

Submitted by #001917
Elizabeth Hodger

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12/10/01

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Please respond to Gainesville office.

December 5, 2001

The Honorable Tom Bussing
Mayor, City of Gainesville
200 East University Avenue
Gainesville, Fl 32601

Re: Ordinance No. 0-01-63

Dear Tom:

At the November 27, 2001 meeting, Ralph Hilliard said that the performance standards in Section 3 of Ordinance 0-01-63 will apply to new and existing businesses in the City of Gainesville. Section 3 of the Ordinance also requires that all entities must submit a letter prepared by a professional engineer certifying that the use or activity in fact complies with the performance standards. After the meeting, Tom Saunders seemed to suggest that City staff plans to enforce the general performance standards based on complaints received.

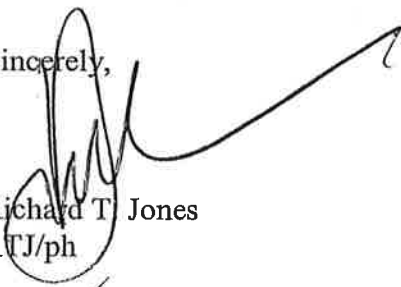
Gary Yelvington, is concerned that such an enforcement policy results in an unlevel competitive environment. Some existing businesses that are not in compliance with the performance standards may never come into compliance if no one files a complaint.

Because staff time is at a premium, and because equal enforcement is important, I suggest that the City amend Ordinance 0-01-63 to require all existing non-residential zoning uses to file with the City the engineer certification stating that they are in compliance with the performance standards when the businesses renew their City occupational licenses each year. The City would then pursue those businesses that do not file a certification when they renew their occupational license. This mechanism would allow the City to obtain baseline data from existing businesses as to compliance with the general performance standards without overburdening City resources. It would also ensure that the performance standards are equally applied to new and existing businesses and eliminate the possibility that the City through this ordinance would, in effect, grant monopolies to existing businesses.

Mr. Bussing
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Will you please make copies of this letter available to the other commissioners? Thank you for your consideration.

Sincerely,


Richard T. Jones
RTJ/ph

cc: Ralph Hilliard, Esquire
Marion Radson, Esquire

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