

City of Ashville
Council Meeting
January 19, 2023 @ 6:00 PM

Mayor Derrick Mostella called the Council meeting to order at 6:00 pm on Thursday, January 19, 2023.

Mayor Derrick Mostella, Councilmembers Robin Bowlin, Edward Roscoe Lane, Sue Price, and Shirley Smith, were present. Councilmember Denise Williams was absent.

Mayor Derrick Mostella asked for a motion to approve the final meeting agenda. Councilmember Shirley Smith made a motion to approve the final meeting agenda; Councilmember Sue Price seconded the motion; all Councilmembers voted yes; motion approved.

Mayor Derrick Mostella asked for a motion to approve the minutes from the January 5, 2023, Council Meeting. Councilmember Sue Price made a motion to approve the minutes from the January 5, 2023, meeting; Councilmember Shirley Smith seconded the motion; all councilmembers voted yes, motion approved.

Mayor Derrick Mostella opened the Public Hearing for Public Comments at 6:04 regarding the Phor Foam Economic Development project. Don Smith with the St. Clair EDC stated that the EDC recommends the project as it will be beneficial to the community, create new jobs, taxes and industry. No other comments were made by the public. Mayor Mostella closed the public hearing at 6:05pm.

Mayor Derrick Mostella asked for a motion to approve Resolution 2023-001 Phor Foam Certificate of Indebtedness. Councilmember Sue Price made a motion to approve Resolution 2023-001 Phor Foam Certificate of Indebtedness. Councilmember Robin Bowlin seconded the motion; all councilmembers voted yes; motion approved.

Mayor Derrick Mostella asked for a motion to approve Resolution 2023-002 Phor Foam Development Agreement. Councilmember Sue Price made a motion to approve Resolution 2023-002 Phor Foam Development Agreement. Councilmember Robin Bowlin seconded the motion; all councilmembers voted yes; motion approved.

Mayor Derrick Mostella opened the Public Hearing for Public Comments at 6:08pm regarding the Rezone of Property by James & Beverly Wilkins (Parcel 05-07-26-0-0001-026.008). No comments were made by the public. Mayor Mostella closed the public hearing at 6:09pm.

Mayor Derrick Mostella asked for a motion to suspend the rules of order to consider Ordinance 2023-002 Rezone Parcel 05-07-26-0-001-026.008 from B1 to R1MH. Councilmember Robin Bowlin made a motion to suspend the rules of order to consider Ordinance 2023-002 Rezone Parcel 05-07-26-0-001-026.008 from B1 to R1MH. Councilmember Sue Price seconded the motion; In a roll call vote, Councilmember Shirley Smith

voted yes, Councilmember Sue Price voted yes, Mayor Derrick Mostella voted yes, Councilmember Robin Bowlin voted yes, Councilmember Edward Roscoe Lane voted yes; motion approved.

Mayor Derrick Mostella asked for a motion to approve consider Ordinance 2023-002 Rezone Parcel 05-07-26-0-001-026.008 from B1 to R1MH. Councilmember Edward Roscoe Lane made a motion to approve consider Ordinance 2023-002 Rezone Parcel 05-07-26-0-001-026.008 from B1 to R1MH. Councilmember Robin Bowlin seconded the motion; all councilmembers voted yes; motion approved.

Mayor Derrick Mostella asked for a motion to suspend the rules of order to consider Ordinance 2023-001 Rental of Senior Center & Council Chambers. Councilmember Robin Bowlin made a motion to suspend the rules of order to consider Ordinance 2023-001 Rental of Senior Center & Council Chambers. Councilmember Edward Roscoe Lane seconded the motion; In a roll call vote, Councilmember Shirley Smith voted yes, Councilmember Sue Price voted yes, Mayor Derrick Mostella voted yes, Councilmember Robin Bowlin voted yes, Councilmember Edward Roscoe Lane voted yes; motion approved.

Mayor Derrick Mostella asked for a motion to approve consider Ordinance 2023-001 Rental of Senior Center & Council Chambers. Councilmember Sue Price made a motion to approve consider Ordinance 2023-001 Rental of Senior Center & Council Chambers. Councilmember Shirley Smith seconded the motion; all councilmembers voted yes; motion approved.

Mayor Mostella asked for a motion to approve the RPCGB Grant Administration costs of \$16,106 for LWCF Grant Administration & allow the mayor to enter into the contract. Attorney Joel Watson stated his office reviewed the contract and as this is a contract for professional services it is exempted from the bid law. Councilmember Edward Roscoe Lane made a motion to approve the RPCGB Grant Administration costs of \$16,106 for LWCF Grant Administration & allow the mayor to enter into the contract. Councilmember Robin Bowlin seconded the motion; all Councilmembers voted yes; motion approved.

Business owners Holli Smith and Heather Warren were present to request the Council's approval to sell wine and beer at their new business, Lala's, located at 140 6th Ave, Ashville. Mayor Mostella asked for a motion to approve the request for Lala's to sell wine and beer at their location of 140 6th Ave., Ashville. Councilmember Robin Bowlin made a motion to approve the request for Lala's to sell wine and beer at their location of 140 6th Ave. Councilmember Sue Price seconded the motion; all councilmembers voted yes; motion approved.

Business owner Suresh Kumar Patel was present to request the Council's approval to sell tobacco, beer, alcohol, electronic cigarette, smokeless tobacco, cigarettes, and wine at Ashville, LLC DBA Food Mart located at 35 Court Street W. Mayor Mostella asked for a motion to approve the request to sell tobacco, beer, alcohol, electronic cigarette, smokeless tobacco, cigarettes, and wine at Ashville, LLC DBA Food Mart located at 35 Court Street W. Councilmember Robin Bowlin made a motion to approve the request sell tobacco, beer, alcohol, electronic cigarette, smokeless tobacco, cigarettes, and wine at Ashville, LLC DBA Food Mart located at 35 Court Street W. Councilmember Shirley Smith seconded the motion; all councilmembers voted yes; motion approved.

Mayor Derrick Mostella asked for a motion to pay the bills due. Councilmember Sue Price motion to approve the bills due. Councilmember Shirley Smith seconded the motion, all Councilmembers voted yes; motion approved.

City Attorney Joel Watson advised the council and public that it was his understanding that the Mayor and Council were considering going into an executive session for the purpose of discussing the sale of real property. He further stated that there are certain requirements that must be met in order for the Mayor and Council to go into executive session. The purpose for the executive session must be one allowed under the code, which in this case was to discuss the consideration the City is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. The public must be advised of the anticipated time that the Mayor and Council will remain in executive session, which in this case was approximately 5-10 minutes. The public must also be advised of the whether the Mayor and Council will reconvene the public meeting following the executive session and whether they anticipate taking any action when they return to the public meeting, which in this case the Mayor and Council anticipated returning to the public meeting and may take action on an agreement for the sale of real property. The Mayor and Council were also informed that they would be provided a letter outlining these requirements and Attorney Watson's opinion that the issue to be discussed qualified for executive session under the code. Finally, the Mayor and Council were advised that if they desired to enter an executive session there must be a motion including the information required, a second to that motion, and roll call vote in the affirmative.

Mayor Mostella asked for a motion to enter into executive session based on the information outlined by the City's Attorney. Councilmember Sue Price made a motion to enter executive session based on the information outlined by the City's Attorney. Councilmember Edward Roscoe Lane seconded the motion; Councilmember Shirley Smith votes yes, Councilmember Sue Price votes yes, Mayor Derrick Mostella votes yes, Councilmember Robin Bowlin votes yes, and Councilmember Edward Roscoe Lane votes yes; motion unanimously approved. The Council convened for executive session at 6:22pm and returned at 6:29pm.

Mayor Derrick Mostella asked for a motion to suspend the rules of order to consider Ordinance 2023-003 Sale of Real Property. Councilmember Sue Price made a motion to suspend the rules of order to consider Ordinance 2023-003 Sale of Real Property. Councilmember Shirley Smith seconded the motion; In a roll call vote, Councilmember Shirley Smith voted yes, Councilmember Sue Price voted yes, Mayor Derrick Mostella voted yes, Councilmember Robin Bowlin voted yes, Councilmember Edward Roscoe Lane voted yes; motion approved.

Mayor Derrick Mostella asked for a motion to approve consider Ordinance 2023-003 Sale of Real Property. Councilmember Shirley Smith made a motion to approve consider Ordinance 2023-003 Sale of Real Property. Councilmember Robin Bowlin seconded the motion; all councilmembers voted yes; motion approved.

Announcements:

- The next City Council meeting will be Monday, February 6, 2023. Work session begins at 5:30pm and the council meeting begins at 6pm
- City Hall will be closed Monday, February 20, 2023 for the Presidents Day Holiday

Mayor Derrick Mostella asked for a motion to adjourn. Councilmember Sue Price made a motion to adjourn; Councilmember Edward Roscoe Lane seconded the motion; all Councilmembers voted yes, motion approved. Meeting adjourned.

Derrick Mostella, Mayor

Chrystal St. John, City Clerk