



**SURFSIDE BEACH TOWN COUNCIL SIGN WORKSHOP
TOWN COUNCIL CHAMBERS
115 US HIGHWAY 17 NORTH, SURFSIDE BEACH, SC
JANUARY 12, 2017 AT 6:30 A.M.**

CALL TO ORDER.

Mayor Childs called the workshop to order at 6:30 p.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Pellegrino, Samples and Mr. Stevens (arrived at 7:03 p.m.) were in attendance. Councilmembers Johnson was absent. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann, and Planning, Building & Zoning Director Morris.

Mayor Childs opened the floor to public comments, but no one chose to comment at this time.

Ms. Samples thanked everyone for coming. Mr. Stevens called for this workshop, but he was not present. I think this is an important workshop to have. Just being seated on council last September, I spent some time researching the town's sign ordinance sequence of events to better understand what occurred:

- June 18, 2015 *Reed v. Town of Gilbert* was decided by the US Supreme Court that dictated how we manage and implement the sign ordinance. It was a 35 page document.
- There was some concern because a local businessman was cited for an infraction; come to find out there were many other businesses that suffered that same infraction. That created a lot of discussion about our sign ordinances at council meetings.
- January 16, 2016 Town Council meeting. Mr. Stevens called for a review of the sign ordinances. There was a lot of concern about selective enforcement. There was much discussion and much public comment, after complaints from local businesses.
- January 26, 2016 Town Council meeting. There were more comments about the sign ordinances and our town administrator responded that the business committee should give recommendations to their liaison for council. At that time Mr. Stevens was the liaison. Council may or may not pass the business committee recommendations to the planning commission.
- February 9, 2016 Town Council meeting. Mr. Stevens announced that the business committee workshop would be held February 18th.
- March 8, 2016 Town Council meeting. Mr. Stevens asked if the planning commission had discussed the business committee's recommendations. Clearly, there were some recommendations sent. The answer was no. Mr. Childs encouraged the business committee to get with the planning commission. The business committee had already submitted its recommendations.
- March 22, 2016 Town Council meeting. Mr. Stevens said that Ms. Morris is working on something to do with the signs.
- April 12, 2016 Town Council meeting. Ms. Fellner said that Town Council asked the business committee to propose changes to the planning commission. Mayor Samples at that time asked

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52 Mr. Stevens when the business committee would complete its recommendations. Mr. Stevens
53 said the committee had already sent its recommendations.

- 54
- 55 • June 7, 2016 Planning Commission meeting. This is important, too. Agenda discussion item, Ms.
56 Morris presented simultaneously the business committee sign ordinance changes that were dated
57 in March, and a briefing on *Reed v. Gilbert*. At that meeting, that briefing was quite extensive.
58 There was a PowerPoint presentation that identified *Reed v. Gilbert*. What you could do; what
59 you couldn't do. It was clear by Ms. Morris's presentation that she had a lot of knowledge about
60 *Reed v. the Town of Gilbert*. At that meeting, one member asked "who has the ball?" The
61 answer was that the planning commission has the ball. Ms. Morris said she would invite the
62 attorney to the next meeting.
 - 63
 - 64 • July 2016. Well, the next meeting in July was cancelled.
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 - 66 • The next meeting in August, the sign ordinance was not even on the agenda, and the business
67 committee members were asking what happened to their recommendations.
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 - 69 • September planning commission meeting was cancelled.
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 - 71 • October 2016. The sign ordinance was on the agenda, but was deleted by motion because Mr.
72 Truett send a letter saying how disappointed he was with how the business committee's
73 recommendations were interpreted. Ms. Samples read from Mr. Truett's letter: *I am requesting*
74 *that the sign ordinance be pulled from P&Z agenda tonight. After our business committee*
75 *meeting this morning, we are very disappointed with the rewritten sign ordinance. The business*
76 *committee made 15 change requests to the current sign ordinance. One was taken, plus the*
77 *ordinance did not come from the business committee, it came from the attorney, Mike Battle. I*
78 *would request a meeting between Mike Battle, the administrator, and the planning and zoning*
79 *director. We feel we have wasted our time and as businessmen we do no appreciate it.* Ms.
80 Samples said she agreed with that statement wholeheartedly.

81
82 Ms. Samples said so far nothing was accomplished and this process started in January 2016. It
83 was not from the business committee doing its part. This is a clear case of paralysis through analysis, in
84 my opinion. We don't seem to be getting anything done, and I'm not sure why. This has been a
85 hardship for our businesses in town. We have asked planning commission to do something; we've asked
86 the business committee to work on this. The business committee made a valiant effort. In defense of
87 the planning commission, the members should not be expected to interpret a Supreme Court Decision.
88 My understanding is that the attorney still has not attended a planning commission meeting to give them
89 any sort of support. Ms. Samples continued with comments from the June planning commission meeting.

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- 91 • June 7, 2016 planning commission minutes stated: *Ms. Morris gave a PowerPoint presentation*
92 *explaining the highlights of the case [Reed v. Gilbert]. She is working with area municipalities so*
93 *everyone will have similar ordinances. Ms. Morris referred to the letter sent to the planning*
94 *commission and the case summary, copies of which are on file. The court ruling was that the US*
95 *Supreme Court could no longer allow sign regulations based on content, and that that is an*
96 *infringement on the Freedom of Speech, especially when dealing with temporary and portable*
97 *signs.*

98
99 Ms. Samples said according to the Supreme Court, the town can still regulate signs according to
100 many other conditions that are included in the letter. I was trying to educate myself, since I am new to
101 council. I have questions based on the information I found:

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103 (a) we are cancelling way too many planning commission meetings, because they don't seem to
104 be getting enough accomplished;

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(b) where is our attorney in this decision making;

(c) probably the most important question, what are we doing now with our sign ordinance as it relates to enforcement; and

(d) At what point in time can we start making some things happen?

Mr. Ott said business people will tell you they have signs to attract people to spend money in their stores. What are we doing wrong? What do we need to do? There are no lights on anything, so people traveling at 45 miles an hour aren't going to see your signs. We need to find a way to get merchants their business. In his opinion, the signs need to work. I don't understand why a big sign is not allowed in a window. I can't see in some of the windows anyway. Let businesses put signs on their whole window. Signs are to help businesses; let's help them. I want it to look tasteful, but I want the businesses to have the signs they want.

Mr. Courtney said he and Mr. Ott went around for the past two months looking at signs in town and in other communities around town. We saw that businesses have grown in Garden City, and on Highway 17 Bypass. There is definitely a problem here. I'd like to hear from the business committee, because I know they are struggling. It's been close to a year working on this ordinance. It should not have gone this far; there is too much detail. I said from the beginning we should amend a few things until we worked out the kinks with *Reed v. Gilbert*. By the time *Reed v. Gilbert* trickles down to small towns, it could be another two years. We can always adopt a new sign ordinance after that is settled. Right now, for the next year or two, until this gets settled, our businesses are suffering. When I see some stores are grandfathered others are not; for instance Dollar General has all of its windows blocked. I heard a councilmember say it was a safety issue for police when windows are blocked in case there was a crime. I believe there was selective enforcement being done. I think this has been going on way too long. I agree that it's been put off. We need to amend the ordinance right away, and deal with any *Reed v. Gilbert* impact when that is decided. Right now, I'm watching businesses close, and I'm not sure why or whether it has to do with the sign ordinance. Signs are measured by the square footage of the store, so if I have small store with a small sign, you're not going to see the sign when you're going 45 miles an hour down the road. A business owner won't put money into a sign that isn't large enough to be seen. Larger stores can have larger signs. Bottom line is we have to resolve this problem now. There are 13 vacant buildings on the south end of town. I'm not happy about it. We have two buildings that are condemned. I'm not going to blame it on the sign ordinance, but I am going to say when I go to Garden City they have nice, illuminated signs. You can easily see what the merchant offers. Surfside Beach is being bypassed. Correcting the sign problem is the beginning of change. I want to hear from the business committee members tonight.

Mr. Pellegrino said a couple of months ago he became the liaison for the business committee. Nothing has been done on the sign ordinance for a year. Council gave consensus for staff to start working on the Town Code 'from ground zero,' so that was continuing on Ms. Samples' history. This actually the first step in the right direction. I agree with Mr. Ott; we need to make sure the needs from the business community are addressed. Some codes have to be kept for various reasons, but we need to give our businesses the best chance at success that we can. I agree 100-percent with that. We did move forward by rewriting the ordinance, and now we need to make sure everything is what we need for businesses to succeed.

Business Committee Chairman Truett said the business committee was tasked about a year and a half ago with rewriting the sign ordinance. Members went up and down the east coast to find a similar beach towns, similar populations, mixed use, beaches, and business to Surfside Beach. It surprised us to find that our sign ordinance was 20-odd pages. The average of the eight towns explored was ten pages. Isle of Psalms was only two pages. An attorney met with the business committee at no cost to the town

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158 to help us decipher the code. This ordinance reads like a statute. It's frustrating to understand as a
159 layman. We wanted to simplify the ordinance from a business perspective. Make it understandable and
160 a reasonable length, which would not only help the business community, but also make it easier to
161 enforce. The code needs to be 'black and white,' so it is clear to everyone who reads it. The committee
162 made recommendations, but the planning commission did not want to piecemeal the ordinance. The
163 business committee was okay with that. The *Reed v. Gilbert* case sidetracked us all, and we had to
164 regroup. The business committee came up with about 16 recommendations. We thought signage was
165 very important, especially to "mom and pop" stores that don't have the big budgets like some of the
166 larger businesses. We felt like advertising inside the building on your windows was very important, so
167 the committee recommended that 25-percent coverage of the windows should be allowed. We wanted a
168 definition between wall and window. Businesses on corners should be allowed to advertise on both
169 sides; so the recommendation was to increase the allowance by .75 for businesses on corners of named
170 streets. We don't know if it's fair for everybody, but when you buy a business on a corner it cost more.
171 There are also businesses that have back entrances that might want to put a little larger sign. The intent
172 is to try to help businesses. The sign permitting process was hard, because everything was based on a
173 calculation. The committee recommended a flat fee of \$50 for a sign permit, regardless of size to
174 simplify the process. The "open" sign should be excluded from total signage. Mr. Truett said there are
175 trucks and panel vans advertising businesses. The committee thinks they should be allowed, but they
176 should also be used for other business purposes and must be operable. The vehicles should have current
177 SC license plate, registration, insurance, and a permit. There have been vehicles with grass growing
178 under their tires, which needs to be stopped. Regarding the public safety aspect caused by covered
179 windows, the committee struggled with the difference between putting a sign on windows and having
180 window blinds or shutters. The end result is the same; you can't see in the business. The business
181 committee serves at the pleasure of Town Council. We've been frustrated, but we are here to help in any
182 way we can. The committee is ready to start over, if what was done is not sufficient. Mr. Stevens, the
183 committee's former liaison, was very instrumental in getting this process started. If he were at this
184 meeting, it would help. Mr. Pellegrino came on as liaison at the end of the process, and has received the
185 brunt of our frustration at times.

186
187 Mr. Krassin asked if anyone could explain where we are with the points that were submitted. Ms.
188 Morris said there was a write-up; a copy was sent to Mr. Truett and the town attorney. Mr. Battle
189 commented that several recommendations would not be justifiable or defensible in court. That was sent
190 to Mr. Truett. Mr. Truett said he never received the specific points from the attorney; only a notice that
191 the attorney was not comfortable. Ms. Morris said an email message was sent; she will check. Part of it
192 was the 90-day rule for grandfather that is not defensible in court. Generally, six month to five years is
193 required to be grandfathered. We are ready to present what we have to the planning commission, but it
194 has not been done, because Mr. Truett sent the email message saying not to present. I'll be glad to
195 meet with the committee to discuss this. Ms. Morris said most of the committee recommendations were
196 incorporated into the code, they just may be hard to find. Mr. Truett said that was the point. A
197 discussion ensued regarding changes and penalties.

198
199 Mr. Fitzmaurice said the county and the town have different codes, and that makes it difficult to
200 figure out what to do.

201
202 Mr. Ott said Town Council adopts the code. Staff must enforce it. If the code was written with
203 businesses in mind, we would be able to be a little nicer. Right now, we've got you every which way.
204 Like Mr. Truett said, a lot of it depends on how you interpret it. We're the ones that adopted this, and
205 we're the ones that have to fix it.

206
207 Mr. Courtney said he spoke with business owners and was very surprised to find that a business
208 was trying to hang a banner in his store window to advertise a special. Here's a business trying to draw
209 business during the shoulder season being told he can't use the temporary sign. It's ridiculous to not

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210 allow signs like this to advertise a special without getting a permit, and paying a fee. The ordinance
211 needs a lot of work. A small business owner will go out of town when he hears rules like this.

212
213 *Note: Mr. Stevens arrived at 7:03 p.m.*
214

215 Mr. Pellegrino asked what the status was now. Ms. Morris said the attorney gave her a simplified
216 version of *Reed v. Gilbert* that was sent to the business committee and the planning commission for
217 review. The commission hated it, because it is more complicated than the current code. Staff
218 incorporated the business committee recommendations and removed several layers; we have it ready.
219 We're just waiting on the business committee or the town attorney. Ms. Morris reiterated the town
220 attorney's concerns over some of the language, as he is the one that will have to defend the code. Mr.
221 Pellegrino asked how many pages are in the proposed code. Ms. Morris said several pages were deleted.
222 The proposed code has charts first, and then the printed verbiage for everything on the charts. Mr.
223 Pellegrino asked if special standards were referenced. Ms. Morris said exactly. Mr. Pellegrino asked if the
224 attorney had reviewed the proposed ordinance. Ms. Morris said yes, but he still has a problem with the
225 90-days. We need recommendations for that and a few other sections. Mr. Pellegrino said we need to
226 schedule a business committee meet to review the proposed ordinance. Mr. Truett said sure, the
227 committee would love to see the recommendations from the attorney.

228
229 Mr. Courtney said I think this has gotten out of hand, because even a residential no trespassing
230 sign is included in the number of signs allowed. Ms. Morris said that has to be addressed in the *Reed v.*
231 *Gilbert* Opinion. Mr. Courtney said my point is this could be a two year process. Ms. Morris said the
232 ordinance is ready, based on their work with the attorney. *Reed v. Gilbert* has been resolved; guidelines
233 were given to staff. According to Mr. Battle and every other attorney she spoke to, you will never get it
234 exactly right because they agreed that the Supreme Court agreed with it. They had several different
235 opinions about why they agree. Ms. Morris said, "I think we've gotten as close as we're going to get."
236 Ms. Morris 'no trespassing' signs were exempted. Mr. Courtney thought the focus should be on the
237 business community, before residential areas were addressed.

238
239 Ms. Samples said we can come up with reasoning behind everything, but clearly, we've gotten in
240 our own way. We have been incapable of simplifying this most complex issue; the sign ordinance. The
241 ordinance that exists and that we've had for years, obviously, the Supreme Court Decision changed all of
242 this. That's why we've been delayed in some instances in getting a written document. Again, we are
243 policy people, and we need to look at the big picture. Ms. Morris said she has something from the
244 attorney, so I'm going to make the assumption that she is ready to meet with the business committee
245 and then take it to the planning commission. Ms. Morris said she would be glad to do that. Ms. Samples
246 said when the planning commission gets the ordinance, we will assume that it will be comfortably
247 supported by the business committee. Then the planning commission will make its recommendation to
248 Town Council to approve it or not approve it. What's happening now? How are we enforcing our current
249 sign ordinance? Ms. Morris said as written. Ms. Samples asked if it was being enforced as relates to
250 political signs, and everything else. Ms. Morris said yes, we have to. Ms. Samples said I would like to set
251 a time frame for the planning commission to make its recommendation on the sign ordinance, so if the
252 planning commission is stalled, then Town Council will bypass the planning commission and take up the
253 ordinance at the council level. We need to get this resolved expeditiously. We are not waiting another
254 six months to get a sign ordinance that a lot of people have been waiting for.

255
256 A general discussion was held about various sign types, and what type signs would actually draw
257 customers.

258
259 Mr. Pellegrino said the business committee members were at this meeting, and asked if a
260 meeting date could be set. A business committee meeting was scheduled Thursday, January 19th at 5:00
261 p.m. in Council Chambers. Ms. Samples said the purpose of the meeting is for Ms. Morris to present to
262 the business committee the comments and recommendations from the town attorney. The committee

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263 will make its recommendation, and then it will be sent to the planning commission. Mr. Truett asked Ms.
264 Morris to send the information in advance for the members to review. The members knew that some of
265 the suggestions might not be acceptable legally, but the members felt they should ask since the goal was
266 to help the business community. Mr. Courtney said a PowerPoint presentation would be helpful, and he
267 would like to see it. He didn't want anything to be held back, because he didn't want this coming back
268 over and over again. Mr. Pellegrino asked Ms. Morris to send the information to everyone.

269
270 Ms. Samples reiterated that council should set a time certain for the planning commission to
271 make its recommendations. Ms. Fellner said that decision should be made at a regular meeting. Ms.
272 Morris said she would advertise a public hearing.

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274 Mr. Stevens apologize for arriving late, but he had a previous appointment that had to honored.

275
276 Ms. Betty Lowery said speaking individually as a member of the planning commission that the
277 commission loved what the business committee prepared. I keep hearing we didn't discuss it. We most
278 certainly did. Mr. Stevens was at our meeting. He answered some questions for us. We were impressed
279 with what the business committee sent us. It made good sense. There was a decision about businesses
280 being grandfathered, I thought oh, that's not going to fly with the businesses. Ms. Lowery continued
281 saying, I was told everybody was happy with that. I thought, hallelujah. You guys are doing some good
282 work and it's important, because you are the ones that will be impacted by it. The blocked windows at
283 the Dollar Stores are not considered a sign. It's just window coating as if it were a wall. I have an issue
284 with the racks they have by those covered windows, because anyone that breaks a window will get a lot
285 of stock in a heartbeat. Please do not feel that the planning commission is ignoring the business
286 committee, or doesn't like its work, or doesn't appreciate its work, because the business committee saved
287 the planning commission members a lot of time. Right now Ms. Samples would like to limit the time the
288 commission considers something. We are overwhelmed by a tree ordinance. If we can be given
289 permission to move the trees over for a minute, then we will be more than happy to address the signs. I
290 personally was so thrilled to receive the business committee's recommendations. I really liked what you
291 did. It was taken off the agenda and I wondered what happened. Then *Reed v. Gilbert* came up, which
292 only addresses some signs. We also have issues with the advertising trucks, and would like for you to be
293 able to present your business and for everyone to have a level playing field. You cannot have a box truck
294 in a parking lot that blocks sight of two or three other businesses. That's not right. We want that to end
295 as well. We appreciate any help you can give us. So, please feel comfortable with what you're doing,
296 and making recommendations. Come to the planning commission meetings and feel free to question us
297 about what we're doing. We'd love to see you.

298
299 Mr. Ott said I would like to hear from the businesses what they want to do that is not allowed.
300 The Piggly Wiggly grocery store across the street has one of the largest signs in town, but it is covered
301 by a tree. Obviously, they don't care about that great big sign. I am pretty open to signs, except for
302 clowns on the street with megaphones. I want to hear about whatever will bring people into your
303 business.

304
305 Ms. Samples asked for the record, "Ms. Fellner, are we limited to how many, how often the
306 planning commission can meet?" Ms. Fellner said no. Ms. Samples said since July every other planning
307 commission meeting has been cancelled. I think that has contributed to our delays by not having
308 planning commission meetings every month.

309
310 Mr. Stevens asked how much time was required for advertising. Ms. Morris said 15 days. Mr.
311 Stevens said then the commission could meet every 15 days, and asked why the commission could not
312 meet twice a month. Ms. Morris explained that 15 days advertising is required for a public hearing when
313 the commission is going to vote on a recommendation to Town Council about Chapter 17. The planning
314 commission chairman has to call and cancel meetings. Mr. Stevens asked how many members served on

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315 the planning commission. Ms. Morris said seven. Mr. Stevens said four members constitute a quorum;
316 the meetings should be held regularly.
317

318 Mr. Courtney said the advertising vehicles were legal, and the businesses use those to advertise
319 their products. A problem exists, and the message is not getting out through signage about the products
320 they sell. We need to fix the sign ordinance. Dollar General has racks behind those windows and they
321 don't want to be seen. That's okay. The vinyl signs Joker's Cycles had in its windows that were a
322 violation looked much better than the oil cans stacked in the windows now. We do have a problem with
323 the sign ordinance. We are trying to keep our businesses here. Changes are long overdue.
324

325 **ADJOURNMENT.**
326

327 Mayor Childs adjourned the workshop at 7:31 p.m. The business committee will meet Thursday,
328 January 19th at 5:00 p.m.
329

330 Prepared and submitted by,
331

332 _____
333 Debra E. Herrmann, CMC, Town Clerk

334 Approved: February 14, 2017
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336 _____
337 Robert F. Childs, Mayor
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339 _____
340 Ron Ott, Mayor Pro Tempore
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340 Timothy T. Courtney, Town Council
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343 Mark L. Johnson, Town Council
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343 David L. Pellegrino, Town Council
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346 Julie M. Samples, Town Council
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346 Randle M. Stevens, Town Council
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348 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded,
349 and not intended to be a complete transcript. Appointments to hear recordings may be made with the
350 town clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive.
351 In accordance with FOIA §30-4-80(A) and (E), meeting notice and the agenda were distributed to local
352 media and interested parties via the town's email subscription list. The agenda was posted on the entry
353 door at Town Council Chambers. Meeting notice was also posted on the town website at
354 www.surfsidebeach.org and the marquee.
355