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

2. PLEDGE OF ALLEGIANCE. Chairman Abrams led the Pledge of Allegiance.

3. PUBLIC HEARING. Chairman Abrams opened the public hearing at 6:01 p.m.

A. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article VI, Signs in its entirety. There were no public comments on this topic.

B. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article VII, Landscaping and Tree Protection in its entirety.

Ms. Carol Holt, Yaupon Drive: First and foremost, I want thank you, again for all the many hours that’s y’all dedicated to reviewing and rewriting this ordinance. I know we say this every time, but we really mean it. I know this was a tremendous task, but I personally believe no major changes have been made to this ordinance that would support the concerns that have been expressed by homeowners. Some of the issues and concerns that were discussed in April 2015 regarding Ordinance 15-0799 are the same issues we are now discussing two years later. I believe that public comments made during the November 4th, 2016 Town Council workshop and subsequent comments made during the Town Council meetings and planning commission meetings indicate homeowners are very passionate about this ordinance, and they want to see real changes. The only change I can find that would really benefit the homeowners is the fact that they can now prune a limb or tree under seven inches in diameter without a permit as opposed to the previous four-inch diameter requirement. It appears all other fees, permits, penalties remain the same regarding pruning or removal of trees or limbs over seven inches in diameter. However, there were several changes made to the ordinance that I believe, I’m not an expert, but I believe that actually increase the regulatory requirements for homeowners. But due to the time constraints of this meeting I’m just going to name a few that I am referring to. I’m referring to Table 17-721-0, the two inch requirement, which changed to seven inches for the purpose of administering requirements of this section, no trees less than 7 inches in diameter shall be counted in order to satisfy the minimum number of trees per lot. Number two, Section 17-720-4, proposed additional requirement to submit a request to BZA regarding removal of landmark trees regardless of the location on the lot or the health of the tree. Due to this proposed change, the planning commission also had to change the criteria for specific sections of Article II Division 2, Board of Zoning Appeals, and I’m assuming that the BZA had input and approved these changes. Number three, Section 17-1721 [sic] and 17-726 regarding tree replacement for permitted tree removal. These specific changes would definitely increase fees and costs to the homeowners, especially with the 22 circumference requirement and mitigation cost. Another issue of concern is Table 17-721-1 trees approved for planting as replacement for protected, specimen, and landmark trees. I’m just wondering why the Palmetto tree was removed from the list it was listed in the fourth draft revision submitted at the February 7th planning commission meeting. We all know that some people do not like Palmetto trees. But, it is our state tree, and I believe it should be respected and added back to the list of replacement trees. Section 17-721-3 indicates the list of approved trees includes all trees on the list, protected, specimen, and landmark trees, as well as others noted in italics. The Longleaf pine is listed on Table 17-740 for protected, specimen, and landmark trees. But it is not listed on the replacement table. I just wondering if there was just a specific reason, and there probably was. I’m just trying to understand. We’d like to know that reason. These are only a few concerns that I have with the
Mr. John Tellet, 14th Avenue South. I still go back to my original statement last fall that I do not think like the previous speaker that this council has the integrity of the citizen of this town; I don’t think that they work for the citizenry of this town in terms of the, if you own a property that you should have discretion as to the disposition of that property, and I think this; I have yet to see anybody taking account for this particular reason. Someone had mentioned at the previous meeting about if you don’t like, get out. I was here before, and I know there’s quite a number of people who were here before any of this material came up. I think it’s ridiculous to have to listen to that kind of remark from a public body.

Thank You.

Mr. Terry Roop, 15th Avenue South: I know you guys worked hard on this; long and hard. I’ve got to say that appreciate your efforts, and what you do for the town. But, I’m very disappointed in the results of your work. You didn’t address those issues that we brought to you back in January or December. I can’t remember what month it was, regarding safety, damage to your property, expense that’s been placed on property owners. I love trees, and I think I told you that before, and I’m married to a tree hugger. Sometimes we have to bend a little bit to live in a safe community. Thank you. And I do, the first lady who spoke, I covered everything very well and I can go with what she said.

Mr. Ken Podraza, 10th Avenue North: I, too, want to thank you again. I know you’re all working hard trying to integrate everything. It’s a challenge, tough, difficult ordinance for a lot of people. And it’s complicated to make it all work well together, but a few things I’d like again to reiterate, to think about. On page 7-2, we talk about the minimum number of trees and size of trees. We have different areas R1, R2, R3 having different tree requirements. So again, you’re putting more costs on those people have a little bit larger lots, and so is there really rationale for that? If so, I haven’t heard that. So that’s something to discuss as to why. On page 7-5, we talked about those replacement trees; 7 inch diameter and 22 inch circumference. I called a few places around to find out what it would cost around this area and most the place don’t have trees like that. Those that did said we might be able to get some. They figured it’d cost at least $7,800 per tree, at least, and it would cost at least that to put in. Such huge trees and need to bring in big equipment to do that. So it is a really huge financial burden to try to get those kind of replacement trees at that 7 inch parameters. And the last thing, again, we talked about the table of trees that we have, page 7-9, ones that were protected, it seems like again we’re seemingly protecting all trees. The question really is which ones do we really need to protect? If we could limit that to make the ordinance more easy [sic] for homeowners to be able to conform to, and at the same time protect as many trees as seems to be right for the township. So again, thank you. I appreciate your time.

Mr. Mike Holt, North Yaupon: Greetings, most honorable leaders from a tenant of the Republic of Surfside Beach. I’m going on my third year as a full-time resident of our favorite republic, and we’re still trying to understand the tree ordinance. Due to time constraints, I would like to focus on one specific section of the tree ordinance regarding replacement trees and the mitigation fund. Under the proposed ordinance regarding Table 17-720.1, a change was made to increase the 2 inch diameter requirements to 7 inches for the purpose of administering the requirements that no tree less than seven inches in diameter shall be counted in order to satisfy the minimum number of trees per lot. I believe this will definitely place a hardship on owners. Especially in the R3 zone where the lots are very small. For example, the homeowner needs to remove a protected or specimen tree due to one of the reasons listed in Section 17-720, or 17-724. According to Section 17-721 the total circumference inches of a replacement tree required to be planted must be a minimum of 22 inches in circumference, measured at breast height. Does anyone have any idea how costly that specific tree would be? Not to mention the size of the root ball, which could require the assistance of a front end loader. We’re talking a big root ball. Possibly removing a fence, destroying the homeowners landscaped lawn in order to plant this tree, and
then most likely, that size tree would not live anyway, because if it’s been traumatized in any way during the planting. The section goes on to read once the building site meets the minimum number of trees required, the remaining replacement to meet the circumference inches requirements may be satisfied by paying into the tree mitigation fund established in Section 17-726. As the homeowner reviews this particular section, he finds out that not only will he incur the cost of the permits, the arborist fee, his time to appear before BZA, if it’s a landmark tree, cost of removing the tree, and the stump, and also the cost of purchase a replacement tree, or pay into this mitigation fund in accordance with the town's applicable cost schedule based on the current nursery market value, plus installation cost. So I was curious about the town’s applicable cost schedule. So I made a visit to the PBZ to get a copy of this schedule. Not surprisingly, the person I talked to had no idea what I was talking about, even though I had a copy of the current ordinance for her to reference. So after getting nowhere with PBZ, I decided to call a few tree companies get an estimate of cost the homeowner will incur in order to comply with this tree ordinance. Needless to say, I was unable to actually make contact with anyone who could give me an estimate today. I will continue to pursue this method, getting the estimate and would also appreciate PBZ providing a copy of the town’s cost schedule based on the current nursery market value as noted in 17-726. I’m very disappointed that the tree ordinance provided by, for our public hearing does not fulfill the expectations of the homeowners. Thank you.

Mr. David Reed, North Myrtle Drive: I haven’t seen all of your draft, but was curious if there is any provision in there for vacant lots. I’ve owned one for six years and back then I was able to get a permit to take a percentage of the trees down. Got to have them come out and survey and tell what types of trees they were. But since then, I went to get a permit for that year to later and I was told that’s no longer in existence. So I didn’t know if there’s any ways to go in and just maybe thin out your lot and make it look better for your own pleasure. There is something like? (Ms. Morris indicated to Mr. Reed that there are provisions for lot cleaning.) Okay, so that’s what I was looking to do, other than bush hog it. I know you can’t do that. Thank you.

Mr. Ron Mask, 10th Avenue North: Everybody’s covered most of the things I was concerned about. But I do want to thank you for making the four inch to seven inch change. I think that covers a huge proportion of the complaints and problems that a number of people have had. I would like to reemphasize the point that having to put in a seven inch tree that can weight thousands of pounds needs a crane and a tree planter is just a ridiculous minimum requirement. The city is all about growth. We want things to grow. We could put in a smaller tree and watch that grow, too. Seven inches is very punitive to people as a replacement requirement. I urge you to change that one. Thank you.

C. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article II, Section 17-222 (Powers and Duties of the Board of Zoning Appeals) to include appeal requirements for the removal of Landmark Trees. There were no public comments on this topic.

Chairman Abrams closed the public hearing at 6:17 p.m.

4. AGENDA APPROVAL. Ms. Johnson moved to approve the agenda as presented. Ms. Lowery second. All voted in favor. MOTION CARRIED.

5. MINUTES APPROVAL. Ms. Johnson moved to approve the January 17, 2017 tree ordinance workshop minutes as submitted. Ms. Gambino second. All voted in favor. MOTION CARRIED. Ms. Gambino moved to approve the February 7, 2017 regular meeting minutes with two scribener’s corrections by friendly amendment: Line 615, “can do” should be “can’t do”, and Line 617 “compare” should be “prepare.” Ms. Johnson second. All voted in favor. MOTION CARRIED.
6. PUBLIC COMMENTS- Agenda Items. Chairman Abrams said a written letter was delivered to the members from Mr. Laurence McKeen, and asked that his comments be considered. A copy of the letter is attached hereto. There were no other public comments.

7. DIRECTOR'S REPORT. Ms. Morris said I was asked at the last meeting to email the board of zoning appeals members and asked if they had any concerns with the proposed amendments regarding landmark trees. The majority did not have any concerns. A few had questions, which we addressed. After the emailing we didn't have any additional questions. So I assumed they were answered, and they were okay with the amendments. Chairman Abrams asked if to best of your knowledge, the BZA members are comfortable with the changes we made. Ms. Morris said yes.

8. BUSINESS.

A. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article VI, Signs in its entirety.

Ms. Johnson moved to recommend the sign ordinance to Town Council as written. Ms. Elliott second.

Mr. Lauer asked if authorized signs on page 6-3 could be highlighted to draw attention to the categories. Ms. Herrmann said the words could be italicized or underlined. Mr. Lauer asked that the headings 1 through 8, the words up to and including the colon should be italicized. Page 6-5 at the middle the page where it says wall after that there's a parentheses and three business in... Ms. Morris said “in the same complex.” She will correct. Mr. Lauer referred to page 6-7, number 5, utility poles the margins are out of line; just clean it up the left margin. Otherwise, I like this document.

Chairman Abrams referred to page 6-7, item 5 signs painted on or attached to trees, blah, blah, blah, I don't see why we need telephone or other. Why can't we say fence posts or utility poles? A telephone is a utility. Several members and Ms. Morris agreed.

Mr. Seibold referred to the last page, description of the signs, we have what I call a menu sign. Ms. Morris asked if he meant the sandwich boards. Mr. Seibold asked if that was what that's called. It's not labeled. Ms. Morris said we can label it; it is a sandwich board. Mr. Seibold asked if that was in C2 only. Ms. Morris said right, but we can certainly put that. Mr. Seibold said for clarification that freestanding is permanently affixed to the ground. Ms. Morris said correct. Mr. Lauer asked if no billboards allowed in town was in the code. Ms. Morris said that was correct.

Chairman Abrams called for the question. Ms. Herrmann asked if the corrections could be accepted as friendly amendments by the board. Chairman Abrams asked if there was consensus to include the corrections in the motion. Commission CONCURRED. All voted in favor of the motion as amended. MOTION CARRIED AS AMENDED.

B. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article VII, Landscaping and Tree Protection in its entirety.

Mr. Seibold moved to hold the tree ordinance for further consideration. Ms. Gambino second.

Chairman Abrams asked if anyone wanted to reconsider any section based on the public hearing comments tonight.

Ms. Gambino referred to [Ms. Holt's] comments, and said this is why we need all our minutes, too, might I add, through the 23rd, as well, because she spoke of the palm tree and that took place on the 23rd. We don't have those minutes. That's all I will say on that, because I need to read over these to
Ms. Lowery said we did not eliminate palm tree and is not a matter of not liking it. It’s not a hardwood tree. Palms don’t take up much water, and it doesn’t supply any shade. The Palmetto tree is still in the list of replacement trees, but in the list for non-protected trees. No one is saying that you can’t use it. It’s just in the list to replace non-protected trees. We’re trying to stay with hardwoods where we can. There was an extensive discussion on the R3 district having limited space for trees. In lieu of singling that out, because there are lots in the R3 district that are large enough to handle larger trees. Other lots are not. There is language in the tree ordinance that allows the planning, building, and zoning office to make discretionary decisions based on the size of the lot and the need of the owner, so that they can have some freedom as to what they plant. If they don’t have room for the hardwood, then they have the ability to work with them to come up with something else. If that includes the palm tree, that includes the palm tree. It’s not a matter of disliking it, or not wanting it. It doesn’t do what we would like our trees to do.

Ms. Johnson said she was actually getting ready to say the same thing that Ms. Lowery just said, and won’t be like Town Council and repeat her every word, but just say ditto.

Mr. Seibold said I do think this was loosened up quite a bit from the other one. We got rid of the arborist. We went to 7 inches for trimming. We do have the palm trees and replacement trees, or if you don’t have enough trees left on your property you have to keep that in mind. What I do agree with and I mention it at the last meeting, I do think the 7 inch requirement for replacement tree is just too much. I’m really, really sticking to my guns on that. That is a huge tree. I went around over the last week trying to find one; you can’t find a tree that is 7 inches. The other comment, which I agree with as well, is counting the diameter of the trees remaining on your property. I also agree, I think, 7 inches may be too much for that. I think we should reconsider both those points.

Ms. Elliott referred to the chart on page 7-4, regarding commercial property. To cut anything, if you’re a commercial property, you must see the code enforcement, because of our overlay plan. The second paragraph is contradicted. It’s confusing. If I was a commercial owner, I would think I was allowed to cut limbs up to 7 inches by reading the second line that says ‘pruning of larger limbs over 7 inches in diameter measure 2 inches from the trunk or the removal tree shall not be permitted, unless the code [sic].’ I don’t think we need that paragraph. It’s confusing. Commercial businesses are not allowed to cut anything without going to code the first place. Chairman Abrams said I agree. Ms. Lowery asked what if we just remove from pruning to or, and leave the removal of tree shall not be permitted unless.” Chairman Abrams and Ms. Elliott said that commercial businesses are not allowed to cut anything without first contacting PBZ. Ms. Elliott said I like to see that whole ‘pruning of larger limbs to determine in writing’ eliminated. Ms. Lowery said if we do that then we eliminate 1 through 3, as well? Ms. Elliott said I don’t have a comment on that part. Ms. Johnson said you have to change something, because it doesn’t make sense then. Ms. Elliott said well, they’re not allowed to cut anything. Am I my correct, Ms. Morris. Ms. Morris said yes. Ms. Elliott said nothing. Ms. Lowery said if paragraphs d to the end we left that gives some basis. Mr. Lauer said those are just the conditions with which you can do those things. Ms. Elliott said you have to remove that one paragraph. Ms. Johnson said if you read it, it doesn’t flow. Mr. Lauer suggested ‘under the following conditions.’ Ms. Elliot and Ms. Johnson said something. Ms. Elliott asked if we should add ‘under the following conditions’. Ms. Johnson said we could start with ‘the code enforcement official or the BZA in a dispute determines in writing, 1 through 3.’ Ms. Elliott said that makes sense. Ms. Morris said that made sense. Chairman Abrams said I think it makes sense, but I’m not going to be happy if we send this forward tonight with some of this hanging loose. Assuming it’s not going forward, and we’ve got time to really study it, yes, I’m happy. Ms. Johnson said well, I do believe we need to address, just in case there is a dispute, and that does that if you leave that one sentence. Ms. Gambino thanked Ms. Lowery for her comments on the palm trees. I would very much appreciate the
latest minutes, so we can review them and know what we did last meeting, and clarify some things, and
read them before the meeting and freshen our memory.

Ms. Lowery said the lady who spoke asked about the long needle pine and it not being approved.
That is kind of a fragile pine, if you can think of any pine tree that's fragile. It does not do well in grown
in with other pine trees. It is an old pine tree for this area. Builders or lumber people planted the shorter
needle pine, because it grew faster and they could harvest timber faster. Short needle pines overwhelm
the long needle pine. If we have one in Surfside, it will not last. There's absolutely no point in planting
one, if it's not going to survive. The short needle pines take over that one long needle pine that might be
Surfside. I learned that on the tour of Hobcaw Barony.

Mr. Lauer said a couple of the sections have bothered me. One is 17-720 .2. I mentioned this
before, I think that you have to frontload the information that particularly the homeowners need to have.
In that paragraph there down at the end is buried for existing homeowners only, no permit shall be
required. I think if nothing less, that sentence should be moved to the beginning of the paragraph. But I
have a couple of questions. Can homeowners remove a tree that is less than 7 inches in diameter without
a permit? Ms. Morris said yes, the code states pruning and tree removal. Mr. Lauer said I want to say it
there, too. So what I would suggest some other language there, I think that needs to be in the first
sentence of the paragraph, so that the homeowners can see that immediately, because that's what
they're looking for. They want to know whether they can remove a tree. Ms. Morris said we'll be glad to
add it. We had a long discussion on this at one meetings and at that time it was leave it like it is as far as
where the homeowners are. I think clarity is a good thing. Mr. Lauer said he had proposed language
written down and would give it to Ms. Morris; he would email it to her.

Mr. Lauer said there's nowhere in this section that indicates the cost of a permit. He appreciates
that would be in another place in the document, but shouldn't we reference that section someplace in
this code? Ms. Morris said well, we can certainly reference that chapter, but we've been advised not to
put fees in this section.

Mr. Seibold restated his motion to withhold the tree ordinance from going to counsel until further
consideration. Ms. Gambino confirmed the second. Ms. Elliott said I just want to know what else are we
going to be working on. Chairman Abrams, Vice Chairman Seibold, and Members Gambino, Johnson,
Lauer, and Lowery voted in favor. Member Elliott voted against. MOTION CARRIED. Chairman Abrams
said the tree ordinance will not be sent to Town Council as of this evening.

Mr. Seibold said if we can resolve the issues tonight, we move forward with changes. Chairman
Abrams said we can. Ms. Elliott said that's what I was thinking we were doing. I agree with Mr. Seibold
about the 7 inches. I think I brought that up at the last meeting. I see only those two areas we need to
discuss. We could probably move it on with the corrections. Mr. Seibold said I agree.

Chairman Abrams said the motion was adopted that the ordinance will not move forward, but the
commission will proceed with discussion. We may get to the point where we have another motion to turn
that around. Are we legal on that? Ms. Herrmann said the commission may take a vote to reconsider the
motion. If that is adopted, then the motion could be offered for another vote.

Mr. Seibold said I don't know what the correct number is, but I'm I feel that we have to reduce
the 7 inch requirement for replacement tree. Ms. Elliott and Ms. Gambino said I agree. Mr. Lauer said I
think we have to do that, but I think we need also asked Ms. Morris to refresh our memory with the
reasons why she was struggling with it. Ms. Morris said we've been struggling with it since it actually
came forward when Waccamaw Regional Council of Governments wrote this and got it approved,
because we had some contractors that come in, and property owners, but more contractors than not
have come in and we have counted the 2 inch trees, which is what was required in the current code.
Then one of the contractors said as soon as you leave, we're cutting them down, because they're not
protected. Then they don't have the correct number of trees on the property. This code says you can count it as a replacement, but then they can cut it down as soon as you leave, so they don't have it. A lot of them do; some contractors say I'm going to plant it until you inspect it and then I'm going to take it back to the nursery. That does happen. Mr. Lauer said I made a flip remark last time about having a super protected tree, but I think maybe some language can be written to avoid that happening without trashing the whole code.

Mr. Seibold agreed saying we've had this discussion a number times. The idea when we went with the 7 inches was because you couldn't cut it. I agree with Mr. Lauer, there has got to be some way to formulate language that we could use for the contractors. Ms. Morris said I agree, and if you could put something that says whatever... Mr. Seibold said I know I don't want to punish the homeowner. Ms. Morris said it was certainly more contractors than anyone else. Mr. Seibold said as he said at the last meeting, the tree is dying. He's already got a cost to take it down; maybe the tree came down from a storm. Now we have to tell the homeowner to spend $2,000 to plant a 7 inch tree; that just is absurd. I don't know what the correct language is, but we do have to come up with something.

Ms. Elliott said I agree with Mr. Seibold. We need to reduce that 7 inch requirement. There's gotta be some kind of wording we can come up with. And we also have to trust the integrity of our residents that they are complying. They're having the right amount of trees on their property. I mean, I brought up that the last time; a 7 inch tree. What kind of ball do you think that has? It is huge. Mr. Seibold said it was unmanageable. Ms. Elliott said that's right, so I like to see us go back to 2 inches. Ms. Morris said now the question I have is if we reduce it, and I'm certainly not against that, but the contractors are a concern. With the 2 inches in the only reason you're having to put that in the code is if you don't meet the requirements minimum tree requirements. A 2 inch tree is not going to make up for that diameter that you are missing. How are we going to do that?

Mr. Seibold said we did that in the old ordinance by using multiple trees to get the desired diameter. Ms. Morris said we allowed for multiple trees. Mr. Seibold said that would add up to the 7. I kind of agree with that. We went through this the last time, and we're in the same boat. The properties here are small. You take down the 18 inch tree is no way going to get 18 inches back. Ms. Morris said that's right. Mr. Seibold said if we want to use multiple trees, I would agree with that. Mr. Lauer said we could also specify fast-growing trees; the ones that are going to give us the inches the quickest. Ms. Lowery said we do have to keep in mind this is only if you don't have to minimum number of trees required on the property. Something was said about larger lots. Larger lots will support more trees. I don't have a gigantic lot, but that I think right now I have nine or 10 trees on my lot. They're not all protected but they are there, whether I like them or not. Ms. Elliot said I agree with Mr. Seibold that we need multiple trees. Do we definitely need the exact diameter, and the circumference around it, or half of it, at least? We need trees that are going to have strong roots, save erosion, and help with storm water. That's what they're planted for in the first place. Not one of us likes raking leaves, picking up hickory nuts, picking up acorns, or sweet gum balls. We don't like doing that, but those trees save us from flooding. Anybody in agreement of half the size of their circumference removed? Just throwing it out. Mr. Seibold said we had 2 inch the last document. I would be comfortable with that. Ms. Elliott said with multiple trees; I would, too. Ms. Lowery said my only concern with multiple trees is that you wind planting more trees than you're going to need, and perhaps have trees that are going to be in the way in the future. Mr. Seibold said that's absolutely true. Ms. Lowery said we're between a rock and hard place. Ms. Elliot said they could cut them down before they're 7 inches. Mr. Seibold said that's true, but I don't know if a homeowner is really going to go on a direction. If he's already spent money to plant this tree. He's is going to take care of it. A contractor is a different story.

Ms. Lowery said we can go with multiple smaller trees, but how are we going to prevent contractors from just clearcutting once your back is turned. Ms. Gambino said just keep in mind we have to be careful with construction legally differ from resident to construction. I'm just throwing that out there. Chairman Abrams said we've got different rules, but the lawyer won't let us have different...
punishments or fines. Ms. Morris said that was right. Mr. Seibold said I think the old ordinance states with
multiple trees not less than 2 inches; I don't member the exact verbiage. Chairman Abrams asked if the
commission wanted to use the current ordinance. Mr. Seibold said I would. Ms. Gambino said yes.
Chairman Abrams asked if there was a consensus to use the existing verbiage for replacement trees. Ms.
Morris said the replacement trees had to equal the diameter on the lot before any trees were cut. Ms.
Lowery suggested a maximum of three trees, no less than 2 inches. Mr. Seibold agreed. Ms. Johnson did
not think a maximum should be set; some owners might want a bunch of trees. Do a minimum. Ms.
Lowery said that should be a minimum of three trees. Mr. Seibold added at 2 inches which would give 6
inches being replanted. Ms. Morris asked what would be done if the homeowner did not meet the
diameter requirements. We are giving them a minimum requirement for diameter on the property. You
cut down a 22 inch circumference tree, so you're missing 22 inches. But, you only plant three trees at 2
inches diameter, the 7 inches diameter is not met. Ms. Lowery asked if this would be for existing
homeowners, with a separate rule for new construction. Ms. Morris said not right now.

Ms. Lowery said let's do something different for new construction and let existing homeowners
who have to remove a large tree go with three smaller trees. Mr. Seibold said I like that idea. Ms. Lowery
said new construction would have a little more flexibility than an existing homeowner. Mr. Seibold said
new construction changes everything, because he could put in a 7 inch tree, since they have backhoes on
site. Ms. Lowery said I like that. Mr. Seibold said he likes that, too; very good. Ms. Johnson said that
sounds good. Chairman Abrams asked if we have a consensus. Ms. Lowery clarified that the change is for
existing homeowners only that removal of a tree greater than 7 inches in diameter would have to be
replaced by a minimum of three trees, no less than 2 inches in diameter. Ms. Elliott liked that. Ms.
Johnson said if the owner chose to plant a bigger tree, three would not be required. Mr. Seibold said
right.

Ms. Lowery continued explaining that for new construction, the contractor would have to match
the diameter either with smaller trees or a single larger tree, depending on the tree. Mr. Seibold said that
works. Ms. Johnson asked if that would prevent the problem of contractors clearing land after the lot was
inspected. Ms. Morris said this would not stop that. Ms. Johnson said with contractors the code should
state with a minimum of 7 inch tree. Mr. Seibold and others said absolutely. Ms. Morris said yes, that
would prevent the cutting. Commission CONCURRED to the changes for the homeowner and
contractor for replacement trees as stated.

Mr. Seibold said one issue which was brought up was counting the minimum number trees on
your property, only including 7 inches or larger. I don't agree with that, because I know on my property I
have a lot of trees. But, I also have some nice trees, which are less than 7 inches that I would consider
toward the total number of trees on my property. I kind of agree with that that should be changed, as
well. Again, I don't know what the exact number is to count, but I do think you should count any tree
over 3, 4 inches as a tree, even know we're allowed to cut down 7 inches. Here's the issue, I have a tree
die; have to take it down. Ms. Morris said the first thing we ask you is how large the tree is, and if you
say it's less than 7 inches, we say you don't need us to look at. Mr. Seibold said not an issue, right. But
it's bigger than 7 inches; in fact, I have one. So now you come out and you're going to count the trees
on my property. I have a couple nice trees on my property, but they're not 7 inches. They should be
counted. Ms. Morris said well, right now we do count anything over 2 inches in diameter. Mr. Seibold said
over two. Well, there you go. Ms. Morris said if we change it back to 2 inches, we wouldn't have that
problem. Mr. Seibold said that's what I would go with. That would be my recommendation which was in
the old ordinance.

Chairman Abrams said we can either continue to chew on this for future meetings, or if the goal
is to still try to send it forward to Town Council this evening, then we will be heading for a reconsidering
of the previous vote. It's up to the commission which way you go. I think that one of our members is
going to have to leave at 7:30, so I'd like not to have a vote linger too far beyond that, either.
Mr. Lauer moved to reconsider the motion to hold the tree ordinance for further consideration. Ms. Johnson seconded. All members voted in favor. **MOTION TO RECONSIDER CARRIED.**

Mr. Seibold moved to hold the tree ordinance for further consideration. Ms. Gambino second. Chairman Abrams voted yes. Vice Chairman Seibold and Members Elliott, Gambino, Johnson, Lowery, and Lauer voted against. **MOTION FAILED.**

Ms. Johnson moved that the landscaping and tree ordinance be recommended to Town Council with the changes discussed at this meeting. Ms. Gambino second. Vice Chairman Seibold, and Members Elliott, Gambino, Johnson, Lowery, and Lauer voted in favor. Chairman Abrams voted against. **MOTION CARRIED.** Chairman Abrams reiterated that the ordinance would go forward to Town Council with the changes made at this meeting.

C. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article II, Section 17-222 (Powers and Duties of the Board of Zoning Appeals) to include appeal requirements for the removal of Landmark Trees.

Chairman Abrams introduced the tree guidelines for the board of zoning appeals. Verbiage was added on page 2-2 to set criteria for the board of setting appeals to consider regarding landmark trees. Ms. Morris indicated that the BZA members are okay with the language. I have one thing I’d like to point out and that is that we decided at the last meeting in item (5) to hear and decide appeals, we were going to strike ‘for variance,’ because it’s not always a variance. That is still in here and needs to go before we can go forward on that. Everybody with me on that? Several members replied affirmatively. Chairman Abrams asked if there is anything in this section that anyone feels we should reconsider based on public hearing. There were no responses.

Ms. Johnson moved to recommend the landmark tree language for the BZA to Town Council as written, with the words ‘for variance,’ omitted as discussed. Ms. Elliott second. All voted in favor. **MOTION CARRIED.**

D. Powers, Duties, Responsibilities, and Rules of Procedure (Bylaws) of the Surfside Beach Planning Commission.

Chairman Abrams said the bylaws were discussed at the last meeting. Most of the changes were because they were things we never did or things that were incorrect. We added criteria for written comments, which we never had before. We struck giving written notice to the secretary for speakers at hearing. However, you can read it; you’ve all got the draft.

Mr. Lauer moved to approve the changes that were made last meeting in the organizational structure. Ms. Johnson second.

Ms. Elliott said I’d like to say I like where Section 1, Article 5 review procedure. I like that the chairman will go in front of Town Council to explain if we need extra time when in his or her opinion a particular matter warrants extraordinary research, or a public hearing. Chairman Abrams said she didn’t have to go before the council; she could provide notice in writing.

All members voted in favor. **MOTION CARRIED.**

9. PUBLIC COMMENTS - GENERAL DISCUSSION.

Mr. John Tellet, 14th Avenue South: Ms. Gambino, you made a statement approving the tree ordinance and then you said the alternative is something else. What is the alternative? Chairman Abrams said we don't normally respond to questions public comments. (***)
Ms. Carol Holt, Yaupon Drive: Earlier with my reference to the Palmetto tree, my comment was that it was deleted from the table for the trees approval for planting and replacement for protected, specimen, and landmark trees. Which it was. My question was why. I realize what you're saying. It can be planted, but it's a common tree. My question was why was it eliminated? In the fourth draft it was on there, so I don't know what discussion was held, and why it was eliminated from the list of planting as a replacement for protected, specimen, or landmark trees. As far as the long leaf pine, I know what you're saying. I have a tree farm of long leaf pine needles. So, I mean I don't hate trees. But I was referring to Section 17-721, paragraph 3, where it indicates the list of approved trees includes all trees on the list of protected, specimen, and landmark trees, as well as others noted in italics. Well, the long leaf pine is listed on the protected, specimen, and landmark trees. According to that section, then I would think it would be listed on the replacement. That was my question regarding the long leafs. I still didn't get an answer on that. But, one thing that wasn't brought up that I am concerned about, and it's probably just my ignorance, but many of the homeowners have conveyed their worries regarding the penalties that are listed in Section 17-730. I'm personally troubled, too, because these fees are viewed as being very excessive. Section 17-730 refers to Section 1-116 of the South Carolina Code of Ordinance regarding general penalties. You are the experts on the subject, and we appreciate your patience as we try to understand the logic behind the over-regulation of this tree ordinance. When I looked at Section 1-116 located on the website for the municipal codes for Surfside, I find that the language for the violations and penalties is very similar to the Surfside sign ordinance, as well as the Surfside flood prevention ordinance, and I quote from Section 1-116 A violation of any such provision shall be punished by a fine not exceeding $500, plus fees and assessments or by imprisonment of a period not exceeding 30 days. However, no penalty shall exceed the penalty provided by the state law for similar offenses. My question in this is reference to this last sentence: No penalty shall exceed penalty provided by state law for similar offenses. So Section 17-621 of the sign ordinance states that the town may place a lien, this is on the signs, upon such owners property and foreclose the same to collect the charges. I couldn't find that in the in the language of the South Carolina Code of Ordinances nor could I find any language that would absolutely support the excessive $10,000 fine, and some of the others too, for removal of a landmark tree without a permit. A stated previously, we are not experts or lawyers. But, I am concerned that these penalties listed could be considered as exceeding the penalty provided by state law for similar offenses. My last thing about penalty is the $500 for removing protected or specimen tree without a permit. The fine is $500 per 4 inch for each tree. So I don't understand that specific fine, because I'm thinking it was changed from 4 inches to 7 inches. So on this tables, it says you can limb or tree under 7 inches. But here there's going to be a $500 per four inch diameter for each tree, if you don't get a permit. I apologize for probably my ignorance with this. But, I am concerned. I did research this and maybe you or one of you, or Ms. Morris can help me understand this South Carolina Code of Ordinances, especially regarding this sentence that I referred to. One other thing, if I have time, about the new bylaws, the only thing I'm concerned about, because I was like Debra, I was involved with boards at my job before I retired, in minutes and that sort of thing, and bylaws. The agenda notice can be sent out no less than 24 hours prior to the meeting (time ended). So there might be a timing issue with comments being required 24 hours before the meeting.

10. COMMISSION COMMENTS.

Mr. Lauer: In terms of the trees and the homeowners in town, I do believe that probably somewhere in the high 90-percent of the homeowners understand where were coming from in trying to preserve the trees, because of the stormwater and the conservation our trees. I think that while there have been some questions about the size of the trees, I think we've worked it down to a point where it's at least reasonable, now. I don't think there's going to be an answer that solves everybody's problems. It never happens that way, but I think we were able to at least accommodate most of the folks with the adjustments we made tonight. Thank you very much.

Mrs. Johnson: Thank you all for coming. We appreciate your comments. Have a good evening.
Ms. Gambino: I concur with Mr. Lauer on this. I think that we’ve taken a long look at things, and we’ve made some good headway, so to speak. So, it will now go to council, and it’s in their hands. Thank you for coming out.

Ms. Lowery: I’m very glad that you all came and shared your opinions with us, and appreciate that. I’m glad that I’m here, too.

Ms. Elliott: Thank you all for coming and I’m so glad that Mr. Seibold brought up the 7 inch diameter, 22 circumference, once again, because it is a very large tree. I’m happy we readjusted, and took it back to a manageable size for everyone. Thank you for coming.

Mr. Seibold: I appreciate you coming. I appreciate your comments. I do think we lightened up on the tree ordinance quite a bit. The written comments we had that we reviewed, I think we included them. It's quite easy now to go to Ms. Morris to remove a tree. Basically, just if I think it's going to damage my property in the future, or if it's diseased, which wasn't the case with the old tree. So, I think we made a lot of progress. As Mr. Lauer said, it's a tight rope and I think we've come a long way.

Chairman Abrams: I don't think I need to say any more. My vote says it all. I still think it's complicated as heck.

11. ADJOURNMENT. Ms. Lowery moved to adjourn at 7:18 p.m. Ms. Johnson second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk


Mary Ellen Abrams, Chairman

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