



BROOKS TOWN COUNCIL MEETING

MINUTES

January 22, 2024

Mayor Langford called the meeting to order at 6:30 p.m., Council Member Ted Britt led the Invocation, and Mayor Langford led the Pledge.

Council Member present: Ted Britt
 Kay Brumbelow
 Brian Davis
 Scott Israel
 Todd Speer

Others: Judge Scott Ballard, Superior Court Judge Fayette County
 Rick Lindsey, Town Attorney

The proposed Agenda for Monday, January 22, 2024, was emailed to the Mayor and Council Members for review before tonight's meeting. Mayor Langford asked for a motion to approve the agenda; Council Member Todd Speer made a motion to approve the agenda as presented; Council Member Scott Israel seconded the motion. The vote was unanimous.

At 6:35 p.m., Fayette County Superior Court Judge Scott Ballard performed the swearing-in of Council Post 3, Ted H. Britt, Council Post 4, Brian P. Davis, and Council Post 5, Todd Speer, all of whom were reelected in the November 2023 elections.

The draft Council Meeting Minutes for Monday, December 18, 2023, were emailed to the Mayor and Council Members for review before tonight's meeting. Mayor Langford asked for a motion to approve the Council minutes; Council Member Scott Israel made a motion to approve the minutes as presented; Council Member Todd Speer seconded the motion. The vote was unanimous in favor, with Council Member Kay Brumbelow abstaining.

The draft Executive Session Minutes for Monday, December 18, 2023, were emailed to the Mayor and Council Members for review before tonight's meeting. Mayor Langford asked for a motion to approve the Council minutes; Council Member Brian Davis made a motion to approve the minutes as presented; Council Member Ted Britt seconded the motion. The vote was unanimous in favor, with Council Member Kay Brumbelow abstaining.

Public Hearing:

Capital Improvement Element and Short-Term Work Program:

M. Ungaro provided a detailed explanation of CIE & STWP, as well as the purpose of the programs. He stated that this annual agreement allows the county to collect impact fees. Mayor Langford asked if the Town was committing to anything for CIE & STWP. M. Ungaro replied, "No." The town is submitting its planned and proposed projects listed on the STWP update for FY2024 to FY2028 and the Town is not committing to anything. The goal is to improve public infrastructure by including projects such as developing walking, biking, and horse trails along Norfolk, Southern

Railway, developing multipurpose fields, an easement, parking, and property improvement for Hardy Hall, stormwater infrastructure improvements on Hwy 85 Connector near Price Rd and re-roofing Hardy Hall.

Rezoning of 185 Gable Rd.:

Town Attorney Rick Lindsey introduced himself and explained in detail the background and re-request for the rezoning of 185 Gable Rd.

The rezoning request is based on the future land use map in the 2022 Comp Plan, which the Council approved in June 2022. The applicant requests that the property be rezoned from RA (Rural Agriculture) to TR (Town Residential) for two residential lots. The original rezoning request was denied on June 26, 2023, which prompted the applicant to seek legal counsel to allow for the rezoning per the future land use map.

R. Lindsey explained that it is up to the Council to settle this matter or go forward with it. The applicant is seeking to subdivide into two lots; as previously proposed, each lot shall have one family home, valued in the high \$400's (which value includes the price of the lot). Each lot will have over 100 feet of road frontage on Gable Road. The houses built on the lots will be set back from the road commensurate with neighboring homes in that area. Still, in no event less than the front setback set by ordinance for the TR district, all other requirements of the TR zoning district are not modified. All these zoning conditions will "run with the land" and bind subsequent owners.

R. Lindsey stated "I recommend that the Mayor and Council consider it seriously. It's a good resolution in a difficult situation."

Mayor Langford opened the Public Hearing at 6:47 p.m. so the public could ask questions regarding the CIE & STWP and the request to rezone 185 Gable Rd.

Resident Bridget Allen asked about how it will be set for future property owners; will they be able to develop another house on the other acre(s) or request a rezoning? R. Lindsey replied that they couldn't change it from the conditions in the settlement and would have to request a rezoning. Bridget asked if they could request a rezoning, and R. Lindsey replied that anyone could request a rezoning.

Resident Francis Cavender commented that the flow on Gable Rd is small lots; the lots on Gable Rd are not five acres; they are not AR, and he doesn't believe there are any five-acre lots on Gable Rd.

Mayor Langford asked if there were any other public comments on either matter. There were none, so he closed the Public Hearing at 6:54 p.m.

Council Member Brian Davis asked what the estimated cost of the litigation would be; R. Lindsey said his fees could be estimated between \$30K and \$40K, and the opposing side could range from \$60K to \$ 80K depending upon how many expert witnesses were required on each side. If the Town were to lose the litigation, the Town most likely would be responsible for all attorney fees, which could exceed \$100k.

Council Member Todd Speer asked if the future land use map could be changed and if any other pending zoning requests were involved in the future land use area. M. Ungaro stated that it could not be changed before the approval of the current rezoning, but it could be reviewed and changed in the future, and at this time, no other requests have been received.

Mayor Langford suggested that each council member review the future land use map thoroughly and provide comments/suggestions to improve or change the current map. If changes are necessary, public hearings will be held to present the proposed changes.

New Business:

Capital Improvement Element and Short-Term Work Program – Resolution 2024-001

M. Ungaro presented Resolution 2024-001 for CIE & STWP for approval, which allows the Town of Brooks to be part of Fayette County to submit the annual update of the CIE and STWP covering the five years of FY2024 to FY2028 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review per the requirements of the Georgia Planning Act of 1989.

Mayor Langford asked for a motion to approve Resolution 2024-001; Council Member Todd Speer made a motion to approve Resolution 2024-001 as presented; Council Member Kay Brumbelow seconded the motion. The vote was unanimous in favor.

Rezoning of 185 Gable Rd.:

After hearing the presentation made by Rick Lindsey, the Town Attorney, and public comments made during the Public Hearing, Mayor Langford asked for a motion to approve the rezoning application for 185 Gable Rd. Council Member Scott Israel made a motion to approve the application as presented, and Council Member Brian Davis seconded the motion. The vote was unanimous in favor.

With the rezoning application being approved, R. Lindsey requested that the Council vote to authorize Mayor Langford to sign the Settlement Agreement regarding 185 Gable Rd. The signing of the settlement agreement between Allegiance Development Group and the Town of Brooks will result in the case being dismissed and the opposing council waiving their fees.

Mayor Langford asked for a motion to approve the authorization for his signature on the settlement agreement for 185 Gable Rd. Council Member Scott Israel made a motion to authorize Mayor Langford's signing of the settlement agreement as presented, and Council Member Ted Britt seconded the motion. The vote was unanimous in favor.

Moratorium on Rezoning and Land Sub-Division

M. Ungaro presented Mayor and Council Resolution 2024-002 for consideration and approval. The resolution is to provide a moratorium on commercial and residential re-zonings, variances, and annexation for a period not to exceed one hundred eighty days (180) while the town considers changes to its future land use map.

Mayor Langford asked for a motion to approve Resolution 2024-002, Moratorium on Rezoning and Land Sub-Division Resolution 2024-002; Council Member Scott Israel made a motion to approve Resolution 2024-002 as presented; Council Member Kay Brumbelow seconded the motion. The vote was unanimous in favor.

Committee Reports:

Mayor's Report: Mayor Langford said he would meet with the new President of the Fayette County Chamber at the end of next week.

Planning and Zoning:

M. Ungaro stated he had nothing new to report for December.

Recreation:

D. Holliman reported that BAR's Opening Day is March 16, 2024, and the traditional BAR parade will be held. The new concession stand is progressing.

Library: K. Bradley reported that she continues to de-access old and outdated books. K. Bradley requested the approval to de-access 207 books with copyright dates ranging from 1971 to 1998, valued at \$314.66. Mayor Langford asked for a motion to approve the deaccession of the 207 library books. Council Member Todd Speer made a Motion to approve the deaccession of 207 books, and Council Member Ted Britt seconded the motion. The vote was unanimous in favor.

Town Clerk Report: L. Spohr reported that the USPS is having issues with delivering mail/checks; in the last two months, four checks have been lost in the mail, which required stop payments on those checks, costing \$35 each. Alternative options for paying vendors will be researched if the situation continues.

Finance Officer's Report: L. Spohr reviewed the December financials; LOST was at an increase versus December 2022. LOST YTD is at an increase of 6.46%. November's 2023 SPLOST was up 5.21% vs. November's 2017 SPLOST of last year, and for YTD, the 2023 SPLOST is down 1.41% vs. last year's 2017 SPLOST. The FY2023 Audit has been completed and filed on time with the appropriate agencies; a PDF of the FY2023 Audit will be available on the Town's website tomorrow.

Town Manager Report:**Transportation:**

M. Ungaro reported working with the Town engineer on the 2024 LMIG allocation for Brooks; the leading project for those funds is the creation of approximately fifteen parking spaces on Church Alley, located in the curve across the Chapel on Town-owned property; the parking spaces will be paved and marked. This project will entail creating a retaining wall and having parking stalls perpendicular to the road. The Fayette County Sheriff's Office continues to patrol the greater Brooks area with continued success.

Demolition:

The former Cavender house at 124 Gable Rd has been demolished under an existing permit issued by the Town. The remainder of the debris will be removed within the next fifteen to twenty days. The contract's equipment failed, and he is in the process of rectifying that.

Stormwater:

A recent inspection of the cell tower site at Aubrey Evans Park revealed that the recent storm event has eroded a portion of the tower pad site. It appears that flooding occurred because the culvert under the path from the parking lot to the T-Ball fields had been blocked with gravel from the construction site. I am working with BAR to get that clear and free-flowing again.

Brooks Market:

The market will be held on the third Saturday of each month, beginning on Saturday, March 16, 2024, the same day as BAR's Opening Day. The hours will be from 9:00 a.m. to 1:00 p.m., one hour less than last year. New vendors have signed up, including a food truck.

Any Other Business:

None

Executive Session:

Mayor Langford asked if there was a need for an Executive Session. M. Ungaro replied that there was no need for one this evening.

Adjourn: With no further business to discuss this evening, Mayor Langford asked for a motion to adjourn; Council Member Brian Davis offered a Motion to adjourn; Council Member Scott Israel seconded the motion. The vote was unanimous in favor, and the meeting was adjourned at 7:34 p.m.

Respectfully Submitted,

Lorey Spohr
Town Clerk