



**SURFSIDE BEACH PLANNING & ZONING COMMISSION**  
**TOWN COUNCIL CHAMBERS**  
**February 7, 2017 ♦ 6:00 P.M.**

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**1. CALL TO ORDER.** Chairman Abrams called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Abrams, Vice Chairman Seibold, and members Elliott, Gambino, Johnson, Lauer, and Lowery. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

**2. PLEDGE OF ALLEGIANCE.** Chairman Abrams led the Pledge of Allegiance.

**3. AGENDA APPROVAL.** Ms. Johnson moved to approve the agenda with an amendment to add a director's report after public comments, and to discuss 6.2. Sign Regulations prior to 6.1, Landscaping and Tree Protection. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

**4. MINUTES APPROVAL.** Ms. Johnson moved to approve the December 6, 2016 meeting minutes as submitted. Mr. Seibold second. All voted in favor. **MOTION CARRIED.**

Ms. Johnson moved to approve the January 3, 2017 meeting minutes as submitted. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

**PUBLIC COMMENTS.**

Mr. Al Beck, 10<sup>th</sup> Avenue North, said I thought that this committee intended to remove all the onerous landscaping requirements for this ordinance. The fourth draft put out with the agenda for today still has language to put unreasonable restrictions on citizens on how to maintain their yards. The new draft continues to define landscaping as all green vegetation and grass. I understand expecting new developments to put in some landscaping. I would expect that would be done anyway without any ordinance. My issue with this is our ordinance telling citizens how they must maintain their yards. By adding in ANSI-300 this new draft would incorporate unreasonable requirements. The devil is in the details. I wonder if anyone in this room has read all the new proposed requirements. The draft language would require all residents to comply with ANSI-A300 for good planting and maintenance practices. I took some initiative to find out what was in ANSI-A300. I smelled a rat when I found that one had to pay the ANSI folks every time you want to download the rules to read that would not let you copy. I also discovered that A300 standard was a document promulgated by the large tree firms, such as Davies and (\*\*). Their tree care industry association stated mission on the web is to advance the tree care businesses. Their A300 standard is very detailed and specific and seems to be aimed at major new projects, not at residential neighborhoods. They specify how to plant and transplant and language that would prohibit me from starting a new Crepe Myrtle or Azalea from a shoot in my yard. They would require me to hand loosen and dig the top 2 to 3 inches of soil above all tree and shrub roots in my yard every year, and to apply 2 to 4 inches of mulch over that root area with no mulch within 6 inches of tree trunks. With my yard of over 15 large trees, most of my entire yard would have to be dug up every year and my whole yard covered with mulch. Perhaps my drive should be dug up each year, because it's over some roots. The ANSI-A300 might work for companies planting a new tree with a small commercial size root ball. Obviously, not good for Surfside residents trying to maintain the whole yard or root in a new sprout. Of course, you wouldn't know this without reading all of A300 and then the guidelines on daily root care, which are required under the tree care industry association's new national standards. The ANSI standards are proposed and then adopted by committee vote led by the largest businesses in the field. Their requirements are for what they call best practice. They claim special tools may be required and imply the only way to comply is to hire that big company. ANSI standard refers to one of their guides on how to control and maintain trees and shrubs. The tree companies controlling the standard revise and update the requirements. We shouldn't be tied to whatever the tree companies decide every

54 year when they update their standards for Surfside. Please delete the reference to ANSI-A300. In my  
55 opinion, we do not need to tell Surfside Beach citizens how to plant and care for their shrubs and lawns.  
56 (*Time ended.*) We can go online to find guidance. We do not need onerous restrictions, which  
57 discourage residents from doing their own yardwork. Instead seem to require hiring major businesses,  
58 please consider the severe consequences for violation of ordinances and the implications of potentially  
59 arbitrary enforcement. Chairman Abrams said time was up. Thank you.

60  
61 Ms. Carol Holt, Yaupon Drive, said thank you, Madam Chairperson and committee members for  
62 allowing citizens to comment on the proposed tree ordinance. As we've stated before, we are very  
63 appreciative of your time and dedication to this task, as well as Ms. Morris. Although it may appear that  
64 citizens do not appreciate your work, when they ask for clarification, or have questions, or they may just  
65 want to know the reasoning behind some of these ordinances, so we ask you please, not take it  
66 personally. We are all appreciative of what you do. I promise, if you won't take it personally, I won't  
67 take it personally if you have any comments on the document that I sent to Ms. Abrams today and they  
68 forwarded to you. Because of the length of that document you received, and the time constraints of the  
69 meeting, I would like to ask if it's appropriate for the document to be included in the minutes of this  
70 meeting. If not, certainly understand. First, I want to reference the meeting of November 4, 2016 Town  
71 Council workshop where a motion was made and approved to refer this ordinance to the planning  
72 commission to address certain issues brought by citizens and councilmembers. The minutes of that  
73 meeting are 13 pages long, and indicate concerns of many town residents (\*\*). Those minutes include  
74 comments from citizens as well as comments from commission members. One specific comment by a  
75 commission member during that meeting on December 6<sup>th</sup>, was in reference to a dangerous tree that  
76 was 4 feet from her house and would cost her quite a bit to get an arborist; get a permit, and have it  
77 removed. However, she found out later it turned out that the tree was endangering her house, so she  
78 didn't need an arborist. Please, correct me if I'm wrong, but it appears that in the current revision to  
79 Section 17-720.14 an arborist is still required for a landmark tree no matter the danger to the  
80 homeowner's home or the location on the lot, and an additional requirement has been added that an  
81 application be filed with the BZA for variance. I believe this is just one example of how the revised  
82 ordinance is not addressing the concerns of the homeowners. In my opinion, the current fourth draft  
83 revision of the landscaping tree protection ordinance does not address the majority in the complaints or  
84 even several of the suggestions made during the workshop meeting and commission's meetings. I don't  
85 know what the answer is. But I don't think that citizens have forgotten the concerns they've expressed  
86 during the various meetings that have been held on this topic. I want to ask would you agree that the  
87 majority of the homeowners believe that trees are important for our environment and is not the intent of  
88 the homeowner to remove trees that are not causing a safety hazard or (*time ended*) that are not  
89 diseased, dead, or weakened by age, storm, fire, or other injury.

90  
91 Mr. Mike Holt, Yaupon Drive, said why not give the citizens an opportunity to prove that they  
92 take care of their own property, including trees and landscaping without a difficult process dictated by a  
93 town ordinance? I believe every person is proud of their property here in Surfside, and would do  
94 everything possible to keep it safe, preserve and enhance the beauty of their private property in the  
95 manner the town is allowed to do other property. Section 17-723 of the ordinance. We believe the town  
96 wants to work to find solutions. Let this tree ordinance be the pilot for the changes that are needed and  
97 have been requested by the residents. Again, thank you for all the time you've dedicated to this  
98 extremely difficult task, and we appreciate all of you.

99  
100 **DIRECTOR'S REPORT.**

101  
102 Ms. Morris said at the last planning commission meeting it was requested by the majority of the  
103 planning commission that we get written opinion from our town attorney regarding the 30 day time limit  
104 for planning commission reports to Council. The question that went to Mr. Battle was how does the 30  
105 day time limit for planning commission reports to Town Council apply to request to amend the zoning  
106 ordinance. This is his response:

107  
108 All zoning amendments in Surfside Beach are governed by Section 17-202, Code of  
109 Ordinances. The 30 day time limit is part of the process established in Section 17-202. If  
110 an amendment to the zoning ordinance is properly initiated in accordance with Section 17-  
111 202, the time limit for a public hearing and report to Town Council are applicable. The  
112 more important question is whether a request for a zoning amendment has been properly  
113 initiated. If the zoning amendment request has been properly initiated, the time limit  
114 applies. If the zoning amendment request has not been properly initiated, the time limit  
115 does not apply. Surfside Beach Town Council may provide for the reference of any  
116 matters or class of matters to the local planning commission with the provision that the  
117 final action on it may not be taken until the planning commission has submitted a report  
118 on it or has had a reasonable period of time, as determined by the governing authority to  
119 submit the report, South Carolina Code Subsection 6-29-370. Town Council has provided  
120 all amendments to zoning ordinances be processed in accordance with Section 17-202 of  
121 the Code of Ordinances, Section 17-202 A and B, Ordinances of the Town of Surfside  
122 Beach. Section 17-202 establishes a specific process for initiating zoning amendments.  
123 Application form for zoning amendments, public hearings recommendations by the  
124 planning commission, and action by Town Council. Applications may be initiated by the  
125 Town Council, the planning commission, the town administrator, the planning director, or  
126 by the owner of the property affecting the rezoning. The first procedural step to  
127 amending the zoning code is for the text of the amendment to be set forth in full by Town  
128 Council resolution or by an application from the person seeking the amendment. If the  
129 proper resolution has not been enacted by Town Council or the proper application has not  
130 been submitted, the process, including time limits, has not been triggered and the zoning  
131 ordinance should not be amended. Town Council may amend Section 17-202 through an  
132 ordinance. However, until Town Council amends Section 17-702, this section covers 30  
133 day time limits for planning commission to report Town Council and it governs the result  
134 of the planning commission's failure to make report. However, the 30 day limit for  
135 planning commission reports does not begin to apply until the rezoning process in Section  
136 17-202 is properly initiated by resolution or by an application containing the full text of the  
137 proposed amendment.

138  
139 Ms. Morris continued saying we have copies for all of you. Chairman Abrams led a discussion  
140 using the tree ordinance as an example. The question was whether it was properly initiated. Town  
141 Council made several motions asking the commission to simplify the ordinance. However, to her  
142 knowledge, the commission has never received a "resolution" from Town Council. Chairman Abrams  
143 asked if the commission was "on a ticking clock." Ms. Morris said according to the town attorney, the  
144 commission was not. Chairman Abrams asked if there had been a proper initiation of the tree ordinance.  
145 Ms. Morris said "right," so there's no time limit. It certainly doesn't mean that the commission can't go  
146 ahead with a review; make amendments and hold a public hearing and then make recommendations to  
147 Town Council. Chairman Abrams said in the future, the commission would need to pay attention to how  
148 requests are initiated and what the commission is doing.

## 149 150 **6. DISCUSSION ITEMS.**

### 151 152 **2. Article VI sign Regulation Sections of the Zoning ordinance.**

153  
154 Chairman Abrams said the agenda was amended to discuss the sign ordinance first. Good job on  
155 that, Ms. Morris.

156  
157 Ms. Morris said I got a reply from the town attorney. We actually had on page 6-8, the  
158 introductory sign provisions that was on page 1. The attorney recommends we put it back on page 1,  
159 because that language is included for the court to consider when applying the ordinance. Such language

160 is traditionally at the beginning of every ordinance and statute. He recommends that one section instead  
161 of being Division III be Division I.

162  
163 Chairman Abrams said that was one of my questions; why do we have the introduction in the  
164 middle.

165  
166 Ms. Morris said the business committee; the business chair is here and there's also other  
167 members of that committee here. They have worked diligently to get this down and to make it as easy  
168 as possible to read, which I think they've done a fantastic job. We've showed this to several sign  
169 companies. They love it, but they wanted the process to get permits at the very beginning.  
170 Unfortunately, our attorney recommends putting that one, and then we could start with page 2 with the  
171 permit process. He wanted us to put a section in there about the South Carolina Highway Advertising Act  
172 or the South Carolina Landowners and Advertising Protection, which is for billboards. They're off-site, so  
173 what's there can stay. If it comes down, you can't put it back. But that's the federal language. We did  
174 have language in our ordinance about noncommercial copy as opposed to commercial. He wanted that  
175 back in there. It's just one very small section.

176  
177 Chairman Abrams asked if it is in here now, or do we not know what that language is? Ms.  
178 Morris said it is not in here now. Chairman Abrams asked do you have the language with you for when  
179 we get there. Ms. Morris said no, I don't. I could probably pull it out. I'll see if I can get before we get  
180 there. We sent this back to the business committee for another review to make sure that there was  
181 nothing missing from the committee's recommendations. The business committee recommended under  
182 Section 17-623 existing nonconforming signs it talks about permanent signs and then what would trigger  
183 it to make you have to bring all the signage into compliance, we just wanted to make a note at the very  
184 end of that first paragraph that this section shall not apply to window signs and temporary signs.

185  
186 Ms. Lowery said I started reading this and all I could think of was wow. This is wonderful. Thank  
187 you guys so much. There were a couple of grammar things. Chairman Abrams asked Ms. Lowery to  
188 submit grammatical changes via email to the director. Commission **CONCURRED**.

189  
190 Ms. Lowery continued saying on page 6-2, 7B when it says that things are not allowed to change  
191 the shape of the vehicle that would mean that Crabby Mike's van sign would have to go. Chairman  
192 Abrams understood that it was grandfathered. Ms. Morris said it is, and actually this applies to vehicles,  
193 especially during elections, when they put the A-frame signage in the back of the truck that wouldn't be  
194 allowed. Ms. Lowery referred to Section 17-622 elimination, on page 6-7 and said the very last line in  
195 Section 17-622, says plastic backlit sign should be avoided. So that means they're not prohibited? Ms.  
196 Morris said they're not prohibited, we just don't encourage them. Ms. Lowery said so they could do it  
197 anyway. So we can't say prohibited? Ms. Morris said we can. But, you would have a lot of them  
198 grandfathered. That is up to the planning commission for recommendation. We do have a lot of those in  
199 town, and actually it's in a lot of the ordinances that we reviewed in other municipalities in South  
200 Carolina, because it's a danger. We actually require those signs to have a UL rating. They said it's very  
201 easily catch on fire. Ms. Lowery said so if we replace should be avoided with are prohibited, the ones  
202 that are here now would be grandfathered? Ms. Morris said yes, ma'am. Ms. Lowery said when they're  
203 gone they're gone. I think that would probably be a better idea considering the danger involved,  
204 because as long as it says should be avoided, people are going to use them.

205  
206 Chairman Abrams said I agree. I don't think should be avoided is very good language for an  
207 ordinance. Ms. Morris asked if it should be changed to shall be prohibited. Ms. Lowery said plastic  
208 backlit signs are prohibited. Ms. Morris explained that existing signs would be grandfathered and could  
209 be repaired up to 48-percent; painting was considered maintenance.

210  
211 Mr. Lauer said I want to know what the business community thinks about that particular sign. Is  
212 it something that they feel needs to be an option? I just want to say right now that I think it was very

213 wise to get the business committee involved and actually giving us strong leadership here. Those are the  
214 folks that we're going to regulate, and I think it's wise to have their input. Again, they did a super job.  
215

216 Chairman Abrams said the commission can send that question to the business committee to get  
217 an answer before the hearing. I think we're going to need another quick meeting before public hearing,  
218 anyway. I'd like not to have that particular question push back any of the process. If we have another  
219 quick meeting, that answer could be provided by the business committee. There are some other things I  
220 think we have to take care of before public hearing. Mr. Lauer said he would like to be clear on the  
221 matter.  
222

223 Mr. Seibold said I'd like more information on the backlit signs, because according to Ms. Morris  
224 there are many of them in town now. Ms. Morris said yes and we can get the total number. Mr. Seibold  
225 asked if we have had any new ones recently. Ms. Morris said no. Mr. Seibold asked if there was a  
226 demand for them from business community. Ms. Morris said we have not had a lot of requests for new  
227 signs. Mr. Seibold said I just don't want to prohibit something if there is a demand for it. Ms. Morris said  
228 I agree, we probably should send it to the business committee. We can also contact some of the sign  
229 companies and see what they're hearing. Mr. Seibold said I don't have a problem. I just need some  
230 more information.  
231

232 Chairman Abrams said we're backing off on any consensus until we get an answer from the  
233 business committee. We will try to do that and still not delay the public hearing.  
234

235 Ms. Johnson said I just have a question and it might be addressed in here somewhere, but  
236 seems like under Section 17-621 when it talks about construction and maintenance, it gives like 30 days  
237 for dilapidated sign or whatever to be fixed. We have a lot of them in town right now, because of  
238 Hurricane Matthew. It's been four months, so I can see giving a little bit more time, because it was a  
239 storm. Owners probably need to collect from insurance or that sort of thing, but it's been four months.  
240 Do we have something on that? Ms. Morris said we've already contacted the owners of all the signs that  
241 were damaged during Hurricane Matthew. Actually, the majority of them have either applied for the  
242 permit and haven't gotten it, yet; they repaired the sign already, and some of the businesses closed.  
243 Others are waiting for their insurance. We keep up with it; every week the code enforcement officer  
244 contacts them. Ms. Johnson asked about the canopies. Ms. Morris said those were being addressed.  
245 The business that looks the worst got an overlay application, so they know what they're up against and  
246 they've turned it over to the awning company. So, they are in the process.  
247

248 Mr. Seibold said I actually like the way the sign ordinance reads.  
249

250 Ms. Elliott said I think it's a very good ordinance. I don't have any changes or additions to make.  
251

252 Ms. Gambino said I think it's excellent; they did a fantastic job. My only comment is strictly  
253 visual is on page 6-9, where it says definitions, if you could bold those definitions or underline them, to  
254 make them pop a little more. I think the visuals on the back page are excellent, too. I think they did  
255 great job. Kudos.  
256

257 Mr. Lauer said I'm very comfortable with it.  
258

259 Chairman Abrams said Crabby Mike's would be grandfathered. On page 6-3 there is a line that  
260 says special standards, any combination of wall signs, awning, or can it be signed with the total area  
261 allowed is permitted. I think that should say 'within' a total area allowed. I think it would make better  
262 sense. There are four places that that wording would need to be corrected. Sundown would be  
263 grandfathered with their roof sign. Ms. Morris said the roof sign actually that they had has already been  
264 disrepair, and it's actually going to be removed. Sundown has already been notified. Chairman Abrams  
265 said referred to page 6-5, down at the bottom where were talking about temporary signs, and what we're

266 really talking about is for sale signs, owner consent to property being offered for sale; what about for  
267 rent and for lease? Ms. Morris said, well, actually, that warning came directly from our attorney based on  
268 the rough draft after *Reed versus Gilbert*. The guidelines say in the instance you're talking about, owner  
269 consent to property being offered one temporary non-illuminated sign 6 feet; you don't have to; say  
270 during elections, you have one temporary non-illuminated sign per 0.25 acres of land, but you can have  
271 whatever sign content you want during that period of time. They just wanted to give a bases in this time  
272 limit, you can put one sign for every 0.25 acres. It doesn't have to be a political sign, it could be a happy  
273 birthday sign. The draft ordinance recommendation was that we give them only limited times to do such  
274 signage. As far as the owner consent to property being offered that would also be for rent, as well, but if  
275 they didn't want to do that they could put noncommercial sign. Chairman Abrams said what concerns me  
276 is how are our business owners to know from this that 'for lease' would also be okay. It says for sale.  
277 Ms. Morris said we can add or lease. Chairman Abrams said we are trying to make the ordinance so the  
278 "average bear" understands it. The business properties quite often come up for lease, and this is so  
279 specific when it states for sale. Mr. Morris said we can certainly add or lease. Chairman Abrams said  
280 regarding the 0.25 acres, the way we say that one temporary non-illuminated sign per 0.25 acre of land  
281 may be "blah, blah, blah." My understanding from reading that is if I don't have .25 acres I get no signs.  
282 Ms. Morris said that is definitely not the case. Chairman Abrams said I think it should say 0.25 or less.  
283 Ms. Morris said, well, actually with this calculation even in the R3 district, which is only 3600 square feet,  
284 they could have four signs. The intent is 0.25 times the property square footage, i.e., a 3,600 square  
285 foot property divided by 0.25 allows four signs. Chairman Abrams reiterated that she cannot understand  
286 this. Ms. Morris said the attorney could be asked to rewrite this section. Chairman Abrams said it would  
287 be a good way to eliminate political signs from a whole lot of the town. Ms. Morris said we don't want to  
288 do that, then we'll have another law suit. Chairman Abrams said I just checked out a lot of my neighbors  
289 real quick and not the official sources, but a whole lot of properties like Mr. Seibold's, for instance, are  
290 not 10,890 square feet. Ms. Morris said we'll re-word it, because that was not the intent. The  
291 commission **CONCURRED**.

292  
293 Chairman Abrams referred to page 6-6, and said the sixth block down temporary signs should be  
294 allowed twice a year for periods of six months each. Ms. Morris said you get one permit for six months  
295 and then you come back to get another permit for another six months. Ms. Morris said the business  
296 committee chairman would probably be best speaking on that. Business Committee Chairman Truett  
297 explained that twice a year for six months each means the temporary signs are allowed all year. The  
298 current ordinance requires a new permit after every 10 days. Ms. Morris explained that the temporary  
299 signs dilapidate; this was a way in which staff could ensure tattered signs were not used. Chairman  
300 Abrams said that made sense to her. Several members agreed.

301  
302 Chairman Abrams said in the same block, special standards D, permit applications for banners or  
303 placards can be found on-site or at the PBZ department; on-site where? Ms. Morris said on the website.  
304 Chairman Abrams said let's make that say 'website.'

305  
306 Mr. Seibold asked if fluttering signs and balloons were allowed at one time with a permit. Ms.  
307 Morris said the only thing that was allowed and what is allowed now are the banners and the placards.  
308 Now, they put them up anyway, but they were not allowed. The only thing that will be allowed are the  
309 placards and the banners just like the code currently states. Mr. Seibold said we call them pennants in  
310 number four; 6-7. Ms. Morris said that's prohibited signs. Mr. Seibold said right but what we just read  
311 and would be allowed with a permit is plaques; my concern is that plaque and pennants are very similar.  
312 Ms. Morris said we can actually define that, because the placards as used in the code are a political sign.  
313 Mr. Seibold said I just wanted to again, talk about the prohibited signs. I know we issued permits for you  
314 could put a tent out. I thought that was for a two week period, twice a year. Ms. Morris said tents are six  
315 times a year, 10 days at a time. Mr. Seibold asked if we could or would allow balloons or blowup  
316 inflatables. Ms. Morris said never allowed, unless it's a festival.  
317

318 Chairman Abrams referred to page 6-7, and said the first item is prohibited signs. The first item  
319 says portable signs, including blah, blah, blah, balloons. I gather we're trying to prohibit balloons. But, it  
320 seems to me this is only prohibiting them on portable signs. Mr. Seibold and Ms. Lowery disagreed. Mr.  
321 Seibold said I don't read it that way. It's a number things being prohibited, including portable signs,  
322 including a bunch of these other things, in addition to. Ms. Lowery said point of grammar, put a comma  
323 between 'signs' and 'including,' and that'll solve the issue. Chairman Abrams said that would help, and  
324 now we are saying that balloons are portable sign. So we'll add that comma, which is pretty important.  
325

326 Mr. Seibold said just would like to hear from the business committee whether they are  
327 comfortable with the prohibited signs language. Ms. Morris said not a portion that was changed. The  
328 committee didn't have any comments. Mr. Seibold said okay.  
329

330 Chairman Abrams said we settled the part about putting the introduction at the beginning. Now  
331 in the definitions on page 6-10, in light of *Reed versus Gilbert*, are we correct in having definitions for  
332 political sign and real estate sign? Ms. Morris said we can have them, but we can take them out because  
333 we don't reference it. Chairman Abrams said so we don't need the definitions. Ms. Morris said that's  
334 right, so we can remove those. Chairman Abrams said I like it. Does anybody have a problem with that?  
335 Several members agreed.  
336

337 Ms. Morris said I have that display of the noncommercial messages that the attorney asked to  
338 have put back in. It says any sign allowed under this article may contain in lieu of any other copy, any  
339 otherwise lawful noncommercial message that does not direct attention to a business operating for profit  
340 or to a commodity or service for sale and that complies with all of the requirements of the article. He  
341 just wants that put back in. So, instead of having a business name, you can put any kind of  
342 noncommercial wording on it. That is in the ordinance now. Chairman Abrams said the sign could say  
343 [anything except to advertise a business or service.] Okay, are there any other comments before we start  
344 to wrap up the sign ordinance?  
345

346 Mr. Seibold said when a door is covered with a poster they are not allow to totally cover it. Ms.  
347 Morris said it's in here. Actually, we separated window signs and wall signs. Now it's under window  
348 signs, and you can have 25% of each window can be covered.  
349

350 Chairman Abrams said I think where we are on the sign ordinances is we have two questions for  
351 the business committees; if we can get responses from the business committee, we will schedule another  
352 meeting of the planning commission between now and March 7, so we can still have a public hearing.  
353 Chairman Truett said from the audience that the business committee would meet to address the  
354 commission's questions. Chairman Abrams said thank you and asked if there was anything else on the  
355 sign ordinance, other than some grammatical changes that should be emailed to the director.  
356

357 **1. Article VII, Landscaping and Tree Protection Sections of the Zoning Ordinance.**  
358 **(Discussed after 2, per amended motion, see 3 above.)**  
359

360 Chairman Abrams asked if we all would agree to work from option one, rather than totally  
361 confuse ourselves. Several members agreed. Chairman Abrams said Ms. Morris said the only difference  
362 is formatting and charting.  
363

364 Ms. Elliott said when I looked at this document in Section 17-701.2, installation maintenance and  
365 landscaping, I completely disagree with this whole paragraph. We are trying to simplify the requirements  
366 for our homeowners. I feel that it needs to be rewritten. We do not need ANSI in there telling them  
367 what they should be doing to their property. I kept thinking about a second homeowner coming down  
368 and wanting to trim their bushes over the weekend, and they may need to go to her office to get this  
369 brochure. Does anybody else feel bothered by this way it's written? Ms. Gambino said I agree. Mr.  
370 Lauer said yes, we really didn't get a chance to see the ANSI until last week. I had no idea how

371 confusing it was; how restrictive. We know that we need to have some kind of language. We need  
372 some standards, but that probably is not the best set of standards. Chairman Abrams asked if anybody  
373 wanted to keep ANSI.  
374

375 Ms. Lowery said one thing we could do, because it does offer good guidelines for anybody who  
376 wants to check them, instead of saying 'shall' which is demanding, we could put 'should' and that gives  
377 them some leeway. If they want to follow it fine, and it's available in Sabrina's office. If they don't want  
378 to follow it, that's fine too, but that given the option of seeing what professionals say about landscaping;  
379 like you might go into a bookstore and order of big gardening book. Chairman Abrams said my problem  
380 with that is that we're cluttering up the ordinance with gratuitous advice. Several members commented  
381 that was true. Ms. Lowery said I don't really know how homeowners know that it's available to them. If  
382 they cannot attain it in her office, it cost money to download it. Chairman Abrams said I just think it is  
383 advice and not law; it doesn't even belong here. Ms. Elliott said that's correct. Ms. Lowery said I was  
384 under the impression that we were putting this in initially for developers making sure that when they put  
385 something in that it was going to live long enough for the homeowners to enjoy it. So, did I  
386 misunderstand when that was introduced? Ms. Morris said well, this is in general; it was asked that we  
387 put some kind of standard in. We called around and it was ANSI or the American Standard of Nursery  
388 Stock.  
389

390 Mr. Lauer said actually, I looked through this. I was hoping that maybe some way to take some  
391 portions out of it and create our own document, but it's just too difficult. Chairman Abrams said I would  
392 be happy if it only said the two things that are remaining. The first one would be that the installation of  
393 landscaping shall meet the requirements of all other applicable ordinances in town, and the second one  
394 would be that new construction or redevelopment, blah, blah, blah, installed prior to issuance of a  
395 certificate of occupancy. If we kill ANSI, that be sufficient for me. Several members agreed.  
396

397 Chairman Abrams said take the last sentence and put it first. The new construction sentence  
398 should be second, and kill the first sentence. What does everybody think about? We need to add  
399 requirements of other applicable ordinances in which there is an applicable ordinance and a code  
400 requirement. I think that it's redundant; kill 'and code requirements.' New construction, redevelopment  
401 or additions which exceed 48% of value shall have all elements of landscaping installed prior to issuance  
402 of certificate of zoning compliance by the code enforcement official. The commission CONCURRED.  
403

404 Ms. Lowery said I am concerned with table 17-720.1, page 7-2. The last time that we met we  
405 were concerned about the R3 district and three trees per lot. We were going to try to come up with  
406 something that would be a little more usable. Ms. Morris said right and the committee at the last  
407 meeting asked that I bring a PowerPoint showing all the trees and what each one does, and the  
408 committee will decide whether the trees stays protected or not. The PowerPoint also has the R3  
409 addressed. There are just a few pictures for you to review. Ms. Lowery said we can put R3 on the back  
410 burner until we look at that tonight, and see what we can do to help them out. Page 7-3, guidelines for  
411 pruning or removal of common trees. Are we back to the 'common' label or we do we have to change  
412 that? Ms. Morris said the reason I put the common trees, and we did keep specimen, protected, and  
413 landmark trees, but the ordinance as its written now says everything other than protected. So I think  
414 common is a great word. Chairman Abrams said I like the word, but I would like to see it in the  
415 definitions; it means everything other than specimen, protected, and landmark trees. So, we need to add  
416 common tree to the definitions.  
417

418 Ms. Lowery referred to page 7-8 and said it states with mitigation requirements set forth in  
419 Sections 17-736, which doesn't exist. Is there another section where mitigation requirements are set  
420 out? Ms. Morris said 17-726. Ms. Lowery referred to 17-731 saying mitigation states any tree removed  
421 without a permit must be replaced with twice the inches removed and shall be replaced with species  
422 listed. Now twice the inches removed is the total. That's not a tree twice as big? Right? I just wanted  
423 to make sure that that was clear for everybody. Ms. Morris said it is. I see that mitigation is in addition



424 to something or in lieu of something, I don't remember. I'll have to ask that later. Mitigation is a choice,  
425 right, in most instances. Ms. Morris said yes, but not in this case, because it's for removal of trees that  
426 they did not get a permit for. Ms. Lowery said it's part of the penalty. So that's not part of mitigation  
427 fund. That may have been where I was where my mind went. Ms. Morris said we can certainly change  
428 the wording. Chairman Abrams asked if everyone was clear that the wording would be must be replaced  
429 with twice the inches removed, and asked if there is better way of saying that. Ms. Lowery offered  
430 replaced with twice the total cumulative inches removed. Commission concurred that 'twice the total  
431 removed' should replace the wording. Commission CONCURRED.  
432

433 Ms. Lowery referred to Section 17-25, tree protection plan, page 7-6. Ms. Morris said yes, there  
434 was an error there. It should say all applications for 'building' permits not 'zoning' permits. Ms. Lowery  
435 said, okay that was the question. Chairman Abrams said that makes it clear it is only for new building.  
436 Ms. Morris said right. Ms. Lowery said just to clarify something that was mentioned earlier about  
437 hazardous trees, a hazardous tree is one that endangers the home, endangers people, infiltrated sewer  
438 lines waterlines, and foundations. That's all considered a hazardous tree, right. Ms. Morris said that is  
439 correct. That is under common trees and also under prune and removal protected trees. The tree limbs  
440 are diseased, dead, dying, weakened for storm, fire or other injuries, which create a hazard to people,  
441 buildings, or improvements on the lot. Ms. Lowery said all anybody has to do is go in and say this is a  
442 hazardous tree, would you come out look at it and they get a permit. Ms. Morris said that is exactly  
443 right. Ms. Lowery asked if that was a five dollar permit. Ms. Morris said if the tree is it is diseased, dead,  
444 dying, weakened for storm, fire or other injuries, the permit is free.  
445

446 Mr. Seibold said I know I read that if the roots appear they are going to cause damage. It's my  
447 opinion, whether to 10 feet or appears that it's going to damage some of my property, I make that call. I  
448 just contact planning and zoning; you send somebody out. Ms. Morris said that is exactly right. Mr.  
449 Seibold asked if staff would have a discussion with him. Ms. Morris said generally, we love to meet  
450 people on site, but generally they're not there. What they do is when they call or stop by and tell us that  
451 they have a tree, this is the problem and tell us what the problem is. Mr. Seibold said I read a lot here,  
452 so I don't know where it was, but it did what I read, it did say that it appears now or in the future to  
453 cause damage. Ms. Morris said right. Mr. Seibold said my question is if I feel that, and I have one within  
454 10 feet, it doesn't have to be within 10 feet of my house. It could be my driveway. Am I going to get  
455 into an argument with planning and zoning? Ms. Morris said no, unless it's a landmark tree, then you  
456 have to go before the board of zoning appeals. Mr. Seibold said the landmark trees are protected. But a  
457 common tree should be easy on the homeowner. Ms. Morris said if you call me, we're going to let you  
458 take it down, and if you don't have enough trees on your property to meet the requirements, we will tell  
459 you to plant the number needed to meet the code.  
460

461 Ms. Lowery said if it's a landmark tree, they don't have to pay to go before BZA. Ms. Morris said  
462 they do not, and it will not get confused with a \$200 application, because it has a completely different  
463 application of zoning. Ms. Lowery said they don't have to have an arborist; there's a list of other people  
464 that they could get to verify that the tree is a problem. A landmark tree within the footprint of future  
465 building can be removed, if the house or the plans can't be adjusted. Is that correct? Ms. Morris said if  
466 it's a landmark tree, it has to go to BZA and it's up to the board of zoning appeals to decide whether they  
467 can grant a variance to save the tree or not. Ms. Lowery said at one meeting we discussed that we were  
468 going to expedite that hearing for people. Ms. Morris said absolutely. We have to advertise for 15 days.  
469 That's a requirement by the state. We'll advertise for 15 days and schedule it immediately after that.  
470 Ms. Lowery said thank you. I wanted to be sure those questions were answered.  
471

472 Ms. Gambino asked if a balance was available for the tree mitigation fund. Ms. Morris said we  
473 have a little over \$9000 in that fund. But it was my understanding that it is found in the general fund. I  
474 know our ordinance right now says it has to be separate from the general fund, because it is to be used  
475 for landscaping. Ms. Gambino said yes, we need to make sure of that. Ms. Morris said at one of the last  
476 meetings it was said to make sure you point this out to council.

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Mr. Lauer said there are a couple of places where charts are split between pages. I think it would be helpful if they are on the same page. Ms. Morris said that would be great. Mr. Lauer said on page 7-6, the public tree care, at the bottom of that the last part is the referencing the ANSI again. I think maybe we need to put in some language similar to what we did on the first page, maintenance and care should be based on applicable ordinances. Chairman Abrams said I agree.

Chairman Abrams asked if anyone else had any comments on the tree ordinance. She asked members to read over the code before the next meeting. She said tonight the commission took care of the landscaping paragraph, got rid of ANSI. Page 7-2 right at the top, I've tried to read this as if I'd never seen it before, which is easy. The shaded heading could be improved by saying 'minimum number of trees required' rather than minimum required trees. I would not know what minimum required trees meant if I just moved into town. She asked if anyone had a problem with a 'minimum number of trees required.' Commission **CONCURRED**.

Chairman Abrams referred to Section 17-720.2 and said that the very first word there, 'all' requests and then we go on down and it's not 'all' because it's only for limbs greater than 7 inches. I don't know if I need it zoning permit or not. I don't think we're clear enough. Ms. Johnson said it states all requests of limbs over. Mr. Lauer said he personally would like it better if it said no permit is needed, if... so you get it right away; you get the information right up front. Chairman Abrams preferred 'you do not need a permit if,' but just removing the all requests for removal of trees over 7 inches would help. That 'all' really is just confusing the code. Mr. Lauer asked if we are referring to common trees only or all trees. Ms. Morris said we are talking about trees with limbs under 7 inches. Mr. Lauer said I would just say no permit is required for common or protected the trees under 7 inches. Ms. Johnson suggested "no permit required for trees under 7 inches." Chairman Abrams said the code should tell them what they don't need a permit for. Mr. Lauer said that's what the homeowners are looking for. They want to know what they don't need a permit for. Ms. Johnson said add that at the end. Chairman Abrams said I would be happy with that if we remove the 'all,' because there is an exception under 7 inches. Mr. Seibold supported adding a statement no permit required for pruning limbs less than 7 inches. Commission **CONCURRED**.

Chairman Abrams said on 7-3 we need a definition for "common tree." Page 7-4, first column, third line, just a little typo, two inches from 'trunk', not truck. Near the bottom 17-721a, except as provided by Section so and so, all replacement trees shall be planted in order to replace existing...I have no idea what that means. Ms. Lowery said replacement trees are specifically those that replace existing protected trees, specimen trees, trees, and the number of cumulative diameter is below that. Ms. Morris said unless you pay mitigation. Chairman Abrams said I just think it's a very clumsy sentence. Ms. Lowery asked if 'all' should be removed; except as provided by section 7 so and so, replacement trees shall be planted. Chairman Abrams said replacement trees will be planted to replace; that's what was bothering her. Ms. Lowery said the trees in the chart and put the chart number shall be planted in order to replace, and asked if that would work. Except as provided by Section 17-726, only trees in Table 17-721(1) shall be planted in order to replace existing protected trees, specimen trees, etc. Ms. Morris said this actually the same wording that is in the code now. Ms. Lowery said okay, only trees from Table so and so shall be planted to replace... Chairman Abrams asked if everyone was okay with that wording. Commission **CONCURRED**.

Chairman Abrams asked if staff had authority to work with those owners that would be asking for certificates of occupancy during winter months when plantings cannot be done. Ms. Morris said the code allows time for plantings.

Chairman Abrams referred to Page 7-6, the third paragraph, and said we took out ANSI. She believed there was a mistake on page 7-8, the first item. Fine for removing protected or specimen trees without a permit. The current ordinance says \$500 per 4 inch caliper, which is the diameter. This draft

530 says \$500 per 4 inch circumference, which is entirely different. Ms. Morris said that is a mistake, and it  
531 would be corrected to state the correct diameter. Chairman Abrams said the definitions would include  
532 common tree. I also would like to see a clear definition of major additions, i.e., improvements or repairs  
533 equaling 48-percent or more.  
534

535 Chairman Abrams said I don't think we can have a public hearing on this tree ordinance until we  
536 have come up with some language for the BZA review. Don't we need to have that amendment ready,  
537 so the members will know what they're doing? Ms. Morris said yes, absolutely. I pulled three or four  
538 different municipalities' ordinances to compare. If we can amend it at the same time that would be the  
539 best, because obviously, you're right as soon as this goes into effect they have to go to BZA, if it's a  
540 landmark tree. That is a separate section of the ordinance, but we can do both at same time. Chairman  
541 Abrams said I think we need to, or I don't know how we can have a public hearing with a piece of it not  
542 determined yet. Ms. Morris asked if the proposed amendments to the BZA be brought to the next  
543 meeting. Chairman Abrams said that was what I was just going to suggest we do. We need to schedule  
544 another meeting between now and our public hearing, and then will have the answers from the business  
545 committee; will have a tidied up version of the tree ordinance, and at that meeting we can come up with  
546 the language for BZA to use. (The clerk was excused to get the meeting calendar.) Chairman Abrams  
547 said at the next meeting we can review the answers from the business committee on the sign ordinance;  
548 take another look at this tree ordinance after it's tidied up, and review the BZA language to address  
549 landmark trees. She asked if everybody was on board with that. Ms. Lowery said that sounds great.  
550

551 Chairman Abrams said, for the record, "We were charged to, in fact what we ought to do is look  
552 at this against what we were asked to do by council. Just make sure we've addressed everything. If not,  
553 will have to guess at the next meeting. In October [2016], Mr. Pellegrino said it is a long paragraph, but  
554 he said any unnecessary wording, rules, mandates, or pretty much anything that makes it complicated  
555 should be struck. Town Council concurred with that." She asked if everybody was satisfied that we've  
556 done our best effort at un-complicating this. Some members responded yes. Chairman Abrams said I  
557 am not. Mr. Lauer said I'm not really, but I may have to be satisfied with what we. Ms. Gambino said so  
558 we will have one more meeting to address this, right. Chairman Abrams said yes, but I think what I just  
559 asked is are we satisfied that this is our best effort at un-complicating the ordinance. Ms. Gambino said I  
560 don't know. I just don't think we're there, yet. Chairman Abrams said that is three members that feel  
561 that way. We've made progress, and we've cleaned up a lot of language. In November there was a  
562 motion for us to look at the landscaping clause. I think we we've done that. I just want to remind you  
563 there are nuisance laws that deal with trash, junk, and tall grass. We were asked to look at pruning and  
564 what we've done here to change the code is to make no permit necessary for homeowners pruning limbs  
565 up to 7 inches in diameter measured 2 inches from the trunk.  
566

567 Chairman Abrams said let's look at a meeting date, so we can get underway. The business  
568 committee meets on the 21st. The commission **CONCURRED** to meet on Thursday the 23rd at 6:00  
569 p.m. The public hearing can be held on the March 7th, the next regular meeting day.  
570

571 Chairman Abrams said continuing through Town Council's requests, we changed the pruning  
572 rules. We were asked to look at trees that are near foundations and we've added that phrase that says  
573 'or where it is clear that the roots can reasonably expected to cause foundation damage.' They wanted  
574 us to look at the actual need for an arborist. Am I correct that for everything except landmark trees  
575 we're okay on no arborist, but we we're not really through with this section, until we come up with  
576 language for what the board of zoning appeals is to consider. We were asked to look at vacant lots as it  
577 relates to maintenance. I believe we agreed a couple of meetings ago that they would be more  
578 appropriately addressed in a public safety or health ordinance, because this ordinance is about protection  
579 for trees, not protection *from* trees. So, that's what we'll tell council on that. And in general to simplify  
580 the tree ordinance. Overall, we just had a discussion that three of us are not so sure we've done our  
581 best. We tidied up some language; killed a lot of words. We moved the lengthy definitions to the end of  
582 the ordinance. We decided to make different rules for different groups. We decided not to change the

583 classification of the trees, but to keep all the protected, specimen, and landmark language. Then there  
584 was another mission on November 4th. Mr. Courtney wanted us to look at the penalties. It was  
585 mentioned that he thought we ought to distinguished penalties between homeowners and others. We  
586 looked at the penalties. We've decided not to change the amount of the penalties. Staff advised us that  
587 the town attorney said different penalties are not allowed. Ms. Morris said that's right. Chairman Abrams  
588 said in a nutshell, that's what we were asked to do, and it looks like we've addressed everything; maybe  
589 not to their satisfaction, and maybe not to some of our satisfaction. But, we haven't overlooked  
590 anything. Alright, is there anything else on the tree ordinance? I am just making sure I haven't  
591 overlooked any else.

592  
593 Chairman Abrams said we will have one more go at the tree ordinance on February 23rd. We will  
594 come up with the BZA language, and then our target is still to have a public hearing on March 7th on  
595 both the signs and the tree ordinance.

596  
597 Ms. Morris gave a presentation on specimen, protected and landmark trees, and the challenges in  
598 the R3 district relating to trees. A recommendation to add the "Thornless" Honey Lotus tree, instead of  
599 the Honey Lotus tree. After the discussion on the R3 district, Chairman Abrams asked the members to  
600 take this information and think about it until the next meeting. She did not believe it could be solved  
601 tonight. Ms. Morris said the code section regarding a variety of trees would be emailed to the members.  
602 Ms. Lowery asked if exceptions could be made for R3. Ms. Morris said yes, if they are included in the  
603 ordinance. The exceptions have to be justified and they would apply to the entire R3 district. Chairman  
604 Abrams said this discussion would continue on the 23rd and in the meanwhile, the members should  
605 consider possible changes.

606  
607 **3. Powers, Duties, Responsibilities and Rules of Procedure (By Laws) of the Surfside**  
608 **Beach Planning Commission.**

609  
610 Chairman Abrams introduced Item 3, planning commission roles and responsibilities. The bylaws  
611 and the ordinance tie to the legal opinion received tonight. She said the main reason I put this on the  
612 agenda for review is that I was disturbed by some statements that were made in the January meeting.  
613 The statements were, "Ms. Morris is the commission's director, and we are under her guidance. The  
614 commission does not write ordinances. Ms. Morris directs us, and we comment on them." With all due  
615 respect to staff's expertise, and we can't\* do any of this without staff, if Town Council wants to know  
616 what staff recommends, then they don't need a planning commission. Our role is not meant to be  
617 passive. We are the town residents appointed by council to ~~compare~~ prepare\* and recommend policy in  
618 support of our citizens. It's not staff's responsibility to do all our thinking, all our research, and writing  
619 for us, and to serve it up on a platter so that all we have to do is comment. That's what I have to say.  
620 I'd like to have Ms. Morris speak next about how she understands her responsibilities in relation to the  
621 planning commission, and then everybody may comment. Ms. Morris said my job has always been, not  
622 just here, but anywhere as the planning director, is generally to do a lot of the research; we bring you  
623 kind of a blank slate, and you fill in the blanks. We don't make the laws. We don't want to make the  
624 laws. We don't want to be the only one recommending. We bring you samples of what other cities do.  
625 We check first to make sure that what were presenting to you is legal. It's pretty much a generic plate  
626 where you add the requirements that you see the town needing today and 10 years now. Chairman  
627 Abrams asked if everybody had a chance to read the ordinance and the bylaws.

628 \*corrections made by approved motion. DH

629  
630 Ms. Lowery said my comments would be simply that I think we need all to operate as equal  
631 partners in this. No one of us being in charge of any of the others. And that's true whether it's planning  
632 and zoning and staff, or whether it's a member here behind the dais, regardless of our position. I don't  
633 think anyone should be excluded, and I don't think anyone should be the so-called boss of the discussion.  
634 Our chairperson guides us through the discussion, but even chairperson and vice chair should be equal  
635 partners with everyone else, as far as the discussion is concerned.

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Chairman Abrams said I just want the planning commission to do its job, and not just sit back and wait for Ms. Morris to do it for us.

Mr. Lauer said I wonder if Ms. Morris ever feels as though she's been overtaxed with the research and everything we require of her. I think it works out fairly well. When we ask for information, you bring us a draft of that and then we have an opportunity to discuss it; go over it, and have the public comment on it. I think we've been pretty efficient, most the time. With this particular process with the trees, I think we probably could cut it back a lot more. I think we probably could've done a little bit cleaner job to make a little bit easier for folks. But I think we ended up with a product that's certainly marketable.

Chairman Abrams said I think it's is even more important and more critical now that we understand who does what, in light of this legal opinion on when an ordinance amendment is initiated. I still don't understand it all, but it matters whether planning is supposed to write something or Ms. Morris is supposed to write it, and then presents it to us and the clock starts ticking, or what the rules are. I don't think Town Council can just say go fix it and start a clock. If they do they want to hand us language all ready to go that's different story. Then maybe we should review it on the clock.

Ms. Gambino said especially none of us deserve to be thrown under the bus. Nor does Ms. Morris. It's all I'll say.

Ms. Lowery said I'm really concerned about the timeline involved, because it's like with the tree ordinance, we've been working on this thing for I don't even know how many months anymore. I don't even remember how many years. We come up with what we think is going to be the final version, and then we have questions or comments from those who come. Then were revisiting something, and that adds to the timeline. If we are only going to have from one meeting until the next meeting to present them a final product that means that we have to exclude comments or input from others. That that really bothers me. I know it's been said, but the longer you discuss something, the more likely you are to come up with the wrong answer, but at the same time another phrase is decide in haste, regret at leisure. I would like to be sure that we're going to have enough time to do a thorough, good job. Not something that were going have to revisit six months later. That would be confusing for everybody. You start out today thinking I can plant this, and I can do this; do that, and then six months later, everything changes again. I mean you want to know that you are standing on solid ground. I don't think we can do that from meeting to meeting, and not do a good job for the people were supposed to represent. That really concerns me.

Ms. Gambino said I'd like to address that, too, Ms. Lowery. Well put. I don't think as planning and zoning committee Town Council can put a timeframe on us exactly for the reasons that Ms. Lowery stated. We may not take long on one issue, but on another issue; there is just no way for Town Council to set a timeframe on us. I just don't see how that's possible, and the commission to do a good job.

Chairman Abrams said in reading this legal opinion, it all boils down to whether or not the zoning amendment has been properly initiated. I think we have some more talking to do about what a proper initiation is.

Ms. Gambino said I agree, but whenever that's decided, I still do not believe that they can put a timeframe on us; legally, I don't think they can. Mr. Lauer said it sounds like we can control that timeframe, really. We do our work, and then we go to council and okay. Ms. Gambino said if Town Council plans to initiate a timeframe on us, we don't.

Ms. Elliott asked Ms. Morris if council put a time on this; the attorney's opinion is saying something about a resolution to properly get it started. When we're working on this, and when you go to

689 the council meetings, don't you report how were coming along to them? Ms. Morris said I do, but the 30  
690 day time limit is to get the information to council after the public hearing. There's a huge difference in  
691 my mind, if you have a problem with Section 17-204, looking at just that section you could probably get  
692 it done fairly quickly. This is an entire rewrite, so you can't do it in 30 days.  
693

694 Chairman Abrams said we have been mandated to rewrite the entire Chapter 17. Ms. Morris said  
695 exactly. I think, and I have to commend this board, not because I'm sitting here, but I do it all the time,  
696 because this board does not rubberstamp anything. It doesn't matter what I bring for consideration, you  
697 question everything, and you should do the due diligence. Obviously, the council and the rest of the  
698 towns looks for you to make the decisions not just for tomorrow, but for the next ten years or so. I think  
699 you have to look at what you're asked to do. If you're asked to look at one section of the code, I could  
700 see expediting that. I think this is to make sure that it's exactly what we want; to make sure the code  
701 says exactly what we want, and not have to come back in six months. It does take time, because you do  
702 want to hear what the public has to say.  
703

704 Ms. Lowery said another thing, too, if it hadn't been for the business committee doing all the  
705 work that they did on the sign ordinance, we'd be trying to work through *Reed versus Gilbert* from the  
706 Supreme Court, plus everything else that we had been dealing with, plus the tree ordinance. If we get  
707 them both at the same time, are we supposed to get them both done during the same 30 day period?  
708 That makes no sense whatsoever.  
709

710 Mr. Lauer said personally, I don't worry about the time limit. I think that what happens is if the  
711 council gives a mandate and asks us and do something, and we don't get it done in thirty days, it's time  
712 to reset the clock. Take what you have to them, and [keep working.] Ms. Morris said it does say a  
713 reasonable period of time. What is reasonable? Ms. Lowery said it is not like we drag our feet. We  
714 want the job done so that we can move on to something else, also.  
715

716 Chairman Abrams said we aren't the only ones that need to study this legal opinion. I think  
717 council better sit down, talk about it.  
718

719 Ms. Lowery said it was so exciting to see that the commission gets to have staff according to the  
720 bylaws, and a budget. Ms. Morris said there is a small budget to pay for training and legal advice.  
721

722 Chairman Abrams said as far as the bylaws go, there are some housekeeping things that need to  
723 be amended. Mostly tweaking; things that we don't do; things that are out of date, or wrong. Would the  
724 members like to address them tonight or the next meeting? All members agreed to defer until the next  
725 meeting. Chairman Abrams asked that the bylaws be added to the next meeting agenda.  
726

## 727 **7. Public Comments.**

728  
729 Ms. Carol Holt, Yaupon Drive, said you answered all the questions that I had, and I really  
730 appreciate you doing that. The only one left that I didn't see that was addressed specifically was the  
731 misdemeanor that's listed in the penalties. I don't have the gentleman's name here, but I believe he was  
732 specifically talking about the homeowners being charged with what would be considered a misdemeanor.  
733 But, I also noted that in the sign ordinance that we have the same type of thing. Ms. Morris said it was  
734 in all the ordinances. That's a general requirement for the municipality. Chairman Abrams said the  
735 misdemeanor term is not driven by this chapter. It is driven by a general town ordinance. Ms. Holt said  
736 that's what I needed to know, and I think that's good, if we can include that, because a lot of people are  
737 saying, you know, this was never addressed. So, I think if it's required, at least, we know that now. So,  
738 in other words in the sign ordinance, a violation is considered a misdemeanor, and also may have a lien  
739 placed on his property, and his property foreclosed to collect any violation charges. That's also  
740 requirement of the ordinance? Ms. Morris said yes, that is also. Ms. Holt, said okay, so that's also  
741 required. What regulatory body requires that? Ms. Morris said Town Council; it is in the very first section

742 of the Code of Ordinances. Ms. Holt said okay, I'll look that up. I'm sure you don't have that on the top  
743 of your head. That was one question that wasn't addressed. Thank you, Ms. Morris, for letting us know.  
744 The only other one that I asked was about Section 17-721, I know that y'all were going to rewrite that, I  
745 think. It was to replace protected, specimen and any trees. Does the protected, and specimen also  
746 include landmark trees? Ms. Morris said yes and any other, we could add landmark to that. Ms. Holt said  
747 I'm like Ms. Abrams. Sometimes people; y'all live and breathe this. But people that come into the town,  
748 I mean we, we are just kind of reading and trying to understand what it says. So, I think the more that  
749 you can clarify things, and I really appreciate going through and doing that. I think she and the  
750 committee did a lot as far as clarification on that. I just want to say thanks again. Good luck, and I also  
751 agree that there's no way that you can try to rewrite a whole article within 30 days. There's just no way  
752 you can do it.

753  
754 **8. Commission Comments.**

755  
756 Mr. Lauer: Just like to say once again, I am very, very proud of this commission. I think we do a  
757 great job. Thank you all.

758  
759 Ms. Gambino: Thank y'all for coming out, and we'll see you next meeting.

760  
761 Ms. Elliott: I'd like to say thank you for you all coming out, and thank you, God, we are going to  
762 be closing out on the signs very shortly, and we're getting close on trees, and we all do get along quite  
763 well.

764  
765 Mr. Seibold: I've been through this tree ordinance before. I think we're getting very close. It's  
766 really coming along real good. We cleared up a lot, and hopefully, it will be done pretty soon. I never  
767 worry too much about time limit. Just want to do the job.

768  
769 Ms. Lowery: I just thank everybody for being so patient with us as we work our way through  
770 this. Thank you for all your suggestions and concerns, often pointing out things that just didn't even  
771 notice, because as she said, we have looked at this so many times, sometimes you just become blind. I  
772 really appreciate your patience, and my cohorts in crime, because we really do work pretty well.

773  
774 Ms. Johnson: I have a suggestion for our webpage, because we have on there that we are a  
775 family beach, and we're autism friendly, why don't we also put on there that we are tree protected city,  
776 and what people are looking to move here they can see that we are and they won't question it after they  
777 get here, and we tell them they can't cut their tree down. That's one thing in. Then I just appreciate  
778 everybody's comments. Thank you for coming. We take your suggestions to heart. Just have a nice  
779 evening.

780  
781 Chairman Abrams: It's been a long one, and this is a challenge. It does feel like you're making a  
782 little progress. I'm just going to ask everybody for the next; until the next meeting, try and read this tree  
783 ordinance and the sign ordinance, too, as if you never saw it before. It makes all the difference in the  
784 world, if you just get out of this being up to our eyeballs in it, and read it as if we just moved here, and  
785 we barely know what a tree is. That's where it starts looking complex to me, it's when I've never seen it  
786 before. Thanks everybody. We had a great meeting. Motion to adjourn?

787  
788 **12. ADJOURNMENT.** Mr. Lauer moved to adjourn at 8:13 p.m. Ms. Lowery second. All voted  
789 in favor. **MOTION CARRIED.**

790  
791 Prepared and submitted by,

792  
793 \_\_\_\_\_  
794 Debra E. Herrmann, CMC, Town Clerk

Planning Commission  
February 7, 2017

795 Approved: March 7, 2017.

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Mary Ellen Abrams, Vice Chairman

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Approved