

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



**CITY OF CREOLA**  
Since 1978

**MAYOR'S OFFICE**  
Phone 251-675-8142  
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**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, February 28, 2021**  
**Creola City Hall**  
**Meeting 6:00 P.M.**

The Council of the City of Creola, Alabama, met in the Creola SAIL Center at 5:30 p.m. A Public Hearing was held before the Council Meeting, from 5:30-6:00pm. Present at the meeting was Mayor Nelson, Wendy Lynch, Harold Parmer, Kendal Hadaway, Mark Howell, and Marcy Brown, City Clerk. Cody Chambless was absent. Mayor Nelson opened the public hearing to the public for comments; however, no one was present. Mayor Nelson closed the public hearing at 6:00 p.m.

The regular council meeting was called to order by Mayor Nelson at 6:00 p.m. We were led in prayer by Mr. Bill Chambers. The Pledge of Allegiance was led by Mayor Nelson.

Roll call was taken by Marcy Brown. Present at the meeting was Mayor Nelson, Wendy Lynch, Harold Parmer, Kendal Hadaway, Mark Howell, and Marcy Brown, City Clerk. Cody Chambless was absent. Danny Mims, City Attorney, was also present.

**Item #5 -Approval of the Minutes –**

The minutes of the February 11, 2021 meeting were reviewed. A motion was made by Mr. Howell to accept the minutes of January 28, 2021. The motion was seconded by Mr. Parmer. All in favor and the motion was carried.

**Item #6- Financials-**

The financials were discussed. If any would like to see the reports, they are welcome to stop by the city hall. Bank balances were presented. Mayor Nelson pointed out that there was over \$378,000 in all bank accounts and that our bill list has shrunk considerably. Mr. Hadaway made

a motion to accept the financials as presented. Mrs. Lynch seconded the motion. All in favor and the motion was carried.

**Item #7- Bill List-**

Mr. Hadaway made a motion to accept the bill list and financials as presented. Mrs. Lynch seconded the motion. All in favor and the motion was carried.

**Item #8 - Departmental Reports –**

**Police Dept.-** Mr. Howell informed the council that we had received the new 2015 Chevy Tahoe from the City of Jackson. The city traded some guns and added a check for \$850 in the trade. It needs the hood painted as well as new brakes and pads.

Mr. Howell made a motion to purchase automobile paint to paint the hood on the Chevy Tahoe. Mr. Hadaway seconded the motion. All in favor and the motion was carried.

Mayor Nelson pointed out that doing the online officer training, that was approved during the last council meeting, is saving us thousands of dollars.

Mr. Howell wanted to thank the police department for the escort they provided for a funeral.

**Fire Dept. –** There was a house fire caused by a car exploding under the carport. Due to quick response, the fire was put out and house was saved. The volunteer fire membership has grown and continues to grow.

**Park Dept. – Wiring of Pump –** The park has run short on the grant funds for the upgrading of the park and needs approximately \$550 to complete the electrical wiring of the pump for the well. Mr. Howell made a motion to approve Pike Electric to complete the wiring at a cost of \$550. Mr. Parmer seconded the motion. All in favor and the motion was carried.

**SAIL Center Dept –** Mrs. Lynch stated that Mr. Frank Boles has almost completed the painting of the SAIL Center. A cleaner was purchased to clean the awning and the Public Works dept will use it in the near future.

**Zoning Board –** Mr. Chambers thanked the mayor and council for supporting the zoning board. Gave an update on the RaceTrack project. A subcommittee was formed for the preapplication process to help speed things along.

**Public Works Department –** 25 bags of asphalt have been purchased to fill in the potholes. Mayor directed the Police Chief to stop the concrete trucks that are overloading their trucks and causing more damage to the roads. Mayor Nelson stated that he may send out a letter to all citizens in Creola regarding that we was going to have a cleanup day in our city.

**Item #9-New Business-**

- a. **Amendment of Zoning Ordinance** – The amendment of the Zoning ordinance was introduced. Danny Mims, city attorney, was going to check on the posting to make sure that all requirements were met.
- b. **Resolution 02-2021** – After discussion was made regarding the Resolution 02-2021 requesting an opinion of the Attorney General, Mr. Mims stated that in his opinion, there were no violations committed during the mayor and council pay schedule passed in November 2020. Due to this, the council decided not to pursue any further actions.
- c. **SAIL Center Bank Acct.** – Mr. Parmer made a motion to add Freida Whisenhunt as a signer to the new BB & T SAIL Center fund. Mrs. Lynch seconded the motion. All in favor and the motion was carried.
- d. **Voting Delegate Authorization for ALM Conference** – Mr. Hadaway made a motion to make Mr. Howell 1<sup>st</sup> alternate at the league convention. Mrs. Lynch seconded the motion. All in favor and the motion was carried.

Mr. Hadaway made a motion to make Mr. Parmer 2<sup>nd</sup> alternate at the league convention. Mrs. Lynch seconded the motion. All in favor and the motion was carried.

#### **Item #10 Old Business -**

- a. **BB&T Viewing Permission** – Mr. Howell made a motion to give Mrs. Wendy Lynch viewing permission for the bank accounts at BB&T. Mr. Parmer seconded the motion. All in favor and the motion was carried.

#### **Item #11 Mayors Comments**

Mayor stated that while we paid the bill to Eady Contractors for the debris removal, we will be getting it refunded once our FEMA claim is funded. Mr. Kirby Latham is working with the city on possibly paving Brown road, and he wants to get a few bids on replacing the culvert and cost of paving. Mayor Nelson reminded the council about getting their Statement of Economic Interest completed. The city has made a request to ADEM for a public hearing on the landfill expansion of EcoSouth.

#### **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 Executive session for purpose of discussing pending litigation against the city and a former 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 7:20 p.m.

*Don Nelson*

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Don Nelson  
Mayor

*Marcy Brown*

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Marcy Brown  
City Clerk