

**Tyrone Town Council
Meeting Minutes
September 17, 2020**

Present:

Mayor, Eric Dial

Mayor Pro Tem, Gloria Furr

Council Member, Linda Howard

Council Member, Melissa Hill

Town Manager, Brandon Perkins

Town Clerk, Dee Baker

Planning & Zoning Coordinator, Phillip Trocquet

Finance Manager, Sandy Beach

Mayor Dial called the meeting to order with limited seating and broadcasted on YouTube Live at 7:00 pm, this was followed by the invocation. The public was invited to watch.

Approval of Agenda

Council Member Furr made a motion to approve the agenda.

Council Member Howard seconded the motion. Motion was approved 3-0.

Consent Agenda: *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

Approval of minutes, September 3, 2020

Council Member Howard made a motion to approve the consent agenda.

Council Member Furr seconded the motion. Motion was approved 3-0.

Public Hearing:

1. Consideration of Rezoning Petition RZ-2020-001 from applicant John Kaufman for the rezoning of a 1-acre tract with parcel number 0738036 at property address 993 Senoia Road from C-1 to TCMU. *Phillip Trocquet, Planning & Zoning Coordinator*

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Mr. Trocquet shared that due to issues regarding property lines making the property non-conforming, the applicant wished to withdraw his application.

Mr. Kaufman stated that due to the issues presented he wished to withdraw at this time, however, will come back soon to readdress. Mr. Trocquet added that he was meeting with the applicant and the property owner tomorrow morning to discuss further, and would update Council.

Council Member Furr made a motion to allow the applicant to withdraw his rezoning petition RZ-2020-001 for the rezoning of a 1-acre tract with parcel number 0738036 at property address 993 Senoia Road from C-1 to TCMU.

Council Member Hill seconded the motion. Motion was approved 3-0.

2. Consideration of a Text Amendment to section 113-126 of Article V of the Zoning Ordinance to remove Nursing Homes from the conditional use section. ***Phillip Trocquet, Planning & Zoning Coordinator***

Mr. Trocquet shared that in front of them were a total of five text amendments, three were regarding conditional uses and two were regarding square footage requirements. He stated that the first item was to remove nursing homes as a conditional use from the O-I zoning district. He added that item number three on the agenda was to add care homes, nursing homes, and independent living establishments to the C-1 (Downtown Commercial) zoning district as permitted uses. The next item was to add definitions for care homes and independent living facilities. He added that the following item regarded the C-1 district, amending development standards regarding maximum building size. The final item was to amend the maximum development standards regarding maximum building size to the C-2 (Highway Commercial) zoning district.

Mr. Trocquet gave a background to these items. He stated that Mr. Gulas submitted a text amendment request to alter language in the C-1 zoning district regarding permitted uses and development standards regarding maximum building size. The request appeared before the Planning Commission and Council this February but was sent back to be re-advertised so that staff's proposed additional consistency text amendments could be advertised and adopted at the same time. Mr. Trocquet added that Mr. Gulas requested the addition of assisted living/memory care/independent living institutions as permitted uses in the C-1 district. He also requested that the current standard maximum building size of 30,000 total square feet be amended to read "maximum building size – 30,000 s.f. footprint" or "maximum building size – 45,000 s.f. for a single story and 30,000 s.f. for multi-story". Mr. Trocquet shared that staff recommends conditions be considered.

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Mr. Trocquet shared the conditions regarding the square footage requirements. He added that staff does not recommend an increase of the single-story square footage restriction to 45,000 s.f. He added that staff did recommend for C-1 and C-2 zoning districts that the 30,000 s.f. total be amended to read “30,000 s.f. footprint. Council Member Hill clarified that the developer could utilize the 30,000 s.f. to build up, not out. Mr. Trocquet agreed. He added that the reasoning was to discourage big-box development, which was almost always a single-level structure. This originated from Ordinance 306, which was adopted in 2007. The wording “30,000 s.f. footprint” was also found in other sections of the ordinance. He recommended the wording also be added to the C-2 commercial district.

Mr. Trocquet moved on to the assisted living section. He shared that assisted living, memory care, and independent living establishments were currently not listed in the Town’s ordinance. Given that these establishments were being developed at an increasing rate in the County, it seemed appropriate for the Town to incorporate them into the ordinance in some fashion. The closest use the Town currently had was nursing homes. This use relies heavily on medical uses, rehabilitative nursing care, agreements with doctors, and the need for registered nurses.

Mr. Trocquet shared that originally, Mr. Gulas presented each term as interchangeable for single proposed use. He added that based on the application of such uses in other communities, staff recommended that an overarching term of “care home” be used for assisted living and memory care with conditions. He shared that care homes were state-licensed convalescent centers, assisted living facilities, memory care facilities, or similar use established to render long-term domiciliary care to individuals of retirement status no longer able to live independently. This should not include facilities for the care of mental patients, epileptics, alcohol/drug use patients, or nursing homes. He added that this would separate them from nursing homes.

Mr. Trocquet then defined independent living facilities as age-restricted apartment complexes. He added that the request for care homes to be included in the C-1 zoning district was consistent with other uses allowed in that district. The lower intensity district of O-I (office institutional) included nursing homes as a permitted use. Staff recommends adding nursing homes to C-1 if they are included in O-I. He added that the Planning Commission commented that the removal of nursing homes from O-I may be considered. This has been advertised due to their recommendation. They agreed that nursing homes may be too intense for O-I, but may be moved to C-1.

Mr. Trocquet shared that the request for independent living facilities to be added to the ordinance, was not recommended given its definition and application in other communities. Independent living facilities were typically located in higher density residential zoning districts and essentially took the form of age-restricted apartment complexes.

He added that the Town did not currently have a zoning district where that would be compatible. Mr. Trocquet suggested revisiting this. Mr. Trocquet informed Council that all permitted uses in the C-1 zoning district were also allowed in the C-2 district by default. Mr. Trocquet recapped and stated that the last time the items were before them, Council voted to recommend bringing the items back with consistent amendments to be considered at the same time.

Mr. Trocquet shared the Planning Commission's recommendations for each item. The first item was a text amendment to remove nursing homes, the second was to add care homes and nursing homes as a permitted use to the C-1 district. The third recommendation was to add the definitions of care homes only, not independent establishments. The fourth recommendation was to recommend the development standard size to reflect a maximum s.f. of a 30,000-footprint requirement for C-1 and C-2.

Mayor Dial asked for a clarification of the recommendation of the definitions for care homes. Mr. Trocquet shared that the advertisement stated that the definitions would reflect care homes and independent living facilities. Independent living facilities were not recommended as a conditional use, the definition was not needed.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item, which removes nursing homes from the O-I zoning district as a conditional use.

No one spoke.

Mayor Dial asked if anyone wished to speak in opposition of the item.

No one spoke.

Council Member Furr made a motion to remove nursing homes from the O-I (Office Institutional) zoning district from the conditional use section.

Council Member Howard seconded the motion. Motion was approved 3-0.

3. Consideration of a Text Amendment to Section 113-128 of Article V of the Zoning Ordinance to add Care Homes, Nursing Homes, and Independent Living establishments to the permitted use section. ***Phillip Trocquet, Planning & Zoning Coordinator***

Mr. Trocquet shared that staff and the Planning Commission recommended adding care homes and nursing homes to the permitted use section of C-1.

Mayor Dial asked why epileptics were added to the care home definitions.

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Mr. Trocquet stated that it was the standard definition and that epileptics and drug use patients may fall into a different demographic and require different standards. Mayor Dial shared that this may not be an antiquated view of epilepsy. Mr. Trocquet agreed.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item.

Applicant Steve Gulas, who lives in Fayetteville spoke in favor. He stated that independent living should be a permitted use. He also shared that within Fayetteville there were independent living facilities without dining halls, which were basically, age-restricted apartment complexes. He named several Fayette County facilities that were assisted living with dining halls and independent living facilities combined within one facility; Somerby, Arbor Terrace, Heartis, Azalea States, and Watercrest. He shared that the assisted living aspect was that residents may need help taking daily medication or getting dressed. Most have common areas that lead to comradery. He shared that he believed that independent living with a dining hall, assisted living with a dining hall and memory care with a dining hall should be allowed within a commercial zoning district.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the item. No one spoke.

Council Member Howard asked for the reasoning not to allow an independent living facility. Mr. Trocquet shared that it was due to the definition and what was initially advertised, and the information given regarding the establishments and their location. He added that through staff's research, these establishments could be arranged per Mr. Gulas' request as a limited version. Typically, independent living facilities were age limited, multi-family housing, which would not fit into our ordinance as it was currently written. This could be a possibility if conditions were added and it was part of a care home development. Mr. Trocquet added that based on the current definition, staff did not recommend approval at this time.

Mayor Dial asked if there could be a minimum acreage component. Mr. Trocquet stated that there would likely be an acreage requirement, typically these types of facilities were larger. This would come into play during the site plan review, along with parking and setback requirements.

Council Member Howard asked for clarification regarding a person that would need a care home versus a person that would need an independent living facility. Mr. Trocquet shared that the key difference would be, although there may be services offered, a person living in an independent living facility would be able to live on their own without the services. A person living in a care home would require those services.

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Council Member Furr asked if they were sometimes intertwined. Mr. Trocquet stated, yes, they were. Mr. Gulas stated that Arbor Terrace was one that housed independent living and assisted living and they both shared the same dining hall. He added that Azalea States encompassed independent living, assisted living, and memory care, with the same dining hall.

Council Member Howard shared that she believed that Tyrone has a need for this type of facility. Council Member Furr agreed. Mayor Dial inquired about the size requirement of Mr. Gulas' development. Mr. Trocquet reminded Council that the text amendment did not take into consideration a particular development, this was for any forthcoming development. He added that it was feasible that all types of facilities could fit into Mr. Gulas' development. He shared that frequently, assisted living types of developments do have multiple buildings.

Council Member Howard clarified that the Planning Commission did not recommend approval at this time. Mr. Trocquet shared that they chose to revisit the item at a later date. He stated that independent living could be voted as advertised with a definition included. This would allow an independent living facility existing on its own, separate from a care home. Council Member Howard asked, what if the independent facility was its own building? Mr. Trocquet stated that with the current definition, he felt that it was more of a residential type use, due to the exclusion of services. It would be more of an age-restricted, multi-family housing unit. He recommended revisiting the item and to add it to a care home facility as a conditional use. Council could also add it to another district.

Mr. Davenport informed Council that the public had been put on notice that they were considering the use of independent living, although it was not advertised as a conditional use, Council could add conditions if they choose to do so. He added that per Council's discussions, all agreed on the independent living use. He suggested the condition of adding it as a component of a care home facility, not a stand-alone in the C-1 district. He added that if this would be Council's choice, they would not be prohibited from doing so.

Mayor Dial clarified the three options; to deny, to approve the Planning Commission's recommendation, or to approve with the condition that it be a part of a care home facility. Mr. Trocquet reiterated, that Council either approves as advertised as a stand-alone facility, not address it at this time, or to approve an independent living facility as a part of a care home development as a condition. Mr. Davenport and Mr. Trocquet stated that if Council's choice was the third option, it would require a second vote adding the condition.

Council Member Howard made a motion to approve a Text Amendment to Section 113-128 (C-1 Downtown Commercial) of Article V of the Zoning Ordinance to add Care Homes and Nursing Homes to the permitted use section.

Council Member Hill seconded the motion. Motion was approved 3-0.

Council Member Howard made a motion to allow Independent Living Facilities as a Conditional Use in C-1 (Downtown Commercial) with the condition that they are part of a Care Home Facility. Council Member Furr seconded the motion. Motion was approved 3-0.

4. Consideration of a Text Amendment to Section 113-2 of Article I of the Zoning Ordinance to add definitions for Care Homes and Independent Living Facilities. ***Phillip Trocquet, Planning & Zoning Coordinator***

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item. No one spoke.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the item. No one spoke.

Council Member Howard made a motion to approve a Text Amendment to Section 113-2 (Definitions) of Article I of the Zoning Ordinance to add definitions for Care Homes and Independent Living Facilities.

Council Member Hill seconded the motion. Motion was approved 3-0.

5. Consideration of a Text Amendment to Section 113-128 of Article V of the Zoning Ordinance to amend development standards regarding maximum building size. ***Phillip Trocquet, Planning & Zoning Coordinator***

Mr. Trocquet stated that staff recommends to change the maximum building size from 30,000 s.f. to reflect 30,000 s.f. footprint. This allows a multiple story building within a 30,000 s.f. footprint area within the C-1 and C-2 districts. He reminded Council that C-1 was a lower intensity district, which allowed for additional Council discussion. He added that staff did not recommend approval for Mr. Gulas' initial submission of 45,000 s.f. for a single-story development.

Council Member Furr asked if there were minimum square footage requirements. Mr. Trocquet stated, there were only maximum requirements. He added that setbacks and parking requirements still needed to be met.

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Council Member Furr shared her concerns regarding that particular property's potential septic system and asked if Environmental Health had been contacted. Mr. Trocquet shared that the particular discussion was regarding any development within that zoning district. He added that regardless of the development, a site plan review would be required and certain criteria would have to be met. Council Member Furr asked if Mr. Gulas' development could be three-stories. Mr. Trocquet shared that currently within the C-1 zoning district, the height restriction was 40 ft., three-story maximum. If the site does not allow a three-story 30,000 s.f. footprint, staff would deny the application. Mr. Trocquet shared in comparison; the Goodwill building was approximately 25,000 s.f. Mr. Trocquet suggested that Council could make conditions regarding the C-1 zoning district due to the less intensive zoning.

Mayor Dial asked for Mr. Trocquet's advice. Mr. Trocquet shared that per Council's discussions regarding the C-1 zoning district, he would prefer to research lighter zoning districts in Georgia to see what was more commonly used. Another option would be to keep the total at 30,000. He added that approval of the footprint of 30,000 s.f. was also needed for the C-2 zoning district. The reason for the recommendation for the 30,000 footprint was that the 40-foot height restriction was to remain within the ordinance.

Mayor Dial clarified that Council had established a need for Mr. Gulas' type of establishment, economically it would be viable. Council needed to find a size requirement that they were comfortable with. Mr. Trocquet reminded Council that the requirement was not only for Mr. Gulas' development but for any development that met the standards within C-1 and C-2. He added that C-2 would be more appropriate for larger properties.

Mayor Dial stated that regarding a huge building or traffic impact, this type of building may have a light traffic impact on our roads. Mr. Trocquet added that in regard to any development and traffic, it was within the Town's rights to request a traffic study.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item.

Mr. Gulas spoke. He shared that the feasibility study reflected initially to have a multi-story, 30,000 building with two floors. Each floor was 27,900 square feet, roughly 55,000 square feet. The other option was a single-story, 45,000 s.f. building. The one-story would have two courtyards, and the two-story would have one courtyard. Mr. Gulas shared his findings, of the six, single-story facilities, the average was over 55,000 square feet. He requested a 45,000 square foot facility that would house sixty units, per his feasibility study. This would require a certain amount of nursing staff and a common area. A two-story facility would house eighty units.

Mr. Billy Campbell who lives on Beresford Road spoke in favor of the item. He shared his concern regarding the exact amount of acreage Mr. Gulas would be using. Mr. Trocquet shared that the item on the agenda did not apply to any particular project. Mr. Campbell shared that most facilities of this nature were not three-stories, there would be a fire safety issue.

Mayor Dial clarified that Mr. Gulas' project would either be a one-story 45,000 square foot project or a total of 30,000 footprint. Mr. Trocquet estimated that a 30,000 s.f. footprint with three-stories, parking, and setbacks, and septic may need to be at least five acres. He added that if a developer were to come to us with a two-acre lot, they would be asked to scale-down their development.

Council Member Hill clarified that regarding this particular item, the last Council vote was "no" to 45,000 s.f. that it would lead to big-box development. Mayor Dial put into perspective that it would equal out to 1 ½ larger the size of Goodwill.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the item. No one spoke.

Council Member Hill made a motion to approve a Text Amendment to section 113-128 (C-1 Downtown Commercial) of Article V of the Zoning Ordinance to amend development standards regarding maximum building size to reflect a 30,000 s.f. maximum footprint requirement. Council Member Howard seconded the motion. Motion was approved 3-0.

6. Consideration of a Text Amendment to Section 113-129 of Article V of the Zoning Ordinance to amend development standards regarding maximum building size to reflect. ***Phillip Trocquet, Planning & Zoning Coordinator***

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item. Mr. Steve Gulas shared that the square footage of the Publix building was 55,000 square feet and the entire development was 79,000 square feet. He added that he was requesting a two-story building at 58,000 s.f. versus a single-story 45,000 s.f building.

Mayor Dial clarified that Council's objection was not for that type of building, just a building that size in Tyrone.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the item. No one spoke.

Council Member Hill made a motion to approve a Text Amendment to Section 113-129 of Article V of the Zoning Ordinance to amend development standards regarding maximum building size to reflect a 30,000 s.f. footprint requirement.

Council Member Furr seconded the motion. Motion was approved 3-0.

Council Member Howard asked for clarification regarding the text amendment. Mr. Trocquet explained that for consistency, what was voted for C-1, C-2 needed the same.

New Business:

7. Consideration to approve Ordinance No. 2020-04 amending Ordinance No. 2019-04 for the purpose of increasing the salaries of the Council Members. *Eric Dial, Mayor*

Mayor Dial stated that this item had been previously approved, however, there was a clerical error. The Town's ordinance codification system, Municode found the error in the wording, a Council Member noticed the numeric error, thus requiring a correction. Mr. Davenport reiterated that the ordinance was originally adopted in June of 2019 with the wording stated eight hundred with the amount reflecting \$600. Municode recorded the eight hundred wording and made the numerical amount \$800, this was not correct. It was found after qualifying fees were advertised, Council Member Furr noticed that the amount was incorrect. To correct Municode, an additional ordinance was needed.

Council Member Howard made a motion to approve Ordinance No. 2020-04 for the revision of Ordinance No. 2019-04 reflecting a monthly increase of Council's monthly salary from \$400 to \$600.

Council Member Furr seconded the motion. Motion was approved 3-0.

8. Consideration of an ordinance to provide for hazard pay for the Town's front-line Police Officers and certain Public Works personnel. *Brandon Perkins, Town Manager*

Mr. Perkins stated that many local municipalities across Georgia and the nation have implemented hazard pay polices for first responders and other front-line personnel throughout, for the Covid-19 Pandemic. He added that Council had expressed an interest in doing the same for qualifying Town personnel. Given that the Town had been approved for and had received 100% of its CARES Act funding for Covid-19 relief, it was in a financial position to accomplish that goal. The amount was approximately \$392,000. He added that the hazard pay would be offered to eligible police officers, detectives, and three Public Works field employees.

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Patrol officers and detectives would receive \$2,000 under the Governor’s current state of emergency, spread out over three pay periods. The Town’s Public Works employees would receive \$1,500, spread out over three pay periods. The stipulations included; no sick or vacation time is taken during this time, and they were required to work their regular hours during those three weeks.

Council Member Furr asked if the personnel were aware of the stipulations. Mr. Perkins stated that he planned on sending an email tomorrow morning.

Council Member Furr made a motion to approve an Ordinance to provide hazard pay for qualified Town personnel.

Council Member Howard seconded the motion. Motion was approved 3-0.

Staff Comments

Mr. Perkins shared that before the October 1st Council meeting, there would be Council’s first scheduled workshop at 5:30 pm. On the agenda were two items from Mr. Trocquet.

Mr. Perkins shared that the building was 95% complete. Furniture had arrived and the temporary sewer should commence next week. He invited Council to come by and see the progress. Mr. Perkins stated that he planned to move in the second week in October. He added that he had been spending a lot of his time at the new facility, and thanked staff for going above and beyond, and shared his appreciation.

Council Comments

Council Member Furr thanked Mr. Trocquet for his efforts toward tonight’s meeting.

Adjournment

Council Member Furr made a motion to adjourn. Motion was approved 3-0.
The meeting adjourned at 8:30 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk

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