

PLANNING COMMISSION MEETING
Kiawah Island Municipal Center
Council Chambers
August 3, 2022; 3:00 PM

MINUTES

I. Call to Order: *Mr. Peterson called the meeting to order at 3:00 pm.*

II. Roll Call:

Present: Fred Peterson, *Chairman*
Larry Iwan
Andy Capelli
Bill Dowdy

Present via Zoom: Madeleine Kaye
Joanne Hennessy
Dr. Michael Heidingsfelder

Also Present: Joe Wilson, *Town Attorney*
Stephanie Tillerson, *Town Administrator*
John Taylor, Jr., *Planning Director*
Nicole Elko, *Marsh Management Plan Consultant*
William Rusch, *Charleston-Electric*
Eric Monson, *Moxy Power Systems*

III. Approval of Minutes:

A. Planning Commission Meeting Minutes of July 2, 2022

Mr. Capelli made a motion to approve the minutes of the July 2, 2022, Planning Commission Meeting. Mr. Dowdy seconded the motion.

Following the notation of a typographical error, the minutes were unanimously approved as amended.

IV. Presentations:

1) Marsh Management Plan Update:

Biohabitats and Elko Coastal Consulting Inc.

Mr. Taylor stated a charrette for the Marsh Management Plan was held in July. The morning portion was dedicated to island stakeholders and visiting experts, including a full engagement session. The afternoon public drop-in session was not well attended.

Ms. Elko began the update of the Marsh Management Plan by reviewing the objectives of the plan:

- Gain a better understanding of the uses, benefits, potential impacts, and management options along the marsh front
- Explore various methods of protection for Kiawah's marsh
- Manage the interface between highlands and the critical area

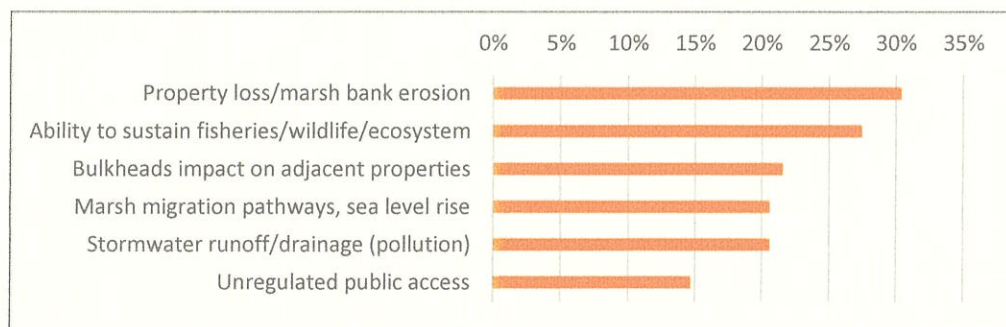
- Develop recommendations to guide planning for the protection, restoration, and management of the marsh and marsh islands for Kiawah
- Encourage and establish local development practices, Town ordinances, policies, and capital improvement projects
- Enhance the quality of life on Kiawah
- Sustain a critical resource for future generations

Ms. Elko noted that representatives from all the maze of Kiawah entities and the community had been incorporated into the plan’s development, providing the roles and responsibilities for each of the different entities as they relate to the marsh.

Ms. Elko stated the goal of the Planning charrette held on July 21st was to “Co-develop preliminary marsh management plan actions, recommendations, and educational strategies.” The charrette was very successful and included representation from Kiawah entities and experts from South Carolina Sea Grant, Clemson Extension, South Carolina DHEC-OCRM (Department of Health and Environmental Control’s Office of Ocean and Coastal Resource Management), and the National Estuarine Research Reserve. The purpose of the discussion was to:

- Solicit feedback on conceptual actions from decision-makers, owners, and stakeholders
- Identify “low hanging” ideas, immediate areas of concern
- Come to consensus on preliminary action items and draft recommendations

Ms. Elko reviewed a prioritized list of the march management concerns obtained from the online survey, the online interactive map, and in-person feedback at the Charette.



Ms. Elko stated the next steps would be developing preliminary recommendations to address the priority concerns listed and obtaining community feedback on actions, recommendations, and educational strategies.

2) Generator Installations:

Charleston-Electric & Moxy Power Systems

Mr. Taylor states that in advance of the agenda item for a proposed text amendment to zoning setbacks, he invited generator installers from *Charleston-Electric* and *Moxy Power Systems* to provide background information and details, answer questions, and share their experiences with installations on the island.

Dr. Heidingsfelder began the discussion with his concern about the noise emission and the selection of the best installation location to minimize the impact on neighbors. Mr. Rusch reviewed the description of the two main types of generators; the first unit is air cooled, has a smaller footprint, and has a two-cylinder gas engine that is louder. The second unit is liquid-cooled, have a larger footprint and clearance requirements, and is quieter. Discussion included the decibels of noise emitted, with Mr. Monson indicating that the industry standard

with most generators is between 63 to 67 decibels when running at maximum, not at normal operation. Also discussed was the automatic weekly testing of generators, comparison to the noise of the startup of an HVAC unit or an average commercial lawn mower, installation location and positioning regulations, issues with meeting setback requirements, and placement considerations with installations on the island.

V. Old Business:

None

VI. New Business:

A. Proposed Amendment 2022 Rules of Procedure

Mr. Peterson stated that the proposed amendments to the Planning Commission Rules of Procedure are to add Section 7 dealing with virtual meetings and Section 8 dealing with Executive Sessions.

Mr. Dowdy made a motion to adopt the proposed amendments of the addition of Section 7 and Section 8 to the 2022 Rules of Procedure. With no second, the motion failed.

Dr. Heidingsfelder expressed his difficulty hearing the discussion and asked for clarification on the question asked. Mr. Taylor restated the motion. It was noted that the amendments would be discussed after the motion was seconded.

Mr. Dowdy made a motion to adopt the proposed amendments of the addition of Section 7 and Section 8 to the 2022 Rules of Procedure. Ms. Hennessy then seconded the motion.

Ms. Hennessy suggested that in Section 7, the second sentence, the word “shall” replace the word “may” to keep the language consistent with Section 8.

Members attending virtually may shall be able to vote on matters before the Commission.

Ms. Hennessy made a motion to amend the language in Section 7, replacing the word “may” with “shall.” Dr. Heidingsfelder seconded the motion, and it was unanimously approved.

Mr. Capelli stated that in previous amendment discussions, the Commission decided that no further amendment would be required due to the reference in Section 4, which stated that the 12th Edition of *Robert’s Rules of Order* would govern the conduct of meetings. He suggested striking Section 7 in its entirety since Section 4 covered the proposed amendment.

Mr. Capelli made a motion to strike Section 7 in its entirety from the proposed amendments. With no second, the motion failed.

Mr. Capelli asked that further discussion of the amendments be tabled to consider inclusion, as a separate section, the *Principles in Serving & Standards of Integrity*, along with some elements of the *Public Services Values* be included that were presented at the Training Session.

Mr. Capelli made a motion to table the adoption of the proposed amendments to the 2022 Rules of Procedure to consider the addition of ethics language. Mr. Peterson seconded the motion.

Ms. Kaye pointed out that issues with the audio’s sound and clarity through Zoom made following the discussion and the motion difficult.

Mr. Taylor reviewed Mr. Capelli's discussion, suggestion, and motion.

Ms. Hennessy stated the suggested amendments could be considered at some time in the future but felt they should not impede the adoption of the currently proposed amendments. Commissioners further discussed Mr. Capelli's suggested amendments and motion.

Mr. Peterson took a rollcall vote of the Commissioners:

Mr. Peterson voted	Yes
Dr. Heidingsfelder voted	No
Mr. Dowdy voted	Yes
Mr. Capelli voted	Yes
Mr. Iwan voted	Yes
Ms. Kaye voted	No
Ms. Hennessy voted	No

The motion to table the proposed amendments to the 2022 Rules of Procedure was passed by a four (4) to three (3) vote.

B. Zoning Ordinance Text Amendments:

- 1) **Zoning Ordinance Text Amendment Request:**
AZO22-000003: Request to amend Section 12-64. Setbacks.

Mr. Peterson stated the proposed zoning ordinance text amendment request would permit Mr. Taylor limited circumstances to approve requests for generator stands encroaching into the setback for which variances are currently heard by the Board of Zoning Appeals.

Mr. Taylor stated the primary focus of the amendment was to provide administrative relief with the increasing number of generator requests on the island.

Dr. Heidingsfelder indicated he continued to have difficulties with the audio, could not follow the discussion, and therefore would not be able to make a reasonable decision on the agenda item.

Dr. Heidingsfelder made a motion to table the zoning ordinance text amendment request. Mr. Iwan seconded the motion, and it was unanimously approved.

VII. Correspondence/Staff Comments:

Mr. Taylor stated that the Commission had received the Marsh Management Plan update and has also received notifications regarding the upcoming Continuing Education Training Sessions. He stated based on today's meeting, he would work with the Commission to identify language for the tabled agenda items and work with staff to ensure future meetings have great dialogue.

VIII. Council Liaison Comments:
None

IX. Public Comments:
None

X. Commissioner Comments:

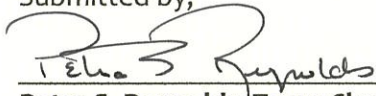
Mr. Capelli requested Mr. Taylor research Zoning and Planning Law, Section 523-570, to answer his future question on the approval process of the proposed zoning ordinance text amendment request that was tabled.

Mr. Capelli expressed his concern with the vitriolic comments currently being made by the public towards volunteer and elected positions with respect to the management of the Town and the Kiawah Island Community Association. He further discussed his concerns and stated that he felt the criticisms were totally out of place on Kiawah Island.

XI. Adjournment:

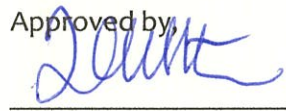
Mr. Iwan made a motion to adjourn the meeting at 4:24 pm. Mr. Capelli seconded the motion, and it was unanimously approved.

Submitted by,



Petra S. Reynolds, Town Clerk

Approved by,



Fred M. Peterson, Chairman

10-19-2022
Date