



BUILDING CODES COMMITTEE MEETING

MONDAY, JUNE 1, 2020 | 6 PM

2nd Committee Meeting

The Committee will meet in the Mauldin City Hall at 5 East Butler Road in the Council Chambers at 6 p.m.

Please note that members of the public may attend this meeting in-person, but are encouraged to participate remotely. The meeting will be available remotely through Webex. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing. You may also email comments about specific items on the agenda to City Clerk Cindy Miller at cmiller@mauldincitysc.com. Comments emailed about specific agenda items prior to 6:00 p.m. on Monday, June 1, 2020 will be read during the Public Comment segment of the meeting.



AGENDA

1. Call to Order

2. Public Comment

3. Reading and Approval of Minutes

- a. Building Codes Committee Meeting: May 4, 2020 {Pages 2-4}

4. Reports or Communications from City Officers

- a. Budget Review
- b. Department Reports
 - i. Update on Small Box Variety Store Regulations {Pages 5-11}

5. Unfinished Business

- a. None

6. New Business

- a. Boards and Commissions Appointments {Pages 12-23}
- b. Permit and License Software {Pages 24-25}
- c. Performance Bonds {Pages 26-27}

7. Public Comment

8. Committee Concerns

9. Adjourn

Building Codes Committee Meeting



Minutes Building Codes Committee May 4, 2020 6:00 p.m. 5th committee meeting

Members present were Chairwoman Diane Kuzniar, Committee members Dale Black and Taft Matney all present remotely. Business and Development Services Director David Dyrhaug was present remotely and City Administrator Brandon Madden was present onsite at city hall.

1. Call to Order- Chairwoman Kuzniar

2. Public Comment- None

3. Reading and Approval of Minutes

a. Building Codes Committee Meeting: April 6, 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. Budget Review- David said the department has 34% remaining and the budget is in fantastic shape.

b. Department Reports

i. Boards and Commission Application Notice- The department is accepting applications for the ZBOA and the Planning Commission. This item will come to committee next month.

ii. Permitting & Licensing Software Update- The department has begun looking at different software packages. They have tested about 10 different ones. David will issue an RFP and put review of the proposals on the committee agenda next month.

5. Unfinished Business

a. Construction Noise Standards- At the March 2, 2020, Building Codes Committee meeting, the Committee asked staff to explore alternative regulations pertaining to construction noise. At the April 6, 2020, Building Codes Committee meeting, staff presented to a few options for the committee's consideration. In addition to making no change, these included:

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Adjusting to the City of Greenville's standard which prohibits construction noise after 9:00 p.m.

Consider a daylight savings adjustment which generally allows construction to persist longer into the day during daylight savings time.

Consider different restriction of hours depending on the type of equipment being used (i.e. noncommercial/nonindustrial tools versus commercial/industrial tools); or

Consider different restriction of hours depending on the nature of the activity (i.e. ongoing construction versus short-term activities).

At the April 6, 2020 meeting, some interest was expressed for adjusting to the City of Greenville's standard. There was not really any interest indicated for the other alternatives presented.

Staff has recently discussed this with the President of the Greenville Home Builders Association. He indicated that he was not concerned if the City of Mauldin adjusts its restriction on construction noise beginning at 9:00 p.m. instead of 10:00 p.m. Chairwoman Kuzniar was present during the discussion and Mr. Dey asked if there could be an allowance for an emergency repair or in a situation like someone is painting and has a deadline.

Councilman Matney said he agrees with the considerations from Mr. Day and has no problems supporting the 9:00 p.m. restriction. David said this ordinance only pertains to noise, so any activities that do not produce noise do not fall under the ordinance. Emergency situations also do not fall under the ordinance.

Councilman Black asked if these hours would pertain to commercial and residential activities. David answered yes.

Councilman Matney made a motion to forward this to council with the 9:00 p.m. recommendation. Councilman Black seconded the motion and the vote was unanimous (3-0).

b. Small Wireless Facilities Discussion- This is a complicated issue. David said he sat in on a Greenville County discussion on this and they are concerned about the possible conflict with some of their existing ordinances. MASC has a model ordinance and David has presented some different options. The City could make some revisions from the comments from AT& T and Verizon. Staff may recommend a workshop with several involved parties. Councilman Matney said a stakeholder workshop might be the direction committee should go in. Wireless providers are definitely important, and we should see if we can align our goals with them.

Councilman Black said he had asked about co-location of the towers at a previous meeting and the AT&T representative said it was not possible. He wants to look into that possibility. This would entail one utility pole with many providers on it. The providers could decide amongst themselves who would pay what to the City for usage of the

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pole. Chairwoman Kuzniar said one pole with a lot of stuff on it might not look too good, but maybe separated poles that all were uniform would look better. She agreed that the workshop would be a good idea. This would give us an opportunity to see what the vendors are looking to do and allow Council to ask questions. Staff was directed to schedule a workshop.

Councilman Black asked if there is any pressure from the vendors to get this done quickly. David said there is one application from a vendor that is anxious to get approved. AT&T has submitted an application for a location on West Butler Road. This application could be taken up separately by Council as a lease agreement. Councilman Black asked how this would affect other vendors. David said he thinks that has been the practice in other communities and we could consult our legal counsel. Chairwoman Kuzniar asked how soon AT&T wants to put up the pole. David said they have asked several times and would have liked it done yesterday. Councilman Black asked if it was in our city limits. David said yes.

Councilman Matney said we have already done something similar to this with Verizon. Considering AT&T's application would not prevent us from coming up with standards. He does not have a problem with considering this one item. Chairwoman Kuzniar asked if AT&T would erect a pole or are they going to use an existing pole. David said he thinks it is a new pole but would need to go back and check. Chairwoman Kuzniar said what is in the packet shows various poles. Some are nice and some are not so nice.

Councilman Matney made a motion to send this item to Council to consider AT&T's request. Councilman Black seconded the motion. Councilman Black said this would be with the understanding that the regulations could change with subsequent applications. Councilman Matney said we did something similar with Verizon a couple of years ago. Councilman Black said he thought that had something to do with fiber optic. The vote to send this item to Council was unanimous (3-0).

6. New Business

- a. None

7. Public Comment- None

8. Committee Concerns- None

9. Adjourn- Chairwoman Kuzniar adjourned the meeting.

Respectfully Submitted,
Cindy Miller
Municipal Clerk



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: June 1, 2020

AGENDA ITEM: 4b

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Regulation of Small Box Variety Stores

BACKGROUND

In January, staff shared with the Planning Commission remarks from the Institute for Local Self-Reliance about the rapid growth of chain dollar stores, particularly the two dominant chains—Dollar General and Dollar Tree, which also owns Family Dollar. Because these dollar stores typically only offer a limited selection of processed foods and no fresh vegetables, fruits, or meats, the Mauldin City Council has expressed concern that they are opening stores at a density that might crowd out full-service grocery stores and thereby exacerbate the issue of food deserts. In response, the Mauldin City Council adopted a moratorium on new dollar store development on February 17, 2020.

At its January 28, 2020, meeting, the Planning Commission directed staff to further study this issue and to consider appropriate regulations.

At the February 25, 2020, Planning Commission meeting, staff presented two approaches to regulating dollar stores that it found in its research: “Formula business restrictions” which entail standards that are placed on all chain retailers and require them to be distinct from that chain’s other outlets; and “dispersal restrictions” which set limits on how close new dollar stores can be to one another. The general comments provided by members of the planning commission indicated a clear preference to focus on dispersal restrictions.

At the April 28, 2020, Planning Commission meeting, staff presented various dispersal standards, definitions, and other standards applied by communities that regulate discount stores and dollar stores. Members of the Planning Commission provided feedback regarding these items.

ABOUT THE DRAFT ORDINANCE

The attached draft ordinance considers the input and feedback provided by the Planning Commission. This ordinance includes a preamble section containing several “whereas” statements to provide context and findings that are the basis for the ordinance.

The ordinance defines a “small box variety store” similarly to other communities including Kansas City and New Orleans. The ordinance uses the term “small box variety store” over terms such as discount store or dollar store because it is more consistent with the definition provided and doesn’t complicate the issue as to whether products are being offered at discount prices. Although a typical square foot threshold of

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15,000 is included in the definition, there is also a qualifying statement included which indicates that stores exceeding that threshold are not necessarily excluded from the definition.

The ordinance lists “small box variety stores” as a conditional use in the City’s commercial districts including CRD, C-1, and C-2. The main conditional standard that applies is a dispersal requirement that no small box variety store shall be located within one mile of any other existing small box variety store inside or outside the City limits of Mauldin.

REQUEST

At this time, this draft ordinance is being presented as information. The Planning Commission is preparing to conduct a public hearing for this ordinance at their next Planning Commission meeting on June 23, 2020.

ATTACHMENTS

Draft Ordinance



ORDINANCE # _____

AN ORDINANCE TO AMEND ARTICLE 10 OF THE CITY OF MAULDIN ZONING ORDINANCE BY ESTABLISHING SPECIAL STANDARDS AND DEFINITIONS FOR SMALL BOX VARIETY STORES AND LIKE BUSINESSES AND TO ESTABLISH THE ZONING DISTRICTS FOR WHICH THEY CAN LOCATE.

WHEREAS, there has been a considerable increase in the number of small box variety stores nationwide in the last several years; and

WHEREAS, City of Mauldin residents typically have more access to convenience stores and fast food than to nutritious food; and

WHEREAS, small box variety typically offer mostly inexpensive, energy-dense, low-nutritive foods and beverages rather than fresh, nutritious food; and

WHEREAS, people choose among foods that are readily available and therefore healthy options should be at least as available and accessible as unhealthy ones; and

WHEREAS, recent studies show that small box variety stores have a negative impact upon grocery stores, threaten access to fresh and affordable produce, and harm job growth; and

WHEREAS, many small box variety stores do not include Women, Infants and Children (WIC) Nutrition Program essential items and therefore are not certified to accept WIC coupons; and

WHEREAS, for the purpose of measuring food deserts, researchers consider a “far” distance from a grocery store or supermarket as one mile in urban areas.

WHEREAS, a number of small box variety stores are already in operation in and around the City of Mauldin; and

WHEREAS, some of the small box variety stores are currently in close proximity to one another; and

WHEREAS, the regulation of small box variety stores will promote the efficient use of land and resources in the City of Mauldin and is necessary to protect the health, safety, and welfare of the citizens of the City of Mauldin; and

WHEREAS, pursuant to properly published public notice, the Mauldin Planning Commission considered this matter at a public hearing on _____, 2020.



NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof that the Mauldin Municipal Code be amended as follows:

Section 1 Amendment. Amend Section 3:3, Definitions, of Article 3, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and *** represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

ARTICLE 3. – ZONING DISTRICTS, GENERAL STANDARDS, DEFINITIONS

Sec. 3:3 – Definitions

Fresh or Fresh Frozen Foods. Food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. This includes unprocessed meat and seafood.

Small Box Variety Store. A retail store typically 15,000 square feet or less that sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premise consumption, household products, personal grooming and health products, and other consumer goods. A store that exceeds 15,000 square feet is not necessarily excluded from this definition if it still coincides with the remaining characteristics described herein and the intent of associated regulations. Small box variety stores do not include small box stores that:

- (1) Contain a prescription pharmacy;
- (2) Sell gasoline or diesel fuel;
- (3) Primary sell specialty food items (e.g. meat, seafood, cheese, or oils and vinegars);
- (4) Dedicate at least 15% of shelf space to fresh or fresh frozen foods; or
- (5) Dedicate less than 5% of shelf space to food sales.

Section 2 Amendment. Amend Article 5, Zoning District Regulations, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and *** represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):



ARTICLE 5. – ZONING DISTRICT REGULATIONS

Sec. 5:6 – CRD, Central Redevelopment District

5:6.1 Uses Permitted

Retail sales, except small box variety stores

5:6.3 Conditional Uses

Small box variety store

Sec. 5:7 – C-1, Commercial District

5:7.1 Uses Permitted

Convenience store (without a carwash and with a maximum size of two thousand five hundred (2,500) square feet, a minimum size of one thousand (1,000) square feet, and limited to one (1) fuel service area that can serve no more than four (4) vehicles at one time), except small box variety stores

5:7.3 Conditional Uses

Adult Care Center
Child Care Center
Multi-family dwellings (in accordance with provisions of Section 8:1 and Section 10:13)
Small box variety store



Sec. 5:8 – C-2, Highway Commercial District

5:8.1 Uses Permitted

Convenience store (with or without a car wash and no size restriction),
except small box variety stores

5:8.3 Conditional Uses

Adult Care Center
Child Care Center
Multi-family dwellings (in accordance with provisions of Section 8:1 and
Section 10:13)
Small box variety store

Section 3 Amendment. Amend Article 10, Conditional Uses, by adding a new section 10:15, Small Box Variety Store, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and *** represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

ARTICLE 10. – CONDITIONAL USES

Sec. 10:15 – Small Box Variety Store

10:15.1 Applicability and Purpose

A small box variety store may be allowed as a conditional use within the CRD, C-1, and C-2 districts and is subject to the standards contained herein.

The purpose of these standards is to limit over-concentration of small box variety stores and to allow for more diverse retail options and convenient access to fresh meats, fruits and vegetables.



10:15.2 Separation Requirements

No small box variety store shall be located within one (1) mile or 5,280 feet of any other small box variety store inside or outside the City limits of Mauldin. The required separation distance shall be measured in a straight line from the nearest point on the lot line of the property occupied by a small box variety store to the nearest point on the lot line of the subject property.

Section 4. This ordinance shall become effective upon and after its final passage.

Passed on First Reading: _____

Passed on Second Reading _____

CITY OF MAULDIN, SOUTH CAROLINA

BY: _____
Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

John Duggan, City Attorney



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: June 1, 2020

AGENDA ITEM: 6a

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Vacancies on Boards and Commissions

Since the start of May, the City has advertised that it is accepting applications from volunteers interested in serving on the City's boards and commissions.

PLANNING COMMISSION

The terms of the Planning Commission members serving in seats #1, 4, and 7 will expire at the end of June. The volunteers currently serving in those seats have each applied for re-appointment. See attached applications. This includes Michael Forman (seat #1), Jonathan Paulsen (seat #4), and Dean Oang (seat #7). Each of these volunteers has provided a breadth of planning and development knowledge to the Planning Commission and has been outstanding in their service to the City. Staff fully supports their re-appointment to their respective seats.

In addition, Mr. Ted Allison (seat #5) has indicated that his schedule no longer allows him to continue to serve on the Planning Commission. Therefore, he has stepped down from his seat on the Planning Commission. The City has a need to fill the remainder of his appointment which expires at the end of June 2022.

The City has received an application from Mr. Michael King to be appointed to the Planning Commission. See attached application.

Staff supports the re-appointment of Michael Forman (seat #1), Jonathan Paulsen (seat #4), Dean Oang (seat #7) and the appointment of Michael King (seat #5). And recommends that this matter be forwarded to City Council for consideration.

BUILDING AND ZONING BOARD OF APPEALS

The terms of three Zoning Board members will expire at the end of June. In addition, there is presently an open seat on the Zoning Board. Therefore, the City needs to appoint four volunteers to serve on the Zoning Board.

The City has received an application from Mr. Paul Calabrese for re-appointment to the Zoning Board. No other applications for the Zoning Board have been received to date.

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The Zoning Board meets very infrequently and primarily reviews requests for variances and exceptions from the zoning standards. The infrequency of their meetings may be a contributor to low interest in volunteering to serve on this Board.

Staff support the re-appointment of Paul Calabrese and recommends that his re-appointment be forwarded to the City Council for consideration. If any additional applications for the Zoning Board are received before the City Council, staff will include those applications for City Council consideration.

ATTACHMENTS

Volunteer Applications



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: June 1, 2020

AGENDA ITEM: 6b

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Permitting and Licensing Software

BACKGROUND

Last spring the City received notice that its permitting and licensing software at the time, Viewpermit, would be discontinued. At the time, the City elected to stay with the same company that it had been contracting with since 2014, ViewPoint, and transition to their newest product, Viewpoint Cloud. Unfortunately, we experience have been experiencing some issues and limitations with Viewpoint Cloud.

EXPLORATION OF OTHER PRODUCTS

During February and March of this year, staff researched other products to explore if there may be a better fit for our needs. Some the products that staff has researched, reviewed and demonstrated include:

- | | |
|-----------------------------------|--------------------------|
| • Idt Plans | • OpenCounter |
| • Cityworks | • Evolve (by Infovision) |
| • SmartGov (by Dude Solutions) | • CentralSquare |
| • citizenserve | • Accela |
| • EnerGov (by Tyler Technologies) | • BasicGov |

Building off our experience with Viewpoint Cloud, we drilled down into a multitude of questions about each product and the type of support offered by each company. We also researched the products used by our neighboring communities.

REQUEST FOR PROPOSALS

In May, staff issued a request for proposals. The City received four proposals in response to this RFP. The table on the following page includes brief information about each company and their proposal.

Staff has rated these proposals for the criteria listed below. Additionally, staff has reached out to South Carolina communities that use these products to inquire about their experience.

- Quality of the product
- Vendor qualifications
- Municipal experience

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- Pricing model
- Delivery of services
- Customer service model

Company	Staff Size	Experience	First Year Price (Annual Recurring)	Implementation Timeframe
Citizenserve	32 employees	17 years 300 customers 6 in SC	\$53,500 (\$21,000)	32 weeks
Dude Solutions	450 employees	21 years 4,000 customers 40 in SC	\$54,970 (\$15,140)	34 weeks
General Code CMS	25 employees	2 years 200 customers 0 in SC	\$90,035 (\$30,250)	Not specified (staff estimates about 30 weeks)
Municipity	15 employees	37 years 220 customers none indicated in SC	\$34,900 (\$24,900)	26 weeks

Staff has dismissed General Code CMS from consideration because of their excessive price tag and lack of customers in South Carolina. Staff has also dismissed Municipity from consideration because of their lack of customers in South Carolina and they do not appear to be an upgrade from the City’s current software.

PRICING

Citizenserve largely bases their price model on the number of users. They have quoted their price based on 10 staff users. If we can manage to reduce the number of staff users, we may be able to bring down their price a little bit.

Dude Solutions bases their price model on the population of the community. They have quoted their price based on a community population up to 30,000 citizens. We have less ability to influence their pricing.

As of 5/28/2020, we have \$83,263 available in this budget line.

REQUEST

In our review of these and other products, Citizenserve has stood out to our staff as a favorite, with Dude Solutions coming in a close second. Staff gives preference to Citizenserve for their more attractive interface, more flexible pricing model, and the glowing reviews from South Carolina communities that use them.

At this time, staff recommends the selection of Citizenserve to provide permit and license software for the City and that this matter be forwarded to City Council for consideration.



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: June 1, 2020

AGENDA ITEM: 6c

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Discussion of Performance Bonds

BACKGROUND

In recent weeks, staff has been approached by developers who have requested that the City entertain allowing developers to use performance bonds as a financial security for incomplete infrastructure.

ABOUT FINANCIAL SECURITIES

After a preliminary plat has been approved for a new subdivision, the developer is able to begin grading the site and installing infrastructure such as roads, water, sewer, etc. This infrastructure is required to be completed to a certain extent before a final plat is approved. The final plat is the document that allows the developer to record and sell lots. Once a lot is recorded, the developer is able to sell the lot to a home builder who then can receive a permit to build a home on that lot. Homes cannot be built on a lot until a final plat has been approved and recorded.

At the time a final plat is recorded, there is always some remaining work that is still outstanding. This usually includes the installation of sidewalks, the final asphalt surface on the roads, curb repair, etc. Instead of requiring the developer to complete the construction of this infrastructure at the time of final plat (only to see it damaged while the construction of homes is taking place), we allow the developer to provide an acceptable financial security at the time the final plat is recorded. What this financial security does is that it provides a source of funds for the City to use to complete the installation of the infrastructure in case the developer walks away from the development and his responsibilities. It protects homebuyers so that they do not buy a lot or a home only to see the road unfinished or a sidewalk uninstalled.

MAULDIN CURRENT PRACTICES REGARDING FINANCIAL SECURITIES

Greenville County administers the entire process of recording the final plat and accepting and holding the financial security on behalf of Mauldin. Mauldin staff is involved with the approval process. Financial securities have expiration dates and the County staff keeps up with tracking these financial securities to make sure that financial securities are renewed and continue to remain valid.

The types of financial securities that the City of Mauldin accepts are directly tied to the types accepted by Greenville County. Namely, this includes:

1. An irrevocable letter of credit from an accredited bank;



2. Cash deposited into an escrow account; or
3. A certified check deposited into an escrow account.

ABOUT PERFORMANCE BONDS

One type of financial security that neither Greenville County nor the City of Mauldin currently accepts is a performance bond. A performance bond is a surety bond that is issued by a bonding company or bank to guarantee satisfactory completion of a project by the developer. If the developer fails to complete the infrastructure, the surety company will step in and pay the claim. Afterwards, the surety company will seek reimbursement from the developer.

Surety bond companies calculate the premium they charge for surety bonds based on three primary criteria: bond type, bond amount, and the applicant's risk. Once the bond type, amount, and applicant risk are adequately assessed, a surety bond underwriter is able to assign an appropriate surety bond price. This type of financial security appeals to developers because they can provide a performance bond at a fraction of the cost (upfront money) in comparison to letters of credit or cash.

HISTORY OF PERFORMANCE BONDS IN GREENVILLE COUNTY

Greenville County used to accept performance bonds as a type of financial security up until a few years ago. The County stopped accepting performance bonds because they were not being honored and they experienced a lot of difficulty in getting the funding when a subdivision defaulted. Many times the funding they did receive was for pennies on the dollar on what it was going to cost to finish the infrastructure. This was a similar issue faced by communities across South Carolina during the last recession.

FINANCIAL SECURITIES IN OTHER GREENVILLE COMMUNITIES

In addition to not accepting performance bonds for projects in the unincorporated areas of Greenville County, the County does not accept performance bonds for projects in the cities for whom they administer the final plat and financial securities, namely Mauldin, Simpsonville, Fountain Inn and Travelers Rest.

The City of Greenville and the City of Greer each presently accept performance bonds.

EFFECT OF ACCEPTING PERFORMANCE BONDS

If the City of Mauldin does begin accepting performance bonds, Greenville County will not accept those on the City's behalf. The City of Mauldin would bear the responsibility for administering, tracking, and managing these types of financial securities which may require additional staff.

REQUEST

At this time, staff is seeking direction from the Committee if performance bonds are something the City would like to explore and entertain accepting.

ATTACHMENTS

None