*

---

p. 2-13 3.1 (d) Delete. Too broad.

13. **Staff Response:** *The staff disagrees. The language is intended to be a broad listing of possible techniques that may be considered. None of them can be implemented without going through the public hearing and vetting process requiring City Council approval.*

---

p. 2-14 3.5 Should be discussed/decided by City Council.

**14. Staff Response:** *As part of the approval process this policy will be discussed by City Council. It should be noted this policy only sets forth broad policies. The actual regulations on development bonuses or incentives will require further detail and review for approval by City Council in the form of amendments to the Land Development Regulations.*

---

p. 2-16 (f) words missing or incorrect

**15. Staff Response:** *It is suggested the first part of (f) should be revised to read as follows: "Review and revise conditional use criteria and standards to improve their clarity and ~~are appropriate to ensure the proposed conditional use...~~"*

---

p. 2-18 3.8 and 3.9 Funding required?

**16. Staff Response:** *No funding is contemplated as all the work will be done by planning staff. However, this wouldn't rule out consultant assistance in the future. Any such funding would require City Council approval.*

---

p. 2-24 to 2.25 Objective 4 and Policies require discussion/vote(s) by City Council regarding economic tax incentives/development bonus incentives/tax abatement programs.

**17. Staff Response:** *The staff agrees. See staff response #15.*

---

p. 2-26 5.1 Historic Preservation Ordinance not provided.

**18. Staff Response:** *The Historic Preservation Ordinance is not part of the Comprehensive Plan agenda package and therefore wasn't included.*

---

p. 2-28 Objective 6 and Policies require vote(s) by City Council.

**19. Staff Response:** *In adopting the Comprehensive Plan, the City Council should consider adopting these policies as is or with modifications.*

---

p. 2-31 8.2 Not "the City shall support". Requires vote(s) of City Council. Or use "shall consider".

**20. Staff Response:** *Basically this general policy is already in place as the City supports programs, actions, and activities to enhance this commercial district. The support of specific programs and events are considered on a case-by-case basis by the City Council.*

---

p. 2-33 10.2 "development incentives" should be decided by Council. 10.3 Sentence is incomprehensible.

**21. Staff Response:** *The staff concurs with the statement that “development incentives” should be decided by City Council. Policy 10.3 should be revised to read as follows:*

*The City shall cooperate with property and business owners in maintaining and improving landscaping in the public right-of-way including such elements as landscaping, signage, public lighting, and street furniture.*

---

p.2-34 Policies. Council should vote with regard to “development incentives”.

**22. Staff Response:** *The Comprehensive Plan provides the broad principles to be followed or evaluated. The specific “development incentives” to be chosen will be identified and vetted through the public hearing process for enacting amendments to the Land Development Regulations. The City Council will have to vote on any amendments to the Land Development Regulations.*

---

p. 2-34 Objective 12 and Policies to be deleted. Separate matter for consideration of Council.

**23. Staff Response:** *These policies are needed for establishment of the Cultural Arts Village. The objective and supporting policies should be considered by the City Council in the plan submitted to the Department of Economic Opportunity (DEO). Taking these objectives and policies out will only delay the this project.*

---

p. 2-36 Objective 13 and Policies. “Incentives” to be discussed/decided by Council.

**24. Staff Response:** *No response. This objective and supporting policies need to be included in the Comprehensive Plan for submittal to DEO. Some of these policies come from the policies already in the Comprehensive Plan for Original Town.*

---

p. 2-38 (c) Plan should not dictate “budget” considerations to Council, e. g., “Work to . . . budget . . .”

**25. Staff Response:** *This policy only establishes the logical and rational framework from which decisions and priorities on the funding of neighborhood improvement projects. It does not dictate “budget” considerations as the City Council has final decision on what projects are to be funded and when. Throughout the Mayor’s review comments, the term “dictates” is used. It is unclear to the staff how any plan can be drafted without specific actions or policies to be followed. Just because the staff and Planning and Zoning Board is recommending these policies doesn’t make it a dictate. The City Council may approve, approve with modifications, or deny any of these policies.*

---

p. 2-38 (h) Funding required?

**26. Staff Response:** *No funding is required to coordinate the location of bus stops and routes in a neighborhood.*

---

p. 2-44 15.10 New interlocal agreement? Why?

**27. Staff Response:** *The City is required by Chapter 333, Florida Statutes to enter into such an agreement. The City recently entered into the required agreement with Indian River County so this policy will have to be amended or deleted.*

---

p. 2-44 Policies. Does the City have authority over the public school system? If not, how can it “ensure adequate capacity” (16.2) or “adopt as the level of service” (16.3)?

**28. Staff Response:** *The City has an intergovernmental agreement with the School District, Indian River County, and other localities in Indian River County. Adequate capacity in the school system is ensured through the concurrency management system. If insufficient capacity exists in the school system than no new development projects generating new students may be approved by a local government.*

---

### Chapter 3 Transportation

p. 3-1 GOAL: “will be provided” by whom? The County, State, and MPO control funding for the most part. This then could become an unfunded mandate. The existing goal is fine.

**29. Staff Response:** *The statement describes what the City would like to see in terms of transportation system. Of course the City can’t act alone in trying to achieve this goal, but must work in coordination with other governmental entities to achieve it.*

*It is not an unfunded mandate. An unfunded mandate is a requirement placed upon the City by State or Federal government, not any commitment or obligation placed upon the City by itself. In the case of the Comprehensive Plan, there are not penalties or fines should the City fail to meet a specific goal, objective or policy. The power of the Comprehensive Plan is that any development order (such as a site plan, rezoning, variance, building permit) can’t be issued unless it complies with the goals, policies and objectives of the Comprehensive Plan including the concurrency requirements of the Plan.*

As for the wording of the goal statement, the staff suggests the following alternative language: “~~To maintain and promote a~~ A safe, efficient, accessible, financially feasible, and attractive transportation system will be provided and maintained in Vero Beach in a manner which that ...”

---

Objective 1 and Policies Does the City have the specific authority and the funds to “maintain a transportation circulation system”? If not, existing statement is fine.

**32. Staff Response:** *Of course the City can’t on its own maintain or fund such a system, but must work with the County and FDOT. This objective is intended to ensure the proposed development and future land use and zoning changes are made based on available capacity in the roadway network. The City maintains the level of service standards for all roadways in its corporate limits through its concurrency management system. Generally any proposed changes in future land or zoning changes or proposed development projects require that capacity is available in the system or at the time a project comes on line.*

---

p. 3-2 1.3 “. . hereby adopts . . ” Adoption of MPO Plan should be discussed/decided by Council.

**33. Staff Response:** *This plan identifies specific congestion management projects eligible for funding by Federal, State, and local agencies. The City has two City Council members sitting on the MPO Board that vote on the MPO Congestion Management Process Plan. The City has three technical representatives that serve on the MPO Technical Advisory Committee. These technical representatives provide input on the preparation of the Plan and make recommendations to the full MPO. If the City Council is concerned about lack of City Council review and input, the City could request that the Plan be presented to the full City Council for review and approval.*

---

p. 3-2 1.4 Twin Pairs is a separate legislative matter.

**34. Staff Response:** *See Staff Response No. 1*

---

p. 3-2 1.6 Review projects separately on the merits of each. No blanket approval.

**35. Staff Response:** *The projects in the City’s annual Capital Improvements Schedule come directly out of the adopted Five Year Capital Program, except for the MPO and Indian River County adopted projects.*

---

p. 3-5 2.6 Is the City adopting the County’s “Bicycle and Pedestrian Master Plan”? If so, it should be reviewed by Council.

**36. Staff Response:** *The City is not adopting the document in this policy but relying upon the Bicycle and Pedestrian Master Plan in making decisions on the location of needed bicycle and pedestrian projects.*

---

p. 3-6 Policies 3.1 If this County Plan cited above is to be considered a City Policy that should be discussed/decided by Council.

**37. Staff Response:** *It is being considered as a policy in the Comprehensive Plan. In general the City has relied upon its technical staff representatives and two elected representatives to the MPO to provide input on these and other plans adopted by the MPO. If the City Council wants to take a different approach, then the plans and policies of the MPO should be brought forward to the City Council for review.*

---

3.2 Requirement of “bicycle parking facilities” should be reviewed by P+Z and Council. On what basis is this requirement deemed necessary?

**38. Staff Response:** *The Planning and Zoning Board reviewed this policy as part of its role in the preparation of the draft Comprehensive Plan update. The City's off-street parking and loading regulations already in place that require bicycle parking facilities.*

---

p. 3-7 3.7 and 3.9 Any funding by the City required?

**39. Staff Response:** *No funding is required by the City.*

---

p. 3-7 3.10 and 3.13 Council should discuss/decide the pursuit of passenger rail service.

**40. Staff Response:** *If the City Council is concerned that this language is too restrictive, staff suggests replace the word "investigate" with the words "shall consider investigating" in Policy 3.10.*

---

p. 3-7 3.12 Does the current Airport Master Plan conflict with the Comprehensive Plan?

**41. Staff Response:** *The Airport Master Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.*

---

p.3-8 4.1 Does the City have specific authority over the matters mentioned herein?

**42. Staff Response:** *It does over its roads which it has responsibility. For state and county roads the City works with those agencies.*

---

p. 3-9 5.1 The existing version appears to offer greater protection for the City's "character". Why is this crossed-out?

**43. Staff Response:** *The staff and Planning and Zoning Board believed this balancing of historic, aesthetic, cultural, and residential character of the City was covered by other policies. However, the staff has no problems reinstating this policy as written.*

---

p. 3-12 7.2 and 7.4 Is staff representation/participation new? Please explain.

**44. Staff Response:** *Staff representation or participation is not new. The language was revised to get the idea across that the staff's participation was more than being appointed to a committee.*

---

p. 3-13 8.3 and 8.4 and 9.4 Funding requirements? Has the appearance of unfunded mandate(s).

**45. Staff Response:** *These policies outline techniques for traffic management, calming as well as air quality and energy conservation. The funding of these programs is subject to the City's budget constraints and funding from private sources. The City cannot place an unfunded mandate on itself.*

Unfunded mandates come about from federal or state governments placing requirements on local governments without providing any funding.

---

## Chapter 4 Housing

p. 4-1 GOAL : "Affordable, sustainable, safe, and sanitary housing shall be provided that meets the varying needs of all existing and future residents", "wide range of housing".

These phrases are overbroad, overreaching, and do not reflect the character of the community. Vero Beach is a unique community not a one-size fits all, cookie-cutter place. These phrases sound more like a description of Disneyworld.

The Goal stated previously now crossed-out was fine.

**46. Staff Response:** *The staff believes the revision better reflects the requirements of the Florida Statutes that affordable housing be provided to a wide range of households.*

---

Policies: The City Council discusses/decides what "The City shall encourage . ." or "The City shall support . . ". It is the responsibility of Council to preserve the unique character of the City and to avoid unfunded mandates as well as unnecessary lawsuits. "Pattern books", "special zoning districts" and "development incentives" should be addressed separately.

**47. Staff Response:** *When the term "City" is used throughout the text, it means the "City Council." which is the body that has final authority. The Comprehensive Plan outlines in broad terms policies, programs and actions to achieve specific goals and objectives. The actual details, such as the content and application of a "Pattern Book" are subject to City Council approval.*

---

p. 4-3 2.3 Danger of unfunded mandate/unnecessary lawsuit?

**48. Staff Response:** *This policy only states that the City will provide technical assistance. The answer to the question is no.*

---

p. 4-4 2.4 "incentives" are a Council decision.

**49. Staff Response:** *Agreed.*

---

p. 4-4 2.5 Did the law change? Are all of these things now required by law?

**50. Staff Response:** *The answer is yes to the first question and yes to the second.*

---

p. 4-4 Objective 3 and Policies: Does the City have specific legal authority and legal remedies for these policies? "development incentives" to be decided by Council.

**51. Staff Response:** *Yes. The City has the legal authority under home rule. As stated previously, the City Council is the governing body to make final decision of types and application of development incentives.*

---

p. 4-5 Objective 4 and Policies: Did the law change? What is the basis for so many changes? Why are we chained to “the Florida Housing Data Clearinghouse prepared by the Shimberg Center for Housing Studies”? What is the origin of the Clearinghouse? What kind of organization is the Shimberg Center? Is there a legal requirement for any of these policies? If so, provide a copy of that law. Council decides if the City requests funding or tax credits (4.4) or offers a “density bonus program” (4.7).

**52. Staff Response:** *Yes there have been changes in the statutes and two censuses have been conducted since the 1992 Comprehensive Plan. The Shimberg Center for Affordable Housing was established by the State of Florida at the University of Florida. The Center has contracts with the State to provide housing needs assessments and forecasts for the State of Florida. These policies are consistent with the specific housing element requirements in Chapter 163 of the Florida Statutes.*

*As explained previously any type of development incentives are required to be approved by City Council.*

---

p. 4-7 5.3 Replacing city code is embedded herein. Should be a separate matter. City Council to vote.

**53. Staff Response:** *The policy calls for consideration of amendments to the housing code to foster lower income households. Any such program will require City Council approval.*

---

p. 4-7 5.3 Why would we replace the Southern Housing Code with an International one?

**54. Staff Response:** *The governing body for the Southern Housing Code is no longer in existence. The newer code is more up to date and governed by the International Code Council. This body is responsible for the building and other technical codes related to construction that are followed by the City of Vero Beach.*

---

p. 4-8 5.5 Does the City incur any legal liabilities as a result?

**55. Staff Response:** *No.*

---

p. 4-8 Objective 6 and Policies: Why is the City making a radical shift in this regard? What is the benefit of “coordination” with the County when we previously made our own decisions. Why must we now “support” this Advisory Committee? Previously, the Council evaluated its reports. That is a more objective stance and possibly more desirable. Please explain.

**56. Staff Response:** *To the best of the staff’s knowledge, the City has not made any decisions related to low income housing. The Indian River Affordable Housing Advisory Committee was established by law as pre-requisite for participation in the State Housing Initiatives Partnership (SHIP) program. The SHIP program was instituted in 1993. The City has benefited from this program.*

---

p. 4-10 7.5 "Development incentives" decided by Council.

57. **Staff Response:** As noted previously, the City Council has final say on "development incentives."

---

p. 4-10 7.6 Why is this not left to the free market?

58. **Staff Response:** *This policy doesn't require the City to do anything but to encourage provision of services. For instance the City was supportive of changes in the land use designation of St. Francis Manor to address the needs of lower income elderly residents.*

---

p. 4-11 8.1 "Historic preservation ad valorem tax exemption ordinance" should be discussed/decided by Council separately.

59. **Staff Response:** *The historic preservation ad valorem tax exemption ordinance has already been enacted by the City of Vero Beach. This policy calls for the City to explore with the Indian River County the expansion of the ad valorem tax to include the County ad valorem tax exemption on eligible City properties.*

---

## Chapter 5 Coastal

p. 5-1 GOAL:

Should absolutely NOT begin with the words "Growth and development . . ." as proposed. That does not reflect the character of this community.

The crossed-out goal was fine.

60. **Staff Response:** *The proposed language is superior to the existing language. As an alternative, the staff suggests revising the beginning of the goal as follows: ~~Growth and~~ Development and the provision of infrastructure..."*

---

p. 5-1 Objective: The crossed-out objective was fine. The new objective is overbroad and overreaching. The City does not control the Lagoon, only a relatively small portion. Also, our section is in better condition than Brevard's, where they have had a "storm water utility" for decades, and those counties south of us.

61. **Staff Response:** *The staff believes the new language is more appropriate to the situation and recognizes that the water quality problems of the lagoon are not limited by jurisdictional boundaries.*

---

p. 5-1 to 5-3 Policies of Objective 1: Council should discuss/decide on changes that potentially involve financial commitments by the City. Danger of unfunded mandates, unnecessary entanglements with outside agencies, and legal liabilities.

**62. Staff Response:** *All actions and programs identified in the policies under Objective 1 will require approval by the City Council to implement. The problems with the Indian River Lagoon require multi-governmental coordination and action and can't be resolved by the City alone. As stated previously unfunded mandates are ones placed by the federal or state government and their various agencies.*

---

p. 5-9 Objective 3 and Policies: What is the benefit of now tying ourselves to FDEP and IRC? What are we gaining in return for diminishment of our home rule?

**63. Staff Response:** *The City is tied into FDEP, because that is the regulatory agency government governing development of beaches and dunes. The City is tied into IRC through the County's Beach Preservation Plan that identifies and ranks necessary beach stabilization and nourishment projects. In no case is the City diminishing its home rule as its intergovernmental relationships our helping it to address water quality issues in the lagoon including obtaining grant or low-cost loan financing of projects.*

---

p. 5-12 3.9 State the additional agreements required and their benefits to the City. Thus far, the City's experience with "Tourist Tax" dollars has been abysmal though I actively am pursuing change in this regard.

**64. Staff Response:** *The staff recommends deletion of the additional agreement language as beach re-nourishment is being addressed through the County's Beach Preservation Plan.*

---

p. 5-13 4.9 appears to contradict p. 5-14 Objective 5, which increases hurricane evacuation time and compromises the safety of the City. The County never should endanger the City. Evacuation times for the City should NOT be increased.

**65. Staff Response:** *Policy 4.9 refers to the CHHA not the entire City. The policy in Objective 5 reflect hurricane evacuation times for the entire City based on the most up-dated modeling.*

---

p. 5-14 Objective 5: Do NOT increase evacuation time. The crossed-out objective was fine. In-city evacuation times should not be changed. If there is a problem with the County's evacuation time, it should be addressed directly.

**65. Staff Response:** *The revised evacuation is based on the latest modeling. It is not placing the City residents in any danger. Establishing the evacuation time based on unrealistic time frames makes no sense and may be only hiding a real problem.*

---

p. 5-14 Policies: What is the benefit of now tying ourselves to other governmental and quasi-governmental agencies? What are we gaining in return for diminishment of our home rule?

**66. Staff Response:** *The Florida Statutes grants the authority to counties to coordinate emergency management programs. As the City is locked into the County, it would make no sense for the City to be running a program that conflicted with the County, such as hurricane evacuation. The City is not diminishing in any way its home rule powers*

---

p. 5-20 6.10 Check/provide the "Indian River County CEMP". The City is not necessarily consistent with the County nor does it wish to be, e. g. short-term rentals, as stated previously. No County policies should be adopted wholesale as they could contain elements harmful to the City.

**67. Staff Response:** *As pointed out earlier consistency doesn't require that two or more governments have the same regulations. The City staff representative are involved in the preparation of the Indian River County CEMP, which insures that any possible conflicts are avoided. Anyway, if a policy of the County is "deemed" harmful, the City would simply ignore it without any consequences.*

---

p. 5-21 7.3 Correct Alma Lee Lloyd to Alma Lee Loy.

**68. Staff Response:** *The spelling will be corrected.*

p. 5-22 Objective 9: Crossed-out version was fine. Does new version put the City at risk for unfunded mandates and legal liabilities? Does the city reserve the right to determine what is considered an "endangered" or "threatened" species? Does the City have legal authority and legal remedies?

**69. Staff Response:** *No the new language does not put the City of any risk and legal liabilities. The terms "Endangered" or "Threatened" species are defined by federal government. Not sure what is meant about the City having "legal authority and legal remedies."*

---

p. 5-23 9.9 Stormwater management is a separate matter to be discussed/decided by Council.

**70. Staff Response:** *No response.*

---

p. 5-24 10.2 and 10.3 Staff or outside consultant? Funding required? Legal liabilities incurred?

**71. Staff Response:** *The two policies assume implementation by staff unless it is determined that a consultant is warranted. The City sees no legal liabilities result from implementing these policies.*

---

## **Chapter 6 Infrastructure**

p. 6-2 2.3 What program? Is it new? Funding?

**72. Staff Response.** *The Public Works Department already has such a program. The scope of the program is contingent upon annual funding.*

---

p. 6-3 Objective 3 Policies: Does this LOS differ from existing standards? Funding requirements for this LOS?

**73. Staff Response:** *The level of services have not changed. Only the language has been modify to bring it into full compliance with the City's on-going stormwater regulations, which are missing from the existing level of service standards.*

---

p. 6-4 3.7 and 3.8 and 3.9 These specific stormwater requirements and changes should be discussed/decided by Council. Funding requirements?

**74. Staff Response:** *These stormwater requirements will be addressed through the annual capital improvements program for stormwater management facilities which must be approved by City Council.*

---

p. 6-5 Objective 4: Capital Improvement Schedule is a guide not a straightjacket. Council to decide. Change "shall complete" to "shall consider".

**75. Staff Response:** *The projects in the Capital Improvements Schedule are directly from the Five Year Capital Program that is approved annually by the City Council. The City Council has already approved these capital projects; therefore, the language doesn't need to be changed.*

---

p. 6-5 4.3 and 4.4 and 4.5 Grants, development bonus incentives, and financial options are Council decisions. "shall seek" "shall explore" "shall continue" is the language of a dictate, which is inappropriate.

**76. Staff Response:** *None of the policies are a language of a dictate. The policies are broad expressions related to the support of various programs and actions. Should the City fail follow or implement one or more policies, nothing adverse will happen. If one were to review the status of policies in the existing Comprehensive Plan, one would find that a significant number of them have not had any action taken on them. The only time a policy becomes close to a "dictate" is where it specifically establishes a development standard.*

---

p. 6.7 1.2 Does this represent a change in LOS? Funding requirements? Legal liabilities?

**77. Staff Response:** *Yes the language is a change in LOS. It does not impact funding requirements or cause any legal liability. It brings the LOS in line with the capacity issues related to the County landfill.*

---

p. 6.7 1.3 State any new requirements more specifically and more clearly. Funding required? Legal liabilities?

**77. Staff Response:** *The requirements (LOS?) are clearly stated in Policy 1.2. No funding is required or any legal liabilities related to this policy.*

---

p. 6-8 1.7 and 1.8 Funding is a Council decision and is not to be dictated as it is here.

**78. Staff Response:** *Of course funding is a City Council decision. The policies spell out the funding of solid waste capital improvement projects and its inclusion in the annual Capital Improvements Schedule. Chapter 163, Florida Statutes, require that the local comprehensive show how the components of the comprehensive plan will be funded and their schedule for implementation.*

---

p. 6.9 Objective 3 and Policies (word missing): This should be discussed/decided by Council, not dictated. The County has a history of taking on projects it later has difficulty completing on-time. The City should be cautious about tying itself to entities outside itself.

**79. Staff Response:** *The City is already participating in the single-stream recycling program. Water and Sewer is exploring alternatives to the landfill disposal of sludge. The other two policies require as much effort as the City wants to put forth.*

---

p. 6-10 1.1 Use "the" or "a", incorrect as is. Does this represent a new LOS? If so, what is the basis?

**80. Staff Response:** *This is a new LOS. The basis of this LOS is fully discussed in the Technical Document to the Comprehensive Plan*

---

p. 6-11 1.6 What is the basis of this prohibition?

**81. Staff Response:** *There are no package plants operating within the city limits. Package plants did not provide the same level of performance or reliability as central sewer.*

---

p. 6-11 1.9 Is this required by law? Funding required?

**82. Staff Response:** *Yes. The City wastewater treatment plant is required to meet federal and state laws and regulatory requirements. Funding is provided through rate payers, grants, and loans.*

---

p. 6-12 Objective 2: Is this done currently (100%)? If new, what is the basis for it?

**83. Staff Response:** *Yes. The City generally meets this target level.*

---

p. 6-14 Objective 3: Is this an existing deadline (2035)? If new, what is the basis?

**84. Staff Response:** *The 2035 deadline is established by this plan. The existing plan has no such target. This target was based on the assumption that all septic systems could be eliminated by this time through installation of the STEP system. The timeline could be shorter, but it is uncertain about funding of the STEP system and, if required, the need to enact regulations requiring the mandatory removal of septic systems and connection to the central system.*

---

p. 6-15 3.1 to 3.5 Council should decide any new requirements, especially 3.5, which appears to make STEP (currently voluntary) mandatory.

**85. Staff Response:** *Yes the City Council makes these types of decisions. The policies don't change that authority.*

---

Objective 4 and Policies: "The City shall complete . . ." is a heavy-handed dictate. Council to decide.

**86. Staff Response:** *The statement is hardly a dictate, it is a statement of fact. The City Council must approve the Five Year Capital Program annually. Sanitary sewer capital projects in the Five Year Capital Program are automatically contained in the annual Capital Improvements Schedule of the Comprehensive Plan.*

---

p. 6-16 1.1 Is this the current LOS standard? If new, state the basis. Funding requirements?

**87. Staff Response:** *This is a new level of service standard. The basis of this level of service is covered in the Technical Document to this Comprehensive Plan.*

---

p. 6-17 Objective 2 and Policies: Is this the current standard? If new, state the basis. Funding requirements?

**88. Staff Response:** *This is not a level of service standard that is used for concurrency. It is simply a target level for reduction of potable water usage. A detailed discussion of the reduction in potable water usage is presented in the Technical Document to this Comprehensive Plan.*

---

p. 6-18 Objective 3 and Policies: "The City shall complete . . ." is a heavy-handed dictate. Council to decide.

**89. Staff Response:** *The objective is not a heavy-handed dictate but a statement of fact as discussed for sanitary sewers in response 86 above.*

---

p. 6-21 Objective 2 and Policies: Why was this added? What is the current status/trend? Is this potentially an unfunded mandate?

**90. Staff Response:** *The objective and policies were added to be consistent with requirements of the Florida Statutes and the City's obligations under its consumption permit from the FDEP. No it is not a potentially unfunded mandate.*

---

## **Chapter 7 Recreation**

GOAL: Crossed-out version fine as is. New version "will be provided" implies something beyond that which already is established and maintained.

91. **Staff Response:** *The goal statement reflects a future desired condition. The language is in line with the format of all the other goals of the Comprehensive Plan. Therefore, the staff does not support keeping the existing language.*

---

p. 7-1 1.2 The City's first responsibility is to City residents. How many City residents are transported to City parks and recreation sites by GoLine?

92. **Staff Response:** *No information is available on how many City residents are transported to City parks and recreation facilities by GoLine. It is still important that transportation opportunities be provided to the handicapped and children who may not have access to automobile transportation.*

---

p. 7-2 2.1 State how new interlocal and license agreements would benefit City residents.

93. **Staff Response:** *Whether or not the City will enter into such agreements will be decided on a case-by-case basis by the City Council.*

---

p. 7-2 2.4 What authority over and responsibility for facilities/services at school sites would the City have?

94. **Staff Response:** *The terms of such co-location will be accomplished on a case-by-case basis with City Council approval.*

---

p. 7-2 2.7 Application for grants to be decided by City Council.

95. **Staff Response:** *Such grants will need City Council approval.*

---

p. 7-2 2.8 Fees: Council to decide when to evaluate and what is "equitable".

96. **Staff Response:** *The City Council has responsibility for approving fees.*

---

p. 7-3 3-4 Funds required? What is the basis of this "development" of Riverside Park?

97. **Staff Response:** *This issue came up with the concerns of various not-for-profit organizations obtaining lands on a piece meal basis without any consideration of the long term development of Riverside Park.*

---

p. 7-4 3-5 Funds required? Is there an expressed demand for "bicycle and pedestrian trails"?

98. **Staff Response:** *A good bicycle and pedestrian trail system benefits the multi-modal transportation network and economy and contributes to the health of residents as spelled out in the*

*MPO Bicycle and Pedestrian Masterplan. Funds will be required to fully link pedestrian and bicycle trails unless grants can be obtained or such linkages are constructed by development.*

---

p. 7-4 Objective 4 and Policies: Are there existing standards? If so, are they enforced currently? How? Any changes made “in perpetuity” should come before Council (4.1).

**99. Staff Response:** *The City has not specific standards for open space conservation. Policies 4.1 and 4.2 are already in place in the Land Development Regulations.*

---

p. 7-4 5.1 Why was “private” removed?

**100. Staff Response:** *The word private was removed since it was believed that the City should not be supporting the efforts of for-profit organizations. Rather than private, the term “not-for-profit” was inserted as a replacement.*

---

p. 7-5 5.2 Applications for grants to be decided by City Council.

**101. Staff Response:** *It doesn’t need to be stated as the City must approve all grant applications or the acceptance of a grant.*

---

p. 7.5 5.3 Delete. Unfunded mandate. Council to decide.

**102. Staff Response:** *No need to delete as the City Council has full authority to determine the level of support to the Cultural Council of Indian River County.*

---

p. 7.5 5.4 Delete. Separate matter to be considered by Council as stated previously.

**103. Staff Response:** *The policy was included to be consistent with other policies related to the Cultural Arts Village. Of course the City Council has full authority to eliminate this and related policies related to the Village from the Comprehensive Plan.*

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## **Chapter 8 Conservation**

p. 8-1 GOAL : Use the crossed-out goal.

The Conservation GOAL should NEVER be changed from “To conserve, protect, and manage . . .” to “Reasonable growth and development will be accomplished . . .”

By definition, the GOAL of conservation should be “To conserve . . .”

This is a blatant, heavy-handed threat to the unique character of our City as it exists today.

**104. Staff Response:** *To call this language a “blatant, heavy-handed threat to the unique character of our City” is a little over the top. The proposed goal statement recognizes the need to balance environmental protection with property rights. Even the existing goal requires that the conservation be balanced with the built environment. It is hardly a threat to the unique character of the City.*

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p. 8-1 Objective 1 and Policies: Are these changes required by law? If so, provide the laws.

**105. Staff Response:** *These changes are to bring the Plan up to date including programs the City has instituted since 1992. The air quality policies are intended to meet the broad requirements of the Florida Statutes for a comprehensive plan.*

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p. 8-2 1.4 Does the City have the legal authority and remedies required to reduce “vehicular emissions”? Provide the Tree Protection Ordinance. Is it currently enforced? How? What evidence exists proving the need for the multiple new bicycle rack/path requirements herein?

**106. Staff Response:** *No, the City is limited in that regard as such regulations are the prerogative of the state. The City is limited to actions or similar actions listed under Policy 1.4. A copy of Chapter 72 Landscaping and Tree Protection is available in the Clerk’s office. Yes the Tree Ordinance is enforced. It is enforced by Code Enforcement and through the permitting process. A permit is required to remove most non-invasive trees. The bicycle rack/path requirements help foster non-automotive trips.*

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p. 8-4 2.8 How is the Ordinance to be enforced? What legal remedies exist?

**107. Staff Response:** *The ordinance is enforced through code enforcement. The City also contracts with the County to supplement enforcement by City code enforcement. The legal remedies are through code enforcement and fines.*

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p. 8.4 2.9 and 2.10 What is the benefit of tying ourselves to quasi-governmental agencies? What are we gaining in return for diminishment of our home rule? Are there any legal liabilities? Potential for unfunded mandates?

**108. Staff Response:** *The problems facing the City regarding the Indian River Lagoon are far greater than what the City can do on its own in terms of both the scope of the problem and funding constraints. It makes sense for various state agencies, local governments, and dischargers to the Indian River Lagoon work together to address water quality issues. The State regulatory agencies could place further permitting requirements on the City; however, these requirements have nothing to do with City cooperation and interaction with quasi-governmental agencies. In fact, the City’s interaction participation may better protect the City’s position and ability to obtain grants.*

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p. 8-6 3.11 and 3.12 State any funding required.

**109. Staff Response:** *The water conservation efforts come directly from the conditions on the City’s Consumptive Use Permit with FDEP. The City is moving forward with the expansion of its Reverse Osmosis*

Water Treatment Plant, which has already been approved by the City Council in the Five Year Capital Plan.

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p. 8-11 5.3 Please explain what conditions necessitate “the removal of any healthy protected trees or palms”.

**110. Staff Response:** *The conditions are spelled out in Section 72.42(d)(7) of the City Code.*

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p. 8-11 5.4 Who controls the Tree Replacement Fund? How is it funded?

**111. Staff Response:** *Distribution of the funds from the Tree Replacement Fund for eligible activities is approved by City Manager or designee. Tree Replacement Funds for the purchase of vacant property to preserve existing trees or palms of significant public interest must be approved by City Council. Funds for the Tree Replacement Fund come from mitigation fees for cutting down trees and palms.*

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p. 8-16 8.1 Who issues “a development permit”? How is it regulated?

**112. Staff Response:** *For land clearance involving no building permit, the Planning Director issues a code compliance certification permit. For those activities requiring a building permit, Indian River County issues a building permit authorized by a site plan approved by the Planning Director or Planning and Zoning Board.*

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p. 8-17 9.2 What is the purpose of “clustering of density” on “environmentally sensitive lands”?

**113. Staff Response:** *The clustering of density is not on environmentally sensitive lands, but on the non-environmentally sensitive lands. The environmental lands can be used in the calculation of density and intensity, but the actual development must be on uplands and outside environmentally sensitive lands. Such clustering is intended to protect the environmental lands.*

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## **Chapter 9 Intergovernmental Coordination**

p. 9-1 GOAL and Objective 1 : Unacceptable as explained in detail on p. 1 of this Review (See “Threat to Home Rule”). Crossed-out version of goal was fine. Crossed-out version of objective was fine (just delete reference to 1990).

**114. Staff Response:** *The Florida Statutes require that the Comprehensive Plan demonstrate how the implementation of the Comprehensive Plan is coordinated with the adopted plans of school boards, other units of government, state and regional entities. See Staff Response 2.*

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p. 9.3 1.1 Delete. This represents abdication of home rule and submission of our authority to quasi-governmental agency. See p. 1 of this Review regarding why the City must NOT blindly “ensure consistency” with County and other governmental agencies.

**115. Staff Response:** *This coordination and review is required by Chapter 163. It is not an abdication of home rule. Consistency doesn't mean the City's Comprehensive Plan must be the same as another government. This review does ensure that any conflicts between the City and another jurisdiction be identified and addressed as appropriate. For example, neither the City nor the County would want the other jurisdiction to designate industrial zoning to property immediately abutting single family zoned property in the other jurisdiction.*

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p. 9-3 1.3 No. The Council can decide when and if the need arises. Do not tie us to the Treasure Coast Regional Planning Council at this time.

**116. Staff Response:** *The Florida Statutes require that the City have a formal dispute mitigation process. The reference to the Treasure Coast Regional Planning Council should be removed in the policy.*

---

p. 9-3 1.6 MPO programs should not receive blanket approval by this Council. The City's needs are woefully underfunded by this organization at this time. I am working to change the City's undeservedly low status.

**117. Staff Response:** *This policy relates to City participation in the MPO. It has nothing to do with any of the MPO plans or programs. Clearly a higher level participation of City Council representatives on the MPO would be beneficial.*

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p. 9-3 1.7 To be decided by Council.

**118. Staff Response:** *What level of participation, if any, is of course a City Council decision.*

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p. 9-3 1.8 No. Danger of unfunded mandate. Thus far, the City's experience with "Tourist Tax" dollars has been abysmal though I actively am pursuing change in this regard.

**119. Staff Response:** *There is no danger of an unfunded mandate. The City Council makes all decisions. It is important that the City participate due to the enormous economic value of beachfront properties and their role in the economy of the City.*

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p. 9-6 Objective 4 and Policies: What is the basis for this? What specific legal authority and remedies does the City have with regard to the School Board concerns listed here? Any funding requirements?

**120. Staff Response:** *The inter-local agreement with the School Board and other local governments is the basis of these policies. It is unclear about what "school board" concerns are being "listed." The policies are participation in committees and review of school projects. No funding is required.*

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## **Chapter 10 Capital Improvement**

p. 10-1 Objective 1 and Policies: Capital expenditures are a decision of Council not a dictate of this Plan.

**121. Staff Response:** Chapter 163 requires that the Comprehensive Plan include a capital improvements element including an annual five-year budget (Capital Improvement Schedule). The Capital Improvement Schedule details capital projects needed to maintain and improve level of service standards.

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p. 10-2 1.3 and 1.4 Plans, including future amendments, for entities outside the City should not be adopted as part of this Plan. Such plans may be considered each on its own merit. The City always should be cautious in tying itself to entities outside itself.

**121. Staff Response:** Chapter 163, F.S., require that capital improvement plans and schedules for the School Board, Indian River County MPO, and Indian River County capital projects for solid waste and transportation be included in the Comprehensive Plan. Just because these plans are included in the Comprehensive Plan and adopted as part of the City's Capital Improvement Schedule, doesn't mean the City is tying itself to these entities.

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p. 10-2 1.5 The Council should decide financial matters such as this one.

**122. Staff Response:** Chapter 163, F.S., requires that a priority system be included for capital projects. Of course the City Council has the final say on priorities.

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p. 10-4 Objective 3 and Policies: The Council reserves the right to make all decisions regarding impact fees, millage rates, and sources of revenue. These are financial matters that should NOT be dictated by this Plan.

**123. Staff Response:** This policy provides guidance on making sure that the costs of future growth and development bear a proportionate share of the cost to maintain the level of service. These policies are very broad and certainly don't infringe on the matters described above.

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p. 10-5 Objective 4 and Policies: The Council reserves the right to make all decisions regarding funding of capital projects. These are financial matters that should NOT be dictated by this Plan.

**124. Staff Response:** Chapter 163, F.S., require that the Comprehensive Plan demonstrate that level of services be maintained through needed capital projects. Of course the City Council has final say on funding of these projects. As the Comprehensive Plan is to be approved by City Council, it would be misleading to say that the Plan is dictating anything.

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p. 10-6 Objective 5 LOS Standards: Are any of these standards new or revised? If so, please explain.

**125. Staff Response:** Yes. The levels of service standards have been revised for sanitary sewer, potable water, stormwater management, and solid waste. The changes in various Levels of Service Standard are fully discussed in the Technical Document to the Comprehensive Plan.

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p. 10-8 5.3 Has the City signed the "Indian River County Interlocal for Coordinated Planning and School Concurrency" agreement cited herein? Please provide.

**126. Staff Response:** The document was signed by the City in 2008. A copy will be provided to you.

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p. 10-10 5.10 Please provide the relevant portion of the County's Comprehensive Plan.

**127. Staff Response:** *A copy of the Public School Facilities Element of the Indian River Comprehensive Plan can be retrieved from the County Planning Division website.*

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In closing, the rewritten Element Goals (cited hereinbelow) portend a dark tale. We cannot worship at the feet of "Growth and Development" and maintain our quality of life as we now know it.

For those who have not read the rewritten Plan, I shall quote the first words of the following rewritten Element Goals:

p. 2-1 Chapter 2 Land Use Goal: "**Growth and development . . .**"

p. 5-1 Chapter 5 Coastal Management Goal: "**Growth and development . . .**"

p. 8-1 Chapter 8 Conservation Goal: "**Reasonable growth and development . . .**"

As it stands now, this Plan does NOT have my support.  
I am reviewing the Technical Document as well.

Laura Moss  
Mayor, City of Vero Beach

**128. Staff Response:** *The staff contends that the draft Comprehensive Plan does not "worship on the feet of "Growth and Development," but promotes the very vision and quality of life for Vero Beach that is expressed in the Vision Plan.*

3)

**Review of the 2035 Comprehensive Plan Policy Document  
(Strike-Through Version 06/15/2017)**

Laura Moss  
09/05/2017

General concerns as stated at the Special Call Council Meeting of 08/10/2017:

**Embedded Legislative Matters**

As I stated at the Council Meeting, a number of legislative initiatives are embedded within the Proposed Plan each of which has far-reaching immediate effects as well as lasting long-range consequences. **Each deserves to be considered by the Council and the community separately on its own merits.**

- Twin Pairs (p. 2-30, 3-2)
- Cultural Arts Village (p.2-28, 2-34, 7-5)
- Special Magistrate to replace Code Enforcement (p. 4-7)
- Bringing passenger rail service, presumably high-speed (p.3-7)

These matters should be removed from the Plan (all documents).

**Threat to Home Rule**

The Proposed Plan threatens our City's Home Rule by chaining us to a new array of interlocal commitments and international standards. Again, each should be determined on its own merits. We should never hand over the reins of the City – the power we now hold – to the County or the State, nor to any quasi-governmental agencies or bureaucrats.

The proposed **new Chapter 9** (Intergovernmental Coordination) **is startling** in this regard. Let's compare.

Existing Goal: **"To coordinate** with federal, state, regional, and local agencies **as necessary . . ."** (p. 9-1 cross-out)

New Goal: **"An effective intergovernmental coordination system** will be in place to **ensure consistency** among local, regional, state, and federal plans and policies . . (p. 9-1)

Existing Objective: **". . . to coordinate with** local public entities which provide services to the City or which may be affected by this Comprehensive Plan and its implementation." (p. 9-1 cross-out)

New Objective: **"The City shall continue (to) ensure no inconsistencies or conflicts exist between the City's comprehensive plan and those of** Indian River County and other municipalities within the county, the plans of the School Board, and plans of other units of government providing services but not having regulatory authority over use of land." (p. 9-1)

The new Goal and new Objective are **so onerous and heavy-handed** that **they are completely blind to one of our most important distinguishing features:** We prohibit short-term rentals. **We are not consistent with the county or the state. We pride ourselves on being unique. We like it that way.**

“To coordinate” is fine.

To “ensure consistency” and “ensure no inconsistencies or conflicts exist” is tantamount to signing the death warrant of the City as we know it.

### **A Strong Council**

A strong Council is in the interest of the City. Not only this one, but all Councils of the Future. This Proposed Plan not only circumvents the authority of the Council now but diminishes it in the Future. We cannot know what circumstances future Councils shall face, and **we should not tie their hands needlessly** with the legalistic dictates of bureaucrats.

All new: p. 2-6/1.18

“Amendments . . . shall only be approved if at least one of the following criteria has been met by the applicant to the satisfaction of City Council:

- (a) “. . . will correct an oversight . . .”
- (b) “. . . will correct a mistake . . .”
- (c) “is warranted based on a substantial change in circumstances. “
- (d) “is in the public interest and does not conflict with . . .”

By its very existence, this section limits the legislative Power of Council. It should be deleted.

**Amendments should be made as this Council or any Council of the Future sees fit.** We are elected. We represent the People. We are accountable to them. The conditions never should be dictated by bureaucrats as appears here. At the same time we rail against higher authorities usurping the Council’s power, we face a shameless encroachment upon this very Power from below.

### **Specific Concerns regarding the 2035 Comprehensive Plan Policy Document (Strike-Through Version 06/15/2017)**

#### **Chapter 1 Overview**

p. 1-2 RULES OF CONSTRUCTION DELETE/MODIFY

No. Adoption of the plans/standards/documents of other organizations including future amendments should be considered separately and determined by vote of City Council.

p. 1-3 PLAN IMPLEMENTATION

No. The primary responsibility is preservation of our quality of life and the unique character of this City. That responsibility belongs to City Council. The Planning and Development Department shall implement policies under the direction of City Council.

The City Council reserves the right to make all decisions regarding funding of capital projects.

#### **Chapter 2 Land Use**

p. 2-1 GOAL

Suggested by me:

To have maintained the desired quality of life, individual identity and character of the community while allowing for growth and development. This desired quality of life is reflected in the low rise and low

density development currently existing in the City of Vero Beach. (These lines currently are crossed-out.)

Should absolutely NOT begin with the words "Growth and development . . ." as proposed. That does not reflect the character of this community.

p. 2-4 1.11 What areas are suitable for "large urban scale development and intensities"?

p. 2-5 Table 2-1 "MX Up to 21 dwelling units (with transfer of development rights)". Why/purpose?

p.2-6 1.16 (a) Should involve P+Z Board and City Council, also.

p. 2-9 1.21 "shall . . . proceed to enact amendments" Council should vote on this matter. Use "consider" in place of "enact".

p. 2-13 3.1 (d) Delete. Too broad.

p. 2-14 3.5 Should be discussed/decided by City Council.

p. 2-16 (f) words missing or incorrect

p. 2-18 3.8 and 3.9 Funding required?

p. 2-24 to 2.25 Objective 4 and Policies require discussion/vote(s) by City Council regarding economic tax incentives/development bonus incentives/tax abatement programs.

p. 2-26 5.1 Historic Preservation Ordinance not provided.

p. 2-28 Objective 6 and Policies require vote(s) by City Council.

p. 2-31 8.2 Not "the City shall support". Requires vote(s) of City Council. Or use "shall consider".

p. 2-33 10.2 "development incentives" should be decided by Council. 10.3 Sentence is incomprehensible.

p.2-34 Policies. Council should vote with regard to "development incentives".

p. 2-34 Objective 12 and Policies to be deleted. Separate matter for consideration of Council.

p. 2-36 Objective 13 and Policies. "Incentives" to be discussed/decided by Council.

p. 2-38 (c) Plan should not dictate "budget" considerations to Council, e. g., "Work to . . . budget . . ."

p. 2-38 (h) Funding required?

p. 2-44 15.10 New interlocal agreement? Why?

p. 2-44 Policies. Does the City have authority over the public school system? If not, how can it "ensure adequate capacity" (16.2) or "adopt as the level of service" (16.3)?

### **Chapter 3 Transportation**

p. 3-1 GOAL: "will be provided" by whom? The County, State, and MPO control funding for the most part. This then could become an unfunded mandate. The existing goal is fine.

Objective 1 and Policies Does the City have the specific authority and the funds to "maintain a transportation circulation system"? If not, existing statement is fine.

p. 3-2 1.3 ". . . hereby adopts . . ." Adoption of MPO Plan should be discussed/decided by Council.

p. 3-2 1.4 Twin Pairs is a separate legislative matter.

p. 3-2 1.6 Review projects separately on the merits of each. No blanket approval.

p. 3-5 2.6 Is the City adopting the County's "Bicycle and Pedestrian Master Plan"? If so, it should be reviewed by Council.

p. 3-6 Policies 3.1 If this County Plan cited above is to be considered a City Policy that should be discussed/decided by Council. 3.2 Requirement of "bicycle parking facilities" should be reviewed by P+Z and Council. On what basis is this requirement deemed necessary?

p. 3-7 3.7 and 3.9 Any funding by the City required?

p. 3-7 3.10 and 3.13 Council should discuss/decide the pursuit of passenger rail service.

p. 3-7 3.12 Does the current Airport Master Plan conflict with the Comprehensive Plan?

p.3-8 4.1 Does the City have specific authority over the matters mentioned herein?

- p. 3-9 5.1 The existing version appears to offer greater protection for the City's "character". Why is this crossed-out?
- p. 3-12 7.2 and 7.4 Is staff representation/participation new? Please explain.
- p. 3-13 8.3 and 8.4 and 9.4 Funding requirements? Has the appearance of unfunded mandate(s).

## Chapter 4 Housing

- p. 4-1 GOAL : "Affordable, sustainable, safe, and sanitary housing shall be provided that meets the varying needs of all existing and future residents" , "wide range of housing".  
These phrases are overbroad, overreaching, and do not reflect the character of the community. Vero Beach is a unique community not a one-size fits all, cookie-cutter place. These phrases sound more like a description of Disneyworld.  
The Goal stated previously now crossed-out was fine.  
Policies: The City Council discusses/decides what "The City shall encourage . ." or "The City shall support . ." . It is the responsibility of Council to preserve the unique character of the City and to avoid unfunded mandates as well as unnecessary lawsuits. "Pattern books", "special zoning districts" and "development incentives" should be addressed separately.
- p. 4-3 2.3 Danger of unfunded mandate/unnecessary lawsuit?
- p. 4-4 2.4 "incentives" are a Council decision.
- p. 4-4 2.5 Did the law change? Are all of these things now required by law?
- p. 4-4 Objective 3 and Policies: Does the City have specific legal authority and legal remedies for these policies? "development incentives" to be decided by Council.
- p. 4-5 Objective 4 and Policies: Did the law change? What is the basis for so many changes? Why are we chained to "the Florida Housing Data Clearinghouse prepared by the Shimberg Center for Housing Studies"? What is the origin of the Clearinghouse? What kind of organization is the Shimberg Center? Is there a legal requirement for any of these policies? If so, provide a copy of that law. Council decides if the City requests funding or tax credits (4.4) or offers a "density bonus program" (4.7).
- p. 4-7 5.3 Replacing city code is embedded herein. Should be a separate matter. City Council to vote.
- p. 4-7 5.3 Why would we replace the Southern Housing Code with an International one?
- p. 4-8 5.5 Does the City incur any legal liabilities as a result?
- p. 4-8 Objective 6 and Policies: Why is the City making a radical shift in this regard? What is the benefit of "coordination" with the County when we previously made our own decisions. Why must we now "support" this Advisory Committee? Previously, the Council evaluated its reports. That is a more objective stance and possibly more desirable. Please explain.
- p. 4-10 7.5 "Development incentives" decided by Council.
- p. 4-10 7.6 Why is this not left to the free market?
- p. 4-11 8.1 "Historic preservation ad valorem tax exemption ordinance" should be discussed/decided by Council separately.

## Chapter 5 Coastal

- p. 5-1 GOAL:  
Should absolutely NOT begin with the words "Growth and development . ." as proposed. That does not reflect the character of this community.  
The crossed-out goal was fine.
- p. 5-1 Objective: The crossed-out objective was fine. The new objective is overbroad and overreaching. The City does not control the Lagoon, only a relatively small portion. Also, our section is in better

condition than Brevard's, where they have had a "storm water utility" for decades, and those counties south of us.

p. 5-1 to 5-3 Policies of Objective 1: Council should discuss/decide on changes that potentially involve financial commitments by the City. Danger of unfunded mandates, unnecessary entanglements with outside agencies, and legal liabilities.

p. 5-9 Objective 3 and Policies: What is the benefit of now tying ourselves to FDEP and IRC? What are we gaining in return for diminishment of our home rule?

p. 5-12 3.9 State the additional agreements required and their benefits to the City. Thus far, the City's experience with "Tourist Tax" dollars has been abysmal though I actively am pursuing change in this regard.

p. 5-13 4.9 appears to contradict p. 5-14 Objective 5, which increases hurricane evacuation time and compromises the safety of the City. The County never should endanger the City. Evacuation times for the City should NOT be increased.

p. 5-14 Objective 5: Do NOT increase evacuation time. The crossed-out objective was fine. In-city evacuation times should not be changed. If there is a problem with the County's evacuation time, it should be addressed directly.

p. 5-14 Policies: What is the benefit of now tying ourselves to other governmental and quasi-governmental agencies? What are we gaining in return for diminishment of our home rule?

p. 5-20 6.10 Check/provide the "Indian River County CEMP". The City is not necessarily consistent with the County nor does it wish to be, e. g. short-term rentals, as stated previously. No County policies should be adopted wholesale as they could contain elements harmful to the City.

p. 5-21 7.3 Correct Alma Lee Lloyd to Alma Lee Loy.

p. 5-22 Objective 9: Crossed-out version was fine. Does new version put the City at risk for unfunded mandates and legal liabilities? Does the city reserve the right to determine what is considered an "endangered" or "threatened" species? Does the City have legal authority and legal remedies?

p. 5-23 9.9 Stormwater management is a separate matter to be discussed/decided by Council.

p. 5-24 10.2 and 10.3 Staff or outside consultant? Funding required? Legal liabilities incurred?

## **Chapter 6 Infrastructure**

p. 6-2 2.3 What program? Is it new? Funding?

p. 6-3 Objective 3 Policies: Does this LOS differ from existing standards? Funding requirements for this LOS?

p. 6-4 3.7 and 3.8 and 3.9 These specific stormwater requirements and changes should be discussed/decided by Council. Funding requirements?

p. 6-5 Objective 4: Capital Improvement Schedule is a guide not a straightjacket. Council to decide. Change "shall complete" to "shall consider".

p. 6-5 4.3 and 4.4 and 4.5 Grants, development bonus incentives, and financial options are Council decisions. "shall seek" "shall explore" "shall continue" is the language of a dictate, which is inappropriate.

p. 6.7 1.2 Does this represent a change in LOS? Funding requirements? Legal liabilities?

p. 6.7 1.3 State any new requirements more specifically and more clearly. Funding required? Legal liabilities?

p. 6-8 1.7 and 1.8 Funding is a Council decision and is not to be dictated as it is here.

p. 6.9 Objective 3 and Policies (word missing): This should be discussed/decided by Council, not dictated. The County has a history of taking on projects it later has difficulty completing on-time. The City should be cautious about tying itself to entities outside itself.

- p. 6-10 1.1 Use “the” or “a”, incorrect as is. Does this represent a new LOS? If so, what is the basis?
- p. 6-11 1.6 What is the basis of this prohibition?
- p. 6-11 1.9 Is this required by law? Funding required?
- p. 6-12 Objective 2: Is this done currently (100%)? If new, what is the basis for it?
- p. 6-14 Objective 3: Is this an existing deadline (2035)? If new, what is the basis?
- p. 6-15 3.1 to 3.5 Council should decide any new requirements, especially 3.5, which appears to make STEP (currently voluntary) mandatory.  
Objective 4 and Policies: “The City shall complete . . .” is a heavy-handed dictate. Council to decide.
- p. 6-16 1.1 Is this the current LOS standard? If new, state the basis. Funding requirements?
- p. 6-17 Objective 2 and Policies: Is this the current standard? If new, state the basis. Funding requirements?
- p. 6-18 Objective 3 and Policies: “The City shall complete . . .” is a heavy-handed dictate. Council to decide.
- p. 6-21 Objective 2 and Policies: Why was this added? What is the current status/trend? Is this potentially an unfunded mandate?

## **Chapter 7 Recreation**

GOAL: Crossed-out version fine as is. New version “will be provided” implies something beyond that which already is established and maintained.

- p. 7-1 1.2 The City’s first responsibility is to City residents. How many City residents are transported to City parks and recreation sites by GoLine?
- p. 7-2 2.1 State how new interlocal and license agreements would benefit City residents.
- p. 7-2 2.4 What authority over and responsibility for facilities/services at school sites would the City have?
- p. 7-2 2.7 Application for grants to be decided by City Council.
- p. 7-2 2.8 Fees: Council to decide when to evaluate and what is “equitable”.
- p. 7-3 3-4 Funds required? What is the basis of this “development” of Riverside Park?
- p. 7-4 3-5 Funds required? Is there an expressed demand for “bicycle and pedestrian trails”?
- p. 7-4 Objective 4 and Policies: Are there existing standards? If so, are they enforced currently? How? Any changes made “in perpetuity” should come before Council (4.1).
- p. 7-4 5.1 Why was “private” removed?
- p. 7-5 5.2 Applications for grants to be decided by City Council.
- p. 7.5 5.3 Delete. Unfunded mandate. Council to decide.
- p. 7.5 5.4 Delete. Separate matter to be considered by Council as stated previously.

## **Chapter 8 Conservation**

p. 8-1 GOAL : Use the crossed-out goal.

The Conservation GOAL should NEVER be changed from “To conserve, protect, and manage . . .” to “Reasonable growth and development will be accomplished . . .”

By definition, the GOAL of conservation should be “To conserve . . .”

This is a blatant, heavy-handed threat to the unique character of our City as it exists today.

- p. 8-1 Objective 1 and Policies: Are these changes required by law? If so, provide the laws.

- p. 8-2 1.4 Does the City have the legal authority and remedies required to reduce “vehicular emissions”? Provide the Tree Protection Ordinance. Is it currently enforced? How? What evidence exists proving the need for the multiple new bicycle rack/path requirements herein?
- p. 8-4 2.8 How is the Ordinance to be enforced? What legal remedies exist?
- p. 8.4 2.9 and 2.10 What is the benefit of tying ourselves to quasi-governmental agencies? What are we gaining in return for diminishment of our home rule? Are there any legal liabilities? Potential for unfunded mandates?
- p. 8-6 3.11 and 3.12 State any funding required.
- p. 8-11 5.3 Please explain what conditions necessitate “the removal of any healthy protected trees or palms”.
- p. 8-11 5.4 Who controls the Tree Replacement Fund? How is it funded?
- p. 8-16 8.1 Who issues “a development permit”? How is it regulated?
- p. 8-17 9.2 What is the purpose of “clustering of density” on “environmentally sensitive lands”?

## **Chapter 9 Intergovernmental Coordination**

- p. 9-1 GOAL and Objective 1 : Unacceptable as explained in detail on p. 1 of this Review (See “Threat to Home Rule”). Crossed-out version of goal was fine. Crossed-out version of objective was fine (just delete reference to 1990).
- p. 9.3 1.1 Delete. This represents abdication of home rule and submission of our authority to quasi-governmental agency. See p. 1 of this Review regarding why the City must NOT blindly “ensure consistency” with County and other governmental agencies.
- p. 9-3 1.3 No. The Council can decide when and if the need arises. Do not tie us to the Treasure Coast Regional Planning Council at this time.
- p. 9-3 1.6 MPO programs should not receive blanket approval by this Council. The City’s needs are woefully underfunded by this organization at this time. I am working to change the City’s undeservedly low status.
- p. 9-3 1.7 To be decided by Council.
- p. 9-3 1.8 No. Danger of unfunded mandate. Thus far, the City’s experience with “Tourist Tax” dollars has been abysmal though I actively am pursuing change in this regard.
- p. 9-6 Objective 4 and Policies: What is the basis for this? What specific legal authority and remedies does the City have with regard to the School Board concerns listed here? Any funding requirements?

## **Chapter 10 Capital Improvement**

- p. 10-1 Objective 1 and Policies: Capital expenditures are a decision of Council not a dictate of this Plan.
- p. 10-2 1.3 and 1.4 Plans, including future amendments, for entities outside the City should not be adopted as part of this Plan. Such plans may be considered each on its own merit. The City always should be cautious in tying itself to entities outside itself.
- p. 10-2 1.5 The Council should decide financial matters such as this one.
- p. 10-4 Objective 3 and Policies: The Council reserves the right to make all decisions regarding impact fees, millage rates, and sources of revenue. These are financial matters that should NOT be dictated by this Plan.
- p. 10-5 Objective 4 and Policies: The Council reserves the right to make all decisions regarding funding of capital projects. These are financial matters that should NOT be dictated by this Plan.
- p. 10-6 Objective 5 LOS Standards: Are any of these standards new or revised? If so, please explain.

p. 10-8 5.3 Has the City signed the “Indian River County Interlocal for Coordinated Planning and School Concurrency” agreement cited herein? Please provide.

p. 10-10 5.10 Please provide the relevant portion of the County’s Comprehensive Plan.

In closing, the rewritten Element Goals (cited hereinbelow) portend a dark tale. We cannot worship at the feet of “Growth and Development” and maintain our quality of life as we now know it.

For those who have not read the rewritten Plan, I shall quote the first words of the following rewritten Element Goals:

p. 2-1 Chapter 2 Land Use Goal: **“Growth and development . . .”**

p. 5-1 Chapter 5 Coastal Management Goal: **“Growth and development . . .”**

p. 8-1 Chapter 8 Conservation Goal: **“Reasonable growth and development . . .”**

As it stands now, this Plan does NOT have my support.

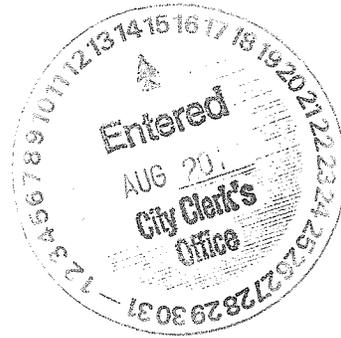
I am reviewing the Technical Document as well.

Laura Moss  
Mayor, City of Vero Beach

4)

Comprehensive Plan Evaluation

08/11/2017



Re: Items of Concern and Importance

Mr. O'Connor,

As you know, Council was asked to provide you with what changes we feel might be necessary to the language within the Comprehensive Plan. Also, we were asked to provide you with the issues that we would like to see made a priority so that changes to the Comprehensive Plan can be made as needed to move forward.

I personally feel a lot of time was spent on the language of this plan and I have full faith and confidence that, after a review by our Planning and Zoning Board, Tim McGarry and his department have created a document that meets the standards and needs which we expect. I have no interest in changing the language unless it is necessary to facilitate action on specific issues I will mention below.

Items of concern and importance:

1) Parking.

Ocean Drive (Beachside) and 14<sup>th</sup> Ave. (Downtown) have begun to have severe parking issues, especially during the winter months. This problem has become worse with certain business activity and the increase in the tourism popularity of Vero Beach as a whole. This is not the time or the place to make suggestions, while there are several. We must do what is necessary to come up with a full or partial solution to this issue. As a side note, I'd like the shared parking agreements that have been made in the past come to a complete end.

2) Land Use.

There has been a tremendous effort made by many to create a "Cultural Arts Village/ District" within the Edgewood neighborhood and Downtown areas. These citizens have worked very diligently to conceive and create a congruency for the purposes of bettering their lives, homes, businesses, and the overall enjoyment of locals and tourist who visit these areas. It's time we make the necessary land use changes to facilitate their efforts.

3) Traffic Calming.

There have been concerns about safety in the 14<sup>th</sup> Ave., Route 60 (Twin Pairs) area. With the increase in popularity of the downtown area, and several events being held there monthly, making that area as safe as possible, for pedestrians and bicyclist, is imperative. I said earlier that I want make suggestions at this time, though I have a few. What I want to be clear about, however, is the way in which this is done. The population of the county is growing west of Downtown. Many tax dollars were spent and studies performed prior to making Rt. 60 what it is today. It serves as an evacuation route and it keeps excess traffic out of surrounding

neighborhoods. Do I like what Rt. 60 has become? NO. However, change was needed and the solution is what you see today. No narrowing or roundabouts should be created. There are other ways to go about doing this.

4) Infrastructure.

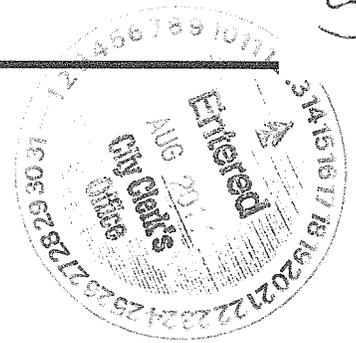
There is always a need to meet the needs of our infrastructure as the wear and tear of the elements and time take a toll. We should continue to make our best efforts to maintain and upgrade our infrastructure when necessary. Some of this has tied into the storm water management which then ties into an argument about the lagoon. We must do what we can to keep our infrastructure in safe, working, order.

Best regards,

Harry Howle

**Bursick, Tammy**

**From:** Dick Winger [dickwinger@bellsouth.net]  
**Sent:** Friday, August 11, 2017 5:44 PM  
**To:** O'Connor, Jim  
**Cc:** Bursick, Tammy  
**Subject:** Comp Plan Home Work Requested at City Council  
**Attachments:** Tourist Tax Highlights June 2017.pdf



<<...>> Jim,

I have divided this up into major and minor concerns, using both the Technical Document and Policy Document.

While I would like to address all the issues below we have a responsibility under Home Rule to really practice Home

Rule and that means to me the Comprehensive Plan first draft must go to the state in September. If the major issues are addressed, I am ready to vote to send it. That is especially true to enable to *Art's Village* to move ahead.

I also believe that Mr. McGarry and Planning and Zoning have done an excellent job, and while this document is

not perfect, I am ready to vote to send it on as required by State Law.

**Major Concerns** (If it would be easier for someone, by book has tabs for each comment below which would make cross referencing easier. – Glad to lend it.)

### **Technical Document - None**

### **Policy Document**

1. Be sure Mixed Use does not mean unintended higher density in or near residential neighborhoods. As an

example is 2-33 10.2 as relates to Miracle Mile is it really what we want? Perhaps?

2. Have an Objective for Zoning/Parking for the Ocean Drive/Cardinal corridor. The Overlay missed this

zone and depending on the Overlay only. For this zone is an omission that need be fixed. I think Mr.

McGarry agrees.

As an aside, quite frankly the only real solution is more public parking and to do that we need money. An opinion only, the Bed Tax in one way or another should provide some or all of this

funding, whether by reallocation or an increase in the tax. Much of the parking issue is caused by

the very hotels that assess visitors this tax. What is the point of paying the Chamber to attract

visitors, or the County to have recreation, and all the other allocations without parking once people get here?

Serving the visitors where they visit should come first. That includes the necessary employees

a the hotels must have to serve the visitors. Whether it is parking like Stuart, restriping streets, building

garage, or funding a shuttle, everything takes annual money in the hundreds of thousand dollars.

We can talk all we want about time limits, tickets, etc., but none of that makes more parking

spaces and more spaces won't occur without funding. The bed tax should be providing funding.

3. Twin Pairs – difference in view on this. It should be resolved, by vote if necessary.

4. Special Magistrate – 5.2 4-71 – I can live with it either way but prefer a Special Magistrate but we should decide.

## Minor Concerns

### Technical Document

1. Roads 3-18. We have a major budget shortfall.
2. Stormwater 6-12 and 10-17 We have a major budget shortfall.
3. Error – “The *County* generates 52% of the bed tax - Should be *City*”

### Policy Document

1. Table on 2-5. I am OK with it except I don't like the “Up to 21 dwelling units.” Too dense for me.
2. 2-12 Old 2-3 deleted :”Land use designations shall be used to limit future strip commercial development along roadway thoroughfares.” It says it is elsewhere but frankly I would rather just retain the old 2-3.
3. 2-17 Old 3.8e Old “Floor area ratios (FAR) to limit....which fits the low density character of Vero Beach.” I would prefer to keep this.
4. 2-20 old 6.3 and old 6.6 – talks about uninhabited islands. There may be none that are not otherwise protected but I live opposite one. Not sure it should be eliminated. Old 6.6 talks about bridgeheads. Again we had this problem in my neighborhood.

5. 2-34 12.2 a – the boundaries of the Cultural Arts Village should be more specific (not shall generally follow).
6. 2-37 Point 13.7 – To the list need be a statement on the responsibility for the Lagoon.
7. Dunes – 3.1 5-9 A&B deleted and not sure why.
8. Septic Tanks – 3.1H – Not sure why the statement is not retained to keep septic tanks as far landward as possible.
9. Natural resources 5.3 5-14 – Not sure why the statement on densities is not retained.
10. Elimination of monitoring seagrass decline 11.5 5-23 Think we should have a program in some form and it should not be eliminated.
11. Water conservation – says moved but could not find it. Objective 4 6-18
12. Seasonality in recreation levels of service 3.4 7-3 - Not sure why eliminated.
13. 13 Set-Back enforcement 1.4.1 8-2 Not sure why eliminated
14. Shoreline buffer – Criteria 8-3 - Not sure why A. B. C. and D. are eliminated
15. Manatees Signs – 6.6 .2A – 8-14 – Not sure why eliminated
16. Islands lot size 9.4 e. 8-19 Where do we have unbuilt upon barrier islands or is this for Cache Cay or Rio Mar Bay?

*Dick*

Tammy, pls pass to CC.

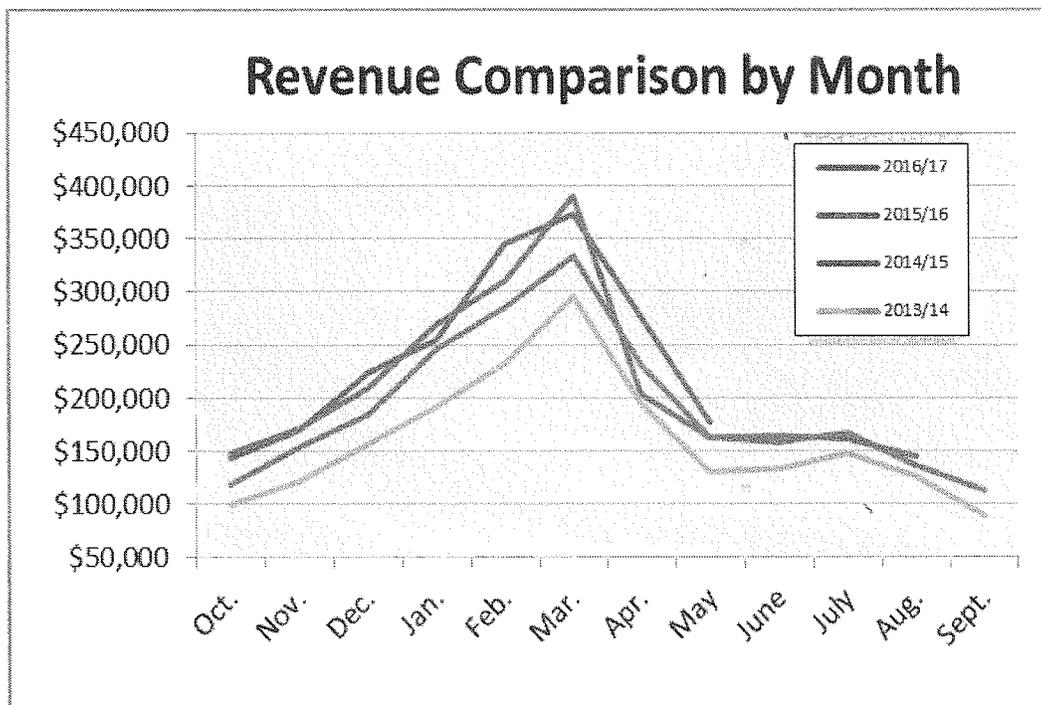


## Tourist Tax Report Highlights June 2017

### Key Indicators

	May 2016	May 2017	Inc. (Dec.)%	YTD May 2016	YTD May 2017	Inc. (Dec.)%
<b>Tourist Tax</b>	\$162,752	\$177,678	↑ 9.2%	\$1,864,318	\$1,966,643	↑ 5.5%

- Tourist Tax figures are shown for the month in which they were collected.
- Tourist Taxes are up \$14,925 or 9.2% for the month, and up \$102,326 or 5.5% for the year.
- Tourist Taxes are exceeding budgeted figures by \$135,156 or 7.4% for the year.



**Tourist Tax**

Revenue History by Month  
FY 2016/2017

Revenues	FY 2008/2009 Actual	FY 2009/2010 Actual	FY 2010/2011 Actual	FY 2011/2012 Actual	FY 2012/2013 Actual	FY 2013/2014 Actual	FY 2014/2015 Actual	FY 2015/2016 Actual	FY 2016/2017 Budget	FY 2016/2017 Actual
October	\$ 68,825.40	\$ 67,380.55	\$ 77,149.04	\$ 82,934.09	\$ 96,961.87	\$ 100,055.95	\$ 118,090.33	\$ 148,107.76	\$ 123,869.56	\$ 143,798.11
November	\$ 89,438.23	\$ 74,396.70	\$ 88,176.12	\$ 96,897.79	\$ 103,215.32	\$ 121,911.05	\$ 153,760.13	\$ 171,767.14	\$ 145,219.54	\$ 170,527.58
December	\$ 105,859.87	\$ 88,764.49	\$ 103,686.14	\$ 143,039.80	\$ 146,714.95	\$ 157,254.85	\$ 184,018.33	\$ 209,446.66	\$ 180,855.65	\$ 224,358.51
January	\$ 155,326.57	\$ 159,755.96	\$ 125,630.00	\$ 156,572.85	\$ 165,848.32	\$ 191,347.79	\$ 246,184.85	\$ 269,598.76	\$ 270,166.11	\$ 255,255.69
February	\$ 158,214.09	\$ 163,597.70	\$ 201,599.76	\$ 201,316.10	\$ 211,885.48	\$ 232,140.03	\$ 285,497.85	\$ 309,417.30	\$ 322,055.62	\$ 345,214.78
March	\$ 199,262.37	\$ 209,213.69	\$ 209,808.72	\$ 267,951.76	\$ 284,456.04	\$ 294,834.86	\$ 333,003.76	\$ 390,173.80	\$ 376,298.02	\$ 372,787.70
April	\$ 112,401.60	\$ 124,318.21	\$ 144,064.17	\$ 168,305.40	\$ 160,835.01	\$ 194,297.98	\$ 230,618.03	\$ 203,053.82	\$ 241,607.73	\$ 277,023.40
May	\$ 85,301.95	\$ 88,522.49	\$ 108,974.41	\$ 100,924.91	\$ 116,183.38	\$ 130,244.04	\$ 162,212.99	\$ 162,752.42	\$ 171,415.34	\$ 177,677.68
June	\$ 94,744.05	\$ 85,468.52	\$ 99,544.91	\$ 100,243.91	\$ 131,744.15	\$ 133,017.79	\$ 158,827.09	\$ 163,750.40	\$ 159,764.40	\$ -
July	\$ 87,915.86	\$ 99,057.53	\$ 126,972.68	\$ 126,841.56	\$ 135,549.50	\$ 148,576.75	\$ 166,445.54	\$ 161,590.46	\$ 168,014.63	\$ -
August	\$ 77,442.20	\$ 93,166.82	\$ 83,399.99	\$ 95,602.41	\$ 109,724.55	\$ 125,652.73	\$ 135,706.23	\$ 144,306.74	\$ 141,284.89	\$ -
September	\$ 67,458.09	\$ 79,636.03	\$ 74,479.86	\$ 69,253.75	\$ 83,904.51	\$ 89,458.04	\$ 112,899.75	\$ 86,360.33	\$ 112,781.50	\$ -
<b>Total Fiscal Year</b>	<b>\$ 1,302,190.28</b>	<b>\$ 1,333,280.69</b>	<b>\$ 1,443,485.80</b>	<b>\$ 1,609,884.13</b>	<b>\$ 1,747,023.08</b>	<b>\$ 1,918,791.86</b>	<b>\$ 2,287,264.88</b>	<b>\$ 2,420,325.60</b>	<b>\$ 2,413,333.00</b>	<b>\$ 1,966,643.44</b>

## Tourist Tax

Comparison of Current vs. Prior Year  
FY 2016/2017

Month	FY 2015/2016 Actual	FY 2016/2017 Actual	Difference	% Difference
October	\$ 148,107.76	\$ 143,798.11	\$ (4,309.65)	-2.91%
November	\$ 171,767.14	\$ 170,527.58	\$ (1,239.56)	-0.72%
December	\$ 209,446.66	\$ 224,358.51	\$ 14,911.85	7.12%
January	\$ 269,598.76	\$ 255,255.69	\$ (14,343.07)	-5.32%
February	\$ 309,417.30	\$ 345,214.78	\$ 35,797.48	11.57%
March	\$ 390,173.80	\$ 372,787.70	\$ (17,386.10)	-4.46%
April	\$ 203,053.82	\$ 277,023.40	\$ 73,969.58	36.43%
May	\$ 162,752.42	\$ 177,677.68	\$ 14,925.26	9.17%
June	\$ 163,750.40	\$ -	\$ (163,750.40)	-100.00%
July	\$ 161,590.46	\$ -	\$ (161,590.46)	-100.00%
August	\$ 144,306.74	\$ -	\$ (144,306.74)	-100.00%
September	\$ 86,360.33	\$ -	\$ (86,360.33)	-100.00%
Annual Total	\$ 2,420,325.60	\$ 1,966,643.44	\$ (453,682.16)	-18.74%
Year-to-Date Total	\$ 1,864,317.66	\$ 1,966,643.44	\$ 102,325.78	5.49%

## Tourist Tax

Comparison of Budget vs. Actual

FY 2016/2017

Month	FY 2016/2017 Budget	FY 2016/2017 Actual	Difference	% Difference
October	\$ 123,869.56	\$ 143,798.11	\$ 19,928.55	16.09%
November	\$ 145,219.54	\$ 170,527.58	\$ 25,308.04	17.43%
December	\$ 180,855.65	\$ 224,358.51	\$ 43,502.86	24.05%
January	\$ 270,166.11	\$ 255,255.69	\$ (14,910.42)	-5.52%
February	\$ 322,055.62	\$ 345,214.78	\$ 23,159.15	7.19%
March	\$ 376,298.02	\$ 372,787.70	\$ (3,510.32)	-0.93%
April	\$ 241,607.73	\$ 277,023.40	\$ 35,415.67	14.66%
May	\$ 171,415.34	\$ 177,677.68	\$ 6,262.34	3.65%
June	\$ 159,764.40	\$ -	\$ (159,764.40)	-100.00%
July	\$ 168,014.63	\$ -	\$ (168,014.63)	-100.00%
August	\$ 141,284.89	\$ -	\$ (141,284.89)	-100.00%
September	\$ 112,781.50	\$ -	\$ (112,781.50)	-100.00%
Annual Total	\$ 2,413,333.00	\$ 1,966,643.44	\$ (446,689.56)	-18.51%
Year-to-Date Total	\$ 1,831,487.58	\$ 1,966,643.44	\$ 135,155.86	7.38%

**TOURIST TAX  
FUND 119  
REVENUES AND EXPENSES**

<u>REVENUE:</u>	TOTAL ACTUALS 2014/15	TOTAL ACTUALS 2015/16	ANNUAL BUDGET 2016/17	QUARTER 1 ACTUAL 10/1/16 -12/31/16	QUARTER 2 ACTUAL 1/1/17 - 3/31/17	QUARTER 3 ACTUAL 4/1/17 - 6/30/17	TOTAL ACTUALS 2016/17
DISTRICT I - VERO BEACH	\$488,509	\$508,620	\$525,000	\$51,939.47	\$127,532.93	\$184,206.55	\$363,678.95
DISTRICT II - I R COUNTY	\$361,654	\$403,939	380,000	43,949.49	\$122,343.69	\$258,987.85	425,281.03
INTEREST EARNINGS	\$1,525	\$2,513	1,000		\$1,049.12	\$1,196.84	2,245.96
INTEREST-MARKET ADJUSTMENT		\$188		(495.05)	(\$1.02)	(\$304.17)	(800.24)
REFUND PRIOR YEAR EXPENSE	\$0	\$0					0.00
LESS 5% ESTIMATED RECEIPTS	\$0	\$0	(45,300)				0.00
SUB-TOTAL	\$851,688	\$915,260	860,700	\$95,393.91	\$250,924.72	\$444,087.07	\$790,405.70
CASH FORWARD - OCTOBER 1	\$0	\$0	7,500				0.00
<b>TOTAL REVENUES</b>	<b>\$851,688</b>	<b>\$915,260</b>	<b>\$868,200</b>	<b>\$95,393.91</b>	<b>\$250,924.72</b>	<b>\$444,087.07</b>	<b>\$790,405.70</b>
<b>EXPENDITURES:</b>							
<i>DISTRICT I:</i>							
CHAMBER OF COMMERCE	\$300,005	\$471,810	\$500,153	\$42,861.41	\$185,374.96	\$138,416.71	\$366,653.08
VERO HERITAGE, INC.	\$11,681	\$11,609	13,000	0.00	0.00	0.00	0.00
TOTAL DISTRICT I	\$311,686	\$483,419	\$513,153	\$42,861.41	\$185,374.96	\$138,416.71	\$366,653.08
<i>DISTRICT II:</i>							
CULTURAL COUNCIL OF IRC	\$60,000	\$60,000	60,000	10,589.80	15,796.70	11,134.19	37,520.69
I.R. HISTORICAL SOCIETY	\$20,000	\$20,000	20,000	2,563.90	10,140.61	4,743.75	17,448.26
TREASURE COAST SPORTS COMM.	\$150,400	\$151,534	188,000	15,206.00	17,956.50	35,636.00	68,798.50
FLORIDA ARCHERY FOUNDATION	\$0	\$0	5,000			2,551.74	2,551.74
DODGERTOWN MAINTENANCE	\$132,124	\$78,063	75,000	445.00	5,421.83	21,060.62	26,927.45
OTHER PROFESSIONAL SERVICES	\$0	\$0					0.00
RESERVE FOR CONTINGENCY	\$0	\$0	7,047				0.00
TOTAL DISTRICT II	\$491,097	\$309,596	\$355,047	\$28,804.70	\$49,315.64	\$75,126.30	\$153,246.64
<b>TOTAL EXPENDITURES</b>	<b>\$802,784</b>	<b>\$793,015</b>	<b>\$868,200</b>	<b>\$71,666.11</b>	<b>\$234,690.60</b>	<b>\$213,543.01</b>	<b>\$519,899.72</b>
<b>EXCESS OF INCOME or (EXPENSE)</b>	<b>\$48,904</b>	<b>\$122,245</b>	<b>\$0</b>	<b>\$23,727.80</b>	<b>\$16,234.12</b>	<b>\$230,544.06</b>	<b>\$270,505.98</b>

**TOURIST TAX - BEACH RESTORATION  
FUND 128  
REVENUES AND EXPENSES**

	TOTAL ACTUALS 2014/15	TOTAL ACTUALS 2015/16	ANNUAL BUDGET 2016/17	QUARTER 1 ACTUAL 10/1/16 - 12/31/16	QUARTER 2 ACTUAL 1/1/17 - 3/31/17	QUARTER 3 ACTUAL 4/1/17 - 6/30/17	TOTAL ACTUALS 2016/17
<b>REVENUE:</b>							
DISTRICT I - VERO BEACH	\$488,509	\$508,620	\$525,000	\$51,939.47	\$127,532.92	\$184,206.53	\$363,678.92
DISTRICT II - I R COUNTY	361,654	403,939	380,000	43,949.47	122,343.68	258,987.84	425,280.99
STATE/FEDERAL GRANTS	5,471,323	1,843,587	900,000			142,883.41	142,883.41
CONTRIBUTIONS & DONATIONS	0	5,469		557.00	150.00	158.00	865.00
INTEREST EARNINGS	22,097	52,575	10,000		21,318.92	19,045.14	40,364.06
INTEREST-MARKET ADJUSTMENT		3,853		(10,124.60)	(20.32)	(4,449.18)	(14,594.10)
REIMBURSEMENTS	0	0					0.00
OTHER MISC. REVENUE	1,650	0	0				0.00
LESS 5% ESTIMATED RECEIPTS	0	0	(45,750)				0.00
CASH FORWARD	0	0	1,231,038				0.00
TRANSFER IN	118,235	123,947	117,554	29,390.00	29,388.00	29,388.00	88,166.00
<b>TOTAL REVENUE</b>	<b>\$6,463,468</b>	<b>\$2,941,991</b>	<b>\$3,117,842</b>	<b>\$115,711.34</b>	<b>\$300,713.20</b>	<b>\$630,219.74</b>	<b>\$1,046,644.28</b>
<b>EXPENDITURES:</b>							
SALARIES	\$111,106	\$118,980	\$124,300	\$30,945.93	27,832.14	32,730.12	\$91,508.19
BENEFITS	32,258	35,818	38,468	9,385.43	9,203.61	9,689.06	28,278.10
OPERATING EXPENSES	17,645	32,130	40,522	9,745.23	5,815.21	8,116.33	23,676.77
ENGINEERING SERVICES	0	0					0.00
OTHER PROFESSIONAL SERVICES	77,454	123,320	305,000		40,046.60	51,666.98	91,713.58
BEACH PRESERVATION PLAN UPDATE	19,024	0					0.00
OTHER IMPROVEMENTS EXCEPT BUILDINGS	0	0					0.00
OFFSHORE REEF	0	0					0.00
DUNE RESTORATION	0	0					0.00
BAYTREE & MARBRISA	0	0					0.00
MITIGATION REEF	0	0					0.00
BEACH SURVEY SERVICES	0	0					0.00
BEACH PRESERVATION	0	0					0.00
AMBERSAND BEACH RESTORATION	0	0					0.00
SECTOR 3 BEACH RESTORATION	3,489,183	0					0.00
SECTOR 3 MITIGATION REEF PROJECT	0	0	1,800,000				0.00
SECTOR 3 POST CONSTRUCTION MONITORIN	383,343	427,440	475,000	56,247.15	65,384.43	76,547.61	198,179.19
SECTOR 5 BEACH RENOURISHMENT	0	3,225					0.00
SECTOR 7 BEACH MONITORING	0	0	30,000				0.00
SECTOR 7 BEACH PRESERVATION	0	6,600					0.00
SECTORS 1&2 MOINTORING	0	0					0.00
SECTORS 1&2 RENOURISHMENT	0	0					0.00
HURRICANE MATTHEW RELATED EXPENSES	0	0	253,052	31,589.96	211,639.65	7,967.60	251,197.21
JUNGLE TRAIL SHORELINE STABILIZATION	0	0					0.00
SEA TURTLE HABITAT IMPROVEMENTS	0	0					0.00
ARTIFICIAL REEF	62,988	0	45,000			77.59	77.59
JOHNS ISLAND DUNE RESTORATION	0	0					0.00
FUND TRANSFER OUT	0	0					0.00
EQUIPMENT	5,905	26,425	6,500		6,284.39		6,284.39
RESERVE FOR CONTINGENCY	\$0	\$0	0				0.00
<b>TOTAL EXPENDITURES</b>	<b>\$4,198,907</b>	<b>\$773,937</b>	<b>\$3,117,842</b>	<b>\$137,913.70</b>	<b>\$366,206.03</b>	<b>186,795.29</b>	<b>\$690,915.02</b>
<b>EXCESS OF INCOME or (EXPENSE)</b>	<b>\$2,264,561</b>	<b>\$2,168,054</b>	<b>\$0</b>	<b>(\$22,202.36)</b>	<b>(65,492.83)</b>	<b>443,424.45</b>	<b>\$355,729.26</b>

**SPRING TRAINING FACILITY  
FUND 204  
REVENUES AND EXPENSES**

	TOTAL ACTUALS 2014/15	TOTAL ACTUALS 2015/16	ANNUAL BUDGET 2016/17	QUARTER 1 ACTUAL 10/1/16 -12/31/16	QUARTER 2 ACTUAL 1/1/17 - 3/31/17	QUARTER 3 ACTUAL 4/1/17 - 6/30/17	TOTAL ACTUALS 2016/17
<b>REVENUE:</b>							
TOURIST TAX (1%)	\$566,775	\$608,373	\$603,333	\$63,925.97	\$166,584.41	\$295,462.92	\$525,973.30
HALF CENT SALES TAX	0	0					0.00
OTHER GENERAL GOVERNMENT	500,004	500,004	500,000	125,001.00	125,001.00	125,001.00	375,003.00
INTEREST EARNINGS	8,642	11,027			5,125.45	4,177.77	9,303.22
INTEREST-MARKET ADJUSTMENT	0	741		(2,283.30)	(5.11)	(975.62)	(3,264.03)
LESS 5% ESTMATED RECEIPTS	0	0	(55,167)				0.00
CASH FORWARD OCT 1	\$0	\$0					0.00
<b>TOTAL REVENUE</b>	<b>\$1,075,421</b>	<b>\$1,120,144</b>	<b>\$1,048,166</b>	<b>\$186,643.67</b>	<b>\$296,705.75</b>	<b>\$423,666.07</b>	<b>\$907,015.49</b>
<b>EXPENDITURES:</b>							
PRINCIPAL - DEBT SERVICE	\$470,000	\$495,000	\$520,000	\$0.00	\$0.00	\$520,000.00	\$520,000.00
INTEREST - DEBT SERVICE	382,375	357,044	344,050	0.00	0.00	172,025.00	172,025.00
OTHER DEBT SERVICE COSTS	0	0	123,950	0.00	0.00	0.00	0.00
RESERVE FOR DEBT SERVICE	0	0	60,166	0.00	0.00	0.00	0.00
<b>TOTAL EXPENDITURES</b>	<b>\$852,375</b>	<b>\$852,044</b>	<b>\$1,048,166</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$692,025.00</b>	<b>\$692,025.00</b>
<b>EXCESS OF INCOME or (EXPENSE)</b>	<b>\$223,046</b>	<b>\$268,100</b>	<b>\$0</b>	<b>\$186,643.67</b>	<b>\$296,705.75</b>	<b>(\$268,358.93)</b>	<b>\$214,990.49</b>

## Bursick, Tammy

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**From:** Dick Winger [dickwinger@bellsouth.net]  
**Sent:** Monday, August 14, 2017 6:14 PM  
**To:** sisustarfish@aol.com  
**Cc:** Bursick, Tammy; McGarry, Tim  
**Subject:** RE: Answer Re: Comp Plan Home Work Requested at City Council

Yes – point is it need be a firm objective to fix the issue, not just :work With”. I see it as the City’s responsibility to fix. Others helping is great, But that won’t do it alone

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**From:** sisustarfish@aol.com [mailto:sisustarfish@aol.com]  
**Sent:** Monday, August 14, 2017 6:06 PM  
**To:** dickwinger@bellsouth.net  
**Cc:** TVock@covb.org; TMcGarry@covb.org  
**Subject:** Re: Answer Re: Comp Plan Home Work Requested at City Council

Dick,

Do you want to include your suggestions as options in the document? I refer this to Tim's expertise.

Honey  
=

-----Original Message-----

**From:** Dick Winger <dickwinger@bellsouth.net>  
**To:** sisustarfish <sisustarfish@aol.com>  
**Cc:** 'Vock, Tammy' <TVock@covb.org>; 'McGarry, Tim' <TMcGarry@covb.org>  
**Sent:** Mon, Aug 14, 2017 5:23 pm  
**Subject:** RE: Answer Re: Comp Plan Home Work Requested at City Council

Honey,

I want a SPECIFIC section UNDER 2, Under Objective 8, Cardinal Drive/Ocean Drive Commercial District Policies

8.5 “The City will work to resolve the parking issues and the zoning issues which contribute to that parking issue. This will require many more parking spaces available to the public through a mixture of:

- Zoning such that a business is responsible to provide for the parking of it’s employees and a hotel for all their guests.
- Shared parking between businesses to fully utilize private parking behind buildings.
- Potential remote parking and shuttles, particularly for employees.
- Providing more public parking, whether by realigning current parking from curb to center street or other strategies.
- Potential using center street parking the eastern 2 blocks of Beachland.
- Building additional parking, whether surface or structure.
- More modern police monitoring and enforcement such as electronic tagging. This will require funding, which should be a public/private effort but should involve the City having an annual six figure revenue source to resolve this issue.

The City has to lead this effort. You know my opinion on the proper use

of a portion of the bed tax.

Dick

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**From:** [sisustarfish@aol.com](mailto:sisustarfish@aol.com) [mailto:[sisustarfish@aol.com](mailto:sisustarfish@aol.com)]  
**Sent:** Monday, August 14, 2017 3:35 PM  
**To:** [dickwinger@bellsouth.net](mailto:dickwinger@bellsouth.net)  
**Subject:** Re: Answer Re: Comp Plan Home Work Requested at City Council

specifically - what policy do you want?

=

-----Original Message-----

From: Dick Winger <[dickwinger@bellsouth.net](mailto:dickwinger@bellsouth.net)>  
To: [sisustarfish <sisustarfish@aol.com>](mailto:sisustarfish@aol.com)  
Sent: Mon, Aug 14, 2017 3:11 pm  
Subject: RE: Answer Re: Comp Plan Home Work Requested at City Council

Honey,

No, I would want more.

Dick

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**From:** [sisustarfish@aol.com](mailto:sisustarfish@aol.com) [mailto:[sisustarfish@aol.com](mailto:sisustarfish@aol.com)]  
**Sent:** Monday, August 14, 2017 2:59 PM  
**To:** [dickwinger@bellsouth.net](mailto:dickwinger@bellsouth.net)  
**Subject:** Re: Answer Re: Comp Plan Home Work Requested at City Council

Dick,  
Spoke with Tim. In the Comp Plan as follows:

Chapter 2: Land Use Element

Objective 8: Cardinal Drive/Ocean Drive Commercial District

Policy 8.5 includes ..."addressing parking issues in the commercial district..."

An example of a circular shuttle for employees and visitors was provided but it is only an option.

The policy is introduced "The City shall continue to work with district business groups and business and property owners ..."

Our aim was to not micro-manage this issue and leave all options open.

Seems like this is what you were looking for.

Honey

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**From:** [sisustarfish@aol.com](mailto:sisustarfish@aol.com) [mailto:[sisustarfish@aol.com](mailto:sisustarfish@aol.com)]  
**Sent:** Sunday, August 13, 2017 1:42 PM

**To:** [dickwinger@bellsouth.net](mailto:dickwinger@bellsouth.net)

**Subject:** Answer Re: Comp Plan Home Work Requested at City Council

Dick,

May 8th for your Council Agenda there is back-up for the Comp Plan transmittal. Please refer to page 5.

A new Policy is referenced: "Strong consideration of the need to address parking issues in the Ocean Drive/Cardinal Drive Commercial District".

In the updated Comp Plan it is placed at the Land Use Element, Commercial Districts, Objective 7 with numerous policies stated.

Action comes later, your discretion, after the Comp Plan is formally adopted.

Honey

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**From:** [sisustarfish@aol.com](mailto:sisustarfish@aol.com) [mailto:[sisustarfish@aol.com](mailto:sisustarfish@aol.com)]

**Sent:** Friday, August 11, 2017 6:53 PM

**To:** [dickwinger@bellsouth.net](mailto:dickwinger@bellsouth.net)

**Subject:** Re: Comp Plan Home Work Requested at City Council

Dick,

Your list of concerns is not really a problem.

Yes, the overlay on the beach has a parking problem but that is addressed in the update as something that needs to be addressed (policy) What you do about it comes later and that includes studying the problem, workshops, enacting something, etc.

Twin Pairs needs a solution/calming but you realize State Road 60 will not be funded by the state for years and years and years. They did what they recently and that is about it. When it gets paved and re-stripped some changes can be made but only in that regard. That is the reality. Everything else is a dream.

No densities are changed. There are room counts and dwelling units. Remember counts are included for hotels also.

The special magistrate is for code enforcement, avoids the Tracy Carroll issue. Keeps the integrity of our codes.

A lot of what you point out gets transferred to other elements.

It does get complicated and my suggestion is to meet with Tim and ask him to explain to you.

Honey

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**From:** Dick Winger [mailto:[dickwinger@bellsouth.net](mailto:dickwinger@bellsouth.net)]

**Sent:** Friday, August 11, 2017 5:44 PM

**To:** 'O'Connor, Jim'

**Cc:** 'Bursick, Tammy'

**Subject:** Comp Plan Home Work Requested at City Council

<<...>> Jim,

I have divided this up into major and minor concerns, using both the Technical Document and Policy Document. While I would like to address all the issues below we have a responsibility under Home Rule to really practice Home Rule and that means to me the Comprehensive Plan first draft must go to the state in September. If the major issues are addressed, I am ready to vote to send it. That is especially true to enable to *Art's Village* to move ahead.

I also believe that Mr. McGarry and Planning and Zoning have done an excellent job, and while this document is not perfect, I am ready to vote to send it on as required by State Law.

**Major Concerns** (If it would be easier for someone, by book has tabs for each comment below which would make cross referencing easier. – Glad to lend it.)

### Technical Document - None

### Policy Document

1. Be sure Mixed Use does not mean unintended higher density in or near residential neighborhoods. As an example is 2-33 10.2 as relates to Miracle Mile is it really what we want? Perhaps?
2. Have an Objective for Zoning/Parking for the Ocean Drive/Cardinal corridor. The Overlay missed this zone and depending on the Overlay only. For this zone is an omission that need be fixed. I think Mr McGarry agrees.  
As an aside, quite frankly the only real solution is more public parking and to do that we need money. An opinion only, the Bed Tax in one way or another should provide some or all of this funding, whether by reallocation or an increase in the tax. Much of the parking issue is caused by the very hotels that assess visitors this tax. What is the point of paying the Chamber to attract visitors, or the County to have recreation, and all the other allocations without parking once people get here? Serving the visitors where they visit should come first. That includes the necessary employees the hotels must have to serve the visitors. Whether it is parking like Stuart, restriping streets, building a garage, or funding a shuttle, everything takes annual money in the hundreds of thousand dollars. We can talk all we want about time limits, tickets, etc., but none of that makes more parking spaces and more spaces won't occur without funding. The bed tax should be providing funding.
3. Twin Pairs – difference in view on this. It should be resolved, by vote if necessary.
4. Special Magistrate – 5.2 4-71 – I can live with it either way but prefer a Special Magistrate but we should decide.

### Minor Concerns

#### Technical Document

1. Roads 3-18. We have a major budget shortfall
2. Stormwater 6-12 and 10-17 We have a major budget shortfall.
3. Error – “The County generates 52% of the bed tax - Should be City

#### Policy Document

1. Table on 2-5. I am OK with it except I don't like the “Up to 21 dwelling units.” Too dense for me.
2. 2-12 Old 2-3 deleted :”Land use designations shall be used to limit future strip commercial development along roadway thoroughfares.” It says it is elsewhere but frankly I would rather just retain the old 2-3.
3. 2-17 Old 3.8e Old “Floor area ratios (FAR) to limit....which fits the low density character of Vero Beach.” I would prefer to keep this.
4. 2-20 old 6.3 and old 6.6 – talks about uninhabited islands. There may be none that are not otherwise protected but I live opposite one. Not sure it should be eliminated. Old 6.6 talks about bridgeheads. Again we had this problem in my neighborhood.
5. 2-34 12.2 a – the boundaries of the Cultural Arts Village should be more specific (not shall generally follow).
6. 2-37 Point 13.7 – To the list need be a statement on the responsibility for the Lagoon.
7. Dunes – 3.1 5-9 A&B deleted and not sure why.
8. Septic Tanks – 3.1H – Not sure why the statement is not retained to keep septic as far landward as possible.
9. Natural resources 5.3 5-14 – Not sure why the statement on densities is not retained.
10. Elimination of monitoring seagrass decline 11.5 5-23 Think we should have a program in some form and it should not be eliminated.
11. Water conversation – says moved but could not find it. Objective 4 6-18
12. Seasonality in recreation levels of service 3.4 7-3 - Not sure why eliminated.
13. 13 Set-Back enforcement 1.41 8-2 Not sure why eliminated
14. Shoreline buffer – Criteria 8-3 - Not sure why A. B. C and D. are eliminated
15. Manatees Signs – 6.6 .2A – 8-14 – Not sure why eliminated
16. Islands lot size 9.4 e. 8-19 Where do we have unbuilt upon barrier islands or is this for Cache Cay or Rio Mar Bay?

Dick

Tammy, pls pass to CC.