



City of Stuart

AGENDA

SPECIAL COMMISSION MEETING OF THE STUART CITY COMMISSION

AUGUST 17, 2026

AT 5:30 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.)

APPROVAL OF CONSENT CALENDAR

1. APPROVAL OF 08/03/2026 SCM - BALLFIELDS REFERENDUM MINUTES (RC)

END OF CONSENT CALENDAR

COMMISSION ACTION

2. HANEY CREEK REFERENDUM (RC):

RESOLUTION No. 40-2026; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PROVIDING FOR BALLOT LANGUAGE FOR A REFERENDUM UNDER CITY CHARTER SECTION 9.05 SEEKING VOTER APPROVAL TO RESCIND THE NOVEMBER 8, 2011 ELECTION BALLOT REFERENDUM REQUIREMENT TO LEASE AN UNDEVELOPED 1.97-ACRE COMMERCIAL PARCEL FRONTING US-1 OPPOSITE NORTH RIVER SHORES BOULEVARD THAT WAS TO FUND THE MAINTENANCE OF THE HANEY CREEK PRESERVE, SO THAT THE 1.97-ACRE PARCEL MAY BE CONVERTED TO CONSERVATION AND ADDED TO THE HANEY CREEK PRESERVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

3. BALLFIELDS REFERENDUM (RC):

ORDINANCE No. 2553-2026; 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 BALLOT 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; AND 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: 8/17/2026

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 08/03/2026 SCM - BALLFIELDS REFERENDUM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 08/03/2026 SCM - Ballfields Referendum Minutes

MINUTES
SPECIAL COMMISSION MEETING – BALLFIELDS REFERENDUM
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

ROLL CALL

3:31 PM

PRESENT: Mayor Reed, Commissioner Clarke, Commissioner Giobbi, and Commissioner Rich

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Giobbi

- Thanked everyone for their attendance.
- Explained the purpose of the meeting and clarified that the referendum gives City residents the opportunity to decide the future of the ballfields through a public vote.

Commissioner Clarke

- Commented that she had family in town, and they enjoyed visiting the City of Stuart. Thanked the Commission for their participation in keeping it a beautiful slice of paradise.

Vice Mayor Reed

- Echoed Commissioner Giobbi's comment to clarify the ballfield referendum and stated

that the language is the most important in this referendum.

COMMENTS BY CITY MANAGER

None.

APPROVAL OF AGENDA

3:35 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Laura Giobbi

Motion approved unanimously.

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

None.

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.

Lee Baggett, City Attorney, read the Ordinance title into the record and reviewed the proposed referendum ballot language:

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 one (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

Commissioner Clarke made a motion, seconded by Commissioner Giobbi.

PUBLIC COMMENT:

1. Derreck Ogden - Stuart; Commented on Stuart's character and encouraged this to be worked out and the language to be agreed upon tonight.
2. Will Laughlin - Stuart; Commented on Senate Bill 180, and the effect it has on the ballfields, hoped the Commission recognizes the risk.

3. Frank McChrystal - Stuart; Commented on his own proposed language, "All green space and recreational land shall be protected by referendum."

Commissioner Clarke communicated with the City Attorney about the title language to add the word "ballot" after General Election, use the words "long-term lease" to replace "lease" in the ballot language currently referenced, and the word "public's" needs a grammar correction (4th Whereas Clause). Further commented on the cost-benefit analysis and the impact to preserve and make sure the public lands are controlled for the future by referendum. Asked the Attorney to review Sec. 9.04 of the Charter for the sake of the public.

City Attorney Baggett reviewed the Charter Section 9.05 Long term lease or conveyance of waterfront property; subject to approval at referendum. He explained it was initiated by the public, and he used similar language to a past referendum as the best option. The waterfront property restrictions include "leasing for more than ten (10) years" and the Commission was in favor to remove the long-term lease and change it to more than one (1) year and user agreements would be used in place of a lease agreement. This is to add language to the Charter so that to sell, convey, or lease for more than one (1) year, it would have to go out to referendum.

Commissioner Rich commented on Page 9, noting the reflection of the original language and not the amended language. City Attorney Baggett confirmed that it will be corrected before the next meeting.

PUBLIC COMMENT:

1. Derreck Ogden - Stuart; Stated that if all language is perfect on this motion, we should be clear to vote yes at the Second Reading.
2. Frank McChrystal - Stuart; Questioned why we are only protecting the ballfields and not all recreational spaces.

City Attorney Baggett commented in response to the public comment, per the Mayor's request, on the reasons other recreational lands are not included in this.

3:37 PM MOTION: Move that proposed Ordinance No. 2553-2026 be approved for Second Reading.

4:07 PM AMENDED MOTION: Adding the word "ballot" after general election on line 5 (6) and adding the word "and" before other purposes. Move forward to Second Reading.

MOVED BY: Eula Clarke

SECONDED BY: Laura Giobbi

Motion approved unanimously.

ADJOURNMENT

4:22 PM

Mary R. Kindel, City Clerk

Sean Reed, Mayor

Minutes to be approved at the Regular Commission
Meeting this 10th day of August, 2026.

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 8/17/2026

Prepared by: Lee Baggett

Title of Item:

HANEY CREEK REFERENDUM (RC):

RESOLUTION No. 40-2026; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PROVIDING FOR BALLOT LANGUAGE FOR A REFERENDUM UNDER CITY CHARTER SECTION 9.05 SEEKING VOTER APPROVAL TO RESCIND THE NOVEMBER 8, 2011 ELECTION BALLOT REFERENDUM REQUIREMENT TO LEASE AN UNDEVELOPED 1.97-ACRE COMMERCIAL PARCEL FRONTING US-1 OPPOSITE NORTH RIVER SHORES BOULEVARD THAT WAS TO FUND THE MAINTENANCE OF THE HANEY CREEK PRESERVE, SO THAT THE 1.97-ACRE PARCEL MAY BE CONVERTED TO CONSERVATION AND ADDED TO THE HANEY CREEK PRESERVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

In 2006, Section 9.05 was added to the City Charter wherein any sale, conveyance or long-term lease (in excess of 10 years) of any interest in City-owned property, if it or any contiguous parcel has frontage on the St. Lucie River or tidal creek, requires approval via public referendum. In 2011, the County and City co-purchased a 49.3-acre parcel, formerly known as Harbour Walk Commercial Planned Unit Development (CPUD), located at Wright Boulevard and North US-1 for the purpose of conserving land by making it part of the larger 165-acre Haney Creek Watershed Preserve which includes a tidal creek. In addition, the City acquired a 1.97 acre commercially zoned (CPUD) parcel fronting North US-1 opposing North River Shores Boulevard, which adjoins the Haney Creek Preserve. Pursuant to Section 9.05 of the City Charter and with the goal of saving tax dollars, the City Commission requested voters to vote on whether to lease the 1.97-acre commercially zoned parcel on a long-term basis for the purposes of generating revenue to defray the costs of maintenance of the Haney Creek Preserve. Since that time, the City has not been able to lease the 1.97-acre parcel and the parcel remains in an undeveloped state.

Earlier this year, the City Commission instructed City Staff to move forward with converting the 1.97-acre parcel into conservation and adding said parcel into the Haney Creek Preserve. In the original 2011 Funding Agreement, the City and Martin County agreed that the 1.97-acre parcel would be carved out of the preserved land and that the City would lease the 1.97-acre parcel to help fund the maintenance costs of the Haney Creek Preserve. In Resolution No. 20-2026, the City Commission approved the First Amendment to the 2011 Funding Agreement with Martin County wherein the requirement to lease the 1.97-acre parcel was lifted and to further allow the parcel to be added into conservation within the Haney Creek Preserve. Martin County subsequently approved the amendment. However, the Amendment to the 2011 Funding Agreement with Martin County is conditional upon voter approval via referendum.

Since the voters approved a referendum in 2011 requiring the 1.97-acre parcel be leased for commercial purposes to help defray the cost of the maintenance of the Haney Creek Preserve, the City must obtain voter approval via referendum to place the 1.97-acre parcel into conservation. The proposed language for the referendum is contained within this Resolution.

Funding Source:

N/A

Recommended Action:

Motion for Approval.

ATTACHMENTS:

1. R40-2026 Referendum 2 Acre Parcel Haney Creek
2. Section 9.05 City Charter
3. 83-2011
4. 115-2011
5. R20-2026 plus ILA



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

RESOLUTION NUMBER 40-2026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PROVIDING FOR BALLOT LANGUAGE FOR A REFERENDUM UNDER CITY CHARTER SECTION 9.05 SEEKING VOTER APPROVAL TO RESCIND THE NOVEMBER 8, 2011 ELECTION BALLOT REFERENDUM REQUIREMENT TO LEASE AN UNDEVELOPED 1.97-ACRE COMMERCIAL PARCEL FRONTING US-1 OPPOSITE NORTH RIVER SHORES BOULEVARD THAT WAS TO FUND THE MAINTENANCE OF THE HANEY CREEK PRESERVE, SO THAT THE 1.97-ACRE PARCEL MAY BE CONVERTED TO CONSERVATION AND ADDED TO THE HANEY CREEK PRESERVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, in 2006, Section 9.05 was added to the City Charter wherein any conveyance or long-term lease of any interest in City-owned property, which has or any contiguous parcel has frontage on a tidal creek, requires approval by public referendum; and

WHEREAS, in 2011, the City of Stuart and Martin County co-purchased a 49.3 acre parcel, known as Harbour Walk Commercial Planned Unit Development parcel at Wright Boulevard and North US-1 for the purpose of conserving the land and making it contiguously part of the larger 165-acre Haney Creek Watershed Preserve which includes a tidal creek (the entire 165 acre area is referred to herein as Haney Creek Preserve); and

WHEREAS, City acquired a 1.97-acre commercial zoned (CPUD) lot fronting North US-1 opposite North River Shores Boulevard, which adjoins Haney Creek Preserve; and

WHEREAS, consistent with Section 9.05 of the City of Stuart Charter and with the goal of providing relief to City taxpayers, the City Commission requested the voters vote on whether to lease the 1.97 acres on a long-term basis for the purpose of creating revenue to defray the cost of maintaining the Haney Creek Preserve, as well as other expenditures; and

WHEREAS, on November 8, 2011, the voters of the City of Stuart approved a referendum authorizing the City to seek a commercial lease for the 1.97-acre parcel in order to generate revenue to fund the perpetual maintenance of the Haney Creek Preserve (the 2011 Referendum); and

WHEREAS, the City has not leased the 1.97-acre parcel and it remains undeveloped land; and

WHEREAS, the City uses an alternative lease as the source of non-taxpayer revenue to fund the perpetual maintenance of Haney Creek Preserve; and

WHEREAS, the City Commission desires to convert the 1.97-acre parcel into conservation and add said parcel into the Haney Creek Preserve; and

WHEREAS, in order to keep the 1.97-acre parcel from being leased, the 2011 referendum must be rescinded by referendum of the voters at the next election and the voters must approve converting the 1.97-acre commercial parcel to conservation and adding said parcel into the Haney Creek Preserve.

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

SECTION 1: The following ballot question shall be placed on the City's Election to be held November 3, 2026, to become effective as provided by ordinance.

SECTION 2: The form of the question on the ballot for the November 3, 2026 referendum shall be as follows:

**RESCIND PRIOR REFERENDUM REQUIRING COMMERCIAL LEASING OF
PARCEL ADJOINING CITY PROPERTY FRONTING TIDALLY INFLUENCED
WATERS**

Shall the City rescind the November 8, 2011 election ballot referendum requirement to lease an undeveloped 1.97-acre commercial parcel fronting US-1 opposite North River Shores Boulevard that was to fund the maintenance

of the Haney Creek Preserve, so that the 1.97-acre parcel may be converted to conservation and added to the Haney Creek Preserve?

_____ **Yes for approval**

_____ **No for rejection**

SECTION 3: This resolution shall take effect immediately upon adoption.

Commissioner _____ offered the foregoing resolution 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
VACANT, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED 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

ARTICLE IX. VACATION OF STREETS

Sec. 9.01. Alteration of streets.

Whenever it may be deemed necessary, the city commission by ordinance may cause public right-of-way to be opened, closed, or vacated.

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

Sec. 9.02. Vacation of streets [subject to terms and costs].

The vacation or abandonment of any public right-of-way or part thereof shall be subject to the procedures, terms, fees, costs and charges for such vacation as shall be provided by ordinance.

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

Sec. 9.03. Closing streets giving direct access to navigable waters.

Notwithstanding the provisions of Section 9.02 of this charter, no public right-of-way giving direct access to any navigable waters in the City of Stuart shall be closed, vacated or abandoned without the approval of a majority of the electors participating in a referendum election, as hereafter provided, except in those instances wherein the person or persons petitioning the City of Stuart for such closing, vacating or abandoning of public right-of-way giving direct access to any navigable waters offer to trade or give to the city comparable land or lands for a road, street or public thoroughfare to give access to the same body of water. Such access shall be of such condition as to not work a hardship to users thereof, and the reasonableness of the distance shall be left to the discretion of the city commission of the City of Stuart.

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

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)



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

RESOLUTION NUMBER 83-2011

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA PROVIDING FOR BALLOT LANGUAGE FOR A REFERENDUM UNDER CITY CHARTER SECTION 9.05 SEEKING VOTER APPROVAL FOR THE CITY TO LEASE, FOR MORE THAN 10 YEARS, AN EXISTING 1.97-ACRE COMMERCIAL LOT ON NORTH US-1 OPPOSITE NORTH RIVER SHORES BOULEVARD; SAID LOT ADJOINS CITY PROPERTY FRONTING THE TIDALLY-INFLUENCED WATERS OF HANEY CREEK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart Charter section 9.05 provides: 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 stated in Charter section 9.04 for vacating public streets providing water access; and

WHEREAS, the City of Stuart and Martin County recently purchased the bank-owned, 49.3-acre Harbour Walk Commercial Planned Unit Development (C-PUD) parcel at Wright Boulevard and North US-1 for the purpose of conserving the land and making it part of the Haney Creek Watershed Preserve; and

RESOLUTION NUMBER 83-2011
2011 Ballot Language for Long Term Lease Referendum

WHEREAS, the City acquired a 1.97-acre commercial lot fronting North US-1 opposite North River Shores Boulevard, which adjoins the recently-purchased Harbour Walk parcel, and

WHEREAS, to provide relief to City taxpayers, the City Commission wishes to lease the existing 1.97-acre commercial lot on a long-term basis for the purpose of depositing into a conservation trust fund to defray the long-term cost of maintaining the newly-expanded Haney Creek Watershed Preserve, as well as other expenditures agreed upon by the City and Martin County, and

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

SECTION 1: The following ballot question shall be placed on the City's General Election to be held November 8, 2011, to become effective as provided by ordinance.

SECTION 2: The form of the question on the ballot for the November 8, 2011 referendum shall be as follows:

**LONG-TERM LEASE OF CITY-OWNED COMMERCIAL LOT ADJOINING CITY
PROPERTY FRONTING TIDALLY- INFLUENCED WATERS**

Shall the City lease, long-term, the 1.97-acre commercial lot fronting North US-1 opposite North River Shores Boulevard; the proceeds from which shall provide long-term maintenance of the adjoining 165-acre Haney Creek Preserve and other expenditures agreed upon by the City and Martin County?

_____ **Yes for approval**

_____ **No for rejection**

SECTION 3: This resolution shall take effect immediately upon adoption

RESOLUTION NUMBER 83-2011
2011 Ballot Language for Long Term Lease Referendum

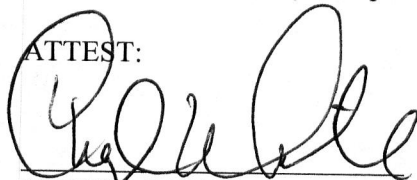
Commissioner McDonald offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner Clarke and upon being put to a roll call vote, the vote was as follows

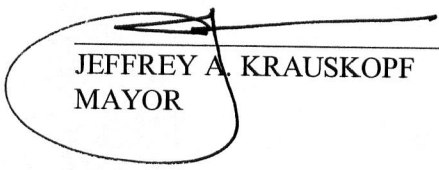
JEFFREY A. KRAUSKOPF, MAYOR
JAMES A. CHRISTIE, JR., VICE MAYOR
EULA R. CLARKE, COMMISSIONER
TROY A. MCDONALD, COMMISSIONER
MICHAEL J. MORTELL, COMMISSIONER

YES	NO	ABSTAIN	ABSENT
✓			
			✓
✓			
✓			
✓			

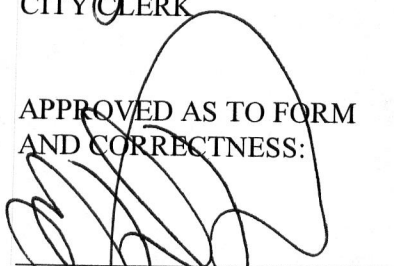
ADOPTED this 12th day of September, 2011.

ATTEST:


CHERYL WHITE
CITY CLERK


JEFFREY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL D. DURHAM
CITY ATTORNEY



**CITY OF STUART, FLORIDA
CITY COMMISSION
AGENDA ITEM REQUEST**

Meeting Date: 9/12/2011

Prepared by: Alice Lyons

Ordinance/Resolution No. ~~2234-2011~~

Title of Item:

Referendum for Long Term Lease of Tidally Influenced Land

*83-11
Amended to*

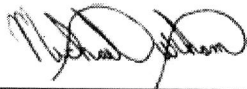
Summary Explanation/Background Information on Agenda Request:

The City Charter requires approval by referendum before a City- owned or controlled property that is tidally influenced by the St. Lucie River shall be leased for more than 10 years. The City recently purchased the bank-owned, 50.96 acre Harbour Walk parcel at Wright Boulevard and North US-1 for the purposed of conserving the land and making it part of the Haney Creek Watershed Preserve. The City also purchased a 1.97 commercial lot fronting US-1 opposite North River Shores Boulevard which the City would like to lease for the purpose of depositing into a conservation trust fund to defray the long-term cost of maintaining the newly-expanded Haney Creek Watershed Preserve, as well as other city-owned lands and to acquire lands for public use. This ordinance will authorize this Referendum.

Funding Source:

Recommended Action:

Approve the ordinance which authorizes the Referendum for the long term lease



Durham, Michael
City Attorney

Mike and I discussed this language with Steve Fry and have come to the conclusion that it should be...



Nicoletti, Paul
City Manager



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

RESOLUTION NUMBER 115-2011

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA CONFIRMING THE RESULTS OF THE 2011 REGULAR MUNICIPAL ELECTION FOR THE CITY COMMISSION GROUP IV AND GROUP II; CHARTER AMENDMENT I, CHARTER AMENDMENT II AND CITY OF STUART REFERENDUM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the results of 2011 General Election are now known, and have been officially certified and published by the City of Stuart Canvassing Board, as required by Section 7.06, Stuart City Charter, a copy of which is attached hereto as Exhibit "A"; and

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

SECTION 1: Candidate Frank Mezzapelle received 36% of the votes cast, and Candidate Kelli Glass received 64% of the votes cast, in Group IV, respectively, the results of which are now known, and which have been certified by the Canvassing Board, and are hereby confirmed by the City Commission as the "Official Results of the November 8, 2011 General Election."

SECTION 2: Kelli Glass received the highest number of votes cast, and a majority of the votes cast at the November 8, 2011 General Election, and she is declared elected as City Commissioner, Group IV, to a term of office commencing upon taking the oath of office at the Regular City Commission Meeting on November 28, 2011 at 5:30 P.M.

SECTION 3: Jeffrey A. Krauskopf ran unopposed, and by operation of law he is declared elected as City Commissioner, Group II, to a term of office commencing upon taking the oath of office at the Regular City Commission Meeting on November 28, 2011 at 5:30 P.M.

SECTION 4: A referendum on Ordinance 2233-2011, adopting amendments to the City Charter Sec. 7.03. – Qualification for Office was held on November 8, 2011, in which the following ballot questions were posed, as follows:

CHARTER AMENDMENT REQUIRING
CITY COMMISSION CANDIDATES TO MAINTAIN TWELVE MONTHS
RESIDENCY IMMEDIATELY PRECEDING AN ELECTION

Shall Section 7.03 of the City of Stuart Charter be amended to require that candidates for City Commissioner maintain continuous residency within the City for at least twelve months immediately preceding the election?

_____ Yes for Approval

_____ No for Rejection

SECOND CHARTER AMENDMENT REQUIRING
CONTINUOUS RESIDENCY OF COMMISSIONERS WITHIN
THE CITY ONCE ELECTED

Shall Section 7.03 of the City of Stuart Charter be amended to require that elected Commissioners maintain continuous residency within the City once elected to office?

_____ Yes for Approval

_____ No for Rejection

SECTION 5: The results as shown on Exhibit "A" are hereby certified as the "Official Results of the November 8, 2011 General Election," and Ordinance No. 2233-2011 is hereby declared "Approved," and shall be effective as provided therein; and

SECTION 6: A referendum ballot question was posed seeking voter approval under City Charter Section 9.0, and the number of ballots cast, was as follows:

LONG-TERM LEASE OF CITY-OWNED COMMERCIAL LOT ADJOINING CITY PROPERTY
FRONTING TIDALLY- INFLUENCED WATERS

Shall the City lease, long-term, the 1.97-acre commercial lot fronting North US-1 opposite North River Shores Boulevard; the proceeds from which shall provide long-term maintenance of the adjoining 165-acre Haney Creek Preserve and other expenditures agreed upon by the City and Martin County?

_____ Yes for approval

_____ No for rejection

SECTION 7: The results as shown on Exhibit "A," are hereby confirmed as the "Official Results of the November 8, 2011 General Election," and the referendum question is declared "Approved."

SECTION 8: This Resolution shall take effect immediately upon adoption.

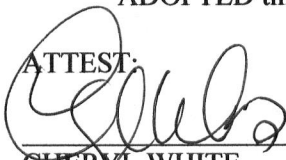
Commissioner Mortell offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner Clarke and upon being put to a roll call vote, the vote was as follows:

JEFFREY A. KRAUSKOPF MAYOR
JAMES A. CHRISTIE, Jr., VICE MAYOR
EULA R. CLARK, COMMISSIONER
TROY A. McDONALD, COMMISSIONER
MICHAEL J. MORTELL, COMMISSIONER

YES	NO	ABSENT
✓		
✓		
✓		
✓		
✓		

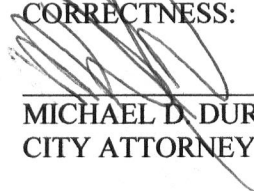
ADOPTED this 24th day of November, 2011.

ATTEST:


CHERYL WHITE
CITY CLERK


JEFFREY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM AND
CORRECTNESS:


MICHAEL D. DURHAM
CITY ATTORNEY



UNOFFICIAL
NOVEMBER 8, 2011 ELECTION RESULTS

	PRCNT 2	PRCNT 6	PRCNT 7	PRCNT 8	EARLY VOTING	ABSENTEES	%	TOTAL
GROUP IV								
KELLI GLASS	35	22	241	72	83	326	64.2%	779
FRANK MEZZAPELLE	20	9	127	56	67	155	35.8%	434
CITY OF STUART CHARTER AMENDMENT								
YES FOR APPROVAL Charter Amendment requiring City Commission Candidates to maintain twelve months residency immediately preceding the election.	54	29	351	117	145	477	96.5%	1173
NO FOR REJECTION Charter Amendment requiring City Commission Candidates to maintain twelve months residency immediately preceding the election.	2	2	12	8	2	17	3.5%	43
CITY OF STUART SECOND CHARTER AMENDMENT								
YES FOR APPROVAL Second Charter Amendment requiring continuous residency of Commissioners within the City once elected.	55	28	350	118	146	486	96.7%	1183
NO FOR REJECTION Second Charter Amendment requiring continuous residency of Commissioners within the City once elected.	0	3	17	6	2	13	3.3%	41
CITY OF STUART REFERENDUM								
YES FOR APPROVAL Long-Term Lease of City-Owned Commercial Lot adjoining City Property fronting tidally-Influenced Waters.	40	23	252	91	109	400	76.5%	915
NO FOR REJECTION Long-Term Lease of City-Owned Commercial Lot adjoining City Property fronting tidally-Influenced Waters.	17	6	106	29	37	86	23.5%	281

**CITY OF STUART, FLORIDA
CITY COMMISSION
AGENDA ITEM REQUEST**

Meeting Date: 11/14/2011

Prepared by: Cherie White

Ordinance/Resolution No. 115-2011

Title of Item:

Official Election Results November 8, 2011 General Election and Referendum

Summary Explanation/Background Information on Agenda Request:

Traditionally, the City Commission "approves" the results of the election by Resolution. This is a ministerial act because the Canvassing Board has the Charter responsibility of certifying the results. But, it is also a practical formality because it sets forth the transition of the government from one commissioner to another, and in this case confirms the adoption of the Charter Ordinance and the Haney Creek referendum.

At the time the Agenda was published, the "Official Results" have not been certified by the Canvassing Board. We are awaiting the clearance of one more "provisional" ballot, which may not occur until November 10th. As a result, we are attaching the "Unofficial Results" which will be replaced at the Meeting of November 14th.

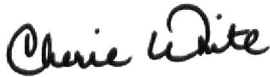
Funding Source:

Not Applicable

Recommended Action:

Motion to approve Resolution No. 115-2011

Official Election Results



White, Cherie
City Clerk



Nicoletti, Paul
City Manager



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

RESOLUTION NUMBER 20-2026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE FIRST AMENDMENT TO THE 2011 FUNDING AGREEMENT WITH MARTIN COUNTY THAT AUTHORIZED THE PURCHASE OF 51.4 ACRES OF REAL PROPERTY KNOWN AS THE HANEY CREEK WATERSHED PRESERVE, WHICH WILL RESCIND THE CARVE-OUT OF THE 1.97 ACRE COMMERCIAL PORTION OF THE PROPERTY ALLOWING THE 1.97 ACRES TO BE USED FOR CONSERVATION PURPOSES ALONG WITH THE ADJOINING HANEY CREEK WATERSHED PRESERVE; PROVIDING FOR AN EFFECTIVE DATE; FOR OTHER PURPOSES.

* * * * *

WHEREAS, in 2011, the City and Martin County (the “County”) entered into a Funding Agreement to co-purchase approximately 51.4 acres of property for conservation and recreation within the City limits and in accordance with County Ordinance 711(the “Haney Creek Preserve”), the 2011 Funding Agreement is attached hereto as Exhibit “A”; and

WHEREAS, on November 8, 2011, a majority of voters approved a City referendum directing the City to carve-out approximately 2 acres of the Haney Creek Preserve located on U.S. Highway 1 for commercial purposes to generate revenue for the improvement, maintenance and management of the remainder of the Haney Creek Preserve (the “Carve-Out Parcel”), a map depicting Haney Creek Preserve and the Carve-Out Parcel is attached hereto as Exhibit “B”; and

WHEREAS, since 2011, the City has paid for all improvements, maintenance and management of the Haney Creek Preserve from its general fund, and to date, the City has not found any acceptable commercial use for the Carve-out Parcel; and

WHEREAS, the City desires to abandon the covenant to use the Carve-out Parcel for commercial purposes in favor of combining the Carve-out Parcel with the rest of the Haney Creek Preserve to be used for conservation purposes in accordance with its Future Land Use Map and Zoning, subject to approval by the County and approved referendum in the upcoming August 18, 2026 Election Day; and

WHEREAS, in order to change the use of the Carve-Out Parcel from commercial to conservation and eliminate the requirement that its commercial revenue be used for perpetual maintenance for the Haney Creek Preserve, the 2011 Funding Agreement between the City and Martin County must be amended to reflect the parties' desires.

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

SECTION 1: The above referenced recitals are hereby incorporated as if fully set forth herein.

SECTION 2: The City Commission hereby approves the First Amendment to the Funding Agreement with Martin County; a draft of the First Amendment to the Funding Agreement is attached hereto as Exhibit "C."

SECTION 3: The final First Amendment to the Funding Agreement with Martin County shall be signed by the Mayor, or his designee and then be provided to the County for their consideration and execution.

SECTION 4: This resolution shall take effect upon adoption.

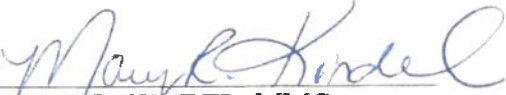
Commissioner GIOBBI offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

CHRISTOPHER COLLINS, MAYOR
SEAN REED, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
	N		

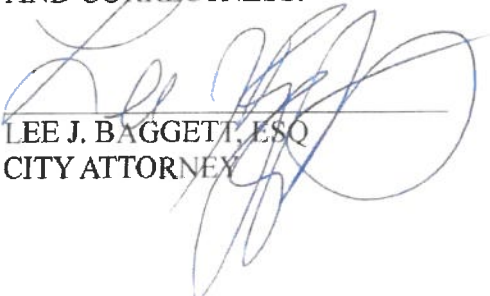
ADOPTED this 23rd day of March, 2026.

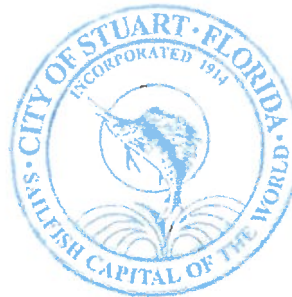
ATTEST:


MARY R. KINDEL, MMC
CITY CLERK


CHRISTOPHER COLLINS
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


LEE J. BAGGETT, ESQ
CITY ATTORNEY



**FUNDING AGREEMENT
BETWEEN
THE CITY OF STUART
AND
MARTIN COUNTY
(HANEY CREEK)**

THIS AGREEMENT (the "Agreement") is made and entered into as of this 14th day of June, 2011, by and between the City of Stuart, a municipal corporation of the State of Florida (the "City") and Martin County, a political subdivision of the State of Florida (the "County").

BACKGROUND AND OBJECTIVES

WHEREAS, the City is a municipal corporation of the State of Florida and is authorized by the Florida Interlocal Cooperation Act of 1969, as amended, to enter into agreements with the County for the purposes set forth herein; and

WHEREAS, the County is a political subdivision of the State of Florida and is authorized by the Florida Interlocal Cooperation Act of 1969, as amended, to enter into agreements with the City for the purposes set forth herein; and

WHEREAS, effective as of May 6, 2011, the City, as Buyer, and TCoast Holdings, LLC, a Florida limited liability company, as Sellers, entered into that certain Agreement to Purchase and Sell Real Estate (the "Agreement") for the acquisition of Haney Creek Parcel located within the City of Stuart in Martin County consisting of approximately 51.4 acres more or less, for Three Million Eight Hundred Twenty- Five Dollars (\$3,825,000.00), and

WHEREAS, the City has determined, subject to referendum, that it will use two acres, more or less, (located adjacent to US1) (the "Carve-out Parcel") of the 51.4 acres for commercial purposes in order to generate revenue for the improvement, maintenance and management of the remainder of the Haney Creek Parcel and adjoining conservation lands; and

WHEREAS, the City applied to the County Land Acquisition Selection Committee ("LASC") to receive funds from the Martin County Half-Cent Sales Tax, pursuant to Martin County Ordinance No. 711 to acquire environmentally significant land for the purpose of preserving, conserving and restoring the St. Lucie River and to provide connections and wildlife corridors between publicly owned parks and conservation land; and

WHEREAS, on April 12, 2011, the Martin County Board of County Commissioners received and approved the recommendation of the LASC to provide fifty (50%) percent matching funds to partner with the City to fund the purchase of the Haney Creek Parcel; and

WHEREAS, the City further met the requirements of Ordinance 711 by providing fifty percent (50%) matching funds towards the purchase of the Haney Creek Parcel; and

WHEREAS, the City will also convey, at no cost, to the County a fifty percent (50%) interest in a 1.63 acre parcel that is connected to Wright Boulevard (the "Flag Parcel"), which Flag Parcel is contiguous to the Haney Creek Parcel and has previously been improved with a parking lot that will be used to provide public access; and

NOW, THEREFORE, in consideration of these premises and mutual covenants contained herein, the parties agree as follows:

1. COUNTY'S CONTRIBUTION

1.1 The above recitals in the "Background and Objectives" section are true and correct, and incorporated herein.

1.2 The County will provide a contribution to the City for the City's acquisition of 49.4 acres, more or less, (hereinafter described as the Property), as described in Exhibit "A" attached hereto and made a part hereof, in the amount of One Million Eight Hundred Thirty Seven Thousand Five Hundred and 00/100 (\$1,837,500.00) and the County will receive a fifty (50%) percent undivided interest in the Parcel.

2. COUNTY CLOSING PROCEDURE

2.1 The City will cooperate with the County in order to receive the Half-Cent Sales Tax funding by providing the following documents to the County for review and approval prior to the Closing set forth in section 2.3 below.

- a. A fully executed copy of the Agreement for Purchase and Sale between the City and TCoast Holdings, LLC, a Florida limited liability company.
- b. A fully executed copy of this Funding Agreement between the City and Martin County.
- c. The proposed closing statement.
- d. The proposed Special Warranty Deed from TCoast Holdings, LLC, a Florida limited liability company conveying a fifty percent (50%) undivided interest in the Property to the City of Stuart, and a fifty percent (50%) undivided interest in the Property to Martin County.
- e. The proposed Special Warranty Deed, at no consideration, from the City conveying a fifty percent (50%) undivided interest in the Flag Parcel as described in Exhibit "B" attached hereto and made a part hereof to Martin County, at no cost.

f. A survey of the Property prepared to ALTA standards and certified to the City, the County and the Title Insurance Company.

g. A survey of the Flag Parcel prepared to ALTA standards and certified to the City, the County and the Title Insurance Company.

h. A title insurance commitment for the amount of the purchase price, naming the City and County as co-insured with copies of all documents referenced on Schedule B-I and B-II of the commitment for the Property

i. A title insurance commitment for the amount of \$344,000.00, naming the City and County as co-insured with copies of all documents referenced on Schedule B-I and B-II of the commitment for the Flag Parcel.

j. An environmental site assessment of the Property and the Flag Parcel, certified to the City and the County, which meets the standards and requirements of ASTM practice E1527, and with a date of certification within 45 days of the date of acquisition of the Property by the City, together with a statement required by Rule 9K-8.021(4), F.A.C.

2.2 At least ten (10) business days prior to the Closing Date, the City shall provide a closing statement and an invoice in the amount of the County's contribution of **One Million, Eight Hundred Thirty Seven Thousand Five Hundred and 00/100 Dollars (\$1,837,500.00) or fifty percent (50%) of the purchase price of the Property, whichever is less**, and copies of all documents with respect to the acquisition of the Property as set forth in Section 2.1 above; and specific wiring instructions to the County. The County shall provide the invoiced amount to the account specified by the closing agent at the Closing. If, for any reason, the County has delivered its funds and the Closing does not occur, the funds shall immediately be returned to the County within 1 business day.

2.3 At Closing, the City shall cause the Seller to convey to each of the County and the City an undivided fifty percent (50%) interest in the Property by special warranty deed. The City shall also convey an undivided fifty percent (50%) interest in the Flag Parcel to the County by Special Warranty Deed at no cost. The City shall be responsible, at its expense, with respect to any costs incurred, including but not limited to closings costs, documentary stamps, if any, recording fees, survey, and the title insurance premium. Closing with the County is conditioned upon both the City and the County closing with Seller on the Property.

3. NOTICES

All notices required or permitted to be given under the terms and provisions of this Agreement by either party to the other shall be in writing and shall be sent by registered or certified, return receipt requested, or facsimile, to the parties as follows:

City: Stuart City Commission
 ATTN.: Paul Nicoletti, City Manager & City Attorney

121 SW Flagler Avenue
Stuart, Florida 34994

County: Martin County Board of County Commissioners
ATTN.: Taryn Kryzda, County Administrator
2401 SE Monterey Road
Stuart, Florida 34996

or to such other address as may hereafter be provided by the parties in writing. Notices sent registered or certified mail shall be deemed received on the delivery date indicated by the U.S. Postal Service on the return receipt.

4. TERM OF AGREEMENT; EXTENSION; TERMINATION

4.1 This Agreement shall be in effect for an initial term of five (5) years ("Term"), commencing on the date of execution by the last party to sign.

4.2 This Agreement may be extended upon the same terms and conditions by mutual written agreement of both parties.

4.3 This Agreement shall terminate automatically unless the same is extended by mutual written agreement prior to the expiration date of this Agreement. In addition any other provisions which by their terms survive the expiration or termination of this Agreement, sections 7, 8 and 9 survive the expiration or termination of this Agreement.

5. AUTHORITY OF PARTIES TO ENTER INTO AGREEMENT

5.1 The City represents that (1) this Agreement has been duly authorized, executed and delivered by the Mayor of the City of Stuart, and (2) it has the required power and authority to perform this Agreement.

5.2 The County represents that (1) this Agreement has been duly authorized, executed and delivered by the Board of County Commissioners as the governing body of Martin County, and (2) it has the required power and authority to perform this Agreement.

6. AVAILABILITY OF FUNDING

This Agreement is subject to the availability of funding by the parties and does not obligate future appropriations for the obligations created herein.

7. TRANSFER OF THE PROPERTY AND DEDICATION/CERTIFICATION.

The County or City shall not sell, transfer or convey any right, title, or interest in the Property or create any lien or encumbrance or otherwise alter or encumber title to the Property without the prior written consent of the City and the County.

8. MANAGEMENT OF ACQUIRED PROPERTY

8.1 The managing agency for the Property shall be the City.

8.2 A management plan with respect to the Property and the Flag Parcel (hereinafter described as the "Site") shall be prepared by the City. The management plan shall provide for all aspects of the improvement, use, management, and operation of the Site, including land uses that are compatible with the restoration goals and purposes, conservation and appropriate public recreational uses where such recreational uses are compatible with conservation requirements. The management plan shall include provisions for passive recreation, such as: (a) conducting limited land clearing for the purpose of constructing such pervious facilities as docks, boardwalks or mulched walking trails; and (b) construction and maintenance of passive public use facilities for the purpose of educating the public or allowing public access and recreation which have minimal or no impact on natural resources; and (c) placing signs and markers as necessary to identify trails, restoration areas, or other site features related to public use and land management activities; and (d) construction and maintenance to the extent allowed by current and future permits, at grade, management roads, fire breaks, trails, walkways, piers, observation platforms or boardwalks necessary to provide public access and management activities as provided for in the site's management plan; and (e) removal or killing by any lawful means, exotic or nuisance vegetation or animal species, conducting prescribed burns and conducting other management activities necessary to carry out management for conservation purposes; and (f) conducting restoration and enhancement projects which do not conflict with the purpose of this Agreement. A management plan with respect to the Site shall not become final until reviewed and approved in writing by the County. Any modification to the management plan with respect to the Site shall also require the approval of the County. The City shall be responsible, at its expense, for the construction, maintenance, and rehabilitation of any facilities or improvements on the Site for conservation, recreation or public access, including those required pursuant to the management plan for the Site. The City shall provide its proposed management plan to the County prior to June 14, 2012. The management plan shall require the City to change the Comprehensive Plan Future Land Use Map designation and zoning district of the Property to the conservation Future Land Use Map designation and the "P- Public Service" zoning district.

8.3 The City agrees that any and all revenue, other than taxes, received by the City from sale, lease or otherwise, from the Carve-out Parcel shall be perpetually and exclusively used for the improvement, use, management and operation of the Site and adjoining conservation parcels (see Exhibit "C"). All such improvement, maintenance, and operation shall comply with Martin County Ordinance 711 (see Exhibit "D"). In the event the revenue exceeds the expenses for the improvement, use, management and operation of the site, then the expenditure of any such surplus revenue shall be subject to the prior agreement of the City and County, which agreement shall not be unreasonably withheld or denied.

8.4 The City shall annually provide the County with an accounting of all revenues received from the Carve-out Parcel and the use of those revenues.

9. DISPUTE RESOLUTION

In the event a dispute arises concerning any provision of this Agreement, which the parties cannot resolve between themselves, the parties shall have the option to submit to nonbinding mediation. The mediator or mediators shall be impartial and shall be selected by the parties. The cost of the mediation shall be borne equally by the parties. In the event the parties are unable to resolve their dispute through mediation, they shall have the right to pursue whatever remedies are available at law or in equity.

10. ADDITIONAL PROVISIONS

The provisions in this Agreement, and the obligations of the parties hereto under this Agreement may be modified or amended by mutual written agreement of the parties.

11. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A facsimile copy of this Agreement and any signatures hereon shall be considered for all purposes as originals.

ATTEST:


Marsha Ewing, Clerk

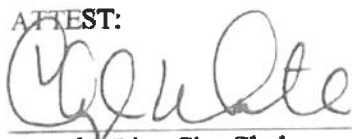
MARTIN COUNTY BOARD OF
COUNTY COMMISSIONERS, a political
subdivision of the State of Florida

By: 
Sarah Heard, Vice-Chairman

Approved as to form and correctness:

By: 
Stephen Fry, County Attorney

ATTEST:


Cheryl White, City Clerk

CITY OF STUART, a municipal corporation of the
State of Florida

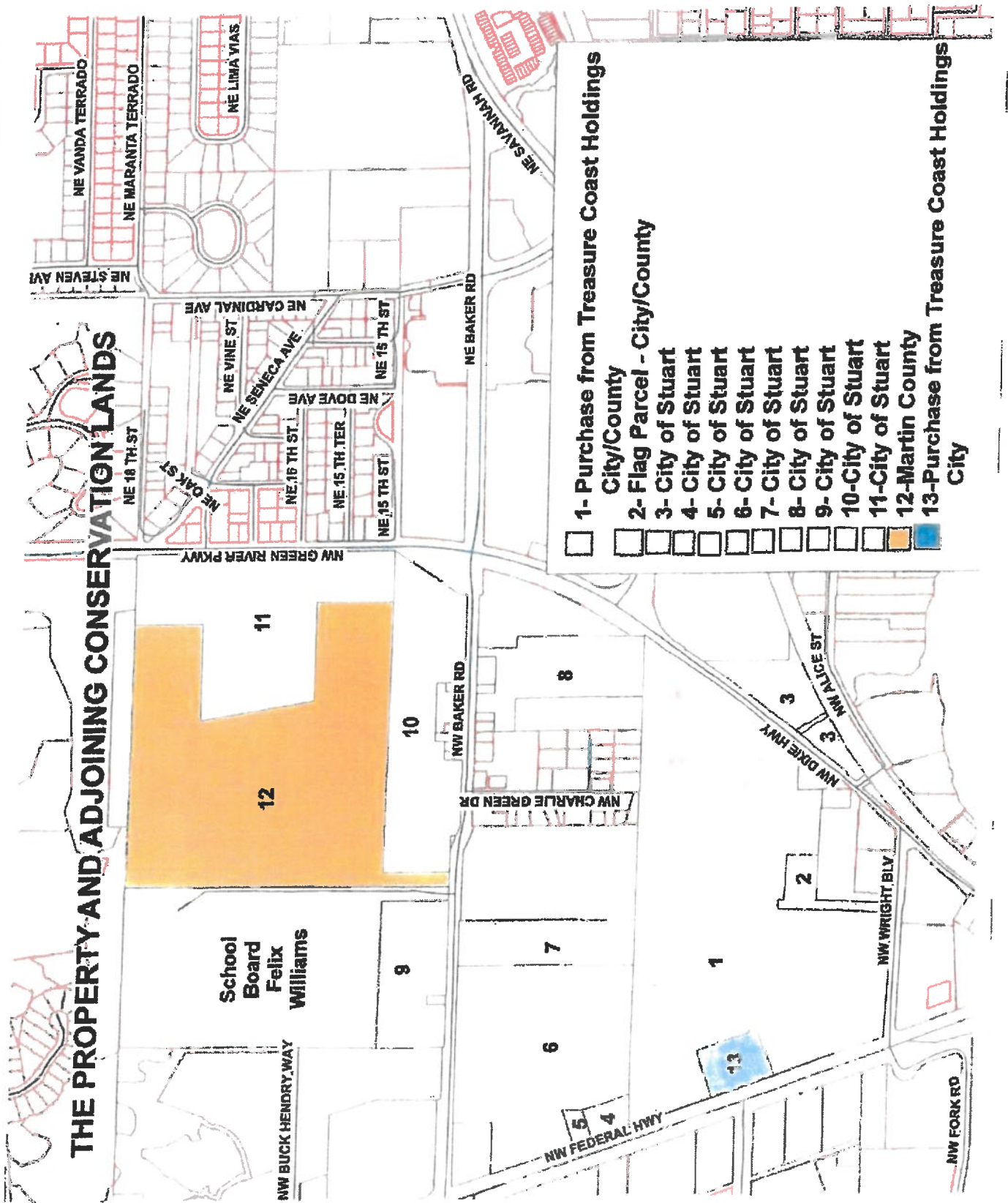
By: 
Mayor

Approved as to Form and
Correctness:

By: 
Paul J. Nicolletti, City Attorney



THE PROPERTY AND ADJOINING CONSERVATION LANDS



**FIRST AMENDMENT TO
THE FUNDING AGREEMENT
BETWEEN THE CITY OF STUART
AND
MARTIN COUNTY
(HANEY CREEK PRESERVE)**

THIS FIRST AMENDMENT TO THE JUNE 13, 2011 FUNDING AGREEMENT is made and entered into as of this 5th day of May, 2026, by and between the City of Stuart, a municipal corporation of the State of Florida (the "City") and Martin County, a political subdivision of the State of Florida (the "County").

RECITALS

WHEREAS, the City is a municipal corporation of the State of Florida and is authorized by the Florida Interlocal Cooperation Act of 1969, as amended, to enter into agreements with other local governments for the purposes set forth herein; and

WHEREAS, in 2011, the City and the County agreed to purchase approximately 51.4 acres of property for conservation and recreation within the City limits and in accordance with County Ordinance 711 (the "Haney Creek Preserve"); and

WHEREAS, on May 6, 2011, the City, as the buyer, entered into a real estate purchase agreement with TCoast Holdings, LLC for the acquisition of the Haney Creek Preserve consisting of approximately 51.4 acres of land within the City; and

WHEREAS, on June 14, 2011, the City and the County entered into an agreement referred to as the FUNDING AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY (hereinafter "2011 Agreement") and attached hereto with its original exhibits as Exhibit "1"; and

WHEREAS, on November 8, 2011, a majority of voters approved a City referendum directing the City to carve out and use approximately 2 acres of the Haney Creek Preserve which was located on U.S. Highway 1 for commercial purpose to generate revenue for the improvement, maintenance and management of the remainder of the Haney Creek Preserve and other adjoining conservation lands (i.e. the "Carve-out Parcel"); and

WHEREAS, since 2011, the City has paid for all improvements, maintenance and management of the Haney Creek Preserve from its general fund, and to date, the City has not found any acceptable commercial use for the Carve-out Parcel; and

WHEREAS, both the City and the County desire to abandon the City's covenant to use the Carve-out Parcel for commercial purposes and convert the Carve-out Parcel to be used for conservation purposes in accordance with its Future Land Use Map and Zoning and to combine

the Carve-out Parcel with the remainder of the approximate 49.4 acres of the Haney Creek Preserve, subject to referendum by the City; and

WHEREAS, subject to passage of a 2026 referendum by the City, the City agrees to continue the maintenance, management and necessary improvements from its general funds, subject to the provisions of Section 6 of the 2011 Agreement.

NOW, THEREFORE, in consideration of their mutual covenants and promises contained herein, the parties agree as follows:

1. The above-referenced recitals are true and correct, and incorporated as if fully set forth herein.
2. Section 3 of the 2011 Agreement is amended to read as follows:

3. NOTICES

All notices required or permitted to be given under the terms and provisions of this Agreement by either party to the other shall be in writing and shall be sent by registered or certified, return receipt requested, or facsimile, to the parties as follows:

City: Stuart City Commission
 ATTN.: City Manager
 121 SW Flagler Avenue
 Stuart, Florida 34994

County: Martin County Board of County Commissioners
 ATTN.: County Administrator
 2401 SE Monterey Road
 Stuart, Florida 34996

or to such other address as may hereafter be provided by the parties in writing. Notices sent registered or certified mail shall be deemed received on the delivery date indicated by the U.S. Postal Service on the return receipt.

3. Section 8 of the 2011 Agreement is amended to read as follows:

8. MANAGEMENT OF ACQUIRED PROPERTY

8.1 The managing agency for the Haney Creek Preserve shall be the City.

8.2 A management plan with respect to the Haney Creek Preserve and the Flag Parcel (hereinafter described as the "Site") shall be prepared by the City. The management plan shall provide for all aspects of the improvement, use, management, and operation of the Site, including land uses that are compatible with the restoration goals and purposes, conservation and appropriate public recreational uses where such recreational uses are compatible with conservation requirements. The management plan shall include provisions for passive recreation, such as: (a) conducting limited land clearing for the purpose of constructing such pervious facilities as docks, boardwalks or

mulched walking trails; and (b) construction and maintenance of passive public use facilities for the purpose of educating the public or allowing public access and recreation which have minimal or no impact on natural resources; and (c) placing signs and markers as necessary to identify trails, restoration areas, or other site features related to public use and land management activities; and (d) construction and maintenance to the extent allowed by current and future permits, at grade, management roads, fire breaks, trails, walkways, piers, observation platforms or boardwalks necessary to provide public access and management activities as provided for in the site's management plan; and (e) removal or killing by any lawful means, exotic or nuisance vegetation or animal species, conducting prescribed burns and conducting other management activities necessary to carry out management for conservation purposes; and (f) conducting restoration and enhancement projects which do not conflict with the purpose of this Agreement. A management plan with respect to the Site shall not become final until reviewed and approved in writing by the County. Any modification to the management plan with respect to the Site shall also require the approval of the County. The City shall be responsible, at its expense, for the construction, maintenance, and rehabilitation of any facilities or improvements on the Site for conservation, recreation or public access, including those required pursuant to the management plan for the Site. The City shall provide its proposed management plan to the County prior to June 14, 2012. The management plan shall require the City to ensure the Comprehensive Plan Future Land Use Map designation and zoning district of the entire Haney Creek Preserve is Conservation Future Land Use Map designation and the "P- Public Service" zoning district.

8.3 Any and all improvement, maintenance, and operation of the Haney Creek Preserve shall comply with Martin County Ordinance 711 (see Exhibit "D").

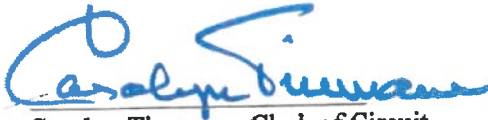
4. Section 11 of the 2011 Agreement is amended to read as follows:

11. COUNTERPARTS

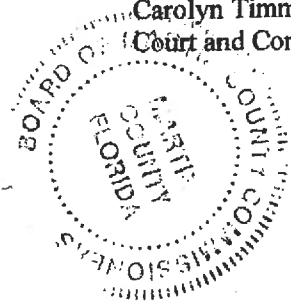
This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. An emailed copy of this First Amendment to the 2011 Agreement and any signatures hereon shall be considered for all purposes as originals.

5. This First Amendment to the 2011 Agreement is subject to referendum by the City at the 2026 elections on the question of whether the Carve-out Parcel shall be converted from commercial purposes to conservational and recreational purposes.
6. Except as amended herein, the remaining terms and conditions of the 2011 Agreement shall remain in full force and effect.
7. This First Amendment to the 2011 Agreement shall be filed with the Martin County Clerk of Circuit Court as required by Florida Statutes § 163.01.

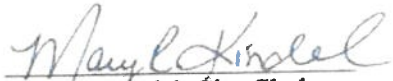
ATTEST:

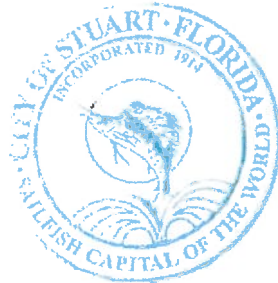


Carolyn Timmann, Clerk of Circuit
Court and Comptroller



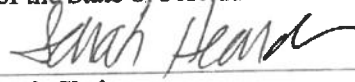
ATTEST:


Mary R. Kindel, City Clerk



MARTIN COUNTY BOARD OF
COUNTY COMMISSIONERS, a political
subdivision of the State of Florida

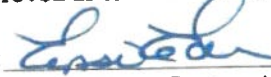
By:



Sarah Heard, Chairman

Approved as to form and correctness:

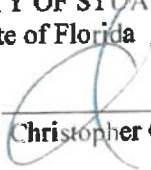
By:



Elysse Elder, County Attorney

CITY OF STUART, a municipal corporation of the
State of Florida

By:



Christopher Collins, Mayor

Approved as to form and correctness:

By:


Lee J. Baggett (Mar 20, 2025 09:30:14 EDT)

Lee J. Baggett, Esq. City Attorney

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 8/17/2026

Prepared by: Lee Baggett

Title of Item:

BALLFIELDS REFERENDUM (RC):

ORDINANCE No. 2553-2026; 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 BALLOT 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; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Earlier this year, the City Commission instructed the City Staff to take necessary steps to require voter approval before the City could sell or lease any City-owned property containing recreational ballfields.

The City Staff brought forth Ordinance No. 2553-2026 which is an amendment to the City Charter.

Pursuant to Florida Statutes s. 166.031, the City Commission may, by ordinance, submit to the electors of the City a proposed amendment to the City Charter at the next general election. Upon adoption of an amendment to the charter by a majority of the electors voting in a referendum, the City Commission shall have the amendment incorporated into the City Charter and file the revised charter with the Florida Department of State.

The proposed amendment to the City Charter and proposed ballot language are both contained in Ordinance No. 2553-2026. In 2006, the City amended its charter by adding Section 9.05. The proposed amendment to the City Charter is similar to Section 9.05 of the City Charter which requires a referendum for the City to convey or lease for more than 10 years any city-owned property along the St. Lucie River or along any tidal creek.

Upon approval of the ordinance, the ordinance will be presented to the Supervisor of Elections to have the proposed ballot language placed on the November 3, 2026 election ballot.

Funding Source:

N/A

Recommended Action:

Move for Approval

ATTACHMENTS:

- 1.2553-2026 Ordinance Ballfields Referendum Final
- 2.2553-2026 COS Business Impact Estimate Recreational Ballfields V2
- 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 BALLOT 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; AND 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 public's 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 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 1 year 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)