

Minutes
Building Codes Committee
June 3, 2019
6:00 p.m.
4th committee meeting

Members present were Chairman Dale Black, Committee members Carol King and Larry Goodson. Business and Development Services Director David Dyrhaug and City Administrator Brandon Madden were also present.

1. Call to Order- Chairman Black

2. Public Comment- None

3. Reading and Approval of Minutes

- a. Building Codes Committee Meeting: May 6, 2019
Councilwoman King made a motion to approve the minutes with Councilman Goodson seconding. The vote was unanimous (3-0).

4. Reports or Communications from City Officers

- a. Budget Review- The department is under budget.
- b. Department Reports- The new Dodge truck came in on Friday.

5. Unfinished Business- None

6. New Business

- a. Annexation and zoning assignment for property owned by the Life Estate of Helen Hendrix at Standing Springs Road- This is on Standing Springs off of Ashmore Bridge Road contiguous to Hidden Lake. Three properties are involved in the annexation and is about 43 acres. 151 single family detached homes are slated to go onto the property. They would like annexation into the City with R10 zoning. Sewer will be accessed from the neighborhood across the street. Chairman Black said we need to keep up with the personnel and equipment to serve these annexed areas. Brandon and David are putting together a matrix to outline this information.

Councilwoman King made a motion to send this item to council with Councilman Goodson seconding. The vote was unanimous (3-0).

- b. Main Street development standards- At the May 20, 2019 meeting, in response to some rezoning petitions and forthcoming development projects along N. Main Street, some members of City Council requested that the Building Codes Committee discuss and consider some development

standards. Staff needs some guidance so they can develop some draft standards. Councilman Goodson said he would like to see expanded buffer standards, maybe even to move the façade of a building. Councilwoman King said she would like complementary standards to what we have in the CRD. Buffering, architectural design, parking and landscaping are all important to North Main Street. There is a lot of property for sale between City Center and the city limits. Councilman Goodson mentioned we are very fortunate Dollar Tree is bringing in such a nice building, because we do not have anything in place to make them follow such standards. Councilman Goodson said if development will border residential, then higher standards should kick in.

David said he did this in town center in Simpsonville with overlay districts. A second overlay district was also done to complement the standards of town center, but were not as strict. Councilwoman King agreed that sounded like a great idea. Chairman Black said we have talked several times about putting buildings at the road and parking in the rear. David said our Central Redevelopment District says that for new development, parking must either be on the side or in the rear. Councilman Goodson said if there is a certain amount of acreage, more landscaping should be required. Councilwoman King said what they were talking about putting on the property next to 711 North Main would have been perfect to butt up to residential. It was an apartment development.

David said he would go back and start developing some standards for committee to look at and discuss.

- c. Short-term rental standards- David has looked at other short term rental ordinances in the state and captured a few things included in theirs. David said the rentals should be treated as one category. There are general standards to consider, off street parking standards, and permits and licensing standards. He would like feedback on what is presented to committee tonight.

Chairman Black asked if things like ADA accessibility and sprinkler systems would be required. David said he talked to our contracted building inspector, whose opinion is that short term rentals would not trigger ADA requirements or sprinkling requirements. Chairman Black said normally things like ADA accessibility are listed on the short term rental's website, so if someone needed accessibility, they would know up front of the property offered that or not.

David also called and talked to the Building Officials in Seneca, Charleston, Beaufort, Clemson and Mount Pleasant to find out their interpretation of the building codes, and they were the same, they did not think short term rentals would trigger sprinkling or ADA requirements. The rentals would be treated just as a regular single family home.

Councilman Goodson said this draft makes sense to him and is less detailed than the draft that was proposed earlier. David said he may take out the life safety portion of the draft. He is concerned that may open the door to a building official requiring more from the owner.

Councilwoman King recommended that under the rental agent requirements, the age be changed from 18 to at least 21. David said the next step is to put it in ordinance format and send it to the City Attorney and Police Chief.

Councilwoman King said she agrees that the life safety portion needs to be revisited and maybe get a legal opinion.

David will come back with this after the attorney has looked at it.

- d. Appointments to boards and commissions – We have four applications now and are expecting more. We will accept applications until about a week before the council meeting. David asks that this is sent to council for consideration.

Councilman Goodson made a motion to send this item to council. Councilwoman King seconded the motion and the vote was unanimous (3-0).

7. Public Comment

Leo Swartwood- I am from Pine Forest. I want to say I appreciate all the work that has gone into this. We are getting close to getting a document to show the neighborhood.

Brandon said there will be a public hearing.

Leo Swartwood- I live in my neighborhood, and I want to include them. I want the people to feel safe and in control of their property and not like strangers are coming in. I think with the explanation, they will feel like that. One of the things, is it looks like you are forward thinking in what you want. You don't want these in townhomes and apartments, but in single family residential. The thing I am finding in my research, is that is the one aspect that can make this a real negative. You would think as an owner I wouldn't want to exclude some things, but I really think we need to do that. The whole emphasis is a home away from home. That is what my guests appreciate. We have 65 reviews on VRBO.

Councilman Goodson- I thought you meant 65 guests. That would be a problem.

Leo Swartwood- This is an option that people like and I think that when the neighborhood sees this, they will like it.

Chairman Black- It is new. People don't like change and don't want to get accustomed to it.

Councilman Goodson- You can ride through Pine Forest and really tell where your property is. It is sad to see people in neighborhoods park on the grass and it kills it. Just like that on the corner at Edgewood. It is sad. I feel good with the work David has done.

Chairman Black- It has never been our intent to close you down.

Leo Swartwood- I am a real simple guy. I like one page.

Councilman Goodson- David is not a one pager.

David- I think this used to be about 100 pages before.

Laura Swartwood- Can I ask a few questions? The occupancy number. Eight people total in the house. What if a house has four or five bedrooms and can fit 10 or 12 people? Is that a deal breaker?

David- I think that is geared more towards adults. I know people who have 8 or 9 kids.

Laura Swartwood- We have a lot of infants and small children coming in. Under listing requirements, monitoring alarms... you are talking about a system?

David- That would be a company that would alert the fire department. This is one I could go either way on. This is basically that next step that if you have a fire alarm, that it is hooked up to a monitoring company.

Councilman Goodson- I think installation is free if you sign up for the monthly plan.

Chairman Black- What does your insurance say?

Laura Swartwood- That you have to have a fire extinguisher in the house.

David- They don't require the monitor. The monitor alarm is more in the situation that someone is not there.

Laura Swartwood- Proof of ownership. What if the house is owner financed?

David- It should still show up...

Laura Swartwood- On our house, the owner is acting as the bank to me.

David- In that case, we would probably just require a statement explaining the relationship.

Councilwoman King- You would have a contract. It is not uncommon.

Laura Swartwood- The inspections- that screams to me that it should be for all rentals, not just short term rentals. The long term rentals are the ones that really need that. I think you should take that out.

Councilman Goodson- I think it is in your favor because the Air Bnb is doing more than long term rentals. There is a noticeable difference between long and short term rentals.

Laura Swartwood- Also, for me it is interesting with the location requirement of the owner. For me, I live 12 miles away from mine. That puts me in the neighborhood within 15 minutes. With the last draft, it was that we were always available to be at the rental in an hour. I think 15 minutes is a reasonable time to respond to my property. Ten miles is a little...

Chairman Black: You could go 60 miles in Greenville County from one end to the other.

David- If we or they have to call the owner, if they can get there and the police don't have to wait on them, 15 minutes is reasonable.

Laura Swartwood- Another question I have is the taxes. What is all of this?

David- That is a standard clause that was in the other ordinances. You have property taxes there and actually the MASC has a document that outlines how your tax rate could be affected by short term rentals from 4 to 6%. The statement basically states you are subject to city or state taxes. There will be property taxes, accommodation taxes, whatever is applicable.

Laura Swartwood- Air Bnb and VRBO withhold accommodation taxes.

David- The City requires 2% in accommodations tax.

Councilwoman King- The state of South Carolina has a 2% accommodation tax and 5% sales. It is 7% total.

David- The city has 2% on top of that.

Councilwoman King- I am not sure about your agreement with Air BnB- if they are collecting the tax and remitting it or what. Typically, the property owner would have their own account with the state and with the city. If you are at the beach, you are registered with the state, and with Horry County.

Laura Swartwood- So, we would pass on that tax, which puts us closer to the rental prices of units near downtown.

Councilwoman King- That is state law and has been. It is nothing new.

Laura Swartwood- What about long term rentals? They sometimes have four families jumping through. They are not paying those taxes.

David- So they would be at 6% for property taxes. The accommodations tax is only under the 30 day threshold.

Chairman Black- If you live there, it is 4%.

Leo Swartwood- Three strikes and out. Is that still in?

David- That gives the City the ability that if you are convicted on three code violations within a 12 month period, you will be suspended for a period of time.

Councilman Goodson- Also, if there were two incidents and the owners wouldn't respond, that became a violation. I like that. I think it is very fair. If there is a fight and we can't get the owners to respond, I think that is fair.

Leo Swartwood- I was thinking on the other side, and it is a code violation, rather than a complaint. You could have a situation where a neighbor didn't like you being there that could complain...

David- I thought of that too. It is a code violation.

Laura Swartwood- We all have a situation with graduation parties or wedding parties and if they are staying in the house getting ready, and potentially there are several people there and more cars than normal- I understand this is an outline.

Chairman Black: We will send all of these concerns to the city attorney and then hopefully have something to bring back to committee in July.

8. Committee Concerns- None

9. Adjourn

Respectfully Submitted,
Cindy Miller
Municipal Clerk

DRAFT