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

Chairman Seibold said the purpose of the workshop was to discuss the town’s tree ordinance and recognized Ms. Morris.

Ms. Morris said the notes taken at the last meeting regarding protected and common trees were omitted and the ordinance now includes the original terms, protected, specimen, and landmark.

Mr. Lauer presented a proposed edit for Section 2 Tree Protection, a copy of which is on file. He said when he reads the ordinance that the paragraphs are large and cumbersome. He proposed editing to state the bare minimum requirements, so anyone could immediately see what trees were protected and not protected; allowable pruning; tree removal, and where to go from there. Ms. Morris said the terms “protected and common trees” was not going to be used, and the current classifications “protected, specimen, and landmark trees” would be used. After discussion, the commission CONCURRED to continue using “protected, specimen, and landmark trees.”

Mr. Morris said the third edit included changes agreed to by the commission at both meetings with a goal of condensing the code, so the draft has taken the intent for landscaping, trees, a purpose for each of those and combined them as one section.

Section 17-700. Commission CONCURRED with this section with the deletion of the word “certain” in the last sentence.

Section 17-701. Commission CONCURRED with this section as presented.

Section 17-701.2 Add ANSI Z60.1 which is the American Standard for Nursery Stock that identifies appropriate plantings, a copy of which is on file. Commission CONCURRED.

Section 17-701.3 No comments.

Section 17-702 through 17-719. Ms. Morris said these numbers are reserved for future use. Many of these sections were incorporated into the chart 17-701.1 to eliminate verbiage.

Section 17-721 Commission CONCURRED.

Section 17-721.1 Mr. Lauer believed the tree definitions should be more prominent. Ms. Morris said the tree definitions could be moved to the first section under Division 2, Tree Protection. Commission CONCURRED.

Both diameter and circumference in inches are to be added to the measurements. Commission CONCURRED.

Section 17-721.2 Add after the word ‘limbs’ in the first sentence “measuring seven inches diameter two inches from the trunk (22 inches in circumference).” Commission CONCURRED.
Paragraph a.2. remove “eight (8) inches or greater in diameter” and add “measuring seven inches diameter two inches from the trunk (22 inches in circumference).” Commission CONCURRED.

Delete paragraph beginning “Failure to obtain the required approval and permit(s)...” Commission CONCURRED.

Section 17-721.3 Paragraph a.1. remove the number “1”, and remove “eight (8) inches or greater in diameter” and add “measuring seven inches diameter two inches from the trunk (22 inches in circumference) or less.” “Major additions, including pools,” should be defined with square footage; the minimum number of trees must be met. Other grammatical and punctuation errors were noted for correction. Commission CONCURRED.

Section 17-721.4 Paragraph (a) 3 and (c) 2, arborists letter required only if the owner is saying the tree is dead, diseased or dying, and landmark trees in house footprint required to go to the board of zoning appeals if the tree can be saved. Commission CONCURRED.

Paragraphs (a) and (b) correct size to the agreed upon “measuring seven inches diameter two inches from the trunk (22 inches in circumference).” Grammar and punctuation corrections were noted. Commission CONCURRED.

Section 17-722 Eliminate ‘caliper’ and use diameter and circumference measurements where applicable.

Table 17-722(1) Remove Crepe Myrtle trees from the replacement tree list. Palmetto trees to be included in the replacement tree list. Commission CONCURRED. Ms. Morris will provide a PowerPoint at the next meeting identifying trees and what the benefits are. Chairman Seibold said this chart will be revisited at the next meeting.

Section 17-729. Commission CONCURRED.

Section 17-730. Add that a copy of the ANSI is on file. Commission CONCURRED.

Section 17-731. Commission CONCURRED.

Section 17-732. Commission CONCURRED.

Section 17-733. Punctuation errors were noted for correction. Paragraph (d) change “may” to “shall” in the first sentence to prevent mitigation funds from being used for other purposes. Commission CONCURRED.

Section 17-734. Ms. Morris explained that a tree could be eliminated, but the cumulative diameter of trees is still required. Commission CONCURRED no changes to 17-734.

Section 17-740. “Fine for removing limbs over 4” in diameter without approval $500” change to “Fine for removing limbs over 7” inches in diameter without a permit $500.” Staff may issue a fine and/or a summons. A summons is the last resort and is used when the action was done with malice. Commission CONCURRED.

Section 17-741. Commission CONCURRED no changes to 17-741.

Section 17-722. Definitions. Ms. Morris explained that trees were categorized as species, i.e. Hickory, except for Live Oak and Laurel Oak that are landmark trees. Ms. Johnson asked why the Palmetto tree was listed as a replacement tree, but not a protected tree. Caliper is to be replaced with
diameter; a definition for circumference is to be added, and Table 17-722 to include diameter and 
circumference measurements. Commission CONCURRED.

Chairman Seibold asked if a clean copy would be provided for the next meeting, and a 
PowerPoint about trees. The next regular meeting is February 7th at 6:00 p.m.

Ms. Morris said Ms. Johnson’s question about Palmetto tree was not addressed. Ms. Johnson said 
Palmettos should be allowed to be planted, but she did not think it should be a replacement tree, 
because it doesn’t do the things that other trees do; no root system, doesn’t absorb water; no shade. 
Ms. Lowery asked if it was correct that when trees were counted for the minimum number on a lot that 
count included all trees. Ms. Morris said yes. Replacement trees have to be on the replacement tree list, 
but do not have to be on the protected tree list. Commission CONCURRED.

A discussion was held regarding time limits for the commission to complete its work. Ms. Morris 
explained there is no time limit for the commission to perform its work; clarification would be sought from 
the town attorney. Commission CONCURRED.

Ms. Morris said fees for permits were addressed in Chapter 13, and believed she understood that 
the commission wanted to amend the fee so there would no charge for homeowners when unprotected 
trees are involved a $5 permit was required, but that will be free in the new ordinance. The permit fee is 
$75 to remove a protected, specimen, or landmark tree, unless is it dead, dying or diseased or a hazard 
to the home, then the permit is free. Commission CONCURRED.

**PUBLIC COMMENTS.**

Mr. Ron Ott, 7th Avenue North, said I never knew what determined a landmark tree. My hickory 
tree is a landmark tree, too, and it drops 2 inch nuts and other debris. If I had it cut, I could be fined 
$10,000. Ms. Johnson said that is a protected tree, not a landmark tree. (**) My hickory tree is 
probably about 32 inches in diameter. It is a specimen tree, so I won’t have the big fine. If someone 
comes into town and has a landmark tree on his property, how would he know? Is there a sign on the 
tree? He might get some of his buddies and start chopping it down. That’s why they’re naming the trees 
in Conway, so there would be something to show it was a landmark. You touch that you’re going to be 
fined $10,000, which is a huge fine. I don’t think the planning and zoning department should issue, I 
think the whole Town Council should sign that one, if we’re going to fine a resident that much money. 
There were a lot of landmark trees that went down during Hurricane Matthew; there’s no replacement for 
them. I’m glad you’re tackling this. You’re doing a good job. I thank you, but I think the landmark 
trees should be marked so everybody knows what they are. Ms. Johnson said anyone can asked the 
zoning department staff to inspect a tree. Ms. Lowery said that was why every tree cut requires a 
permit. Mr. Ott said there are other ways to get rid of a tree that they don’t want to cut. Does the code 
address whether a tree was poisoned; it’s a hard thing to prove. Thank you for your help.

Ms. Carol Holt, North Yaupon Drive, y’all have done a great job. My concern is that it seems the 
ordinance is geared towards punishment more for the developers. I can understand what you’re trying 
to do. There are homeowners who live in the R3, and we do. We have two Live Oaks. One is 18 inches 
from our house. We have an arborist’s letter written three years ago that says it’s going to cause 
foundation problems. From what I’m understanding a lot these, were still going to end up having to pay 
fines or permits, even though it’s not dead, dying, or diseased, but it is a hazard to the foundation. I just 
want you to, if you can, explain to me exactly if we have to have this tree cut, and we haven’t done it 
yet, but we have a letter, what fines, what permits, we will have to do mitigation? We’re in R3 so it’s a 
smaller lot. We only need three trees. I think from what I can understand. Is that right. Ms. Morris said 
that was right. So if we cut the one and it’s over 75 inches circumference. Ms. Lowery said that’s so sad. 
Ms. Holt said you can come over by my house if you want to, or you can pay for the foundation. Ms. 
Lowery said she had a tree cut that was less than three feet from her house corner. It hurt my heart,
but you have to do it. Ms. Holt said we haven't cut it yet. It hurts my heart, too, but what are the
expenses for our house when things start happening. Ms. Lowery said I think we took care of that a little
while ago. Ms. Morris said if it's a hazard and you have the letter, it's a free permit. We are adding that
to the ordinance. Ms. Holt asked if she needed a current arborist's letter. Chairman Seibold, Ms. Morris,
and several others said no. Ms. Holt said Sections like 17-728 apply to developers only, but that is not
stated in the code. Say we have this Live Oak cut; what are the requirements? We have another Live
Oak and a Crepe Myrtle. In order to replace the Live Oak, we are going to have to purchase a tree that's
25 inches in circumference. I know what you're trying to do, but you also have to realize there are
homeowners in R-3 and that's why you have the different districts, 1, 2, and 3. Three is different from 1,
and vice versa. I just really feel that you need to look at homeowners that actually live in R3, when
you're looking at some of these. Your mindset is really on developers, but you also have to take into
consideration the homeowners. (**) The R3 has smaller lots. The developer comes in and as I said
before, they're permitted. They can put a duplex, two houses on one lot. You can't put two houses on
those small lots and not cut down trees. That's the predicament that we're in. So, I just want you to
take ownership or are going to be afraid to come and do things, which I don't think is what you're trying
to do. You're trying to get people to step up and have some ownership and support of Surfside. So, I
think we just have to make sure we're not trying to get a permit whether it's free or not for all tree
pruning, for all kind of efforts to beautify your particular area. The other thing that kind of relates to
what you said are issues with some of the protected trees, which ones are on the list and what the sizes
are. For instance, [Mr. Ott] talked about the Hickory tree dropping large nuts about the size of a quarter
or bigger. It's almost like hail dropping on your home or certain things. I know certain people who have
tried to circumvent that problem by trying to get some trees cut down. But, I would say you can't if you
look at what the ordinances are saying. So, where's that balance in trying to deal with those kinds of
trees, which can be nice, but maybe not ideal for certain residential areas. I think it's something to look
at and how you determine which ones are really on the list. I guess as this moves forward, I don't
exactly your process, and I apologize for not knowing that, but I assume there's going to be additional
comments somehow from the community; some way to get the community to know. Just like the
gentleman and lady were talking about it's hard when you move into a community if you don't rules; if
you come from another state. Pruning trees; everybody can do that everywhere else, unless you're
under a homeowners association. But, Surfside isn't that. So, you'll come in and not even know it's a
requirement. It just becomes a bit of a dilemma to get the word out. So, everybody tries to follow the
rules, where, in fact, a lot of people come in and they don't even realize there's any rules around cutting
trees. It's kind of a common thing to do across the United States. The last thing, and I'm doing some
other things, just a conversion from diameter to circumference. I think one of the comments you made,
and I could've heard it wrong, 24 inch diameter should be a 75 inch circumference. I think I heard a
different number. Just so that it all works out to be the right math. Those are the details you guys are
Mr. Tim Courtney, South Poplar Drive: Hello, thank you for your service. I appreciate it. I wish that you guys take into consideration with the R3 zone, again, the folks spoke behind us, that the area with R3 we have more restrictions, less area to work with. You go to put a pool in, you have a certain amount of trees you have to put in. I’m not living on the north side of town where you have a lot more land where you can more trees in and bigger, nice trees, those Hickory trees. So, I’m limited. I’m glad that you resolved it. The Palmetto palm is our State Tree. It sits right behind you on that flag. It should count as a replacement tree. Thank you.

Chairman Seibold said when members receive the new draft to please consider these comments made today during the review. The language will be reviewed again at the next meeting as the commission moves towards a final decision.

Ms. Morris said the R3 district would be included and bring some site plans that were submitted so the members can see the issues. Several members said that would be helpful.

Ms. Lowery said in response the comment about pruning that you may prune limbs without a permit as long as they are less than 7 inches circumference 2 inches from the trunk. The other comments will be considered during the review.

ADJOURNMENT. Ms. Lowery moved to adjourn at 7:44 p.m. M. Gambino second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

______________________________
Debra E. Herrmann, CMC, Town Clerk

Approved: March 7, 2017.

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Mary Ellen Abrams, Vice Chairman

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