



City of Stuart

AGENDA

SPECIAL COMMISSION MEETING OF THE STUART CITY COMMISSION

AUGUST 3, 2026

AT 3:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Sean Reed

Vice Mayor Vacant

Commissioner Eula R. Clarke

Commissioner Laura Giobbi

Commissioner Campbell Rich

ADMINISTRATIVE

City Manager, Michael Giardino

City Attorney, Lee J. Baggett

City Clerk, Mary R. Kindel

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

ORDINANCE FIRST READING

1. BALLFIELDS REFERENDUM (RC):

ORDINANCE No. 2553-2026; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING BALLOT LANGUAGE AND DIRECTING THE SUPERVISOR OF ELECTIONS OF MARTIN COUNTY, FLORIDA, TO PLACE A REFERENDUM ON THE NOVEMBER 3, 2026 GENERAL ELECTION SEEKING VOTER APPROVAL ON A PROPOSED AMENDMENT TO THE CITY CHARTER PERTAINING TO THE SALE OR LEASE OF CITY-OWNED PROPERTY CONTAINING RECREATIONAL BALLFIELDS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE; FOR OTHER PURPOSES.

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 8/3/2026

Prepared by: Lee Baggett

Title of Item:

BALLFIELDS REFERENDUM (RC):

ORDINANCE No. 2553-2026; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING BALLOT LANGUAGE AND DIRECTING THE SUPERVISOR OF ELECTIONS OF MARTIN COUNTY, FLORIDA, TO PLACE A REFERENDUM ON THE NOVEMBER 3, 2026 GENERAL ELECTION SEEKING VOTER APPROVAL ON A PROPOSED AMENDMENT TO THE CITY CHARTER PERTAINING TO THE SALE OR LEASE OF CITY-OWNED PROPERTY CONTAINING RECREATIONAL BALLFIELDS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE; FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Earlier this year, the City Commission instructed City Staff to bring forth an ordinance requiring votes to pre-approve via referendum any sale or long-term lease of city-owned property containing recreational ballfields. On May 11, 2026, the City Staff placed Ordinance No. 2553-2026 on the agenda for the regular City Commission meeting. All motions related to the ordinance failed to move the ordinance to a second reading. At the regular City Commission meeting on May 26, 2026, the City Commission instructed City Staff to bring back the issue for a discussion and deliberation on July 27, 2026. On July 27, 2026, the City Commission formed a consensus on edits to the proposed ballot language and instructed City Staff to return the Ordinance No. 2553-2026 for a first reading.

The proposed ballot language is similar to Section 9.05 of the City Charter which requires a public referendum for the City to convey or lease for more than 10 years any City-owned property along the St. Lucie River or on a tidal creek.

Funding Source:

N/A

Recommended Action:

Move Ordinance 2553-2026 to Second Reading

ATTACHMENTS:

- 1.2553-2026 Ordinance Ballfields Referendum Final
- 2.2553-2026 COS Business Impact Estimate Recreational Ballfields
- 3.Sec._9.04._Procedure_to_close__vacate_or_abandon_public_rights_of_way_giving_direct_access_to_navigable_waters. (1)



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2553-2026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING BALLOT LANGUAGE AND DIRECTING THE SUPERVISOR OF ELECTIONS OF MARTIN COUNTY, FLORIDA, TO PLACE A REFERENDUM ON THE NOVEMBER 3, 2026 GENERAL ELECTION SEEKING VOTER APPROVAL ON A PROPOSED AMENDMENT TO THE CITY CHARTER PERTAINING TO THE SALE OR LEASE OF CITY-OWNED PROPERTY CONTAINING RECREATIONAL BALLFIELDS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE; FOR OTHER PURPOSES.

* * * * *

WHEREAS, pursuant to Section 9.05 of the City of Stuart Charter and Florida Statutes § 166.031, the City Commission may, by ordinance, submit to the electors of the City of Stuart a proposed amendment to the City Charter at the next General Election which is on November 3, 2026; and

WHEREAS, there are two city-owned parks located within the City containing recreational ballfields, Guy Davis Park and Sailfish Ballpark; and

WHEREAS, the City Commission wishes to amend the City Charter to require a public vote via referendum on any sale or long-term lease of City-owned parks containing recreational ballfields; and

WHEREAS, the City Commission believes that it is in the publics' interest that the proposed amendment to the Charter be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The Supervisor of Elections for Martin County is directed to place the following ballot question on the City's General Election to be held on November 3, 2026

STUART CITY CHARTER AMENDMENT

**SALE OR LEASE OF CITY PROPERTY CONTAINING
RECREATIONAL BALLFIELDS MUST BE APPROVED BY
REFERENDUM VOTE**

Shall the City Charter of the City of Stuart, Florida be amended to add the following provision:

The City Commission shall not sell, convey or lease for more than 1 year, including any renewal options, any City-owned real property containing recreational ballfields unless first approved by the voters through a public referendum held under Charter Section 9.04 procedures for vacating public streets or abandoning right-of-way.

_____ **Yes for Approval**

_____ **No for Rejection**

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 4: The provisions of Section 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon its adoption. However, the provisions of Section 1 shall not take effect without the affirmative vote of approval of a majority of the city electors, as provided herein.

PASSED on first reading on this ____ day of ____, 2026.

Commissioner _____ offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

SEAN REED, MAYOR
 CAMPBELL RICH, COMMISSIONER
 EULA R. CLARKE, COMMISSIONER
 LAURA GIOBBI, COMMISSIONER
 VACANT COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2026.

ATTEST:

 MARY R. KINDEL, MMC
 CITY CLERK

 SEAN REED
 MAYOR

APPROVED AS TO FORM
 AND CORRECTNESS:

 LEE J. BAGGETT, ESQ
 CITY ATTORNEY



Business Impact Estimate

Proposed ordinance's title/reference:

Sale or Long Term Lease of City Property Containing Recreational Ballfields must be approved by Referendum Vote

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Stuart is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Stuart hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

The City of Stuart finds that amending the City Charter to include a requirement that the City not sell or lease for more than 10 years any city-owned property containing recreational ballfields unless first approved by voters via a referendum is in the public's best interest.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City including:

- (a) An estimate of direct compliance costs that businesses may reasonably incur.**
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

Staff does not opine that this ordinance would have any direct economic impact on private, for-profit businesses in the City.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful:

The ordinance impacts City-owned property only.

Sec. 9.04. Procedure to close, vacate or abandon public rights-of-way giving direct access to navigable waters.

If any such person or persons petitioning the commission of the city for the closing, vacating or abandoning of public rights-of-way which give direct access to any navigable waters within the city limits of the city do not offer to trade or give to the city comparable land within a reasonable distance of the area affected, the following shall apply:

- a. After giving thirty (30) days' notice thereof by publication once a week for three (3) consecutive weeks in a newspaper published in said city, such publications being at least seven (7) days apart, the question of whether the road shall be closed shall be submitted to the qualified electors of city.
- b. A special election may be held at the same time and may be conducted by the same election officials as any scheduled election.
- c. If a special election is called the person or persons requesting the change shall advance to the city the cost of said election.

(Ord. No. 2231-2011, § 1(Exh. A), 7-11-2011)

Sec. 9.05. Long term lease or conveyance of waterfront property; subject to approval at referendum.

The City Commission shall not convey or lease for more than 10 years (including options to renew) any interest in real property owned or controlled by the City, if it or any contiguous parcel has frontage on the St. Lucie River or on a tidal creek, unless the proposed conveyance or lease is first approved by public referendum using the procedure started in Charter section 9.04 for vacating public streets providing water access.

(Res. No. 195-06, § 1, 11-27-2006, ref. of 11-7-2006)