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 Gambino, Johnson, Lauer, Mastrosante and McKeen. A quorum was present. Others present: Town Administrator Fellner, Deputy Administrator Harrah, Events Supervisor Ellis.

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

3. AGENDA APPROVAL. Ms. Johnson moved to approve the agenda with an amendment in discussion item number 8 I would like to add Section 17-400 to be consistent with other ordinances in the State Law. Ms. Gambino second. All voted in favor, MOTION CARRIED AS AMENDED.

4. MINUTES APPROVAL. Ms. Johnson moved to approve the November 7, 2017 meeting minutes as submitted. Mr. Lauer second. All voted in favor. Chairman Abrams had a correction to Line 79, what I said was because I “don’t” want a gun shop there. Mr. Lauer had scriveners that he would send to the clerk. MOTION CARRIED as amended.

5. PUBLIC COMMENTS- Agenda Items. There were no public comments on the agenda items.

6. DIRECTOR’S REPORT. Mr. Harrah reported that staff issued 168 permits, 70 permits, six residential, one commercial, 171 inspections were conducted for the month. Code enforcement investigator total of 94 complaints and concerns. The building official has several ongoing complaints that are currently under investigation. They include permit violations, accessory structure locations, and structures in the process of demolition. Staff attended training and on ICC International Property Maintenance Code. These classes were 12 hours and applied towards their 24 hours required state-mandated training. Staff also attended training on 2017 changes and South Carolina law as it related to architectural and engineering law, building codes enforcement officers’ regulations, The Building Code Council registrations. The fees and disciplinary procedures, and what to expect when a complaint is filed against me at the South Carolina LLR. This was a three hour continuing education class which also goes towards the 24 are required state-mandated continuing education. Mr. Farria attended a two day training for stormwater plan review in preparation for his exam in November.

7. BUSINESS. E – Entertainment District.

Mr. Harrah said we are bringing forth this discussion that we had on the rezoning of the pier area. It’s critical to understand that this is not a new use, not a new intended zone. These zone use are already available in our current laws as it’s written. It’s more to establish the branding and the marketability of that area and reduce the use of residential establishments in the commercial zone. What I’d like to ask is for the planning commission to make recommendations for this E district. You heard the public comments tonight and the concerns of the citizens, as well as the pros and cons. Looking at what the availability that not only branding this district, but the tax incentives and the tax changes based off the use; if the established area within the C3 zone is a business occupancy, there’s no accommodations tax comes out of that. Chairman Abrams as if he was talking about a rental house. Mr. Harrah said I’m talking about a business occupancy. Strictly commercial. Although it's allowed, so is everything else as far as restaurants, entertainment; these uses also allowed. The difference is that in the accommodation and hospitality you gain in the hospitality tax off of those items of a restaurant. You don't gain off of what a business occupancy such as an architect office. They are not selling and accommodating to a tourist or
any of those events. So staffs’ recommendation is for the planning commission to make recommendations to move this forward to Town Council. I’ll be glad to answer any questions.

Ms. Johnson said I have a question about permitted uses. It states restaurants and other dining establishments without lounges indoor only. So you could not have anything like Scottie’s has their outdoor porch, so does Neal and Pam’s. People just sit out there and have a beverage, watch the traffic go up and down. So you couldn’t do something like that Mr. Harrah said yes you actually still can in the current ordinance. The current ordinance allows it. There is a permitted use and conditional use, but it is still allowed. Both open or closed cafés outdoor dining establishments. Mr. Seibold asked if new businesses will also be able to do that. Mr. Harrah said currently, yes. There is no there is no wording that changes that as far as the intended use. It just changes the restriction so that if a commercial establishment goes away, the owner can’t in and decide to build to eight bedroom house. Mr. Lauer said since hearing the introduction before the public, and current comments, I was looking to find the advantages for making this change. I’m looking to get something that was really concrete, and after the first one I really heard what you said will keep those businesses out of here that are provided money for a-tax. What other advantages you see to doing this. Mr. Harrah said I think if you look at it from the branding side, you know, when the pier when the pier gets reestablished. Mr. Lauer said so you will encompass the whole area and call that the pier area. Mr. Harrah said the pier area is a rezoning of a small portion of the C3 amusement area. If you think about it as a branding that you go to any other municipality up and down the East Coast that has that has this type of environment, you’re looking at a branding to establish that the desire. I want to go to this destination, because of the pier, because they have these types of the restaurants. You can you look at is as going to Venice Beach. They go to Venice Beach because of the boardwalk. That’s the branding of it; is the boardwalk. Yes, the town of Surfside is a little town. It is the family beach, but it’s also important to realize that the taxes and the services that the town provides the residence is a derivative from the businesses. So the more businesses that we get, whether it’s in the C3 or the C1 or the C2 districts any and all of that money helps offset the cost of the services and the taxes. It is an important advantage to having more businesses than it does not having businesses. If you don’t have businesses, then were looking at some way to provide the services. Either you raise taxes to pay for them or you cut services. That’s not what the intention and not what we. We want to thrive; we want to make the economy great. We want the citizens to be a beneficiary of it Mr. Lauer asked how Scottie’s got off the list. We were just trying to make the area square. Mr. Lauer said basically, you know, it makes sense to include that. Mr. Harrah said he was not necessarily saying that we can’t include Scotties. If the commission wants to include the Scottie’s property, it can. Mr. Seibold said everything that exists today, the only thing with doing up here is eliminating the fact that they can build residential in this area. Mr. Harrah said with this rezoning the main aspect is we’re going to restrict the residential, but they were also offsetting some of the commercial established building requirements of zoning. When you think about it, the existing buildings back in the day were built with zero lot lines. Ordinance change the required a 5 foot setbacks. If you go back now, you reduce the footprint of the buildings within those areas. So relaxing it back to what it originally was, a zero property lines, doesn’t affect the building. How it’s built; it’s just the size of the building. Mr. Seibold said all uses exist today that we talked about last month. So, we actually we’re refining that; eliminating, hopefully, eliminating some of the ones we wouldn’t like to see there. The parking issues are the same? Mr. Harrah said that was correct. Mr. Seibold said parking issues are the same. They are the same today and will be the same tomorrow. Mr. Harrah said that is correct. Mr. Seibold said my big concern is the businesses that we allow in there. Mr. Harrah said the types of business sites? Mr. Seibold said correct. Other than that everything we’re talking about exist today. Mr. Harrah said that is correct. In our current ordinances, all these uses that have been discussed can be done in any existing building, whether or property owner decides he wants to tear down the building built back, it’s entirely up to him, but the use is still there, without having to rebrand it, rename it or reestablish a rezoning name, okay? So we were not adding any new use to the land use development. Like to say, it’s all existing.

Chairman Abrams said we haven’t made change here. Arcades have always been allowed in C3; were continuing to allow an arcade in the E district that we had asked you to touch base with the police
Chairman Abrams said it seems to me if you were going to vacation tourist area on the beach between bars you going to get some noisy drunks. Mr. Seibold said absolutely. Chairman Abrams said I can hear them from my house sometimes. Mr. Harrah asked if there were any questions for the chief.

Chairman Abrams said I just would like to know your viewpoint right here in River City. Chief Hofmann said thanks for giving me an opportunity to speak on this. I met with Deputy Administrator Harold on several occasions to speak about this. I, like several of the community and yourselves, have some concerns about this change. I believe that this is would be a positive thing. I think that from a public safety perspective, which is hopefully recognize my area of expertise that the concerns would be noise; some juvenile activity; an increase maybe in some DUI and some other offenses related to that. But I think what's important to note is that several people that have spoken to about this as well, then they reference the Garden City pier. It's important to note that here in Surfside Beach, we are a very well policed community. You have a well-funded police department and a well-staffed police department. So we police differently than in some of those other jurisdictions. I think what Deputy Administrator Harrah and I have brought up is we would like to have the opportunity to maybe try to find some other cities or smaller towns like us, that are built a little more like us to look at and see what this how this impact might've been on public safety, which is gonna be my primary concerns public safety for Surfside Beach, but I don't think that the this is really such a dramatic change as I originally thought and after I spoke with Deputy Administrator Harrah more about a lot of these things already exist and all these businesses can already be here. You really just are changing sort how you go to market in and restrict some of the residential in this area. The only concern would be that you know if you have an entertainment district and there's maybe more music, more noise you can that you're so close to residential areas that I think that something Police Department will have to balance the move forward is to help manage noise complaints and things like that but overall I think this is in my opinion this is a very positive thing a positive move for the development of the town. If you have any specific questions of happy to answer them. Mr. Seibold said I brought up the last meeting would be what we put in there and arcades and juveniles kids hanging out at night and where people wouldn't want to walk anymore. We want them to walk to that area. But when kids start hanging out, you don't go there now that was my concern and my question about Garden City was tied around that, because actually, I've gone to Garden City a couple of times with my grandkids and it's uncomfortable. I don't want that in Surfside. But, I'm listening to what you're saying. Chief Hofmann said I think that it would be very important from a public safety point of view for the Police Department to establish a clear presence down there early on and not let that get out of control. Once you lose the initiative would be very difficult to get back you forgot that reputation as a place where juvenile delinquency and other things loitering could take place and I think that that something that can embed itself. However, I can assure you that the work with the town to make sure that we get a good perhaps maybe an off duty officer down there out of the get go. Is there some problems that develop down there to immediately get some police presence down there to shut that down there something we will monitor very closely, if this moves forward; It would certainly be a priority, from our perspective. Mr. Seibold said great, thank you.

Ms. Gambino asked what the time limit is for the noise ordinances. Chief Hofmann said the noise ordinance is actually in effect all the time, but around 11 o'clock this is where is where it goes into effect where police officer can be the complainant and take proactive measures to curb noise and expectations created on our part will handle noise complaints 24/7, if there's complainant.
Mr. Harrah said I’d like to add to what Chief Hofmann was talking about. As far as the arcade goes, there are other ways of handling that, not just policing it internally, but hours of operation. Just as stated in this ordinance, it is set forth that entertainment has been cut off at 12 o'clock. If you desire you can look at Monday, Sunday through Thursday 10 o'clock or 11 o'clock and then Friday, Saturday, 12 o'clock those are options that can be looked at to make it more viable for the residents as well as the aspect of lessees that come into their can be your hours of operation just like the entertainment side of it. Mr. Seibold said I’m very satisfied with what I heard tonight.

Ms. Johnson said I would like to address the comments that a lot of people make about parking being an issue. I think they are missing the whole point. We’re trying to create a walking area down there that people can walk. I know how I am when I’m on vacation once I parked my car, I prefer not get back in it until I’m getting packed up to go home. The more places I can walk to, the better I like it. People down there in the rental houses for vacation, I’m sure they’re going to feel the same way. They’d love to be able to walk around, and not have to get the car to go somewhere. Mr. Harrah said yes ma’am. Something to elaborate on that was as far as being myself is part of the Coast Code Enforcement Association, we seek out other jurisdictions and other areas to hold a conference. We actually held it here at the Holiday Inn one year, and unfortunately one of the complaints was there was no place to go, you know, other than one or two establishments; nothing to do, which then resulted in them not wanting to come back to Surfside to hold next year’s conference. So those are things to think about, being able to brand and market these hotel establishments to conferences, as well.

Chairman Abrams said I’m hearing that we’re pretty well satisfied with this ordinance. The only outstanding question that I was just made aware, before we recommend this to Town Council or not recommended to Town Council, do we want to talk about adding Scottie’s to the map? Ms. Johnson said I think we should. Mr. Lauer said I don’t see reason not to. Mr. Seibold said I don’t really see any not to, but again, I’m trying to think where is? Chairman Abrams said just Scottie’s would be on the other side of the hotel. Mr. Seibold asked where the line would be drawn. Chairman Abrams, and Mr. Lauer said just around their property line. Chairman Abrams asked if there was a motion to add the Scotties Beach Bare property to the E Entertainment District. Mr. Lauer moved to add the Scotties Beach Bare property to the E Entertainment District. Ms. Johnson second. Motion to AMEND Carried.

Mr. Seibold moved to recommend The E Entertainment District to Town Council as amended. Ms. Gambino second. MOTION CARRIED.

9. DISCUSSION ITEMS.

A. Text amendments to Chapter 27 Article VI, Signs. Chairman Abrams said there was a proposed amendment to Chapter 17, Article 6 Signs. Mr. Harrah said the sign ordinance is coming back to you to amend the text in Article 6 to establish the code enforcement officer to issue violations; establish a reasonable correction of violation timeframe, and to update the definitions. The purpose is to clarify the ordinance of which establishes who enforces and gives the owner reasonable time to correct violation. Some facts of this is that the current ordinance provides an unreasonable time of two days to correct any violations after receiving notice. Adding text to designate the building identification numbers instead of the property, clearly identifying the building and not the vacant lot without a structure. A conflict in the languages for election signs the sizes into parts of the code. It was Town Council recommendation have the planning commission to amend the chart of 17-623D from 6 feet to 4 feet. The impact the success of to clarify the text in the ordinance will be by the business owners having a clear understanding of what the timeframe is to correct the violations, and a clearly defined time for temporary signs for electric election. Failure to act on these changes will result in an unreasonable time of collections corrective actions to the violation and possible legal issues. The recommendation is for planning commission to recommend the Town Council to adopt these text amendments. In what was given to you, this was also
reviewed by the town attorney to be in compliance with the Supreme Court ruling for Town of Guilford lawsuit. The town attorney reviewed the sign ordinance went through and made these recommendations.

Ms. Gambino asked if there was any anyway that the planning commission could receive the responses. Mr. Harrah said yes, this is actually just what he sent back was the marked up sections. Ms. Gambino said just this right here. Mr. Harrah said no, I’m talking about all of what's in your pocket. Ms. Gambino said so he struck through all of that? Mr. Harrah said correct. He made the strikethrough and everything in red recommendations. The only one that change was this other sheet that goes to the chart for Section D which was from Town Council to change the sign sizes from a 6 foot 4 ft.² in two different places that correct that's correct on the role right under one part of the code it says 4 ft.² under this part of the 6 ft.² went to Town Council to change it's first to match zoning. Council referred back to planning commission to change zoning to match that of the other ordinance. Mr. Lauer said Town Council went with the 2 by 2; 4 square. Mr. Harrah said correct. Chairman Abrams said I think four square feet is plenty. Ms. Johnson said I think 4 square feet is fine. Mr. Harrah said this is just cleaning up the code and eliminating conflicts. Mr. Battle reviewed the sign ordinance and everything that was scratched off the sign ordinance and recommended changes.

Ms. Mastrokante said the attorney struck out and says 45 days prior to an election for signs. But 17-623D states 30 days prior to an election. Mr. Harrah said this was pulled off the original ordinance as published on MuniCode. Mr. Battle's recommendation is 45 days; the current language is 30 days.

Ms. Johnson asked why the attorney is striking the planning director or his or her designee and putting code enforcement official. Does that mean that the planning director would not be able to go in these places? Mr. Harrah said it is looking at what the person that takes the oath that writes the summons is the code enforcement officer. Mr. Seibold said I agree with that because if I sent somebody out there, code enforcement, he should be able to write the summons. Mr. Harrah said that's correct. Chairman Abrams said he is the guy who testifies. Ms. Gambino said so anything that we ever receive that is struck out, he has struck it out. Mr. Harrah said the way that I’m addressing all the ordinances is if this body makes recommendations to an ordinance, and you want to strike certain things, I will send that to the town attorney to review for compliance with statute laws and everything else and whether or not they can be enforced and upheld in the court. Sometimes I may write something that might not be perceivable to stand up in court. The purpose is to have the attorneys to review all ordinances. Ms. Gambino said that was question, is he is reviewing everything? Mr. Harrah said that all ordinances will go to the town attorney for review for applicability. Ms. Gambino said so that what happening, everything is going to him for review. Chairman Abrams said I think it should. Mr. Harrah said that's correct. Ms. Gambino said well, I do to, but I just wanted that clarified.

Ms. Johnson referred to page 3 under special standards, he struck the board of zoning appeals may restrain for uses requiring a special exception permit. Why are we striking that? Why would they not be able to restrict it, if they felt like it was necessary? Mr. Harrah said as part of the Supreme Court ruling this is the one of those areas that could in fact the First Amendment right of a person. Chairman Abrams said most of the attorneys were against the Supreme Court ruling. Ms. Johnson so if somebody was going before the board of zoning appeals wanting a special exception, they just have to let them do whatever they want if they give it. Mr. Harrah said to go before the board of zoning appeals, they have to have a purpose; something that was in violation and they want to appeal that decision. Chairman Abrams said the Supreme Court ruled that the Surfside Beach Board of Zoning Appeals could not waive First Amendment right. Mr. Harrah said that is right; if you don't like the board's decision, the next step in the process is Horry County Court of Appeals. Ms. Johnson said I don’t like it, but that's my opinion. Chairman Abrams said it is what it is. Mr. Harrah said all I ask is concurrence from this board to take this forth to Town Council. Another possible reasoning for this is this changing on the electoral signs with the upcoming election. Getting this through you guys, I was blessed that this is already on the agenda to bring it forth to Town Council before the next election. Mr. Seibold said I was thinking of Christmas lights. Mr. Harrah said the lights in this section only apply to signs. There are other codes that
apply to lights at street corners, businesses, and axis management. Chairman Abrams said Mr. Harrah needs to know whether this commission concurs to tell Town Council that it concurs on these sign issue. Mr. Lauer said I’m with you. Ms. Gambino said me, too. Mr. McKeen said so am I; yes. Ms. Johnson reluctantly said yes; Ms. Mastro Santae, said yes, and Mr. Seibold, yes. Chairman Abrams said okay, unanimous with one reluctant. Commission CONCURRED to send sign ordinance as amended to Town Council.

B. Review of Design Overlay District. Mr. Harrah said now we’re on the design overlay. At our last meeting we had a lot that we finished up and then we basically was to send out go through from front to back. You’ll see that there is an amended page. Honestly, I made a mistake and own up that I printed out the wrong one that excluded the chain-link fence. Chairman Abrams said page 4, Mr. Harrah said the page four. Chairman Abrams said page four just corrects your error where you eliminated chain-link fences; got it. Mr. Harrah said right. Then you’ll notice on that in the very beginning, so we’ll just hit this head only and go from the start. There is in the applicability the very minor changes in this is something for you guys to think about and look at, is the desire was to make the existing buildings more desirable to get people to want to upgrade their buildings and paint them. At minimum at least paint, is what I understood from this body. A little bit of rearrangements of some wording on the minor 9-percent to include exterior structures, no modifications that all of existing structures must adhere to building paint colors and must comply within 12 months of the effective date of this ordinance. Basically were putting in there that you have to paint your building within 12 months from the date. Chairman Abrams asked if anybody else recalled that we also wanted to make them to foundation landscaping. We’re twisting arms right now. The businesses that haven’t done anything over the years. Ms. Gambino said I think we should. Chairman Abrams said we wanted them to paint; I thought there was landscaping. Mr. Harrah said the foundation landscaping comes in from that 10- to 39-percent. That was some clarification that needed to come from this body to determine. Chairman Abrams said it’s not a hill I’m going to die on; it’s just that my recollection was that we were going to make everybody get in on the foundation landscaping right away. Ms. Gambino said I think we should. Ms. Johnson said I think we should, too. Mr. Gambino said exactly and that’s reasonable I feel. Don’t y’all? Mr. Lauer believed that was correct. Mr. Harrah said paint color and foundation landscaping. Mr. Seibold disagreed saying if he had painted his building and it was in reasonably good shape; I spent maybe $10,000 bucks to get the building. I just have a concern when we tell a business owner regardless of the condition of his building that he has to paint it in 12 months. That’s what we’re saying, aren’t we Mr. Harrah. Mr. Harrah said yes. Ms. Gambino said if they are not in compliance. Chairman Abrams said if the colors are not right. I am a business owner, and my building is in good shape. Now the town comes to you, you’ve got to paint it. I want you to paint it. I don’t know if that is right. I understand when my building needs painting. Chairman Abrams ask well, wouldn’t the current design overlay ordinance make him paint it the correct color. Mr. Harrah said no. Chairman Abrams said we aren’t hitting the percentage. Mr. Seibold said we are talking about getting a professional painter for a business; not doing it yourself, it’s expensive. This is a big expense for a business owner. Ms. Johnson said let’s think about this a minute; just think about the businesses in town. I can only think of one that’s a horrible color that wouldn’t comply with the colors. Mr. Seibold said well, I wouldn’t mind seeing that one painted. Chairman Abrams said over the months we have talked about the businesses who have not gone out of their way to do a dam thing, and absentee landlords, and I thought we talked about maybe turning up the heat and making them finally do something. It was why it excludes existing structures rather than; they are being very careful not to hit that percentage. Now, are we backing off from that? Mr. Lauer said I don’t want to. Ms. Gambino said I don’t either, because it’s probably when it goes to council, it may. (**) Ms. Johnson said council wanted us to make it stricter. Ms. Gambino said I agree. Ms. Johnson said like we presented the first time and they knocked it all out of whack. Mr. Lauer said the colors have been on record for a couple of years. Ms. Gambino said yes, because we’ve kept the same colors. Mr. Harrah said that’s correct. We still have the same color chart. Ms. Gambino said that is right. Chairman Abrams asked if there was consensus on that first thing on the chart with very minor including existing structures must adhere to paint building color; now we’re staying the foundation landscaping within 12 months of the effective date of this ordinance. Ms. Gambino said I’m for it; Mr. Lauer said I’m for it; Ms. Johnson said I’m for it; Ms.
Mastrosante said I’m for it; Chairman Abrams said I want to make it happen, too, otherwise we aren’t making them do anything. Mr. Seibold said I’m against it, but that’s why we have a Council, a commission. My concern is forcing people to do things that might not necessarily need to be done, and putting an expense on them. A lot of small businesses are struggling today. Now we’re coming in and telling them they’ve got spend thousands of dollars, and that’s my concern. Mr. McKeen said I tend to agree with you Mr. Seibold. Mr. Seibold said everybody’s not making millions of dollars a year. Sophia’s, is an example. Mr. Lauer said I would still try to sell it by saying there will be more people come in their door, when they a cover the blends with the neighborhood, and they look good. Chairman Abrams reminded the members this discussion was about Highway 17 business. Chairman Abrams said there are some buildings on the highway in my personal opinion that aren’t going to do anything until they are forced at gunpoint. Ms. Johnson said I agree. Ms. Gambino said we want improvement. Mr. Seibold said I want improvement, too. Chairman Elliot said how many years have we had this overlay, and in a lot of cases nothing is happening. Mr. Seibold said no, and we also hoped council would have that 50-50 package at one time, which they turn downed. Ms. Johnson said we need to work on that. Mr. Seibold said I think you have to help small business. I’m not talking a major chain. Ms. Gambino said Horry County is doing it. Mr. Seibold asked if they are forcing them today to do it like we’re doing within 12 months of their ordinance. I don’t know. I don’t know the details and I definitely don’t mind enforcing them to do something when it’s needed, when the building is chipped, not falling apart needs; but needs repair absolutely have them step up to the plate, but if a building is in good shape, we’re telling them we don’t like your color. Mr. Johnson said well, if it’s ugly. Mr. Seibold said, well what if it’s not ugly.

Chairman Abrams asked if Mr. Harrah knew what the county was doing. Mr. Harrah said it’s been so long since I read the original County ordinance. I can’t remember Ms. Mastrosante asked if the businesses know this coming down the pipe so they are prepared. Mr. Harrah said I can’t answer that; how long has this body been working on this? Chairman Abrams said months and months. Mr. Harrah said once this gets finalized and I’m sure it’ll be get out to the business community. Chairman Abrams said we don’t want to get the business community all excited over something that council may go in the opposite direction. Why get them all excited, and then send it to Council and council says no, we’re going back to the old way. That is just causing trouble. Mr. Harrah said one of the things we talked about was where these numbers came from, the percentages, and I remember the conversation we had was that County got tired of doing variances based off of X percent every time. There was standard 50-percent kicked it, but then it was variances, variances, and variances so they made that structure. But it wasn’t, and I may be wrong, but it wasn’t stated that if you didn’t do nothing that you had to bring it into paint compliance. It wasn’t until you hit a percent that that came in to affect. That’s just the way their overlay was set out as percentage-wise, whether or not I go in and do 10-percent value of renovation work, then it kicked in this XYZ. Chairman Abrams asked what we want Mr. Harrah to put in this ordinance. Are we 5:2 that that we should make them comply with paint and foundation landscaping? Is that close to what we’re doing? Mr. Lauer said that sounds like what we want to go for. May be council will step up like a 50-50 program for a business. Mr. Seibold said that would be nice. Chairman Abrams said okay 5:2 consensus to enforce the paint and foundation landscaping.

Mr. Harrah said in the next minor section we’ll foundation and landscape. Several members said right. Mr. Harrah said after that everything still stays the same as it is originally was, and percentages for the 47 - 475 and on.

Mr. Harrah said I asked this body how do you want to proceed from this point forward. So have you all had an opportunity to read through this as it is? Shall we just go with questions in certain areas for clarifications? Several members replied yes.

Ms. Gambino referred to page six and said about the nonconforming drive, Mr. Harrah said when was originally brought this to you was to strike access management totally, and we would revisit when x Highway 17 plans are available. Looking through this particular part, nonconforming driveways, this can be applied to any area that’s not interjecting and access from a distance. If there is an existing driveway that is nonconforming, then we’re looking at is that this ordinance gives us a little bit more to process...
them to bring it into compliance, where the other part of the access management was stipulating your
access had to be X amount of feet from an intersection, and if you had a cross through intersection it
delineated different specific terms. Okay, those things are what with access management being in here
we can readdress those and come back to those after the improvement of 17 is completed, with specific
zones to be cut off only on certain terms and certain crossover mediums will be cut out so to enable us to
instead of coming to the body with a whole new section to be added to, the nonconforming driveways
and these other driveway locations and requiring the shrubbery and stuff like that falls in line with the
landscape part, it kind a makes since two bring those back to you as a discussion to review, because as a
discussion to review because as see driveway locations and design under ‘B’ is with one or more entries
An exit lane shall be incorporated above grade so it doesn't impair the traffic, the mechanics of setbacks
from the rights-of-way, that doesn't impede necessary turn radius of the safety of the trucks. Driveway
mediums shall be imposed so that at least one 2-1/2 inch caliper trees to reduce the parking lot heat, so
what we're talking about is this like if I've got driveway area and I've got a medium in the middle of it,
we're putting the landscape in those areas so that is not just the plain berm. With having the access
management stated in there then it's just coming back before the body with text amendments to add
section numbers that deal with the other parts of the frontage roads the distance of offsets from
mediums and that kind of thing. So what we're looking at is that the designs with adequate on-site
storage for entry and exit of vehicles, so that it doesn't conflict having unsafe confliction with through
traffic or on site traffic to avoid congestions in the entrance, or you can look at them coming on and off
their existing property. It just makes better sense to go ahead and have something under access
management that we could use now. Chairman Abrams said basically what we've got what the County
has. Mr. Harrah said that is correct.

Mr. Harrah said under number three was change of use. We're looking at you know any
properties that has a change of use are required for the overlay district shall be brought into compliance,
when modifications to the roadway are made or when there is significant changes in the use of the
property, including land, structures, facilities, resulting in an increase in trip generated of the property
exceeding 25-percent of the peak daily not to exceed 100 vehicles per day as determined by one of the
following.

Mr. Harrah said we're looking at a study to be done for large projects. So for example, if we get a
chain that wants to come in like BI-LO or Walmart wants to take over a certain parcel, demo it, and
rebuild, or to renovate that or renovate that building as change of use. So then we're going to be able to
get them to start giving us a study so that we can dictate to that study of what you need to get in and
out. So although it's not going to be access management from roadways and rights-of-way, our corners
and other existing we still have the process to start giving that insight of how to get on and off the
property. Ms. Gambino said thank you for clarifying that.

Mr. Seibold said there was something I read trees versus shrubs. Five shrubs per canopy tree;
what was that. Ms. Mastroisante said it was parking under Section 3, five shrubs must be provided per
tree. Mr. Seibold said on page 6 item 2B it states that five shrubs must be provided per tree. Mr. Harrah
said it states the same thing on page 7. (***) Think of areas that are conducive to restrict tree growth. If
we write that a hardwood tree has to be put in this medium, five to ten years down the road that tree
grows beyond the root capability and starts to deteriorate. Mr. Seibold said we're saying five trees or? Mr.
Harrah said five shrubs per tree are required. Mr. Seibold said if I don't plant a tree, I have to plant five
shrubs. Mr. Harrah said that's correct; five shrubs are required for every tree planted in the median or
parking area. The end result is there is discretion to allow shrubbery when trees are not feasible in the
endcaps or medians.

There were no questions on the pedestrian walkway areas.

Lighting was self-explanatory.
Foundation landscaping. Mr. Seibold asked where the .8 W per square foot originated; are we making those up? Mr. Harrah said no, they are from the International Energy Conservation Code that building requires, which is adopted by legislation through the Federal Government. It's what is required for us to look at the building code side of the construction. Mr. Seibold was concerned that a challenge might present. Mr. Harrah said these numbers come from the building code, because when you build, you have to do the energy code calculations.

Mr. Harrah referred to page 13, and said under 2.B. this is the perimeter adjacent to the public roadways. A visual clearance area between the height of 2-½ feet and 10 feet shall be maintained in all corner properties adjacent to intersections of two streets or driveways provided access to public or private streets within 30 feet of an intersection or right-of-way of the street or driveway. He referred to a diagram and to Section 9-7, No parking spaces. It’s in this ordinance that you can't park within 30 feet of these intersections, and then in the overlay, it states 25 feet under this particular section. In Section 17-400, we had 20 feet. Chairman Abrams said this is what we added to the agenda. Mr. Harrah said the amendment. So, the last two sheets we’re looking at 17-400, obstruction of use of street intersections, these are the site triangles that were talking about. We're looking to make the code uniform through all the sections. In the overlay it states that you can't park within 30 feet of an intersection. It's already stated 9-7 that is 30 feet, so it's only conducive to make uniform through all the other sections. That is why the amendment was to the 17-400 to change it from 20 feet to 30 feet. That makes all the sections tie together. Mr. Seibold said we are a small town, and we're very congested. Do we need that 30 in most areas today? Mr. Harrah said yes. Mr. McKeen said that is the parking ordinance that the police enforce.

Mr. Harrah referred to the last page, sign regulation is referring to the sign ordinance, which with what we already what we already have in the sign ordinance, this just gives us the ability to refer right back instead of having a duplication.

Mr. Harrah said his presentation was complete, and he would be glad to answer questions.

Chairman Abrams said she had commented that in the old overlay we required professionally designed signs rather than homemade signs. Mr. Harrah said the attorney said absolutely not; again, you may get into that First Amendment. Plus, there is not a state license at LLR (South Carolina Labor, and Licensing Regulation) for sign design or construction, so there's no way to enforce that. Ms. Mastro sant asked if the materials used to construct the sign could be enforced. Mr. Harrah said that would fall under the sign ordinance. We can enforce size; but, we can't enforce content. I can refer to it without digging into the material side of it, but I can answer all of you by email. There ordinance stipulates that when a sign becomes tattered, then it's time to replace it. There's also banner permits are for six months. Chairman Abrams said we cannot require professional looking signs. Mr. Harrah said that's correct. There were several other comments about sign misspellings and appearance.

Chairman Abrams said regarding the review of the design overlay ordinance are we finished? All members CONCURRED. Chairman Abrams said it was unanimous that the commission was finished with the design overlay. Mr. Harrah said this would be under business for the next planning commission meeting.

C. Any other matters of concern or information to be discussed by Planning Commission. There were no other comments.

10. PUBLIC COMMENTS - General. There were no public comments.

11. COMMISSION COMMENTS.
Ms. Gambino: I just want to thank everyone for coming out, and those that were here earlier for
the hearing, and those that left, and have a good evening.

Ms. Johnson: Thank you all for being here, and have a Merry Christmas.

Ms. Mastrozante: Thank you for being here. It’s exciting to see so much progress being made,
and it’s only my second meeting. I’m sure you guys have all been, obviously, been working on it a very
long time. So, it’s exciting to see how far it’s come along and be part of it.

Mr. Seibold: Thanks everybody for coming, and I certainly enjoy working with commission	onight. We get a lot accomplished here, and I think we work very well as a commission. I’m very happy
be part of it. Thank you.

Chairman Abrams: We’ve got a good group.

Mr. Lauer: I’d just like to thank [Mr. Harrah] for having stuff pretty well prepared tonight, and
helping us move through it.

Mr. McKeen: And, I’ll second that. [Mr. Harrah], thank you.

Mr. Seibold: Also, let me just add thanks for getting it to us early. It was great.

Mr. Harrah: We’re working on that.

Mr. Seibold: That works well for me. Thank you.

Chairman Abrams: I didn’t hear him say ‘I’m new here’ once. Ms. Gambino commented that the
next meeting is the day after New Year’s, and we might want to consider that.

Ms. Gambino: Some of us may not be here.

Ms. Johnson: Hopefully, I’ll be on my way to the National Championship. (Laughter.)

Ms. Gambino: I hear you.

Chairman Abrams: Mr. Harrah and I will discuss with the town clerk moving that meeting. I’d
just like to thank everybody for sticking it out with us. I think it was a great meeting and we’ve got a
great commission.

12. ADJOURNMENT. Ms. Johnson moved to adjourn at 7:08 p.m. Mr. Lauer second. All voted
in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk


Mary Ellen Abrams, Chairman