



BROOKS TOWN COUNCIL MEETING

MINUTES

March 18, 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 Members present: Ted Britt
 Kay Brumbelow
 Brian Davis
 Scott Israel
 Todd Speer

The proposed Agenda for Monday, March 18, 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 Scott Israel made a motion to approve the agenda as presented; Council Member Todd Speer seconded the motion. The vote was unanimous.

The draft Council Meeting Minutes for Monday, January 22, 2024, 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 Ted Britt made a motion to approve the minutes of January 22, 2024, as presented; Council Member Scott Israel seconded the motion. The vote was unanimous.

Public Hearing:

Conditional Use Permit for 875 Hwy 85 Connector:

Mayor Langford announced that the public hearing was originally intended to discuss a conditional use permit and a variance application at 875 Hwy 85 Connector. The applicant has withdrawn the variance permit, so the conditional use permit for a Bed & Breakfast facility (B&B) is now the only item on the agenda to be discussed in the public hearing.

Mayor Langford opened the public hearing at 6:32 p.m.

Mayor Langford explained the difference between a conditional use permit and a variance. There will be no discussion regarding the variance request since it has been withdrawn.

M. Ungaro said the public hearing would be conducted in a manner in which the Mayor would recognize the participants in order and give each person two minutes to state their public comments.

Mary Jane Holt, 119 Woods Rd. - If the owner was here tonight, M. Ungaro replied that the owner was not in attendance. Mary Jane Holt stated that she is 100% opposed to this, considering her behavior tonight.

Jennifer Robinson, 418 Price Rd—If the B&B is approved, would guests still be allowed to use the property for things such as wedding parties while using it as a B&B? How many guests would be allowed? Also, who would have to enforce the rules?

The mayor recited the Town's B&B facility ordinance definition: "an individual owner-occupied residence containing more than eight (8) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing occasional meals daily (usually breakfast). It is not a hotel, boarding, lodging house, or motel." Nothing is mentioned about weddings, so it would not allow that.

Kevin McFarlane, 478 Mask Rd. - Does the Town of Brooks have precedent over Fayette County regarding ordinances, or do they intertwine? Also, would the Sheriff be called if there was an incident?

Mayor Langford replied that the zoning ordinance takes precedence within the Town of Brooks. The Town contracts with Fayette County to do permitting and other things regarding buildings, but the Town's ordinances are enforced by the Town. M. Ungaro stated that he would have to be called to investigate if there was an incident.

Heather Burrell, 865 Hwy 85 Connector – Our house would be most directly impacted by the decisions made today. If she is approved, who will patrol it? What if she does things and asks for forgiveness later? Will something be specifically stated about what can and can't be done? M. Ungaro informed H. Burrell that her two-minute time had elapsed.

Stephanie Griffin, 118 E. Kelly Rd. - Expressed previous experiences renting an Airbnb and is concerned with noise complaints and strangers coming into our town. Since she is not living here, there is no accountability. Is there a requirement for a B&B? In addition, how do you prevent people from just coming in for a certain amount of time and drinking?

M. Ungaro stated we are not under Fayette County rules; we are a sovereign government, and we have our regulations in force within the corporate limits of Brooks. The B&B is allowed in residential and agricultural zoning, RA has a five-acre minimum lot requirement, and the property in question is 10.67 acres.

Joseph Medico, 246 Hwy 85 Connector – What would prevent someone from having a Sunday brunch, having reservations for ten people, and creating a restaurant? M. Ungaro replied nothing. M. Medico said there has been talk in the Town that restaurants are not allowed downtown, and now we are allowing it. M. Ungaro stated we allow restaurants. There is no prohibition for restaurants or businesses in Brooks.

Rhonda Cottell, 525 Grant Rd. - Will the conditional use permit go with the new owner? Can she sell it as a B&B? Mayor Langford replied "No" as it would expire as soon as her ownership expires. The new owner could apply for a conditional use permit.

Ankia Smith, 886 Highway 85 Connector – I have an Airbnb, and none of my neighbors know that I have one due to how I manage the Airbnb; there are great stipulations put in there if something were to happen, as I have to make sure I'm in town, or someone managing the property has to be on-site. If the applicant were to do a B&B, what are the requirements regarding issues happening on the property and for someone to be present to handle such issues? M. Ungaro stated that it is stipulated that it is owner-occupied or that you have an innkeeper.

Mayor Langford asked if there were any other public comments, and with none, Mayor Langford closed the public hearing at 6:55 p.m.

New Business:

Conditional Use Permit – 875 Hwy 85 Connector:

Mayor Langford said that since our Town Attorney is not present, perhaps our Town Manager, M. Ungaro, can answer the very definition of an owner-occupied residence even though the applicant doesn't meet the definition. M. Ungaro replied that the applicant is in Florida; she has her property for sale, and currently, she is not actively living on-site; her mother lives there. The recommendation was to allow the B&B facility, but it was written before a lot of this information came out, specifically not living in the state and specifically not living in Brooks, but it is certainly up to the Council to decide. With the applicant not here even with the stringent application requirement, you can either deny or delay your decision on the conditional use permit application.

Council Member S. Israel stated that two things are not being met; if we deny this, can she bring it up later? M. Ungaro stated that once you are denied, there is a twelve-month waiting period to reapply.

Council Member Todd Speer asked if we allow this conditional use permit to go through, could the Town revoke it at any time due to issues. M. Ungaro replied, "No," you've given your blessing; you may impose restrictions at the Council's will.

Mayor Langford asked if there were any other comments or questions from the Council, and with none, he asked if there was a motion regarding this.

Council Member Ted Britt asked if this should be tabled to provide her with an opportunity to answer questions. Everyone needs the benefit of the doubt; there could be a good reason why she is not here tonight.

M. Ungaro asked L. Spohr to read the email sent to M. Ungaro by Heather Delage stating why she would not be attending tonight's meeting.

Mayor Langford stated that he did not hear a motion with respect to the conditional use permit. Do we need a motion to deny the conditional use permit? Council Member Ted Britt motioned that the Town deny the conditional use permit, and Council Member Todd Speer seconded the motion. The vote was unanimous.

Zoning Ordinance Section 15 – Article 4 Article 4 “Abandonment of wrecked, junked, dismantled or inoperative motor vehicle, furniture, appliances, machinery or equipment.”

M. Ungaro reported that this ordinance requires action by the Mayor and Council to enforce.

Per section 15-4-02, Should the Town Council determine that any person is violating the terms of this section, the Mayor or Town clerk shall give the offending party five days' written notice within which to remove such vehicles, appliances, furniture, machinery, or equipment or parts.

This is not a staff function. It is for the Mayor and Council to do. A small number of vehicles fit the description of “wrecked, junked, dismantled, or in operative motor vehicles.” The request is for the Mayor and Council to authorize written notice to remove said vehicles or enclose them in a building.

Mayor Langford asked if vehicles were currently in violation, and M. Ungar replied, “Yes.”

M. Ungaro replied that we have vehicles with no tags. We have vehicles that have literally sat in the same space since 1999, with a window busted out and no tag on it. Also, we have items not being used for the intended purpose, such as a VW Bug used as a flowerpot, which is not what it was designed to be. M. Ungaro references additional specifications cited in the ordinance.

Mayor Langford asked if a motion was needed to enable M. Ungaro to send notices to the owners of the vehicles in question. M. Ungaro replied, "Yes."

Mayor Langford asked if there was such a motion. Council Member Brian Davis made a motion to enable the Mayor and Town Clerk to send notices regarding the vehicles in question; Kay Brumbelow seconded the motion. The vote was unanimous.

Proposal for New HVAC System for Brooks Library

L. Spohr reported that during the bi-annual maintenance service of all the Town HVAC units, it was determined that the Library HVAC unit needs to be repaired or replaced.

The current Library HVAC system has been in operation for over 19 years. The recent bi-annual service revealed a confirmed hit on the evaporator, with clear signs of leakage and heavy rusting on the bi-metal coil. Given the age of the unit and the frequency of freon replacements over the past two decades, there is a high risk of the compressor failing in the near future.

The estimate for replacing the horizontal evaporator coil is \$2,007, and the estimate for replacing the compressor is \$3,000. Three bids were sought for the Mayor and Council's consideration.

The quotes were based on a 2.5-ton 14 Seer unit. Each business that submitted a bid on the system has been in business between 13 and 27 years; they are all privately owned, part of the Fayette County Chamber, and have a minimum of 4.9-star reviews. Bid #1 was \$7,865, Bid #2 was \$7,150, and Bid #3 was \$8,791.

Mayor Langford asked L. Spohr if she had a recommendation; L. Spohr replied she preferred Bid #2, which was less expensive by \$700.00, but it was more important to go with Bid #1 due to the long-term relationship the Town has with Bidder #1.

Mayor Langford asked for a motion with respect to the bids; Council Member Brian Davis made a motion to approve Bid #1, as presented for \$7,865; Council Member Scott Israel seconded the motion. The vote was unanimous.

Committee Reports:

Mayor's Report: Mayor Langford said he would attend the upcoming Mayor's breakfast. These breakfasts allow the five Mayors to have face-to-face time with each other, which allows them to build relationships and friendships.

Planning and Zoning: M. Ungaro stated he had nothing new to report for February.

Recreation: D. Holliman was present and brought some guests with him to recognize. Chris Moody, VP of Brooks Recreation, and several players with up to 15 years of participation in BAR. Construction has begun, and BAR continues to focus on leaving a legacy. The latest items are new fencing on both fields, clearing the area to make it nicer, replacing infield grass, sprinkler systems,

and additional plans to make it more beautiful.

Library: K. Bradley reported that she continues to de-access old and outdated books. K. Bradley requested the approval to de-access 277 books with copyright dates ranging from 1976 to 2003, valued at \$423.16, and asked for the de-accession of a copier and laptop that have no value due to their age. Mayor Langford asked for a motion to approve the deaccession of the 277 library books. Council Member Todd Speer made a Motion to approve the deaccession of 277 books, and Council Member Scott Israel seconded the motion. The vote was unanimous in favor.

Town Clerk Report: L. Spohr reported attending the GMA municipal clerks and IIMC conference, which allowed her to attend and pass classes required to obtain her Certified Municipal Clerks certificate.

Finance Officer's Report: L. Spohr reviewed the February financials; LOST was at an increase versus February 2023. LOST YTD is at an increase of 4.89%. December's 2023 SPLOST was up 35.98% vs. the 2017 SPLOST of last year, and for YTD, the 2023 SPLOST is up 4.67% vs. the previous year's 2017 SPLOST. Sales Tax, Property Tax, and TAVT revenue are above budget expectations as of February 2023. Legal expenses are over budget by \$7,500, and Cemetery revenue is up by \$42k.

Town Manager Report:

Transportation: Thanks to Gov. Kemp and the Georgia General Assembly, the 2024 LMIG allocation for Brooks has been doubled. This is a one-time event due to state surplus dollars; an additional payment of approximately \$18,500 will be allocated for road improvements. There is no requirement for the regular 30% local match.

Brooks Rd./85 Connector Roundabout: The Town Engineer has submitted a request to proceed with an inclusive survey to establish existing conditions for the engineering design of the proposed improvements. The total cost would be \$19,500, paid from the 2017 SPLOST funds, and requires a motion to be approved by the Council.

Council Member Ted Britt asked why a roundabout was recommended. Have there been any fatalities? M. Ungaro replied, "No." The area is at an obtuse angle, and the Traffic Study conducted by Crescent View Engineering and Mallet Consulting recommends the roundabout.

Mayor Langford asked for a motion for the \$19,500 for the inclusive survey; Council Member Scott Israel made a motion to approve the expense of \$19,500 for the inclusive study, as presented; Council Member Kay Brumbelow seconded the motion. The vote was unanimous.

Stormwater: We are still waiting for a third proposal to repair the erosion damage at the cell tower site at Aubrey Evans Park. Hopefully, this can be voted on in April, and the work will be paid for with money from the Stormwater Fund.

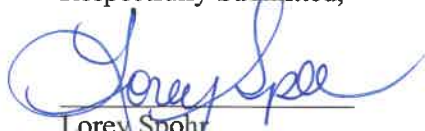
Municipal Summit: The Town Clerk and I participated in the 3rd annual Municipal Summit hosted by Peachtree City. The highlights included presentations by Chris Clark from the Georgia Chamber of Commerce and Stuart Countess, CEO of KIA Georgia.

Brooks Market: The first market of the season was a great success. It coincided with BAR's Opening Day parade and was well received by all. In addition, the Brooks Baptist Church had an open house with free activities and refreshments.

Any Other Business: None

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, and the Mayor accepted that as an acclamation at 7:42 p.m.

Respectfully Submitted,



Lorey Spohn
Town Clerk