



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

March 23, 2009 ♦ 6:30 P.M.

**PLANNING & ZONING
SPECIAL MEETING MINUTES**

1. CALL TO ORDER

Chairman Hanson called the Planning & Zoning meeting to order at 6:30 PM. In attendance were: Chairman Hanson, Vice Chairwoman Cook and Planning & Zoning commission members Culbertson, Barnard, Seibold, Saunders, Culbertson and Smith. Also in attendance was staff member Building, Planning & Zoning Director Donevant, Town Administrator Booth and Clerk Pinnell. Consultant Mr. Tom Britton from the Waccamaw Council of Governments was also in attendance.

2. PLEDGE OF ALLEGIANCE.

Chairman Hanson led the pledge of allegiance.

3. AGENDA APPROVAL

Mr. Saunders made a motion to add the agenda to allow for public comments. Mr. Seibold seconded the motion. **All voted in favor. MOTION CARRIED.**

4. BUSINESS

To discuss Article VII landscape and tree protection section 17-367. Mr. Saunders made a motion for the commission to either have the vote to accept or reject town council's proposed tree ordinance. Mr. Smith seconded the motion. It was open for discussion.

Mr. Saunders stated that for the benefit of the committee he would reject the ordinance presented and be given the chance to review the ordinance and come up with another version. Ms. Barnard stated that the current tree ordinance was worked on a special committee for many months and feels that the current ordinance in place is more stringent than many others and does not feel that it would be in the best interest to pass something while under pressure and without proper review. Ms. Barnard stated that she would like to review this ordinance while they are going through the other ordinances. Mr. Smith stated that he agrees to reject the ordinance presented by council and would like more time to review it. It was determined that no matter what the commission decides tonight council will make the final decision the following evening at their meeting. Mr. Booth stated that he would speak for the commission at the council's meeting. Mr. Hanson stated that part of the job of the commission is not only to vote yes or no but to give suggestions as well. Mr. Booth reported that there would be other zoning ordinances that council would like the commission to review. It was confirmed that the previous tree ordinance was reviewed approximately three years ago. Mr. Smith stated that he would like to have two measurements for the number of trees and use that diameter and added that he does not feel it is fair to the individual who is "unlucky enough" to have a lot of trees on his lot. There was a discussion on fines for removal of specimen trees and reviewing lots to see if a house plan could be moved to save a specimen tree. Mr. Booth stated that the town would do a GPS survey of specimen trees to keep better track of these trees.

Mr. Hanson read text amendment where a tree should be defined as 4 inches or more DBH (diameter and breadth height). Mr. Hanson and breadth height is defined as 4 ½ feet above grade. In the amendment to the ordinance received it mentions 4 inches and 8

53 inches and Mr. Hanson added that he feels that 4 inches is a substantial tree. A limb
54 should be defined as a branch 3 inches or larger in diameter and should require a permit
55 to be cut. The ordinance refers to 3 inch then 4 inch when topping and Mr. Hanson
56 believes that one standard of 3 inches should be required on the permit. Mr. Hanson
57 stated that the manual explains that it should be a foot from the tree and not be cut it
58 right at the trunk. Thinning of trees that are under 4 inches should be permitted to allow
59 specimen trees to reach their full potential. Thinning should not allow the lot to fall
60 below the minimum requirement of trees. In vacant lots the land owner should be
61 allowed to cut vines and undersized trees with a permit any time prior to obtaining a
62 building permit. Mr. Hanson stated that the landowner should be allowed to trim vines
63 and underbrush to allow specimen trees to reach full maturity. Mr. Hanson addressed the
64 other items on the amendment such as mitigation funds and his opinions such as the
65 town encouraging replanting and that he believes in reforestation and better planning for
66 parking lots; parking lots should be required to have a certain amount of trees.
67 Underling trees also need to be addressed in s separate section. Violations especially
68 weekend violations should be reported and the public needs to be educated on how to
69 report violations. Mr. Hanson stated that the Strom Thurmond report states that writing
70 a tree ordinance takes anywhere from 3 months to 2 years. Mr. Hanson stated that the
71 tree protection committee should be appointed to work on the ordinance.

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73 Mr. Seibold brought up the subject of palm trees and there was discussion as to palm
74 trees being grandfathered into the ordinance. There was some discussion regarding
75 PDD's and how they are approved as a whole with landscape design and are presented
76 before the Planning Commission. There was discussion regarding for or against the
77 ordinance presented by council. Mr. Culbertson stated that there is mention of a live tree
78 being 8 inches and in the next paragraph it mentions and existing tree which is 4 inches
79 and feels that this is very confusing. There was agreement that there should be one
80 definition for a tree. Mr. Culbertson stated that there is a section which mentions Mr.
81 Newell by name and an ordinance should not list a name. Mr. Saunders made a motion
82 to have a vote pertaining to the council's proposed tree ordinance and to reject it. It was
83 agreed that a vote of 'yes' would be to reject the changes. **All voted in favor to reject**
84 **acceptance of the proposed amended tree ordinance. MOTION CARRIED. Mr.**
85 **Saunders made a motion to urge the town council to lift the tree moratorium until such**
86 **time that the planning commission can come up with an agreeable tree ordinance.** Mr.
87 Culbertson seconded the motion. **All voted in favor. MOTION CARRIED.**

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89 There was confirmation that the Planning & Zoning are their own committee and will
90 continue to work on the tree ordinance as planned during their review process. It was
91 confirmed that the tree ordinance was previously scheduled to take place in June or July.
92 Ms. Barnard stated that during the review process she suggested that the commission
93 should read and review the ordinance carefully and not change areas that are "not
94 broken" and to try to be as user friendly as possible. Ms. Barnard stated that there are
95 some interesting tree ordinances and used McClellanville, Beaufort and Bluffton as
96 examples of ordinances to compare to Surfside's ordinance. There was discussion as to
97 setting up a committee to assist in the review and the commission decided to wait until
98 they see the outcome of the council meeting.

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101 **5. PUBLIC COMMENTS**

102 *Mr. Childs, 14th Avenue:* “I was hoping that council turn down the second reading of the
103 tree ordinance and revert back to the original ordinance which is only 3 years old and not
104 the end of the world and then come back to your committee to study it and then you
105 should bring arborists in even if you have to bring one from out of town. There’s a lot of
106 experts out there and get it done once and for all. That’s what I’d like do.”

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108 Sharon Frank, Moss Drive: “I just wanted to specifically address you about one aspect
109 of this and that’s the tree trimming part because, I’m not an arborist but I am a Clemson
110 University certified master gardener and I was told that there’s a moratorium on
111 trimming trees; that you can’t trim trees in Surfside. Is that correct?”

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113 This was confirmed that branches over 3 inches were included in the moratorium.
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115 Ms. Frink: “But even branches beyond 3 inches need to be trimmed. There’s a lot of
116 reasons, just specifically I brought some information the first reason is the health of the
117 tree because when you have a diseased or insect infected tree you have to cut those limbs
118 off no matter how big they are even if you don’t cut the whole tree down you have to cut
119 the infected limbs because it can spread to other trees and then it can become a danger
120 because it could fall and, of course, hurt somebody and cause injury. They’re growing
121 into utility lines; there’s a danger to that; that’s the safety aspect of it and really that’s
122 something that the committee might want to consider because if you put a moratorium
123 on trimming trees and the untrimmed tree presents a hazard and injures some property or
124 some individual then could that liability come back onto Surfside if the insurance
125 company says that you were not allowed to trim that tree could it fall back on Surfside;
126 just something to consider. Also there’s pest problems, you have to remove crossing
127 branches that cross because that prevents a diseased situation for a tree. There’s all
128 kinds of reasons to trim trees besides aesthetic which of course is shaping the tree and
129 trees are that are over 40 feet tall which a lot of them are around here, in the first 25
130 years of their life need to be trimmed; it’s for the shape of the tree and for the health of
131 the tree so a moratorium for absolutely eliminating trimming of any branch over 3
132 inches, in my opinion, and although I’m not an arborist, it’s just my opinion, it’s
133 unreasonable, first of all, for homeowners and it’s also a little bit irresponsible because
134 of the big picture, may be a short term solution for something but it is no long term
135 solution, so that’s just my input and I also have some material that I printed out that you
136 might want to look.”

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138 Ms. Frank distributed materials.
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140 Peggy Inman, 621 8th Avenue South: “First I would really like to thank this commission
141 for the time that you expend and the efforts that you put forward in trying to do the very
142 best thing we can for Surfside and I think I am somewhat going to echo what Mr. Smith
143 commented on regarding mitigation. We have two oak trees that are about 20 inches in
144 diameter that are 5 to 6 feet from our house, one from the house and one from the
145 driveway and these trees were obviously there when the house was built 40 plus years
146 ago and probably much, much smaller than they are today, well I’m sure they were.
147 They’re now large enough to be a danger to the property, to the roof, to the house itself
148 during high winds and possibly the roots can affect the foundation and the driveway.
149 We hope to have these trees removed. We have not done it yet because of the major
150 expense that trees of that size would require and of course we are aware of the need to

151 get a permit but my point is for a tree that is within the footprint, if we meet the
152 landscaping requirements of the number of trees required already to me it seems
153 unreasonable to require any mitigation fees for trees that should not be there to begin
154 with and trees which we simply inherited from someone who did not consider that that
155 tree would become a giant some day and I know that there's many variations of the
156 mitigation requirements. I hope that you have read the white paper from Auburn
157 University that we submitted to Joe Martin and he passed to, I think everyone on the
158 commission and the council and to Mr. Booth, there is a county in Florida which
159 stipulates, well in fact, I'll read it to you in section 6 on page 50 'St. Lucy County
160 Florida allows preservation of trees on site to be used for mitigation if they are in excess
161 of landscaping requirements' and we would respectfully like to ask this commission to
162 consider that aspect for . . . to show property owners who are going to great expense to
163 begin with to have the tree removed, you know, when the town approves it, and that
164 expense seems fair, it seems fair that that expense alone would suffice for what the
165 property owner should have to bear, so, we would appreciate your concern in that regard
166 and thank you."

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168 Brian Lenard, 5050 lakeshore Drive, McQuiddy Properties: "I appreciate you guys
169 coming out tonight on a special meeting, I know some of you all work, some of you all
170 don't but it's not a regular meeting so I appreciate it. I like what I've heard here tonight
171 it sounds like you guys are looking at it from all sides, good and bad, and from alternate
172 directions and one thing I want to talk about is the issue you brought up with PDD's and
173 such. An example we have is Lakeview where we have tow house left that we're
174 finishing up, the building department knows, and as you mentioned the PDD plan was
175 approved with the landscape plan so it calls for palm trees to go in so I'm assuming
176 that's what we're going to be allowed to do but in going with that and Ms. Barnard made
177 a good point last time that, if trees like that were not allowed in Lakeview, if we had to
178 put, if one of those palm trees died and we had to put 5 or 6 trees to meet the diameter,
179 or such, the sizes are approved to be there, they are close together, I live there myself,
180 they are close together, if we had to put 5 or 6 trees on a lot and those trees grew and we
181 weren't allowed to put palm trees which the roots grown down and they don't full out to
182 so much space, I mean, we'd have destruction of driveways, destruction of foundations
183 once those trees grew and the branches hit the houses and it should be something, as you
184 mentioned, maybe grandfathering in, like you talked about when you guys come back
185 and review it. That was a good idea. One other thing I'm just sort of talking about is
186 paying a fee for a tree that is in a building pocket. Kurt and I, when I say Kurt I mean
187 Mr. McQuiddy, we own property around town, we have some lots that trees are on and I
188 just can't say that I agree that I have to pay an extra fee for trees that are on my lot that
189 are in the building pocket and if I buy a lot and Mother Nature put 10 trees there or 200
190 trees I just don't understand why I have to pay somebody and extra \$10 or \$10,000
191 because there's trees on my lot that I should be allowed to build on. It's just an opinion,
192 everybody's got their own but it's just something I want to speak on. Thanks a lot."

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6. ADJOURNMENT

Mr. Saunders made a motion to adjourn. Mr. Culbertson seconded the motion.
MOTION CARRIED. The meeting was adjourned at 7:05 PM.

Approved: April 7, 2009

Sharon Pinnell, Town Clerk

Absent

Bob Hanson, Commission Member

Connie Barnard, Commission Member

Ron Saunders, Commission Member

John Culbertson, Commission Member

Carol Cook, Commission Member

Charles Seibold, Commission Member

Rod Smith, Commission Member

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside Council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee.