

CITY HALL
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MAYOR'S OFFICE
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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 8, 2021
Creola City Hall
Meeting 6:00 P.M.

Workshop Items: The financials, Tindal Driveway, Safe Span, Repairs to the park restroom, ARSEA Resolution and city hall hours was discussed. The meeting was adjourned 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. Carl Walker. 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, Cody Chambless, Harold Parmer, Mark Howell, and Marcy Brown, City Clerk. Kendal Hadaway was absent.

Item #5 -Approval of the Minutes –

The minutes of the March 25, 2021 meeting were reviewed. A motion was made by Mr. Howell to accept the minutes of March 11, 2021. The motion was seconded by Mr. Parmer. All in favor and the motion was carried.

Item #6- Financials/Bill List-

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

Item #7 - Departmental Reports –

Police Dept.- The police department was going to get bids on the stripping and waxing of the floors in the police station. Prices were also being gathered on purchasing polo shirts for the PD. Building inspector, Davis Moss, installed the GFI's in the PD as well as the public works building.

Fire Dept. – Fire Chief Moye stated that he was waiting on some quotes for some repairs on the equipment. He also stated that there were some items that needs to be surplused such as wave runner, and brush truck.

Park Dept. – No report

SAIL Center Dept – All is good. The parking lot was striped, and power washed.

Zoning Board –There will be a public hearing at the next meeting scheduled for April 20, 2021 for the rezoning of property.

David Moss is our new building inspector and is doing an outstanding job.

Public Works Department – Working on cutting grass, putting out asphalt, and picking up trash.

Item #9-New Business-

- a. **Tindell Driveway –** Mr. Howell made a motion to grant Mr. Tindell permission to lengthen his driveway pending that he puts it back together the right way. Mrs. Lynch seconded the motion. All in favor and the motion was carried.
- b. **Safe Span –** Mr. Howell made a motion to move ahead with the bridge and culvert inspections by Safe Spann at a cost of \$8,400. Mr. Parmer seconded the motion. All in favor and the motion was carried.
- c. **Repairs to Park Restroom –** Discussion was made on the repairs needed to the older park restrooms. Information will be gathered to see if they can be repaired and discussed at the next meeting.
- d. **ARSEA/APEAL RESOLUTION –** Discussion was made as to whether we should adopt the resolution allowing Tier 2 employees to enter the Tier 1 Retirement Systems of Alabama. Mr. Howell made a motion to NOT accept the adoption of the ARSEA/APEAL Resolution. Mr. Parmer seconded the motion. All in favor and the motion was carried.
- e. **Mobile County Purchasing Agreement –** Mayor Nelson mentioned that we received the Mobile County Joint Purchasing Agreement allowing us to get the state bids through this agreement.
- f. **Road Repair Bid at Truck Terminal –** Mr. Parmer made a motion to accept the bid of Bay Area Contracting for ASPHALT OVERLAY for L & B Transport for \$16,700.00. Mrs. Lynch seconded the motion. All in favor and the motion was carried.
- g. **Change in May council meeting –** Mr. Chambless made a motion to move the 1st council meeting in May to May 11th due to the League Convention meeting being in Huntsville from May 12th – May 15th. Mr. Howell seconded the meeting. All in favor and the motion was carried.

Item #10 Old Business – City Hall Hours – Discussion is still being made on whether to change the city hall hours.

Item #11 Mayors Comments

Mayor stated that we have reached out the Choctaw Nation to see if they will grant us permission, after the fact, so that we can get FEMA approval. We are hopeful that this will work in our favor.

Executive Session –

Attorney Teresa Williams read the following exert 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. Parmer seconded the motion. Roll Call: Mayor Nelson Yes, Wendy Lynch - Yes, Harold Parmer - Yes, Kendal Hadaway – Absent, Mark Howell - Yes, Cody Chambless – Yes.

All in favor and the motion was carried. The meeting was adjourned at 7:20 p.m.



Don Nelson
Mayor



Marcy Brown
City Clerk