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**PLANNING & ZONING COMMISSION
PUBLIC HEARING MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
January 4, 2011
6:30 P.M.**

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1. CALL TO ORDER

Chairman Seibold called the Planning & Zoning meeting to order at 6:35 PM. In attendance were: Planning & Zoning Commission members Seibold, Pruitt, Cook, and Abrams. Commission members Hanson, Rhoades and Livesay were absent. There was a quorum. Staff present: Clerk Pinnell, Building and Zoning Director, Donevant. Also present was Waccamaw Council of Government Representative Tom Britton.

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2. PLEDGE OF ALLEGIANCE.

Chairman Seibold led the pledge of allegiance.

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3. MINUTES APPROVAL

Ms. Cook made a motion to approve the minutes from the meeting held December 7, 2010. Ms. Abrams seconded the motion. **All present voted in favor. MOTION CARRIED.**

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4. PUBLIC HEARING

Zoning Text Amendments Public Hearing

Mr. Seibold opened the public comments on the Zoning Text Amendments.

Mr. Britton gave an introduction to the issue. This is the second public hearing on this issue; changes were made based on the direction of the Commission and are outlined in a memo dated December 20th, 2010. Some changes were made after dialogue with the town attorney. PD's are now defined; the provisions related to mixed use including certain criteria have been included; minor changes to the sexually oriented businesses were made. Sign regulations were addressed and reverted back to the existing language.

Mr. Britton stated that there were some comments relating to outdoor dining and the use of alcohol. The current ordinance allows restaurants to sell alcohol in 3 of the existing districts, C-1, C-2 and C-3; nothing has been changed. It was agreed to not have any type of alcohol consumption relating to outdoor dining in the mixed use district. Added was in districts that did permit outdoor dining there could not be an outdoor bar associated with it; it had to be for seated patrons only. There was no intention in the amendment to change the current status of alcohol consumption in the town. Mr. Britton stated that perhaps further clarity could be given. The Town of Surfside Beach has an alcohol regulation located in Section 8-95 and this could be cross-referenced in the zoning ordinance.

Mr. Seibold confirmed with Mr. Britton that the zoning ordinance does not supersede 8-95.

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53 There were no public comments.

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55 Mr. Seibold closed the public comments section.

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57 **Chapter 13 (Fee Schedule)**

58 Mr. Seibold opened public comments for Chapter 13.

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60 Mr. Britton gave an introduction. Mr. Britton stated that intent of this provision was
61 to add clarity and to place this article in sync with the zoning amendment. Some
62 typos had been addressed and corrected.

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64 There were no public comments.

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66 Mr. Seibold closed the public hearing.

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68 The regular Planning Commission business meeting was opened.

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70 **5. OLD BUSINESS**

71 There was no old business to discuss.

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73 **6. NEW BUSINESS**

74 **a. Zoning Text Amendments**

75 Ms. Abrams stated that she wanted to make a motion regarding 17-396.34
76 regarding outdoor dining; the motion was that the wording of Section 17-
77 396.34 subsection 'c' be changed as follows: in the districts permitting the
78 sale or consumption of alcohol in combination with the restaurant use, no
79 alcohol may be served or consumed in the outdoor facility. Ms. Cook
80 seconded the motion. Ms. Abrams stated that there were several residents
81 who spoke at the last Public Hearing meeting and they were concerned about
82 alcohol consumption in outdoor dining. Ms. Abrams stated that she is not
83 convinced that the town needs any more places to drink than already exist.
84 Ms. Abrams stated that people she speaks to are drawn to Surfside because of
85 the 'family beach' atmosphere. Ms. Abrams stated that she wanted to go on
86 record to acknowledge, with this motion, the individuals who spoke against
87 the alcohol consumption. Mr. Seibold stated that he personally has no
88 problem with someone sitting outside and having a drink with their meal.
89 This does not supersede any current town ordinance. Mr. Seibold stated that
90 he also listened to the public comments and feels that many did not read or
91 understand the documents being presented. The Commission is not allowing
92 drinking on the street outside of a restaurant facility; the area must be attached
93 to the restaurant. Mr. Pruitt agreed with Mr. Seibold adding that by linking
94 the ordinance to section 8-95 this would be a good solution. Mr. Pruitt stated
95 that he feels it would be irresponsible of the Commission to tie the hands of
96 the restaurant businesses to make them separate their restaurant by alcohol
97 and non-alcohol. Ms. Cook stated that Surfside is the 'family beach' and
98 agrees with the change proposed by Ms. Abrams. Ms. Abrams and Ms. Cook
99 voted in favor of the motion. Mr. Pruitt and Mr. Seibold were opposed.

100 **MOTION FAILED.**

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102 There was some discussion to advertise and call a Special meeting. Mr.
103 Seibold made a motion to recommend the existing document to Town
104 Council. No second; not considered at this time. Mr. Pruitt stated that he
105 would like feedback from the missing members. Ms. Abrams made a motion
106 to call a special meeting. Pruitt second. **MOTION CARRIED.** Clerk
107 Pinnell stated that she would send an e-mail to check on availability of absent
108 members for a special meeting. Consideration of the zoning text
109 amendments would need to be addressed at the special meeting. Mr. Seibold
110 stated that he would like to hold the meeting as soon as possible; the earliest
111 possible date. Mr. Britton confirmed that a resolution and the final vote from
112 the Commission on the zoning ordinance and fee schedule would be
113 transmitted to Council before the next Planning meeting.

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115 **b. Chapter 13 (Fee Schedule)**

116 Mr. Britton stated that the fee schedule goes with the zoning ordinance and
117 that it needs to be presented at same meeting. Mr. Pruitt made a motion to add
118 the fee schedule along with the zoning text amendment to be presented at the
119 special call meeting. Ms. Cook seconded. All present voted in favor.
120 **MOTION CARRIED.**

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122 **7. PUBLIC COMMENTS**

123 *Bob Childs, councilmember, 14th Avenue North:* “I would hope that the
124 Commission would consider not adopting anything that would interfere with a
125 restaurant having a little area out front where they could have a glass of beer, a glass
126 of wine; there’s hardly a council meeting that goes by that we aren’t talking about
127 doing something business friendly. We don’t want to run the businesses out of here.
128 We already have ordinances that don’t allow people to walk up and down the streets
129 and nobody would want that to happen but if you’re going to have, like the Chairman
130 stated, if you’re going to sit there and have a meal and you’re going to have a glass of
131 wine, there’s certainly nothing wrong with that and basically it’s so expensive, you’re
132 not going to sit there and drink too many of them to start with and if you really think
133 about it we only have, probably, maybe, three months a year where you can enjoy the
134 outside. You might have a little bit of spring which might be April; it gets too hot in
135 the summer, nobody’s going to be sitting outside drinking, probably not even me and
136 then you have a little bit of time in September, maybe a little bit of time in October so
137 we’re not talking about something that’s going to last for 12 months. The Council
138 just recently passed and we’re in the process of redoing Surfside Drive; it’s going to
139 be a beautiful place for people to sit outside and enjoy trees and the flowers. It’s
140 going to be a whole different façade than what’s out there now, so, I would hope that
141 you all would go along with the Chairman on this. I’m absolutely sure that it will not
142 be abused and if I’m not mistaken I think Georgetown just recently passed a similar
143 motion to allow drinking on the patios in front of the restaurants. Now they do have,
144 in Georgetown, in the back, and I’ve been to festivals there and never seen anything
145 get out of line; everybody stayed and the one or two people I did see carry beer
146 outside and there was always somebody to say ‘hey, you know there’s no open
147 containers outside that little restricted area’, so, it’s really a good thing. Let’s help
148 our businesses; help them as much as we can and don’t try to drive them out of town.
149 We need every business here that we can get and I really, again, don’t think this little
150 thing of having a glass of wine or beer is going to really get out of hand. I know you

151 have the best intentions in the world but if you really think about it; let's help the
152 businesses. Help them stay here and just do what we can to accommodate them.
153 Thank you.”

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155 **8. COMMISSION COMMENTS**

156 *Ms. Abrams:* “I just want to make it clear that I don't feel that this Commission has
157 any business just blowing off the comments of 6 citizens who came to the last public
158 hearing and on their behalf I think it needs to be discussed on the record.”

159

160 *Ms. Cook:* “People were afraid that when the smoking ban went through that we
161 were going to drive the businesses out. They are still here; they're still operating. I
162 don't feel that; I know this is a rough economic time and I do feel bad for the business
163 owners. I support the local business owners but I don't feel that our regulations
164 should reflect what people want and need right now. This is a document that has to
165 carry us through into the future; until the next review, and once we open door, that's
166 it, so, I would like to stick with what we have right now and MaryEllens' proposal.

167

168 *Mr. Pruitt:* “Happy New Year.”

169

170 *Mr. Seibold:* “I agree and I listened to the public comments and I also don't think
171 that they, the public, read the document completely and fully understood. We do not .
172 . the document is a planning and zoning document, does not override any public
173 safety document we have in place which includes public drinking on the streets and
174 elsewhere so I am in favor of supporting outdoor dining and having a glass of beer or
175 wine with your meal and I don't think, I am not, in any way, shape or form, listening
176 to the public. I've listened to them; I just don't think they've read the document,
177 from some of the comments that were made at the last meeting, they certainly did not
178 read the document or understand the document and considering that and considering
179 the amount of people that were here and the amount of people in town, I think the
180 existing document covers all bases and is in the best interest of Surfside and we will
181 discuss it further at the special call. Any other comments?”

182

183 *Ms. Cook:* “Well, based on your comments I feel that we failed the public because
184 part of our review process was to make this more user friendly so that the public
185 could pick this up and read it and understand it, so, it makes me feel that . . .”

186

187 *Mr. Seibold:* “Well, we are adding the phrase which is 8-95 which is the public
188 safety ordinance which is going to be added to clear up maybe some of the
189 misunderstanding, so, that will be added, at least I think that we're going to add that
190 to the verbiage. Do I need a motion on that Tom?”

191

192 *Mr. Britton:* “That would be potentially discussed at the special call meeting. If you
193 want to amend what you've got there would need to be a motion to amend to include
194 that because the December 17th draft does not have that reference.”

195

196 *Mr. Seibold:* “There is no sense in doing that tonight.”

197

198 *Mr. Britton:* “You would have a 2/2 vote.”

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200 *Mr. Seibold:* “Well, I don’t know, well yeah, we would have a 2/2 vote but anyway
201 that would be my feelings to at least amend it to include that 8-95 and after that I
202 mean it’s fairly clear to me.”

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204 *Ms. Abrams:* “If my motion fails, I certainly support that.”

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206 *Mr. Seibold:* “Ok, thank you. Any other comments?”

207
208 There were no other comments.

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210 **9. ADJOURNMENT**

211 **Mr. Cook made a motion to adjourn. Mr. Pruitt seconded the motion. All voted in**
212 **favor. Meeting was adjourned at 7:10 PM.**

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218 Charles Seibold, Chairman

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221 Lynn Livesay, Commission Member Marty Rhoades, Commission Member

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224 _____
225 Mikey Pruitt, Commission Member Carol Cook, Commission Member

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227 *Absent*
228 _____
229 Bob Hanson, Commission Member Mary Ellen Abrams, Commission Member

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232 **NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE PLANNING COMMISSION MEETING AND**
233 **ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING. THE TAPE(S) OF THE MEETINGS ARE**
234 **AVAILABLE UPON REQUEST, TO BE HEARD IN THE OFFICE OF THE SECRETARY TO THE PLANNING DEPARTMENT.**
235 **AN AGENDA OF THIS MEETING HAS BEEN EITHER MAILED OR MADE AVAILABLE TO PERSONS, ORGANIZATIONS**
236 **AND LOCAL NEWS MEDIA AS PER THEIR REQUEST. THE AGENDA GIVES THE DATE, TIME AND PLACE OF THE**
237 **MEETING AS WELL AS THE ORDER OF BUSINESS. THIS DISCLOSURE IS IN COMPLIANCE WITH THE SOUTH**
238 **CAROLINA CODE OF LAWS OF 1976, SECTION 30-4-80(E).**