

Minutes
CODE ENFORCEMENT BOARD
March 27, 2012
6:00 p.m.

Board Members Present:

Charlie Leonard, Chair
Robert Rotondo, Vice Chair
Tom DeVito
Phil Hoffmann
Bob Rickey
Robert Westbrook

Board Members Absent:

Rose Quin-Bare

Staff Present:

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

Mr. Leonard called the meeting to order at 6:00 p.m. The roll was called. The meeting began with a moment of silence followed by the Pledge of Allegiance. All persons testifying or wishing to address the Board were duly sworn.

1. APPROVAL OF AGENDA

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the March 27, 2012 Agenda.

2. CONSENT AGENDA

- A. Minutes: February 28, 2012
- B. Legal expenses through February 28, 2012

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the March 27, 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.

Mr. Stollo testified that he had been sworn and that his credentials are on file with the Clerk of the Board. He passed out case photos to the Board. He testified the photos dated March 14 show the respondent in business. Mr. Stollo read the City Codes relating to Business Tax Receipts in Chapter 19: Licenses and Business Regulations. Mr. Brown does not own the property. His Business Tax Receipt expired in 2009. He received renewal notices for 2010-2011 and 2011-2012, but all reminders were disregarded, and he continues to operate his business. Code Enforcement has been trying to bring the business into compliance since October 2011.

On Jan. 4, 2012, Mr. Brown informed Mr. Stollo that he had compliance issues with the City Building Department which delayed the normal process of obtaining a Business Tax Receipt. He needed to establish customer parking spaces, limit the number of vehicles on the site and provide site and floor plans. In addition, he had problems with the City's Stormwater Department. He needed to pump out the repair shop's grease trap, as it was causing problems with the City's stormwater system. On February 23, 2012, Mr. Brown advised Mr. Stollo that the grease trap had been emptied. Since that time, he has been advised to finish processing the Receipt, but as of the hearing date, he has not.

Mr. Leonard asked if Mr. Brown will be charged for the other years for which he did not obtain a Receipt. Mr. Stollo said he would, plus a penalty for late payment.

Mr. Stollo recommended that the Respondent be found in violation, directed to obtain his Business Tax Receipt within seven days and that \$425.00 in administrative costs be assessed.

Mr. Leonard closed the public hearing for deliberation. He reopened the hearing to present the Board's findings.

Mr. Rotondo asked why the Business Tax Receipt could not be issued until the grease trap was cleaned. Mr. Stollo explained that the process is that it is first reviewed by Planning to make sure that type of business is allowed in that area, and then it goes to the Building Department to determine if the business might generate pollutants. North River Fire Department is also involved in the process and must sign off. The site plan and customer parking was a holdup for this Receipt. The Departments have to sign off on the application, and all this is to protect the public. At this point, all have signed off on this application.

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to find the Respondent Thomas B. Brown, Jr. in violation of City of Palmetto Code of Ordinances as noticed; to direct the Respondent to obtain his Business Tax Receipt for this business within the next seven (7) days, or by April 3, 2012; to assess administrative costs incurred in the processing of this case in the amount of \$425.00, plus any applicable recording fees; and, to schedule a hearing for April 24, 2012 to determine if the violation has been corrected.

4. OLD BUSINESS

5. NEW BUSINESS

Preliminary Discussion: Code Enforcement Board Resolution 05-01

Mr. Stollo informed the Board that the resolution needs to be updated. It has been discussed with the Board Attorney and must next go to the City Attorney for review. Mr. Rickey pointed out that Item 3, page 3, needs to be aligned with the actual process of Board appointments which is actually the Mayor's duty. The update is essentially a housekeeping function. Following Mr. Barnebey's review, the Clerk will provide a redline copy to Board members. Mr. Persson opined

there is actually a lot of duplication between the Resolution and the Ordinance, and there is not much reason for the Resolution. The Ordinance is the governing document which outlines the powers of the Board. Rules of operating the meeting would be appropriate for the Resolution.

6. PUBLIC COMMENTS

None

Mr. DeVito asked Mr. Strollo about Slick's Garage. Mr. Strollo said there is a Notice of Violation against them, and he could not discuss the case as it may come before the Board for a hearing. Mr. DeVito said he had been getting questions. He was advised to direct people to Mr. Strollo.

7. ADJOURNMENT

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to adjourn the meeting.

The meeting was adjourned at 6:40 p.m.

Minutes approved:

Charles W. Leonard

Charles W. Leonard, Chair