

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

Tuesday, May 7, 2019

A regular meeting was held at 6:00PM, this date, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Gary Visser (Chair), Sydney Cook (Vice-Chair), Charlie Cole, Carl Hubbard, Manda Poletti and David Peterseim. Staff member: Joe Henderson, Director of Planning and Lisa Darrow, Asst. to Administrator.

**Call to Order.** Chair Visser called the meeting to order, stated press and public were duly notified pursuant to state law and all Commissioners were present except Hal Currey (excused absence). One audience member present (Pat O’Neil, Mayor).

**I. APPROVAL OF AGENDA – approved as presented**

**II. APPROVAL OF MINUTES – March 13, 2019**

**MOTION: Mr. Cole moved to approve the March 13, 2019 minutes as presented; seconded by Chair Visser. MOTION UNANIMOUSLY PASSED.**

**III. PUBLIC INPUT – no written correspondence received**

**Chair Visser solicited general public comments**

Pat O’Neil (Mayor) noted recent news articles covered historic preservation incentives and highlighted the “Bailey Bill” that provides tax incentives for historic preservation projects.

Staff noted that the “Bailey Bill” [S.C. Code §§ 4-9-195 and 5-21-140] is a special property tax abatement program available to local governments. It allows for local government to provide an historic property owner tax relief by freezing the local County tax assessment increases following an approved historic renovation to a structure. The incentive allows the pre-improvement value and tax rate to be used for a specified amount of time, usually 10 to 15 years.

Staff clarified for Commissioners that the Town does not currently have this tax abatement program in effect, Charleston County collects property taxes on behalf of the Town. Staff was uncertain if Charleston County endorses this program or has received requests from other county municipalities seeking to institute the same.

**Commissioners asked Staff to research this program and include the Design Review Board in considering this as a potential historic preservation incentive. The Commission would discuss the issue during a subsequent meeting.**

**IV. ITEMS FOR CONSIDERATION**

- 1. Small Wireless Facilities: Consideration of establishing an ordinance to regulate the placement of small wireless facilities, and other ancillary equipment, within the public rights-of-way**

**Staff Report: (Director Henderson)**

**Staff Report – see Exhibit A**

Noted Municipal Association of SC (MASC) coordinated with technical agencies to provide model ordinance language for SC municipalities' reference. The MASC model ordinance provides guidance on Federal Communications Commission's (FCC) regulatory ruling for SWF, however, it seems to lack details when addressing, aesthetics and maintaining the character of historic districts and the minimum spacing requirements between different pole types.

Staff also reviewed the various sections of the Federal Communications Commission (FCC) regulatory ruling created special regulations and criteria for local permitting authorities. This law protects the wireless industry by requiring that local jurisdiction expedite permits for new small cells administratively and under specific guidelines.

Staff and the commission had a brief discussion regarding the highlights of Bill 4262:

- Rates and fees must be “reasonable and nondiscriminatory.” Town may charge a local business license. **Page 9 and 13**
- Must be classified as a permitted use in the local jurisdiction. Cannot be made a special exception or conditional use. **Page 10**
- Administrative review only. Permit must be issued by Town staff upon confirmation of supporting documents and other criteria. **Page 10**
- Includes provisions for attaching to new poles and co-location on existing power poles. **Page 11**
  - Co-location: Town staff may request alternative location within 100'
  - New pole: Town staff may request alternative location within 100'
- Design: “Authority may require reasonable, technically feasible requirements, height limitations of no less than forty feet, or concealment measures in a historic district.” **Page 12**
- Appeals and disputes: The administrative Law Court must hear all disputes arising between the jurisdiction of the applicant. **Page 23**

The Commission debated whether it is appropriate to include ordinance language in Zoning Ordinance or as a stand-alone section of Town Code. Inclusion in the Town Code of Ordinances would allow for quicker ordinance language changes, updates in specifications and addressing legal challenges. Changes to the Zoning Ordinance would require a Town Council initiation of the change, a public hearing before Planning Commission, and then three ordinance readings before Town Council. This often takes four to six months.

**The Commission's general consensus is to place the Small Wireless Facilities ordinance language in the Code of Ordinances. If not going through Zoning Ordinance for changes, Commission will serve as an information gathering body providing a report of findings and recommendations to Council.**

Staff and Commission reviewed the Town of Mount Pleasant's small wireless facilities ordinance, which was ratified in February 2019. The Commission requested that Staff use the

Town of Mount Pleasant's ordinance as template to address many similar concerns involving historic preservation, residential issues involving density of installation and aesthetics, and historic preservation.

Direction of Staff for June Commission meeting:

1. Research and benchmark other barrier island/small communities that are currently, or have already, addressed the small wireless facilities issue.
  - South Carolina
  - Charlotte, NC
  - Nashville, TN
2. Research/recommendations on minimum required distances between nodes. Does the telecommunication company limit number of wireless facilities before it reaches saturation point for maximum service coverage?
3. How many carriers could request small wireless facilities on Sullivan's Island?

## **V. ITEMS FOR INFORMATION**

### **VI. Town of Sullivan's Island Comprehensive Plan 2018-2028: Update on Comprehensive Plan rewrite and the review schedule of Town Council**

Staff advised Council has the draft Plan currently under review with required ordinance approval process thereafter before Plan is finalized/ratified.

### **VII. PUBLIC INPUT – no written correspondence received**

**Next meeting – June 12, 2019 agenda items will include:**

- 1. Small Wireless Facilities – continuation of discussion**
- 2. Town's Comprehensive Plan 2018-2028 – report on Council review/approval**

There being no further business, the meeting adjourned at approximately 6:55PM (Ms. Poletti moved; Mr. Hubbard seconded; unanimously passed).

Respectfully submitted,  
Lisa Darrow  
Asst. to Administrator

Approved at the June 12, 2019 Planning Commission Meeting



# Town of Sullivan's Island

## PLANNING COMMISSION

### STAFF REPORT

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**To:** Planning Commission

**From:** Joe Henderson, Planning and Zoning staff

**Meeting Date:** May 7, 2019

**Topic:** Small Wireless Facilities (“small cells” or fifth generation cellular antennas “5G”)

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#### **REQUESTED ACTION:**

Town Council and staff request Planning Commission consideration of an ordinance that regulates small wireless telecommunications facilities, which are referenced as “small cells.” This Town ordinance would be enforced at the time of issuing permits and would adhere to recently passed state laws requiring local jurisdictions to meet certain timeframes and procedural requirements.

#### **ENCLOSURES:**

- H. 4262: General Bill: Small Wireless Facilities Deployment Act (highlighted w/ staff notes)
- Model ordinance from the Municipal Association of South Carolina
- Ordinance Examples (online link): Town of Mount Pleasant and City of Charleston (please notice design requirements)

#### **BACKGROUND:**

Currently, the Town has no regulatory oversight for permitting “small cells” because they are not addressed in the Zoning Ordinance or Town Code.

A recent Federal Communications Commission (FCC) regulatory ruling created special regulations and criteria for local permitting authorities. This law protects the wireless industry by requiring that local jurisdiction expedite permits for new small cells administratively and under specific guidelines

*(Noted below is a summary of Bill 4262- enclosed with highlighted sections that correspond to the page number):*

- Rates and fees must be “reasonable and nondiscriminatory.” Town may charge a local business license. **Page 9 and 13**
- Must be classified as a permitted use in the local jurisdiction. Cannot be made a special exception or conditional use. **Page 10**
- Administrative review only. Permit must be issued by Town staff upon confirmation of supporting documents and other criteria. **Page 10**

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**STAFF RECOMMENDATION:**

Staff recommends creating an ordinance to provide permitting oversight of the wireless industry. Consider taking the following actions:

1. Determine if the regulatory language should be included in the Zoning Ordinance, or the Code of Ordinances.
2. Consider several example ordinances provided in your staff packets.
  - Town of Mount Pleasant [https://www.tompsc.com/DocumentCenter/View/28506/SWF-Ordinance\\_Planning-Committee\\_01022019](https://www.tompsc.com/DocumentCenter/View/28506/SWF-Ordinance_Planning-Committee_01022019)
  - City of Charleston <https://www.charleston-sc.gov/DocumentCenter/View/20423>
  - Model ordinance from the Municipal Association of South Carolina (enclosed)