**CITY OF COLBERT**

**SPECIAL CALLED MEETING**

**JANUARY 25, 2023 – 7 P.M.**

**Call to Order & Prayer**

**Pledge of Allegiance**

**Adoption of Special Called Meeting Agenda**

Motion to Adopt: Chris Peck; Seconded by Roger Fortson; all approved.

**Approval of January 9th Council Meeting Minutes**

Motion to Approve: Chris Peck; Seconded by Ray Thomas; all approved.

**Present:** Mayor Tim Wyatt, Councilmembers Chris Peck, Roger Fortson, and Ray Thomas. Attorney Dale Perry, Kerri-Lynn Phillips, Elisa Grimes, attached list.

**NO PUBLIC INPUT AT THIS TIME**

David Syfan attorney from Hulsey, Oliver, and Mahar, LLP visited with Dale Perry to explain the importance of updated zoning ordinances. Mr. Syfan specializes in municipality law and representation. Upon his review of the City’s current zoning ordinances, he stated that our ordinance was adopted in 1971, according to Municode and has not been amended in at least fifty years. He stated that zoning ordinances can protect the City from unwanted establishments such as a landfill or a medical incinerator that could disrupt the City’s environment. Mr. Syfan stated that he had presented the Council with a quote during 2022 for $8,000 plus expenses to re-draft the City’s zoning ordinance. When House Bill 1405 was passed in the State and House, the ‘Zoning Procedures Law,’ was revised. (Code Section 36-66-1)

In the revision, provisions related to judicial review of zoning decisions were added as well as additional notice and hearing provisions for changes to zoning ordinances. Mr. Syfan stated that he would honor his quote he provided in 2022, and that it was of utmost importance that the City update their zoning ordinance. Chris Peck made a motion to accept his services. Ray Thomas seconded the motion; all approved.

Dale Perry presented the Council with an updated meeting ordinance for the First Reading and reviewal. The Second Reading will be at the next scheduled Council Meeting.

**Department Assignments**

Mayor Pro Tem – Chris Peck

Fire Dept. Liaison – Tim Wyatt

Grass Cutting – Jonathan Pou

Streets & Lighting – Roger Fortson

Assisting Tony with Maintenance & Repairs – Ray Thomas

The Southern Gospel Showcase has requested use of the Auditorium not to begin before April 2023. Discussion was made about their intended purpose of performing two nights per month. Attorney Dale Perry asked questions, and the Council would like a representative to come to the next meeting to address his concerns.

**Updating of Bank Account Held at United Community Bank**

Chris Peck made a motion to remove Mrs. Ann Waggoner and Mrs. Vicky Smith from the Certificate of Deposit account held at United Community Bank, and update the account to reflect Chris Peck, Kerri-Lynn Phillips, and Elisa Grimes as signers. The motion was seconded by Roger Fortson; all approved.

**A & D Business License Application**

A business license application from A & D, a business partnership. was submitted to the City at the end of December. The business will be a vape shop, and sell vape products, CBD products, and vapor juices. The Council asked about the age of employees. The applicants were in attendance and stated that any employee would have to be at least aged twenty-one years old, however at this time they do not have any employees. Chris Peck made a motion to approve the business license. Ray Thomas seconded the motion; all approved.

**PUBLIC INPUT**

Nancy Starns, Elizabeth Fowler’s mother was in attendance to address water run-off concerns on Meadow Avenue. She stated that the pump at the bottom of the drain was not working and the ditch water was all the way up to her daughter’s front porch. She stated that her daughter began trying to get the City to fix the drainage issue in 2019. Mrs. Fowler hired a lawyer and was threatening litigation. The City engineer came out to look at the drain and presented her with two different options, neither of which she would agree to. Her reason for not agreeing with a proposal was that the engineer could not tell her the designated footage that an easement would require. Tony Mattox, Maintenance, stated that he had been to assess the problem with the drain. The pump was indeed working, however, the amount of rainfall received was more than the pump could handle. The pump does in fact function properly, but it only turns on when the level of water reaches a certain point. Mayor Tim Wyatt was also on scene and observed the standing water. Councilman Chris Peck stated that the water is only following its natural course, and the diversion of sending the water back up the alleyway would require pushing the water uphill. Back in 2019 when the problem was presented, Chris Peck was Mayor at that time and stated that he had made a very concise effort to come up with a plan; Ms. Fowler would not sign it. The road would need to be completely excavated, repacked, and resurfaced; if this route was taken, however, the water would still need somewhere to go. The alleyway is only twenty feet wide and was technically never designed for the amount of traffic it receives. Mrs. Starnes expressed concern over the City-suggested easement at which time Attorney Dale Perry explained the semantics of easements. She then suggested that the City just ‘trade easements’ with the property owner, Ms. Fowler. Mayor Tim Wyatt stated that whole area was considered to be in a flood zone.

**Garrett Paving Contract**

The City received an updated proposal from Garrett Paving Company to show a street-by-street total. The Mayor and Councilmembers will work aside Garrett to switch two streets from the bid to two other streets that are in more dire need of repairs.

**Shingle Bid for Log Cabin**

The City received a quote from Buck Hollow Sawmill for $2,625 for the replacement oak shingles to be put on the Log Cabin. Chris Peck made a motion to accept the bid. Ray Thomas seconded the motion; all approved.

**Road Signage and Flashing Street Light Signs**

A motion was made to table the issue of obtaining these products until a later date by Roger Fortson. The motion was seconded by Ray Thomas; all approved.

**Tree Trimming on Brookshire to be done by Tiller Services**

A motion was made to accept the $2,000 bid submitted by Tiller Services to remove and trim trees on Brookshire and Pinckard by Chris Peck. The motion was seconded by Roger Fortson; all approved.

**Department Reports**

Chris Peck, Mayor Pro Tem, stated that he had been in touch with Jason Smith to begin the clean-out of ditches as soon as the weather and his schedule permits. Ray Thomas stated that the beauty shop needed some gravel spread. Chris said that he would have Jason drop some there when he is coming by. Tony Mattox informed the Council that on Park Avenue there was additional damage to the street incurred by the heavy rainfall amounts recently received.

**Mayor Comments**

Check on an ordinance for cemetery markers in the new section of the cemetery. Dale encouraged the raising of cemetery lot pricing. Clerks will be checking around for other local pricing of cemetery lots to develop a possibly different fee scale. The need of an engine brake ordinance was also expressed. Mayor Tim Wyatt is also interested in contacting Piedmont Water Company to see if there may be a way to mobile monitor the City water system, which could allow there to be a faster response time to water leaks and/or emergencies. There are also several leaks in the building that houses City Hall. One roofing company has been out to assess the leaks and would make the repairs for to the lower end of the building’s ridge cap for $1,000. There is also a need of ‘No Truck’ signs for some City streets and avenues, as there has been large tractor trailer trucks using prohibited routes. The City will be also be accepting applications for an as needed or on-call maintenance position. Interested parties should contact City Hall for further information. In regards to an update on the 5th Avenue project, Jason Smith has ordered the materials and is still waiting on their arrival. There is also a culvert pipe that needs attention on 4th Street by the carwash. Mayor Tim Wyatt will be in contact with city engineer Mike Bledsoe with The Engineering Group to develop a course of action.

Next Scheduled Council Meeting: Monday, February 6, 2023 – 7 p.m.

Motion to adjourn made by Chris Peck and was seconded by Roger Fortson; all approved.