

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, April 27, 2023
Creola City Hall
Meeting 6:00 P.M.

The regular council meeting was called to order by Mayor Don Nelson at 6:15 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, Kendal Hadaway, and Mayor Nelson. Wendy Lynch and Cody Chambless were absent. City Attorney Danny Mims was also present.

Item #5 -Approval of the Minutes - - The minutes of the April 13, 2023, regular meeting minutes were reviewed. Mr. Parmer made a motion to accept the minutes as written. 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. Howell made a motion to approve the bank balances as of 4/27/2023 as presented. Mr. Hadaway seconded the motion. All in favor and the motion was carried.

Mr. Howell made a motion to approve the bill list as of 4/27/2023 as presented. Mr. Parmer seconded the motion. All in favor and the motion was carried.

Item #7 - Departmental Reports -

Police Dept. - Chief Hammond stated that the 2023 Tahoe lighting was completed, and we would be going to pick up and drop off the second 2023 Tahoe to be outfitted with the safety lights. After an incident on Creax Road, the Chief would like to know where Saraland City limits are so that he could determine where Creola city limits end and start. Mr. Moss would be getting us a map from 911 to help answer those questions.

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. – Nick, Alabama Power Plant Manager, is working on getting the park some conveyor belt material for the batting bag. The 4th of July meeting will be held after the May 25 meeting to discuss the community event. Snacks will be provided.

Fire Dept. – Chief Moyer stated that he would be having the fire extinguishers serviced and replaced, if necessary, at the fire department. A quote was received for servicing the trucks at a rate of \$1850 per truck and 3 trucks need serviced.

Mr. Hadaway made a motion to service the three (3) fire trucks at a cost of \$5550. Mr. Howell seconded the motion. All in favor and the motion was carried.

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 – Three (3) students from Citronelle High School were hired to help the street department during the summer. They will begin once school is finished.

Building Inspection Department – No report given.

Zoning Board – Zoning Board met and subdivided some property owned by John Goodlowe so that a new business could be established.

Item #8 - New Business-

- a. **Fire Dept ByLaws** – Once the fire department discusses and approves the new bylaws they will be presented to the mayor and council for approval.
- b. **COLA Raise** – After a discussion, Mr. Howell made a motion to give a COLA (Cost of Living Adjustment) raise in the amount of 5% effective June 1, 2023. This will be for all employees and will be reviewed annually. Mr. Parmer seconded the motion.
Roll Call: Mr. Hadaway – Yes; Mr. Howell – Yes; Mr. Parmer – Yes; Mayor Nelson – Yes. All in favor and the motion was carried. Mrs. Lynch and Mr. Chambless were absent.
- c. **2023 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 approve the updated business license 2023-002. Mr. Hadaway seconded the motion. All in favor and the motion was carried.

Item #9 - Citizens to Address Council –

Item #10 - Mayors Comments –

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. Howell 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. Hadaway seconded the motion. All in favor and the motion was carried. The meeting was adjourned at 7:31 p.m.



Don Nelson
Mayor



Marcy Brown
City Clerk