

Outline for the Hogtown Greenway Referendum

951527 – Resolution created 05/13/96 (passed): The City Adopted the proposed resolution; Greenspace Perseveration Association filed a complaint with the City challenging the consistency of the site plan for the Hogtown Creek Greenway Phase 1 with the Comprehensive Plan. City Commission dismissed it as being untimely.

960215 – Staff Recommendation created on 08/12/96 (passed): The City Commission authorized the City Attorney to represent the City in the case of Greenspace Preservation Association. A summons and complaint were served on the City on July 23, 1996. The plaintiffs filed a first amended complaint which seeks review of the DRB approving the preliminary Site Plan for the HCG Phase 1. a challenge to the DRB quasi-judicial rules, an injunction on future DRB hearings and greenway project, as well as requesting the court find the preliminary site plan inconsistent with the comprehensive plan. (challenge to the DRB quasi-judicial rules, an injunction on future DRB hearings and greenway project, as well as requesting the court find the preliminary site plan inconsistent with the comprehensive plan)

961001 – City Attorney created Resolution 04/14/97 (passed): A resolution of the City of Gainesville, Florida, calling a referendum election to be held the same day as the regular city election in 1998, placing the city charter amendment contained in the initiative petition of the Coalition to Save Gainesville's Greenspaces on the ballot; specifying the ballot language for the referendum; and providing an immediate effective date. (The language of the proposed amendment is complex and ambiguous. We will be presenting opinions on the meaning and effect of the proposed amendment, and presenting options for your consideration)

970694 – Introduced Discussion Item to City Commission on 12/8/97 (referred); 01/5/98 (Assigned); (01/8/98 (discussed at Public Works Committee); Hogtown Creek Greenway Brochure - The Public Works Committee: 1) discuss the development and associated costs of a Greenway brochure, and 2) formulate a recommendation for the City Commission.

971174 – Discussion Item by City Manager on 05/11/98 and final action 02/07/2013 (Filed); Hogtown Creek Charter Amendment - On March 17, 1998, the Charter Amendment for the Hogtown Creek Watershed was approved. The new language states, "The City of Gainesville, Florida, will not expend, use, nor seek, any city, county, state, or federal funds for the construction of any paved surface for transportation use or recreational facility in the area designated under the City of Gainesville Comprehensive Plan, 1990, for recreational use or conservation use in the Hogtown Creek Watershed from the date of the adoption of this Charter Amendment."

The City's Comprehensive Plan defines recreation and conservation use as land designated on the Future Land Use Map as Conservation and Recreation. Staff has determined that the land use designation also applies to adjacent roadways (public right-of-ways). The City's Land Development Code, Section 30-43(1)(a), indicates that the land uses and zoning designations apply to the centerlines of the streets. The code states that when an uncertainty exists as to the boundaries of the various districts on the zoning map, "the boundaries indicated as approximately following streets shall be construed to follow the centerlines of such streets."

Because the language is broad and not very well defined, staff has prepared an analysis of the impact of this amendment on planned projects and current operation/maintenance activities.

980070 – Ordinance by City Attorney submitted on 06/08/98 (Approved) on 06/22/98 (Stricken for the agenda) Ordinance No. 0-98-80

An ordinance of the City of Gainesville, Florida, proposing an amendment to the Charter of the City of Gainesville providing that the City of Gainesville shall not expend, use, nor seek, any city, county, state or federal funds for the construction of any asphaltic or cement concrete surface on the "multi-use trail," or any segment of the "multi-use trail," generally described in the "Hogtown Creek Greenway Master Development & Management Plan Report" dated March, 1994, except for those segments of the "multi-use trail" that extend on, over or through existing paved sidewalks and streets; providing that the ordinance shall take effect upon approval of the voters at a referendum called for that purpose.

At its meeting on June 8, 1998, the City Commission authorized the City Attorney to draft and the Clerk to advertise an ordinance proposing an amendment to the Charter of the City of Gainesville, permitting construction of paved surfaces for transportation and recreational facilities, except for the Hogtown Creek Greenway.

The resolution placing this item on the ballot for referendum and approving the ballot language will be on the agenda July 13, 1998, coincident with second reading of this ordinance.

980216 – Petition to City Plan Board; (Passed) on 08/10/98; The Land Development Code currently requires that the zoning boundaries along streets are construed to follow the centerlines of such streets. The requested new language would change the location of such zoning boundaries from the centerline of streets to the edge of the public right-of-way.

Due to the recent passage of the Hogtown Creek Watershed Charter Amendment, lands that are classified as Recreation and Conservation land use and zoning within the Hogtown Creek watershed area cannot have any paved surface constructed upon them. Because zoning boundary lines follow the centerlines of streets, the streets themselves are designated with a particular zoning category. As a result, streets within the Hogtown Creek Watershed that border Recreation and Conservation land cannot have any construction of street, sidewalk and bicycle improvements, many of which are part of the planned projects and programs or current operation and maintenance activities of the Public Works Department or the Recreation and Parks Department.

Under the proposed language of this petition, streets would not be included within the adjacent zoning districts. For example, a street within the Hogtown Creek Watershed located adjacent to Conservation land would not be designated with the Conservation zoning category or any other zoning category, and any necessary maintenance to the street or new improvements in the right-of-way such as new sidewalks could take place without violating the charter amendment. The Plan Board reviewed the petition and generally felt that the amendment was a "Band-Aid" approach to a serious problem. A motion to approve the petition failed by a 2-3 vote.

Public notice was published in the Gainesville Sun on June 30, 1998. The Plan Board held a public hearing July 16, 1998.

City Plan Board to City Commission - The City Commission deny Petition 134TCH-98PB. Plan Board vote 3-2. Staff to Plan Board - Approve

990311 – Discussion Item (Passed) on 08/09/99: Hogtown Creek Greenway Phase 1A; At the May 11, 1998, City Commission meeting, a report was submitted by staff in response to the effects of the Hogtown Creek Watershed Charter Amendment on the Hogtown Creek Greenway, as well as other City Recreation and Parks and Public Works projects located within the watershed area. The City Commission directed staff to report back on a variety of issues pertaining to the Hogtown Creek Greenway and potential development of the phase 1A section that is located between NW 8th Avenue and the Loblolly Environmental Facility off of NW 5th Avenue. Staff has now completed design of an earthen/boardwalk trail for Phase 1A. As of July 30, 1999, a total of \$127,000 is available in the Greenspace Acquisition Fund.

990722 – Staff Recommendation (Passed) on 11/08/99; The City Commission approve the bid award to Hansen Construction Services and issuance of a purchase order in an amount not to exceed \$90,600 for the construction of a bridge, boardwalk and observation deck in the Phase 1A section of the Hogtown Creek Greenway.

001031 – Discussion Item on 02/12/01 – Hogtown Greenway Paving Issue; Alison Law spoke on the paving issue in the Hogtown Watershed Area and requested clarification on the interpretation of the language of the ordinance. Specifically, Ms. Law wanted information on the next step required to put this issue back on the ballot as a referendum. Debra Babb, Assistant City Attorney, spoke to the language interpretation as previously developed by Patricia Carter, Assistant City Attorney, who at that time was working on this issue. Optional language was developed by the City Attorney's Office with the intent of relaxing the restrictions of the original ordinance; however, the City Commission took no action on that proposal at that time.

Paula Stahmer spoke on the referendum. She presented information to clarify (from her standpoint) the intent of the ordinance language. Commissioner Barrow requested that staff (including the City Attorney's Office) review the information submitted by Ms. Stahmer for further clarification. Mr. Harness stated that staff would return with comments at the next meeting. Debra Babb stated that she would review the process and see what is required for placement of an item on a referendum. Commissioner Barrow also requested that staff coordinate meetings with both of the interested parties (Paula Stahmer and Alison Law) to see if language could be developed to go for a new referendum that would meet the needs of all concerned.

020653 – City Attorney Staff recommendation (Passed) on 11/25/02; On October 23, 2002 a petition was filed with the Department of Community Affairs. Petitioners allege that the Department's notice of intention to find the City's comprehensive plan amendments relating to wetlands in compliance with applicable law is in error. Petitioners also complain of a lack of public participation in the process.

The City Commission authorize the City Attorney to represent the City in the administrative case styled Greenspace Preservation Association, Inc.; Glen Springs Preservation Association, Inc.; Turkey Creek Homeowners Association, Inc.; Paula Stahmer; Dian Deevey; December McSherry; Everett Wilcox; and Karen Orr vs. City of Gainesville and Department of Community Affairs; State of Florida Division of Administrative Hearings; Case No.: 02-4258GM 02-1ER-NOI-0104.

020664 – Discussion item City Manager (Passed) on 11/25/02: Hogtown Creek Greenway Phase 1 B Update; As part of the Fiscal Year 2003 work plan, City staff is pursuing the development of the 2nd phase of the Hogtown Creek Greenway. This earthen and boardwalk trail is approximately 2,800 linear

feet in length (approximately 1,400 LF of boardwalk) and is located in the Loblolly Woods between NW 8th and NW 16th Avenues, around the 2700 block. The City Commission: heard a report from staff; approved the conceptual site plan; and instructed staff to proceed with the development.

041138 – Ordinance by City Attorney (Created) on 12/19/05, (Adopted) on 01/09/06; An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article V of the Charter Laws, entitled "Special Provisions" to allow paving for parking and recreational facilities on Recreation areas while continuing to prohibit paving for trails or transportation corridors on City-owned land in Conservation areas; providing a map of the Hogtown Creek Watershed area (1998); providing for submission of the charter amendment to the voters for approval or disapproval at the March 7, 2006 regular municipal election; approving the ballot title and summary to be placed on the ballot; providing that this charter amendment shall become effective immediately; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.