

CODE ENFORCEMENT BOARD

April 24, 2012

6:00 p.m.

Code Enforcement Board Members Present:

Charlie Leonard, Chair
Robert Rotondo, Vice Chair
Tom Devito
Phil Hoffmann
Rose Quin-Bare
Bob Rickey
Robert Westbrook

Staff and Others Present

Bill Strollo, Code Enforcement Director
David Persson, Code Enforcement Board Attorney
Deanna Roberts, Clerk of the Board

Mr. Leonard called the April 24, 2012 meeting to order at 6:00 p.m. A Moment of Silence was observed followed by the Pledge of Allegiance. The roll was called; all members were present.

All persons wishing to speak or testify before the Board were duly sworn.

1. APPROVAL OF AGENDA

MOTION: Mrs. Quin-Bare moved, Mr. Hoffmann seconded, and motion carried unanimously to approve the April 24, 2012 Agenda.

2. CONSENT AGENDA

- A. Minutes: March 27, 2012
- B. Legal expenses through March 2012

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to approve the April 24, 2012 Consent Agenda.

3. PUBLIC HEARINGS

A. Case No. 12-03

Palmetto Automotive Sales and Service
Thomas B. Brown, Jr.
405 8th Avenue West
Palmetto, Florida 34221

Violation Location: 405 8th Avenue West, Palmetto, Florida
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.

Mr. Leonard opened the public hearing.

Code Enforcement Director Bill Strollo testified that he had been sworn and that his credentials are on file with the Clerk of the Board.

Mr. Strollo showed pictures of the property taken on March 14 and April 24. This case first came to the Board on March 27, 2012. The business owner, Thomas B. Brown, Jr., was found in violation of the City Codes for conducting his business without a Business Tax Receipt which expired on September 30, 2010 and has not been renewed. He was directed to renew his Business Tax Receipt by April 3, 2012, or a fine could be imposed. Administrative costs of \$425.00 were assessed. Mr. Brown submitted his application on April 2, 2012, but he has not paid the fee so the Receipt has not been issued.

City Clerk Jim Freeman wrote a letter to Mr. Brown, which was read to Mr. Brown by the Customer Service Supervisor Audrea Dixon over the phone. A copy of the letter was later sent to Mr. Brown by Certified Mail. Mr. Strollo read the letter into the record. The letter will remain a permanent part of the case file. Mr. Brown was advised in that letter that the total due for the current and previous year to bring his Business Tax Receipt current is \$332.50.

Mr. Strollo said he recommends a fine in this case.

Mr. Leonard closed the public hearing for deliberation and reopened the public hearing to present the Board's decision.

MOTION: Mrs. Quin-Bare moved, Mr. Hoffmann seconded, and motion carried unanimously to find that the Respondent, Thomas B. Brown, Jr., Palmetto Automotive Sales and Service, violated the Code of Ordinances as noticed; to find that the Respondent did not correct the violation within the date and time specified in the Administrative Order dated March 27, 2012; to defer imposing a fine from April 3, 2012 until May 1, 2012; to impose a fine of \$250.00 per day, commencing May 1, 2012 and continuing until the violation is corrected.

Mr. Strollo informed the Board that any fines will be on the business owner's inventory and not on the property owner. He will send a copy of all Notices and Orders to the property owner so that he will know the status of the business.

4. OLD BUSINESS

None

5. NEW BUSINESS

Attorney Persson led a discussion of the Sunshine Law explaining the concept is simple: Two or more members of the Board may not discuss a case that may come before the Board unless it is at a public meeting where minutes are taken.

Mr. Rotondo asked about receiving calls from the community about a case. Mr. Persson recommended that calls be referred to Mr. Strollo.

If a Board member discusses a case that later comes before the Board, Mr. Persson said that member should recuse himself. He commented that you cannot be both a witness and a judge. Members should come to a case without any knowledge beforehand.

6. PUBLIC COMMENTS

None

7. ADJOURNMENT

MOTION: Mr. Rotondo moved, Mr. Ricky seconded, and motion carried unanimously to adjourn the meeting.

The meeting was adjourned at 6:50 p.m.

Minutes approved: May 29, 2012

Charles W. Leonard

Charles W. Leonard, Chair