



1 **SURFSIDE BEACH TOWN COUNCIL**
2 **CHAPTER 17, ARTICLE VII LANDSCAPING AND TREE PROTECTION**
3 **NOVEMBER 4, 2016 • 12:00 NOON**
4 **TOWN COUNCIL CHAMBERS**
5

6 **CALL TO ORDER.** Mayor Childs called the workshop to order at 12:00 noon. Mayor Childs,
7 Mayor Pro Tempore Ott, and Councilmembers Courtney, Samples and Stevens were in attendance.
8 Councilmembers Johnson and Pellegrino were absent. A quorum was present. Others present:
9 Administrator Fellner; Town Clerk Herrmann, and Director Morris.

10
11 Mayor Childs explained that this workshop was to discuss Chapter 17, Article VII Landscaping and
12 Tree Protection. The floor was opened for public comments.
13

14 Mr. Allen Beck, 10th Avenue North, spoke against the current ordinance that *requires* (speaker's
15 emphasis) the code enforcement officer to write a summons if the property has any piece of debris in the
16 yard. The penalty is \$500 a day, cumulative, which means it would cost me \$182,500 a year to live in
17 Surfside with any debris on my yard or any disease in his trees. My trees have Spanish moss as do my
18 neighbors. According to the ordinance all trees, brush, and grass are to be kept free from debris and
19 disease, so anyone that has any debris or disease in any of the landscaping is immediately required to be
20 given a citation by the code enforcement officer. The ordinance does not state "may," but states "shall."
21 There is no choice; fines must be imposed. In addition, appropriate legal action must be taken; violators
22 shall be subject to Section 1-16, General Penalties, which is another penalty set out in the code. In my
23 opinion, that is unreasonable, and I suggest that Town Council amend the ordinance to allow staff
24 discretion depending on the severity of the offense. Section 17-730 gives the town the authority to plant
25 trees, plants and shrubs within the lines of all streets, public rights-of-way, and public lands. If some
26 council in the future or a staff member decided they want to plant along the edge of the street, they
27 could plant Kudzu or anything they wanted along everybody's yard. I do not know why this was
28 adopted. I am shocked and appalled at how much power has gone from the residents to the town. I
29 urge Town Council to remove that verbiage; don't make it a felony for every day there is any disease in
30 the yard. I wonder how much of the hurricane damage was because people had big old limbs off an oak
31 tree over their house. Had that limb been trimmed off, the tree would probably be fine, because over a
32 certain percentage of the tree was not removed. My house has large Live Oak limbs over it. I loves the
33 Live Oaks, but I wonder what will happen if another storm like Hurricane Hazel comes through town.
34 Hurricane Matthew was a Category 2; Hazel was Category 4. Topping some of the larger limbs over
35 houses might save many houses. *(Applause)*
36

37 Mr. John Tellet, 14th Avenue South, agreed pretty much with Mr. Beck's comments. I always
38 thought we were in a democratic republic; but not here, this is a dictatorship. I suggest that the town
39 have a guide line, but to also ask the homeowner what he likes and then come to a meeting of the
40 minds. I see too much stupidity and lack of common sense in all this.
41

42 Mr. Jerry Roof, 15th Avenue South, said I have several trees near my house, some within eight to
43 ten feet, and many with limbs hanging over the house. My wife and I love the trees. They provide
44 shade and are beautiful, and I am sure they reduce my electric bill. After going through the ice storm a
45 few years ago, and the recent hurricane, we no longer feel safe in our house. The current tree ordinance
46 forces citizens to accept a risk of property damage and personal safety. A three or four inch diameter
47 limb hanging ten or 15 feet above your house can do a tremendous amount of damage if it falls. A tree
48 really close to your foundation can obviously cause structural damage. It is very difficult to get a permit
49 to cut a tree, or even trim a tree. The ordinance as written imposes a financial burden on the citizens. It
50 is very expensive to get a tree cut or trimmed. One company I contacted recently quoted \$275 an hour
51 with a minimum of three hours work. I don't know whether they could get anything done in three hours.
52 The ordinance also imposes a tree replacement requirement, and to employ an arborist, architect or

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53 engineer in some cases, just to get a permit. In other cases, payment into a tree mitigation fund is
54 required. Thank you for listening to me. Those are my concerns. I hope that council will consider
55 changes in the ordinance that will make it more citizen friendly.

56
57 Mr. Mike Holt, North Yaupon Drive, said I had issues with the tree ordinance when we first
58 moved here. After this hurricane, which was not a bad one, I saw the thousands and thousands of
59 dollars worth of damage. Dr. Altman had a big tree go into his building. It cost the town money to pick
60 up the debris from trees that fell, and so on. It is so difficult to get anything done, because you have to
61 jump through all these hoops to cut your own tree. I feel like as expensive as it is to buy land anywhere,
62 especially here in Surfside Beach, that those trees are mine. I get to do what I want to do with them.
63 They are my trees. That is the way I look at it. I understand how the town doesn't want contractors to
64 clear cut property and pile houses close together. That was a good excuse 25 years ago, but the town is
65 about 95-percent developed. We don't have to worry about contractors clearcutting anymore. There
66 isn't that much space left. I feel like I am smart enough to make my own decisions about the type tree I
67 want. If I want to cut my oak tree down, or any other tree, and replace it with a palm tree, that should
68 weigh heavily. I should be the one to make that decision. I think this onerous code we have should be
69 changed. Requirements to have an arborists, getting permission, or hiring an engineer [are excessive.]
70 You can still see trash and debris on the road where people are cleaning up from the storm. Had those
71 people had the opportunity to take care of their own business, I don't think there would be nearly as
72 many trees falling all over the place. I urged Town Council to consider the ordinance very closely and
73 give the citizens back control over their land. I paid a lot of money for my property; I need to have a big
74 say in what tree is cut and what tree is planted.

75
76 Mr. David Wright, Pine Drive, said my house is for sale. Four real estate agents told me that
77 Surfside Beach is so restrictive they now ask their clients to search in Garden City and avoid Surfside
78 Beach. I planted 22 trees on my property. Of the six trees that were required when I built the house,
79 five died. The trees I planted were rooted in two liter soda bottles and were about (indicating height
80 with hands). I planted the wrong trees in the wrong place. The town will not let me fix them. Santee
81 Cooper also told me the wrong trees were planted in the wrong place. I will never plant another tree in
82 Surfside Beach. I would like to have fruit trees, but that will not happen. I am getting out of Surfside
83 Beach. The ordinance is not one size fits all. If there are two equally sized properties, but one has a
84 house with 1,000 square feet and the other has a 3,000 square foot house, one person has more room
85 for trees than the other, and can space them better. Sixty inches around and 48 inches above the
86 ground--period! It does not fit all the properties in town. Another problem are the 'jungle' lots
87 (undeveloped lots) that are unregulated. I help my neighbor who has vines and tree limbs over hanging
88 her property, and the jungle is breeding mosquitoes like crazy. Another neighbor has thanked me three
89 times for building my house, because it got rid of the mosquito problem. He couldn't use his back yard;
90 now, he has a pool and patio in his back yard. In my opinion, the town doesn't care about people. It
91 only cares about trees and tourists. I liked the comments made before my turn. I was stunned at the
92 difference between what the population thinks and what the council thinks. Town Council is totally
93 irresponsible when it comes to trees damaging our houses.

94
95 Ms. Susan Clark, Juniper Drive. At the last council meeting I announced that the SSBROOTS
96 organization was started to ensure the town citizens have rights to do with trees as we wish. The
97 statement was made within reason. I am a tree hugger and bird lover. The town is also a bird
98 sanctuary. I was accused of housing wild chickens when they flew into my fenced yard to get to the bird
99 feeders. I have no control over the wildlife, so I removed my bird feeders. I love birds and trees, as is
100 proven in her wildlife photography. Before Hurricane Hermine, a huge limb broke off the Sweet Gum tree
101 and was dangling in the fork of another tree in my neighbor's yard. The neighbors' landlord tried to get a
102 permit to take the tree down and was told to get an arborist. An arborist came and said the report would
103 state the tree needed to be trimmed, and in his opinion, it needed to be taken down. The charge was
104 \$1,900 and he would not write it unless the owners signed with him. During Hurricane Matthew, that
105 broken limb came down and landed on my property. I paid someone to remove branches from my trees,

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106 but the neighbors received a letter from the town saying don't touch that tree. The tree is more
107 damaged than it was before, and the debris is coming onto my property. The arborist should not extort
108 money from the people by writing a report and saying only you can use me. Three other people have
109 quoted on the tree removal for much less. In the meantime, I am in danger. I put Town Council on
110 notice that if I, my animals, or my property is hurt, I will personally hold Surfside Beach accountable, and
111 I will prosecute to the fullest extent of the law.
112

113 Ms. Sandy Healy, 7th Avenue North, said thank you for the opportunity today. I have two trees
114 that had to be taken down when I first bought my house seven years ago, because they were dead
115 inside. Those trees were hanging over my house and I was told I would have to have an arborist. Two
116 arborists' names were given to me that were approved by the town. One of them refused to come and
117 when the other one finally did come, he told me that I needed to watch the trees on the other side of the
118 house, because they had the same disease. I asked him if he could do a boring test the other trees, and
119 he said it would cost another \$450. I chose not to have that done. During the storm there were many
120 trees dangling. Ms. Morris told me I did not have to have a permit if I was only trimming. I am really
121 reluctant to do anything, because my husband said someone would be paid to trim the limbs, and then
122 an arborist would come and recommend something else be done. He told me to call the arborist first to
123 determine whether the trees were dead. I could not get anybody to come, because they said they would
124 not deal with Surfside. If you know an arborist that will work in Surfside, please let me know. I do not
125 want the trees down. They are beautiful, gorgeous trees. But they are right against my house, and
126 there are some dead limbs dangling. I do not understand why if the tree was endangering the house it is
127 a problem. Power companies and cable companies can cut trees to protect the power lines to keep us
128 safe. But the homeowners who paid for the property and maintains it cannot take care of their homes.
129 Forget the tree; what about the home we live in? My husband and I are retired and don't have the
130 income we once had. We had a little damage from the monsoon. One of the insurance companies would
131 not pay. The agent said, 'it is your responsibility as a homeowner to see that those trees are trimmed
132 and taken care of;' therefore, the company would not pay the repair cost. Yet, Surfside Town Council
133 says we are responsible. All I want to know today was a telephone number for an arborist that will check
134 my trees; I will pay. Then, I want permission to come back to the zoning department to get a permit to
135 do what needs to be done to the trees. I personally do not want to go to bed during a storm and wake
136 up in the hospital because a tree has crashed through my roof. I am taking responsibility for the trees,
137 and I ask Town Council to give me that responsibility.
138

139 Mr. David Read, North Myrtle Drive, said a few years ago I got a permit to remove 20-percent of
140 the trees on my vacant lot. I cleared the lot and it looked nice. A few years later, I tried to get a permit
141 to clear another vacant lot. I was told that rule was repealed. This past year I saw a vacant lot being
142 cleared, and thought lots could be cleared again. When I went to the building department, I was told
143 you must have a building permit to clear a lot. When the email came with a link to the ordinance, I
144 found the ordinance still states 20-percent of the trees can be removed, and the mitigation fund is still in
145 place. I am confused, because the ordinance does not support what I was told by the technician. "That
146 government is best which governs least." (Henry David Thoreau)
147

148 Mr. Ken Laukhuff, 7th Avenue North, said the owners of the vacant lots need to be contacted.
149 There is a lot on north Myrtle between 6th and 7th Avenues where trees are encroaching way into the
150 neighbor's yard. There is Kudzu and junk in that lot; it needs to be cleaned. There other lots around
151 town where I have seen the same thing. The trees that are hanging over the wires and the trees are
152 going into the wires need to be trimmed. I do not know who is responsible, but a strong wind would
153 bring the lines down and power would be out. I hope council will look into that and free the wires from
154 tree limbs.
155

156 Mr. Steve Shore, 1st Avenue North, said thank you to council for allowing us to voice our
157 opinions. Like Mr. Laukhuff just said, the undergrowth stagnates the tree growth and smothers them. I
158 have seen plenty of lots around town with limbs sticking through power lines. Someone just came

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159 through town to trim the limbs; but, it wasn't done properly. They missed many spots. [Trimming] could
160 avoid a catastrophe. If we have an ice storm this coming winter like we did a few years ago, the limbs
161 would come down on the power lines. In my opinion, no tree should be growing through a power line.
162 No one wants to cut a tree down, especially me. I like trees, and have no problem with them. But if a
163 tree is diseased, has rotten limbs, or heart rot that is trouble and it will come down easily. During
164 Hurricane Matthew I believe tornadoes came through town, because a churn went down through the
165 vacant lots and tore up the trees. There is a prime example on Surfside Drive where a huge tree was
166 toppled over and around it there were limbs all over. Property should be cleared of undergrowth by the
167 owners, because the trees could fall on the neighbors' houses. My insurance company told me that I am
168 responsible if the neighbor's tree falls on my house. Why not nip it in the bud before it happens? We
169 have to use common sense in what we do. We are human beings. I do not believe that anyone in the
170 room wants to strip the land, because we have a beautiful town. The trees oxygenate the air, and
171 consume water, which is why the town has such a good stormwater system. Trees need to be trimmed
172 so the wind can blow through them; not blow them over. A lady that I knows has tree roots encroaching
173 onto her property from her neighbor's vacant lot. No telling what the foundation of her house looks like.
174 But, if she cuts those roots, the trees more than likely will die. I don't know the answer. I am not an
175 arborist and don't claim to be. But, I want what is right for the town, and want to do the right thing.
176 The bottom line is that this town is overregulated. There are plenty of pine needles in my yard; if anyone
177 wants them, please come get them. *(Laughter)* When leaves start falling, I have to blow leaves twice a
178 week, because I have so many trees. I don't mind doing that. I bag them and set them by the road.
179 Thank God we have a good public works department that picks them up. We have a beautiful town.
180 Let's keep it that way. But, let's do something about these trees that are falling on homes. Ask the
181 power and cable companies come back through town and do the right thing. Any limbs sticking through
182 a power line should be removed. That is my opinion.

183
184 Mr. Mike Bellows, Juniper Drive, proposed that the town retain an arborist that would charge a
185 nominal fee to inspect trees for residents, instead of staff doing the inspections.

186
187 Mr. Ott believed an arborist was on retainer. Ms. Morris explained that there was an arborist that
188 consulted on town owned trees, and he charges the town.

189
190 Ms. Kathy Mahar, North Myrtle Drive, said we have a vacant lot that we want to eventually build
191 on. We wanted to clear it, but many of the pine trees are in the town right-of-way. We wanted to clear
192 it and plant a few nice trees where the house would not be situated. It would be nice, if that could be
193 considered.

194
195 Ms. Lynn Livesay, 5th Avenue South, said I have been in Surfside for 33 years. I had two
196 beautiful Live Oaks in my yard, but unfortunately, they are gone now. The last one was lost during
197 Hurricane Matthew. The oak tree fell on my neighbor's house. I removed the whole tree. That tree had
198 been there long before we were there. I hope that everyone would try to save the Live Oak trees. I
199 listened to everyone speak and don't think this is a knee-jerk reaction, and I understand your frustration.
200 I used to serve on the various boards that dealt with the ordinances. I reviewed the ordinance on line
201 before this meeting. It seems to have been tweaked quite a bit, since I was on the board that rewrote it.
202 I also served on the board that rewrote it before; don't shoot the messenger. There were many more
203 protected trees that were mostly hardwoods. People were asked to replace hardwoods with hardwoods
204 whenever possible. I think the codes and regulations from the zoning department are reasonable. What
205 you are asking for is a good plan as far as speaking and working with them. It seems drastic right now,
206 but we are fortunate to have these trees. I was in town when Hurricane Hugo came through. There
207 were two empty lots to the east of my lot and a house between my house and the empty lots. Had that
208 foliage in those empty lots not been there, I know that the destruction would have been much more
209 catastrophic. I also understand that two lots are still undeveloped and they are full of vines, dead trees
210 breaking over. I think the owners should be held responsible for that. I think Town Council needs to
211 address the code enforcement again. Maybe we need to back up and reconsider the old codes. Some of

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212 the words were refined, but now it sounds a lot harder to get along with. In all honesty, I think staff
213 tries really hard to work with you. Utilities are supposed to maintain the lines and the trees, but they still
214 should speak with the property owners to ensure they don't create "mushroom" trees, or "u" shaped
215 trees. Everybody has to work together. We do need a tree ordinance. It doesn't appear that the town is
216 able to maintain Tree City, USA, because we keep changing and tweaking the code. I understand that
217 you all are the choir. I attended today so I could see what went on. We have to work together to
218 maintain our hardwood trees. Don't replace a Live Oak with a palm tree. I think Town Council should
219 definitely give the planning commission recommendations. It may look like more is being added, but in
220 reality, the code would be made more user friendly for the folks with problems. Yes, we all own our land.
221 I haven't had a problem with the town when I needed a permit. I just hope that everyone will encourage
222 Town Council to do the friendly thing, and not take a knee-jerk reaction because of Hurricane Matthew.
223 Don't throw the baby out with the bath, okay?
224

225 Ms. Betty Lowery, 4th Avenue North, said I probably sound like I am on the opposite side of the
226 fence, but I truly don't intend for it to be that way. I followed Ms. Livesay on the planning commission.
227 Some of the codes we worked with involved the tree ordinances. I will never forget one of the first cases
228 that came before the commission, which was an elderly lady from the south end that had a huge tree
229 branch from a neighbor's property hanging across her house. Our hands were tied. The property owner
230 was notified, and there was nothing that we could do, because the lot had been allowed to go natural.
231 That was a state code. All we could do was to continue notifying the property owner. Some of things
232 that you complain about may not necessarily be a Surfside code. It could be a state code that keeps us
233 from doing what we need to do. The people that are here have concerns about their trees. That is why
234 they are here. You are not going to mow everything down. I sympathize. I have is a huge oak tree on
235 the corner of my lot. I lost about a third of that tree when one branch fell. I didn't know it had heart rot
236 in that branch. I was relieved when the tree man said the heart rot broke away with the branch. I have
237 MasterCare Tree Service on call. They will be here Friday to clean up that branch and an oak behind my
238 house. It's not all about hurricanes. I had a "monster" branch from a Sweet Gum fall a month before
239 the storm for no reason, whatsoever. It just came down. It scared me and my neighbors half to death.
240 The ground shook. A branch from the oak tree behind me fell two weeks before the hurricane. No
241 reason; it just fell. Things like that are going to happen. You are not going to be able to keep a tree
242 from falling on somebody's property, unless you just want to cut them all down. That's not going to be
243 in your best interest. Farmers plant wind breaks that are huge, tall trees planted closely together
244 between the fields to diffuse the wind. The breaks stop the wind from blowing the dirt away, and
245 decimating the crops. That is their only purpose. I spoke with a lady at the dog park a few days ago
246 that arrived in October last year in time for the flood. This year, she arrived in time for the hurricane.
247 She was from Florida and said she had been through other worse hurricanes. They had no trees where
248 she lived. **YES!** (Speaker's emphasis.) I asked the lady to attend today, but she lives in Murrells Inlet.
249 My concern is that people who are not like minded, as we all are, will cut down the trees. Someone
250 mentioned a palm tree. Palms are beautiful, but they are not trees. They provide no shade; they have
251 no root system, and do not help the town one bit. (**Several people speaking at once.) Palms do
252 nothing to benefit stormwater and do nothing to protect houses. I want everyone to think about their
253 houses and out buildings without a single tree around. (**multiple speakers.) It will take 75 years to
254 replace the Hickory tree that I had to remove that was less than 10 feet from my house. If I decide I
255 was wrong, it will still take 75 years to grow back.
256

257 Mr. Ron Mask, 10th Avenue North, said I previously lived in five other states. In two of those
258 states I was allowed to cut any branches to the lot line that were encroaching onto my yard from the
259 neighbors' yards. That is probably true here. I hope it is, because when I moved in we paid a lot of
260 money to trim out all the dead wood and branches hanging over my house, and also the branches
261 encroaching from the neighbor's property.
262

263 Ms. Healy said most people here are retired or else have lived here a long time. I do not think
264 anyone was trying to take every tree out of Surfside. That is why we all moved here. I certainly was

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265 not. If those trees are dead, and they have to come down, I will be crying, because I have such a water
266 problem at my house. I will have to spend additional money to hold back the water where the trees
267 were. I really want to keep my trees. I hear both sides, but I don't think anybody wants to destroy the
268 look of Surfside. It does take 75 years to grow a tree. If that tree falls on my house and kills my
269 husband, guess what? I can't get another husband in 75 years. I won't be here long enough.
270 (**Several speaking at once.) That's the fear that many people have. It's not that we want to destroy
271 or clear land, but [three different people have said the trees are dead inside and need to come down.]
272 Tree service companies do not want the job, because they do not want to deal with Surfside. I don't
273 want to change the things that make the town beautiful and that made me want to live here. I don't
274 believe anyone else here did either. There are dangerous trees near my bedrooms. The next bad storm
275 could cause them to fall; it won't take a hurricane. Who is responsible and at fault, if the trees fall on the
276 house and kill one of us? I can assure Town Council that my family will not be too happy. I thought the
277 concern most everyone had was safety and trying to beautify their property. We are built up; there are
278 not a lot of vacant properties. I checked the insurance rules and regulations for South Carolina over the
279 last four days. The code has a 'known nuisance law.' If you know that you have a tree that is going to
280 endanger your neighbor's property or your property and you do nothing about it, it is your responsibility.
281 Nothing can be done about acts of God, like tree limbs falling for no reason. We live in a safe
282 community; a wonderful community. I think everyone is trying to keep it that way. All we ask is that we
283 be allowed to maintain our property. Thank you Mayor and Town Council for the job you are doing. God
284 bless you all and God bless us, because, Lord, we need it.
285

286 Ms. Livesay, thought the town should look into an arborist. Public Works could have someone be
287 studying; perhaps a little bump in salary, but we do need an arborist. I would rather have an arborist
288 available (**several speaking at once.) I don't think it would cost that much, especially if the employee
289 does double duty. There are probably some eager people that would want to do that.
290

291 Mr. Bellows said restrictions on pruning and taking care of trees should also be removed.
292 Pruning allows the wind to flow through the branches. Currently, you cannot cut anything over four
293 inches. That's pretty limiting.
294

295 Mr. Steve Griffin, South Willow Drive, said I moved here 16 years ago. Lots on the south end are
296 smaller, usually about 69 by 125 feet. After building an 1,800 square foot house and allowing the for the
297 15 foot right-of-way for my corner lot, there is not much room for plants and trees. My power hook up
298 was delayed because I had to have six approved trees in my yard, although there were several other
299 trees already on the lot. There is a River Oak tree on my property that has roots growing under my
300 house. I would like to be proactive and do something with the tree before it damages my house. There
301 is not enough action in the right direction. We are not being fair to each other; let us take down the
302 trees and good shrubs can be planted. I urge Town Council to move as a whole in the right direction.
303

304 Mayor Childs said during this workshop Town Council will consider the public comments and send
305 council's suggestions to the planning commission. The planning commission will also hear public
306 comments, and then send its recommendation to Town Council for adoption. He encouraged everyone to
307 attend the planning commission and other committee meetings. He would like to see as much
308 attendance at the planning commission meeting as is here today. There are several members of the
309 commission present today that are listening. But, please go to the meetings.
310

311 Mr. Ott said regarding trees going through utility wires, there are identification numbers on the
312 poles that can be referenced when you call Santee Cooper; they will respond within three days. If they
313 do not show up, call them again. He had done this many times.
314

315 Ms. Clark disputed Mr. Ott's comment saying Santee did not respond to her calls, but that the
316 town took care of the problem.
317

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318 Mayor Childs said at this time the floor was open for council comments. The public would have
319 another opportunity at the end of the workshop to speak again.
320

321 Ms. Samples said she appreciated everyone coming to the workshop today and sharing their
322 opinions about the tree ordinance. She also appreciated Town Council's willingness and agreement to
323 hold the workshop. She assured those who made comments about being reactive to the storm that
324 many councilmembers had discussed bringing this tree ordinance back for discussion well before the
325 storm. She wanted to make it very clear that this workshop was not in reaction to the storm. In her
326 opinion, the tree ordinance is way too restrictive. She had been beating that drum. It needs to be
327 simplified, at the very least. Town Council received recommendations from the planning commission, but
328 make no mistake, Town Council approves or does not approve it. It is not staff. Unfortunately for staff,
329 they have to enforce the ordinance that your leaders agree to and voted on. She wanted to make that
330 clear. When our staff gets so much grief for trying to enforce the ordinance, it's only because they are
331 doing their jobs. Which leads to the fact that because the tree ordinance, in her opinion, is too
332 restrictive, the amount of work that our staff has to implement and enforce regarding this tree ordinance
333 is enormous. The amount of man hours spent to come out to tell you that you can prune a tree is
334 absolutely ridiculous. So, she wants to see that changed. She thought we need to distinguish between
335 homeowner lots; those of us who have trees, and our homes are built as opposed to those undeveloped
336 lots, or opposed to redeveloped lots. We do have homes that are older and people will tear them down
337 to build new homes. We don't want them to clear cut. That is why this tree ordinance came about to
338 begin with. We were concerned about some developers, and it did happen, clear cutting lots just to build
339 one more home, or because it made it easy for them. We heard a lot of complaints from the neighbors
340 about the fact that the lots were clear cut. She had not talked to one person who lives here or owns a
341 home here that wants to get rid of their trees. What they do want is to feel safe. They do not want to
342 have to come to Town Hall to get approval to prune a limb that is hanging over their home, their back
343 yard, their shed or their deck. It's absolutely, in my opinion, a waste of staff's time to have to go tell an
344 owner what they can or cannot do on your lot. As Mr. Roof brought up, he has big old trees really close
345 to his house. She has visited his home and seen them. The way the ordinance currently reads, he can't
346 do anything about removing those trees because they have not messed up his foundation yet. Does that
347 make sense to anybody? It doesn't make sense. What about preventative maintenance? Why in the
348 world can Mr. Roof not remove a tree that is so close to his foundation when you know those roots will
349 eventually cause damage? Let's let him take it down. She could go on and on. She is not a supporter of
350 taking down a lot of trees, but she did support pruning on your property that should be allowed without
351 cost. She did not support four inches versus eight inches; she still did not know who came up with those
352 numbers, but if that limb is hanging precariously over your property you should be able to cut it down.
353 She thought if the tree is close to your foundation and you're concerned about what that root system is
354 going to do, you should be able to remove that tree, but she also thought you should have to replace it.
355 The more trees we have, the better. It really is all about safety. If we can be a little more enlightened
356 about allowing people to do what they want to their own property, she thought everyone would be of like
357 mind and it would make it easier for staff.
358

359 Mr. Ott agreed with a lot of what Ms. Samples said. If you have a huge tree limb over your
360 house, there's a good chance it is going to hit your house. He had seen some of the problems, but not
361 every lot is the same. He previously showed Ms. Morris a house on the south end that had trees coming
362 from a vacant lot; the roots are lifting the house on the next lot over. The owners were contacted to
363 remove the trees, but the current ordinance will not allow the affected neighbor to cut the trees. That
364 ordinance should be reviewed.
365

366 Mayor Childs said years ago he offered an amendment to the tree ordinance that would allow
367 tree removal if the roots were lifting your foundation, driveway, or sidewalk. He did not know whether
368 that was still in the code.
369

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370 Ms. Samples said you can remove the tree if it has already created a problem. She was
371 concerned that the problem has not yet happened, but you can see that it is going to happen. Why
372 would we wait for the problem to happen, when the tree could be removed? It is called preventative
373 maintenance.
374

375 Mr. Courtney said there were many interesting comments made today. He, too, had to chase
376 neighboring owners, because their trees kept falling on his property. During the ice storm a few years
377 ago, he watched pine trees snap and fall. A resident on 10th & Poplar Drive had a pine limb fall through
378 his roof as he was sitting there. He didn't think anyone in town wanted to remove trees. He agreed that
379 the town is overregulating. Before he sat on any committee or was elected to council, he received a
380 permit to remove an oak tree. It was the day before this ordinance was adopted, but he wanted to save
381 the tree. He believed the homeowner should determine whether or not they want to put in a tree; the
382 homeowners know what is right and wrong for their property. We don't all want to get rid of our trees.
383 He fought for trees; went through the aggravation and money to hire an arborist. He is a family man
384 with two young girls. He cannot afford an arborist, an engineer, or an architect. To him that is ridiculous
385 to wait for the roots to come underneath the foundation of your house and watch the concrete buckle.
386 Then it is too late. He believed Mr. Child's amendment was adopted, but was amended to state that
387 visual damage had to be obvious. Ms. Morris said that was correct. Mr. Courtney was astonished and
388 asked if anyone knew what that cost; a fortune that he cannot afford as a family man. The man at
389 MasterCare laughed when he called last week. MasterCare still gets \$375 an hour. Only one out of five
390 contractors he called would come to Surfside Beach. They are taking advantage of the homeowners
391 here. The ordinance was designed for the builders and that is where it maybe went wrong. Most people
392 are familiar with the south end along Poplar Drive South where it used to be woods from 10th Avenue to
393 Melody Lane, except for his house. Now there are 12 new homes there creating a community. What do
394 you think the builder did? Yes, he cut every tree off the lots. Over the years, he would start his chain
395 saw to trim a little limb, and the police would watch from the corners. It is crazy that we have to live like
396 this. There were two beautiful Live Oaks on his back property line, and the builder even took them
397 down. He asked if the builder was fined. Ms. Morris said yes. Mr. Courtney said the bottom line was
398 they were talking about pruning and clear cutting. On the vacant lots, good luck with that. He has
399 talked with Ms. Morris since 2008; out of town landowners don't care. You can't remove a limb hanging
400 over your property; you cannot cut it unless you have permission from the landowner. He understood
401 why the ordinance was adopted, and the town is trying to protect certain trees. But, he heard the
402 public's concerns. It was ridiculous to hire an arborist, engineer, or architect when you need to prune
403 some trees. The ordinance needs to be revised, and cleaned up. He agreed with Ms. Samples, but there
404 has to be a balance.
405

406 Mr. Childs agreed with Mr. Courtney regarding the lot cleaning. He brought the topic up when
407 the forest fires were raging in Carolina Forest, but was defeated. The town's vacant lots have lots of dry
408 timber and many dead trees. The owners don't want to spend the money and will not address the issue.
409 You can't do too much about it. He hoped that somebody would make a motion that landowners are
410 responsible for their vacant lots. One of the reasons it did not pass the last time was because of the
411 argument that wild animals need somewhere to live. He thinks all of council would support a motion to
412 require those vacant lots be maintained and cleared of dead trees, because of the possibility of fire.
413

414 Mr. Stevens said when he lived in Charlotte, North Carolina, during Hurricane Hugo a neighbor of
415 his had a big tree limb fall through the roof and landed on her while she was sleeping. It crushed her
416 leg. The lady walks with a cane and a limp now. Her husband was not hurt. The liability was clear. She
417 had asked the city to allow her to remove the limb, and the city refused. She sued the City of Charlotte
418 and won a big settlement. The ordinance states in Sections 17-725, 17-726 and 17-727 a tree is
419 diseased, dead, or weakened by age, storm, fire, or other injury, which is a source of hazard to people,
420 buildings or other improvements on a lot. He valued a life more than he valued a tree. He loved trees.
421 There was nothing he liked more than sitting in his front yard watching squirrels run up and down the
422 trees, and the birds nesting in them. Regarding oak trees, the Palmetto is the state tree, and he believed

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423 there was nothing wrong with Palmetto trees. If a Live Oak is a hazard to life, limb, and property, you
424 should remove it, if it is a danger to you. It was fine to replace it with another Live Oak. Common sense
425 has to prevail. He did not want to anybody in town to be killed by a tree. The code also addresses trees
426 that pose a safety hazard for pedestrians and vehicle traffic or a hazard to buildings and utilities. All of
427 that is in the code. If a tree is hanging over your house and could crash through your roof; damage your
428 house; what is the big deal removing part of that tree? Just recently he looked at listings for an arborist
429 that the town recommended. He was not listed on the American Society of Arborist. What are we trying
430 to sell, here? He called Clemson University Extension who recommended an arborist in Pawleys Island.
431 Many people are on fixed incomes; the town is basically a small town retirement community. We don't
432 have multi-billion dollar CEO's (chief executive officers). There may be a few lawyers and doctors, but
433 we don't have all these rich people in town. He was so glad that Ms. Samples brought this up, and gave
434 her credit where it was due. *(Applause)* He had tried to talk about this for years, but he talked on deaf
435 ears. It is wonderful that council is reviewing the code and trying to do something about it. We can
436 come up with a code that benefits the people, but we have to use common sense. Five hundred dollars a
437 day for a fine like Mr. Beck talked about; if you remove a landmark tree, it's a \$10,000 fine. If a
438 landmark tree is a danger to life, limb or property, it should be removed. You can always plant another
439 tree. It might take 75 years to grow, but at least you planted it at a safe place. That is what we were
440 talking about. He thought that this council was thinking the right way. We have too many regulations in
441 this town. We are overregulated nationwide; consider Obama care. Remember that the Palmetto tree is
442 the state tree. You should be proud to plant the Palmetto tree in your yard.

443
444 Mr. Ott wanted two sections repealed from the code; 17-704 and 17-705 that state all
445 landscaping must be installed prior to the issuance of a certification of zoning compliance by the code
446 enforcement officer. He did not think the code enforcement officer should check whether a bush or
447 plant was planted correctly. Section 17-705 was what Mr. Beck talked about. The owner, tenant, and
448 their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which
449 shall be maintained in good condition so as to present a healthy, neat, and orderly appearance free of all
450 refuse, debris, and disease. We don't need that restriction. He said the planning commission should
451 review these sections as one man's debris is another man's art. His grandson's dump truck is on his front
452 lawn. How did that fit into this code? When this code was enacted, he was in the audience. He spoke
453 during public comments and said that this code was the most ridiculous ordinance he had ever seen in
454 his life. If somebody doesn't like you, they could complain, and you'd get a fine for trash on your lawn.
455 He asked what debris is. What is refuse? Do we want code enforcement walking around your house?

456
457 Ms. Samples said under Section 17-730 Public Tree Care the current code states that the Town of
458 Surfside Beach shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within
459 the lines of all streets, alleys, avenues, lanes, squares, boulevards, drives, public rights-of-way, and
460 public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and
461 beauty of such public grounds. That should apply to every homeowner in the Town of Surfside Beach.

462
463 Ms. Samples moved to send the tree ordinance to the planning commission specifically to review
464 the landscaping clause, pruning, trees that are near foundations, the actual need for an arborist, vacant
465 lots as it relates to maintaining the lots, and in general to simplify the tree ordinance overall. Mr. Ott
466 second.

467
468 Mr. Stevens said it was a fantastic motion.

469
470 All voted in favor. **MOTION CARRIED.**

471
472 Mr. Courtney asked if the motion addressed cutting the tree limbs and the diameter.

473
474 Ms. Samples believed that was covered under pruning and the overall simplification. She said the
475 council definitely wants that to be reviewed.

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Mr. Ott said that it had already been stated that this is not the first time this ordinance was reviewed. The recommendations that are made by the planning commission will be reviewed again by Town Council.

Mr. Stevens said when he moved here in 2005 there were two pine trees he wanted removed, because they were leaning towards his house. One was on a neighbor's property and one was on town property. He went to the town and was allowed to remove both of them. Recently he saw a pine tree towering over Mr. Cabell Young's house that would fall on the house under the right wind and storm conditions. These are the kinds of things that need to be addressed. The planning commission needs to make sure that the people's safety is considered, in addition to the property safety. He spoke about a tree in his yard that has disease, but he did not want to remove it. His neighbor's lot next to his is full of limbs that fell, because they were destroyed by woodpeckers and bugs. Some of those limbs fell on his driveway. He hoped the recommendations from the planning commission will make it safe for the citizens. We don't need a citizen to die because of a tree hanging over his or her house.

Mr. Laukhuff said in 2004 he contracted with a MasterCare to trim some trees in his front and back yards. He paid cash, because the price was reduced. MasterCare did the front yard, but as of this date has not returned to complete the back yard. There was no receipt, no contract, and nothing he could do. He warned others to not make the same mistake.

Ms. Janet Gambino, South Hollywood Drive, said after the ice storm there was great damage at her house. Once she got permission to cut trees, she cut 14 trees. After Hurricane Matthew, there was no damage. Thank you. That is all I wanted to say.

Mr. Holt suggested that the individuals that make the recommendations add their names so future councils and citizens would know who made them. *(Laughter)*

Ms. Linda Tettero, South Willow Drive, said there are three or four Cypress trees leaning towards my house on the lot next door since Hurricane Matthew. I don't know whether the town or the neighboring condominium owners are responsible, but they need to be checked. I am paranoid about the trees, because when I lived in North Carolina, a tornado passed through and I lost ten pine trees at one time. I know pine trees do not handle storms at all. I loves trees, but pine trees are just ugly. I asked if someone could check to see if these trees are on town property. An arborist came to check whether a River Birch tree in my back yard could be cut, and the arborist said no. One limb had a hole in it that would weaken the tree, and it was approved to be cut by Ms. Morris. I wanted to replace the other trees with Crepe Myrtles, but the arborist told me that could not be done. The arborist said a crane would have to be hired to move the trees over her fence and the replacement tree had to be the same size. Nobody would sell a tree that large to start with; my tree was about 60 or so feet tall.

Ms. Clark said in response to Ms. Tettero's comments that I did not know what was being done for the seasonal homes that had a lot of storm damage from Hurricane Matthew. The house caddy-corner to mine has a broken tree and limbs all over. Will the code enforcement officer address those homes?

Ms. Judy Tuttle was very interested in the requirements for undeveloped property. She said that she was not too crazy about having motions during workshops, for the record.

Mayor Childs said Ms. Tuttle was a long time member of council her comment would be taken as advice.

Mr. Wright said Ms. Samples brought up the replacement issue, as Ms. Tettero said, they want replacement with the same size. I planted pines that were this tall *(indicated height with his hands)*.

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529 They're now so tall that they are endangering a high voltage line by my house. If the trees take out the
530 high voltage line, many people will lose electricity. I am trying to be responsible, and the council is not.
531 I went to the tree lady and was willing to replace them, but I could not replace them with the same size
532 diameter. If you plant a big ugly palm, you've got your diameter. I do not want that. I want to plant
533 trees that do not grow so high they endanger the power lines. I need to plant short trees, like fruit trees
534 that don't have a diameter at 48 inches above the ground. The ordinances are wrong. It states to
535 replace with the same size; it's not possible. I am trying to be responsible for my property, but the city is
536 in my way. I cannot manage my property responsibly, because the city has taken away my rights to take
537 care of my own property.
538

539 Mr. Courtney referred to Section 17-740 Penalties, and said when he sat on the board of zoning
540 appeals (BZA) cases came up in which he thought fines were excessive. He believed residential and
541 commercial penalties should be separated. An older woman came to the ZBA and he was so
542 disappointed that the town had served her with a summons totaling about \$2,200. He asked Mr. Ott if
543 that amount was correct. Mr. Ott said it was correct. Mr. Courtney said in some cases the fines are
544 excessive. Charging a contractor \$10,000, if they cut down a landmark tree, is a hefty fine. What if
545 someone made a mistake? He asked Ms. Morris during the BZA meetings if there was any discretion.
546 She always responded no, there is no discretion. The fines are hefty, and they need to be reviewed and
547 residential and commercial fines should be separated.
548

549 Mr. Courtney moved to send Section 17-740 Penalties to the planning commission for review.
550 Mr. Stevens second.
551

552 Mr. Stevens though this was an excellent motion. There is a \$10,000 fine for a landmark tree;
553 but, if that landmark tree is a danger to life, limb, and property, are we going to place a lien on the
554 property or take it from them? It is almost ridiculous to think somebody would be fined \$10,000. You
555 can always plant another tree. He supports the motion.
556

557 Mr. Ott said there was a building envelope (*where the house would be situated*) on undeveloped
558 lots. He asked Ms. Morris if the owners could clear cut the envelope. Ms. Morris said the owners need a
559 building permit before any tree cutting is done. Mr. Ott said that was the one restriction on which the
560 BZA had to uphold the fine, because she did not have a building permit. She could have easily have
561 gotten a permit to do it. He did not know how that could be rewritten, because you always need a
562 permit, even to cut the building envelope.
563

564 Ms. Samples added that she never had a problem with the fines. The reason why was that
565 history will tell you that we've had people come in and clear cut lots. They didn't care about the fine;
566 they would just pay it so they could build an extra house. She liked having that piece in the ordinance.
567 What may need to be reviewed is the four inches in diameter. For instance, fines for removing limbs
568 over four inches without approval. We may want to review increasing the circumference more so than
569 [amend] the fine. Again, there are people who will clear cut and pay the fines just to be able to build the
570 house they want to build. She was not as inclined to change the fines. Hopefully, the planning
571 commission can offer options that would still allow the town to fine developers that clear cut. Mayor
572 Childs agreed with Ms. Samples, but thought this was something that should be reviewed by the planning
573 commission.
574

575 Mr. Courtney said the problem is there is no separation between the contractors and the
576 residents. That was what he was trying to explain regarding Section 17-740. Clearcutting and building
577 was being discussed, but his discussion was about residential property owners that have adjacent lots
578 encroaching on their property.
579

580 Ms. Samples understood and said it came down to developed lots versus undeveloped lots versus
581 redevelopment lots. That may be where the distinction could be set; fines would be different for the

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582 three types of lots. Mr. Ott said there are people in town that are owners and also developers of their
583 lots. That would have to also be considered. Ms. Samples said this discussion was not about individuals;
584 it was developed lot versus undeveloped lot.
585

586 Mr. Stevens said if you are a developer trying to earn money, you look at the lot differently. But,
587 if you are a homeowner building your own home, you take pride in what you're building. That was what
588 he did when he built his home. There was a big Live Oak tree that he wanted to save. That tree made
589 his lot look good. He also tried to save other trees, but they were in the building area. Developers are
590 building to make money. At Harbor Lights, the developer cleared the trees around the lake, which
591 affected erosion. There were other places in town that were also clear cut. The ordinance needs to
592 address homeowners, whether they are developing an individual lot, or whether they have a developed
593 lot. He thought these were the criteria that the planning commission needed to consider when reviewing
594 the code. The Town Council needs to ensure that the planning commission covers the homeowners who
595 really care about their houses; it's private property owners versus developers. He proceeded to explain
596 the advantages of having beautiful trees that enhance the property value.
597

598 All voted in favor. **MOTION CARRIED.**
599

600 Ms. Sandra Elliott, 5th Avenue North, said any work done in town requires a permit. When that
601 repairman comes to your house, you need to see the permit. If he doesn't have one, you will be held
602 responsible. If a specimen tree is cut and the company doesn't have a permit, the \$10,000 fine will be
603 your responsibility. Regarding the trees, it is not circumference, the measurement is diameter across the
604 tree.
605

606 Ms. Lowery said that Mr. Courtney's earlier comments regarding fines were true. Developers
607 were clear cutting lots, counting the trees and writing a check for the fine. The previous council asked
608 the planning commission to put teeth into the ordinance. That is why the fines were increased
609 significantly. Thank you, Mr. Mayor and Town Council for allowing the public to voice their opinions. I
610 encourage everyone to, please, show up for the planning commission meeting. It makes it much simpler
611 when the commission has this kind of information.
612

613 Mayor Childs followed up on Ms. [Elliott's] statement saying that he hoped everybody would
614 please check their contractors or service repair companies licenses and permits to perform work. He was
615 working with the administrator now on some problems where contractors without permits cut trees and
616 left town without removing them. The homeowner is now responsible for the removal, and they were
617 trying to work out something to help them. Once those unlicensed and unpermitted contractors leave,
618 there is no recourse.
619

620 Mr. Beck said an excellent point was made earlier that staff has to do whatever council says. I
621 urge the council to watch the language and [to be specific], because the devil is in the details. There are
622 several places in the ordinance state "shall, must, all;" those terms remove any discretion away from
623 code enforcement. In the penalties area that Mr. Courtney discussed, it states that "the code
624 enforcement official shall institute appropriate legal action, including imposition of fines." If it just said
625 "may," that would give the town some discretion in the particular situation if really needed a fine or not.
626 Maybe we could trust our government to work with our people, if council allowed them to. You also have
627 other places where "all landscaping, trees, brush, and grass are to be kept free of debris and disease."
628 As I tried to point out earlier, there could be just one blight on your property. When you cite 'all,' the
629 code enforcement official shall impose a \$500 fine per day. If you get rid of the "all" and give the code
630 enforcement officials some options, I think that would help and make the ordinances easier for the
631 officials and give some alternatives.
632

633 Ms. Healy said that I appreciate the fact that we now have a Mayor and a Town Council that is
634 willing to listen to the people of Surfside. I think Town Council deserves a round of applause for this

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635 meeting today. *(Applause)* Thank you very much. Mayor Childs knew he and Town Council appreciated
636 her compliment. We don't get too many words of appreciation. Thank you very much on behalf of Town
637 Council.
638

639 Mr. Stevens assured everyone that the planning commission was not that bad. As a citizen, he
640 went to the planning, building, and zoning department to find out what the rules were. He followed the
641 rules, and had no problems getting his permit. If everyone would learn and follow the rules, they will not
642 have problems. All the employees in the department are good people. They do not want to fine people.
643 Fines were issued for various events, and BZA had to uphold the fines. If you hire a contractor, make
644 sure of these things: (1) The contractor has a Town of Surfside Beach business license; (2) Have the
645 contractor's insurance company issue a certificate of insurance naming you as an insured, and (3) Get the
646 certificate of insurance from the insurance company to avoid forgery, which happened to a friend of his.
647

648 Mr. Wright had never heard of the \$500 a day fine for debris. He asked if that included the right-
649 of-way, because that was where most of the trash was found. He asked if he was responsible for
650 cleaning the town's rights-of-way, when the town had taken everything away from him. Mayor Childs
651 asked Mr. Wright to speak with Ms. Fellner after the meeting regarding his question.
652

653 Mayor Childs reminded everyone that the comments heard and directives approved today will be
654 sent to the planning commission for review and a recommendation to Town Council. The planning
655 commission members are your neighbors. They are town residents; we do not hire outside consultants
656 to operate the planning commission. The commission members have to go by the same rules and
657 regulations that everybody in this room does. They will be easy to deal with. They are volunteers and
658 they do a very good job. So, please, everybody show up at the planning commission meeting. It is very,
659 very important. Bring your neighbors, and try to fill up the room just like you did today. The next
660 meeting is Tuesday, December 6th, at 6:00 p.m. in Council Chambers. Mayor Childs announced that the
661 next regular council meeting would be on Monday, November 7th, because Tuesday, November 8th is
662 Election Day.
663

664 **ADJOURNMENT.** Mayor Childs declared the workshop adjourned at 1:49 p.m.
665

666 Prepared and submitted by,
667

668 Approved: November 22, 2016

669 Debra E. Herrmann, CMC, Town Clerk

670 Robert F. Childs, Mayor

671 Ron Ott, Mayor Pro Tempore

672 Timothy T. Courtney, Town Council

673 Mark L. Johnson, Town Council

674 David L. Pellegrino, Town Council

675 Julie M. Samples, Town Council

676 Randle M. Stevens, Town Council

681 Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and not intended to be a
682 complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will
683 be given to you provided you bring a flash drive. In accordance with FOIA §30-4-80(A) and (E), meeting notice and
684 the agenda were distributed to local media and interested parties via the town's email subscription list. The agenda
685 was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at
686 www.surfsidebeach.org and the marquee.
687
688