

The City of Vero Beach is Suing its Citizens

A citizen-led referendum would give voters a voice on development in City parks. A judge will share her opinion at 7:01 p.m. on Nov. 8, after every vote is cast

VERO BEACH, FL, UNITED STATES, October 26, 2022 /EINPresswire.com/ -- Alarmed by the City's plans to triple the size of an existing boat barn in a residential neighborhood, residents of Vero Beach are demonstrating what engaged citizenry is all about. They are speaking at public meetings, organizing to spread the word, and going door-to-door to rally support. They even met independently with Council members and City staff. They are doing this with no expectation of reward, other than the satisfaction that comes from knowing that they have done all they can to preserve the character of their City, and neighborhood.



Citizens Against City of Vero Beach Marina Expansion

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Florence Ann Roberts

Ultimately, however, and without any market or environmental studies to justify their decision, the City ignored the residents' concerns and approved a plan to shoehorn a huge industrial building onto a narrow lot in a quiet, tree-lined neighborhood.

Although concerns about the expansion of the municipal marina have been voiced for years, the sheer size of the new boat barn has re-energized the community, and in April 2022 the [Vero Beach Preservation Alliance](#) (VBPA) was born. While VBPA was formed in reaction to the City's overreach and failure to work with residents, it also recognizes a broader threat to the community and its environment.

The City Marina is located at the narrowest part of the Indian River Lagoon, an estuary of national significance. A documented decline in seagrass threatens the ecosystem and adds to the stresses on the local marine life, including manatees, which continue to forage in the area. More boats would increase the odds of unintended manatee strikes, accidental fuel spills, and

disturbance to other wildlife.

Recognizing the collective impacts of stormwater runoff, pollution, and increased boat traffic on the lagoon, the VBPA began to look for ways to mitigate the harm already done, and to prevent increased damage. At an early Council meeting, VBPA board member Florence Ann Roberts challenged the City's plans. "We should be planting seagrass, not docks, and building oyster beds, not boat sheds."

After the City's June 2022 vote approving a massive boat barn, having exhausted other avenues to be heard, the VBPA initiated a referendum drive to reclaim the citizens' voice. The VBPA realized that, if the City could oversize the boat barn, they could—and likely would—do the same on other City charter properties. In short order, signatures were collected and verified, and the [citizen-led referendum](#) was placed on the November ballot.

But here is where it gets ugly. Joined by pro-growth, developer, and other special interests, the City continued its efforts to wear down citizen resistance. Fear tactics, bullying, and intimidation were on display not only in the backwaters of social media, but in City Hall itself.

Disinformation causing fear and confusion among existing leaseholders on chartered City properties has never been corrected by the City. Proponents of other projects favored by the City have been enlisted to vilify the referendum, falsely claiming that it would stand in the way of future development.

To be clear, the citizens referendum WILL NOT interfere with any existing lease of chartered City property, including the well-loved Dog Park and Rowing Club. Nor will it interfere with the City's own Three Corners project—also on the ballot—if that project is approved by the voters. In fact, these allegations are red herrings, intended to mislead and upset the public.



Manatee Munching on Mangroves in the City of Vero Beach Lagoon



VERO BEACH
Preservation Alliance

VBPA, preserving the health of the environment and the quality of life enjoyed by the people of Vero Beach, Florida.

First Amendment Rights

Shockingly, this has not marked the end of the City's campaign. Ultimately, unwilling to risk a "yes" vote, the City brought suit against the Alliance, along with its principals. Their goal? To invalidate the referendum.

A trial is scheduled for November 4 in neighboring St. Lucie County. Case number 312022CA000632. So now what started as a citizens' protest on the increased size of the boat barn has turned into a serious question of possible violation of the rights of the people, a right protected under the First Amendment of the U.S. Constitution—the right of citizens to petition their government. In a letter to TCPalm, Ruth Sullivan warns, "What happens to our democracy when a judge can decide to disregard "the vote of the people" and throw out the results of an election?"

The City has its coffers—the taxpayers' money—to cover the costs of fighting the citizens' referendum. But what about those engaged citizens who have gone all out to protect their community and environment? They will bear the cost of their concern.

The judge will declare her decision at 7:01 p.m. on election day, after every vote is cast. And no matter the outcome, the votes will be counted. Regardless of the judge's decision, the people's voice will be heard. And this citizens' effort will have proven, once again, that the citizens have a right to petition their government. The citizens have a right to be heard. For the citizens involved, that reward makes it all worthwhile.

We ask:

Why is the City so afraid of the citizens' voice?

Why did the City choose to sue rather than sit down and work with the citizens?

Why did the City fail to do their duty in assisting the citizens in drafting ballot language for the referendum?

Does the City's suit, asking a judge to invalidate the referendum, set into motion a possible violation of First Amendment rights?

Why does the City claim to have "compromised" on size when this new boat barn will be over 30% bigger than the largest one in the "[Marina Master Plan](#)"?

And why did the City schedule their Planning and Zoning meeting—to give the plan the final go-ahead—on November 3, just before election day?

What the referendum will do:

It will add the boat barn to the City's charter-protected properties.

It will add an extra layer of protection from overbuilding to other City charter properties. Citizens will have the right to vote if the City plans to increase structures by greater than 20% or, where none exists, to build a new structure exceeding 500 s.f.

Existing leases will not be impacted.

Florence Ann Roberts

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