

TAB 2

**POINT PAPER CEB 12-03**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**March 27, 2012**

**Palmetto Automotive Sales & Service, Thomas B. Brown, Jr., 405 8<sup>th</sup> Avenue West,  
Palmetto, Florida:**

The subject of this code enforcement action is a business, Palmetto Automotive Sales & Service, which is operated at 405 8<sup>th</sup> Avenue West, Palmetto, Florida. The business owner, Thomas B. Brown, does not own the property where the business is operated; the Manatee County Property Appraiser's Office has assigned an account number for this business, PI #90001092529. The real property account for this parcel is PI # 27550.0000/3, Township 34S, Range 17E, Section 14; the property owner is identified as CTR Land, LLC.

The business tax receipt for Palmetto Automotive Sales & Service expired in 2009. Renewal notices for the 2010/2011 & the 2011/2012 business tax receipts were forwarded by the City of Palmetto Customer Service/Utility Billing Division. These reminders were disregarded by the Respondent, and his business tax receipt remains expired although he continues to operate his business within the City of Palmetto.

Code Enforcement has been attempting to bring this business into compliance with City ordinances since October 5, 2011. In addition to verbal warnings to Mr. Brown, a letter was forwarded to his attention on December 16, 2011 directing him to obtain his business tax receipt within seven days. A Notice of Violation was issued on December 29, 2011.

On January 4, 2012 Mr. Brown reported compliance issues with the City Building Department (establish customer parking spaces, limit number of vehicles on site, provide site & floor plans), and the City Storm Water Division (pump out the repair shop grease trap). These issues have delayed the normal processing of a business tax receipt.

The business owner, Thomas B. Brown, delayed complying with these issues claiming a lack of funds to service the grease trap. On February 23, 2012 Mr. Brown advised me that the grease trap was emptied by Synergy Recycling. Since that time Thomas Brown has been directed to finish processing his application for a business tax receipt, but as of March 21, 2012 the business tax receipt for this business has not been issued.

The Notice for this hearing was hand delivered to Mr. Brown on March 16, 2012. It was also mailed certified and regular.

**Recommendation:**

It is recommended that the Respondent, Thomas B. Brown dba Palmetto Automotive Sales & Service, be found in violation of City of Palmetto Code of Ordinances, and that he be directed to obtain his business tax receipt for this business within the next seven (7) days. It is

recommended that the City's costs for processing this case, plus any applicable recording fees be assessed against the Respondent at this time.

**Total Costs to the City as of March 21, 2012:**

<b>Code Enforcement Officers</b>	9.75 hours @ \$40.00/hour = \$ <b>390.00</b>
<b>Administration</b>	1 hour @ \$35.00/hour = <u><b>35.00</b></u>
<b>Total Costs</b>	<b>\$ 425.00</b>



# PALMETTO

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## **BEFORE THE CODE ENFORCEMENT BOARD OF THE CITY OF PALMETTO, FLORIDA**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
REGULAR MAIL**

### **CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

**vs.**

**Case No. 12-03**

Palmetto Automotive Sales and Service  
Thomas B. Brown, Jr.  
405 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221  
**Respondent**

**Violation Location:** 405 8<sup>th</sup> Avenue West, Palmetto, Florida 34221

**Legal Description:** BEG AT SE COR OF SW1/4 OF SEC 14, W 70 YDS, N 70 YDS, E 70 YDS, S 70 YDS TO POB, LESS 25 FT OFF S & LESS 15 FT OFF E FOR STS, SUBJ TO FPL EASMT DESC IN (944/846); LESS RD R/W DESC AS FOL: PARCEL 100.1: COM AT THE SE COR OF SD SW1/4 OF SEC 14, SD COR BEIN ON THE SURVEY BASE LN OF SR 45; TH ALG SD SURVEY BASE LN N 00 DEG 25 MIN 26 SEC W, 24.20 FT; TH N 89 DEG 49 MIN 01 SEC W, 30.05 FT TO THE INT OF THE N EXSTG R/W LN OF 4TH ST & THE W EXLUTING R/W LN OF SD SR 45 FOR A POB; TH ALG SD N EXSTG R/W LN, N 89 DEG 49 MIN 01 SEC W, 18.45 FT; TH N 49 DEG 29 MIN 58 SEC E, 24.38 FT, TO SD W EXSTG R/W LN OF SR 45; TH ALG SD W EXSTG R/W LN S 00 DEG 20 MIN 01 SEC W, 15.90 FT TO THE POB, CONT 147 SF M/L (1480/3006) Township 34S, Range 17E, Section 14

**Parcel ID #:** 90001092529 – Property Appraiser Account Number  
27550.0000/3 – Real Property ID

## ADMINISTRATIVE ORDER IMPOSING LIEN

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on March 27, 2012 at 6:00 p.m. at Palmetto City Hall after due notice to the Respondent.

### **FINDINGS OF FACT:**

The Code Enforcement Board of the City of Palmetto finds as a matter of fact that:

- You have been conducting business as an automotive agency selling and servicing used vehicles under the business name of Palmetto Automotive Sales and Service at the above referenced address in the City of Palmetto. You have not renewed your business tax receipt that expired September 30, 2010.

**CONCLUSIONS OF LAW:**

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. Codes Violated: Palmetto Code of Ordinances, Chapter 19, Licenses and Business Regulations, Article II Local Business Tax, Section 19-26(a)(1) & (b); Section 19-45 Enforcement and penalties; and Section 19-48 Schedule of business taxes.

**ORDER**

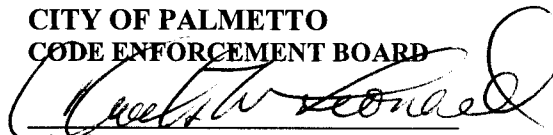
The Respondent, Thomas B. Brown, Jr., Palmetto Automotive Sales and Service, is found in violation of the Palmetto Code of Ordinances as noticed and directed to bring the property into compliance within seven (7) days, or by April 3, 2012, by renewing a business tax receipt. If the aforementioned action is not taken by April 3, 2012, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. Administrative costs incurred by the City in the prosecution of this case in the amount of \$425.00, plus any applicable recording fees, are hereby assessed. **Upon recording, such costs shall constitute a lien and shall continue with interest accruing. A public hearing will be held on April 24, 2012 to determine if the violation has been corrected by the date certain.**

A certified copy of this Administrative Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

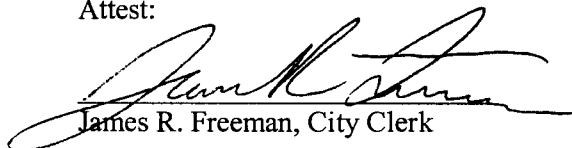
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 27<sup>th</sup> day of March, 2012

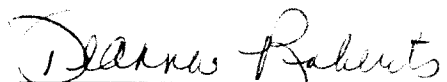
**CITY OF PALMETTO  
CODE ENFORCEMENT BOARD**

  
Charles W. Leonard, Chair

Attest:

  
James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order Imposing Lien has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 28<sup>th</sup> day of March, 2012.

  
Deanna Roberts, Clerk of the Board