

**TOWN OF SULLIVAN’S ISLAND, SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, June 12, 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 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 and Manda Poletti (excused absences). Two audience members present (Councilmember Clark)

I. APPROVAL OF AGENDA – approved as presented

II. APPROVAL OF MINUTES – May 7, 2019

MOTION: Mr. Peterseim moved to approve the May 7, 2019 minutes as presented; seconded by Mr. Cole. MOTION UNANIMOUSLY PASSED.

III. PUBLIC INPUT – no written correspondence received

IV. ITEMS FOR CONSIDERATION

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

[Continuation of topic discussed at the May 7, 2019 Planning Commission meeting]

Director Henderson noted Mr. John Mitchell, AT&T Legal Affairs Representative, was present at this meeting to offer comments and insights regarding his company’s experience with other SC municipalities considering regulatory measures for small wireless facilities.

Staff Report: (Director Henderson)

Staff Report – see Exhibit A (Staff Report) and Exhibit B (Powerpoint)

1. Commission discussed the quantity of small wireless cell nodes anticipated to meet coverage demands on the Island. It was noted upgraded 5G technology coverage would extend island-wide

Mr. Mitchell of AT&T provided insight on how AT&T might address this matter on Sullivan’s Island:

- Monopole behind the ‘Mound’ at Stith Park would continue as the central tower (with generator back-up) for the Island.
- Monopole would retain separate, dedicated band width for first responders. Wireless traffic capacity would not affect the ability for first responders to communicate on Sullivan’s Island.

- AT&T might anticipate installing one-two small wireless facility (SWF) poles to address capacity requirements. The high capacity spot for the Island is the Community Commercial District. He stressed it is not a coverage issue, but traffic capacity, that would drive AT&T's decision to install SWF nodules.
- Noted, for reference, that AT&T has identified a total need for 30 SWF nodules for Charleston, that area including downtown Charleston, West Ashley and Daniel Island areas.

Director Henderson relayed that Town of Mount Pleasant Zoning Administrator Prause advised him that two (2) SWF nodules are planned for that Town, both to be located on Johnnie Dodds Boulevard.

Commission noted that each wireless carrier reserves the right to install SWF nodules on the Island.

2. Commission discussed design specifications for SWF nodules.

- Commission was advised that federal laws do not allow for a local government to mandate onerous design regulations on technology agencies.
- Director Henderson noted that some decorative power poles do exist in areas of the historic district (HD) overlay.
- Mr. Mitchell noted AT&T would accommodate Town request to replace wooden poles with decorative poles.

3. Commission reviewed draft ordinance language – to create a stand-alone section in Town code to address SWF design.

- The Commission had reached consensus at May 7, 2019 meeting to not incorporate SWF design language in the Town Zoning Code, but rather, to have it placed in another section of Town Code. This would allow for Council to make quicker changes to any SWF guidelines, as needed, without the process of a public hearing before Planning Commission and then three Town Council ordinance readings before ratification.
- Commission, while it is not required to provide recommendations to Council on ordinance language not within the Zoning Ordinance, did review and recommend draft SWF language Staff presented this evening.

MOTION: Mr. Cooke moved to recommend to Town Council draft ordinance language regarding small wireless facilities, as reviewed and modified at tonight's meeting, this recommendation pending Town attorney review and potential modification of draft ordinance language. Seconded by Mr. Cole. MOTION UNANIMOUSLY PASSED.

Commission thanked Mr. Mitchell for attending tonight's meeting and for his insight.

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 continues Plan review with the following timeline to approve the final Plan:

- 1st Ordinance Reading (Title Only) – June 18, 2019 Council Meeting
- 2nd Ordinance Reading (necessary modifications can be made here) – July 16, 2019
- 3rd Ordinance Reading/Ratification – August 20, 2019 (at earliest)

Next meeting – July 10, 2019, currently no agenda items. Chair Visser will monitor quorum and any potential new items from Council for Commission. If none, then Commission may skip July meeting. If so, the next scheduled meeting would be 6:00PM on Wednesday, August 14, 2019.

There being no further business, the meeting adjourned at approximately 7:06PM (Mr. Cole moved; Mr. Hubbard seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow
Asst. to Administrator

Approved at the August 14, 2019 Planning Commission Meeting



Town of Sullivan's Island

PLANNING COMMISSION

STAFF REPORT

To: Planning Commission

From: Joe Henderson, Planning and Zoning staff

Meeting Date: June 12, 2019

Topic: Small Wireless Facilities (fifth generation cellular antennas “5G”)

REQUESTED ACTION:

Town Council and staff request Planning Commission consideration of an ordinance that regulates small wireless telecommunications facilities, referred to as “small cells.” This Town ordinance would require local building permits for installation and would adhere to recently passed state laws requiring local jurisdictions to meet certain timeframes and procedural requirements.

ENCLOSURES:

- Draft Ordinance (Modeled from the Town of Mount Pleasant ordinance)

OBJECTIVE:

Consider the draft ordinance for regulating small wireless facilities.

BACKGROUND:

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**
- 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**

DISCUSSION:

During the May 7th Planning Commission meeting, several questions were asked for staff to research:

- Identify any issues the Town of Mount Pleasant encountered when working with major wireless providers (AT&T and Verizon).

Kent Prouse, Zoning Administrator for the Town of Mt. Pleasant, explained that the area's major providers, AT&T and Verizon, gave input and feedback throughout the process of crafting the current SWF ordinance. The companies only expressed interest in collocating on existing decorative light poles along Johnny Dodds Blvd. (Hwy 17), and to date, there have been no requests to install equipment on side streets or within neighborhoods. Placement of these units along major thoroughfares will likely provide adequate coverage for residential neighborhoods.

Mr. Prouse believes that collocation of SWF on the existing monopole behind Town Hall, and Town water tower at Quarter Street, would likely provide adequate coverage island-wide. Otherwise, installation of SWFs along Middle Street would be more than adequate to cover the entire island (.5 miles wide by 3.5 miles long).

The Mt. Pleasant ordinance meets all state and federal requirements and limits installation to collocating on existing poles and new decorative poles.

- How many can be located in one area or block? Can we limit number per area? Saturation concerns.

Mr. Prouse explained that due to the nondiscriminatory clauses in the state code of laws and FCC declaratory ruling, the Town cannot limit the number of units installed in a given area. However, the Mt. Pleasant ordinance requires design standards be met and allows staff to present alternative locations if equipment presents a potential obstruction.

- How have other small island communities addressed the issue.

No returned phone calls from local and regional planning departments: City of Columbia, City of Raleigh, NC. No text amendments have been initiated by Folly Beach, IOP or Kiawah Island.

Staff also contacted City of Charlotte, NC. No small wireless facility ordinance is in place and none have been requested in the historic districts, per the on staff preservation planner.

Awaiting response from Nantucket, Mass. Planning Department.

STAFF RECOMMENDATION:

Recommendation of approval of the enclosed draft ordinance for Town Council consideration.

[http://library.amlegal.com/nxt/gateway.dll/South%20Carolina/pleasant/titlexvlandusage/chapter156zoningcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:mtpleasant_sc\\$anc=JD_156.121](http://library.amlegal.com/nxt/gateway.dll/South%20Carolina/pleasant/titlexvlandusage/chapter156zoningcode?f=templates$fn=default.htm$3.0$vid=amlegal:mtpleasant_sc$anc=JD_156.121)



Town of Sullivan's Island

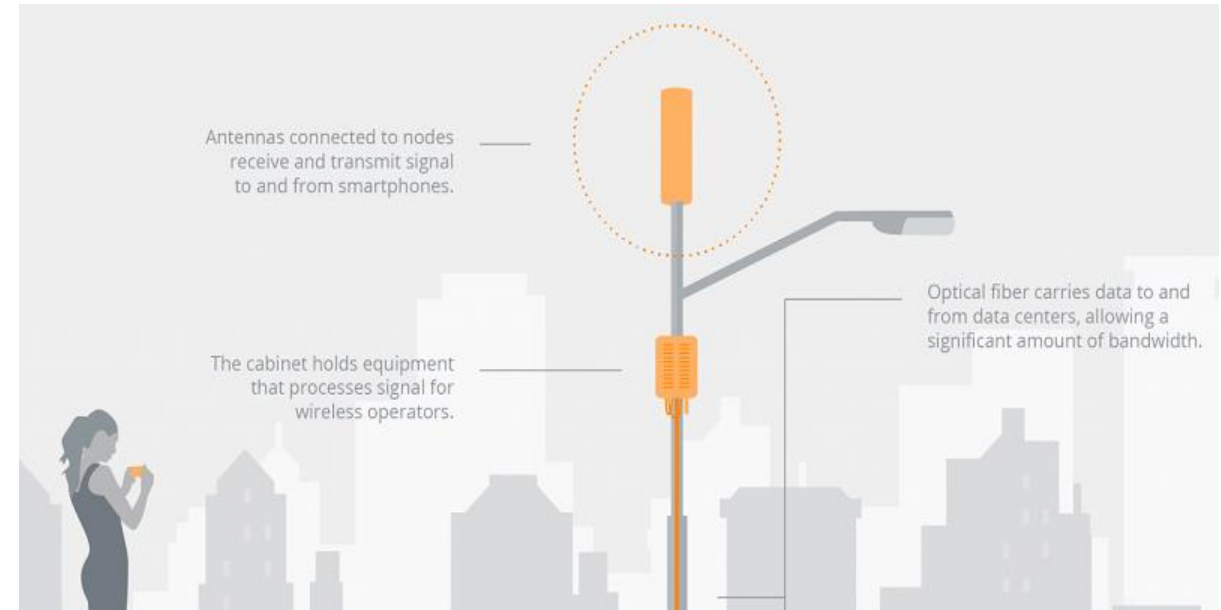
Planning Commission

June 12, 2019



Background-

- Town Council- Initiated– April 16th
- Planning Commission Reco: May 7th
 - use Mt. Pleasant Ord. as template
 - Incorporate into Code of Ordinances for ease of amendments
 - Benchmark other jurisdictions and local permitting procedures



Outline of SWF Ordinance (15 pages)

- I. PURPOSE AND INTENT
- II. APPLICABILITY
- III. DEFINITIONS
- IV. APPLICATION PROCESS
- V. FEES AND COSTS
- VI. APPLICATION REVIEW TIMEFRAMES
- VII. CONSOLIDATED APPLICATION FOR MULTIPLE SWFs
- VIII. APPEARANCE, MAXIMUM HEIGHT, AND PROXIMITY OF SWF IN COVERED AREAS
- IX. APPLICABLE DESIGN REQUIREMENTS
- X. HISTORIC AND DESIGN DISTRICTS
- XI. COVERED AREAS IN NEIGHBORHOODS ZONES FOR RESIDENTIAL USE
- XII. to I. GENERAL CONDITIONS, COVERED AREAS, SAFETY REQUIREMENTS, APPEALS, SEVERABILITY, PENALTIES



Outline of SWF Ordinance (highlighted are changes)

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Change (Page 5)

IV. APPLICATION PROCESS

- ~~IF THE PROPOSED LOCATION IS OUTSIDE OF A SCDOT RIGHT OF WAY, THE APPLICANT MUST PROVIDE A STATEMENT THAT THE APPLICANT HAS A LEASE, ATTACHMENT AGREEMENT OR OTHER AUTHORIZATION FROM THE OWNER OF THE UTILITY POLE OR STRUCTURE PROPOSED FOR COLLOCATION.~~ **STAFF COMMENT: THERE WOULD NEVER BE AN INSTANCE WHERE THE TOWN WOULD ALLOW A SWF ON PRIVATE NONCOMMERCIAL OR COMMERCIAL PROPERTY.**



Change (Page 7-8)

VIII. APPEARANCE, MAXIMUM HEIGHT, AND PROXIMITY OF SWF IN COVERED AREAS

Maximum Height. For the purposes described herein, maximum height includes the total height of the support structure and the Small Wireless Facility combined. The maximum height, of a newly installed or a Collocated SWF is limited to:

- (1) Maximum height of existing street light poles or Forty (40) feet (where no street light poles exist) in any area zoned exclusively for single family residential use or subject to any requirements imposed by the Town's zoning code or overlay district.
- (1) Where there are no existing street light poles, SWF must include the same or substantially similar materials and appearance as ~~those of approved street light poles in commercial corridors~~ the recommended decorative lighting designs provided by the local electric and gas cooperative (Dominion Energy/ SCE&G).

<https://www.sceg.com/products-repair-plans/lighting-solutions/decorative-lighting>



Change (Page 9)

IX. APPLICABLE DESIGN REQUIREMENTS

(E) Wireless Support Structure Design Standards

- (1) Aesthetic approaches can vary depending on type of facility (I.e. freestanding, town- owned, transmission, utility, etc.). However, general design guidance and examples are provided below. *In recognition of the different features and locations where SWF are placed, these guidelines must be met to the maximum extent practicable as determined by the **Building Official and Director of Planning & Zoning.***

- ~~(a) There will be no visible name brand logos allowed to be displayed on any SWF. *Brand logos and other signage are prohibited on all SWF except signage required to warn of RF emissions, instructions for disabling the SWF, contact information to be used by workers on or near the SWF and as otherwise required by federal or state law. Signage will be no larger than required to be legible from street level.*~~



Change (Page 11)

X. HISTORIC AND DESIGN DISTRICT

(B) As a condition for approval of new Small Wireless Facilities or new Wireless Support Structure in a ~~Historic District or a Design District~~ the Community Commercial Overlay Districts and the Historic Preservation Overlay Districts (Atlanticville, Sullivan’s Island and Moultrieville Local and National Register Historic Districts), the wireless

services provider shall comply with all applicable design and aesthetic standards of to minimize the negative impact to the aesthetics in a ~~Historic District or Design District~~ those districts.



Change (Page 11)

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Change (Page 12)

I. **COVERED AREAS IN NEIGHBORHOODS ZONED FOR RESIDENTIAL USE.**

(A) To the extent practicable, and subject to Town overlay or Historic districts and Town design guidelines, SWF installed in residential neighborhoods shall utilize single pole support structures of like appearance, material, color or other distinguishing characteristic as existing neighborhood street light fixtures.

(B) Total maximum height of the SWF, including all components shall be no more than forty (40) feet, unless a waiver is granted by planning staff for good cause shown.



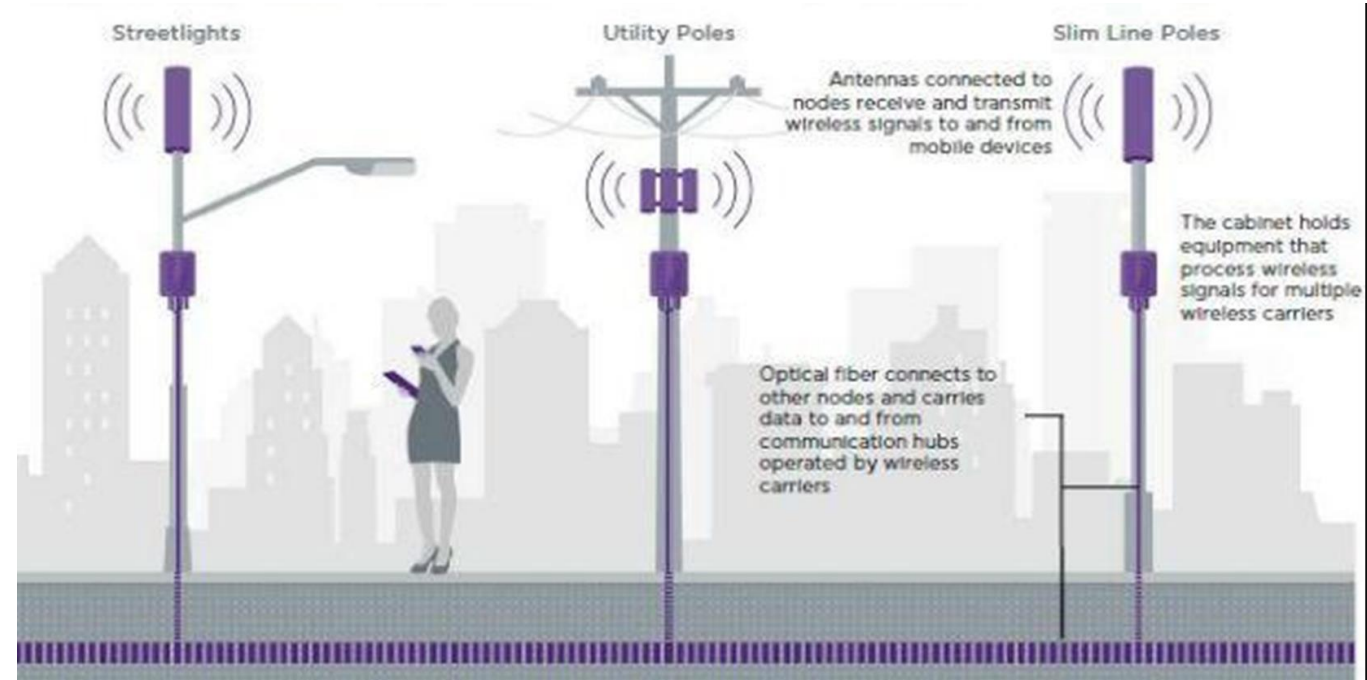
Background – Small Wireless Facilities (SWF)

- “Small Wireless Facilities” (SWF) are intended to meet the increasing data demand for capacity, speed and reliability. Are characterized as:
 - Aesthetically smaller designs
 - Improved user experience
 - Can attach to existing infrastructure
 - Platform for evolving technology
- Located in government right-of-ways (ROWs)
- To-date, no requests have been made, however, SI Code does not directly address them.



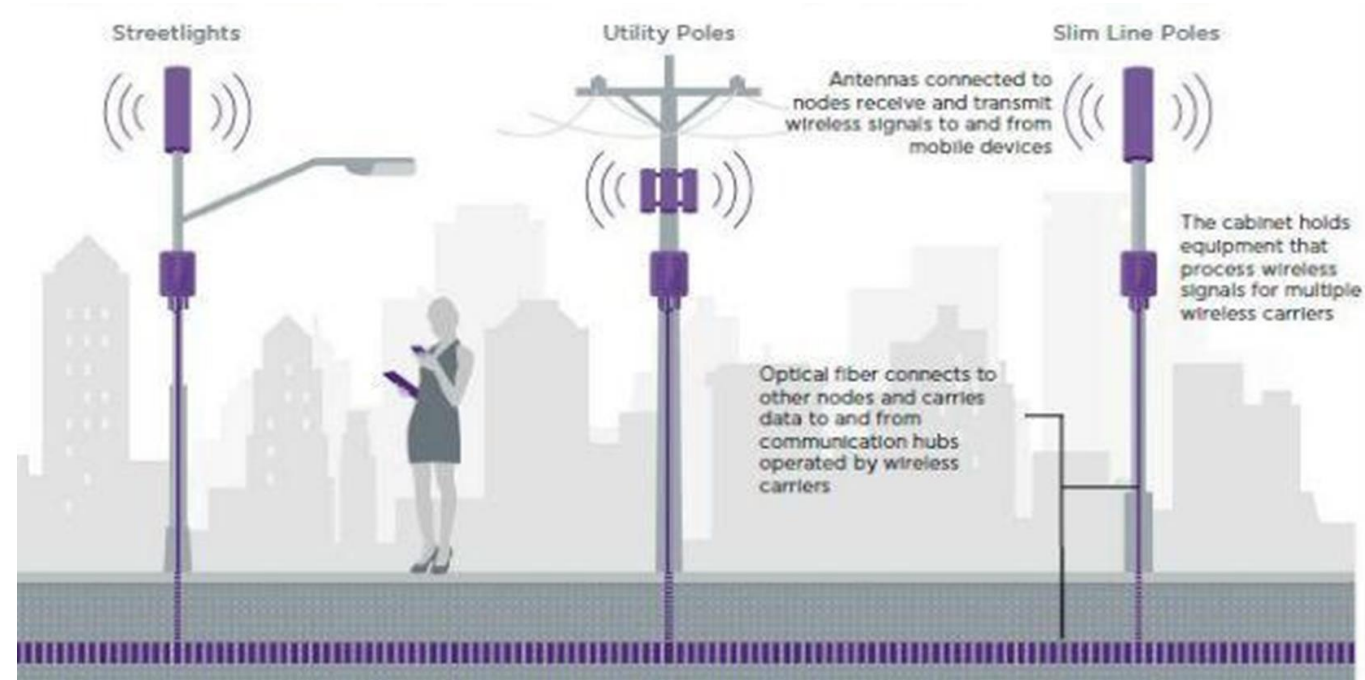
MASC Ordinance (enclosed in packet):

- A model ordinance was crafted by Municipal Association of South Carolina (MASC) with input from the wireless industry;
- Establishes definitions, application review process, and design and development standards



Mt. Pleasant Ordinance:

- Vetted by Mt. P legal department
- Complies with all federal and state regs.
- Shows design requirements
- Incorporates input & feedback received from (AT&T) and a utility provider (SCE&G) whose facilities are used for installations. This input was required by Mt. Pleasant PC.



https://www.tompsc.com/DocumentCenter/View/28506/SWF-Ordinance_Planning-Committee_01022019

Mt. Pleasant- example

1. Establishes procedures and standards, permitting, siting, construction, installation, collocation, modification, operation, regulation and removal of Small Wireless Facilities (“SWF”) in the right of way
2. Fees and Costs - \$100 application processing fee / Consolidated applications maximum of twenty (20) SWF’s
3. Permit application review timeframes
 - a. Co-location → 75 days
 - b. New location → 90 days



Mt. Pleasant- excerpt

Heights

This is the lowest the law allows.

- (A) The maximum height of a newly installed or a Collocated SWF is limited to:
- (1) Maximum height of existing street light poles or Forty (40) feet (where no street light poles exist) in any area zoned exclusively for single family residential use or subject to any requirements imposed by the Town's zoning code or overlay district.
 - (2) Applicant may collocate on existing, conforming street light poles where already existing or replace with new support structure or pole with the same appearance and materials as existing, conforming poles.
 - (3) Fifty (50) feet in any other area, subject to any restrictions imposed by the Town's zoning code, overlay district, Design Guidelines, or neighborhood restrictions.
 - (4) Where there are no existing street light poles, SWF must include the same or substantially similar materials and appearance as those of approved street light poles in commercial corridors.
 - (5) The Town may require a proposed Wireless Facility be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from Covered Areas than existing utility structures, poles and equipment located within five hundred (500) linear feet on the same Covered Area as the subject Utility Pole or single-pole support structure.



Mt. Pleasant- example

Design Guidelines – Appearance and Materials

- Varying aesthetic treatments depending on type
- Design objective is to blend, camouflage, screen to minimize visual impacts



Mt. Pleasant- example

Hierarchy of Preferred Locations

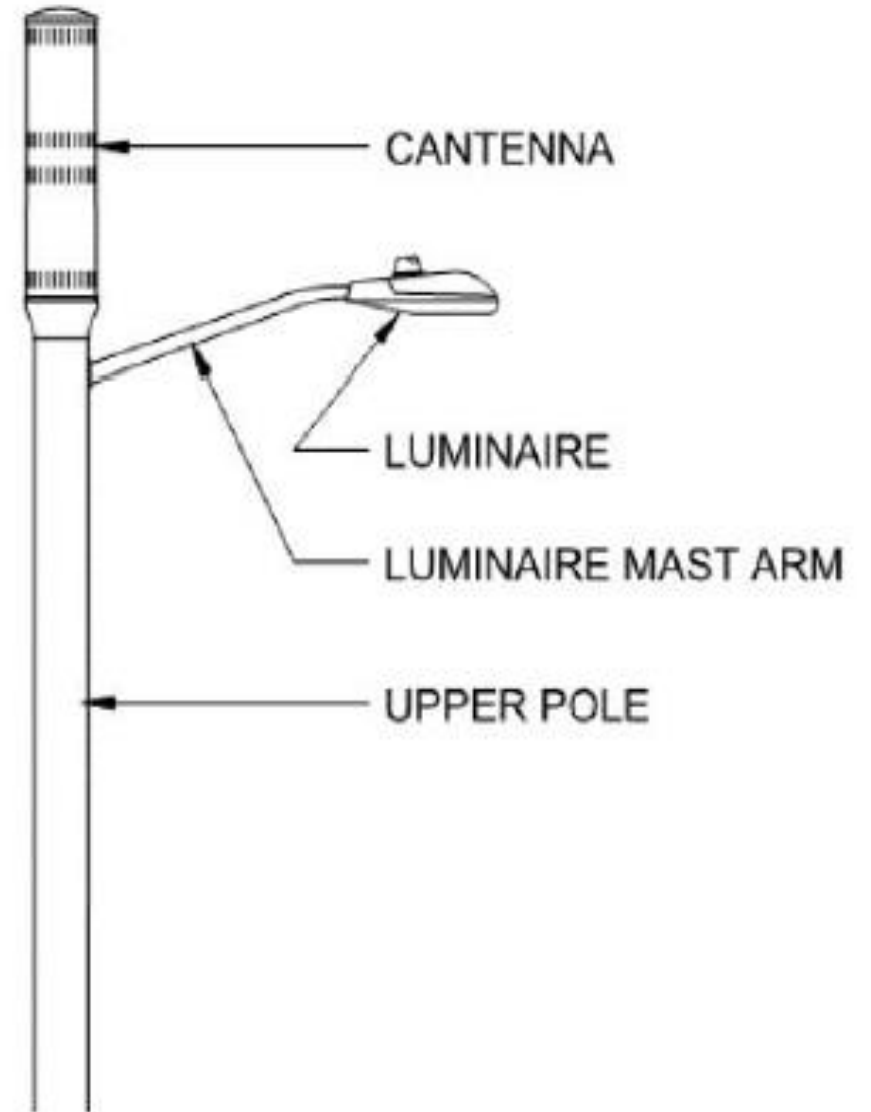
1. Existing Monopole or Other Town Pole
2. Decorative Pole or Structure
3. Other Existing or Proposed SWF Structure
4. Existing Wooden Pole or Replacement Wooden Pole



3) Examples:



Existing top of pole on Johnnie Dodds Blvd

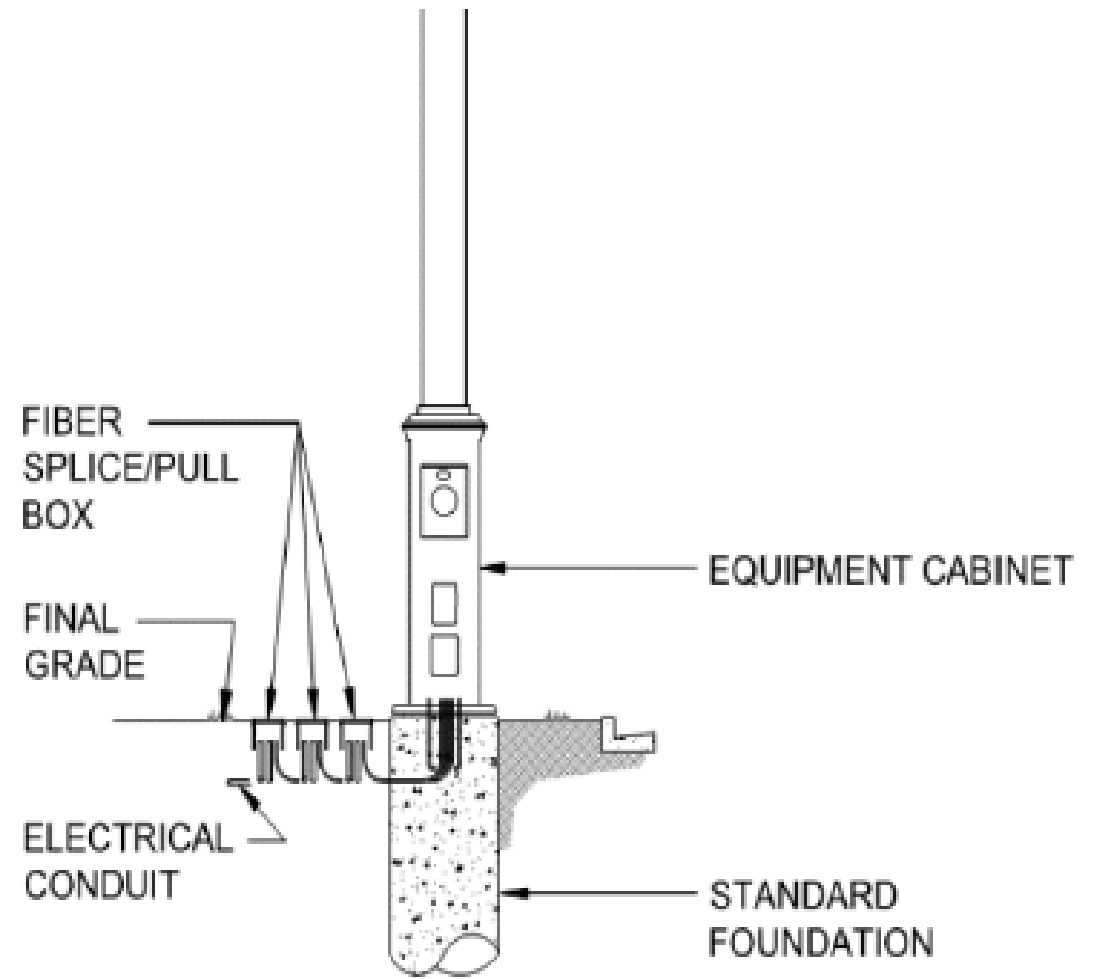


Proposed





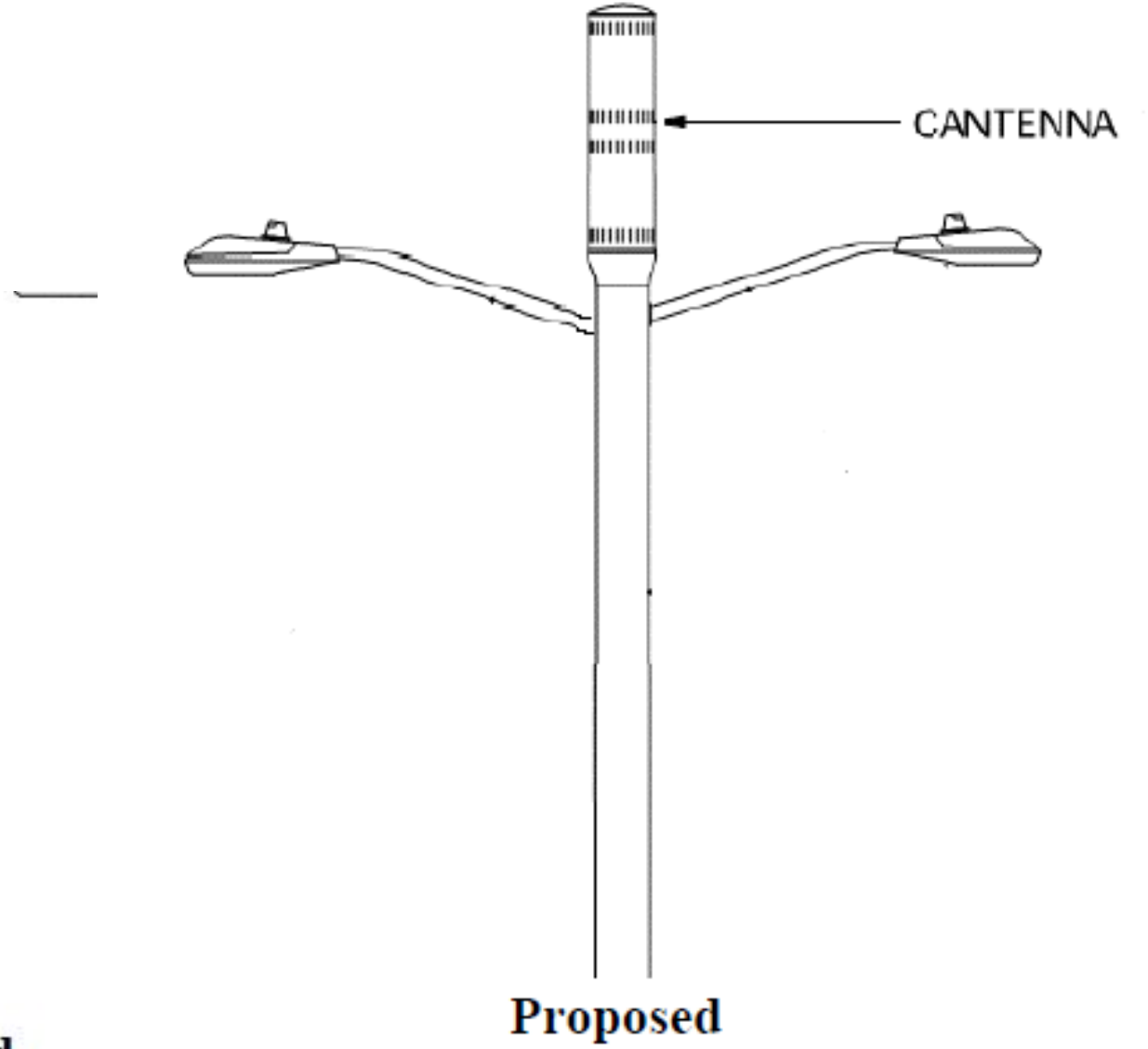
Existing bottom of pole on Johnnie Dodds



Proposed



Existing “cobra” pole on Johnnie Dodds Blvd



<https://www.ctia.org/news/what-is-a-small-cell>

13,000 in 2017 to

800,000 in 2026

Small wireless

What is the optimal distance between nodes?

Who will pay to place these nodes?

How many do we need to cover the homesites on SI?

To add coverage to the beach?

To add coverage to the ICW?

To add coverage to the Ben Sawyer up to the bridge?

To cover Breach Inlet?

Could we use solar panels to power them during sunny periods? Less cost More environmentally friendly.

How were the rates in Section 8 page 15 determined?

Background-

- Town Council- Initiated study and creation of ordinance– April 16th
- Planning Commission- May 7, 2019



Monopole Tower

Background-

- Town Council- Initiated study and creation of ordinance– April 16th
- Planning Commission- May 7, 2019



Stealth Monopole Tower