

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

October 7, 2015; 3:00PM

Minutes

- I. **Call to Order:** *Mr. Peterson called the meeting to order at 3:00 pm.*
- II. **FOIA:** Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island

III. **Roll Call:**

Present: Fred Peterson, Chairman
Dan Prickett, Vice Chairman
Bill Dowdy
Andy Capelli
Jack Koach
Gale Messerman
Larry Iwan, late arrival

Also Present: Dan Pennick, Charleston County Planning & Zoning
Joel Evans, Charleston County Planning & Zoning

IV. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of September 9, 2015

Mr. Capelli motioned to approve the minutes of the September 9, 2015 Planning Commission meeting with suggested changes. The motion was seconded by Mr. Koach and the minutes were unanimously passed as amended.

V. **Old Business:**

None

VI. **New Business:**

A. **#SBMA-21511-F** **Lands of Kiawah Resort Associates, LP**
Final Approval of Ocean Park Phase 7

Applicant: SW & A Surveying, LLC.

Lots: 25

Acres: 22.54

Mr. Pennick stated the Planning Department has reviewed this document for final approval of this subdivision to be known as Ocean Park Phase 7. The roads and drainage have been constructed to the Town of Kiawah Island Road Code Standards.

Mr. Pennick noted the following four listed trees remain within five feet of the edge of pavement. His department recommends that those trees be removed and if the trees are

to remain, in recognition of the Town of Kiawah Island government's position regarding the preservation of trees, defers this issue to the Town to allow them to address the issues of safety and liability as it applies to trees within five feet of the edge of pavement.

Specifically, those trees within five feet of the edge of pavement are listed below (Size/Type/EOP Offset):

- 22" Oak, 4' off the edge of pavement, left of station 10+25 High Dunes Lane
- 22" Oak, 4' off the edge of pavement, left of station 6+50 High Dunes Lane
- 24" Oak, 4' off the edge of pavement, left of station 3+50 High Dunes Lane
- 36" Pine, 2' off the edge of pavement, left of station 0+00 Caroline Shores Lane.

Mr. Prickett made a motion to approve the Final Approval of Phase 7 of Ocean Park with the provision that the listed trees are marked with reflective devices. The motion was seconded by Mr. Dowdy.

Mrs. Messerman questioned why the Pine tree two foot from the road would be preserved. Commission members engaged in discussion and agreed the tree was located too close to the road and could pose a potential safety hazard; therefore should be removed. Mr. Prickett withdrew his motion for approval.

Mr. Prickett made a motion to approve the Final Approval of Phase 7 of Ocean Park with the provision that the 36" Pine, 2' off the edge of pavement, left of station 0+00 Caroline Shores Lane be removed. The motion was seconded by Mrs. Messerman.

Following further discussion the motion was unanimously passed.

B. Kiawah Island Utility Presentation on Second Water Line

Ms. Becky Dennis, with Kiawah Island Utility, gave a presentation on the second water line installation on the Island. She started with a brief history of the Water Company in 1978 and stated that the source of the Island's water supply comes from Charleston thru the St. John's Water Company (SJWC).

Ms. Dennis explained that the Island's average daily water usage is approximately 2.5 million gallons, growing during peak season to approximately 5 million gallons. She described the Utility has two Aquifer Storage Units, underground water storage recovery system, that stores water until it is needed to supplement the flow from SJWC John's Island station.

Ms. Dennis stated that the current project began in 2000 when alternate water supplies to the Island were investigated. A parallel line was investigated but still gave only one supply and relied too heavily on the Utility always operating at full capacity. Also investigated was the installation of a deep well and RO facility at the main pump station which was not feasible for a number of reasons. In July 2008 modifications were made to the SJWC water lines that allowed the Utility, in 2011, to explore the opportunity to have a second

feed line insuring a more stable water supply to Kiawah. With the agreement of the SJWC the best route for a new line with the existing infrastructure on the Island was explored over the next two and one-half years. Ms. Dennis explained the route that was chosen was determined as to have the most minimal impact on the environment and agreeable to by the Johns Island property owners and environmental team, along with the Low Country Open Land Trust.

Commission Members engaged in an in-depth discussion of the project and concerns brought up by property owners' impacted by construction of the new line.

C. 2015 Comprehensive Plan Review and Recommendation

Mr. Peterson stated that the Comprehensive Plan Subcommittee had been working on the Comprehensive Plan Update since March of this year. Mr. Prickett stated that the final draft of the updated plan was completed. He gave thanks for the help of the knowledgeable staff of the Charleston County Planning Department along with numerous individual efforts that were instrumental in its completion.

Members discussed edits that were made to the previous draft and the process of a public hearing and two readings of and ordinance by which the 2015 Comprehensive Plan will be approved by Town Council.

Mr. Prickett made a motion that the Planning Commission recommends the approval of the 2015 Comprehensive Plan to Town Council. The motion was seconded by Mr. Capelli and was unanimously passed.

VII. Correspondence/Staff Comments:

Mr. Pennick indicated that he would be retiring on the 15th of the month and advised Commission Members on open issues with Ocean Park zoning approvals and plats that should be coming to the Planning Commission in the future.

VIII. Council Liaison Comments:

None

IX. Public Comments:

Mr. Clarkson Townsend was very impressed by the work done by the Comprehensive Plan Subcommittee on the update. He also noted that the Utility was very lucky to have Ms. Dennis. She has been with the Utility for many years and has a vast knowledge of its working and the Island.

Mr. Art Morgenstern commented on the statement made by Mr. Peterson that the Planning Commission had no authority to vote to approve or disapprove the Utility's project. He indicated that he came to the meeting hoping to be able to ask questions because it is his belief that there are a number of issues with the processes and there should be input provided. He requested that his letter be included in the record by the Town Clerk.

Dear Chairman Peterson,

It might be helpful to the Commission, as well as Town Council, if I outline some concerns regarding this project. I should note that I am only speaking for myself, and other citizens may have additional concerns. Some questions relate to engineering and service issues, and, if you do not have a civil engineer on your Commission, I suggest that you retain an independent engineer to be able to objectively investigate these matters. Other issues are in the financial arena. These are questions the community as a whole should be raising to determine whether the best option has been selected and is being carried out in the safest manner possible.

I think most people agree that it would be good to have a back-up water supply, but how we achieve that redundancy is what needs to be addressed. The questions include the following:

1. The Utility has stated that the selected route is not the least expensive one. If not, why was that route chosen and what are its costs in comparison to other options?
2. The Utility has stated that the project will not involve replacing existing pipes in the West End. How will the proposed plan impact the number of water main breaks and the water service in the West end of the island?
3. Has an independent engineer reviewed the overall design (including supply lines, distribution lines, water storage facilities, etc.) of the existing water system and concurred that the proposed plan is the best way to proceed (i.e., second opinion)?
4. Seabrook Island has a back-up water supply line, and my understanding is that it parallels their main supply line. Running the back-up line on Kiawah parallel to the existing supply line would involve tunneling under about 100 feet of the Kiawah River, while the proposed plan involves tunneling under approximately 7000 feet of the Kiawah River. What are the impacts of the proposed plan in terms of environmental damage (including consequences of marsh storage of the toxic(?) sludge from the tracking process}, repairs of any future leaks that occur, and cost of the project?
5. Do any of the Development Agreements impact the cost to the community vs. the cost absorbed by the Utility / Developer (i.e., not passed on to customers} of any of the alternative routes?
6. The proposed plan includes oversight of the project by the Utility's own engineer. Shouldn't there be an independent engineer overseeing the construction, to be sure, for example, that pipes are laid properly and the risk of subsidence is minimized? Doesn't the Town use independent inspectors to check on building projects?
7. The routes considered by the Utility impact established neighborhoods. What standards should be set for maximum noise levels, work hours, interferences with access by residents, impact on fire engine access, parking regulations for workers, damage to and replacement of mature trees and other plantings, etc.?

I hope that you will conduct a public hearing to consider the above and invite all residents to participate.

Art Morgenstern
10/7/2015

Mrs. Morgenstern also requested her letter be included in the record by the Town Clerk.

October 7, 2015

Dear Chairman Peterson,

As you know, I have expressed interest in the new waterline proposed by Kiawah Island Utility. I thought it might be helpful to you and your Committee, as well as the Mayor and Town Council, if I explained some of the concerns regarding this project. I should note that I am only speaking for myself and other citizens may have other issues.

Several speakers at public meetings have intentionally or inadvertently confused the issues involved. I, and from what I can tell, most of my neighbors, agree that Kiawah needs redundancy in its water system. This is particularly true because the infrastructure in the older part of the Island, West of the Preserve pumping station, is aging (West Island). The questions I and others are raising relate to whether the route currently being proposed by the Utility is the best means for accomplishing a redundant system that meets the needs of the entire community and is cost effective in terms of future water rates. These are concerns which pertain to every property owner on Kiawah.

I wish to address concerns that pertain specifically to my neighborhood, as well as any others that may be most affected by this project, particularly since no elected Town officials met with these property owners to understand their concerns nor did they attend the meeting that the Utility had with property owners several months ago. When asked who would be responsible for problems that this project causes down the road, the head of the Utility first said it would be the contractor's responsibility, but when faced with grumbling from his audience, said that the Utility would be responsible. Surely, any property owner on Kiawah would have these same concerns when their property, and possibly their health and safety, is involved.

1. Every construction project requires inspection by a Town Building Inspector qualified to ensure that proper means and methods have been used in the construction process. This project, particularly given its size, should not be any different.

2. Marsh Island Drive is narrower than the major roads on Kiawah. In addition, the part of the street that will be most impacted has smaller setbacks than the major roads. Therefore, construction itself, as well as the associated vehicle parking and staging, will create potential issues regarding, among other things:
 - Access for emergency vehicles
 - Root systems for live oaks 5 feet or less from the construction
3. The construction will involve running 5 generators during the work day (M-Sat) for up to six months. There has been no indication of the decibel levels that are involved and the potential impact on near-by home owners and their pets.
4. The construction may cause vibration at an unacceptable level, which may result in structural damage.
5. I have discussed this project with an expert who stated that in the pipe-laying phase, failure to adequately pack the pipes can result in land subsidence. The only assurance that property

owners have that contractors have done this properly, is if the construction is overseen by an independent professional with the requisite skills for evaluating the work as it is being done who is responsible to those representing the best interests of the property owners.

6. Construction will impact significant amounts of marsh and associated wildlife on the Kiawah side of the Kiawah River. Have sufficient precautions been taken to minimize impacts? Attached is a South Carolina Department of Natural Resources (SCDNR letter) sent to the South Carolina Department of Health and Environmental Control (DHEC) with respect to the DHEC hearing on this project held on 8/25/2015. At that meeting, questions were raised concerning, among other things, the environmental consequences of "frack-out" and the marsh storage of toxic sludge produced during the process.

In terms of the neighborhood issues, the most sensible thing would have been for elected officials to meet with affected property owners to understand their concerns and determine how they can be addressed, either by a joint meeting with the Utility or by assigning responsibility to a Town designee.

It is our hope that your Committee will examine the project and determine whether the project makes sense as it is currently planned and if so, what needs to be put in place to protect the health and safety of property owners.

*Thank you for your attention.
Lynn Morgenstern*

Cc Town Clerk, Town of Kiawah Island

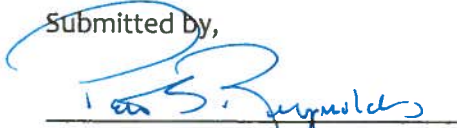
X. Commissioner Comments:

Mr. Peterson updated Commission members on items discussed at the recent Council Meeting; the first was the St John's Fire Chief reporting on the recent fire on Blue Heron Pond Road and the obstacles the firefighters incurred while trying to gain control of the fire. She also pointed out the home had no monitored smoke alarm system. The second was a report given by Jim Jordan on the state of the beach after the recent flooding events.

XI. Adjournment:

Mr. Prickett made a motion to adjourn the meeting at 4:25 pm. The motion was seconded by Mr. Dowdy and unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

4-5-2014

Date