



**SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
MAY 2, 2017 ♦ 6:00 P.M.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

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

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

3. AGENDA APPROVAL. Ms. Johnson moved to approve the agenda as presented. Mr. Lauer second. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL. Ms. Gambino said Ms. Elliott was not at the last meeting. Line 116 'councilmember' was printed. I don't think that we are councilmembers. I think we're commissioners. Chairman Abrams said she is quoting something that a councilmember said, I believe. Line 116, Ms. Morris was talking about what councilmember had to say. Ms. Gambino said excuse me, so that would also be the same I guess on Line 122, as well. Chairman Abrams said yes. Ms. Lowery said Line 173 should be 'Please, I beg', not 'be.' Ms. Johnson said she did not attend the April 4th meeting, either. Chairman Abrams said Elliott and Johnson will be shown as absent for the April 4th meeting, and Line 173 will be "Please, I beg." Ms. Lowery moved to approve the minutes as corrected. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

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

6. DIRECTOR'S REPORT. Ms. Morris said the department issued 207 permits in April, including five new homes. Staff also approved one new subdivision last month. The property is located on the corner of Melody Lane and Ocean Boulevard. There was a home on that property that was moved away. They have two lots and will build two homes. As many of you know, and were at the last Town Council workshop on April 18, council reviewed the planning commission's recommendations for the landscape and tree ordinance. Council will hold the first reading of the ordinance on May 9th. Council said they would bring back the changes that they feel would be necessary for the ordinance at that time.

7. PLANNING COMMISSION DISCUSSION

1. Proposed amendment to the Zoning Ordinance specifically to Chapter 17 to include Section 17-418 to regulate the "Sale of Personal Property in Yard Areas of Residential Zoning Areas."

Chairman Abrams said a draft of the last meeting's discussion was in the packages. Ms. Johnson said I agree that we shouldn't have to have a permit, but I think at one time it seems to me that you didn't have to have a permit, but you had call up and let town hall know that you are having a yard sale. Ms. Morris said that was proposed at one time, but it was never adopted. Ms. Johnson said well, I think that would be good idea, then there can be a list of who have them that day. With that being said, we could limit them to three or four a year, so people don't hold them every other weekend. I cannot image that anyone has enough 'stuff' to get rid of that they would need a yard sale more than three or four times a year.

Ms. Lowery said it was pretty much covered basically [in the draft.] [My question is] what is the definition of large; bigger than a typical dining chair. Chairman Abrams said that was a 'throw of the

54 dart.' Ms. Lowery thought that was good idea, but I don't know that we need to give physical
55 measurements. The motor vehicle or boat trailers per residents; when I started thinking about motorized
56 vehicles being for sale, we also need to think about lawn tractors, golf carts, and kids have some toys
57 that are battery-operated. I don't know whether we would need to make some sort of an exception of
58 the motor vehicle section. Older children moped or motorized vehicles. I would be very happy eliminating
59 cars, motorcycles, and lawn tractors as being something not sold at a yard sale. Chairman Abrams said
60 we have a town ordinance definition of motor vehicle. I would think it wouldn't have toys in it. That
61 needs to be checked. Ms. Lowery said someone will always find a way around something or complain
62 that you didn't include this. Staff checking on things; if we don't have permits and staff just rides up and
63 down the streets on Saturdays to see who does and does not have yard sales, I think it was mentioned at
64 one time that they could do that and perhaps give them a day off during the week. Ms. Morris said yes.
65 Ms. Lowery said we need to find some way of educating people as to what's going on. If we don't have
66 permits, and we don't have any kind of penalty or tracking system, if I'm having a yard sale and I'm not
67 doing things the way I am supposed to, somebody can come by and fuss at me. Ms. Morris said
68 remember anything in the zoning ordinance, besides a tree ordinance which has its own penalties, that's
69 a violation is a misdemeanor, which is a South Carolina State Law. Ms. Lowery said that has come up
70 before. Parking at the yard sales would be under the police department? Ms. Morris said yes. Chairman
71 Abrams said parking is not our worry as it is not in the zoning ordinance. Ms. Lowery said there was
72 something in there that yard sales, tag sales and sales all that had to be on private property. Can there
73 be an exception for a private or charitable yard sale at a business? Ms. Morris said they can do that but
74 the business must get an open display permit. Chairman Abrams said this ordinance only addresses
75 residential zones. Ms. Morris said that individuals are not allowed to hold a yard sale at a commercial
76 location. Ms. Lowery said I really liked what that gentleman had said about personal belongings to
77 circumvent people bringing in large items and bulk items picked up from one place and selling in another.
78

79 Mr. Seibold said I liked what you wrote here and I think those comments have been included in
80 here from that gentleman at the last meeting. I was leaning toward a permit, but I will back off on that
81 after hearing the public comments at the last meeting. My question still remains is how do we track the
82 yard sales. I don't see don't see a town employee coming in to ride up and down streets on the weekend.
83 Ms. Morris said they actually do that now. The code enforcement officer comes in on the weekend
84 occasionally because so many people do repair and construction work on the weekends. Ms. Seibold said
85 if he is working that's fine, but I didn't want him to come in just to check for yard sales. I like the draft
86 the way it's written. I like the public comments being incorporated. Chairman Abrams said we had some
87 very good ones. Mr. Seibold said the personal property is not only a yard sale, as I read this it also
88 pertains to having a car in a residential area. Ms. Morris said that's correct.
89

90 Ms. Lowery said she saw where there were complaints were made about yard sales. Some
91 thought three or four calls were not that many. I understand councilmembers were also getting calls. Ms.
92 Morris said when this was presented at the last planning commission meeting, we were literally getting
93 12 to 14 phone calls every other day about this one area, but they have now moved. But the problem will
94 come up again, so we really need to address now. Council and planning staff were getting the same
95 phone calls about the same property.
96

97 Mr. Lauer said one of the biggest issues really is whether we have permits or not. The most
98 effective ordinances usually have very clear restrictions and clear penalties. They have somebody who's
99 going to enforce them. Enforcing them seven days a week is optimum, but we really can't do that. I'm
100 worried about getting tough on yard sales and then if we back off, as Ms. Holt said last week that the
101 complaints are what's triggering this process. We need to move forward with an ordinance or let it slide
102 and just respond to the complaints. Or, we can go ahead and ask for permits and then you can have a
103 real compendium of information and we'll know who's been violating.
104

105 Ms. Johnson said I have lived here for 30 years and I remember the day that we had to go to
106 town hall; we paid five dollars for permit for yard sale, and they gave you a yard sale sign. You were

107 allowed three a year.

108

109 Chairman Abrams thought there was a discussion at the last meeting that we would try to give
110 you language you needed to enforce the problem areas without building a bureaucracy around it, and if
111 that didn't work, then we could always go back and build a permit bureaucracy. We're also concerned
112 about staff having to track all this. I think half the problems is that they don't get a permit in the first
113 place.

114

115 Mr. Seibold said at the last meeting I was leaning toward a permit, but there was an awful lot of
116 objection to that. The more I thought about it over the last couple of weeks, I wonder if we really want
117 to get into getting permits for yard sales. Once this goes into the ordinance then it's a misdemeanor. We
118 have something to enforce. If we have complaints, we can send somebody out without additional work
119 on you and the town, and the residents getting upset, because now we're asking them for permits. I'm
120 kind of against it.

121

122 Ms. Johnson said I never had a problem with getting a permit back in the day. Pay five dollars
123 to get the permit; they give you a sign. You get a permit saying you allowed to have yard sale. If we're
124 gonna have these rules about what you can and cannot sell, that would be the time for them to be given
125 the rules so they'll know what they can and cannot put out. Otherwise, how will they know, until they
126 are in violation?

127

128 Ms. Lowery said they have to know that a permit is required, and at the same time we just
129 educate the residents. These are things you can do the newsletter. Some of us get the newsletter letter
130 on the computer. Some of us don't get the newsletter. Some people get it, but you can't force somebody
131 to read the hard copy or read the computer; it is just a difficult thing. Maybe something on the news
132 saying Surfside Beach has decided this. Maybe more people would see it then. A lot of it is education.
133 These are things that are okay; these are things that are not okay. At one point, I thought a permit
134 would have been the perfect way of educating people; they come in to get the permit and the office give
135 them the information. But your office is already swamped. I hate the idea of adding one more thing to
136 the work load. Ms. Morris said we will not go out and the first time we see someone in violation and write
137 a summons. The public may or may not see the information in the media, so we always give them a few
138 warnings; a summons is the last action. Ms. Lowery asked if the warnings are tracked. Ms. Morris said
139 yes. Even if residents were required to call the office to let us know that would be a nice tracking device.

140

141 Chairman Abrams said that a public hearing would be held.

142

143 Mr. Seibold asked if we are going to stop at yard sales only if there are complaints or if they see
144 they are violating the rules for some reason. Ms. Morris said if the code enforcement officer drives by a
145 yard sale and there is no violation, there is no need to bother them at all. Mr. Seibold said that's my
146 question. Ms. Morris said if the draft is adopted, if code enforcement drives by and there are three large
147 vehicles, then he would stop and educate them. Mr. Seibold said okay, he did not want to hassle
148 residents.

149

150 Ms. Lowery agreed with Mr. Seibold and said that we want the best results with the least amount
151 of hassle for everyone. Mr. Seibold said exactly.

152

153 Ms. Gambino said I agree with Mr. Seibold. I think the least that we can trouble the residents;
154 I'm certainly not for a permit. I think a lot of residents would be totally against that.

155

156 Chairman Abrams asked if everyone agreed on defining bulk items as more than four identical
157 items. **COMMISSION CONCURRED.**

158

159 Chairman Abrams asked if anyone had a better definition of large pieces of furniture other than 'a

160 typical dining chair.' Ms. Johnson asked what if you want to sell a whole dinette set. Chairman Abrams
161 suggested a little sign on the table that says six more chairs available. (*Laughing*) No concurrence was
162 reached.

163
164 Chairman Abrams asked how the commission felt about 'merchandise must be removed from the
165 yard space by sundown.' **COMMISSION CONCURRED.**

166
167 Ms. Johnson said some people have yard sales that begin on Friday and end on Saturday and like
168 to cover it and leave everything outside overnight.

169
170 Mr. Lauer thought that the proposal was to bring it inside overnight.

171
172 Ms. Lowery said time limits were discussed previously that they had to bring the items in and put
173 back out, if it was for more than 2 days. Ms. Morris said the previous ordinance draft limited yard sales to
174 two consecutive days. The proposed ordinance would not regulate that. Chairman Abrams said the
175 previous ordinance draft was much more complex.

176
177 Chairman Abrams said people need this ordinance sooner than later. I would like this as a
178 business item and have the public hearing at our next meeting with this going to council in early June.
179 Tonight we have to agree on what it says.

180
181 Chairman Abrams asked if there was consensus to bring this draft ordinance without a permitting
182 process for business at the June meeting. **COMMISSION CONCURRED.** Chairman Abrams asked Ms.
183 Morris and Ms. Herrmann if there was any reason why this could not be done. Ms. Morris said no, I will
184 go ahead and advertise it. Chairman Abrams said the draft is pretty clear what it's to say.

185
186 **2. Design Overlay District Guidelines.**

187
188 Chairman Abrams said I would like to apologize, Mr. Truett, for the late notice of this meeting. I
189 don't know how we dropped the ball on that. Thank you for being here.

190
191 Ms. Morris give a PowerPoint of the design overlay guidelines. At the budget retreat last week
192 several councilmembers, one in particular, asked that we look at the design overlay and make it more
193 stringent. Right now, typically a municipality's overlay is a lot more stringent than a county overlay. In
194 our case, we have two separate county overlay districts on either side of Surfside Beach. Both of those
195 are much more stringent than the town's overlay. We showed a three slide presentation to the Council.
196 They voted to send it to the planning commission and for the planning commission to review the County's
197 overlay and adopt it as much as possible. The county is getting a lot of new commercial businesses. It's
198 not just on the bypass, but getting them here on Highway 17 as well, and they are skipping our town.
199 The two county districts are just to the north and south of the town limits. They are exactly the same
200 except for the development requirements. I think the one that would fit best, and of course, the decision
201 is absolutely up to the planning commission, is the South Kings Highway overlay as the design and
202 development guidelines fits more within Surfside Beach, because it includes smaller buildings. One of the
203 biggest differences in the county's overlays and the town overlay is that the county's overlay applies to
204 existing buildings, not just new construction. Adopting a more stringent overlay would make a more
205 harmonious design within the town; give tourist a sense of welcome, and a reason to come back;
206 enhance the town's appearance to residents; support and stimulate business, and promote desirability of
207 investment in the town. Chairman Abrams noted how the county overlay applies to existing businesses,
208 and asked what kind of timeframe is given for them to come into compliance. This is critical. Ms. Morris
209 said yes, if they do anything between zero and 9-percent of the building value, all new exterior walls
210 must adhere to the foundation and landscaping requirements. If they come into their building and they
211 want to put a canopy on their building and the building is not worth a lot of value, then they will have to
212 adjust their foundation. Chairman Abrams said it is more or less permit driven. Ms. Morris said it is based

213 on the percentage of the work they're doing. Any work done in the overlay district requires a permit.
214 Chairman Abrams was to state how critical that was before further discussion. Ms. Morris said the overlay
215 would go into effect with these percentages:

216
217 0-9% is the foundation and landscaping
218 10% - 39% must adhere to 0-9% rule, plus their signage must be brought into compliance. The
219 town already has a sign ordinance. The signage in our case would be the landscaping around the
220 signage.
221 40% to 74% everything already stated and all existing exterior walls must adhere to as well as
222 complete the landscaping. They have to cover the metal between
223 75% and above everything in the overlay has to be met.
224

225 Ms. Morris said the overlay also states in the development and the design sections, the façades
226 have to meet three elements: color change, texture change and material model change. Basically, what
227 they want is the façade to be broken up. They want to look like several businesses instead of one large
228 box store that give the building a more attractive look. They are required to have at least one pilaster
229 column offset reveal within every 30 linear feet. I think it's better than the other. The other overlay says
230 over hundred linear feet. We asked Publix to determine how many prototypes they had, and were told
231 that they have as many as needed. So in these examples, there are three different prototypes for Publix.
232 Someone complained about the Arby's building, because it still looks like an Arby's building even though
233 it's now nail salon. We also got in touch with McDonald's, who told us they have several prototypes to
234 meet any overlay design. If they're going to be in town, they will try to incorporate their design changes
235 around the town.
236

237 Ms. Morris showed a picture of a gas station that was previously a used car lot. It was just a flat
238 roofed building in the middle of the lot with cars parked all around and no landscaping at all. A developer
239 wanted to put a service station on the lot. The town said landscaping was required to meet the overlay
240 district. Of course, the developer did not want to do it at first, but he complied. There is another service
241 station on the other side of the street that does not have overlay requirements. The town said the station
242 that meets the overlay gets much more business, because landscape softens the area, and it makes it
243 more welcoming. Other photographs were show that included examples of Dollar General, Lowe's
244 Grocery, Ross and Kohl's. Pervious pavers could be required that would enhance the town's stormwater
245 system. We would ask that the planning commission consider the South Kings Highway overlay zoning
246 district for the most part for the town. We have to go through and obviously do some changes to meet
247 the town's needs. I think if we should have requirements for the new development, and we have
248 requirements for the existing development. We've got to protect our investment, but protecting our
249 investment means looking at what's beside us, as well. So you have to consider all of it. We are getting a
250 new Highway 17 with pavers and landscape that is going to look really good. Now is the time to
251 incorporate the new overlay requirements.
252

253 Mr. Seibold says that everything you showed us is in effect right now in Horry County. My
254 concern is driving businesses away, but there is no place for them to go. I don't want to sound like a
255 broken record, but I don't want to burden residents or burden businesses coming in here either. I'd like
256 to see more businesses in town. I've gone through it; the overlay cost them a few thousand dollars, but it
257 turned out great. I was on both sides of the fence, but it came out nice and I liked the foundation. I like
258 the shrubbery. I like the way things look, so I'm in favor of strengthening ours. I just don't want to drive
259 business away, but if they have no place to go, I am in line with it. This is in effect right now. Ms. Morris
260 said this is in effect in Horry County right now. There are overlay districts on Highways 544, and 707. Mr.
261 Seibold says I know they opened the new Publix on Highway 707. Ms. Morris said I would recommend
262 you go see the new Publix on Highway 707. It's unbelievable. I actually live in that area so I was curious
263 myself as to why Lowe's on one side of 707 has a large pylon sign and Publix has a little tiny monument
264 sign. I called Horry County Planning and was told it is because Publix is a special planned development
265 that only allows monument signs. Lowe's on the other side is in the special overlay district. The two

266 stores are right across the street from each other, but have different requirements. Every major corridor
267 in Horry County has overlay requirements and they are booming. Garden City is starting to boom,
268 Chicago Pizza and Mellow Mushroom are two new restaurants opening soon.

269
270 Mr. Lauer says the proof is in what you see. You drive around Surfside, we look like the orphans.

271
272 Ms. Gambino said several people commented to her that they have property in Surfside, but they
273 don't live here. Just being honest, they asked me what's going on. We really are rundown. I said yes; just
274 like Mr. Lauer said, just ride around and look.

275
276 Mr. Seibold said it is true, I agree. But it is an expense on the businesses. You think the major
277 corporations; but you get a small owner coming in to open a business and you throw a \$5,000 or
278 \$10,000 bill on them.

279
280 Mr. Lauer said the traffic is here. People are coming down 17. It is heavily traveled and if they
281 don't see something they want to pull into, they won't. My wife says if it is not an attractive building,
282 she's not going there.

283
284 Ms. Johnson said like Ms. Morris said when you are comparing the two that were across the
285 street and one had the really nice overlay and the other one did not. The one that did got a lot more
286 business. So maybe you do spend a little more, but then it is going to pay you back.

287
288 Mr. Lauer says that over time, but you have to be here for the long run. Ms. Morris said if you
289 remember when we first proposed the design overlay many years ago, it was very stringent. What the
290 planning commission recommended to council was a very stringent ordinance; it applied to everything. It
291 gave triggers as to what could and would happen once you've met those triggers. But the council ordered
292 it down. During that entire time the community came out and they spoke during public hearings, and
293 during council meetings saying this is what we want. We live here; we want to shop here, but most of
294 them said they don't, but they would if it was attractive.

295
296 Chairman Abrams said she would like to give our business committee the opportunity to speak.
297 This is supposed to be a discussion between us and them. Mr. Truett said we actually got a copy when
298 the overlay was first presented to council that was brought back to the business committee. One of the
299 concerns we had is when you ride down Highway 17 you'll see a lot of new construction that are actually
300 Butler buildings. They're metal buildings with brick façades on the front. Part of that overlay was going to
301 require siding go on the outside of the metal building, which would have voided the 30 year warranty on
302 those buildings. There's probably 15 or 20 of those buildings in town. If you have to put siding on a 200
303 foot building on two sides, your warranty goes away. I wish we had more time to have discussed the
304 proposal in a committee forum, but unfortunately, I just found out about this Saturday. All these look
305 great. I guess the concern I would have, if you do nothing to your business, does this overlay force you
306 to comply as far as landscaping. Because that to me is the real issue; prompting these businesses that
307 don't look good to improving their appearance. We can make it tougher for people coming in, the new
308 construction; people wanting to do 50-percent more; change of venue or change of business. But we still
309 have some businesses that are eyesores. How do we prompt these people to invest in the properties? A
310 lot of these businesses rent these properties. So it's not necessarily the business owner, it's the landlord
311 that doesn't live here. I think as long as he's collecting his rent every month, he is probably not gonna
312 spend \$15,000 on new awnings, new siding, or new paint.

313
314 Chairman Abrams said we need to turn up the heat on them. These landlords are the guys that
315 never would've applied for one of the façade grants, either because he doesn't care. Mr. Truett said we
316 thought the façade grants were a great idea. There was money in the budget for \$50,000. The way it
317 worked, you do a permit. The town would pay up to 50-percent, a maximum of \$5,000. You could paint;
318 put up awnings, or even do landscaping. The businesses weren't educated. They did not know that these

319 grants were available. It just sat there and sat there; nothing happened. I talked to businesses that made
320 improvements and told them they should have used the grant money from the town, and they didn't
321 know anything about it. From the town's perspective, we need to invest back in the community and that
322 was a way to do so. The business community generates 88-percent of the tax revenue in town. The
323 amount of \$50,000, in my opinion, is a small investment over the millions of dollars that the businesses
324 pay. I think to generating business in town, it's not just one thing. At our last business committee
325 meeting, we talked about declining tax rates. What that is, if you've got a business with \$4-\$5 million
326 gross revenue in Horry County, you get a 40-percent tax break. We don't have that. I think that holds us
327 back from being in competition with the county. I think there's a lot of little things that we should be
328 looking at to help promote businesses coming into town, not just one thing. Obviously, anybody who has
329 a business in town would love it to look like the examples Ms. Morris showed. Some of the business do,
330 but for the most part, we've got some eyesores. Chairman Abrams said we do, thank you.

331
332 Mr. Lauer said I have to admit I am not used to hearing businessmen saying let's be harder on
333 the businesses. I kind a like that.

334
335 Chairman Abrams said in my personal preparation for this I think we did ourselves a lot of harm
336 when we took 'change of tenant' out of the code. That's not enforcing a lot of the changes right there,
337 but I think personally we need to turn the heat on some of the eyesores and some of the absentee
338 landlords. I'd like to figure out what gets us the highest impact for the lowest cost on the business, and
339 what comes to mind to me is we make them paint, pave, and plant landscaping. Give them a deadline.
340 That stuff just can't be all that expensive. We wouldn't have to make them change rooflines and build
341 parapets for maybe some period of time.

342
343 Mr. Truett said and I agree. I go back to the façade grant, I think that's a good way to possibly
344 promote [improvements.] If you look, \$50,000 is going to get you \$100,000 worth of improvements. Five
345 years from now that's a half million dollars worth of improvements on this one corridor. So, does Council
346 want to put that back in? I would love to see them do it. I would really love to see them make sure every
347 absentee owner gets a letter saying we would like for you to do this, this and this, and here's a way for
348 you to recoup part of your expenditures. Chairman Abrams said and you have some provision they
349 cannot ignore; you have to do this one way or another, but we will help you. Mr. Truett said I mean the
350 façade grant wasn't just giving out a check. The business comes in; makes an application, and they had
351 90 days to complete the work. There was an inspection done after it was completed; all the invoices were
352 verified; all expenditures were verified, and then a check was sent for reimbursement. Chairman Abrams
353 said my impression was it was the business owners who gave [cared about their businesses] who would
354 apply for it in the first place. Mr. Truett said I don't think we had anybody apply. We, the business
355 committee, are here to help anyway we can. I am sorry it just me and Mr. Fitzmaurice here tonight.
356 Chairman Abrams said this is only a discussion. We're not even in a business meeting on this and I don't
357 know what the other commission members think. I think we've still got a lot of chewing on this to do.

358
359 Mr. Seibold said this still wouldn't attack existing businesses; it would not do anything for the
360 eyesores.

361
362 Chairman Abrams said I want the overlay to do something with the eyesores now. Is that a
363 consensus that we hit the eyesores now? **COMMISSION CONCURRED.**

364
365 Ms. Lowery asked if there was a legal way to do this. Ms. Morris said she would have to speak
366 with the town attorney. Attorneys have told us several times in the past that we do not regulate ugly.
367 Chairman Abrams said how about that you must come into compliance with the paint color codes or
368 something like that. Ms. Morris said if you do that, you will have to do it for everyone, even businesses
369 that just painted a neon color that looks really nice. Those businesses will have to bring it up to this code,
370 too. So just keep that in mind.

371

372 Chairman Abrams said how long has it been that these people are going to keep ignoring us, and
373 when are we going to clean it up. (**) Ms. Morris said I want to make sure it is legally done. Chairman
374 Abrams said as you can see, we have a lot more discussing to do. I think the business committee has
375 plenty of time to discuss it.
376

377 Mr. Truett said I think our next meeting is on the 23rd. I will make sure that it is on our agenda to
378 discuss. I will make sure everybody gets a copy of the overlays, south and north and the town's. Chairman
379 Abrams asked Ms. Morris if the Horry County overlay ordinances are online. Ms. Morris said they are. Mr.
380 Truett said I will make sure I get all these and get them to the committee members. Maybe we can
381 brainstorm a little bit, and see if we can come up with something.
382

383 Mr. Lauer said I would love to see those facade grants come back, but I don't think it is a good
384 time to be hustling council for money. Mr. Truett said it doesn't hurt to ask.
385

386 Chairman Abrams said I heard a consensus that we want to find out from the lawyer if we can
387 somehow twist the arms of the eyesores. Yes, it would impact everybody, but it's that or do nothing.
388 How does everybody feel about sticking 'change of tenant' back into the requirements? That was taken
389 out by council. **COMMISSION CONCURRED.**
390

391 Mr. Seibold said that gives us some help where we need it to bring some eyesores back. I've
392 gone through it, to change it forces that new owner, whether it's the owner or the new tenant. Chairman
393 Abrams said it'll force the absentee landlord to do something. Mr. Seibold said no, actually it doesn't.
394 Chairman Abrams said it will trickle down. Mr. Seibold said I don't know how it works, but I know the
395 business I was working paid bills to landscape and bring up; the owner did not. I don't know how that's
396 written or how that works with the town, but I know the company paid the bill. Ms. Morris said we don't
397 regulate who does it, we just tell them it has to be done.
398

399 Ms. Johnson said ultimately that would be the owner's responsibility. Ms. Morris that is who we
400 would contact. Chairman Abrams said we can't stop the absentee landlord from letting it trickle down to
401 the expense of his tenant. There's not a thing we can do about that, but we can make the absentee
402 landlord clean it up. Mr. Seibold said what I guess that's probably what happened eventually, so you
403 want to run the business you pay this bill. Ms. Johnson said then the building sits there empty for six
404 more months waiting on another tenant.
405

406 Mr. Truett said you also have the situation in strip malls with individual owners of each unit.
407 Trying to get everybody on board; might not have a tenant turnover for five or six years. That's another
408 problem. Chairman Abrams said now there are some sticky wickets in there. Mr. Seibold said I noticed
409 there is a lot of construction going on around 16th North. It was a gas station. Ms. Morris said it is going
410 to be a coffee shop and it will meet our overlay. Mr. Truett asked what the landscaping requirement is
411 for a 75 foot lot. Ms. Morris said landscaping is based on the size of the lot: 10 foot of landscaping in the
412 front; landscaping on the end of each island; no more than 10 parking spaces without an island, and then
413 landscaping is required all the way around the parking. That is pretty much matches the county's
414 requirement, but the county's overlay is a little more it stringent.
415

416 Mr. Seibold asked Mr. Truett if he saw any problem for the business community if the overlay
417 was more stringent and it complied with the county. I'm kind of leaning to make it more stringent, but
418 again, I don't want to drive business away either. Mr. Truett said I think with adding back 'change of
419 tenant' it is going to be a slow process, but that is part of the puzzle. If you got an ugly piece of property,
420 and he just wants it to stay ugly, I'm not sure government can do anything. Mr. Seibold said no, I don't
421 think so. Mr. Truett said you need to probably entice, encourage, or possibly partner with the property
422 owner; but as far as legislating it, I don't think you can. If we get the ball rolling and the guy next door,
423 sees the guy putting in landscaping and the competition down the road sees it, maybe he will start
424 spending some money.

425
426 Ms. Johnson asked if Charleston legislated dilapidated buildings. They make them fix them up.
427 So, there is some way to legislate that. Ms. Morris said we have a property maintenance code, which we
428 can use if there's violations. That may be what Charleston is using. There is also an existing building code
429 to address the older buildings, but the town did not adopt that. The commission may want to consider
430 that code at a future meeting. We can regulate shutters and gutters falling down now. But as far as paint
431 peeling, or is faded, we just can't regulate.

432
433 Mr. Truett asked Ms. Morris to provide the business committee with copies of the current and
434 proposed overlay codes, along with a list of items that were removed from the original presentation to
435 council.

436
437 Ms. Morris said at the budget meeting last week council [concurrent] to consider adopting the
438 overlay for the County, of course, that was subject to adjustments necessary to meet the town's
439 requirements. Chairman Abrams said as far as I am concerned that was the consensus of the discussion
440 of the budget. It wasn't any business item. Ms. Johnson said well back to Charleston, yeah they don't
441 allow peeling paint, they legislate that. Ms. Morris said that may be the existing building code. I'll call
442 them for clarification, because yes, you are right they do.

443
444 Chairman Abrams stated for review:

445
446 Turn up the heat on the eyesores now if we can along the lines of paint, paving and plants. Ms.
447 Morris is to discuss that with the town attorney. **COMMISSION CONCURRED**

448
449 Business committee meeting on the 16th; will hold an in-depth full discussion on the overlay. Mr.
450 Truett and the committee will be welcome to come back and participate in our next meeting.

451
452 Add back 'change of tenant' as a trigger. **COMMISSION CONCURRED**

453
454 Chairman Abrams asked Ms. Morris to work with the attorney to determine what the town can
455 legally do to make these owners improve their property. I get the sense right now that as a commission
456 we want these people cleanup at least as far as paint, landscaping, and paving. I agree that it pinches a
457 bit. I'm sorry, you know it hasn't happened and how many years? Maybe we just need to encourage
458 people a little bit.

459
460 Ms. Johnson said that maybe if we adopted a new ordinance and give these eyesores 12 months
461 to comply, but maybe give them like a little tax break or something for one year to comply. Chairman
462 Abrams a deadline to comply on the less expensive cosmetic stuff, and asked Ms. Morris to please include
463 the business committee as participating members of the discussion on the overlay on the next agenda.

464
465 Mr. Lauer said thank you to whoever compiled the charts for us. That took a lot of work and gave
466 me a good starting off point.

467
468 Ms. Johnson said she noticed at Hardees they did some overlay and put some trees and pavers
469 around the trees. There's a lot of trash that ends up in those areas. Who is responsible for cleaning that?
470 Ms. Morris said they are; the code enforcement officer will be sent to deal with it.

471
472 **10. PUBLIC COMMENTS - General.** There were no public comments.

473
474 **11. COMMISSION COMMENTS.**

475
476 Mr. Lauer: I don't really have any comments. It was a productive meeting.

477

Planning Commission
May 2, 2017

478 Ms. Gambino: Thank y'all for coming out, and we're just beginning, I hope.

479
480 Ms. Johnson: Have a good evening. God bless you.

481
482 Ms. Lowery: I don't have anything to say. That's a rare moment. Thank you guys for coming
483 out.

484
485 Mr. Seibold: It's been a good meeting tonight. I would like to say I think this is very important
486 for the town, and for our residents. I want to see businesses come to Surfside; not leave Surfside. I think
487 is an important part of our job, and we should really pay close attention and do whatever we can to
488 improve on it. Thank you.

489
490 Chairman Abrams: I agree. I feel like we got some sense of where we want to go with this
491 tonight. I look forward to more input from the business committee and input from the attorney and Ms.
492 Morris and any of us who had a chance to think about this a little more.

493
494 **12. ADJOURNMENT.** Ms. Johnson moved to adjourn at 7:08 p.m. Ms. Gambino second. All
495 voted in favor. **MOTION CARRIED.**

496
497 Prepared and submitted by,

498
499 _____
500 Debra E. Herrmann, CMC, Town Clerk

501 Approved: June 6, 2017.

502
503 _____
504 Mary Ellen Abrams, Vice Chairman

505
506 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded,
507 and not intended to be a complete transcript. Appointments to hear recordings may be made with the
508 town clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive.
509 In accordance with FOIA §30-4-80(E), meeting notice and the agenda were distributed to local media and
510 interested parties via the town's email subscription list. The agenda was posted on the entry door at
511 Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org
512 and the marquee.