

The Planning Commission met in person on Thursday, August 12, 2021, at 6:37 p.m. at the Town of James Island Town Hall, 1122 Dills Bluff Road, James Island, SC. Commissioners present: Ed Steers, Vice Chair, Zennie Quinn, Mark Maher, and Bill Lyon, Chairman, who presided. Absent: Commissioner Deborah Bidwell (gave notice). Also: Kristen Crane, Planning Director, Town Administrator, Ashley Kellahan, Town Councilwoman Cynthia Mignano and Flannery Wood, Planner II standing in for Frances Simmons, Town Clerk and Secretary to the Planning Commission who was absent.

Call to Order: Chairman Lyon called the meeting to order at 6:37 p.m. and asked those who wished, to stand for the prayer followed by the Pledge of Allegiance. A quorum was present to conduct business.

Compliance with the Freedom of Information Act: Chairman Lyon announced that this meeting was noticed in compliance with the South Carolina Freedom of Information Act.

Introductions: Chairman Lyon introduced the members of the Planning Commission and staff.

Approval of March 11, 2021, Minutes: The minutes of June 10th, 2021, were approved upon a motion by Commissioner Quinn, seconded by Commissioner Steers and passed unanimously.

Public Comments:

Karen Beard, 537 White Chapel Circle, James Island Planning Commission Meeting, August 12, 2021 – Karen Beard’s Remarks:

I am speaking on behalf of the James Island members of the Charleston Coalition for Wireless Safety Standards.

In your packet tonight, you received a letter from Dr. Yusuf Saleeby. Dr. Saleeby is a licensed physician in Mt. Pleasant, and he urged you to pay close attention to the information given to you by Charleston Coalition for Wireless Safety Standards.

The information he referred to was provided to you in June. It is a list of non-industry paid independent studies showing biological harm from non-ionizing radiation; a list of what other cities are doing; and a list of reasons other than health to deny a small cell application.

We asked in June that you present this information to the legal department asking them to thoroughly follow up on it to see what can be done to protect residents of James Island, especially children. And we sincerely hope you have read our material and that you have researched beyond it.

We have no additional information for you tonight. Our goal was to give you the information you would not receive from industry related individuals. In your possession, you have what we know. The studies we have given you show the safety of non-ionizing radiation is in dispute, and that much more research is required.

The wireless industry has gone to great lengths and expense to market the risks of non-ionizing radiation as minimal and insignificant. Their wealth filters into most agencies charged with making health suggestions for citizens, so their efforts have been successful. But the fact that is, despite the millions of dollars the industry has poured into their own research, non-industry-paid independent scientists are getting different results in their testing.

As long as there is any question as to the safety of antennas placed in close proximity to our children, whether at home or at school, Charleston Coalition for Wireless Safety Standards will take a strong stand

for the precautionary principle on this issue. Our platform is “No speed of internet for any reason is worth risking the health of even one child.”

There is a safe way to deliver ultra- high-speed internet and cyber-security to homes on James Island. AT&T has already begun to bury fiber optic cables in my neighborhood of Woodward Pointe. These cables will connect homes to faster speeds and more cyber-security than can be achieved with wireless. We ask you to research the possibility, really research the possibility of fiber optics to the home for neighborhoods on James Island.

Thank you for the time and effort you are putting into this decision. We know it is not easy.

Staff Comments: Planning Director, Kristen Crane, noted that at the last meeting she was tasked with finding an individual to speak regarding 5G. She indicated that a zoom interview was conducted by Commissioner Bidwell with biologist Chris Gauthier. She explained that Chris was a seemingly unbiased source and listed his credentials on the subject including 7 years spent in digital transformation and automation with KPMG and Deloitte. The Commissioners then watched the provided 40-minute interview regarding 5G and small cell wireless.

Discussion on ZLDR Amendments to Regulate Small Cell Wireless Facilities: The Planning Commission discussed potential amendments to the Town’s Zoning and Land Development Regulations regarding regulations and guidelines for placement of small cell wireless facilities.

Planning Director, Kristen Crane, presented the Planning Commission with a graphic that showed the difference between non-ionizing and ionizing radiation. She then answered questions that were asked at the June Planning Commission meeting. Mrs. Crane explained that the City of Folly Beach did not adopt a Small Cell Ordinance. At this time, they considered small cells “collocated utilities” which would be regulated in their code as a Special Exception. She indicated that collocated utilities in their Commercial District would be covered by the Design Review Board of Folly Beach. She stated that the City of Folly Beach had been able to negotiate the location and placement with applicants but had not had to utilize the Special Exception procedures, as they had been collocated in the public ROW thus far.

Mrs. Crane stated that if an application was received by the Town with no Small Cell Ordinance in place, then the application would default to state provisions in the SC Code of Laws. She explained that there would be no option for the Town to enforce a design manual for aesthetics for any application filed before an ordinance was adopted.

Mrs. Crane explained that there was no deadline in place to adopt a small cell ordinance but referred to her previous statement that any compliant provisions for aesthetics, design, concealment, stealth, etc. would not be applicable for any applications received in the meantime.

Mrs. Crane indicated that incoming applications would ultimately be received by Planning Department Staff. She explained that if the model MASC ordinance was adopted, the Town would have the right to engage a consultant according to state law, which would specify what the Town could charge.

Lastly, Mrs. Crane answered whether any other municipalities had adopted health related restrictions pertaining to small cell ordinances. She explained that after consulting the Municipal Association of SC, there did not appear to be any SC municipalities that adopted specific health related rules.

Mrs. Crane stated that staff recommended adoption of the MASC Model Ordinance since most provisions were required by state law anyway. She indicated that the Planning Commission could then create a design manual with additional specifications for aesthetics, design, stealth and concealment. The design manual

would need to be technically feasible and not prohibited by federal law. She indicated that the state requirements already included certain standards such as small cell wireless antenna should be no more than 10' above existing poles, no more plainly visible than existing utilities, collocation is required unless it is not feasible, and that low profile and stealth and concealment measures should be used. Mrs. Crane suggested the adoption of the model ordinance which would then be followed by a draft ordinance that would be brought back to Planning Commission and then before Council.

Chairman Lyon told the Commissioners that Attorney Wilson was present should there be a need for executive session to discuss legal concerns. He then invited the Commissioners to ask Mrs. Crane any questions they had. Commissioner Maher asked Mrs. Crane if the Town currently owned any cell towers, light poles, or locations where small cell wireless facilities would be mounted. Mrs. Crane said no and mentioned that Dominion Energy owned the poles. Commissioner Maher then asked if there was a master plan of where small cell equipment would be placed or if equipment would be placed in increments. Mrs. Crane indicated that it may include a survey of what is available in the area, which the Town could offer comments on, but there is no overall plan of how it would be implemented yet. Commissioner Steers described seeing small cell wireless equipment in downtown Charleston and mentioned that it blended in and was not obtrusive. He explained to the Planning Commission that it also had a plaque identifying what it was, and company contact information for the public. Mrs. Crane clarified that things like that could be included in the design manual. Chairman Lyon asked if the equipment was attached to existing poles. Mr. Steers confirmed that they were and blended well with the existing poles. Commissioner Quinn mentioned possibly including maintenance in the design manual that would require the company to replace or upkeep the equipment as it aged. Commissioner Maher asked where the equipment would be placed and if it would be in business/high traffic areas. Mr. Steers mentioned that the facilities he saw were in the historic district but had high pedestrian traffic with tourists.

Commissioner Quinn asked why these facilities were being placed on James Island, and Chairman Lyon explained that none had been placed yet. Chairman Lyon asked Mrs. Crane if designating a certain area as historic, like Fort Johnson Road, would assist in the regulation of the small cell wireless facilities. Mrs. Crane explained that establishing a district like that would take time and the equipment or facilities would be limited to the public right of way, so it would not offer additional review. She mentioned that she did not see this being an issue in residential areas based on the use/purpose of such equipment. If there was concern based on placement, the model ordinance stated that a municipality would be permitted to suggest another location within 150'. Chairman Lyon asked Mrs. Crane how likely it would be that this equipment would be placed near a school. Mrs. Crane explained that it probably would, but in the public ROW along the road in front of the school. Commissioner Steers asked if they were able to limit the distance of small cell facilities from a building or structure. Mrs. Crane explained that no, the model ordinances had wording about co-locating if poles already existed within a certain distance, but that she did not think they would be able to limit distance.

Commissioner Steers suggested that a consultant would be helpful since this process was so technical. Mrs. Crane agreed stating that the model ordinance was based on what state law required with minimum stealth/aesthetic requirements. Chairman Lyon asked Mrs. Crane if she could put together a draft for the next meeting and if the Town would be hiring an expert to help with the writing process. Mrs. Crane explained that staff would attempt to put together a draft ordinance/ design manual by looking at ordinances from other municipalities and could possibly use an on-call consultant if needed. Chairman Lyon examined several design requirements the City of Charleston already had and expressed interest in including similar guidelines in any design manual developed. Commissioner Quinn concurred and added that he was interested in a removal clause for damaged or abandoned equipment. Commissioner Steers agreed and asked about fees and insurance requirements. Mrs. Crane referred to the model ordinance and explained most of those things were covered in the basic state requirements. She stated that several other requirements also included ID markers, pole top canisters, certain colors and that cables and shrouding should be neat.

Finally, Mrs. Crane mentioned that any ordinance developed could always be amended in the future if need be.

Chairman's Comments: Chairman Lyon thanked Commissioner Bidwell for her hard work interviewing and finding a source for Small Cell Wireless Facility information. He also thanked Mrs. Beard for her comments and making the Planning Commission think.

Commissioners Comments: None

Next Meeting: The next meeting of the Planning Commission will be held on September 9th, 2021, at 6:35 p.m.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:57 p.m.

Respectfully submitted:
Flannery Wood
Planner II