



**SURFSIDE BEACH PLANNING & ZONING COMMISSION SPECIAL MEETING
TOWN COUNCIL CHAMBERS
FEBRUARY 23, 2017 ♦ 6:00 P.M.**

1. CALL TO ORDER.

Chairman Abrams called the Planning & Zoning Commission special 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. PUBLIC COMMENTS.

Mr. Ken Podraza, 10th Avenue North: Just trying to figure out the process, so you all will discuss various topic items, and then there'll be a chance to come back make comments over what you've discussed. Chairman Abram: Yes, sir.

3. Director's Report.

Ms. Morris said I met with the business committee on Tuesday the 21st to review those sections of the proposed sign ordinance as requested by the planning commission. I'll briefly go over those, if you have the sign ordinance in front of you. Page 6-6, elections says a temporary non-illuminated sign may be located on the owner's property for a period of 30 days prior to an election. That was where the 0.25 acres was; that was removed. The next item is on the same page. The business committee agreed to add 'or lease' to the owner's consent of property being offered for sale. The next page, also added the 'for lease' under owner consent that's commercially zoned properties. Page 6-8, Section 17-632, staff and the business committee members actually contacted a lot of the sign companies. The plastic that we think is on all the signs are not really plastic. It's more like a Plexiglas or acrylic. They asked that we leave the plastic black backlit signs and require that those sign 'shall meet current UL (Underwriters Laboratories) requirements,' which is what we require in the International Building Code. The wording they want is that plastic, back-lit signs shall be allowed and shall meet current UL requirement. Section 17-633, the first paragraph the last sentence, they just want to make sure that this section shall not apply to temporary signs, which we had that in there last time. Chairman Abrams said it was in the code all along; it didn't just get put back. Ms. Morris said that's right. The town attorney will be sent the sign ordinance, hopefully, after tonight's meeting so he can review it. I'm hoping I'll have all of his recommendations before we have our work are public hearing. Some on the planning commission asked about the tree mitigation fund. I requested the total amount currently in the tree mitigation fund from the town. The current amount is \$9,903.15. Finance director Diana King says it is accounted separately and it earns interest.

Ms. Morris said I know will be going over the landscape ordinance. After receiving several emails, which I've made copies for you. We also noticed on page 7-6 in Section 17-723, the copies that you received had not removed the ANSI requirements at the top. We have removed those. Chairman Abrams asked if in the first paragraph from "planning shall be based on" through the end of the paragraph is gone. Ms. Morris said yes, and then we added at the request of planning commission 'the installation of trees and/or landscaping shall meet all requirements of other applicable ordinances of the town.'

Chairman Abrams asked if that was both of the questions the commission had for the business committee. Regarding signs we asked if they were satisfied with the prohibited items. Ms. Morris said yes and they were. Chairman Abrams said the other question was about the plastic signs. Ms. Morris said right, and the business committee members said they actually are very pleased with the sign ordinances.

54 **4. DISCUSSION ITEMS.**

55
56 **A. Article VI, Sign Regulation sections of the Zoning ordinance.**

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58 **Follow-up questions/responses from the business committee.** See comments under the
59 director's report.

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61 **Final review before public hearing.** Ms. Johnson referred to page 6-7 in (b), where it says
62 sign is owned by the property owner that property is offered for sale by the owner through advertising in
63 the local newspaper. So you've got advertise if you have for sale by owner in order to put a sign up? It
64 says the same thing down in the owner consent, the last one in (b); it's got the offer for sale through
65 advertising. Ms. Morris said this is from the Municipal Association; it's just a sample model ordinance. We
66 can certainly remove that. A lot of people don't advertise. Chairman Abrams said good catch on that. This
67 doesn't give them a choice. Ms. Morris said we will also add 'or lease'. Ms. Gambino said I'm in favor of it;
68 I agree with it. Commission **CONCURRED to remove 'through advertising in the local newspaper**
69 **of general circulation,' and to add 'or lease' where applicable.**

70
71 Chairman Abrams said I sent Ms. Morris a list of things that are really just corrections, not
72 changes. They are editorial type things. Are there any problems with any of those? Everyone was in
73 agreement on the emailed edits.

74
75 Ms. Elliott said I really don't have anything else on the sign ordinance. I think the business
76 committee and other people here have caught different things. I think it should go pretty well with the
77 Council. I think they're pleased with it, also. Let's hope the attorney agrees.

78
79 Ms. Gambino said I'm fine.

80
81 Mr. Lauer said I was fine with it, too. I did pick up a couple other little things, but I don't think
82 we need to go over them now. Chairman Abrams said any of you that have corrections should send them
83 to Ms. Morris. Ms. Morris said I would be glad; absolutely. Chairman Abrams said if we're going to send it
84 forward, we might as well send it forward right.

85
86 Ms. Lowery said you were concerned that something on page 6-5; the size limit on electronic
87 message boards. Charmain Abrams said subject to square feet of applicable to wall or freeze. Ms. Lowery
88 said I think if we put in 'subject to same square feet that is applicable wall or freestanding sign.' Now I
89 understand what was meant to say. Ms. Morris said actually, this is what it says now, and it is confusing.

90
91 Mr. Seibold said I've got a couple questions to clear up in my own mind. Where does Crabby
92 Mike's van fall into this? Ms. Morris said Crabby Mike's van is grandfathered. As long as it's there, they
93 can repair it. Mr. Seibold said so there'll be no more of that. Ms. Morris said that's right. Mr. Seibold said
94 on page 6-3, the last block on page permitted non-residential uses and residential zones, I'm confused on
95 that. Ms. Morris said permitted nonresidential uses; churches are allowed in residential zones. Mr. Seibold
96 said okay. Ms. Morris said we do have one hotel that's in a residential zone. Chairman Abrams said home
97 businesses. Ms. Morris said home businesses are not allowed to have a freestanding sign up. Mr. Seibold
98 said 6-5, first paragraph down, it says projecting signs in the C2 central district will have a minimum
99 height; right above that sign shall not project beyond property lines, except for projecting signs. So a
100 projecting signs can extend beyond property line. Ms. Morris said yes, it can. But it is only allowed the C2
101 district. Mr. Seibold said that is what I want to make sure that a projecting sign can go past their
102 property line. Ms. Morris said they can, but they do have to an encroachment permit. That's in here as
103 well. The projecting sign can go out 3 feet, but has to be higher than 10 feet. Mr. Seibold said but that
104 encroachment is on public property. Ms. Morris said it is town property. Mr. Seibold asked if an owner
105 could extend a projecting signs onto his is next door business. Ms. Morris said they cannot encroach into
106 the neighboring business. The projection has to be in front of his business. Chairman Abrams said I recall

107 that we allow that because that district has practically no front setbacks. Ms. Morris said that was exactly
108 right. Chairman Abrams said I think with all the little edits we've thrown at you, we've cleared up other
109 issues where I think we're ready for a motion.

110
111 Ms. Johnson moved to approve the ordinance as amended for public hearing. Ms. Elliott second.
112 All voted in favor. **MOTION CARRIED.** Chairman Abrams said the sign ordinance public hearing would
113 be on March 7th.

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115 **B. Article VII, Landscaping and Tree Protection sections of the Zoning Ordinance.**

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117 **Review of trees to be on the "protected" list.** Chairman Abrams introduced Article 7,
118 Landscaping and Tree Protection, specifically the review of trees on the protected list on page 7-9. Mr.
119 Lauer said after Ms. Morris did the review of all the trees and the various positive aspects of them, and
120 the few negative ones, I just didn't see any reason to eliminate any. Members Gambino, Elliott, Johnson,
121 Lowery and Seibold were fine with the list. Commission **CONCURRED** to leave the tree list alone.

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123 Ms. Seibold asked if the only difference between specimen, protected, and landmark tree is the
124 size. Ms. Morris said yes, that is the only difference.

125
126 **Tree quantity dilemma in R3.** Chairman Abrams said now, we have the tree quantity dilemma
127 in R3.

128
129 Ms. Lowery said I would recommend for the R3 district that we eliminate the statement about the
130 monoculture on page 7-5, where it says to avoid monoculture there shall be diversity plantings required.
131 I would like to exempt the R3 district from that as they just they just don't have any other options. They
132 don't. As I've said before, palm trees do very little for stormwater. Their shade really doesn't do anything
133 for the temperature. Actually, some research says it raises the temperature. But I don't know of anything
134 that we could plant it that would be high enough to shade houses that are in that area. I just don't see
135 where they have any choice. At least this way they would they could stay within the three trees and plant
136 palms, if they have to.

137
138 Charmain Abrams asked Ms. Morris if there are other situations where there are other choices, or
139 are they all that strapped, or should we make this only when there is no other choice. Ms. Morris said
140 there are areas, believe it or not, in the R3 district there are some that's large enough that would suit any
141 of the protected trees, but there are some lots that are too small. Those that are closest or those that are
142 just getting subdivided, of course, are going to go with a 3,600 square feet. That's the one this would
143 apply to.

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145 Ms. Lowery asked if something could be included about the 3,600 square feet. Ms. Morris said
146 that's the minimum. Chairman said I like your idea, but I would prefer that it only be used when it has to
147 be used and if they've got room to do other things that they do. Ms. Lowery asked how we would word
148 that. Ms. Morris said I don't know, but we certainly need to talk about that. I agree with that. I'd hate to
149 just put it carte blanche, because actually a lot of the landmark trees are in the R3 district. If it's re-
150 subdivided, we'd still want to protect those even if they didn't get a pool, which is going to go to BZA.
151 Ms. Lowery asked if the code could be worded in some way like with your office's approval. Chairman
152 Abrams said there's some wording somewhere in the ordinance about when it appears a tree could be
153 saved, and I think we left it up to the code enforcement official. Ms. Morris said you did. Chairman
154 Abrams said in a dispute, it would go to BZA. How about language like that?

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156 Ms. Johnson said on page 7-7, Section 17-727, it says they are of that code enforcement official
157 may, consistent with the requirements of this section, authorize a reduction in the number of required
158 trees from the terms of Section 7-721 to 17-728. It's limited to one tree or 20% of the number of trees.
159 So, they already have a little authority to cut the number of trees.

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Ms. Lowery said I think all of us agree that they need some leeway, but it's down to how is this working. If you can approve it and it's already in there, how we make a reference there. I wasn't even sure that applied, because it says retained trees not replacement trees. Ms. Morris said it does say we can reduce the number of required trees, so if the number is three, it could be reduced to two, based on the size. Chairman Abrams said or we get some language in there for R3 district that the there's some judgment on the part of the code enforcement official whether authorizing monoculture is necessary. If somebody happens that have half an acres, we don't want to let them plant three palm trees, right?

Ms. Gambino said I also like the thought of reducing it to two trees when necessary, because they don't have much choice sometimes. Chairman Abrams said I like Ms. Lowery's idea. I just don't want it to be a loophole for those who don't need it.

Ms. Morris said recently, and actually since I've been here, the majority where we've had the problems is just like I showed you in the last meeting, where you have a 3,600 square foot lot, which is the minimum size, upon which you generally get a house taking up 50-percent of the property, and then they build a pool, and then on the sides you have to have to put stormwater requirements, and then where do you put the trees? The frontage is 30 linear feet, so you got a driveway that's 20 feet. Since were adding in the ordinance that if trees have potential of damaging foundations, then before it is planted, they will say it has potential to damage.

Ms. Lowery said so they're going to have to come to you before the building is built. They're going to have to come to you, if they can't meet the tree number, right? Ms. Morris said right. We do that when they apply for the permit. Ms. Lowery said so you would be speaking to them about the difficulty anyway, and asked if there was really a need for us to change anything, if it's already there, and the resident says I can't put three trees in here. Ms. Morris said I don't have a problem with it, because we can use that section. I'll be honest, we've never used that section. But, we could use that section, based on the size of the lot itself and what their design is. Of course, if they don't agree they can always take it to BZA.

Mr. Seibold said I agree totally with Ms. Lowery. It's already the document. My question would be, the reduction of one that satisfied or we have to say one or more. Ms. Morris said no, one would definitely do it. Even if they just plant two palms, whether we require one or six. They're going to put two palms, one on each side of the driveway. They do it everywhere. We've never had a question on that. So, if we could just reduce one in certain circumstances that would be adequate. Mr. Seibold said that works for me. It's in the document already.

Ms. Lowery said so we don't we don't really need to make a modification for R3, because it's covered the other way.

Ms. Elliott asked Ms. Morris if there was something in here when you place the trees, they had to use different types. Ms. Morris said yes, that's what she had. It's on page 7-5, number 3 at the top, retained trees. Ms. Lowery said it is the very last statement in number 3. Ms. Morris said to avoid monoculture plantings. Ms. Elliott said okay, I see the diversity, and said she could not hear Ms. Lowery's comments. Ms. Lowery said Ms. Morris has the option, if there is a hardship, to reduce the number of trees that they have on that property. So if they come to her and putting house there is going to eliminate all the hardwoods, wide spreading trees, trees with lots of roots, she has the option in that other section to then say this is a possibility, if you're interested. So we really don't have to make a modification. It was all there. We just did not know how to it together. Ms. Elliott said okay.

Ms. Elliott said my question is in the R3 we were talking about they could put two or three of the same tree. They didn't have to diversify. Did we address that? Ms. Lowery and Ms. Morris said yes. Ms. Morris said that would be covered under the section that Ms. Johnson read. So we can reduce it as a

213 staff.

214

215 Ms. Johnson said speaking of the word 'reasonably' that was just used, page 7-3, Section 17-
216 720.3, in the first column under 2, and also it's in the last column under 2. What if we change that to 'will
217 most likely' there and on 2 on the last column? Ms. Morris said well, I've always had concerns about the
218 reasonably, because what I think is reasonable; we had this conversation. Ms. Johnson said right,
219 exactly. Chairman Abrams said well, we say it's going to be determined by the code enforcement official.
220 So it's reasonable most likely in the eyes of the code enforcement official. If there is a dispute, it will go
221 to BZA. Ms. Johnson said right. Chairman Abrams said the code should read "most likely" instead of
222 "reasonably." Chairman Abrams asked if there were questions on this change. There were no comments.

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224 Ms. Johnson referred to page 7-5, and said we went over this before, but we are contradicting
225 ourselves. So, I want to bring it up again. On the replacement trees, we still have the Palmetto label on
226 here, and just as Ms. Lowery said, palms do little for stormwater and nothing for temperature control.
227 This is the only tree that is not on our protected list, so we have one tree on here that's not on the
228 protected list. My suggestion would be that if you are replacing a common tree, like if you're replacing a
229 pine tree or whatever, sure, you can plant a palm. But if you're replacing a protected tree, then it needs
230 to be replaced with protected tree. That's almost like saying you can cut down a big oak and plant a pine
231 tree, because you're going from a protected tree to an unprotected tree. Ms. Morris said we talked about
232 this, and actually I did change it, and I just did not put it in your package. Under replacement trees, I
233 apologize, on page 7-5, D1, only those trees on the list of approved tree shall be authorized for planting
234 to replace protected, specimen, and landmark trees. Replacement trees for common trees may be
235 replaced with any other from the list of approved trees. Thank you, I forgot to mention that.

236

237 Chairman Abrams asked if the list of approved trees was the list right above the section. Ms.
238 Morris said yes. Ms. Abrams said then we're saying only those trees like the palm tree shall be authorized
239 to replace a landmark tree. Ms. Morris said that's right the trees above could be replaced. Chairman
240 Abrams said that is not what we want to say. Ms. Morris said we talked about that before, because a
241 palm is not on the protected tree list. Ms. Lowery asked if that come back the same section as Ms.
242 Johnson pointed out. That Ms. Morris would have discretion there. Ms. Morris, said what number 1 and
243 the tree table saying are two different things. It contradicts itself, because it says those listed on the
244 approved tree list shall be authorized to plant the protected, specimen, and landmark trees on this list.
245 Well, the palm is not a protected tree, but you can you can replace a protected tree with it. Ms. Johnson
246 said that's what it says this way. Ms. Morris said right. Chairman Abrams said this way it says that you
247 can take out a Live Oak and put in a Sabal Palm. Ms. Morris said right, if we take out the palm, I know
248 it's the State Tree, I'm not saying eliminated it, but if we take it out of that list, the replacement tree for
249 common trees may certainly be a palm tree. Ms. Johnson said if you take out a pine tree, you could
250 replace it with a palm tree. Ms. Morris said right. Ms. Lowery said okay, so we take it off of the
251 replacement tree list. Ms. Morris said that list is just for protected, specimen, and landmark trees.
252 Chairman Abrams said it doesn't say it on the header right, but I like it to be included to say trees
253 approved for planting as replacements for protected, specimen, and landmark trees. Otherwise, you read
254 all the fine print. Ms. Gambino said I agree. Chairman Abrams said delete Palmetto from that list.

255

256 Ms. Morris said while we are on that list during the presentation at last meeting, we talked about
257 the locust honey. Could we add thornless locust honey, because that's what the Clemson Extension
258 recommended? No members objected. Chairman Abrams asked if Ms. Johnson was satisfied. Ms. Johnson
259 said yes, I have no other questions.

260

261 Mr. Seibold said my understanding is we're taking the palm tree off the list. Ms. Morris said right,
262 we are going to reword Table 17-721.1 to say trees approved for planting as replacements for protected,
263 specimen, and landmark trees. Chairman Abrams said and strike Palmetto. Ms. Morris said right, because
264 it's not listed as a specimen, protected, or landmark tree. So if someone comes in and they have a tree
265 that is not on this list that they want take down, and we approve it, they can certainly plant a palm tree.

266 Mr. Seibold said if I'm taking down a tree, protected or landmark, I'm not going to get, obviously, if I
267 plant an oak, or an elm, it's not going to be anywhere near as big. So what am I really saving? I'm not
268 saving anything immediately. You're saying I'm saving something a hundred years from now when the
269 tree grows? Ms. Morris said well, the ordinance says you have to plant it back diameter for diameter, so it
270 means you're going to plant more than one tree. Mr. Seibold said we say in the code the diameter of the
271 tree coming down measured at breast height, you have to replace it with a circumference, right?
272 Chairman Abrams believed that was on the list of corrections. Mr. Seibold said circumference is a lot less
273 than a diameter. But, I can plant much smaller trees to equal the circumference. In Section 17-721,
274 paragraph B1, the total circumference inches of replacement trees will required to be planted total
275 diameter DBH. Ms. Lowery said that should be changed to circumference. Mr. Seibold said if you measure
276 that, the tree used for replacement can be much smaller. Ms. Morris said you're exactly right.
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278 Mr. Lauer had some suggested language, "The total number of circumference inches (CI), of the
279 replacement trees must be equal to or greater than the CI of the trees removed. No replacement tree will
280 be less than circumference than the smallest of the trees replaced." So that way, you're getting one's
281 that are going all to be close to what you've lost. Mr. Seibold said my concern is if I'm taking down big
282 tree, for whatever reason, I'm not putting back the same size tree. Ms. Morris said you're right. You're
283 probably putting down four or five additional trees to equal the circumference of the tree or trees cut
284 down. Mr. Seibold said maybe I don't have the property to put down four or five more trees to equal the
285 circumference. Ms. Morris said then you could take advantage of the tree mitigation; give us the money.
286 Mr. Seibold said I'm a homeowner that has a tree that's damaging my house. Please, you know, it
287 shouldn't cost; I've got to pay get the tree down. I don't mind putting in another tree, but it's not going
288 to be the same size. I don't have enough property to put in three or four trees. Why should I? That's my
289 concern. I want to do what's right, and I'll replace my tree. I understand that. I went out in my yard and
290 measured. That 18 tree is 35 feet tall. Ms. Morris said we hear this argument every day. So I hope you
291 come up with something. They said we have when tree large, why do I have to put ten back in my yard
292 to equal it; it's what the code says. We do offer mitigation.
293

294 Chairman Abrams said that Mr. Seibold is saying that in 17-721 B.1 that he thinks that
295 requirement is unreasonable. Mr. Seibold said correct. Ms. Elliott said I think it's unreasonable myself. If
296 you regard my yard is small, if I had a big tree come out. Ms. Johnson said I can see how that's a bit
297 unreasonable, but at the same time, I think it would be better to replace it with a smaller tree of the
298 same species or one of the trees on the protected list instead of a palm tree that does nothing. Ms.
299 Morris said if we remove that could we at least put a minimum circumference? If we say can just replant
300 another tree, they're going to plant that two or three. Mr. Seibold said we have that in there about the
301 minimum of 2 inches. Ms. Morris said that is if the tree is there now, and we can count it. A contractor
302 came in and said so I can count, because it says you can count what is there 2 inches or greater, he said
303 so I'm going to have you come out, and you're going to count that tree as a tree. As soon as you leave,
304 I'm cutting it down, because I don't need a permit, because it's less than 4 inches in diameter. Mr.
305 Seibold said right. Chairman Abrams said loophole.
306

307 Ms. Morris said now that the code is going to 7 inches, we need a minimum for the diameter.
308 Two inches is definitely not the right size. Ms. Johnson said we do need a minimum. Ms. Lowery said if
309 we looking at A, it said shall be planted in order to replace existing protected trees, specimen trees,
310 landmark trees, and any trees when the number of cumulative diameter of trees on the parcel falls below
311 the minimum required. If he doesn't need that tree to meet his minimum, is he required to replace? Ms.
312 Morris said no, but it is very, very rare that that happens. What we're saying is that they either have a
313 very large oak tree that's dead in the middle, which saw this week; completely hollow. It was it was a
314 beautiful tree that is hollow inside. They had two other trees on their property about that big. Well, this
315 was in R2, so they are going to have to plant a lot a much larger tree to meet diameter. Ms. Lowery said
316 required overall for the minimum requirement of circumference. Ms. Morris said so in this particular case
317 that we had this week, they're going to have to plant a palm. He couldn't plant a palm in the new
318 ordinance, but right now, he could plant a palm; put two palms and he meets the requirement, because

319 of the size of the palm trees.

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321 Mr. Lauer said I just was curious as to how much these trees are going to cost. I haven't bought
322 a tree in a long, long time. If you have the buy a 10 inch tree... Ms. Morris said I think we as staff are
323 asking that it just be the minimum required, because you can cut 7 inch, but then you should replace
324 with a 7 inch. Ms. Johnson said I'm not sure how much; I don't know. It can't be that much. Mr. Lauer
325 said I don't have a clue. Ms. Morris said I think when you get up to 10, 12, 14 inches you're definitely
326 talking expensive trees. Ms. Lowery said the last tree I planted was a long time ago and it was \$200.

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328 Mr. Lauer said so which ones are the fastest growing trees? Chairman Abram said so now we're
329 working on what is a reasonable requirement for this section. Ms. Morris said if you go below what's
330 required to be a protected tree, or what we actually inspect, then they are going to cut it as soon as we
331 leave, and you can't find me, because it's not even counted as a tree. Chairman Abrams said wherever
332 the 2 inches has to go. Ms. Johnson said yes, it does. Ms. Lowery said it was page 7-5, number 3 at the
333 top, retain trees. Trees 2 inches or greater in diameter should be changed to circumference retained on
334 the property can count toward any required replacement. So if it's going to count toward a required
335 replacement and they cut it down, then they still don't have enough trees, because that was that was
336 required for the minimum number. So they still can't cut it. Ms. Morris said or they can replace it.

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338 Mr. Lauer said I'm just looking at the hardship factor of somebody who's living on limited income
339 that has to take their oak tree down. They have to pay a lot of money to take that big oak tree down.
340 And now, they're going to have to spend another thousand dollars to put the tree back in its place. I
341 think we have to at least consider that. Mr. Seibold said I totally agree. Every time I read this things start
342 popping up again, but I totally agree with Mr. Lauer. Ms. Morris said we can get prices. Mr. Seibold said
343 I'm a homeowner and the tree is dying, or for some reason it's gotta come down. It's gonna cost me a
344 ton of money to take it down. Now the town is saying I have to replace with this huge, huge tree. I don't
345 mind putting the tree back, but I can't be putting a huge tree. Ms. Morris said if you go below the
346 required the 2 inches, if you get below what's required to get a permit, then we can go out, look at it and
347 say yes it's there, and the next week you take it down. (** several speaking at once.)

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349 Mr. Seibold said 7 inches or more, I agree with that. This way you can't cut it down without a
350 permit. Ms. Morris said that is what I'm asking. We can just go with 7 inches. Mr. Seibold said I'm trying
351 to get reasonable. Ms. Morris said I agree with you, because we've had some large trees that were
352 planted and died because the lot was too little. If we could at least go 7 inches that way it's protected.

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354 Chairman Abrams said so we're changing in retained trees from 2 inches in diameter to 7 inches
355 in diameter. Ms. Johnson said yes. Ms. Lowery said 7 inches in diameter is equal to 22 inches in
356 circumference.

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358 Chairman Abrams referred to page 7-4, number 1, 'when replacement trees are required the tree
359 circumference inches will be calculated as follows.' What are we going to do there? We don't want to
360 equal that 50 some-inch oak tree that we just let them take out. Is that where we are going to have a 7
361 inch tree, also? Ms. Lowery said with each tree no less than 7 inches or no less than 22 inches in
362 circumference. Chairman Abrams asked instead of 7 inch diameter, and asked the members if they felt
363 this is reasonable. Mr. Lauer said I think that is reasonable. Ms. Johnson said I think so as well, because
364 the trees is going to grow. Ms. Seibold said I'm okay. Ms. Lowery restated the change: 'The total
365 circumference inches for replacement trees required to be planted shall equal the circumference inches
366 measured at breast high of the trees removed at a minimum of 22 inches in circumference, or with each
367 at a minimum of 22 inches in circumference. Chairman Abrams said the ratio comments can be
368 eliminated. Several members agreed. Ms. Gambino believed that was reasonable, and said we need to
369 think about that with the residents. I agree.

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371 Chairman Abrams asked if all members were satisfied that what we just did is now reasonable.

372 Ms. Lowery said if the tree is 7 inches in diameter, they cannot cut it without a permit. Ms. Morris said
373 that is right. Ms. Elliott said if the big tree comes down, we are doing one tree. Chairman Abrams said
374 they will plant as many trees as necessary to equal the total circumference inches. Mr. Lauer said I'm not
375 real happy with that, either. Ms. Morris said I'm confused. Ms. Johnson said it has to be at least 7
376 inches. (**) Ms. Morris said that's right, but it did not have to be equal. Ms. Lowery said so we do want
377 to go with one tree. Several members said one tree. Ms. Lowery said then it would read, "the total
378 circumference inches of a replacement tree required to be planted shall be a minimum of 22 inches in
379 circumference measured at breast height." Chairman Abrams said the members agreed that this
380 requirement as Ms. Lowery stated is reasonable. Mr. Seibold said I think it is. One tree down, one tree
381 up. We want a decent size tree. I don't know what height a 7 inch tree would be, but that's a decent size
382 tree.
383

384 Ms. Johnson said on that same page, I have a question about the appeals and you get a letter
385 from the arborists, or a forester and so on. Would there be any penalty for them, if I say the tree dead or
386 diseased and it's not? I know some people can be paid off. Ms. Lowery said you would hate to think that,
387 but I don't know that we can cover all those bases. Ms. Morris said we have actually reported few
388 arborists to the ISA, and it does a formal investigation. Unfortunately, we had some that said trees were
389 dead, but were not. Ms. Lowery asked if language could be added that follow false reports will be
390 submitted to ISA. Ms. Morris said I don't know why not. We do it anyway. Maybe that would get their
391 attention, if it in on there. There is a very heavy fine for that through ISA. Ms. Johnson asked if the
392 town's fines applied to them; the same that applies for cutting down a tree. Ms. Morris said yes; well, if
393 it's a false statement and we find out that it's a false statement, our only recourse is to turn them into
394 ISA. We don't have a fine. Ms. Lowery said possibly losing their license would be a very heavy penalty in
395 itself. Ms. Morris said we have had that happen. Ms. Johnson said could we add that they will be turned
396 in, and they would also be subject to our fine. Ms. Morris said we could do that and we could also revoke
397 their business license, if we want to put that in this section.
398

399 Chairman Abrams referred to the same section and said in all three of them, I think we say an
400 application request for removal must be presented to the BZA for consideration. A letter from an ISA
401 certified arborist, etc., must be submitted with the request for removal. Well, if it's in the footprint then
402 we don't need arborist letter, right? That's the reason they want to remove it. Ms. Morris said that's right,
403 and these are landmark trees only. Chairman Abrams said the header says protected, specimen, and
404 landmark. Ms. Morris sat on the right at the bottom, number 3, says prior to removal of a landmark tree
405 regardless of the location. That's just landmark trees. The reason we left it, even including in the
406 footprint, is if the BZA says, we'll let you get a variance to move the house 5 feet, the arborist can still
407 say I think that will still interfere with the roots. That's why we really want that letter. Chairman Abrams
408 said I'm satisfied with that explanation.
409

410 Ms. Lowery said while we're on that page, you said that you're concerned, because it started out
411 pruning of larger limbs over 7 inches, without any reference to smaller limbs. On the previous page under
412 owner of commercial property, 'shall obtain the required zoning permit specifying, etc.' If you felt it was
413 necessary that simply could be copied and pasted to the beginning of that; just take that in totality cut-
414 and-paste there, before pruning of larger limbs.' Chairman Abrams said my point was if the business
415 owner goes directly to this section, he's not going to get an answer. The only thing he would find is on
416 the previous page. Ms. Lowery said then it's going to be in two places. I don't know how we can avoid
417 that and make that clear. Ms. Morris said I think it's a good idea, because if someone comes and our staff
418 probably going to give them this page. So having that in both places [makes sense.] Chairman Abrams
419 said I think we need to be redundant in that case. Looking just at that, even legally probably, the
420 assumption could be that the code is silent on it, so I can do it.
421

422 Mr. Lauer said I found a trifold that Summerville uses that's very helpful. Ms. Morris said I have
423 it. Mr. Lauer said I don't like their trifold so much. I think it's a little too wordy still. But something like
424 that certainly would be helpful. Ms. Morris said we went to the Tree City meeting. They gave us several

425 different trifold brochures that we could manipulate. We're definitely going to use that. Mr. Lauer said the
426 Town Council basically had ask us to simplify the tree ordinance. I'm not so sure that we've done that,
427 yet. The language really has to be very simple and very concise. First, I think that we have to separate
428 the pruning and the removal, so the homeowner can zero in quickly. I think one of the problems with this
429 is you can't find things quickly. You have to go looking around for it. Information is buried. The charts are
430 great, but the information is buried in them. I care about the business owners in town, but I'm really,
431 really concerned more about the folks. Folks really just want to know whether they can prune or cut the
432 tree. They don't need to read through a whole lot of stuff to find that out, and that's why I went ahead
433 and made up my own version of what I thought the ordinance will look like. I'm not saying that it's a
434 perfect version of it, but I would certainly keep all the charts and all the other things that are there, but I
435 just felt like we need the cut to chase a little bit. I don't know whether you got the email message that
436 was sent to everybody. Ms. Morris said she did. Chairman Abrams said Ms. Morris passed it out. Mr.
437 Lauer said that's great. What I find my own neighborhood is people come up to me, and they ask what
438 can I do with my tree? When I say well if the limbs are two inches, you can go ahead and prune. Their
439 response is "What!" They think that Surfside Beach has ordinances on everything, including one or two
440 inch branches on the trees. They don't understand how simple it is. I think we have to make this
441 document just that simple. Anyway, I hope you took a look at what I had there. At least it is something
442 to think about. I know we're pretty far along in the process, but I think we can make some switches, if
443 we wanted to.
444

445 Chairman Abrams asked for comments on Mr. Lauer's suggestions. Mr. Seibold said I like it,
446 actually. I read it online. I thought it was simple. I don't know how to incorporate it into what have. I did
447 like the way was written. Ms. Lowery asked if there was anything in there on fines, or was this just a
448 partial document? Mr. Lauer said I just went through the first part of it, because actually most of things
449 midway through it on, I didn't think need to be changed very much. Ms. Lowery said okay. Mr. Lauer said
450 I was just trying to get to the point where the people in town could look and see I have a tree, what can
451 I do? Do I need a permit? It's very simple. Ms. Elliott said I appreciate what you did, Mr. Lauer, it is
452 simple. But our ordinances are written in a special format, just like our sign one, for our director and our
453 Town Council so they can stand up to them, if they're challenged in court. If one of our residents have a
454 question, they should be reaching out to zoning. We simplified. We took this ordinance, I think, from 27
455 pages down to 10. Put in chart form to make it as easy as it could be for them. Changed what they can
456 cut to 7 inches our 22 in circumference. I don't know what else we could do for the people. It's not
457 supposed to be so simplistic that it can't be defended in court. Ms. Johnson said I think it's pretty
458 simplified as far as what you want to do. Do you want to prune a tree? You just go right to that section
459 and you read about it. You want to replace a tree, to right to that section and read about. You have to
460 read the whole thing to do one thing. You go to the section that applies. Ms. Lowery said something I
461 thought about is once this is done, perhaps put a simplified version in the newsletter, because I think
462 most people either get it online or they get the hard copy. Chairman Abrams said we aren't doing the
463 hard copy anymore unless you sign up. Ms. Lowery said like Mr. Lauer said, they think it's going to be
464 this or think it's gonna be that. Most of them have decided that, because they asked their first cousin's
465 brother's girlfriend's mother [sic] instead of asking someone who actually was involved with it or without
466 going in to find out for themselves. A lot of what they heard just turned out to be gossip. Ms. Lowery said
467 it's a shame, but it happens that way. Ms. Morris said you're right. We have people come in and say we
468 were told that you have a permit to cut anything. Well no, that's not the case. If you had called we would
469 have been glad to explain it.
470

471
472 Ms. Morris said all of the cost and fees are established under Chapter 13. That's why we don't
473 put them each section. The town attorney said if you change one of the fees from free to something else,
474 then you will have to scan the entire code, which is two books to find where you put everything. He
475 suggested putting fees in one area. Of course, if this gets approved, which you don't have to look at the
476 fees, but the council will hold a public hearing changing the fees to free for certain things. That's
477 definitely gonna be done. He suggested that we not put it in this ordinance, because of that.

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Chairman Abrams said I think the question is would any of us like to pause and consider Mr. Lauer's proposals. We've heard several people, but we haven't heard from Ms. Gambino. Ms. Gambino said I do believe that we need to make it is simple as possible. I'm just looking here and visually because, I'm a visual person, is there any way we could highlight areas so they would jump out at people a little more when they are just looking for pruning, or whatever guidelines for pruning or removal of common trees. Chairman Abrams said that cannot be done with MuniCode. Ms. Morris said we can make copies any color that you want. Ms. Gambino said I think that might be helpful. They wouldn't have to flip through, it can jump at you a little bit easier. I think legally, we have to stick with this.

Ms. Lowery thanked Mr. Lauer his work. He obviously spent time on it. Chairman Abrams asked how many would like to pause and consider Mr. Lauer's proposals. **CONCENSUS was to not consider Mr. Lauer's proposal any further.**

Ms. Gambino referred to page 7-8, and said at the top, second line, fine for removing landmark trees without approval shall be \$10,000. Could we put per tree in there because it's got landmark trees. I know that's what we mean, but we better put per tree. Ms. Morris said yes. Ms. Johnson said we might need to do that with the other line, too. Ms. Morris said we need to do it per tree.

Chairman Abrams asked if the members agreed with the edits she suggested. Ms. Elliott referred to Section 17-720.2 and asked for an explanation. Chairman Abrams asked if this applied to limbs pruned or trees pruned. Ms. Lowery said it was the last sentence above the chart, and read 'no permit shall be required for limbs pruned, or for trees pruned,' because the limbs are supposed to me the 7 inches. Chairman Abrams said yes, so we mean limbs, not trees. Ms. Lowery said wasn't there a question you had there, too, that this was supposed to be for homeowners, not commercial. Chairman Abrams said yes. Ms. Lowery asked if right in front of 'no permit', 'for existing homeowners only' in paragraph B on page 7-2, immediately above the chart. Then it would read 'for existing homeowners only, no permit shall be required for...' Chairman Abrams said that's what I meant and what I thought we intended that it was for homeowners only. Ms. Lowery said in the little box there where it states 'permit required for all pruning and/or removal of any tree.' Chairman Abrams agreed it should say 'of'.

The commission agreed to hear Chairman Abrams' edits, she said:

Section 17-701.2, line two, where we say new construction redevelopment or major additions which exceed 48-percent of value, we need to delete "which exceed 48-percent of value," because that's what a major addition is now that we have added the definition. Commission **CONCURRED.**

Section 17-720.1, the header at the top of page 7-2, we agreed at the last meeting to say in the header "minimum number of required trees. Then in the far right column on Section 17 720.1, the minimum circumference all trees and so forth. We need to take out DBH, because DBH doesn't go with circumference. Ms. Lowery asked if it could be left at BY, so they would know to measure the circumference. Chairman Abrams asked if we were going to create more jargon. Ms. Lowery said no, just eliminating the D. Mr. Seibold asked if we have the BH in the definition some place; if not we could change the definition page. (**) Chairman Abrams suggested 'minimum circumference all trees measured at breast height in the heading,' and strike the DBH references in this part. Commission **CONCURRED.** Mr. Seibold asked if this changed the requirement for five trees. Ms. Morris said that was right.

We just discussed limbs versus trees and homeowners.

Section 17-720.3, just a spelling error first block on the left side should be trunk instead of truck.

Section 17-721, B1 we just went through all that.

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Division IV, definitions, common tree has an error in the reference number.

Mr. Seibold asked regarding 17-720.4 we asked about it has to be determined in writing and this is for all of the existing residence, pruning larger limbs over 7 inches, 22 in circumference for the removal tree required the code enforcement official, or BZA the case of a dispute, determine in writing. Does that mean if I want to take down a tree, I call you when you send out the inspector, what 'writing' is required? Ms. Morris said we have a form that staff completes; we give you a copy, and we keep one.

Ms. Johnson said there's that word reasonably, again. In that same column we're looking at. The roots within 10 feet of the foundation can reasonably, it should say 'most likely be expected.' That's on each column, I believe.

Chairman Abrams said the last one I had was that in the definitions, on page 7-8. Definition of common tree shall mean tree that is not listed in Table 17-740, not 140.

Chairman Abrams said we've been through those and we're good with everything I sent you. It sounds like we're done. Does anybody else have anything in the tree ordinance before we move on to BZA criteria? There were no responses. Chairman Abrams said we have made several changes here, is there consensus that everyone is satisfied that the tree ordinance is ready to go to public hearing on March 7? Commission **CONCURRED**.

Mr. Lauer referred to page 7-8, and said definitions with circumference, the definition know says circumference is the distance around something. Is there a possibility of changing that to around the tree it breast height? Chairman Abrams said it should say tree or limbs measured 2 inches from trunk. There were no objections. Chairman Abrams said she would help Ms. Morris with all these changes.

Write criteria for BZA to consider when ruling in tree ordinance issues.

Chairman Abrams introduced the BZA criteria regarding variances for landmark trees. My email message sent today said this was the tree ordinance says, prior to removal of a landmark trees, regardless of location on lot, an application requesting removal must be presented BZA. Then BZA criteria we say to hear and decide appeals for variance to remove a landmark tree. The definition of variance is that a variance is a dimensional requirement. So if I've got half an acre, and I've got Live Oak trees well outside my footprint, I'm not asking for a variance, because it is not a variance if it's outside the footprint. I think that wording needs to be changed in the BZA authority on page 2-2, item 5. I'm suggesting that it should read to hear and decide appeals, strike 'for variance,' to remove a landmark tree. What I'm afraid of is that we've limited it to variance. It's not a variance, if the landmark tree is outside the foot print of the home. We will trip on our own law.

Mr. Lauer asked if we are giving BZA authority to do something they don't have the authority to do. Chairman Abrams said this is new authority. Ms. Morris said no, this gives them the authority, and they are already allowed to grant variances. Mr. Lauer said but we're saying this is not a variance. Ms. Morris said actually the variance for trees is in another section.

Chairman Abrams said so we're not strangling ourselves, we take out 'for variance.' Ms. Morris said that wording for this actually came from three different municipalities. Chairman Abrams said that was the only comment I had, is there something else?

Ms. Lowery said in 5A take the comma out. My only other questions how do we ensure that this is going to be done expeditiously? That is one of the things that was asked when this first came up. If it goes to BZA, can this be done quickly or is this going to drag out forever. Maybe the homeowner, the builder, or whomever doesn't have that much time. Ms. Morris said I understand it's not in here, so we

584 can certainly put something in here, but just in this section, because it's required by law that any appeal
585 that BZA hears has to be advertised for 15 days, and posting the lot is a state requirement. We had
586 decided that when they come in the very first thing that we review are the trees before it goes anywhere
587 else. The notice would run concurrently with our review of the actual plan, and go to the 15 day
588 advertisement approval, and then go to BZA. So you're looking at probably 20 days at the most.
589

590 Ms. Elliott asked Ms. Morris if you would make their application. Ms. Morris said yes, we fill that
591 out for them. Ms. Elliott said does that need to stay in here for them? Ms. Morris said that can certainly
592 put in there, if you'd like. Chairman Abrams said I don't know if we want it there or the other ordinance.
593 Ms. Elliott said somewhere we need it. Chairman Abrams said we didn't say you will assist. Ms. Lowery
594 said I think it says that it has to go to BZA, but I don't think there were any other specifics about it. Ms.
595 Morris said no, it doesn't say anything about it. It says we require a letter that must be submitted with a
596 request. The letter must state the reasons the tree requires removal, and submittal of BZA variance.
597 Request is not guarantee a variance will be granted. We've got to change the (**.) Chairman Abrams
598 said that's requiring a letter. They could they could drag stall their own timeline, if they don't produce
599 that letter. Ms. Morris said right, but we say that we also need to take out that variance language, I
600 guess. It says grant a variance. Chairman Abrams said yes. Ms. Morris said grant an appeal, on page 7-4.
601

602 Ms. Lowery said okay, so change variance to BZA appeal, and we would need something in three
603 that the submission would be made by your office. Chairman Abrams said how about the planning,
604 building and zoning department will assist in expediting the appeal. Does that cover the waterfront? Ms.
605 Johnson said that sounds good to me. Chairman Abrams said that covers both speed and anything else,
606 and assistance. That covers staff helping them; getting the 15 day notice posted; explaining that their
607 arborist letter could hold things up. Ms. Morris said yes, I like that. I'll put that in each section. Ms.
608 Lowery said and there will be no charge to them to go before BZA, except for their arborist letter. Ms.
609 Morris said right and that would be in Chapter 13.
610

611 Mr. Lauer said I'm concerned about the criterion. When the BZA gives a variance, they have the
612 four criterion that they have to go through to determine whether or not the variance can be granted. Is
613 there any way we could set up criteria here? What we think would be good criteria for them to use, or is
614 that something BZA will do? Ms. Morris said the criteria is set out in A, B, C, D, E, F. Mr. Lauer said okay,
615 what I want to look at those, because I think there's some overlapping of things there. Would you want
616 to set them up in a question form? Ms. Morris said that is done on the application. We can't do that here.
617 Mr. Lauer said okay.
618

619 Chairman Abrams said I think size and health, A and F, are somewhat overlapping. Mr. Lauer said
620 yes. I took a look at those. I broke them down into three categories. I don't know whether there are
621 more than that. First, the tree is damaged, diseased, dead or dying and put them all together. Those are
622 all in the same category. Ms. Morris said F. The second one, does the tree present a hazard to
623 pedestrians or vehicles? Ms. Lowery and Ms. Morris said C. Mr. Lauer said is the tree a hazard to the
624 buildings or utility lines would be a third one. I think that covered everything that was there. Just those
625 three really. Chairman Abrams said so you're saying take the seven and they can be pretty much
626 squished into three? Mr. Lauer said right.
627

628 Ms. Lowery said one that you didn't mention was the overall tree coverage and landscaping of
629 the site. Is it 'probable', instead of 'probably', probable the tree roots will cause damage to the primary
630 structure in time, and there should be a question mark, and an additional parentheses.
631

632 Chairman Abrams said I believe the intent is we want BZA to look at the big picture, the broad
633 picture, and come to a reasonable conclusion with all factors. I've got one more point to bring out and I
634 think this is good time to do it. We need BZA to look at this. Ms. Morris said I agree completely, and
635 actually, it's a great time because they have a meeting, but it's not until the end of next month. Now I
636 can send this by email it to all of the BZA members and ask for comments, if you'd like. Chairman Abrams

637 said I think we better or we're going to hold up the whole wagon train. Commission **CONCURRED**.
638

639 Chairman Abrams asked if the BZA members would have to have a five minute meeting to
640 approve it, or can you just tell council that BZA is okay with. Ms. Morris said right, they don't have to vote
641 on it. They can just say yes, were okay with adding it. Chairman Abrams said council's going to do the
642 voting. So I think what we just did was struck the variance word in there and Mr. Lauer suggested some
643 squeezing together of A through F. Ms. Morris said so are we getting rid of A and B and D? Ms. Johnson
644 asked Mr. Lauer to restate his suggestions.
645

646 Mr. Lauer said the tree is damaged, disease, dying or dead. Ms. Morris said that is in F. Mr. Lauer
647 said the tree is hazard to pedestrians or vehicular traffic. Ms. Morris said that's C. Mr. Lauer said is the
648 tree a hazard to the buildings or the utility lines. Ms. Morris said that is E. So what about the A, B, D?
649 Mr. Lauer said what about them, the health of the tree? That dead, dying, diseased? Ms. Johnson said
650 what about size? You left out size then. Ms. Lowery said could we add size and whether the tree is dead,
651 damaged, diseased, or dying. That way we can eliminate F. Chairman Abrams said I certainly would want
652 BZA, in regard to B, constraints for reasonable development of the site, there's a lot of factors in there
653 that we're asking them to consider the broader picture of whether it's reasonable to take this tree out. I
654 certainly wouldn't want to leave B. Mr. Lauer said that would really be a variance then. Chairman Abrams
655 said no, not necessarily, if it was constraints of the site. Several members said no. Ms. Morris said no, not
656 for the tree. If they decide that the tree is to remain, then they can automatically grant a variance right
657 then for the house to be moved. They had that ability already. Mr. Lauer said right.
658

659 Ms. Elliott said we are leaving in D, also, aren't we, concerning that the roots may damage the
660 home. Ms. Johnson said I would say yes. Chairman Abrams said these are all things BZA should consider.
661 Some of them may not apply, but that's for them to worry about. Ms. Lowery said I can see where D and
662 B could be considered similar. But, I don't know that they would consider tree roots when they're thinking
663 location of primary structure. I'm afraid that they would consider primary structure; move the house over
664 so the tree can stay there, not think about the roots hitting the [house foundation in the future.] I want
665 to get the broadest possible consideration. Ms. Johnson and Ms. Lowery said yes. Ms. Elliott said what if
666 we just ask them all that are listed, and see what they say. Ms. Lowery said could we combine C and E.
667 Chairman Abrams said yes. Ms. Lowery said whether hazard is presented to pedestrians or vehicle traffic
668 or to buildings or utility lines. Chairman Abrams said that would [work,] combine C with E. Mr. Lauer said
669 I guess unlike what happens in the variance where they have to meet all four criteria, all they have to do
670 is meet one here. Ms. Morris said that's right. Chairman Abrams said let's look at this carefully, because
671 that and or thing gets really [technical] with the BZA. Criteria to be considered in determining whether
672 criteria shall be as follows: size and health. Ms. Lowery said that would be the size and whether the tree
673 is damaged, disease, dying or dead. Chairman Abrams said no, I'm worried about and or as we go
674 through these. They don't have to meet all of them. Ms. Lowery said I understand what you're saying. So
675 it would be or whether the tree is damaged, disease, dying. Chairman Abrams said 'criteria shall to be
676 considered in determining whether removable landmark tree is warranted shall include,' how about that?
677 So that they include in their decision all of these things, but it is not a checklist. They don't have to meet
678 every single one of them. I'm thinking five. To hear and decide appeals to remove landmark trees within
679 the town, criteria to be considered in determining whether removal of the landmark tree is warranted
680 shall include, and then A through F. I don't want to be exclusive. Mr. Lauer said maybe it should say
681 'shall include at least one of the following.' Ms. Johnson said that was more explicit. Ms. Lowery said
682 'include at least one of the following.' Chairman Abrams said I can deal with that. Maybe that's as far as
683 we need to go until we hear what BZA has to say.
684

685 Chairman Abrams said the commission decided to go forward with the tree ordinance. There is
686 no point doing that unless we have the BZA thing with it. Would it work if Ms. Morris emails BZA with the
687 recommended code, and then if there's any dispute will have to meet again to work it out. But if it's okay,
688 then you can go ahead and do it right. Ms. Morris said right. Chairman Abrams said somehow we need to
689 loop it back that BZA is okay or not okay before holding the public hearing and don't know which it was.

690 Ms. Morris said we have next week and then the seventh is the week following that. I can send it to them
691 tomorrow and then call them to ask their opinions. That way if we do need another meeting, maybe we
692 can do it next week. Chairman Abrams said yes, even if it has to be a five minute meeting to iron out
693 BZA's questions. Ms. Lowery said if they say it's okay, do they have to have a meeting at some point to
694 approve it. Ms. Morris said no, they don't approve it. Chairman Abrams said we're changing an ordinance
695 that impacts them. So we need at least the courtesy to let them review it. Ms. Lowery said I just did
696 know whether they can make that kind of a decision without actually being together. Chairman Abrams
697 said we just want to know if they heartburn.
698

699 Chairman Abrams asked if there were other comments on the BZA language. There were no
700 comments. Chairman Abrams said with all the changes we rained on Ms. Morris, and all the charges to
701 get in touch with BZA and get back to us, assuming she just takes care of all that, are we ready for public
702 hearing at the March meeting. There were no objections.
703

704 **C. Rules of Procedure (Bylaws) of the Surfside Beach Planning Commission: Multiple**
705 **items, including how we wish to handle written comments/questions (no current protocol.)**
706

707 Chairman Abrams introduced the bylaws, and said updating is needed for a couple things that
708 are just plain out of date, and some other things we want to talk about. She referred to page 2 Section 1,
709 time and place, we've been meeting at six o'clock forever. We need to change that from 6:30.
710 Commission **CONCURRED.**
711

712 Chairman Abrams referred to Section 2, and said a written agenda shall be furnished to each
713 member of the commission and the news media, and shall be posted at least five days prior. That is not
714 what FOIA (Freedom of Information Act) says, I don't believe. That 5 days should be 24 hours prior to
715 the meeting. Ms. Herrmann said that is what FOIA requires, of course the meeting package can be
716 delivered sooner, but no later than 24 hours prior. Commission **CONCURRED.**
717

718 Chairman Seibold referred to page 3 and said in agenda Section 3. Agenda items by Tuesday by
719 5 PM, so what Tuesday? Chairman Abrams said that is a full week prior. Ms. Lowery said I didn't read
720 that way. I read it by 5 PM before the next regular meeting. If we're meeting at six, it has to be on the
721 agenda by five. Chairman Abrams said it says on Tuesday by five. Ms. Morris said the way we've been
722 doing is the Tuesday prior to the meeting. Chairman Abrams said right, that's when we've been preparing
723 the agenda. Ms. Herrmann said you can't change an agenda within 24 hours of a meeting. The deadline
724 has to be in advance of the meeting date. (**) Ms. Morris said the agenda is prepared the week before
725 so we can get the package ready to get to you.
726

727 Ms. Lowery said under the agenda we don't have anything in there about the director's report.
728 Chairman Abrams said we need to add that. I'd add it after number 6, PBZ director's report. Now, to go
729 back up top to agenda items must be submitted to the director or designee on Tuesday by 5 PM the
730 week prior to the meeting. Commission **CONCURRED.**
731

732 Chairman Abrams referred to page 3, Article 3, Section 1. Members of the public desiring to be
733 heard, this is about public hearings. The public desiring to be heard shall give written notice; we've never
734 done this. Why is it in here? Do we want it? If we want it in here, then we better do it. I think that is just
735 going to aggravate anybody that wants to speak. Commission **CONCURRED to omit public speakers**
736 **giving written notice.**
737

738 Chairman Abrams referred to page 4, Article IV, records.
739

740 Ms. Lowery referred to page 3 and said it says here citizens and guests comments are limited to
741 five minutes per speaker with not more than three speakers discussing the same subject. I don't know
742 that we have ever limited it to three speakers discussing the same subject. Chairman Abrams said good

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743 point. Ms. Lowery said perhaps we need to sometimes. Mr. Seibold said sometimes it can get out of
744 hand, as we've seen. It is in there as an option. I that's how I view it. Chairman Abrams said if we need
745 to enforce it. Mr. Seibold, and others agreed to leave it there. Ms. Herrmann said the moderator runs the
746 meeting. As long as she's willing to accept additional speakers, the floor would be open. It is at the
747 moderator's discretion. This language, as Mr. Seibold says, is to protect the commission. So if you got
748 100 people here that I want to say the same thing you're not required to hear each person. Chairman
749 Abrams said it gives me the authority to stop comments. Ms. Herrmann said exactly, you have you have
750 a role in place that says we don't allow more than three speakers on the same topic. We've already heard
751 15 of you, we're going to cut it off now. Commission **CONCURRED to keep the limit on speakers.**
752

753 Chairman Abrams referred to page 4, Article 4, Section 1 on your records, secretary to record all
754 meetings and hearings of the commission on audiotape. Do we want to require that? Ms. Herrmann said
755 we no longer use audiotapes, we record digitally. Those recordings preserved forever. Chairman Abrams
756 said alright, so we stop that sentence after hearings of the commission. The secretary shall record all
757 meetings and hearings commission.
758

759 Chairman Abrams referred to page 5. This just an extra blank line there. That's just typewriter
760 accident.
761

762 Chairman Abrams referred to page 5, Article 6, Section 1, finances. There are three places where
763 it should say planning, building and zoning, instead of building planning and zoning. Commission
764 **CONCURRED.**
765

766 Chairman Abrams said for the first time that I'm aware of, we had someone submit written
767 comments for the planning commission. There was no protocol in place and it seemed to be the right
768 thing to do was to share them with everybody. I think we need to establish some kind of a protocol for
769 what if somebody wants to do that and it could be for a variety of reasons. It could be a homeowner
770 who's out of town; somebody who is just plain too shy to speak in front of us. We if we're going to allow
771 submission of written comments, how are we going to do that? Ms. Johnson said I think as long as it
772 doesn't go beyond the three minutes that we're good, but if they send us five pages that we have to
773 read, then no. Ms. Morris said actually in our zoning ordinance, during the hearings, a planning
774 commission public hearing, it does say at the hearing oral and written comments may be submitted to
775 the planning commission by the applicant or other interested member of the public, including owner of
776 adjacent property or their attorney. Chairman Abrams said but doesn't say how. Ms. Morris said it doesn't
777 say to whom. Chairman Abrams said when people want to tell Town Council something in writing, they've
778 got all their email address. In this case, if you happen to know somebody who knows somebody who
779 knows Ms. Lowery's email address, that's what you do. Our email addresses are not out there in public
780 and I don't think they should be. I like the idea of saying written comments may be submitted to the
781 planning commission and that they may be submitted through the town clerk. She's the secretary of this
782 board.
783

784 Ms. Johnson said what we do about the limit on the letter? Like I said, you don't want somebody
785 to write ten or 20 pages and you got to sit here and listen to it be read. Ms. Herrmann said written
786 comments would not be read into the minutes. Written comments would be sent to you prior to the
787 meeting. Chairman Abrams said they would not be read aloud. Ms. Morris said, so what if you got them
788 at night, like we did the other day. Actually, everyone got them that night at the planning commission.
789 What if you got the email that day? Ms. Herrmann said if I got email that day, I would send it out if it
790 was business hours. If they haven't had time to review, it just has to wait to the next meeting. You just
791 have to set some limits somewhere. Ms. Morris said I agree. I just want to now. Ms. Herrmann said if it
792 doesn't arrive timely for you to have it in time to read before the meeting, is not your fault. Chairman
793 Abrams said I had no idea when I shared these written comments that the same people were going to
794 stand up and read it to us. Who knew? So we want to say written comments may be submitted to the
795 town planning commission through the town clerk. Ms. Herrmann suggested adding paragraph (c) written

796 comments in the public comments section. Chairman Abrams referred to page 3, (c) written comments
797 may be submitted to the town clerk. Ms. Herrmann said if you would like, we could include that
798 comments not received at least 24 hours in advance will not be sent to the commission. Ms. Johnson said
799 that would be good. Chairman Abrams said I like that. Our bylaws are on the website under planning
800 commission, and if anybody wants to figure how to come to us in writing, that's where they would
801 probably go. Shall we go ahead and do the dherrmann@surfsidebeach.org? Ms. Herrmann said that
802 would be included. Once the commission these bylaws have to be approved at a regular meeting. Once
803 approved, they will be published on the website. Mr. Seibold said these comments are any comments.
804 Ms. Herrmann said any comments that anyone wishes to send in writing to the planning commission.
805 Chairman Abrams said they either can't or won't stand up and speak. Who gets to type all this up. Ms.
806 Herrmann said she would. Chairman Abrams asked if anybody had anything else on the bylaws. There
807 were no other comments. Commission **CONCURRED**.

808
809 **5. Any other issues the board wishes to discuss.** There was no other discussion.

810
811
812 **6. PUBLIC COMMENTS - General.**

813
814 Ms. Carol Lucas, Cypress Drive: First of all thank you. I know this takes a lot of your time and
815 effort, and I appreciate what you do here. I have purchased a number of trees in my life. I was a little
816 surprised when you all seem dumbfounded at the price of trees. I can tell you that loquats four years
817 ago, 2 inches in diameter, which meant they were scrawny 12 feet tall, came in a ball that big around
818 (*indicated ball size with arms*). The trees each cost me \$150, and because I bought five of them, they
819 cost \$50 each to deliver and plant. These are cheap trees. This is not an oak. I cannot imagine what a 7
820 inch maple or oak tree would cost. But I can tell you, I've walked around lots of nurseries. First of all, it
821 would come in a planter that would probably be 4 feet, at least, in diameter and good 2 feet tall. It's
822 going to take a special truck to bring it in, and a crew to put it in. I think that if you talk to an arborist,
823 I've used Total Tree Care repeatedly. They are affiliated, I believe, next to True Blue, I think they have a,
824 some sort of arrangement. Todd could probably come in and tell you this is what to expect for this, just
825 very quickly, or somebody from one of the tree places. Because I've had several trees taken out that
826 were diseased. I do appreciate the fact, too, that you've taken out that horrible stipulation that you had
827 to see damage on your foundation before you could have a tree removed. I balked at that one when it
828 was the first go round. Thank you, but I really think you need to get an arborist involved here before you
829 come before the public. I think you're getting slammed by people saying it would cost more than the
830 \$10,000 [fine] maybe to put in a tree that you would accept. I have no idea what Live Oak's cost for
831 even a 7 inch diameter, 22 inches in circumference. But I think they are very, very pricey. Just the, I'm
832 picturing our lots in town, which so many of us have privacy fences with one door in. I'm picturing taking
833 down fences and things trying to get to access to do all this stuff. I really hope you get an arborist
834 involved before you go to the public. I've been really concerned looking just around the neighborhood
835 about thinking about quantity of trees, rather than quality. When you drive down the street and you see
836 a Magnolia with a huge tree with a hole in it where the powerlines are going through, and the Magnolia
837 now is decidedly lopsided, and perhaps endangered to fall on him. I think we really ought to emphasize
838 quality here, not just have lots of trees. I have a very nicely treed lot. I appreciate that. I appreciate the
839 people who have. You know we all drive by the places where there's not a tree on the lot. I know that
840 some people are going to have trouble with these prices. I didn't. I guess I didn't look closely enough or
841 missed the actual definition of how much the tree mitigation fee would be in there on calculating it. So
842 that probably that's when you do your presentation, perhaps you ought to show what the mitigation fees
843 are, as well as the expected price of replacing these trees. Again, these are complex problems and I'm
844 sorry, Ms. Morris, that you have to be the one to go out and be the bad guy very often, but again, thank
845 you for what you do. I'm just not trying to be too negative, but I'm just picturing if I'm sitting here
846 thinking what's it going to cost me, so will others. And we got some good people around with the
847 arborists and nurseries could probably give you some information.

849 Mr. Ken Podraza, 10th Avenue North: Good evening. I'd also like to thank you for your hard
850 work. It's hard to do what you do in addition to everything else that you do. I have some comments with
851 regard to landscaping and the tree protection. Again, I know you're trying to simplify it. You're getting
852 there. I know you're considering cost that people, what it's going to cost you, us as homeowners to deal
853 with, yet at the same time worry about and be concerned about, just like we all are; homeowners are,
854 the beauty of Surfside. We have to balance all those things. I know are you trying to do that. I'm not
855 going to try to bring up the same as you. I'm trying to bring up a few different issues. I've talked before
856 about having principles decide, for example trees are on the list, and what trees aren't. Like on page 7-9
857 are a list of trees, protected trees, and specimen trees. Has consideration been made for principles like
858 which ones are more wind resistance than others, because some trees you want to plant and have out
859 there, where some other ones may not be as wind resistant? Another thing is what props from the trees;
860 they're very different. A great example we have in our yard, we have Hickory nut trees. So you've get
861 these huge hickory nuts, as opposed to the oak tree, which is much smaller. There is documentation, I
862 can give you a copy that shows these Hickory nuts when they fall cars, they damage cars. So they've said
863 not to be planted in any driveways, on sidewalks, because in addition to just damaging property like that,
864 cars and all, after trying to walk on these and sidewalks, even in backyards, you can slip and fall on
865 those, especially as are population gets older. So, I would say the Hickory nut tree should not be listed as
866 one of our protected, specimen, kind of trees, just because of some of those types of issues. So that's
867 something to consider. It is one of the principles we have to add those trees or have those trees on the
868 list. Another issue can be considered, and you talk a little about this, is page 7-2. The table looking at the
869 size of lots and the requirement of how many trees and size. One could take the position that people who
870 have larger lots are bearing the burden of having to have large trees, more trees, and also then bearing
871 the cost, especially with trees dying, you have to get replacement for size, as opposed to people who
872 have smaller lots, which can't put on those lots. So again is another consideration that I know you're
873 looking at is what is a homeowner having to pay to follow the ordinances, and it's dependent on the size;
874 could be dependent on the size of the lot in which you own. I'd like to close by saying that maybe with
875 some these other comments you've heard, maybe I would also suggest maybe not to put it to public, yet,
876 this next time. I know there's lots of things that are getting reworded and all; that prepared, because I
877 suspect that you may have other people at those meetings that have an opportunity to read what you've
878 written, just has gotten much better than what was, raising some questions and some of us have. Thank
879 you for doing this work and for considering my comments, and I'll leave you these examples.

880
881 Mr. Guy Lanham, Hickory Drive: I'm a member of BZA, but I'm not speaking for the BZA, as a
882 matter fact, I didn't realize ZBA was even going to be involved in this thing. But, on of the things that
883 confuses me a little bit, and I'll read her email to try to clear it up, but the ZBA has four criteria in order
884 to grant an appeal. All four have to be met, correct. It seemed to me like, and maybe I just
885 misunderstood that you were trying to set criteria for the ZBA. I don't think you can do that. Ms. Morris
886 said you can if it's for the trees, and this criteria would only be for the trees. Mr. Lanham: Why are trees
887 any different than any other zoning? Ms. Morris said the state regulates the variances for setbacks and all
888 that. We are a Tree City USA, and we have a tree ordinance. That's why we can regulate those. Mr.
889 Lanham: Alright, sounds good, I just wanted to make sure that you weren't giving us something that we
890 couldn't work with. A couple of other comments, and these are just maybe silly things, when you say
891 circumference, I don't think you need to say total circumference. It's just a circumference, there's not a
892 third or fourth of a circumference. Pruning, you pruning limbs and pruning trees, which seems to me that
893 when you prune a limb you are pruning a tree. I think it's a little wordy and you don't need it. I don't
894 think you need pruning limbs, and pruning trees, that's just my thoughts. Thank you.

895
896 **7. COMMISSION COMMENTS.**

897
898
899 Mr. Lauer: All I can say is that were doing a good job here, I'm real happy every time I leave
900 here. I'm happy because we're leaving, I guess.
901

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902 Ms. Gambino: I will say I wish I had a few more minutes to think about it before I speak, but I
903 do have a concern with monetary with our residents moneywise replacing trees, and so on and so forth. I
904 think they have a point there. That's all I have.
905

906 Ms. Elliott: We're down to our comments. Is there any way we can revisit one section or no?
907 We're done. Chairman Abrams said I don't know. This is a workshop, I don't suppose it's illegal to do
908 that. I'm going to allow that, which part do you need to revisit? Ms. Elliott said I would like to go back to
909 17-721 in the tree ordinance on page 7-4 at the bottom where we were talking about the total
910 circumference is 22 inches, I kind of have to agree with Ms. Lucas. The 22 inch circumference you're
911 going to need a front loader to bring that tree in, because the ball will be astronomical. I don't know how
912 we address that section. I'm confused on it. Chairman Abrams said this is the chance to decide not to go
913 to public hearing. Are we ready or are we not? Ms. Elliott said I mean before we were replacing the
914 circumference of the tree coming out with as many trees that they need on their property, and then we
915 switch it to one large tree, 22 inch tree, seven around, I mean the ball is going to be large. A person
916 cannot go to Home Depot and buy that tree. You're going to need to go to the nursery, have it delivered,
917 and put in. It's not going to cost a \$150, either.
918

919 Ms. Johnson said well, I think that's the case with just about any tree. I don't think you can go to
920 Home Depot and buy it and bring it home in your car. I will say, on the comment on the Loquat, I just
921 had one planted last fall. The cost of the tree and the planting about the same size you're talking about
922 was \$125.
923

924 Chairman Abrams said we're revisiting 17-721 Ms. Elliott's got the concerns about that now. I
925 need to know who else has concerns about it, and if we are or are not ready to go to public hearing.
926

927 Ms. Elliott asked Ms. Johnson where she bought the tree. Ms. Johnson said my landscaper got it
928 for me. Ms. Elliott asked if it was only \$100 whatever. Ms. Johnson said yes. Ms. Elliott said I withdraw
929 my concern. Ms. Morris said I know Todd at Total Tree Care. He is definitely a great arborist. We can talk
930 to him. But, she talked about the mediation. I want everyone to know that the fee is to be determined by
931 the town's cost schedule based on the current nursery market value, plus installation cost. So whether
932 they buy it at the nursery and have it installed or just pay the mitigation cost, it will be the same amount.
933 Ms. Elliott said I withdraw my concern based on Ms. Johnson's comment.
934

935 Mr. Seibold: Well, I think I made it pretty clear in my discussions. I am very concerned with the
936 cost to the homeowner, very concerned. I really would like to see some costing information. Ms. Morris
937 said sure. Mr. Seibold said I don't want to burden on anyone. It's not like you, he doesn't he might not
938 want to take this tree down; he has to take it down. So why are we going to penalize him? It's gotta be
939 reasonable. I'm just saying, a tree is die in a storm; it's damaging his foundation. He's got to take it
940 down. Ms. Morris said we are only requiring them to replace it if they don't have the number of trees and
941 the diameter that's required in each zoning district. So if you have 12 trees and you lose one large one,
942 you're okay. Mr. Seibold said you're okay. Ms. Morris said you just have to maintain that number. Mr.
943 Seibold said I hear what you're saying. The lots in Surfside are small. Ms. Morris said they are. Mr.
944 Seibold said if you have five trees on them that's great. I lose one or I take one down, because of a
945 storm, I have to replace it. I'm just trying to be reasonable.
946

947 Mr. Lauer: As I'm listening to him say that I'm thinking, you know, I just had a microwave go.
948 Because of the situation with the microwave, it cost me hundreds and hundreds of dollars to get it
949 replaced, and part of that is just being a homeowner. There are things that are going to happen like that.
950 You just have to deal with, because you are a homeowner. I certainly feel bad for people when they have
951 to put tree in. I felt bad when I had to pay for that microwave. Is there any way that people who don't
952 have the money can tap into mitigation fund because it's for replacing trees and is just sitting there
953 gathering interest. Ms. Morris said no.
954

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955 Ms. Lowery: I understand. I'm on a fixed income, too. I had to take out a Hickory tree. Yes, I
956 love those little nuts as they fell in my yard. But, another aspect of this that hasn't been mentioned, this
957 isn't just about appearance. This isn't just about shade. This is also about stormwater. One mature tree
958 can take in a hundred gallons a day. When we went through the flooding in October, and then again little
959 bit later. Surfside was one of the very few communities that stayed above water. I have a corner lot and
960 my ground was so soaked that when I walked across that corner under my oak tree, water was coming
961 up between my toes. I know I was barefooted. But it was just coming up. The next day it was dry. We
962 need these trees, not just because they're pretty, not just because they keep us cool. We need these
963 trees just like in October to help keep us dry. Without these hardwoods, and I know there were number
964 of trees on the list that had some drawbacks, I have a Hickory. I have the Sweet Gum. I have pine. I
965 have oak. I have every size and description of nut you could think of in my yard. It sounded like a war
966 zone before I had the insulation down the inside of my attic when some of those things started coming
967 down. That's life, it's not going to be perfect. That is the reason some of those trees are on there, it's
968 because of their water usage. We can't just eliminate them because they cause us an issue. We also got
969 to take stormwater into consideration. If we take these trees out, we're going to have tubes all over the
970 place and little drainage things all over the place and they still won't be able to carry enough water.
971 We've got to be careful when we start taking out hardwood trees, especially the big ones. That's why it
972 was such a concern about so many trees of a certain circumference. It wasn't that we are trying to be
973 picky or mean or anything like that. We are trying to make sure that the water usage would be
974 approximately the same. So that is a big concern. We can take these trees out, we can eliminate all the
975 replacements and then were going to have residents complaining because they have water in their house
976 or it was flooding somewhere on their property, and it's the town's fault, because it's flooding. There's
977 got to be a medium in there somewhere. I had to take out that hickory tree, because it was probably less
978 than three feet from the corner of my house, and I'd hung on to that thing for 50 years. I hated that tree
979 going. It just broke my heart, because I loved that tree, and it was a healthy tree, which is part of the
980 problem, but it had to go. On my lot, I probably have nine trees. I didn't have to replace it because I still
981 met the number, but we have to consider stormwater, also, when we're considering taking out trees,
982 replacing trees, what's on the list and what isn't on the list.

983
984 Ms. Johnson: I'll just ditto what she said. Thank you for coming. We appreciate your comments.

985
986 Mr. Seibold: I've already made it. I'm fine.

987
988 Chairman Abrams: I am good. It's getting late. Thank everybody for their hard work and
989 participation. Thank you for coming.

990
991 **8. ADJOURNMENT.** Ms. Johnson moved to adjourn at 8:17 p.m. Mr. Seibold second. All
992 voted in favor. **MOTION CARRIED.**

993
994 Prepared and submitted by,

995
996 _____
997 Debra E. Herrmann, CMC, Town Clerk

998 Approved: April 4, 2017.

999
1000 _____
1001 Mary Ellen Abrams, Chairman

1002
1003 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and not
1004 intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free
1005 copy of the audio will be given to you provided you bring a flash drive. In accordance with FOIA §30-4-80(E),
1006 meeting notice and the agenda were distributed to local media and interested parties via the town's email
1007 subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also
1008 posted on the town website at www.surfsidebeach.org and the marquee.