

Minutes
Building Codes Committee
June 1, 2020
6:00 p.m.
2nd committee meeting

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

1. Call to Order- Chairwoman Kuzniar
2. Public Comment- None
3. Reading and Approval of Minutes
 - a. Building Codes Committee Meeting: May 4, 2020
Councilman Matney made a motion to approve the minutes with Councilman Black seconding. On page 3, paragraph 7, Mr. Day should be Dey. After that change, the vote for approval was unanimous (3-0).
4. Reports or Communications from City Officers
 - a. Budget Review- The budget is in fantastic shape. Councilman Black said he was glad to see the 650 Professional Services line was reduced.
 - b. Department Reports
 - i. Update on Small Box Variety Store Regulations
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 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.

We have a draft ordinance. The Planning Commission will have a public hearing on this item at the end of this month and should have something for Council to act on soon.

Councilman Matney said he appreciates the staff's and Planning Commission's work on this. This harkens back to looking at zoning on Main Street, businesses backing up against residential areas, and this was born out of those discussions. This should be looked at from a perspective of overall zoning.

Councilman Black asked if the moratorium was still in effect. Mr. Dyrhaug answered yes, it expires in August. July would be first reading on this draft ordinance. Councilman Black said he does not want the moratorium to expire if we are still working on the ordinance. Mr. Dyrhaug said he would ask Mr. Madden if we would like to bring extension of the ordinance to Council.

5. Unfinished Business

- a. None

6. New Business

- a. Boards and Commissions Appointments

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. 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. 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).

There are also four open seats on the Zoning Board and staff has received two applications for those from Paul Calabrese and Michael Burns. There will still be two vacant seats on the Zoning Board. Applications are still being accepted.

Councilman Matney made a motion to forward this item to City Council for consideration. Councilman Black seconded the motion and the vote was unanimous (3-0).

- b. Permit and License Software- 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 have been experiencing some issues and limitations with Viewpoint Cloud.

During February and March of this year, staff researched other products to explore if there may be a better fit for our needs. In May, staff issued a request for proposals. The City received four proposals in response to this RFP.

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.

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.

Councilman Black asked if this software would be compatible with our hardware. Mr. Dyrhaug said it would be compatible with our equipment and with our financial software.

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

Performance Bonds- 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.

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.

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.

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.

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

Councilman Matney has concerns that we will have to try to chase someone down to pay for the rest of the development if it does not happen. He would like to receive this as information now and see where things go with the economy.

Councilman Black asked what the pros and cons were. Mr. Dyrhaug said performance bonds are friendly to the developer. This allows more development. The con is there is greater risk if the economy turns bad. Mr. Dyrhaug said the developers say this helps them not have to put out so much money for the project.

No action was taken on this item. More information will be brought to committee. Councilman Matney made a motion to keep this in committee as a recurring business item. Councilman Black seconded the motion. 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