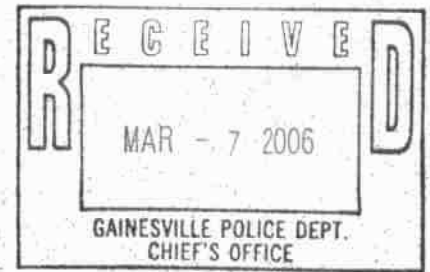




CITY OF GAINESVILLE

Office of the City Manager

March 3, 2006



Mr. Jon Gardner, President
Bank of America
2627 NW 43rd Street
Gainesville, Florida 32606

RE: Drive-through ATM Facility, 1116 W. University Avenue

Dear Mr. Gardner:

This is a follow up and official request to the enclosed letters sent to you by the City's Public Safety Committee and me regarding the Bank of America drive-through ATM facility. This ATM continues to be the subject of discussions in our Public Safety Committee meetings, where it was reported that as of February 16, 2006, the City has received no response to its request that the Bank consider posting the warning signs related to noise violations and/or consider limiting the hours of the drive-through ATM.


As we previously wrote you, the City feels these efforts will assist in fostering a better relationship between the bank and its neighbors.

Since we have received no reply from you or any other Bank of America official, and because we believe that it has become necessary to regulate the abatement of the noise, please consider this letter as the City's official request that you post the noise warning signs as outlined in the City's Noise Ordinance, Section 15-6(b)(2).

Posting the signs will allow law enforcement to cite the maker of the noise without warning. Hopefully, this will decrease the noise violations sufficiently to alleviate the disturbance to your neighbors. However, if you do not post the signs, law enforcement will begin additionally warning and citing the Bank of America for all noise violations stemming from your property located at 1116 W. University Avenue. I specifically call your attention to Section 15-6(d) joint and several responsibility and note that ultimately, it is the bank's responsibility for compliance with the noise ordinance as it applies to this location.

If I do not hear from you by April 3, 2006, the City will begin taking the necessary action consistent with the referenced provisions of the ordinance.

Sincerely,


Russ Blackburn
City Manager

Enclosures (3)

cc: Hon. Mayor and City Commission
✓ Police Chief Norman Botsford

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