

CITY HALL
9615 Old Hwy. 43
P.O. Box 490
Creola, AL 36525-0490



MAYOR'S OFFICE
Phone 251-675-8142
Fax 251-930-1877

CITY OF CREOLA
Since 1978

MAYOR
Donald Nelson

CITY CLERK
Marcy Brown

CITY COUNCIL
Kendal Hadaway
Cody Chambless
Wendy Lynch
Harold Parmer
Mark Howell

MAGISTRATES
Linda Hoiles
Christie Bryant

Minutes of the City of Creola Council Meeting
Thursday, June 23, 2022
Creola City Hall
Meeting 6:00 P.M.

The Council of the City of Creola, Alabama, met in the Creola City Hall at 5:30 p.m. A workshop was held before the Council Meeting at 5:30 pm. Present at the meeting was Kendal Hadaway, Harold Parmer, Mark Howell, Mayor Nelson, and Wendy Lynch. Items that were discussed was the Fourth of July - final details, Resolution 0003-2022, Bridge Inspection - I 65 Service Road, South Creola Blvd – update, Signal Light - Highway 43 and Jackson, Ellison Avenue ditch work, Lister Dairy - new contractor. The meeting adjourned at 6:05 p.m.

The regular council meeting was called to order by Mayor Don Nelson at 6:05 p.m. We were led in prayer by James Brown. The Pledge of Allegiance was led by Mayor Nelson. Roll call was taken by City Clerk Marcy Brown. Present at the meeting was Kendal Hadaway, Harold Parmer, Mark Howell, Wendy Lynch, and Mayor Don Nelson. Cody Chambless was absent.

Item #5 -Approval of the Minutes – - The minutes of the June 9, 2022, regular meeting minutes were reviewed. Mr. Parmer made a motion to accept the minutes as written, with the change as noted. Mr. Howell seconded the motion. All in favor and the motion was carried.

Item #6- Financials/Bill List-

Mayor Nelson gave an update on the finances and bank balances. Mr. Hadaway made a motion to approve the financials of 06/23/22 as presented. Mr. Parmer seconded the motion. All in favor and the motion was carried.

Mr. Howell made a motion to approve the bill list dated 06/23/2022 as presented. Mr. Hadaway seconded the motion. All in favor and the motion was carried.

Item #7 - Departmental Reports –

Police Dept. – Chief Hammond said that he needed to attend the Chief of Police training July 31 – August 4. Mr. Howell made a motion to send Chief Hammond to the chief’s conference being held at Orange Beach, Al July 31 – August 4. Mr. Hadaway seconded the motion. All in favor and the motion was carried.

Mr. Howell stated that we are gong to be able to get police Tahoe’s from Orange Beach in the near future and they would be free. The computer board is in for the builder inspector’s truck. It will be installed on Friday, June 24, 2022.

Parts have been ordered for the new camera system being installed.

Sail Center – All things are going well.

Park Dept. – The park has been sprayed for mosquitoes and ants for the 4th of July celebration. All things are ready to host this event.

Fire Dept. – Chief Moye stated that Engine One needs a pump repaired, the packing is leaking.

Mr. Hadaway made a motion to authorize the purchase of a turnout gear that will replace the gear expiring in 2023, at an approximate cost of \$12,000, and it takes approximately 12 months to receive the gear. This will be paid for in 2023 from the LeMoyne Water fire fund account. Mr. Howell seconded the motion. All in favor and the motion was carried.

Mr. Howell made a motion to replace the defective hose on the Tower and Engine One truce in the amount of \$15,776. Mrs. Lynch seconded the motion. All in favor and the motion was carried.

Mr. Howell made a motion to make necessary repairs up to \$20,000 from the recovery money. Mr. Hadaway seconded the motion. All in favor and the motion was carried.

Public Works Department – Mr. Wayne is using the 3 interns from Citronelle High school for summer help. John Beech is still out until July 30 due to health issue. The potholes were being patched and trash being picked up, along with grass cutting. The summer help will end the last week of July.

Building Inspection Department – Nothing new to report.

Zoning Board – Mr. Chambers reported that subdivision wording was being worked on for family subdivision. The 20-year comprehensive plan was being worked on as well.

Item #8 - New Business-

a. **Resolution 003-2022** – After reading Resolution 003-2022 which was an agreement between Alabama Department of Transportation and City of Creola for the resurfacing of Dead

Lake Road, Mr. Howell made a motion to adopt Resolution 003-2022. Mr. Hadaway seconded the motion. All in favor and the motion was carried.

Item #9 - Mayors Comments –

South Creola Blvd had all required signature giving Ms. Ludgood the permission to go ahead with the paving.

Lister Dairy Road would have the hump in the road paved on Friday.

Race Way is in the process of bidding out the job for the construction of the new business.

Mayor Nelson stated that it was time for another bridge inspection coming up. Mr. Howell made a motion to approve using Safe Spann to do the inspection. Mr. Parmer seconded the motion. All in favor and the motion was carried.

Employee Derick McNamara approached the mayor and council about speaking to them in executive session but was directed to speak with Mayor at a later time after the council meeting.

Mayor Nelson stated that there was some arising controversy that needed to be discussed in executive session. We received a letter from the City of Satsuma and would be discussed with the city attorney.

Executive Session - Attorney Danny Mims read the following excerpt from Alabama Code 36-25A-7 regarding Executive sessions stating that they may be held by a governmental body only for the following purposes:

- (1) To discuss the general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees. However, except as provided elsewhere in this section, discussions of the job performance of specific public officials or specific public employees may not be discussed in executive session if the person is an elected or appointed public official, an appointed member of a state or local board or commission, or a public employee who is one of the classification of public employees required to file a statement of economic interests with the Alabama Ethics Commission pursuant to Section 36-25-14 . Except as provided elsewhere in this section, the salary, compensation, and job benefits of specific public officials or specific public employees may not be discussed in executive session.
- (2) When expressly allowed by federal law or state law, to consider the discipline or dismissal of, or to hear formal written complaints or charges brought against a public employee, a student at a public school or college, or an individual, corporation, partnership, or other legal entity subject to the regulation of the governmental body.
- (3) To discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action,


or to meet or confer with a mediator or arbitrator with respect to any litigation or decision concerning matters within the jurisdiction of the governmental body involving another party, group, or body. Prior to voting to convene an executive session under this exception the governmental body shall receive a written opinion or oral declaration reflected in the minutes from an attorney licensed to practice law in Alabama that this exception is applicable to the planned discussion. Such declaration shall not otherwise constitute a waiver of the attorney-client privilege. Notwithstanding the foregoing, if any deliberation begins among the members of the governmental body regarding what action to take relating to pending or threatened litigation based upon the advice of counsel, the executive session shall be concluded, and the deliberation shall be conducted in the open portion of the meeting or the deliberation shall cease.

(4) To discuss security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or other infrastructures, including, without limitation, information concerning critical infrastructure, as defined by federal law, and critical energy infrastructure information, as defined by federal law, the public disclosures of which could reasonably be expected to be detrimental to public safety or welfare. Provided, however, that when the discussion involves critical infrastructure or critical energy infrastructure information, the owners and operators of such infrastructure shall be given notice and an opportunity to attend the session.

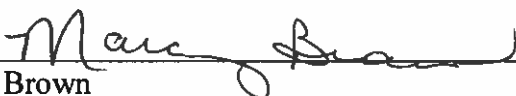
(5) To discuss information that would disclose the identity of an undercover law enforcement agent or informer or to discuss the criminal investigation of a person who is not a public official in which allegations or charges of specific criminal misconduct have been made or to discuss whether to file a criminal complaint. Provided, however, that prior to such discussions a law enforcement officer with authority to make an arrest or a district or assistant district attorney or the Attorney General or assistant attorney general shall advise the governmental body in writing or by oral declaration entered into the minutes that the discussions would imperil effective law enforcement if disclosed outside of an executive session.

Mr. Hadaway made a motion to leave the regular session and enter Executive session for purpose of discussing legal situation and then to adjourn after the executive session is over. Mr. Howell seconded the motion. All in favor and the motion was carried.

The meeting was adjourned at 6:45 p.m.



Don Nelson
Mayor



Marcy Brown
City Clerk