

City of Gainesville  
Office of the City Attorney

38 NOV 18 P 4: 29

*Telephone: (352) 334-5011**Fax: (352) 334-2229**SunCom: 929-5011**Marion J. Radson**City Attorney**Patricia M. Carter**Ronald D. Combs**Charles L. Hauck**Elizabeth A. Waratuke**Richard R. Whidden, Jr.*

November 18, 1998

VIA FACSIMILE

A. J. Roberts, Jr.  
Aviation Office  
Florida Department of Transportation  
605 Suwannee Street, M.S. 46  
Tallahassee, FL 32399-0450

RECEIVED BY ALL C/COM

Re: City of Gainesville Moratorium Ordinance

Dear Mr. Roberts:

As a result of our telephone conference on Thursday, November 12, 1998, we have provided the City Commission with the language that you recommended and found acceptable. (A copy of the memorandum to the City Commission is attached for your information.)

The Gainesville Pilots Association has submitted its own language that we sent to you yesterday via facsimile. It allows structures to be erected without an F.A.A. determination that the structure does not exceed Federal obstruction standards as long as the structure is being erected to comply with the Clean Air Act. It would be difficult to justify why such a structure should be allowed if it is an obstruction. Additionally, it would be difficult to justify why certain structures that would be a hazard would be permitted while other structures, which may not be a hazard and that may be required under other laws or regulations, are not permitted.

The City Manager and I anticipate that this matter will be a subject of debate and controversy at the City Commission meeting on Monday, November 23. For this reason it would be of great assistance to the City if you could be present at the Commission meeting. You are an expert in this subject and could help explain the purpose and intent of the federal regulations as well as Chapter 333, Florida Statutes. You could also help explain the apparently inconsistent provisions in Chapter 333 that state that a permit or variance cannot be granted solely on the basis that a structure will not exceed federal obstruction standards when only those proposed

structures that are deemed to exceed federal obstruction standards require such permit or variance.

The second and final reading of the ordinance is scheduled to be heard sometime after 6:00 PM. Would you please inform me whether you can attend this important meeting? Thank you.

Sincerely

A handwritten signature in black ink, appearing to read 'Marion J. Radson', with a long horizontal flourish extending to the right.

MARION J. RADSON

cc: Mayor and City Commissioners  
Wayne Bowers, City Manager  
Gene Clerkin, Director of Aviation  
W. E. McEachern

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