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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, April 13, 2023
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 Harold Parmer, Mark Howell, Wendy Lynch, and Mayor Nelson. Items that were discussed were the Fire Department ordinance, sprinkler plan, 4th of July Event, merit raises 2023, police department positions, GoMesa grant, air conditioner for police building, Officer Poole resignation, Fire Chief position, and Business License increase. The meeting adjourned at 6:00p.m.

The regular council meeting was called to order by Mayor Don Nelson at 6:00 p.m. We were led in prayer by Mr. Carl Walker. The Pledge of Allegiance was led by Mayor Don Nelson. Roll call was taken by City Clerk Marcy Brown. Present at the meeting was Mark Howell, Harold Parmer, Wendy Lynch, and Mayor Nelson. Kendal Hadaway and Cody Chambless were absent. City Attorney Danny Mims was also present.

Item #5 -Approval of the Minutes – - The minutes of the March 23, 2023, regular meeting minutes were reviewed. Mr. Howell made a motion to accept the minutes as written. Mr. Parmer 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. Howell made a motion to approve the bank balances as of 4/13/2023 as presented. Mr. Parmer seconded the motion. All in favor and the motion was carried.

Mr. Parmer made a motion to approve the bill list as of 4/12/2023 as presented. Mrs. Lynch seconded the motion. All in favor and the motion was carried.

Item #7 - Departmental Reports –

Police Dept. – Mr. Howell stated that the mayor of Orange Beach sent word that they were close to letting Creola have some of their better used police vehicles. All the vehicles that have been put on govdeals have been sold. Jackson Communications will be ready to begin installation of the first response equipment by the weekend. Chief Hammond stated that computer mounts for the police vehicles were needed, and they were around \$150 each.

Sail Center – The SAIL Center is needing the sinks and countertops in the kitchen replaced. They will be looking for someone to give estimates on the cost of upgrading.

Park Dept. – No report given.

Fire Dept. – Chief Moye stated that he was looking at a fire truck from Brindlee Mountain and would be getting information on this soon. One of the fire department volunteers was able to repair the jaws of life that the Orange Beach Fire department gave Creola. Chief Moye stated that it was time for the annual pump test.

Mr. Howell made a motion to approve the annual pump test for the fire department at a cost of \$1025. Mr. Parmer seconded the motion. All in favor and the motion was carried.

Public Works Department – A student from Citronelle High School was hired to help the street department during the summer.

Building Inspection Department – No report given.

Zoning Board – Zoning Board meeting will be meeting Tuesday night at the SAIL Center.

Item #8 - New Business-

- a. **Air Condition for Police Department** – After a lengthy discussion on what type of air system to install at the police department, Mr. Howell made a motion to approve option 1 from Mobile Heating and Cooling in the amount of \$6,640 going from a 2.5 to a 3-ton unit with a ten (10) year warranty. Mr. Parmer seconded the motion. All in favor and the motion was carried.
- b. **4th of July Celebration** – Mayor Nelson stated that he would be scheduling a community meeting for all of those wanting to participate in the celebration.
- c. **Fire Dept Ordinance** – After several meetings and discussions with city attorney Daniel Mims, Mr. Howell made a motion to adopt the new fire ordinance 2023-001. Mr. Parmer seconded the motion.
Roll Call: Mr. Hadaway – Absent; Mr. Chambless – Absent; Mr. Howell – Yes; Mr. Parmer – Yes; Mrs. Lynch – Yes; Mayor Nelson – Yes. Motion passed.

- d. **Sprinkler System Plan**– Mrs. Lynch made a motion to approve the sprinkler system, to be purchased from Site One Landscaping, for the Veterans Memorial at a cost of \$668.40. Mr. Parmer seconded the motion. All in favor and the motion was carried.
- e. **Go Mesa Grant** – This grant was submitted for approval for the creation of a bear and wildlife habitat.
- f. **Update Business License** – After a discussion regarding raising our business license rates, since it's been about 15 years since we've seen an increase, Mr. Howell made a motion to introduce the updated business license 2023-002. Mrs. Lynch seconded the motion. All in favor and the motion was carried.
- g. **Officer Gavin Poole Resignation** – Mr. Howell made a motion to accept the resignation of Officer Gavin Poole effective April 21, 2023. Mr. Parmer seconded the motion. All in favor and the motion was carried.
- h. **Chief of Police Raise** – Mr. Howell made a motion to raise Chief Hammond's rate of pay to \$37,000 per year as a cost of living raise for the retirees from the RSA. Mr. Parmer seconded the motion. All in favor and the motion was carried.
- i. **Police Chief Contract** - Mr. Howell made a motion to rewrite the police chief contract to reflect the increase to \$37,000 per year. Mr. Parmer seconded the motion. All in favor and the motion was carried.

Item #9 - Citizens to Address Council –

Item #10 - Mayors Comments – Mayor Nelson reminded everyone to complete the Statement of Economic Interests by April 30, 2023. Mayor Nelson gave each council member a pay chart for them to study for possible COLA or merit raises for all employees. The council discussed giving COLA raises every June 1 if the city had the funds. The mayor asked the council to look at it and possibly be 2.5 – 5 % increase.

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

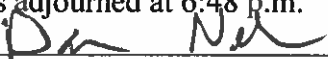
at a public school or college, or an individual, corporation, partnership, or other legal entity subject to the regulation of the governmental body.

(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 or not 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. Parmer made a motion to leave the regular session and enter the Executive session for the purpose of discussing an employee 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 6:48 p.m.



Don Nelson
Mayor



Marcy Brown
City Clerk