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

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

Ms. Betty Lowery, 4th Avenue North (Planning Commission Member): Honestly, I hate that we have to even write anything like the tree ordinance. As amazing and conscientious as the speakers in our meetings have been, we can't assume that all residents are going to be as conscientious and committed to the welfare of our community. I'm just not that naive. I remember what my daddy told me about assuming things and what it did to me. Everybody doesn't like everybody their trees. Everybody doesn't want their trees, and for that reason, I simply can't see just tossing it and say do what you want to do with whatever you've got in your yard. Even just limiting it to landmark trees, which I just can't see (**). You asked us to rewrite and simplify the ordinance and we did. You asked that we ease landscaping requirements, and we did. Landscaping is now grass, weeds, groundcover, bushes, rocks, and mulch. You asked that we make it easier and cheaper for homeowners to take care of the trees and we did. They can cut more for less. Generally without permits. Permits are cheaper or free, and they allow residents to be sure that they're cutting what they think they're cutting. For example, one gentleman, I think he thought he was cutting a Magnolia and he was cutting an oak. As long as somebody gets chance eyeball it and say you didn't have to worry about this. This wasn't anything special. You ask us to expand the definition of dangerous trees to include those dead, dying, diseased, and potentially disruptive to foundations, structures, patios, people, and we did. Tree protection is somewhat of a misnomer in that it's both protection for trees, but it's also protection from trees. We put that in, because you asked us to. You asked us to differentiate restrictions for residents, development, redevelopment, and commercial, and we did. We even considered lots that are currently vacant. Once somebody begins to clear or clean a vacant lot, it should fall under the tree ordinance. It should, even if there's no construction planned. I have an empty lot beside my house, and I want to clean it up, you want to be absolutely sure that I'm not taking everything out. You asked us to find relief for those who don't have room for the full tree count, and we did. You asked us to look at penalties. Law requires that they be the same for all groups. We tried doing it the other way. The lawyer told us we couldn't do it, so we didn't. Actually, I don't know why penalty should even be a problem. The only people who should be concerned about penalties are the ones who plan on incurring them. An example would be speeding, if you knew that it was going to cost you $10, if you got caught for speeding. Please tell me how many of you would be doing speed limit, It's just not going to happen. There was question about replacement trees. Common trees can be replaced with common trees. The tree list contains almost totally, in fact I think totally, hardwoods. A grown hardwood tree will absorb 100 to 150 gallons of water a day. You heard me say this before, we were probably the only municipality along the coast that was above water during the flooding. Now, duh. Wonder why that is? I went by an area just the other day and it was just all marshy and wet. They're cleaning out trees. Where's that water going to go? It's not just gonna disappear because they decided they didn't want a tree in there. Someone was concerned about the landmark trees. If the landmark tree was in the footprint of a house, or the landmark tree had to be cut for any reason, we made it easy. We made it free for them to go to BZA (Board of Zoning Appeals) for an appeal, and it's not actually an appeal, it's a variance. We made sure that that was taking care of. We got it approved with BZA that they would take care of that and do it as expeditiously as possible, because we know that sometimes time cost money. Another thing was the size; we went from 4 inches to 7 inches or less, if you measure the
branch 2 inches from the tree. Now that's a big limb or a pretty good size tree. When you have an individual whittling on something like that or something bigger somebody is going to get hurt. I don't know what else you want us to do. I really don't. If you wanted a directed verdict, and then maybe that's what we should've gotten to begin with. I know that there are probably some of you that would like to know the planning commission doesn't even exist, but sorry, it's a state law. We're well aware that we can send you anything we want, and it won't make a bit of difference. You can take whatever we send you no matter how hard we work on it, no matter how much research has been done, no matter how many people we've listen to and tried to accommodate. It really doesn't matter, because once it hits council, you can do whatever you want with that. That's your right. I just think it would be sad. If that's what you wanted to do to begin with, then you should have let us know. We could have just said, okay, here it is and stayed home. That would've been a lot simpler. What you have gotten front of you, I think is probably the very best tree ordinance you can get. Some people say oh, it's confusing. Let's simplify the language. You can't always do that, and have something that is legal. This is an ordinance, not a corner conversation. It's just really frustrating. You had a workshop; we had a workshop, now we're having another workshop. We've been working on the tree ordinance for the entire time that I have been on the planning commission. They had been working on it before I got there. So as I said before that's over a decade. I don't think it's gonna get any better. I really don't. I don't know what else we can do and I am simply; I don't think it makes good sense to simply turn it loose, and say if it's a landmark tree, keep it. If it's not landmark tree, we don't care what you do with it. It just doesn't make any sense.

Ms. Sandra Elliott, 5th Avenue North: I'm on the planning commission and chair of the stormwater committee. Mostly everything I was gonna say, Ms. Lowery has already covered. But I'm going to have to say it anyway, because I don't know how to break my speech down, alright. Most people think that if a community or town has rules to follow, it's an HOA [homeowners association]. We are far from being a HOA. Fortunately, we live in a society that has multiple rules, stop signs, driving on the right, speed limits, swimming, etc. We do live along the coast. Whatever I do to my property can affect my neighbor's property. We are all downstream from someone. The Clean Water Act was passed by the federal government many years ago. Our trees helped us be part of the NPDES (National Pollutant Discharge Elimination System). Their canopies slow the rate of water from hitting the ground surface. This gives the soil time to absorb the water. They also consume multiple gallons of water. They not only shade us, but make oxygen. Roots from the hardwood trees stabilize our soil, as well as our landscaping. During the hurricane, they took the force of the wind and our roofs remained safe. Yes, trees came down. Laurel Oaks, not Live Oaks. Laurel Oaks live around 50 years and usually develop heart rot, something that can't be seen. You need to go to the stormwater site and view the PowerPoint presentation on hardwood trees. This presentation was our example for which trees we selected [for] the ordinance. No one likes cleaning up after their trees, but it's better than the alternative of becoming a marsh flooded land.

Cutting a tree could be a fifty-year mistake. Without our tree ordinance properties in the flood zone may have their 25-percent reduction in policy jeopardize. The federal government is slowly reducing subsidies. They may be forced to sell. We at the planning commission had to simplify the ordinance, but yet keep it defendable in court. We took the 4 inch trimming to 7 inches, or 22 inch circumference, without a permit. This also includes cutting down a tree. Over 7 inches requires a permit. [For] this size [tree or branch], the homeowner may need a licensed tree contractor. Licensed in Surfside Beach, bonded and insured for your protection. We can't allow the tree business contractors not to be licensed in our town. This would be a special selective enforcement by council. This would also cause chaos among other contractors, roofers, HVAC electricians, etc. Our business license department collects locally $700,000 year. This equals 10 mils. Without this source of income, council would need to raise our taxes 25-percent to balance your budget. At each meeting our chairperson makes time for the residents' comments and made sure we addressed your concerns, also. As you can see, most of the people who make comments are here again in the audience. Thank you.

Ms. Mary Ellen Abrams, 13th Avenue North: I am chairman of the planning commission. Thank you for the opportunity to speak. I'm going to leave my personal opinions home, and I am speaking as the chairperson of the planning commission. My understanding of this situation is that the residents of this town elect council and many of them have complained to council about being overregulated,
particularly in regard to trees. The planning commission, which is appointed by you councilmembers, worked long and hard on this ordinance, and the planning commission is presenting you with what they feel is their best effort. I’m not going to lecture you on how to run your town. You appointed us; your voters are telling you what they want. It’s up to you to decide if you find our best effort acceptable or not. That’s all I have.

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

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

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

Mr. Mike Holt, Yaupon Drive North: Due to time constraints, I’d like to focus on just a few points of the tree ordinance. The minimum number of trees required per lot, replacement trees, and the mitigation fees. Under the proposed ordinance Section 17-720, any tree less than 7 inches in diameter, that’s less than 22 inches in circumference, is no longer a tree and doesn’t count toward meeting the minimum number of trees per lot. I believe this will definitely place an additional hardship on homeowners, whether they live in R1 or R3. In addition, if a replacement tree is required for the removal of a permitted tree, replacement tree must be a minimum of 22 inches in circumference measured at breast height, and can only be one of the trees from the approved list. Strangely enough, the state tree, the Palmetto tree, was removed from the approved list, and cannot be counted as an approved tree. Now, does anyone have any idea how costly a 22 inch circumference tree would be, not to mention the size of the root ball, which could require the assistance of a front end loader, possibly removing fences, destroying the homeowners landscaping, his lawn, other trees, and then, more than likely, the tree’s gonna die anyway, because of stress or damage during the planting. That’s not all. Once the required number of trees have been met for the lot, then it must be determined if all the trees meet the minimum total circumference for the particular zoning district. If the number of trees or the total circumference inches do not meet these requirements, the homeowner can choose to pay a mitigation fee in order to meet these requirements. By now, the homeowner has incurred cost to remove a diseased, protected tree, cost to replace the tree, and possibly mitigation fees. If a homeowner cannot reach the number of required replacement trees, because of lot size or whatever, he can pay into the mitigation fund. The fee is to be determined by the town’s applicable cost schedule. Well, I was curious about the town’s applicable cost schedule as mentioned in Section 17-726, so I made a trip to PBZ on March 16th to get a copy. And again, the first week of April. I was finally told that PBZ did not have that document, but it could be found at the public works department. So, I took a trip to the public works department and it was revealed that no one there knew about this document. A message was left and Mr. Adair called me and informed me that there was no such document and he would contact PBZ and ask them to remove
the reference from the tree ordinance. (** the reference remains in the proposed tree ordinance. That is another example of so many ordinances and regulations that even the town employees can't keep up with them. Just a little FYI, talking about root balls and trees and replacement, some arborist recommend a 12:1 ratio when figuring root ball size. For example, if you have a 7 inch diameter tree, you'd have a root ball of approximately 54 inches in diameter. That's a 162 inches circumference. Then when you plant it, they recommend a hole three times that size. So, we're talking about replacing these trees with huge trees. Another side note that I've observed at many of these meetings, while we are all aware of the importance of trees. They provide shade in the summer heat. They absorb carbon dioxide and release oxygen. Their root systems prevent land erosion and absorb rain water. Several members of the planning committee like to credit our trees with absorbing so much of the rain water during our recent small hurricane. Granted, they did absorb water. But, folks, it's the sandy soil we live on that absorbs the water, not just the tree roots. Any gardener in Surfside knows our soil is so sandy, if you don't amend it, it won't even hold water. You've got to buy stuff to make it hold water. So, I'm very disappointed with the recommendations that the planning commission has proposed. They do not meet the expectations of the homeowner nor Town Council. I trust that Town Council would not approve the proposed ordinance as it is written. Thank you.

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

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

Ms. Carol Holt, Yaupon Drive North: Before I start, I wanted to actually address some other things on comments that have already been made. First of all, Ms. Lowery assumed homeowners wanted to cut trees. But I assume the majority of the homeowners don't want to cut trees. So, this actually depends on each individual's opinion, not actual figures. So I don't think you can really go by that. As far as the last comment, these comments should tell Town Council how much confusion is still in this document the way it's written. I have a copy. I'm assuming it's the right copy that was on the website. There were several copies out. Town Council received a copy originally that wasn't the one that was supposed to be the final one. Then they received another one. Now I think the one that I'm looking at is the final one that's listed. I have copies of all those if you'd like to see them. But the one I'm looking at is table 17-720.1 and Mr. Holt was referring to the note on that ordinance, and it says, 'No tree less than 7 inches in diameter shall be counted in order to satisfy the minimum number of trees per lot.' Ms. Morris: That has been corrected. Ms. Holt: But I looked this afternoon on the website. Ms. Morris: It's on the dais. Ms. Holt: But see, how can the town residents know what we're looking at, if we can't see final document that's being presented to Town Council. Did you receive a new, a final copy of what Ms. Morris is talking about? Ms. Samples: No, I did not. Ms. Holt: She knows that I brought this up, and now she's saying... (**several speaking at once.) Ms. Samples: Is that the one that was sitting here when we got here? I'm sorry, it was here as soon as we got here. Ms. Holt: But it wasn't online for town residents to review. This is like go ahead and do it and ask for forgiveness later, you know, a lot of people do that. (**several speaking at once.) Ms. Holt: Do it, ask for forgiveness later. So really, basically, this still just
supports the confusion around this ordinance. So, anyway, let’s get this other thing. I want to thank
Town Council for allowing us to speak at this workshop. The complexity of the ordinance was a major
reason the planning commission had so much difficulty and spent so many hours trying to rewrite. Their
meeting minutes and audio indicate that several members did not believe they had met Town Council’s
requests to simplify and relieve overregulation. But they still voted 6:1 to forward their recommendations.
The proposed ordinance remains a very complex and overregulated document. A few changes have been
recommended, but basically the majority of the requirements remain the same. In several instances new
requirements were actually added, thereby creating additional burdens, cost, and regulations. Portions of
the document were reformatted from paragraphs to table and column formats, which did reduce the
number of pages, but it didn’t reduce the actual content of the document. Permit fees have been
eliminated for the homeowner, but as you know, there was never a permit fee for a dead or diseased
tree, which was the reason the majority of the homeowners wanted to remove a tree or limb that was a
safety hazard. Permits are still required for any tree limb over 7 inches in diameter, 22 inches in
circumference. No trees were eliminated from the list of protected, specimen, and landmark trees, and I
think they were asked to review that to see if they could reduce, I mean, every tree in the world is listed,
probably. The list of approved trees was changed. The Palmetto tree was removed. I understand Ms.
Lowery’s comment; that’s her opinion. We have other opinions. None of the penalties were changed or
reduced, and permission must now be obtained from the zoning board of appeals for removal of a
landmark tree. There are still other examples of continued overregulation, contradictions, and errors in
the proposed ordinance, and several have been pointed out by others here tonight. I believe the
document has not been simplified, and is still very confusing. For example, this is just one example, the
very first paragraph, I have a copy here of what was online, now, you may have changed it, and I don’t
know that. The very first paragraph says, ‘a zoning permit indicating approval by town staff is required
before tree pruning or removal is undertaken in the town.’ But, we are being told that permits are not
required in certain circumstances. Another example of confusion, contradictions, [and] errors in this
document. I’m hoping that Town Council will look at this. Even if you do support some of the things, we
do need to make corrections, and [change] all the contradictions and confusion in this document. Before
closing, I want to comment one other item. Some residents believe the town cannot maintain its Tree
City recognition if the tree ordinance is changed to eliminate stringent requirements for homeowners.
However, this is not the case according to the Tree City USA standards. I am interested in assisting my
family, who is applying for a Tree City recognition for my hometown, where I own tree farm. So, I
contacted the Arbor Day Foundation, and discovered there only four required standards to become a
Tree City. This is just a quick summary; I have copies of it, if you’d like to see it. Standard number one, a
tree board or department must be formed to be responsible for the care of all trees on city or town
owned property. So, I assume that the PBZ is the designated department for this standard. Standard
number two, a basic public tree care will provide clear guidance for planting, maintaining and removing
trees from streets, parks and other public spaces, as well as activities that are required or prohibited. It
goes on to say that beyond that the ordinance should be flexible enough to fit the needs and
circumstances on particular community. I was surprised that this standard requirement was for public
tree care with the stipulation that the ordinance should be flexible enough to fit the needs of the
community. Surfside’s current ordinance dedicates one section, Section 17-723, with one paragraph to
public tree care, and the remaining 17 sections are dedicated to requirements for homeowners,
contractors, etc. So it appears that our tree ordinance does not follow this standard, and was not
referenced when rewriting the ordinance. Standard number three, a community forestry program with
annual budget of at least two dollars per capita. Is this expense included town’s budget? If so, where?
Where is the line item? Standard four, an Arbor Day observation and proclamation, which is self
explanatory. So, it’s my understanding the town’s tree ordinance was changed to eliminate some of the
stringent requirements for the homeowners and a simple section added for private tree care. Surfside
would not lose its Tree City USA recognition and the Tree City USA Bulletin #9 is the guideline with tips
and suggestions for writing a tree ordinance. I’d be happy to get a copy and provide to the planning
commission, PBZ, and Town Council, if you’d like. We still believe Town Council wants to work with
residents to find solutions to the overregulation and confusion and respectfully request that you please
delay approving this until additional changes are made. Thank you.
Mr. John O’Brien. Ocean Boulevard: I’m 100-percent totally against this tree ordinance. I’m in commercial construction and development. I’ve read it; it’s too complicated. I’m specifically concerned about the building official having the sole authority to give penalties. I mean, $10,000 fine for removal of a landmark tree at the sole discretion of one person, subjectively. Unless he’s wearing a black overcoat with a German Shepard, I just think it’s absurd. I can’t see how you could ever pass this thing. Thank you.

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

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

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

Mr. John O’Brien: I found this on line. If you read it, it also says removing a limb in excess of 4 inches diameter, I mean you can’t trim the tree on your property with a 4.5 inch limb? Ms. Morris said that was corrected to 7 inches. Mr. O’Brien: That’s what’s on the website right now. Ms. Herrmann said please understand that the ordinance as presented on the website was the one that I received for the March 28th Town Council meeting. Obviously, Ms. Morris has made corrections to that. So what you’re looking at, Mr. O’Brien, is not the document that is going to be presented to council this evening. So if you’ll give time for the presentation to be made, it will probably answer those kinds of questions. Mr. O’Brien: I mean, still giving sole authority to the building official to go around and discretionally, I mean, the more laws, the more corruption. It’s going to be a problem. What you’re gonna have is why did I get fined and this person didn’t get fined? I got this tree. As a builder, I pull permits. What I can tell you
is everybody’s doing work on Saturdays, why? Because it’s too strict. They’re are all doing work on Saturdays, because when you pull a will permit you get harassed. I cannot have a building official run around discretionally picking whose gonna get a fine for a tree. I mean it’s absurd.

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

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

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

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

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

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

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

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

Ms. Samples asked find as it relates to what. Ms. Morris said the new ordinance sitting on [the dais.] It has green bold. Mr. Stevens held up a copy and said, one of these? Ms. Morris said yes that’s it,
and there’s plenty up here. (**, unknown speaker: There’s not enough copies to go around.) Ms. Morris said the numbers are different; there are very slight changes. I just want everybody on the same page. (** The only thing changed are those numbers. Everything stayed the same.

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

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

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

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

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

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

Ms. Samples said so are they the ones that are dictating the percentages. Ms. Morris said no,
they are just telling us we have to have a certain amount of or the discharge has to be whatever. Ms.
Samples said so we are dictating the percentage, though.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Melodye Lane-Laveglia, Cedar Drive North: So I haven't read the whole thing. I'm just kind of going through this in my head. It seems to me that if someone owns a lot, a homeowner not a builder, a homeowner owns a lot and they're selling the lot, we are almost gonna get to the point that that becomes a disclosure item. Ms. Samples said absolutely. Ms. Lane-Laveglia: They have to disclose whether there is a tree within the normal buildable area. I think we're getting into something pretty
Mr. Pellegrino asked if for example, a homeowner who lives in R1 and wants to put a pool in the backyard, could the BZA say no, they can’t put in a pool, because there is a landmark tree? Ms. Morris said no, BZA would look at it and if the pool could be moved to save the tree, a variance would be granted. If the pool location could not be moved, then BZA would have authority to allow the tree to be cut down. BZA will not prevent the homeowner from putting in a pool.

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

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

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

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

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

Ms. Samples said as a homeowner do you not only have to get approval to remove one or more of your trees, then you are going to be required to replace it. You have to incur the expense to replace those trees, and we’re going to legislate that to our existing homeowners. (**two speaking at once.) We’re gonna tell them that. Ms. Morris said you do currently. Ms. Samples said yes, I know, and I think it's preposterous that we do that, by the way. I think it's ridiculous that we actually legislate that on existing homeowners. I just want to say that.

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

Mr. Stevens said we’re looking at this for replacement trees. I called some business that sell trees and they told me that a 7 inches diameter tree cost approximately $7,000, give or take a thousand. You’re saying existing residents can replace with three trees, 2 inches in diameter. This is my question, on new construction does the tree have to be replaced with a 7 inch tree? Ms. Morris said yes. Mr. Stevens said that's all that's the only thing that I have a problem with; in a new construction replacing a 7 inch tree, about $4,000 [sic] plus the labor. The cost could be as high as $7,000. I don't think you should penalize new construction when existing residents can put three trees. I would be happy for the new construction to put three Live Oak trees 2 to 3 inches in diameter, just as well as I would one tree 7 inches in diameter. If he plants three trees, in time they will grow big. A 7 inch diameter tree is between 19 to 35 feet tall. The tree businesses said a 7 inch tree would have a 7.5 foot root ball, plus it would
need a 9 foot wide hole to plant it. That would take a crane or major piece of equipment to put it in. Why couldn't contractors and developers be allowed to plant multiple trees? In my opinion, that would be fair to new construction and developers, as well as homeowners. Ms. Morris understood what he was saying and said the only answer she could give is that generally, we have seen that this has not been an issue with new construction, because they planted a Palmetto tree. Mr. Stevens said you are talking about replacing same with same, right? Ms. Morris said no, if it's a common tree, you can replace it with another common tree. Mr. Stevens said what if it was a Live Oak? Ms. Morris said you would have to replace it with a (**two speaking at once.)

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

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

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

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

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

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

Mr. John O'Brien: I'm gonna have to disagree with that a little bit. I'm not a landscape architect, but they exist. When I look at some of the other enforcement, for instance we were talking about pervious surfaces about 20 minutes ago. How the town views pervious surfaces is wrong. So we're enforcing this code. If you go to www.stormwater.org it will define pervious surfaces. We use this term improperly. There is pervious, permeable, and a porous. So we're using a pervious paver definition and everybody's enforcing it. There's not one pervious paver in the town of Surfside. So my concern is how do we know this is right. I think when you start, if you don't have a landscape architect or somebody like an arborist analyze this, we're gonna be getting into trouble. I know that when Uncle Pete down the
street starts cutting the trees hanging over, because his wife's been on his case because it's going to fall
down, and he gets $500 fine and he gets, what is the penalty? Mr. Courtney said a Class A misdemeanor.
Mr. O'Brien: A Class A misdemeanor. It's ridiculous, and if you go to that website you'll see the whole
basis of the green space with pavers that's not true, and a porous paver is actually green space. If you
go to a lead certification class, you will you learn it's a concrete paver that has grass in it, so green
space. It's a paver. It's a porous paver. So to say that you can't use pavers and get green space is not
true. Ms. Morris said you're right, but our attorney has told us that we can classify what we feel is green.

(***speaking in background.) That's why we put that in there. I just wanted to (**). Mr. O'Brien: Believe
me, I'm all about, I love the tree situation, and I do think, though, there's a huge difference as a
commercial builder, because we have several projects right now. There's a huge difference between a
residential permit process and commercial. We're about to clear in Horry County. We have a tree survey.
Horry County identifies the trees. The developer flew in from California. We go and mark the trees. We
see which trees are in the pads. We have a negotiation to figure out which one can stay. It's not that
complicated. But those kind of codes cannot be enforced with residential; it's just scary. Nobody wants to
get misdemeanor for trimming a tree. That just seems a little bit excessive. So I will just urge that
someone review it and make sure that it's actually correct before we start fining people and giving them
criminal records for not properly maintaining their property.

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

Ms. Betty Lowery: There are a couple of things that haven't been brought up, and I wanted to
clarify a couple of things. Up there where it says when replacement trees are required, somehow we
overlook the 'required' part. When you go back to the different zoning areas and specific number of trees
are required, if they have the required number of trees, they don't have to deal with replacement trees.
If it comes down, it comes down. You only deal with replacement trees when you don't have the required
number of trees left on the lot. You know, that's not for every tree that comes down. When replacement
trees are required, and quite often when people are clearing a lot or doing whatever it is they do before
they get ready to build, if they know that they're going to have to have four trees on that lot of a certain
size, they could more than likely select those trees and make sure they stay there. One issue that we had
with the 2 inch trees was that someone would come in there and count them, and then the minute
somebody turns around they're gone. So we had to deal with that in some way to make sure that trees
stayed on the lot. Another thing, the misdemeanor was mentioned. That's not our idea. The state said
you have to do that. So we were simply following state law with the misdemeanor thing. Mr. Stevens, you
mentioned about 7 inch tree for builders, the reason we made a difference there was because of the
different situations. For example, my neighbors directly across the street have put up a gorgeous fence.
They have a landmark tree in their yard. They've already been told that tree is stressed and at sometime
that tree will come down. Now we're going to tell him that they're gonna wreck that fence so that we can
get a bulldozer in and they can plant these huge trees? We can't do that. That's not gonna be right. And
we weren't trying to penalize the builders by telling them that they were going to put a 7 inch tree in, if
they had to. What we considered was that this is, well, almost a clean slate. But they're also going to
have the heavy equipment that would be necessary for these trees to go in. Another thing, something
was said about absorbing water. It's the difference between having a sponge on the table and pouring a
glass of water into it, and drinking that same glass of water. Our bodies are gonna use that water that
we drink, and it is going to be processed. The water that you pour into that sponge or pour into that sand
isn't going to be used in any way. When I said that a tree would absorb 100 to 150 gallons of water, it's
going to take it in and process it. It's not going to just hold it. I had somebody tell me who was working
for tree service and should've known better, but they said, oh, the ground will absorb it. That's the issue.
When we had some of the flooding and I told you before I walked across my yard and water was coming
up between my toes. The next day it was gone. The water goes in, but it doesn't do anything. It doesn't
go anywhere. Our grass can absorb some of it. But it doesn't process enough of it to be able to help us.
Trees will actually take that water in; process throughout the trunks, the leaves, evaporate it, and it's not
in the ground any longer. That's what I meant by the 100 to 150 gallons processing. Hopefully, that helps
with the required trees. If you already have the required number of trees, replacement trees are a moot
point. I mean, you don't need them. If a builder can structure the property when trees come down so
that they have the required number of trees, they don’t have to worry about replacing a tree. If they’re had to remove so many trees that they no longer have the required number of trees for that particular zoning area and they have to bring it in, they don’t have to deal with the situation like a homeowner would with tearing down a fence in order to get this huge tree in there. That was the reason we made the difference there. It wasn’t because we were trying to penalize the one and let the other skate. It was because the different situation that they were in. So again, I don’t whether that makes any difference to anybody or not, but I felt like those needed to be brought up.

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

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

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

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

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

Ms. Samples said I don’t know where to begin. Quite frankly, it’s been a very confusing meeting. Let me say this, first and foremost, what we’ve just been presented is great, but we need it on the website, and we need copies of it; not right before the meeting starts. So, that has put us all at a disadvantage, and so I apologize for that. Secondly, planning commission, you’ve done your job. You’ve done a great job. You really have; you’ve spent a lot of time on this. You have made some marked
improvement and your efforts are so appreciated. It's our job now. So we don't want you to do anything else. We appreciate what you've done. You've been great. But now, it's our job to decide what we agree with; what we don't agree with, and what we think we want to see happen based on the information and the comments and suggestions we have received from everyone in town. So now it's our job to do our job. I like a lot of what I saw, but I also have concerns and I'm the person who's going to be completely opposite. I feel that if you live in this town, you are an existing homeowner, then no one should legislate what you can or cannot do when you want to go trim a tree, cut a tree. I don't think governmental bodies should tell you what to do, how to do, and when to do it. I get that we have to have laws, and I get that we need protection, but if I want to go out and trim a tree, I don't have to go up to town hall and talk to staff to get their approval to do what I want to do on my property. I also understand, and again this for existing homeowners, I get that for development, redevelopment, and major additions that we want to ensure that a contractor doesn't come in and clear-cut, because we like trees. I get that the rules need to be very clear and very specific and very fair and try to minimize the expense on not only the contractors, but eventually the homeowner's. If it were up to me, I would say that I'm gonna make the assumption that existing homeowners like their trees; there're gonna be some that don't. But we cannot legislate based on a few, so if we're gonna legislate based on a body as a whole, I'm gonna make the assumption, as I've shared with my fellow councilmembers that existing homeowners don't want to lose their trees, they want their property to look great, and want to improve upon the value of their property. They don't want to be worried when a storm is coming in that they've got limbs that are hanging or loose. I'm going to assume that the property owner wants to keep their trees, and doesn't want to do damage, and so therefore, I'm gonna say that the property owner should be able to trim, prune and remove a tree, not a landmark tree, if it is impeding on their foundation, if it's hanging over their house, their shed, whatever, they should be able to remove it. They've got to incur the expense to do that and not everybody wants to do that, and then I think that we as a body should not legislate what they should have to replace that with. That's my position; I'm sticking to it. I think the penalties are high. I still have a problem with the penalties. I think it's something we need to resolve. Our state tree is a Palmetto tree. There five different varieties and I think they should be considered as replacements for anything anybody wants to replace them for. How do you like that? So that's my position. I know it goes against what some of the planning commission members feel, but it certainly does not go against what a lot of our constituents have come up and told us that they want. So Mr. Mayor, after all of the other councilmembers have spoken and given their position, it is my hope that we can first and foremost get a copy of what's realistic, which is up there, and as councilmembers we're gonna do our job now and we're gonna go in and make recommendations to what we'd like to see changed or not changed and bring it to council in a council meeting so we can vote. Thank you.

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

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

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

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

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

Mr. Stevens said I just want to say one thing before we leave tonight. We are a nation of laws,
regardless of whether this is perfect or not, we have laws. Laws have a reason. If we didn't have laws,
then I could go out and run up and down the road doing anything I wanted to do. We have to have
something or they'll do just like they did at Harbor Lights and cut everything down. I know when I built
my house I did everything I could to save trees. The people from the dog park get shade off the big oak
tree in front of my house and they love it. This is necessary, and I commend you. The planning and
zoning committee did a great job. Is it perfect? When you become perfect, I'll let you know. I know I
ain't perfect. Nobody can be perfect, but you did a (expletive) job. This is great work. You took the tree ordinance which has been a horror story; you basically reduced the amount trees we have to have on a lot. I had to have six and now you only have to have four trees if you are in R2. You've done a lot of great things here. Like the Mayor said, I reckon this is gonna be council’s baby now. We are gonna have to live with whatever we do. Hopefully, we can come up with something that benefits everybody in some way. I know you can't please everybody, but we'll do the best we can. Thank you planning and zoning and Ms. Morris and her crowd for everything they did. They've worked hard on it as well. Hopefully we can come up with something that y'all all feel good with. Thank you for coming out, and let's hope that we can get this taken care of.

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

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

Mr. Courtney said I would like to thank the planning and zoning for all their hard work and all they did. Honestly, this is a very tough thing. I just want to give you a little history. When me and my family came here, we bought a house on Block 25. You guys know where I live. It was nothing but trees around us. We had limbs that were falling off. We had absentee landowners that would not take care of the land. I had limbs come down my property; crack my driveway. Hit my roof. It was just disastrous. Finally, a year ago they finally clear cut the lot; the whole of Block 25 got cut. Ms. Morris stopped the cutting halfway, three-quarters the way through. But it was clear cut. They took down every tree. We had two trees right my property line. They took them right out and they were fined for it. I don't know if they paid the fine or not. I don't know whatever happened with it. Ms. Morris indicated they did pay the fine. Mr. Courtney continued saying they made a lot of money for the eight new homes they built. I sat on the board of zoning appeals. I had asked Ms. Morris a couple years ago whether she used any discretion when issuing the fine and her answer was no. And this is where the problem comes in. I see two issues here: I see construction versus residential. When you get the residential cutting, I don't think anybody wants to eliminate a tree. I had tree that was in front of my house back in 2009. I had asked to have it cut down. It was a single Charlie Brown tree about 40 feet high. They said no. Two weeks later I got a call when I went back up north, they said your tree came down, and came down on Poplar Drive. I told them no, it's your tree now, because you came out you told me no. The Town of Surfside Beach came; they cut it up, even ground the stump. I was actually impressed. Over the years I had another tree that came down that was on the corner of Poplar and 15th. It was pretty much diseased. I asked for that tree to come down. I didn't want to take it down. I sat, I waited but I knew the ordinance was going to change, and I was forced to take out that tree. I didn't want to do it, but again, I do Town Council was going to come with an ordinance that was gonna force me to leave that tree up. It left me no other choice but to take down. It's a very tough thing, this tree issue. The fines, residential versus commercial contractors. You know, a $10,000 fine with a Class A misdemeanor. I've been in law enforcement for over 25 years. Do you know what a Class A misdemeanor is? Do you know what that is? I had an elderly lady come to BZA that cut down some trees. I don't think she really knew what she was doing. I could be wrong, but she cut down some trees. To hit someone with a Class A misdemeanor, that's a crime. When you fill out a job application, they ask you if you have ever been convicted of a crime. That's not a violation; it's a Class A misdemeanor or a felony. You go to apply to become a police officer and you have answer whether you been convicted of a crime. You've gotta put yes, because you cut down a tree? I think it's a little harsh. I think this has really got to be looked at carefully. I think it's very harsh to have it a Class A misdemeanor for cutting down a tree. The enforcement; there is selective enforcement on this. I think it's a lot of overregulation. I actually do agree with Ms. Samples on this. I think that we've gotta look at it very carefully. It's a tough thing. It's not gonna be a win-win for anyone. My last thing, I'm a little disappointed at how the Palmetto tree was handled. If you look at my block, you guys all know where it is, there is nothing but Palmetto trees there. It's our state tree. They should be a replaceable tree. It's on our flag. I don't see why it's not a replaceable tree. I would love to put oaks on my property,
but I don't have enough property to plant oaks without cracking my foundation. I'd like to say thank you for coming out. I appreciate it and I really appreciate the hard work the planning and zoning put into it. We will do our best with this. That's all I have to say. Have a good night. Thank you.

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

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

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

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

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

Prepared and submitted by,

_______________________________________  Debra E. Herrmann, CMC, Town Clerk

Approved:  May 9, 2019

__________________________________  _________________________________  _________________________________  _________________________________  
Robert F. Childs, Mayor  Ron Ott, Mayor Pro Tempore  Timothy T. Courtney, Town Council  David L. Pellegrino, Town Council  Randle M. Stevens, Town Council

__________________________________  _________________________________  _________________________________
Mark L. Johnson, Town Council  Julie M. Samples, Town Council  

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