Regular City Council Meeting  
Monday, March 16, 2020  
Philip T. Glennon Center – Council Chambers  
13077 Molokai Drive, Tega Cay, SC

Councilmembers Present: Mayor David O’Neal, Mayor Pro Tem Gus Matchunis, and Councilmembers Alicia Dasch, Heather Overman and Ryan Richard.  
Councilmembers Absent: None.  
Staff Present: Charlie Funderburk, City Manager; Susan Britt, Planning & Development Manager; Tim Gillette, Operations Director; and, Joseph Shook, Communications Manager.  
The Press was duly notified of the meeting.

Mayor O’Neal called the regular Council meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence. 

ITEM 1  JOINT PUBLIC HEARING WITH PLANNING COMMISSION  
A. Amendment to the Windhaven Planned Development District Master Plan and Development Standards  
Mr. Chris Leonard, Planning Commission Chair, invited Susan Britt, Planning & Development Manager, to the podium to present information regarding the amendment to the Windhaven PDD. He then opened the floor for public comment.

PUBLIC HEARING COMMENTS  
No comments were made.

Commissioner Forbes requested there be more guidance in the PDD on how the ratios of the different housing types will be incorporated. Mayor O’Neal explained the history of this development and noted the commercial component of the development has doubled. Councilmember Dasch noted the same concerns as Commissioner Forbes and noted the PDD does specify there has to be a balanced mix.

Chairman Leonard closed the Public Hearing.

ITEM 2  SPECIAL PRESENTATION  
A. Proclamation Recognizing Will McInnis on Achieving the Rank of Eagle Scout  
MOTION  
Mayor O’Neal motioned to table the proclamation. Councilmember Richard seconded the motion and it passed unanimously.

B. Proclamation Celebrating the Catawba Nuclear Station’s 35th Anniversary of Power Generation  
Mayor O’Neal noted the proclamation has been signed and would be mailed.

ITEM 3  PUBLIC COMMENTS  
1. Ryan Ross, 885 Coralbell Way, expressed concern over enforcement of the Emergency Ordinance closing parks and facilities, Council action and honesty of responses as it relates to the City Manager, and sub-contractor business licensing. He noted he will submit a list of questions. Mayor O’Neal announced things are moving swiftly and people need to use personal responsibility. He shared school concerns over having parks and facilities open while schools are closed.

2. Elizabeth Duda, 1081 Palmyra Drive, reiterated comments from the previous Council Meeting. She noted the purchase of TCUD-II and shared concerns over leadership and requested
transparency. She thanked Council for their responses and shared concern for recent procurement procedures related to TCPD and conflicting responses.

3. Kelly Macaluso shared concerns over comments shared by Councilmember Richard, and roles of the City Attorney, Human Resources, and the evaluation of the City Manager’s performance. She requested the hiring of an independent consultant to review City policies and procedures, audit procurement practices and to evaluate the leadership by the City Manager.

Mayor Pro Tem Matchunis asked Ms. Macaluso why concerns were just being brought to light and noted Council discussed the situation, took appropriate action and have had no further concerns. Councilmember Dasch noted she does not agree with Councilmember Matchunis as it relates to the City Manager and has raised concerns to Councilmembers. Ms. Duda and Ms. Macaluso shared additional concerns, requested Council have Human Resources track concerns, and encouraged the hiring of an independent consultant to audit and address concerns.

ITEM 4  APPROVAL OF MINUTES
MOTION
Councilmember Dasch made a motion to include the addition of comments emailed by Ms. Duda in the minutes. No second was obtained. Motioned died.

There were no changes to the Regular Council Meeting minutes of February 18, 2020, or the Special Council Workshop Meeting on March 4, 2020, and they were approved.

ITEM 5  COMMITTEE APPOINTMENTS
City Manager Funderburk announced the top nominations by Council for Board of Zoning Appeals as James Aranyi, Lisa Marie Johnson, and Tony Stone; for Building Codes of Appeals as Christine Farkas; for Economic Development Commission as Steven Coppola, Nicholas Farmer, Christoph Halverson, Roger Metz, and Jim Stalford; for Planning Commission as Nick Amico, Matt DeWitt, Chris Leonard, and Ryan Ross; for Storm Water as Gerald Rumierez; and for Tega Cay Forever Foundation as Pete Chiericozzi and Caroline Hasty.

MOTION
Councilmember Overman motioned to approve the nominees as stated by the City Manager, Councilmember Matchunis seconded the motion, and it passed unanimously.

ITEM 6  COMMITTEE REPORTS
A. Tega Cay Forever Foundation
Councilmember Overman noted the City Manager will be covering the Foundation’s report in his City Manager’s report.

B. Economic Development Commission
Mayor Pro Tem Matchunis noted the Commission met on February to discuss properties being cleared near Walmart, a potential brewery and tap house, updates to GameOn, and the Commission working on a specific list of types of retail for undeveloped and underdeveloped areas. The Commission looked at five (5) firms and will be creating a scorecard to rate companies before releasing the RFP for retail consultants. He announced the next meeting will be March 23. He shared the excitement surrounding the Donnie Shell Golf Tournament in September noting he chose the Tega Cay Golf Club, golf course, Shore Club and Community Center to host the event. They are currently working to find sponsors for the event. He noted this is huge for the City and residents living on the golf course will be encouraged to tailgate to show support for tournament.

C. Planning Commission
Councilmember Dasch noted the Commission met last month and received updates from each member attending meetings of area Planning Boards in the County. The group received favorable responses from neighboring organizations about this initiative. She thanked members for their dedication of the extra
time involved in attending these meetings and noted it will help the City cultivate relationships with neighboring government entities. She announced Chairman Leonard and Susan Britt attended the Fort Mill Township Joint Planning Advisory Board exploratory meeting for March. That group is looking into the creation of an advisory board that can assist in coordinating development across the three (3) municipalities (York County, Fort Mill and Tega Cay) located north of the river. She noted the four (4) new appointments made to the Commission. She shared the Commission held discussion about Windhaven and the potential need for an animal ordinance on the agenda. They performed surface level research of surrounding cities’ ordinances and potential recommendations to Council.

ITEM 7  UNFINISHED BUSINESS
   A. Resolution for Public Art and Monuments
Mayor O’Neal stated at their Feb. 3rd meeting, the Planning Commission recommended approval of a Resolution establishing a Public Art and Monuments Policy for the City. The purpose of this policy is to establish the criteria for informed, transparent and high-quality decision-making when approving or declining proposed public art projects which will form a long-term aspect of the City’s citizens’ and visitors’ experience and cultural enhancement. This Policy will apply to all and any public art projects and monuments located, or proposed, in the public domain within the City of Tega Cay Municipal Boundaries. These may be stand-alone projects or proposals from within Council or from the community, embellishments to capital works or other proposals arising from time to time.

MOTION
Councilmember Dasch motioned to approve the resolution establishing the City of Tega Cay’s Public Art and Monuments Policy, seconded by Councilmember Overman, and it was approved unanimously.

ITEM 8  NEW BUSINESS
   A. Planning Commission Recommendation on the Amendment to the Windhaven Planned Development District Master Plan and Development Standard
Planning Commission Chairman Leonard announced the Planning Commission voted unanimously to recommend approval of the Windhaven PDD Standards and will consider the balance of the types of residential on the final plats.

   B. Introduction and 1st Reading of an Ordinance to Amend the Windhaven Planned Development District Master Plan and Development
Mayor O’Neal stated the original Windhaven Planned Development District and Development Standards was approved by Council in April 2016 and included a Government and Institutional Use for the potential location of a new middle school. While the City, the developer and the Fort Mill School District worked very hard to make this possible, the Fort Mill School District has chosen not to purchase property in Windhaven for a new school site. Their decision is based on their due diligence and potentially high development cost. After learning of the District’s decision, the City has now renegotiated the uses within the development to further increase our available commercial acreage and align with the policies and land uses outlined the recent 2020 Update to the 2025 Tega Cay Comprehensive Plan. This amendment to the PDD Plan and Development Standards provides for much needed, additional commercial acreage done on a walking/neighborhood scale that will serve as a future city center and gateway.

MOTION
Mayor Pro Tem Matchunis motioned to approve the Introduction and 1st Reading of an Ordinance to Amend the Windhaven Planned Development District Master Plan and Development Standards, seconded by Councilmember Richard, and it was approved unanimously.
C. Consideration for Approval of the Financial Security and Performance, Labor and Materials Surety Agreement for Windhaven, Phase 1

MOTION
Councilmember Overman motioned to table the item, seconded by Mayor Pro Tem Matchunis, and it was approved unanimously.

D. Discussion of Possible Amendment to Ordinance 77 Section 19-165 Permissible Uses and Specific Exclusions as it Relates to Poultry and Livestock

Mayor O’Neal noted Ordinance 77 (Zoning Code) is currently silent regarding the regulation or prohibition of the raising and sheltering of domesticated poultry and livestock within the municipal boundaries. When responding to complaints, staff’s only recourse is to determine if the animals are proposing a threat to the peace and health of the community and referring the complainant to York County Animal Control. There has been an increase in the type of complaints regarding poultry and domestic livestock. Staff is seeking the guidance and direction of Council on this issue. Ms. Britt gave a history of previous Council’s decision not to address the issue as it was not a major concern at the time. However, the City has received complaints more recently on chickens, pigs, goats, sheep, and a turkey. Council discussion ensued on the types of livestock that would potentially be regulated, permitting procedures, grandfathering current livestock, defining livestock, types of complaints received, and best practices. Councilmember Dasch recommended deferring it to the Planning Commission to allow them to research the topic, draft an ordinance, and provide a recommendation to Council.

E. Consideration of Easement Documents Related to TMS# 641-03-01-042 (3042 Point Clear Dr.)

Mayor O’Neal shared the owners of 3042 Point Clear Drive have approached the City requesting an access agreement onto the City owned greenbelt that runs between their property and the 570’ contour line of Lake Wylie for the purpose of constructing a pool. The City has a gravity sewer line that runs through the back yard of this address that does not have an easement. In exchange for the access requested by the property owner, they are willing to provide the necessary sewer easement. This is identical to the item that Council previously approved at the end of Windward Drive several months ago.

MOTION
Councilmember Richard motioned to approve an Access Easement Agreement and Sewer Easement Agreement at TMS # 641-03-01-042 at 3042 Point Clear Drive and authorize the City Manager to execute said agreements, seconded by Councilmember Dasch, and it was approved unanimously.

F. Introduction and 1st Reading of an Ordinance Providing for the Issuance and Sale of a Waterworks and Sewer System Revenue Refunding Bond of the City of Tega Cay, South Carolina, in the Principal Amount of Not Exceeding $7,700,000 to be Designated Series 2020

Mayor O’Neal announced in June of 2014, the City issued a revenue bond necessary for the acquisition of the former Utilities, Inc. water and sewer system in Tega Cay. The current interest rate on that bond is 3.16% and will be paid off in June of 2034. Based on current market conditions the City can refinance and move to an estimated interest rate of 2.17%. This will provide an average cashflow savings of $37,100 per year. It will also not extend the life of the bond beyond June of 2034. Our financial advisors have this out for bid to banks and will know the exact bank and interest rate by the second and final reading of this ordinance.

MOTION
Councilmember Richard motioned to approve the Introduction and 1st reading of an ordinance providing for the issuance and sale of a waterworks and sewer system revenue refunding bond in the principal amount not exceeding $7,700,000 to be designated as Series 2020 and other matters related thereto, seconded by Councilmember Overman, and it was approved unanimously.
G. Emergency Ordinance to Temporarily Close All Public Parks and Facilities to Protect the Health, Safety and Welfare of Our Residents and Visitors

Mayor O'Neal explained the emergency ordinance was enacted in response to the schools closing. The Governor had a meeting at 4pm and approximately an hour later, the City was notified the schools would be closing. They requested the City close parks and facilities to prevent kids from congregating at parks. He noted they are not trying to hurt local businesses and asked residents to support local restaurants in the meantime.

ITEM 9 CITY MANAGER'S REPORT

City Manager Funderburk reviewed scenarios for funding of Catawba Park and noted next steps for the park, gave an update on Windjammer planned pavilion, parking lot and path construction and funding, and shared the City's upcoming COVID-19 response including potentially canceling upcoming board/commission/committee meetings, closing facilities per Ord. 548, postponing all recreation programs, and Municipal Court. He asked for people with pending cases to contact the Clerk of Court for a new date. He shared staff that is able to telecommute from home will do so and Department Heads have submitted revised staff schedules to account for the next three weeks. The City is staying in communication with EOC, County leadership and leadership from the surrounding municipalities, and has implemented our Continuity of Operations Plan which includes succession plans for critical roles within the organization and alternative worksites. He noted City Hall may potentially close, but staff will continue to answer calls and respond to emails. Lastly, he noted a decision on April events has not yet been made and staff will continue to monitor the situation before a final decision is made.

ITEM 10 COUNCIL COMMENTS

Councilmember Richard congratulated City Manager Funderburk on his efforts thus far and stated COVID-19 is serious. He asked everyone to do their part in social distancing.

Councilmember Dasch thanked those who applied to serve and are serving on boards and noted the time involved in being on a board or committee. She encouraged everyone to volunteer and continue to be involved. She thanked those who spoke today noting it is not easy and shared her appreciation the comments and feedback. She noted she will do everything she can to ensure transparency.

Councilmember Overman offered congratulations to those elected to the committees and commissions and shared her gratitude for the time they will dedicate. She noted a resident asked for Council feedback on reducing the time allowed for RV parking in driveways. She stated we are in uncharted waters with the Coronavirus, but Tega Cay is known to come together to make sure those in our community have what they need. She encouraged everyone to follow expert guidance and do what is needed to keep themselves and their families safe. She noted it will be great if all efforts are considered an overreaction in the end and it prevents sickness and potential death.

Mayor Pro Tem Matchunis congratulated everyone who was re-elected and Mr. Ross who is newly elected. He noted we are in uncharted territory and no one really knows what is going to happen. He shared those who made Public Comments, he respects their right to speak and ask questions. He's personally spent a lot of time answering questions as many have on Council. He noted everyone was elected to do what they think is right for the City and did so in this situation. He recognized Councilmember Dasch does not agree but noted that is what democracy is about. He stated his desire to put this behind us. He felt the situation with the water system and sewage spills was a much larger situation than what is being dealt with here. He noted there is so much divisiveness going on right now and we are in an international crisis. It is going to get worse before it gets better and everyone needs to be looking out for one another and looking forward, not backwards. He noted people are offering supplies and lunches to those in need. He stated that is what Tega Cay is all about. It is what he loves and why he serves.
Mayor O’Neal stated he feels it is currently an overreaction but at the same time does not feel we are doing enough. He noted there is so much uncharted territory and it is constantly changing. He’s getting calls about what people can do with their children and he noted there must be some level of personal responsibility as it relates to going to the parks, playing golf, or going to the grocery store. He encouraged everyone to try and be safe and try not to get anyone else sick.

ITEM 11        ADJOURNMENT
MOTION
There being no further business, Mayor O’Neal motioned to adjourn, seconded by Councilmember Richard and it was approved unanimously.

The meeting was adjourned at 8:24 p.m.

Respectfully Submitted,

Katie Poulsen, Municipal Clerk

APPROVED:

David L. O’Neal, Mayor

APPROVAL DATE: May 18, 2020