

MINUTES
CITY OF KEY COLONY BEACH CITY COMMISSION
SPECIAL MEETING – OPEN BUILDING PERMITS
Monday, February 1, 2010 1:00 p.m. City Hall Auditorium

The Special Meeting of the Key Colony Beach City Commission was called to order at 1:00 p.m. by Mayor Sutton followed by the Pledge of Allegiance and Prayer. *Present were:* Mayor Ron Sutton, Vice-Mayor Geraldine Zahn, Commissioner Jeff Vorick and Commissioner Seneca “Tucker” DeGraw. *Present via Phone:* Commissioner Mary Schmidt. Also Present: Attorney Thomas Wright, Building Official Edward Borysiewicz, Police Chief Robert Petrick and City Clerk Vickie Bollinger. Public: 14

Mayor Sutton stated that Commissioner Schmidt could not be at the meeting due to her husband’s illness, but would be participating and voting by phone.

Mayor Sutton stated the special meeting of the city commission was called to discuss old building permits that have expired, but were never closed, and the service fees being charged to close them. He stated city code provides a \$3 per day fee, but recently the commission changed the policy to \$100 for the first permit and \$50 for each additional. The commission agreed to revisit this issue at today’s meeting.

Commissioners, Attorney Wright, and staff commented/discussed:

- Amnesty should be given or charge a small minimal fee to close. Monroe County is closing all non-life safety permits automatically if the only thing missing is the final inspection document. A copy of the Monroe County policy was provided to city commissioners.
- Citizens have commented that the city should not enforce closure of permits, city shares liability, don’t look back any more than 2 years, amnesty should be given, access to property when owners are gone for the summer will be difficult, owners will have to give keys to someone who will meet the inspector. Small charge or amnesty should be considered.
- Miami-Dade code requires a new permit be issued if the permit is older than 2002. Life safety guidelines must be met, but a balance must be struck to get compliance and close old permits. Current owner is responsible to see that all permits are closed and should work with contractors. The average time to close an old permit is about 45 minutes which costs about \$42.59 (direct salary cost only). This is much cheaper than paying for a new permit.
- New permit is not necessary. That will increase the charges and time. The city should consider being consistent with Marathon.
- There should be at least a small fee to process the old permits; and if there is a failed inspection an additional fee should apply. No amnesty should be given and no time period set to close old permits. Allow owners to get into compliance in a reasonable time.
- If the permit does not involve life safety, then it should automatically be closed. If there are multiple permits for same thing, look at the most current only. No time period should be set and a small fee should be imposed.
- If the contractor is no longer in business, the homeowner will have to take care of it.
- A small fee should be charged since the Building Official is providing a service and owners will know that all repairs meet code.
- Leave the process alone for now. Inspections are required for all permits, but are most important for those involving life safety issues.

- County does not require a final inspection if that is the only document not in the file and all other inspections were completed. They also charge a \$52 fee. A charge of \$50 for re-inspection is fair. Permits are being reviewed from 1985 to present. 1985 is the first year final inspection reports were filed with each permit.
- This policy should be limited to old permits. Motion should include a statement: except for current open permits and permits issued in the future.
- This policy will not apply to current or future permits. They must follow the city code.
- No new permits should be issued until all old permits are closed.
- Building permits are hand written and paid for, then entered into computer.
- Research is being done to note closed permits in the computer. Right now it is a manual process and very time consuming.
- New real estate closing processing will include a search for open building permits.

Citizen Comments

- Chuck Ryan, 11th Street, stated he has 4 open permits and for 2 of them the contractor is dead. One permit is for a carport that no longer exists and was done by previous owners. He asked about dealing with dead contractors and what about fees already paid.
- Brian Schmidt stated he deals with all local jurisdictions and sometimes the realtor ends up paying the fees to close old permits. Fees add up when there are 15-20 open permits. He understands the reasoning of not allowing any new permits until all old ones are closed.
- Joe Cadbury, Windswept AC & Appliance, stated he reviews all permits every six months and closes those still open. He sends a fax or calls to schedule an inspection. He suggested giving every contractor a list of open permits. He said that he believed all his permits could be closed by working with Ed for a day or two.
- Lori Reeves, 5th Street, asked questions regarding multiple contractors on one permit and adding more work to an existing permit.
- Peter Hines, 3rd Street, suggested all non-life safety permits be closed automatically and do inspections for the life safety permits. He said buyers may choose to purchase property “as is” without closing old permits. He asked about cases where the old permits were issued to a previous owner. Any known problem can be corrected prior to inspection. No one wants a failed inspection and to pay re-inspection fees.
- Jeff White, 9th Street, asked if the homeowner can take care of this or will the homeowner have to hire a contractor.

Commissioners, Attorney Wright, and staff commented/discussed:

- Inspections are required for all permits not just life safety issues. The owner benefits by knowing all repairs/work meet current code. For non-life safety permits the inspection and close out should be simple. Many contractors may be working under one permit. The fee would be per permit not per contractor.
- Homeowners can take care of this, a contractor does not have to be hired. However, there will be an additional fee for a failed inspection and Ed has to re-inspect.
- Buyers may not care about old permits, but that is not what is currently happening. Buyers want these permits closed prior to settlement date.
- No date should be set for all old permits to close; just let owners and staff continue working.
- The city has minimal staff and this will take lots of work and time and that means cost.

- Keep the process easy and user-friendly. Put a process in place and if there are problems, then they can be addressed.
- Current owners should not be charged for things done by a previous owner. Review only those permits pulled by the current owner.
- The above would base payment on how long you owned your house which may not be good.
- \$10 is a minimal charge that most owners would not object to paying.
- Responsibility for this situation is shared by contractors, owners and the city.

Motion – Moved by Commissioner Vorick, seconded by Commissioner DeGraw, that with the exception of currently active permits and permits issued in the future, a service fee of \$10 will be charged to close old permits, a re-inspection fee of \$50 will be charged for a failed inspection, and there is no expiration date for this policy. Roll Call Vote: Unanimous approval.

The meeting was adjourned at 2:05 p.m.

Vickie L. Bollinger, City Clerk

Note: A mechanical recording has been made of the meeting of which these minutes are a part, and a copy is on file in the office of the City Clerk, as a public record.