

Minutes
Building Codes Committee
February 10, 2020
6:00 p.m.

Members present were Chairwoman Diane Kuzniar, Committee members Taft Matney and Dale Black. David Dyrhaug, Business and Development Director and Brandon Madden, City Administrator, were also present.

1. Call to Order- Chairwoman Kuzniar

2. Public Comment

Anne-Marie Smith: About the house at 317. I have met with a moving company and they say it is structurally sound to move. It is worth saving. We actually went a couple of different routes on which way we would move it if we wanted to get it into Main Street Mauldin. He is working up a proposal. I have met with some historical society people as well to come up with some funding to move the house. I am working on getting the house. I have been up under the house and it is dry as a bone, with the exception of two holes where the roof leaked. It has been sitting there for 111 years. The guy at National House Movers who moved those houses at the gym said there have been five people call him and want to save that house. I don't care who saves it as long as it is saved. I just want to save it. He is working up a proposal. I also want to get with Van and see what we can come up with.

Amanda Taylor: My name is Amanda Taylor and I am the Regional Director for AT&T for this area and I have a prepared statement I would like to read regarding the small cell wireless facilities. Thank you for the opportunity to provide feedback.

We at AT&T are excited to bring new wireless capabilities to the citizens of Mauldin and visitors. Your citizens, visitors and businesses are demanding more wireless capacity at exponential rates. The amount of data traveling over AT&T's wireless network has increased by 250,000 percent over the last ten years and that is projected to increase tenfold this year. There is a capacity issue in Mauldin that we desperately need to address by deploying small cells on power poles and other structures throughout the City. They are much shorter and less obtrusive than other cell towers. As you might expect, they cover a smaller area and we would need more of these small cells than traditional cell towers. In addition to addressing the capacity, these cells will lay the foundation for things like 5 G, autonomous cars and smart cities. I want to thank the staff, Van Broad and Brandon Madden, who have met with us and those currently working on the ordinance.

The wireless industry in South Carolina has also been working with the landline industry, the cable industry, and the Municipal Association to support a model small cell ordinance that appropriately balances demands for advancements and ways to meet that demand and the local governments'

desire to keep aesthetics and local concerns to comply with federal and state law.

This ordinance differs considerably from the MASC ordinance. We have concerns that because of these differences, AT&T and other providers will not be able to deploy the facilities necessary to deploy the broadband services your citizens are demanding and the 5G service the citizens will undoubtedly demand in the near future. Our detailed concerns were sent out via email with redlines to Mr. Madden and I can share them with you as well. In the interest of time, I will not address each of the concerns, but would like to point out the most troubling aspects of the ordinance to give you a feel for our concerns and why they are justified.

As noted on page 68, the ordinance will prohibit small cells on existing decorative light poles even when it is technologically feasible to do so which is compatible with the decorative aspects of the pole. Preventing viable placement opportunities will only lead to the placement of new poles, which is something the new ordinance restricts. Would you reconsider such a restrictive approach and work with the industry to come up with a viable solution?

Similarly, the ordinance seems to require the small cells be shrouded and similar equipment enclosed within the body of the pole, in existing cabinets, or located underground. While we appreciate there may be discreet areas of the City and utilities might be required to meet heightened criteria, there are many other areas of the City that are not. Attempting to impose more stringent criteria on small cell facilities in the same right of way is both bad policy and a violation of state and federal law set forth in page 38 of the FCC order.

With regards to the rates and the proposed ordinance, we believe the annual rate to attach to a City pole of \$250 is an excessive cost and does not match the cost the city incurs as a result of such attachments. The application review process raises concerns in part which contain timelines such as shortly receiving the application and is typical to the City's timeline reviews instead of the firm 10,30, 60, and 90-day timelines to comply with federal laws. We prefer section 3 of the MASC ordinance.

Finally, as I mentioned earlier, we understand there are discreet areas of the City in which utilities and other communication service providers are not required to comply with high end aesthetics to preserve the discreet area. We are concerned that the small cell design specifications in the proposed ordinance apply throughout the City and is more burdensome than applies to similar services in the right of way. We are confident this is a violation of both state and federal law. Our comments and suggestions are consistent with the model ordinance and we look forward to working with the City to develop and revise an ordinance that works with these goals.

We ask the City to direct staff to work with the industry amend the ordinance that encourages small cell technology while addressing legitimate issues in historical areas and Main Street corridors.

As a side note, we continue to advocate for state legislation that would supersede parts of the proposed ordinance and the items that remain regarding guidelines. Thank you.

3. Reading and Approval of Minutes

a. Building Codes Committee Meeting: January 7, 2020

Councilman Matney made a motion to approve the minutes with Councilman Black seconding. The vote was unanimous (3-0).

4. Reports or Communications from City Officers

a. Department Reports

Business and Development Services Director David Dyrhaug
Budget Review

Councilman Black asked about the 650 account and professional services. He said we must be bringing a lot of services in house. David answered yes.

Brandon asked if David could give an update on the new software. David said View Permit is under orders to have the software up and running by the end of the month or beginning of March. The vendor has had a lot of issues with the migration of the data.

5. Unfinished Business

a. Small Cell Wireless Facilities Ordinance

Councilman Black asked Brandon if he had time to read the email sent today from MASC regarding the model ordinance. Brandon said he did, and would like to give staff time to go through that correspondence as well as the red lined changes submitted from AT&T. Councilman Black said in AT&T's comments, a \$250 dollar fee was mentioned. In our draft, it says the first five would be \$100 each and \$50 thereafter, and \$250 on a City-owned pole.

Councilman Black made a motion this be held in committee.

Councilman Black asked if this would be a joint use facility or will everyone put up a small cell? AT&T answered that each provider will have its own places in the City with small cells. There is no technology for each provider to use the same pole. The AT&T representative said a separate agreement would have to be made with the owner of each pole the equipment is attached to. Councilman Black said there could be a spaghetti junction. The AT&T representative said that is a possibility, but they are trying to find existing poles. Councilman Black asked if the feed for the pole would be underground. AT&T answered yes, most of the time.

David said AT&T has requested to install a new wooden pole. Why would that be? The representative said would mean there is not an existing pole that could be utilized within the radius that the small cell covers.

Chairwoman Kuzniar asked how far apart the antennas would be. Is there one, or every 100 feet, or 500 feet? AT&T said it would probably be 1000 feet to cover an area for AT&T, but you could have AT&T poles and another provider. Chairwoman Kuzniar asked if they would be in neighborhoods. AT&T said they are trying their best to stay in public rights-of-way. David said Verizon is looking at installing in a couple of neighborhoods.

AT&T said a year or two ago, there was a request by them to use the right of way, but there was no ordinance. Councilman Black said something was passed for Verizon. David said there is a process on a case-by-case basis since there is not an ordinance.

Councilman Matney seconded the motion to hold this in committee. The vote was unanimous to hold this item in committee (3-0).

6. New Business

- a. Rezoning at 317 Miller Road- The applicant is requesting S1 from R12. The purpose is so they can expand a paved area. There is an industrial facility behind 317 Miller Road. There is an empty house in disrepair on the property which has been commented on tonight. The property owner does intend to remove the home because it is a liability. Metal Chem would be located behind 317 Miller Road. They have not moved into the facility yet. The expansion only affects the back portion of 317 Miller. S1 surrounds the property. The comprehensive plan supports the S1 zoning district as well.

The Planning Commission reviewed the rezoning on January 28th and Anne Marie Smith was also present to comment on preserving the home. The applicant stated the home is available for free if anyone would like to move it from the property. It has been shown to a few interested parties so far. There will probably be considerable expense to move the home. The Planning Commission discussed the preservation of the home, but it is a separate item from the rezoning. Staff and Planning Commission recommendation is to rezone the property.

Councilman Matney made a motion to send this to council with a recommendation for rezoning.

Councilman Black asked if there would be any truck traffic to this property on Miller Road. Mark, one of the property owners, said 4-5 times a month a truck might come down Miller Road to pickup and drop off trailers. The shipping and receiving would come down Ellwood Court. It is difficult to turn a truck on Miller. 6-7 trucks per day would go into Ellwood Court.

Councilman Matney said he would be more bothered if the property was not already surrounded by Service District. The rear of the property is the only part that will be disturbed. He thinks if there is asbestos remediation that needs to be done, we have time for the house to be saved. He is going to support this request.

Councilman Black said he would like to see the house saved and appreciates the work Ms. Smith is doing by looking into preservation.

Councilman Black seconded the motion and the vote was unanimous (3-0).

b. Amendments to the Conditional Standards for Multi-Family Housing in the C-1, C-2, and S-1 Zoning Districts

In 2017, the City adopted an ordinance to allow multi-family as a conditional use in C-1, C-2, and S-1 Zoning Districts. It came about because of a project developed on Verdin Road. We are starting to get more requests to do multi-family in commercial districts. Initially, this was seen as a mixed-use, but now we are seeing more garden-style apartments with a lot of parking. What is being presented is to adjust this ordinance to have a little more impact on producing mixed-use development on a pedestrian scale.

The recommended amendments are as follows:

1. Maximum density. Simplifies the maximum density allowed for multi-family residential projects by setting the maximum at 20 units per acre.

Comment: Currently, multi-family residential projects in the C-1, C-2, and S-1 districts are allowed a base density of 16 units per acre with an ability

to receive a bonus of up to 20 units per acre if they include ground floor retail or construct the building along the front of the property fronting a wide sidewalk. Those bonus provisions have been incorporated into the attached ordinance as requirements. Therefore, it is no longer necessary to have different tiers for maximum density.

2. Mixed use design. In order to promote a more active pedestrian environment, principal structures with ground floor retail are required to front primary rights-of-way. This includes a provision that these structures should be built close to the front property line (not set back further than 10 feet).

3. Parking location. In order to facilitate a better pedestrian design, parking lots are required to be located in the side or rear yards of multi-family residential buildings and are prohibited between multi-family structures and the right-of-way.

4. Public sidewalk. In order to facilitate better pedestrian design, an 8-foot-wide sidewalk is required along the primary rights-of-way.

5. Amenity zone. A 4-foot-wide amenity zone, consisting of landscape plantings and pedestrian amenities such as benches, bicycle parking, planters, public art, etc., is required along the primary rights-of-way.

6. Civic space. In order to promote better placemaking and to create outdoor gathering spaces, an outdoor civic plaza is required in a prominent location of the development project, usually adjacent to a primary right-of-way.

7. Prohibited locations. In order to protect current and future opportunities for employment centers, multi-family residential is prohibited in business park areas such as Brookfield, Old Mill Road, and Old Stage Road.

Councilman Black made a motion to send this to full Council with Councilman Matney seconding. The vote was unanimous (3-0).

7. Public Comment- None

8. Committee Concerns- None

9. Adjourn- Chairwoman Kuzniar adjourned the meeting.

Respectfully Submitted,
Cindy Miller
Municipal Clerk