

Minutes
Building Codes Committee
August 5, 2019
6:00 p.m.
2nd committee meeting

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

1. Call to Order- Chairman Black

2. Public Comment- None

3. Reading and Approval of Minutes

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

- b. Building Codes Committee Meeting: July 1, 2019- No quorum was present

4. Reports or Communications from City Officers

- a. Budget Review- The budget looks good. Chairman Black asked if the department was still using RCI. David answered yes, but the department is trying to control the costs. Brandon said staff will come to council soon to ask that Steven become more of a Building Official, since he is now certified.

- b. Department Reports- The decal is now on the new department truck.

5. Unfinished Business - None

6. New Business

- a. Annexation and zoning assignment for property along Miller Road (1127-1133 Miller Road)- The City of Mauldin has received signed petitions requesting the annexation of a tract of land consisting of eight parcels pursuant to South Carolina Code of Laws Section 5-3-150. These petitions include approximately 16 acres owned by various individuals and is located along Miller Road beginning at 1127 Miller Road and ending at 1133 Miller Road.

The applicant has requested that this entire tract be zoned R-M1, Mixed Residential, upon annexation into the City of Mauldin. The applicant plans for attached single-family homes to be developed on this tract. All utilities are available. This property backs up to Oak Forest subdivision.

Councilwoman King made a motion to send this item consisting of all parcels to council with a recommendation of approval. Councilman Goodson seconded the motion. The vote was unanimous (3-0).

- b. Short-term rental ordinance- At its June 3, 2019, meeting, the Building Codes Committee began to review some prospective regulations for short-term rentals. The next step was to compile these regulations into an ordinance format. Attached is a proposed ordinance that would regulate short-term rentals in the City of Mauldin. This ordinance was provided to the city attorney and city department heads on June 18.

Below is a summary of the attached short-term rental ordinance. Please note the following adjustments since the June 3 meeting:

- Maximum occupancy standards were adjusted to regulate the number of adults age 18 years and older permitted at a short-term rental instead of the number of persons overall including children.
- Added a requirement to post in the unit the maximum number of vehicles allowed.
- Removed the requirement for a monitored fire alarm.
- Removed the requirement for a life/safety inspection and adjusted the application fee to \$50.00.
- Relaxed the location requirement for rental agents from a distance of 10 miles to 12 miles from the rental property.
- Increased the age requirement for rental agents from 18 years to 21 years.

Councilwoman King asked if there are any penalties outlined for violations. David said it would go through the codes enforcement process. The violator would be issued a citation and possibly be brought into court so the judge would make a decision on the case. There is a set amount for fines. If the renter is found to be illegally operating, the permit application fee would be increased. Councilwoman King said she saw a presentation from Mount Pleasant and Folly Beach on short term rentals at the MASC meeting and they had the penalties as part of the ordinance.

Councilwoman King also said their verbiage regarding the maximum occupancy was not exceeding two persons per bedroom plus two additional people. David said ours was similar, but we don't count children.

Leo Swartwood said he asked one of the neighbors, who is a Sheriff's Deputy, what he thought of the renters and short term rentals. His neighbor told him the short term renters are more desirable than the 1-2 year renters. He said the short term rental owners are treated like the bad guys and have a lot of regulations to follow. The long term rental owners can rent to whoever and run the houses down. He asked why can't there just be a list of things to improve the neighborhood. Mr. Swartwood said there is someone that owns 25 houses in the neighborhood and they do not look good. He believes these regulations are unfair.

Chairman Black said some of these regulations were brought about by the hotel industry because the rooms could be rented for one day.

Ms. Swartwood asked how it would be handled if someone stayed 2-3 months in the rentals. David said if there is a combination of short term and long term, anything over 90 days or more continuously rented to one person is not subject to accommodations tax. Ms. Swartwood asked if everyone renting one to two months would be caught and asked to pay the tax.

Chairman Black said he doesn't know how you would control it all. Mr. Swartwood said he wants the best for the neighborhood. Now the discussion has turned to taking money from his pockets.

Ms. Swartwood asked why the City requires proof of ownership. David said it is because the owner of the property should be in the loop. Chairman Black said this ordinance would take two readings. There is no way that every concern will be satisfied.

Councilman Goodson asked if the owners could see that this document is 100 times better than it was. In the beginning, some of council was not in favor of short term rentals at all.

Councilwoman King said accommodations tax starts at the state level. Anything with short term rentals- houses, campgrounds, hotels, etc., are subject to accommodations tax under state law. Mr. Swartwood said taxes have to be paid even if there is not enough money being made. Councilwoman King said the taxes are being passed along to the renters.

Mr. Swartwood said he thinks there is a lot more crime and problems with long term renters. Councilwoman King said no one is arguing that point. That is why we have been trying to develop an ordinance. Mr. Swartwood asked then why the regulations? Councilman King said state law and our code defines long term rentals. David said our codes define residences and the way our code is written now, short term rentals would be illegal. Rentals less than 30 days at a time are not allowed. David said this exercise is to make sure short term rentals are legal.

Mr. Swartwood asked if this was a discriminatory process. Rental is either long term or short term. Is it discriminatory to short term renters? Councilman Goodson said this is opening a path for short term rentals to conduct their business legally.

Ms. Swartwood said she appreciates the work that has been done. David asked if the financial aspect is the problem. Ms. Swartwood said yes, these rentals do not make a lot of money. Councilman Goodson said the Swartwoods do a good job and would like to see them continue in business.

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

Councilwoman King asked David if he has started an application draft. David said he has not. He will put feedback from tonight's meeting in the agenda summary.

7. Public Comment- None

8. Committee Concerns- None

9. Adjourn- Chairman Black adjourned the meeting.

**Respectfully Submitted,
Cindy Miller
Municipal Clerk**