



**MINUTES  
CITY OF HARTSVILLE  
PLANNING COMMISSION MEETING  
MONDAY, NOVEMBER 29, 2021 - 5:30PM  
CITY COUNCIL CHAMBERS - 100 EAST CAROLINA AVENUE**

PURSUANT TO FREEDOM OF INFORMATION ACT SC CODE 30-4-80: WRITTEN NOTICE WAS DELIVERED TO THE PRESS BY EMAIL ON TUESDAY, NOVEMBER 23, 2021 AND DULY POSTED AT CITY HALL LOCATED AT 100 EAST CAROLINA AVENUE AND ON HARTSVILLESC.GOV. CITY HALL IS AN ACCESSIBLE FACILITY, FOR ASSISTANCE, CALL 843-383-3018.

**Members present:** Vice Chairman Chris Shirley, Dan Askins, Mallory Hankins, Scottie Hill, and Curtis Lee and Trevor McDonald. **Absent:** Chairman Casey Hancock (resigned). **Staff:** Lauren Baker, Brenda Kelley, Ex-Officio Daniel Moore, and Shannon Munoz. **Press:** Absent. **Guest:** None.

**Call to Order/Welcome**

Vice Chairman Shirley called the meeting to order at 5:35pm.

**Approval of Minutes**

Trevor McDonald made a motion to approve the October 25, 2021 minutes as submitted; Second: Askins. Carried: All in favor.

**Old Business**

**Cigar Bars**

A local business owner wants to open a cigar bar in downtown Hartsville. The Code of Ordinance Chapter 31 – Environment, Article I – Smoking in Public Places and Places of Employment prohibits cigar bars. City Council asked the Planning Commission to consider the request and make a recommendation to Council.

Staff provided background on the ordinance that currently prohibits cigar bars, information obtained from other municipalities that allow cigar bars and recommended amendments to the current ordinance and sections of other ordinances to allow cigar bars.

Ex-officio Moore provided background on Council’s request to allow cigar bars. Council wants to allow cigar bars in the B-1 zoning district exclusively. Certain language has to be stricken in the current ordinance to allow cigar bars. As a whole Council wanted to see how cigar bars operated in other cities. Staff did some market research and did an onsite visit to a cigar bar in Florence. The cigar bars operate very well with several restrictions in place, especially ventilation.

The proposed amendments to Chapter 31. Environment, Article 1. Smoking in Public Places and Places of Employment were as follows:

- Sec. 31 -4. Prohibition of smoking in enclosed public places (c) Bars ~~and cigar bars~~.
- Sec. 31 -8. Where smoking is not regulated (c), add the following language. **Cigar bars, provided that smoke from the establishment does not infiltrate into areas where smoking is prohibited under the provisions of this article. The pervasive and continuing presence of the odor of stale tobacco smoke in areas where smoking is prohibited shall be accepted as evidence that tobacco smoke infiltration has occurred. Cigar bar proprietors shall be responsible for**

achieving compliance by using whatever design, construction, or technological means actually preclude tobacco smoke infiltration into areas where smoking is prohibited. Smoking on patios, decks, and porches attached to cigar bars is permitted provided the smoke does not infiltrate into areas where it is otherwise prohibited. No business license or certificate of occupancy may be issued for a cigar bar without the applicant first providing a detailed plan for compliance with this provision. Nevertheless, the issuance of a certificate of occupancy or a business license to a cigar bar shall not be construed as the city's determination that the cigar bar is in compliance with the requirement of this provision.

The proposed amendment to Appendix A - Zoning, Article III. Definitions of Terms Used In This Ordinance was as follows:

- Add the definition of Cigar bar - *Cigar bar* shall mean an establishment that offers a meaningful selection of fine cigars and fine tobacco for pipes, including hookahs, for smoking on the premises as well as retail purposes and which is licensed for the on-premises sale of beer, wine, or alcoholic beverages, or some combination of those, as well as some food service. The term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article. No bar can be considered a cigar bar unless at least 30 percent of its gross revenue can be demonstrated to come from the sale of cigars, pipe tobacco, and related products.

The proposed amendment to Appendix A - Zoning, Article IX. District Regulations – Sec. 5. B-1 (central business district) zone (b) permitted uses

- (14) ~~Reserved~~ Cigar bars.

After reviewing all the recommended amendments and other information provided by staff, Askins made a motion to accept the amendments as proposed; Second: Lee. Carried: All in favor.

### **New Business**

#### **Skateboards & Bicycles**

Council asked Planning Commission to review make recommendations to allow skateboards and bicycles on the sidewalks. A skateboarder made a request to have a greater flexibility in skateboarding downtown. This request came about it appears mainly because the scooters are allowed on the sidewalks while skateboards are not. Staff made a recommendation to allow skateboards and bicycles on the sidewalk in the same manner as the scooters.

Ex-officio Moore provided background on Council's comments. It has been a long conversation for a while. One skateboarder, in particular, has been caught several times by police for skating on the sidewalks. This led to more conversations and a discussion in executive session. City Council wants to remove any restrictions city wide that prohibit skateboards, bicycles, roller blades, scooters on any sidewalk as long as they yield to pedestrians. The reason Planning Commission is reviewing the request is because the language in the B-1 zoning district prohibits skateboards and bicycles.

The proposed amendments to Chapter 74 – Streets, Sidewalks and Other Public Places are as follows: Sec. 74-4. Use of coasters, roller skates, and skateboards restricted.

- Repealed in its entirety.

The proposed amendments to Chapter 78 – Traffic and Vehicles Article V. Bicycles. Division 2. Operations

Sec. 78-434. Riding on sidewalks shall read as follows: It shall be ~~un~~lawful for any person to ride a bicycle, skateboard, or like vehicle along or across any sidewalk within the B-1 business zone of the city; ~~provided, however,~~. It shall be lawful to ride a nonmotorized bicycle on those sidewalks incorporated into the city bike path network. Within ~~the remaining all~~ areas of the city, a person riding a bicycle or like vehicle along or across any sidewalk shall yield the right-of-way to all pedestrians on the sidewalk.

Safety was the Planning Commission’s number one concern.

Lee made a motion to accept the proposed changes with the addition of a careless riding provision, subject to public safety review. Second: Askins. Carried: All in favor.

**Adjournment**

McDonald made a motion to adjourn at 6:03pm; Second: Lee. The next meeting is scheduled on Monday, December 27, 2021 at 6:23p.m. in Council Chambers at City Hall.

---

Vice Chairman Chris Shirley

---

Date