



**SURFSIDE BEACH TOWN COUNCIL LANDSCAPE & TREE  
ORDINANCE WORKSHOP  
TOWN COUNCIL CHAMBERS  
115 US HIGHWAY 17 NORTH, SURFSIDE BEACH, SC  
APRIL 18, 2017 AT 5:00 P.M.**

**CALL TO ORDER.** Mayor Childs called the workshop to order at 5:00 p.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, Samples, and Stevens were in attendance. A quorum was present. Others present: Town Clerk Herrmann, and Planning, Building & Zoning Director Morris.

Mayor Childs said if there is no objection, I'd like recognize the planning board to bring us up to speed on this landscape and tree ordinance that we have before.

Ms. Betty Lowery, 4<sup>th</sup> Avenue North (Planning Commission Member): Honestly, I hate that we have to even write anything like the tree ordinance. As amazing and conscientious as the speakers in our meetings have been, we can't assume that all residents are going to be as conscientious and committed to the welfare of our community. I'm just not that naive. I remember what my daddy told me about assuming things and what it did to me. Everybody doesn't like everybody their trees. Everybody doesn't want their trees, and for that reason, I simply can't see just tossing it and say do what you want to do with whatever you've got in your yard. Even just limiting it to landmark trees, which I just can't see (\*\*). You asked us to rewrite and simplify the ordinance and we did. You asked that we ease landscaping requirements, and we did. Landscaping is now grass, weeds, groundcover, bushes, rocks, and mulch. You asked that we make it easier and cheaper for homeowners to take care of the trees and we did. They can cut more for less. Generally without permits. Permits are cheaper or free, and they allow residents to be sure that they're cutting what they think they're cutting. For example, one gentleman, I think he thought he was cutting a Magnolia and he was cutting an oak. As long as somebody gets chance eyeball it and say you didn't have to worry about this. This wasn't anything special. You ask us to expand the definition of dangerous trees to include those dead, dying, diseased, and potentially disruptive to foundations, structures, patios, people, and we did. Tree protection is somewhat of a misnomer in that it's both protection for trees, but it's also protection from trees. We put that in, because you asked us to. You asked us to differentiate restrictions for residents, development, redevelopment, and commercial, and we did. [We] even considered lots that are currently vacant. Once somebody begins to clear or clean a vacant lot, it should fall under the tree ordinance. It should, even if there's no construction planned. I have an empty lot beside my house, and I want to clean it up, you want to be absolutely sure that I'm not taking everything out. You asked us to find relief for those who don't have room for the full tree count, and we did. You asked us to look at penalties. Law requires that they be the same for all groups. We tried doing it the other way. The lawyer told us we couldn't do it, so we didn't. Actually, I don't know why penalty should even be a problem. The only people who should be concerned about penalties are the ones who plan on incurring them. An example would be speeding, if you knew that it was going to cost you \$10, if you got caught for speeding. Please tell me how many of you would be doing speed limit, It's just not going to happen. There was question about replacement trees. Common trees can be replaced with common trees. The tree list contains almost totally, in fact I think totally, hardwoods. A grown hardwood tree will absorb 100 to 150 gallons of water a day. You heard me say this before, we were probably the only municipality along the coast that was above water during the flooding. Now, duh. Wonder why that is? I went by an area just the other day and it was just all marshy and wet. They're cleaning out trees. Where's that water going to go? It's not just gonna disappear because they decided they didn't want a tree in there. Someone was concerned about the landmark trees. If the landmark tree was in the footprint of a house, or the landmark tree had to be cut for any reason, we made it easy. We made it free for them to go to BZA (Board of Zoning Appeals) for an appeal, and it's not actually an appeal, it's a variance. We made sure that that was taking care of. We got it approved with BZA that they would take care of that and do it as expeditiously as possible, because we know that sometimes time cost money. Another thing was the size; we went from 4 inches to 7 inches or less, if you measure the

54 branch 2 inches from the tree. Now that's a big limb or a pretty good size tree. When you have an  
55 individual whittling on something like that or something bigger somebody is going to get hurt. I don't  
56 know what else you want us to do. I really don't. If you wanted a directed verdict, and then maybe that's  
57 what we should've gotten to begin with. I know that there are probably some of you that would like to  
58 know the planning commission doesn't even exist, but sorry, it's a state law. We're well aware that we  
59 can send you anything we want, and it won't make a bit of difference. You can take whatever we send  
60 you no matter how hard we work on it, no matter how much research has been done, no matter how  
61 many people we've listen to and tried to accommodate. It really doesn't matter, because once it hits  
62 council, you can do whatever you want with that. That's your right. I just think it would be sad. If that's  
63 what you wanted to do to begin with, then you should have let us know. We could have just said, okay,  
64 here it is and stayed home. That would've been a lot simpler. What you have gotten front of you, I think  
65 is probably the very best tree ordinance you can get. Some people say oh, it's confusing. Let's simplify  
66 the language. You can't always do that, and have something that is legal. This is an ordinance, not a  
67 corner conversation. It's just really frustrating. You had a workshop; we had a workshop, now we're  
68 having another workshop. We've been working on the tree ordinance for the entire time that I have been  
69 on the planning commission. They had been working on it before I got there. So as I said before that's  
70 over a decade. I don't think it's gonna get any better. I really don't. I don't know what else we can do  
71 and I am simply; I don't think it makes good sense to simply turn it loose, and say if it's a landmark tree,  
72 keep it. If it's not landmark tree, we don't care what you do with it. It just doesn't make any sense.  
73

74 Ms. Sandra Elliott, 5<sup>th</sup> Avenue North: I'm on the planning commission and chair of the stormwater  
75 committee. Mostly everything I was gonna say, Ms. Lowery has already covered. But I'm going to have  
76 say it anyway, because I don't know how to break my speech down, alright. Most people think that if a  
77 community or town has rules to follow, it's an HOA [homeowners association]. We are far from being a  
78 HOA. Fortunately, we live in a society that has multiple rules, stop signs, driving on the right, speed  
79 limits, swimming, etc. We do live along the coast. Whatever I do to my property can affect my neighbor's  
80 property. We are all downstream from someone. The Clean Water Act was passed by the federal  
81 government many years ago. Our trees helped us be part of the NPDES (National Pollutant Discharge  
82 Elimination System). Their canopies slow the rate of water from hitting the ground surface. This gives the  
83 soil time to absorb the water. They also consume multiple gallons of water. They not only shade us, but  
84 make oxygen. Roots from the hardwood trees stabilize our soil, as well as our landscaping. During the  
85 hurricane, they took the force of the wind and our roofs remained safe. Yes, trees came down. Laurel  
86 Oaks, not Live Oaks. Laurel Oaks live around 50 years and usually develop heart rot, something that can't  
87 be seen. You need to go to the stormwater site and view the PowerPoint presentation on hardwood  
88 trees. This presentation was our example for which trees we selected [for] the ordinance. No one likes  
89 cleaning up after their trees, but it's better than the alternative of becoming a marsh flooded land.  
90 Cutting a tree could be a fifty-year mistake. Without our tree ordinance properties in the flood zone may  
91 have their 25-percent reduction in policy jeopardize. The federal government is slowly reducing subsidies.  
92 They may be forced to sell. We at the planning commission had to simplify the ordinance, but yet keep it  
93 defendable in court. We took the 4 inch trimming to 7 inches, or 22 inch circumference, without a permit.  
94 This also includes cutting down a tree. Over 7 inches requires a permit. [For] this size [tree or branch],  
95 the homeowner may need a licensed tree contractor. Licensed in Surfside Beach, bonded and insured for  
96 your protection. We can't allow the tree business contractors not to be licensed in our town. This would  
97 be a special selective enforcement by council. This would also cause chaos among other contractors,  
98 roofers, HVAC electricians, etc. Our business license department collects locally \$700,000 year. This  
99 equals 10 mils. Without this source of income, council would need to raise our taxes 25-percent to  
100 balance your budget. At each meeting our chairperson makes time for the residents' comments and made  
101 sure we addressed your concerns, also. As you can see, most of the people who make comments are  
102 here again in the audience. Thank you.  
103

104 Ms. Mary Ellen Abrams, 13th Avenue North: I am chairman of the planning commission. Thank  
105 you for the opportunity to speak. I'm going to leave my personal opinions home, and I am speaking as  
106 the chairperson of the planning commission. My understanding of this situation is that the residents of  
107 this town elect council and many of them have complained to council about being overregulated,

108 particularly in regard to trees. The planning commission, which is appointed by you councilmembers,  
109 worked long and hard on this ordinance, and the planning commission is presenting you with what they  
110 feel is their best effort. I'm not going to lecture you on how to run your town. You appointed us; your  
111 voters are telling you what they want. It's up to you to decide if you find our best effort acceptable or  
112 not. That's all I have.

113  
114 Mr. Al Lauer, Harbor Lights Drive: I'm on the planning commission, and I just want to make sure  
115 that you understand that this a combination of three groups; well, one individual, and two groups that  
116 put this together. We have to give Ms. Morris a lot of credit, because as your planning director, she's the  
117 one who researched tree ordinances in various municipalities. She gave us many suggestions. Showed us  
118 what the other places were doing. We looked at what she put down on paper for us. Then we listened to  
119 the public. We listened to a lot of complaints, and we certainly noted them and tried to make  
120 adjustments when we felt they were legitimate. The third group, of course, is the committee. I think you  
121 have a pretty robust committee here. People who understand what Surfside is all about and have done  
122 their best to make a tree ordinance that will suit us all. Thank you.

123  
124 Mr. Ken Podraza, 10<sup>th</sup> Avenue North: I just want to thank everyone for all their effort. This is not  
125 an easy process. Y'all did a good job trying to improve it. But, there's always additional things that we  
126 may want to do. That's why we're doing this workshop. One thing that I don't know is the process for  
127 this workshop. It's always nice if there some good dialogue back and forth, including your dialogue with  
128 us, and I'm not gonna talk about the ordinance itself right now. I'm gonna ask what is the process for  
129 today's meeting? Are we gonna have multiple times to actually have discussion back and forth, so that  
130 maybe it can be usually clear up some disagreements or concerns that might be incurred with this tree  
131 ordinance.

132  
133 Mayor Childs said we are going to try to make it as liberal as possible, where we can have some  
134 dialogue back and forth. Workshops are very informal. This is trying to get our ideas to you and vice  
135 versa. If something comes up, please raise your hand so you can be recognized.

136  
137 Mr. Mike Holt, Yaupon Drive North: Due to time constraints, I'd like to focus on just a few points  
138 of the tree ordinance. The minimum number of trees required per lot, replacement trees, and the  
139 mitigation fees. Under the proposed ordinance Section 17-720, any tree less than 7 inches in diameter,  
140 that's less than 22 inches in circumference, is no longer a tree and doesn't count toward meeting the  
141 minimum number of trees per lot. I believe this will definitely place an additional hardship on  
142 homeowners, whether they live in R1 or R3. In addition, if a replacement tree is required for the removal  
143 of a permitted tree, replacement tree must be a minimum of 22 inches in circumference measured at  
144 breast height, and can only be one of the trees from the approved list. Strangely enough, the state tree,  
145 the Palmetto tree, was removed from the approved list, and cannot be counted as an approved tree.  
146 Now, does anyone have any idea how costly a 22 inch circumference tree would be, not to mention the  
147 size of the root ball, which could require the assistance of a front end loader, possibly removing fences,  
148 destroying the homeowners landscaping, his lawn, other trees, and then, more than likely, the tree's  
149 gonna die anyway, because of stress or damage during the planting. That's not all. Once the required  
150 number of trees have been met for the lot, then it must be determined if all the trees meet the minimum  
151 total circumference for the particular zoning district. If the number of trees or the total circumference  
152 inches do not meet these requirements, the homeowner can choose to pay a mitigation fee in order to  
153 meet these requirements. By now, the homeowner has incurred cost to remove a diseased, protected  
154 tree, cost to replace the tree, and possibly mitigation fees. If a homeowner cannot reach the number of  
155 required replacement trees, because of lot size or whatever, he can pay into the mitigation fund. The fee  
156 is to be determined by the town's applicable cost schedule. Well, I was curious about the town's  
157 applicable cost schedule as mentioned in Section 17-726, so I made a trip to PBZ on March 16<sup>th</sup> to get a  
158 copy. And again, the first week of April. I was finally told that PBZ did not have that document, but it  
159 could be found at the public works department. So, I took a trip to the public works department and it  
160 was revealed that no one there knew about this document. A message was left and Mr. Adair called me  
161 and informed me that there was no such document and he would contact PBZ and ask them to remove

162 the reference from the tree ordinance. (\*\*) the reference remains in the proposed tree ordinance. That is  
163 another example of so many ordinances and regulations that even the town employees can't keep up  
164 with them. Just a little FYI, talking about root balls and trees and replacement, some arborist recommend  
165 a 12:1 ratio when figuring root ball size. For example, if you have a 7 inch diameter tree, you'd have a  
166 root ball of approximately 54 inches in diameter. That's a 162 inches circumference. Then when you plant  
167 it, they recommend a hole three times that size. So, we're talking about replacing these trees with huge  
168 trees. Another side note that I've observed at many of these meetings, while we are all aware of the  
169 importance of trees. They provide shade in the summer heat. They absorb carbon dioxide and release  
170 oxygen. Their root systems prevent land erosion and absorb rain water. Several members of the planning  
171 committee like to credit our trees with absorbing so much of the rain water during our recent small  
172 hurricane. Granted, they did absorb water. But, folks, it's the sandy soil we live on that absorbs the  
173 water, not just the tree roots. Any gardener in Surfside knows our soil is so sandy, if you don't amend it,  
174 it won't even hold water. You've got to buy stuff to make it hold water. So, I'm very disappointed with  
175 the recommendations that the planning commission has proposed. They do not meet the expectations of  
176 the homeowner nor Town Council. I trust that Town Council would not approve the proposed ordinance  
177 as it is written. Thank you.

178  
179 Ms. Sandra Elliott: [I'd like to respond] to Mr. Holt's comments. I don't know if they were at the  
180 last meeting where we were going to be sending; we were going to be working on it one more time as a  
181 workshop, and then we took back that motion, and we decided, we amended it to no 7 inch tree, 22 inch  
182 around with a big ball. It is three trees 2 inches apart; a 2 inch diameter, which is six. I forget his other  
183 comment. (*Unknown speaker: Palmetto tree.*) The Palmetto tree; that can be used to replace a common  
184 tree, but it's not a hardwood tree where the root system is spreading out. They're more or less have a  
185 thumbprint of a root system. Yes, that was unreasonable for a 7 inch, 22 round circumference, and that's  
186 dead and it's not even in that ordinance.

187  
188 Ms. Janet Gambino, South Hollywood Drive: Those were some corrections, so I hope you have  
189 the correct one. I'm a member of the planning and zoning committee, and we have worked hard, and of  
190 course, nothing is perfect, but there is a necessary need for a landscape and tree ordinance. And, you  
191 know, grant it, you guys may be probably tweaking it, but certainly we do need landscape and tree  
192 ordinance. Some of the information was incorrect, so I do hope that y'all have the latest with the  
193 corrected information. Good. So with that said, other than that just use your common sense and take a  
194 look at this, and if you have common sense, some people don't. But anyway, do you use your common  
195 sense with this. I think that will tell you a lot. Thank you.

196  
197 Ms. Carol Holt, Yaupon Drive North: Before I start, I wanted to actually address some other  
198 things on comments that have already been made. First of all, Ms. Lowery assumed homeowners wanted  
199 to cut trees. But I assume the majority of the homeowners don't want to cut trees. So, this actually  
200 depends on each individual's opinion, not actual figures. So I don't think you can really go by that. As far  
201 as the last comment, these comments should tell Town Council how much confusion is still in this  
202 document the way it's written. I have a copy. I'm assuming it's the right copy that was on the website.  
203 There were several copies out. Town Council received a copy originally that wasn't the one that was  
204 supposed to be the final one. Then they received another one. Now I think the one that I'm looking at is  
205 the final one that's listed. I have copies of all those if you'd like to see them. But the one I'm looking at is  
206 table 17-720.1 and Mr. Holt was referring to the note on that ordinance, and it says, 'No tree less than 7  
207 inches in diameter shall be counted in order to satisfy the minimum number of trees per lot.' Ms. Morris:  
208 That has been corrected. Ms. Holt: But I looked this afternoon on the website. Ms. Morris: It's on the  
209 dais. Ms. Holt: But see, how can the town residents know what we're looking at, if we can't see final  
210 document that's being presented to Town Council. Did you receive a new, a final copy of what Ms. Morris  
211 is talking about? Ms. Samples: No, I did not. Ms. Holt: She knows that I brought this up, and now she's  
212 saying... (\*\*several speaking at once.) Ms. Samples: Is that the one that was sitting here when we got  
213 here? I'm sorry, it was here as soon as we got here. Ms. Holt: But it wasn't online for town residents to  
214 review. This is like go ahead and do it and ask for forgiveness later, you know, a lot of people do that.  
215 (\*\*several speaking at once.) Ms. Holt: Do it, ask for forgiveness later. So really, basically, this still just

216 supports the confusion around this ordinance. So, anyway, let's get this other thing. I want to thank  
217 Town Council for allowing us to speak at this workshop. The complexity of the ordinance was a major  
218 reason the planning commission had so much difficulty and spent so many hours trying to rewrite. Their  
219 meeting minutes and audio indicate that several members did not believe they had met Town Council's  
220 requests to simplify and relieve overregulation. But they still voted 6:1 to forward their recommendations.  
221 The proposed ordinance remains a very complex and overregulated document. A few changes have been  
222 recommended, but basically the majority of the requirements remain the same. In several instances new  
223 requirements were actually added, thereby creating additional burdens, cost, and regulations. Portions of  
224 the document were reformatted from paragraphs to table and column formats, which did reduce the  
225 number of pages, but it didn't reduce the actual content of the document. Permit fees have been  
226 eliminated for the homeowner, but as you know, there was never a permit fee for a dead or diseased  
227 tree, which was the reason the majority of the homeowners wanted to remove a tree or limb that was a  
228 safety hazard. Permits are still required for any tree limb over 7 inches in diameter, 22 inches in  
229 circumference. No trees were eliminated from the list of protected, specimen, and landmark trees, and I  
230 think they were asked to review that to see if they could reduce, I mean, every tree in the world is listed,  
231 probably. The list of approved trees was changed. The Palmetto tree was removed. I understand Ms.  
232 Lowery's comment; that's her opinion. We have other opinions. None of the penalties were changed or  
233 reduced, and permission must now be obtained from the zoning board of appeals for removal of a  
234 landmark tree. There are still other examples of continued overregulation, contradictions, and errors in  
235 the proposed ordinance, and several have been pointed out by others here tonight. I believe the  
236 document has not been simplified, and is still very confusing. For example, this is just one example, the  
237 very first paragraph, I have a copy here of what was online, now, you may have changed it, and I don't  
238 know that. The very first paragraph says, 'a zoning permit indicating approval by town staff is required  
239 before tree pruning or removal is undertaken in the town.' But, we are being told that permits are not  
240 required in certain circumstances. Another example of confusion, contradictions, [and] errors in this  
241 document. I'm hoping that Town Council will look at this. Even if you do support some of the things, we  
242 do need to make corrections, and [change] all the contradictions and confusion in this document. Before  
243 closing, I want to comment one other item. Some residents believe the town cannot maintain its Tree  
244 City recognition if the tree ordinance is changed to eliminate stringent requirements for homeowners.  
245 However, this is not the case according to the Tree City USA standards. I am interested in assisting my  
246 family, who is applying for a Tree City recognition for my hometown, where I own tree farm. So, I  
247 contacted the Arbor Day Foundation, and discovered there only four required standards to become a  
248 Tree City. This is just a quick summary; I have copies of it, if you'd like to see it. Standard number one, a  
249 tree board or department must be formed to be responsible for the care of all trees on city or town  
250 owned property. So, I assume that the PBZ is the designated department for this standard. Standard  
251 number two, a basic public tree care will provide clear guidance for planting, maintaining and removing  
252 trees from streets, parks and other public spaces, as well as activities that are required or prohibited. It  
253 goes on to say that beyond that the ordinance should be flexible enough to fit the needs and  
254 circumstances on particular community. I was surprised that this standard requirement was for public  
255 tree care with the stipulation that the ordinance should be flexible enough to fit the needs of the  
256 community. Surfside's current ordinance dedicates one section, Section 17-723, with one paragraph to  
257 public tree care, and the remaining 17 sections are dedicated to requirements for homeowners,  
258 contractors, etc. So it appears that our tree ordinance does not follow this standard, and was not  
259 referenced when rewriting the ordinance. Standard number three, a community forestry program with  
260 annual budget of at least two dollars per capita. Is this expense included town's budget? If so, where?  
261 Where is the line item? Standard four, an Arbor Day observation and proclamation, which is self  
262 explanatory. So, it's my understanding the town's tree ordinance was changed to eliminate some of the  
263 stringent requirements for the homeowners and a simple section added for private tree care. Surfside  
264 would not lose its Tree City USA recognition and the Tree City USA Bulletin #9 is the guideline with tips  
265 and suggestions for writing a tree ordinance. I'd be happy to get a copy and provide to the planning  
266 commission, PBZ, and Town Council, if you'd like. We still believe Town Council wants to work with  
267 residents to find solutions to the overregulation and confusion and respectfully request that you please  
268 delay approving this until additional changes are made. Thank you.  
269

270 Mr. John O'Brien. Ocean Boulevard: I'm 100-percent totally against this tree ordinance. I'm in  
271 commercial construction and development. I've read it; it's too complicated. I'm specifically concerned  
272 about the building official having the sole authority to give penalties. I mean, \$10,000 fine for removal of  
273 a landmark tree at the sole discretion of one person, subjectively. Unless he's wearing a black overcoat  
274 with a German Shepard, I just think it's absurd. I can't see how you could ever pass this thing. Thank  
275 you.  
276

277 Ms. Carrie Johnson, Harbor Lights Drive: Well, I wasn't going to speak until just last gentleman  
278 spoke. But we've already had and history has shown that when we have a tree ordinance with no teeth in  
279 it, the developers come in here and they clear-cut the lots. So we've got to have teeth in the ordinance,  
280 and also unfortunately, it's not just at this meeting, but a lot of meetings people get up and complain and  
281 they just don't have their facts straight. Thank you.  
282

283 Ms. Lowery: Just to clarify a couple of things, I don't assume anybody wants to do anything. It's  
284 just not safe. But also with the \$10,000 for the landmark tree, that's only if you cut it without a permit. If  
285 the landmark tree is really creating problem, we offer free to go to BZA. It won't cost you a dime. If BZA  
286 approved, it's good. We try to work with them. If the design can be moved so that the tree can be saved,  
287 great. If it can't, then you get permission to take [the tree down.] So it's not just, you know, it's gonna  
288 be \$10,000 if landmark tree is cut. It is \$10,000 if it's cut without a permit. Most of the penalties say  
289 that. It's not just cutting it, it is cutting it without a permit. That's not one person, that's what was  
290 requested. It had to have some teeth in it. Like I said, I don't want to assume anything. It's just not safe.  
291 I don't assume that most people want to cut trees. Just knowing human nature, there will be some who  
292 will find a way around anything, if they really want to do it. I think most people probably would like to  
293 keep all their trees, but they're going to be some that we are going to have to protect ourselves against,  
294 because they will just clear at all. Hopefully, that helps some. I don't know.  
295

296 Ms. Carol Holt: I guess since you are allowing several, the same people to come up, I did have  
297 another comment. First of all, previously it was said that you can't simplify ordinance and make it legal.  
298 But I do disagree with that. An example would be the sign ordinance. Didn't we simplify it to meet  
299 everyone's requirements, or needs, wishes and it was simplified. Of course, we were told it was  
300 simplified, and I assume that it was. Then some of the other responses, I'm trying to see how to say this,  
301 I really believe, my personal opinion, that 98, 95-percent of the town residents do not want to cut their  
302 trees, unless they are diseased, are dead, or they're causing problems with their foundation or their  
303 house. If that was the case, you would not have the number of trees that you have in this town today,  
304 because before the ordinance all the trees would have been cut, because everybody wants to cut their  
305 trees apparently. So you have to look at that way. I don't believe that the majority the town people want  
306 to cut their trees, just go in and arbitrarily cut them. The only reason they would want to, I believe, is  
307 because of just what we stated, they're diseased, they're causing problems for the foundation, et cetera,  
308 et cetera. I don't know what else to say about that. I just want to say that I do support some of the  
309 things that are in this ordinance, but I still say it's very confusing. If a new resident came into town and  
310 they picked up this ordinance, they're still going to be confused about what to do, because the first  
311 sentence says you've gotta have a permit, so they're gonna say oh, I've gotta have a permit for  
312 everything. Thanks.  
313

314 Mr. John O'Brien: I found this on line. If you read it, it also says removing a limb in excess of 4  
315 inches diameter, I mean you can't trim the tree on your property with a 4.5 inch limb? Ms. Morris said  
316 that was corrected to 7 inches. Mr. O'Brien: That's what's on the website right now. Ms. Herrmann said  
317 please understand that the ordinance as presented on the website was the one that I received for the  
318 March 28<sup>th</sup> Town Council meeting. Obviously, Ms. Morris has made corrections to that. So what you're  
319 looking at, Mr. O'Brien, is not the document that is going to be presented to council this evening. So if  
320 you'll give time for the presentation to be made, it will probably answer those kinds of questions. Mr.  
321 O'Brien: I mean, still giving sole authority to the building official to go around and discretionally, I mean,  
322 the more laws, the more corruption. It's is going to be a problem. What you're gonna have is why did I  
323 get fined and this person didn't get fined? I got this tree. As a builder, I pull permits. What I can tell you

324 is everybody's doing work on Saturdays, why? Because it's too strict. They're are all doing work on  
325 Saturdays, because when you pull a will permit you get harassed. I cannot have a building official run  
326 around discretionally picking whose gonna get a fine for a tree. I mean it's absurd.

327  
328 Mr. Mike Holt: Since everybody else is; what we're talking about now, I believe, is two separate  
329 issues. You've got contractors, you've got homeowners. Just like Ms. Holt said, I think maybe 95- to 96-  
330 percent of the homeowners, they're not gonna cut down their trees, whereas a contractor, he's gonna  
331 get as much usable space as he can so he can put another house on it. So you've gotta have two  
332 separate things. Don't say, well, everybody pays \$10,000. That's not (\*\*). If you want to do something  
333 to solve the problem, get after the contractors. Give 'em rules that they've got to follow. If they don't  
334 follow 'em, fine the daylight out of them. But if I bought a house and it's got trees on it, chances or I  
335 like it or I wouldn't have bought that house. If I want to trim a tree, I should not be subject to the same  
336 hard rules that a contractor is that's building new construction. I mean it's two separate things we're  
337 looking at. We're trying to fix it all up in one. What about if we don't approve anything until we get a final  
338 thing from PBZ, Ms. Morris. This is how it's going to be, and then post it, and then let's let's vote on it  
339 instead of lets pass this thing, even though the public don't know what's in it [sic,] because Ms. Morris  
340 has already made some changes like we were just talking about. We should see how it's gonna be and  
341 then everybody will have a chance of being happier that way. Thanks.

342  
343 Mr. Stevens moved to allow Ms. Morris go through the presentation, and said I'm getting  
344 confused with everybody saying this and that the other. I would like to see the presentation, so I know  
345 exactly what we're talking about, because right now everybody is confusing the issue. I want to see what  
346 the presentation says and what the planning and zoning commission has proposed. **MOTION FAILED –**  
347 **NO SECOND.**

348  
349 Mayor Childs said this is a workshop. We're trying to let everybody speak. We're not gonna cut  
350 out Ms. Morris. If we're here till midnight, it's okay. I think Mr. Ott wants to speak now, and then Ms.  
351 Morris, and we have other people who want to speak.

352  
353 Mr. Ott said I just have a question for the director, there's three species that can be landmark,  
354 and they have to be of a certain size. How many landmark trees are there in the Town of Surfside Beach,  
355 do you know? Ms. Morris said we have not done an inventory, but the best guess would be less than  
356 three dozen. Mr. Ott said less than 36. Maybe we should pinpoint those so the owners know. Ms. Morris  
357 said we are in the process of pinpointing those. Mr. Ott said alright, so I understand that. There's 25  
358 species that can be classified as specimen and that's it. No other trees. Thank you very much.

359  
360 Mr. Johnson asked if the presentation could be given. Mayor Childs said sure, if that's what  
361 everybody wants done.

362  
363 Mr. Stevens asked Ms. Morris to go over each section in detail.

364  
365 Ms. Samples asked for some clarification before we start the presentation. What was on the dais  
366 when we got here are changes that have been made that we're not aware. Correct? Ms. Morris said right.  
367 Ms. Samples said so what I've come prepared for tonight is kind of 'OE', overcome by events, because I  
368 still do not have an updated [ordinance.] What I've got is what I was given that was dated March 7,  
369 2017, so obviously there been changes made. So the public is not aware of those changes. I'm not aware  
370 those changes. I'm glad we're going to have the presentation and hear what those changes are. But,  
371 what that is going to do, we only recognize, is create more delay. Thank you.

372  
373 Ms. Morris said we are going to start from the beginning. On every page you'll see the section  
374 and the page number so it will be easy to find.

375  
376 Ms. Samples asked find as it relates to what. Ms. Morris said the new ordinance sitting on [the  
377 dais.] It has green bold. Mr. Stevens held up a copy and said, one of these? Ms. Morris said yes that's it,

378 and there's plenty up here. (\*\*, unknown speaker: There's not enough copies to go around.) Ms. Morris  
379 said the numbers are different; there are very slight changes. I just want everybody on the same page.  
380 (\*\*) The only thing changed are those numbers. Everything stayed the same.

381  
382 Mr. Morris presented the PowerPoint presentation and corrected ordinance, copies of which are  
383 attached to these minutes. Each page sets out the current and proposed ordinances changes and the  
384 sections to which the changes refer.

385  
386 Mr. Stevens said on the property plat you showed for R1 the lot is 8,576 square feet, but you've  
387 got that the minimum lot is 9,000 square feet. Ms. Morris said that was exactly right; this particular lot is  
388 an existing non-conforming lot in the R1 district that is grandfathered.

389  
390 Ms. Morris said that R3 properties must be 3,600 square feet to be buildable. Owners and  
391 developers want to have as large a building as possible on these lots. Setbacks are 5 feet on each side,  
392 one parking space per bedroom is required, and many owners want to install a pool. The minimum  
393 landscaping is proposed at 20 percent of the total lot square footage, instead of 40 percent. Pervious  
394 pavers can be placed around the entire rear yard, which is what everyone wants around the pool.  
395 Greenery on the sides and front will meet the landscaping requirements. Pervious pavers are not  
396 landscaping, so they cannot be used along the side or front yards.

397  
398 Mr. Stevens asked if contractors could use pavers for the driveway and eliminate part of the  
399 impervious area. Ms. Morris said that was right.

400  
401 Ms. Samples said first off, we're talking about the landscaping and tree ordinance. So the reason  
402 why we dictate to a homeowner, I'm talking about a homeowner, not a contractor, not a development or  
403 redevelopment or major addition, but a homeowner, why are we dictating to homeowner how they  
404 should landscape? Ms. Morris said well, we don't tell them how to landscape. Ms. Samples said, well, how  
405 much they should landscape, and do we do that because of drainage concerns. Ms. Morris said that's  
406 exactly why we do it. Ms. Samples said okay, so it's all about stormwater, and so these are for existing  
407 homeowners who did not have to have a stormwater plan. Ms. Morris said the majority did only in R1.  
408 Ms. Samples said so they did have to have a stormwater plan. Within that stormwater plan we're telling  
409 them how much landscaping they need to have. Ms. Morris said how much green space. Ms. Samples  
410 said and that is strictly really for stormwater purposes, no other reasoning for how much they have to  
411 have, except for the flow of water, correct? Ms. Morris said that correct. Ms. Samples said okay, I just  
412 want to make sure we're on the same page. Ms. Morris said this hasn't changed at all. Waccamaw  
413 Regional developed this, and the planning commission didn't see any need to change it except for the 20  
414 percent. Ms. Samples said so when you come to my house for whatever reason or say you do a drive-by,  
415 and you say she's R1, she doesn't have the percentage she needs of green space. What do you do? Ms.  
416 Morris said well, we're not going to come to your house unless you're doing something. If you're putting  
417 in pavers, we're going to stop you and tell you, okay, you're going to have to come in and fill out your  
418 form to make sure that you still meet the landscaping requirements. Ms. Samples said what if she were  
419 putting on a new roof. Ms. Morris said we don't look at landscaping when it's a roof. Ms. Samples said  
420 you don't look at it. You just, it is what it is. Ms. Morris said the only reason we would stop you for your  
421 landscaping what you have and what you don't have is when you start putting in brick pavers, or pour  
422 concrete. Ms. Samples said sure, and then at that point in time you implement what's in the tree  
423 ordinance. Ms. Morris said that's exactly right.

424  
425 Mr. Stevens said assuming you're building a house, I've got to give you my survey with a  
426 stormwater plan along with that, right. Ms. Morris said that's right. Mr. Stevens asked if that was a state  
427 law. Ms. Morris said that is part of the NPDES (National Pollutant Discharge System). Mr. Stevens said so  
428 that is required by state and federal laws. Ms. Morris said yes. Mr. Stevens said okay, so we're not doing  
429 anything wrong, you're just adhering to a higher authority. Ms. Morris said you are exactly right.

430  
431 Ms. Samples said so are they the ones that are dictating the percentages. Ms. Morris said no,



432 they are just telling us we have to have a certain amount of or the discharge has to be whatever. Ms.  
433 Samples said so we are dictating the percentage, though.

434  
435 Mr. Ott said they dictate pervious and non-pervious area. They don't dictate how many rose  
436 bushes I have to have. Ms. Morris said that is exactly right. We don't want to do that.

437  
438 Mr. Courtney said you're talking about green space and putting down lawns versus someone  
439 putting down gravel or rocks. Drainage is drainage. Sand is sand. So I'm a little bit lost here why we're  
440 dictating how much green space you have to have compared to if they want to use gravel. Ms. Morris  
441 said well, council can certainly change any of it. Ms. Samples said you're right, you're exactly right. Ms.  
442 Morris said we've never had a problem with any developer having to do this, that's why we didn't  
443 recommend changes.

444  
445 Ms. Samples said as Mr. Holt brought up, let's make sure that we discuss the distinction between  
446 whether were talking about new development, redevelopment, or an existing homeowner, because even  
447 though the penalties have to be the same, the requirements do not.

448  
449 Ms. Morris continued with Section 720 saying this was updated because the ordinance was wrong  
450 on line, and major additions was defined in the code. Table 17-721.1 was also updated to correctly state  
451 tree requirements for Sandy Lane and the C3 district.

452  
453 Mr. Pellegrino said in the R3 district there must be three trees per lot with 30 inches diameter;  
454 that would be an average of three 10 inch trees. Ms. Morris said yes. Mr. Pellegrino said there are many  
455 properties that do not meet that standard. Would they be grandfathered? Ms. Morris said they are all  
456 grandfathered until they start cutting trees. If the property doesn't have the required number and  
457 diameter of trees, once a tree is cut, then it would have to meet the requirement, which could be several  
458 small trees, or of course, they could pay into the mitigation fund. The ordinance also stipulates that the  
459 planning and building department may allow a 20-percent variance from the required trees, so staff could  
460 make that decision if the owner has a legitimate complaint. Large Palmetto trees are generally planted in  
461 the R3 district so the property will meet the diameter requirement.

462  
463 Ms. Morris continued with the presentation. The proposed code allows cutting up to a 7 inch tree  
464 or limb without obtaining a permit in Section 722, page 7-7. A chart was created in Section 722, as  
465 shown on page 7-8 to easily identify when a tree permit is or is not required.

466  
467 Ms. Samples asked who came up with 7 inches as the right size. Ms. Morris said the planning  
468 commission. Ms. Samples asked if that was just arbitrary number or was it based on something. Ms.  
469 Morris said the commission considered several options. One of members brought lids measuring various  
470 diameters, and based on those dimensions, the commission decided 7 inches based on the visual. Ms.  
471 Samples said so it was based on what they perceived to be a good size. Ms. Morris said yes.

472  
473 Ms. Morris continued explaining the existing and proposed guidelines for pruning or removal of  
474 common trees, Section 723, page 7-8 proposes a graph for the updated code.

475  
476 Mr. Pellegrino said if a builder doesn't agree that a tree should be saved, he will have to wait  
477 until the BZA meets to move forward, which is basically a three week process. Ms. Morris said yes, state  
478 law requires a 15 day advertisement. This particular section is for common trees; BZA would only be  
479 involved if it was a landmark trees.

480  
481 Mr. Stevens asked if there was any cost for going to BZA. Ms. Morris said not for a landmark tree  
482 variance request.

483  
484 Ms. Samples asked if this replaced the requirement for having to get an arborist to come out. Ms.  
485 Morris said (\*\*\*) for common trees. Ms. Samples said when we get to it later, are we going to discuss it.

486 Ms. Morris said yes.

487

488 Ms. Morris presented the guidelines for protected and specimen trees, pages 7-10 and 7-11,  
489 Section 724.

490

491 Mr. Stevens asked if Clemson University Extension could be called to have a registered forester  
492 check a tree. Ms. Morris said yes, but Clemson is short-handed and it may take several weeks before they  
493 could inspect the tree.

494

495 Ms. Morris said if it is a landmark tree of which there are only three tree types in town, the trees  
496 must be 24 inches in diameter or greater, and are the Bald Cypress, Laurel Oak, and Live Oak. Staff  
497 cannot give approval to remove it. You would have to have an arborist, etc., or go to BZA for a variance.  
498 When BZA cannot grant a variance, the board has authority to allow the landmark tree to be cut down.  
499 We are not going to stop development. (\*\*)

500

501 Ms. Melodye Lane-Laveglia, speaking from the audience, said I have concerns about making  
502 homeowners and developers wait for BZA. I love trees and also understand the value of trees having  
503 served on the stormwater committee and planning commission. I want us to be very careful about  
504 regulating it so much that we're telling someone where they have to build their house on their lot,  
505 because of a tree.

506

507 Ms. Carrie Johnson said on the other hand, someone may want to save the landmark tree. They  
508 may want to move the house over a little bit if they can save a tree. So you know, there are those that  
509 may not want the tree, but then there are those who may want the tree, so by granting the variance they  
510 can save the tree.

511

512 Mr. Ott said so it's not mandatory for the homeowner to want to move his house to save the  
513 tree. He can just cut it down. Ms. Morris said not if it's a landmark tree. (\*\*)

514

515 Mr. Courtney asked how many landmark trees were in town. Ms. Morris said an inventory was  
516 just started. My random guess is about three dozen or so. Landmark trees are being mapped now.

517

518 Mr. Johnson said we were talking about the delay in construction, but I would think that any  
519 reputable contractor or builder would know what those trees were, and would notify the owner of the lot  
520 and indicate prior to that there would be a delay. Ms. Samples said that just does not happen. Sorry. I'm  
521 in the business and that just does not happen. (\*\*) Mr. Johnson said well, it should.

522

523 Ms. Samples said a contractor doesn't necessarily know their tree types, and what we're  
524 contemplating is telling a homeowner of a lot who is getting ready to build and develop, we're gonna put  
525 a lot of restrictions on what they're getting ready to do. We need to be very clear, and very careful in  
526 how we dictate what these people can and cannot do, and where they can put that house.

527

528 Ms. Sandra Elliott: I was talking to Dr. Susan Libes (Coastal Carolina Watershed Academy) today  
529 concerning the landmark trees, the oaks and the Live Oaks in the Laurel Oaks, and they're a state  
530 protected tree. I mean we just can't arbitrarily cut them down. There's laws governing this; this is not  
531 just our restrictions. It's the state restrictions, as far as I know. What we're trying to do is help them  
532 move the house over enough so they can have their home, have their big tree, and when it becomes  
533 diseased, take it down.

534

535 Ms. Melodye Lane-Laveglia, Cedar Drive North: So I haven't read the whole thing. I'm just kind of  
536 going through this in my head. It seems to me that if someone owns a lot, a homeowner not a builder, a  
537 homeowner owns a lot and they're selling the lot, we are almost gonna get to the point that that  
538 becomes a disclosure item. Ms. Samples said absolutely. Ms. Lane-Laveglia: They have to disclose  
539 whether there is a tree within the normal buildable area. I think we're getting into something pretty

540 sticky. (\*\*)

541

542 Mr. Pellegrino asked if for example, a homeowner who lives in R1 and wants to put a pool in the  
543 backyard, could the BZA say no, they can't put in a pool, because there is a landmark tree? Ms. Morris  
544 said no, BZA would look at it and if the pool could be moved to save the tree, a variance would be  
545 granted. If the pool location could not be moved, then BZA would have authority to allow the tree to be  
546 cut down. BZA will not prevent the homeowner from putting in a pool.

547

548 (\*\*) several comments made from the audience. Mayor Childs asked speakers to come to the  
549 podium to speak.

550

551 Mr. Ken Podraza: It's a nit thing, but it does say here submittal of the BZA appeal request does  
552 not guarantee approval. So you've gotta say you get approved one way or the other, but this says maybe  
553 not. Ms. Morris said the approval means you may be approved to save the tree, but you might not be.  
554 BZA may deny your request to take down the tree, and then grant you a variance to move your house  
555 over.

556

557 Mr. Stevens said to play devil's advocate, and proceeded to show an example of a landmark tree  
558 in the middle of a lot he drew on a paper. Ms. Morris displayed the R3 plat, and said that regardless of  
559 the zoning district that if a landmark tree was in the middle of the lot or the buildable area, the owner or  
560 developer would have to appear before BZA, who would either approve moving the house with a  
561 reasonable variance, if necessary, or grant permission to cut the landmark tree down. Ms. Morris said  
562 when this situation is presented, the BZA meeting requires 15 days public notice. The meeting would be  
563 scheduled the day the owner or developer comes in. It takes about two weeks to review all the plans, so  
564 the BZA meeting notice would run concurrently with the plan reviews. There should only be about one  
565 extra week involved for the tree situation to be resolved.

566

567 Ms. Samples asked how many people in her office could make all that happen. Ms. Morris said  
568 every one of them. Anyone can schedule a BZA meeting. We contact the chair who schedules the  
569 meeting right away.

570

571 Ms. Morris presented changes in tree replacement for permitted tree removal, Section 725, page  
572 7-13. Several small trees may be planted to arrive at the required 22 inch circumference.

573

574 Ms. Samples said as a homeowner do you not only have to get approval to remove one or more  
575 of your trees, then you are going to be required to replace it. You have to incur the expense to replace  
576 those trees, and we're going to legislate that to our existing homeowners. (\*\*two speaking at once.)

577

578 We're gonna tell them that. Ms. Morris said you do currently. Ms. Samples said yes, I know, and I think  
579 it's preposterous that we do that, by the way. I think it's ridiculous that we actually legislate that on  
existing homeowners. I just want to say that.

580

581 Mr. Ott said we need to have some kind of tolerance, because he might put three trees in at 21  
582 inches. Uh oh, you've gotta go get another one.

583

584 Mr. Stevens said we're looking at this for replacement trees. I called some business that sell trees  
585 and they told me that a 7 inches diameter tree cost approximately \$7,000, give or take a thousand.  
586 You're saying existing residents can replace with three trees, 2 inches in diameter. This is my question,  
587 on new construction does the tree have to be replaced with a 7 inch tree? Ms. Morris said yes. Mr.  
588 Stevens said that's all that's the only thing that I have a problem with; in a new construction replacing a  
589 7 inch tree, about \$4,000 [sic] plus the labor. The cost could be as high as \$7,000. I don't think you  
590 should penalize new construction when existing residents can put three trees. I would be happy for the  
591 new construction to put three Live Oak trees 2 to 3 inches in diameter, just as well as I would one tree 7  
592 inches in diameter. If he plants three trees, in time they will grow big. A 7 inch diameter tree is between  
593 19 to 35 feet tall. The tree businesses said a 7 inch tree would have a 7.5 foot root ball, plus it would

594 need a 9 foot wide hole to plant it. That would take a crane or major piece of equipment to put it in. Why  
595 couldn't contractors and developers be allowed to plant multiple trees? In my opinion, that would be fair  
596 to new construction and developers, as well as homeowners. Ms. Morris understood what he was saying  
597 and said the only answer she could give is that generally, we have seen that this has not been an issue  
598 with new construction, because they planted a Palmetto tree. Mr. Stevens said you are talking about  
599 replacing same with same, right? Ms. Morris said no, if it's a common tree, you can replace it with  
600 another common tree. Mr. Stevens said what if it was a Live Oak? Ms. Morris said you would have to  
601 replace it with a (\*\*two speaking at once.)  
602

603 Ms. Samples said we have just simplified the whole process, now haven't we? Mr. Stevens said  
604 [what?] Ms. Samples reiterated that has just simplified everything now, hasn't it?  
605

606 Mr. Ott said let me add one thing, if you're going to put three trees in and they're Live Oaks, they  
607 are going to have to be 25 feet apart, and most people aren't going to have that much land. Ms. Morris  
608 said you are right. Ms. Samples also said that's right.  
609

610 Ms. Carol Holt: This discussion was kind of held at one of the planning commission meetings.  
611 Really, if you go back and look at the minutes, the majority of the commission agreed with this. But, I  
612 don't want to say this; I don't want it to be taken the wrong way. Staff kind of had rebuttal, and so I  
613 think that the commission members just became weary of the whole thing. It was taking so long that  
614 they said, you know, let's just do these recommendations and go with it. Ms. Morris just kind of skipped  
615 over paying into the mitigation fund. I did want to ask Ms. Morris about it. We brought that up and  
616 nothing's been said about it. There's no applicable cost schedule that you can look at for the mitigation  
617 fund. Ms. Morris said we were going to get to that. Ms. Holt: See, this is why I think it's taken so long  
618 and is so confusing, because as Ms. Samples said, the town residents didn't have a final copy. Ms. Morris  
619 said [Town Council] didn't either. Ms. Holt: And, they didn't either. Ms. Samples said we didn't either. Ms.  
620 Holt: how can we actually, and you're going over step by step by step, we are looking at this and we're  
621 looking at that, it's totally confusing. The whole document is so confusing that it just needs to be  
622 rewritten and simplified like the sign ordinance. If you can simply the sign ordinance, if you can, you can  
623 smirk, if you want to. Ms. Morris said I'm not smirking, ma'am, I'm smiling at someone. Ms. Holt:  
624 Whatever, but if you can do that you can simplify this tree ordinance. Thank you.  
625

626 Ms. Janet Gambino: I can only speak for myself, but I can assure you that we didn't get weary  
627 and nobody pulls my vote but myself. Thank you.  
628

629 Ms. Carrie Johnson: I would just like to say that [Ms. Morris] presented facts to us. She did lots  
630 of research. She worked very hard presenting facts to us. She did not in any way sway my vote one way  
631 or the other.  
632

633 Mr. Al Lauer: I think what happens here is there are so many variables; there are so many  
634 different situations that occur. It's impossible for Ms. Morris to tell you every one of them, but if you  
635 asked her questions, and you've already asked her a few, what happens if this is... she answers it and it's  
636 taken care of. It's in there and it's right. I think that would happen with awful lot of the instances, if you  
637 could ask her the right questions. Set up the procedure which kind of lot it is, which kind of tree you're  
638 trying to take down, because it's really; it's right. It's just about 100-percent right.  
639

640 Mr. John O'Brien: I'm gonna have to disagree with that a little bit. I'm not a landscape architect,  
641 but they exist. When I look at some of the other enforcement, for instance we were talking about  
642 pervious surfaces about 20 minutes ago. How the town views pervious surfaces is wrong. So we're  
643 enforcing this code. If you go to [www.stormwater.org](http://www.stormwater.org) it will define pervious surfaces. We use this term  
644 improperly. There is pervious, permeable, and a porous. So we're using a pervious paver definition and  
645 everybody's enforcing it. There's not one pervious paver in the town of Surfside. So my concern is how  
646 do we know this is right. I think when you start, if you don't have a landscape architect or somebody like  
647 an arborist analyze this, we're gonna be getting into trouble. I know that when Uncle Pete down the

648 street starts cutting the trees hanging over, because his wife's been on his case because it's going to fall  
649 down, and he gets \$500 fine and he gets, what is the penalty? Mr. Courtney said a Class A misdemeanor.  
650 Mr. O'Brien: A Class A misdemeanor. It's ridiculous, and if you go to that website you'll see the whole  
651 basis of the green space with pavers that's not true, and a porous paver is actually green space. If you  
652 go to a lead certification class, you will you learn it's a concrete paver that has grass in it, so green  
653 space. It's a paver. It's a porous paver. So to say that you can't use pavers and get green space is not  
654 true. Ms. Morris said you're right, but our attorney has told us that we can classify what we feel is green.  
655 (\*\*speaking in background.) That's why we put that in there. I just wanted to (\*\*). Mr. O'Brien: Believe  
656 me, I'm all about, I love the tree situation, and I do think, though, there's a huge difference as a  
657 commercial builder, because we have several projects right now. There's a huge difference between a  
658 residential permit process and commercial. We're about to clear in Horry County. We have a tree survey.  
659 Horry County identifies the trees. The developer flew in from California. We go and mark the trees. We  
660 see which trees are in the pads. We have a negotiation to figure out which one can stay. It's not that  
661 complicated. But those kind of codes cannot be enforced with residential; it's just scary. Nobody wants to  
662 get misdemeanor for trimming a tree. That just seems a little bit excessive. So I will just urge that  
663 somebody review it and make sure that it's actually correct before we start fining people and giving them  
664 criminal records for not properly maintaining their property.

665

666 Mayor Childs called recess at 6:39 p.m. Workshop to order at 6:46 p.m.

667

668 Ms. Betty Lowery: There are a couple of things that haven't been brought up, and I wanted to  
669 clarify a couple of things. Up there where it says when replacement trees are required, somehow we  
670 overlook the 'required' part. When you go back to the different zoning areas and specific number of trees  
671 are required, if they have the required number of trees, they don't have to deal with replacement trees.  
672 If it comes down, it comes down. You only deal with replacement trees when you don't have the required  
673 number of trees left on the lot. You know, that's not for every tree that comes down. When replacement  
674 trees are required, and quite often when people are clearing a lot or doing whatever it is they do before  
675 they get ready to build, if they know that they're going to have to have four trees on that lot of a certain  
676 size, they could more than likely select those trees and make sure they stay there. One issue that we had  
677 with the 2 inch trees was that someone would come in there and count them, and then the minute  
678 somebody turns around they're gone. So we had to deal with that in some way to make sure that trees  
679 stayed on the lot. Another thing, the misdemeanor was mentioned. That's not our idea. The state said  
680 you have to do that. So were simply following state law with the misdemeanor thing. Mr. Stevens, you  
681 mentioned about 7 inch tree for builders, the reason we made a difference there was because of the  
682 different situations. For example, my neighbors directly across the street have put up a gorgeous fence.  
683 They have a landmark tree in their yard. They've already been told that tree is stressed and at sometime  
684 that tree will come down. Now we're going to tell him that they're gonna wreck that fence so that we can  
685 get a bulldozer in and they can plant these huge trees? We can't do that. That's not gonna be right. And  
686 we weren't trying to penalize the builders by telling them that they were going to put a 7 inch tree in, if  
687 they had to. What we considered was that this is, well, almost a clean slate. But they're also going to  
688 have the heavy equipment that would be necessary for these trees to go in. Another thing, something  
689 was said about absorbing water. It's the difference between having a sponge on the table and pouring a  
690 glass of water into it, and drinking that same glass of water. Our bodies are gonna use that water that  
691 we drink and it is going to be processed. The water that you pour into that sponge or pour into that sand  
692 isn't going to be used in any way. When I said that a tree would absorb 100 to 150 gallons of water, it's  
693 going to take it in and process it. It's not going to just hold it. I had somebody tell me who was working  
694 for tree service and should've known better, but they said, oh, the ground will absorb it. That's the issue.  
695 When we had some of the flooding and I told you before I walked across my yard and water was coming  
696 up between my toes. The next day it was gone. The water goes in, but it doesn't do anything. It doesn't  
697 go anywhere. Our grass can absorb some of it. But it doesn't process enough of it to be able to help us.  
698 Trees will actually take that water in; process throughout the trunks, the leaves, evaporate it, and it's not  
699 in the ground any longer. That's what I meant by the 100 to 150 gallons processing. Hopefully, that helps  
700 with the required trees. If you already have the required number of trees, replacement trees are a moot  
701 point. I mean, you don't need them. If a builder can structure the property when trees come down so

702 that they have the required number of trees, they don't have to worry about replacing a tree. If they're  
703 had to remove so many trees that they no longer have the required number of trees for that particular  
704 zoning area and they have to bring it in, they don't have to deal with the situation like a homeowner  
705 would with tearing down a fence in order to get this huge tree in there. That was the reason we made  
706 the difference there. It wasn't because we were trying to penalize the one and let the other skate. It was  
707 because the different situation that they were in. So again, I don't whether that makes any difference to  
708 anybody or not, but I felt like those needed to be brought up.

709  
710 Ms. Morris said to hopefully clarify mitigation, when this ordinance was written by Waccamaw  
711 Regional (Council of Governments), the majority of planning commission were not on the planning  
712 commission, and there was someone else doing the planning. When this came up, I did get asked myself  
713 where the book was, or the pamphlet was, that had the current market. We don't do the public trees for  
714 the mitigation. We collect money. It goes to Mr. Adair's office, and he buys the plants, and he plants  
715 them in a public place. So, we should not have, but I personally sent Ms. Holt to see public works,  
716 because I said they obviously have it. We don't get involved in buying the new trees. That's public works,  
717 we just collect the money. When she went out there, Mr. Adair did call back and say look, I don't have a  
718 book. I don't know where that even came from. I said well, it was in the ordinance. We felt like you were  
719 using that we didn't change it, so we did change it now, because there is no book. I asked him how  
720 would we know how much to charge someone. Mr. Adair said you call three nurseries, get the current  
721 nursery market value, plus installation cost. That's how you charge with mitigation. So, that was changed  
722 in the ordinance to say the current nursery market value, plus installation fees.

723  
724 Ms. Morris continued with the tree replacement for permitted tree removal, and then on to tree  
725 topping, Section 728, page 7-13 and 7-14. The Palmetto tree was removed as a replacement tree,  
726 because it is not listed on the protected tree list.

727  
728 Ms. Samples said the Palmetto tree is not considered one in your list of approved replacement  
729 trees. Ms. Morris said a Palmetto cannot be used to replace a protected, specimen, or landmark trees, but  
730 it can be used to replace a common tree. Staff has authority to authorize one extension for planting trees  
731 if there is a hardship, if necessary.

732  
733 Ms. Morris explained that definitions were moved to the end of the ordinance, and now include  
734 definitions for circumference; common tree, and major addition. Ms. Morris said that completed her  
735 presentation.

736  
737 Mr. Stevens said when I built my house in 2004-2005, which is in R2, I had to have six trees.  
738 Now they only have to have four. Obviously, they have reduced amount trees required, because I  
739 damaged a tree and the building inspector said I had to plant two. That change is a little bit more citizen  
740 friendly; maybe builder friendly. I think the only thing that I've seen in here that I have a problem with  
741 was regarding new construction. You keep saying about lots disappearing; there are a lot of little shanties  
742 in town that were built back in the 50s. Those will be bulldozed down, just like they're doing in every  
743 other city. Then contractors will build a new home there. A person can actually build their house, if they  
744 have a builder's license. I did it myself. As far as I can see, there are a lot of good things in this  
745 ordinance. There is a little confusion on some parts. The construction portion is one area I would  
746 definitely say we better look at a little more fair. I think Ms. Lowery mentioned if you have the number  
747 trees, you can remove the trees. If you've got enough trees, and you've got a landmark tree in the  
748 middle your lot, do you still have to go to BZA? Ms. Morris said yes, according to the proposed ordinance  
749 as it's written.

750  
751 Ms. Samples said I don't know where to begin. Quite frankly, it's been a very confusing meeting.  
752 Let me say this, first and foremost, what we've just been presented is great, but we need it on the  
753 website, and we need copies of it; not right before the meeting starts. So, that has put us all at a  
754 disadvantage, and so I apologize for that. Secondly, planning commission, you've done your job. You've  
755 done a great job. You really have; you've spent a lot of time on this. You have made some marked

756 improvement and your efforts are so appreciated. It's our job now. So we don't want you to do anything  
757 else. We appreciate what you've done. You've been great. But now, it's our job to decide what we agree  
758 with; what we don't agree with, and what we think we want to see happen based on the information and  
759 the comments and suggestions we have received from everyone in town. So now it's our job to do our  
760 job. I like a lot of what I saw, but I also have concerns and I'm the person who's going to be completely  
761 opposite. I feel that if you live in this town, you are an existing homeowner, then no one should legislate  
762 what you can or cannot do when you want to go trim a tree, cut a tree. I don't think governmental  
763 bodies should tell you what to do, how to do, and when to do it. I get that we have to have laws, and I  
764 get that we need protection, but if I want to go out and trim a tree, I don't have to go up to town hall  
765 and talk to staff to get their approval to go do what I want to do on my property. I also understand, and  
766 again this for existing homeowners, I get that for development, redevelopment, and major additions that  
767 we want to ensure that a contractor doesn't come in and clear-cut, because we like trees. I get that the  
768 rules need to be very clear and very specific and very fair and try to minimize the expense on not only  
769 the contractors, but eventually the homeowner's. If it were up to me, I would say that I'm gonna make  
770 the assumption that existing homeowners like their trees; there're gonna be some that don't. But we  
771 cannot legislate based on a few, so if we're gonna legislate based on a body as a whole, I'm gonna make  
772 the assumption, as I've shared with my fellow councilmembers that existing homeowners don't want to  
773 lose their trees, they want their property to look great, and want to improve upon the value of their  
774 property. They don't want to be worried when a storm is coming in that they've got limbs that are  
775 hanging or loose. I'm going to assume that the property owner wants to keep their trees, and doesn't  
776 want to do damage, and so therefore, I'm going to say that the property owner should be able to trim,  
777 prune and remove a tree, not a landmark tree, if it is impeding on their foundation, if it's hanging over  
778 their house, their shed, whatever, they should be able to remove it. They've got to incur the expense to  
779 do that and not everybody wants to do that, and then I think that we as a body should not legislate what  
780 they should have to replace that with. That's my position; I'm sticking to it. I think the penalties are high.  
781 I still have a problem with the penalties. I think it's something we need to resolve. Our state tree is a  
782 Palmetto tree. There five different varieties and I think they should be considered as replacements for  
783 anything anybody wants to replace them for. How do you like that? So that's my position. I know it goes  
784 against what some of the planning commission members feel, but it certainly does not go against what a  
785 lot of our constituents have come up and told us that they want. So Mr. Mayor, after all of the other  
786 councilmembers have spoken and given their position, it is my hope that we can first and foremost get a  
787 copy of what's realistic, which is up there, and as councilmembers we're gonna do our job now and we're  
788 gonna go in and make recommendations to what we'd like to see changed or not changed and bring it to  
789 council in a council meeting so we can vote. Thank you.

790  
791 Mayor Childs said regarding the heavy fine for those landmark trees, it wasn't too long ago it was  
792 cheaper for a builder to go in and cut all the trees down and pay the fine. We raised the fine to avoid  
793 that, because that happened quite a few times. It was happening quite a bit, and that's the way we lost a  
794 lot of trees. I think it was \$250. Ms. Morris said \$200. Mayor Childs said they paid \$200 and cut the tree  
795 down. I think Mr. Pellegrino was the driving force on that heavy fine.

796  
797 Mr. Johnson said I don't disagree with Ms. Samples, and actually Mr. Stevens in several respects.  
798 I was on planning and zoning back 12 to 15 years ago, and we were dealing with these issues back then.  
799 It's an ongoing issue or a process; we still have not resolved it. To be honest with you, I don't think we  
800 will ever resolve it anyone's satisfaction. That's just human nature. I do think the current planning and  
801 zoning commission did a good job. I think they made good changes in many aspects. What council needs  
802 to do now is go back and take this issue that we have in front of us today and dissect it and come back  
803 at some point, whether it is next council meeting, or the next council meeting, or whenever, and make  
804 the hard decisions. I appreciate everyone's input. We will always not agree, but we will not always  
805 disagree. Thank you for coming out. I appreciated staff has done and the planning and zoning  
806 commission and council has done.

807  
808 Mr. Pellegrino said first of all, thank you to the planning commission and Ms. Morris. You guys did  
809 a good job going through this. I know it's a very daunting task and a difficult task, because this one, I

810 don't know if we have a winner, because it's very split down the middle on what people's perception or  
811 expectation for this are. I saw a lot of good improvements from the previous rendition. I think going from  
812 4 inches to 7 inches without a permit is a huge take away from this. That's much more lenient than the  
813 previous ordinance as far as routine maintenance and things like that. Taking out the Palmetto tree, you  
814 know some people are for or against that. But if you look at the root system of a Palmetto tree versus an  
815 oak tree or other trees, it's very different. As far as replacements, it's much easier to achieve their three  
816 trees, 2 inch diameter. I do think this should include the construction, also, and the reduced number of  
817 trees. So all those I think we're heading in the right direction. One where I really have an issue with is  
818 having to get the BZA involved for trees in the footprint and things like that. There were actually a few  
819 different occasions, because you're talking three weeks, a month, six weeks hold up for either a builder  
820 wanting to build or a homeowner wanting to put in a pool or do something. That's not a short wait. So  
821 that's one I really have an issue with. My biggest concern is really fair enforcement, because we struggle  
822 with that. I'm not even sure we're capable of enforcing a lot of this, because a lot of people do work on  
823 weekends when we don't have enforcement people around. Unless someone complains about it, no one  
824 is ever going to know. So that's a concern. As far as the looking at the past, we actually have in place  
825 right now from three years ago, fairly strict, fairly strict ordinance and they still cut down all the trees. It  
826 seems like every time someone always finds a reason to cut their trees. I see Live Oaks going down.  
827 There's one back behind my rental house now where they just took down an old house and they are  
828 going to build two new houses. It's a huge Live Oak and I know that Live Oak is coming down. There's  
829 nothing saving it, because it's going to be in the footprint and it's coming down. So we have this great  
830 ordinance here, and were making improvements to it, and still cut down all the trees. So, I'm very  
831 confused about that. But in the end, you know, I agree with Ms. Samples in a way. Personal  
832 accountability, I mean, we, the government can't control everything in everyone's lives. We need to find  
833 that balance. This is very tough one, because three years ago we updated this this ordinance, and I  
834 voted yes. From the day that I voted yes on that I thought to myself, I probably should have voted no,  
835 because it was overregulation, and it was really dipping in the people's decisions on their own property.  
836 That's a tough one, because we don't want people to move into a house and mow down every tree in  
837 their yard. But, they paid for that property, and we want them to decide. Thank you for the work on it.  
838 Thank you for this session, because I wasn't at the last one, unfortunately. A lot of my questions were  
839 asked. Thank you for coming.

840  
841 Mayor Childs said I think we need a certain amount of restrictions. I had a gentleman tell me not  
842 long ago, he wanted to cut all the trees down his yard. Do you know the reason he wanted to do that?  
843 He didn't want to rake the leaves. So I'm sure he's not representative of a lot of people, but how many of  
844 them are out there. We have to be really careful.

845  
846 Mr. Ott said I know over a decade ago I went to the [meetings of the] board of zoning appeals in  
847 Myrtle Beach and in Horry County. They've been using the board of zoning appeals to make decisions on  
848 trees for twenty years. They use it under a specification of a special exceptions. It's nothing new that's  
849 never been used before. This has been going on for a long time. Getting this right is gonna be very  
850 difficult, because there's so many variations of everything that you see here. I thank the planning and  
851 zoning board for all the work they've done and they put together a great system here of making  
852 everybody happy; it's not ever gonna happen, not on the tree ordinance. We try to save 'em. Some  
853 people don't want to save 'em. Some people do. That's the way it's always been. But, we're gonna have  
854 to make it more livable, so to speak, and quicker. Sometimes it will be and sometimes it won't. Thanks. I  
855 really appreciated hearing everybody's opinions on this. Thank you very much for coming.

856  
857 Mr. Stevens said I just want to say one thing before we leave tonight. We are a nation of laws,  
858 regardless of whether this is perfect or not, we have laws. Laws have a reason. If we didn't have laws,  
859 then I could go out and run up and down the road doing anything I wanted to do. We have to have  
860 something or they'll do just like they did at Harbor Lights and cut everything down. I know when I built  
861 my house I did everything I could to save trees. The people from the dog park get shade off the big oak  
862 tree in front of my house and they love it. This is necessary, and I commend you. The planning and  
863 zoning committee did a great job. Is it perfect? When you become perfect, I'll let you know. I know I



864 ain't perfect. Nobody can be perfect, but you did a (expletive) job. This is great work. You took the tree  
865 ordinance which has been a horror story; you basically reduced the amount trees we have to have on a  
866 lot. I had to have six and now you only have to have four trees if you are in R2. You've done a lot of  
867 great things here. Like the Mayor said, I reckon this is gonna be council's baby now. We are gonna have  
868 to live with whatever we do. Hopefully, we can come up with something that benefits everybody in some  
869 way. I know you can't please everybody, but we'll do the best we can. Thank you planning and zoning  
870 and Ms. Morris and her crowd for everything they did. They've worked hard on it as well. Hopefully we  
871 can come up with something that y'all all feel good with. Thank you for coming out, and let's hope that  
872 we can get this taken care of.

873  
874 Ms. Samples recommended a consensus be taken after Mr. Courtney speaks to have the  
875 landscape and tree ordinance put on the council agenda for the first meeting in May on the 9th. **Council**  
876 **CONCURRED.** Mr. Johnson requested that the minutes be prepared for that meeting. Ms. Samples said  
877 the most up to date ordinance should also be delivered, because none of us got that until tonight.

878  
879 Mayor Childs said I want to thank the planning commission for all their hard work.

880  
881 Mr. Courtney said I would like to thank the planning and zoning for all their hard work and all  
882 they did. Honestly, this is a very tough thing. I just want to give you a little history. When me and my  
883 family came here, we bought a house on Block 25. You guys know where I live. It was nothing but trees  
884 around us. We had limbs that were falling off. We had absentee landowners that would not take care of  
885 the land. I had limbs come down my property; crack my driveway. Hit my roof. It was just disastrous.  
886 Finally, a year ago they finally clear cut the lot; the whole of Block 25 got cut. Ms. Morris stopped the  
887 cutting halfway, three-quarters the way through. But it was clear cut. They took down every tree. We  
888 had two trees right my property line. They took them right out and they were fined for it. I don't know if  
889 they paid the fine or not. I don't know whatever happened with it. Ms. Morris indicated they did pay the  
890 fine. Mr. Courtney continued saying they made a lot of money for the eight new homes they built. I sat  
891 on the board of zoning appeals. I had asked Ms. Morris a couple years ago whether she used any  
892 discretion when issuing the fine and her answer was no. And this is where the problem comes in. I see  
893 two issues here: I see construction versus residential. When you get the residential cutting, I don't think  
894 anybody wants to eliminate a tree. I had tree that was in front of my house back in 2009. I had asked to  
895 have it cut down. It was a single Charlie Brown tree about 40 feet high. They said no. Two weeks later I  
896 got a call when I went back up north, they said your tree came down, and came down on Poplar Drive. I  
897 told them no, it's your tree now, because you came out you told me no. The Town of Surfside Beach  
898 came; they cut it up, even ground the stump. I was actually impressed. Over the years I had another  
899 tree that came down that was on the corner of Poplar and 15<sup>th</sup>. It was pretty much diseased. I asked for  
900 that tree to come down. I didn't want to take it down. I sat, I waited but I knew the ordinance was going  
901 to change, and I was forced to take out that tree. I didn't want to do it, but again, I do Town Council was  
902 going to come with an ordinance that was gonna force me to leave that tree up. It left me no other  
903 choice but to take down. It's a very tough thing, this tree issue. The fines, residential versus commercial  
904 contractors. You know, a \$10,000 fine with a Class A misdemeanor. I've been in law enforcement for  
905 over 25 years. Do you know what a Class A misdemeanor is? Do you know what that is? I had an elderly  
906 lady come to BZA that cut down some trees. I don't think she really knew what she was doing. I could be  
907 wrong, but she cut down some trees. To hit someone with a Class A misdemeanor, that's a crime. When  
908 you fill out a job application, they ask you if you have ever been convicted of a crime. That's not a  
909 violation; it's a Class A misdemeanor or a felony. You go to apply to become a police officer and you have  
910 answer whether you been convicted of a crime. You've gotta put yes, because you cut down a tree? I  
911 think it's a little harsh. I think this has really got to be looked at carefully. I think it's very harsh to have it  
912 a Class A misdemeanor for cutting down a tree. The enforcement; there is selective enforcement on this.  
913 I think it's a lot of overregulation. I actually do agree with Ms. Samples on this. I think that we've gotta  
914 look at it very carefully. It's a tough thing. It's not gonna be a win-win for anyone. My last thing, I'm a  
915 little disappointed at how the Palmetto tree was handled. If you look at my block, you guys all know  
916 where it is, there is nothing but Palmetto trees there. It's our state tree. They should be a replaceable  
917 tree. It's on our flag. I don't see why it's not a replaceable tree. I would love to put oaks on my property,

918 but I don't have enough property to plant oaks without cracking my foundation. I'd like to say thank you  
919 for coming out. I appreciate it and I really appreciate the hard work the planning and zoning put into it.  
920 We will do our best with this. That's all I have to say. Have a good night. Thank you.

921  
922 Ms. Carrie Johnson: Okay, all I wanted to say was your first meeting of the month is when you  
923 have all the directors report, and you're gonna put the tree ordinance, which is gonna be kind of lengthy,  
924 so that will be marathon. Ms. Samples and Mr. Johnson said department reports are made at the second  
925 meeting of the month. Ms. Samples said that was why she suggested the first meeting.

926  
927 Mr. Ron Mask: Would you please put up what just presented on the website. Ms. Morris said  
928 yes.

929  
930 Mr. Ken Podraza: Again, thank you for all your work. This stuff's not easy, but it's important. So,  
931 I appreciate all of that. I support Ms. Samples' position for personal accountability back on individuals. I  
932 just think that's really important to be able to do that. Thank you all.

933  
934 Mayor Childs said Ms. Johnson, to answer your question, I hope this is the only thing we have on  
935 the agenda that night. So, I'm gonna insist on nothing else on the agenda but the Pledge, and the  
936 prayer. *(Laughter.)* Mr. Johnson said amen!

937  
938 **ADJOURNMENT.** There were no other comments. Mayor Childs declared the workshop  
939 adjourned at 7:24 p.m.

940  
941 Prepared and submitted by,  
942  
943 \_\_\_\_\_  
944 Debra E. Herrmann, CMC, Town Clerk

945 Approved: May 9, 2019

946  
947 \_\_\_\_\_  
948 Robert F. Childs, Mayor

949  
950 \_\_\_\_\_  
951 Ron Ott, Mayor Pro Tempore

950 \_\_\_\_\_  
951 Timothy T. Courtney, Town Council

952  
953 \_\_\_\_\_  
954 Mark L. Johnson, Town Council

953 \_\_\_\_\_  
954 David L. Pellegrino, Town Council

955  
956 \_\_\_\_\_  
957 Julie M. Samples, Town Council

956 \_\_\_\_\_  
957 Randle M. Stevens, Town Council

958  
959 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and not  
960 intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free  
961 copy of the audio will be given to you provided you bring a new, unopened flash drive. In accordance with FOIA  
962 §30-4-80(A) and (E), meeting notice and the agenda were distributed to local media and interested parties via the  
963 town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice  
964 was also posted on the town website at [www.surfsidebeach.org](http://www.surfsidebeach.org) and the marquee.