

**MINUTES OF REGULAR COUNCIL MEETING
TOWN HALL MEETING ROOM
112 W. ALABAMA AVE.
VIVIAN, LOUISIANA
MONDAY, DECEMBER 9, 2019
6:00 PM**

CALL TO ORDER – Mayor Festavan called the meeting to order at 6:00 p.m.

INVOCATION – Rev. Ricky Jeane, Vivian United Pentecostal Church Pastor, opened the meeting in prayer.

PLEDGE – Mayor Festavan led all present in the Pledge of Allegiance.

ROLL CALL - VERIFICATION OF QUORUM – Board of Aldermen present for Roll Call were James Martin, Denise Alexander, Michael Guthrie, Raymond Williams and Angela Channell. Following Roll Call the Town Clerk verified that a quorum was present.

Also present were other elected officials/staff members: Ronnie Festavan - Mayor, Kellie Morris - Town Clerk, Douglas Dominick - Town Attorney, Bobby Smith - Zoning & Condemnation Officer, Kevin Hartzo - Public Works Director and Annette Lewis - Environmental Services Coordinator.

AMEND AGENDA – Mayor Festavan informed all present that Agenda item # 12 (Hiring of Police Dispatcher) needed to be removed from the Agenda. Motion to amend the Agenda was made by Angela Channell, second by Denise Alexander; all approved.

APPROVE AGENDA – Motion to approve the amended Agenda was made by Denise Alexander, second by Michael Guthrie; all approved.

1. SCHOOL ANNOUNCEMENTS – Mr. Cunningham, North Caddo ELEMENTARY-MIDDLE School Principal, was present to introduce the Students of the Year; 5th grader Lucy Loftin and 8th grader Annalyse Jeane. Angela Channell, North Caddo Magnet HIGH School Counselor, made the following announcements; **1)** Christmas at North Caddo was that evening until 7:00 and **2)** The North Caddo ‘A’ Celebration would be held on Friday, December 13 at 1:30 and everyone was invited to attend. Ms. Channell also introduced the December Students of the Month; 9th grader Shannon

High, 10th grader Olivia Stringham, 11th grader Kayelyn Hammock and 12th grader Angel Peace.

2. **PUBLIC COMMENTS** – There were none.

3. **MONTHLY FINANCIAL REPORT** – Financial report including budget-to-actual comparisons was presented by Mayor Festavan. Following the report and discussion, motion to accept as presented was made by Denise Alexander, second by James Martin; all approved.

4. **APPROVAL OF MINUTES** – Motion to approve the minutes together in globo, as a unit, for the November 11 regular meeting AND the December 4 special called meeting was made by Angela Channell, second by Raymond Williams; all approved.

5. **APPROVAL OF MINUTES** – Motion to accept and approve the minutes for the November 11 regular meeting AND the December 4 special called meeting as presented was made by Angela Channell, second by Michael Guthrie; all approved.

6. **PUBLIC HEARING ON ORDINANCE # 729 OF 2019 OF THE TOWN OF VIVIAN, LOUISIANA** - AN ORDINANCE DECLARING CERTAIN ADJUDICATED PROPERTIES TO BE SURPLUS AND AUTHORIZE THE TOWN TAX COLLECTOR, OR A DESIGNEE, TO SELL THE TOWN OF VIVIAN'S TAX INTEREST IN CERTAIN SURPLUS ADJUDICATED PROPERTIES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO, SAID PROPERTY BEING DESCRIBED AS FOLLOWS; Lots 40 & 41, Plainview Subdivision, Town of Vivian, Caddo Parish Louisiana geographical number 221635–001–0040–00. Mayor Festavan opened the public hearing for comments FOR or AGAINST the Ordinance; none were made. He then declared the public hearing closed.

7. **THE BOARD OF ALDERMEN WILL CONSIDER THE FINAL ADOPTION OF ORDINANCE # 729 OF THE TOWN OF VIVIAN, LOUISIANA** - DECLARING CERTAIN ADJUDICATED PROPERTIES TO BE SURPLUS AND AUTHORIZE THE TOWN TAX COLLECTOR, OR A DESIGNEE, TO SELL THE TOWN OF VIVIAN'S TAX INTEREST IN CERTAIN SURPLUS ADJUDICATED PROPERTIES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO. Motion was made by Raymond Williams, second by Denise Alexander; all approved.

8. INTRODUCTION OF ORDINANCE # 730 OF 2019 OF THE TOWN OF VIVIAN, LOUISIANA - AN ORDINANCE AMENDING AN ORDINANCE ADOPTED ON JUNE 14, 1977, AS AMENDED BY ORDINANCE ADOPTED ON JANUARY 10, 2005, LEVYING A TAX OF ONE-HALF OF ONE PERCENT ($\frac{1}{2}\%$) UPON THE SALE AT RETAIL, THE LEASE OR RENTAL, THE CONSUMPTION AND STORAGE FOR USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY AND ON SALES OF SERVICES, AND PROVIDING FOR OTHER RELATED MATTERS. There will be a public hearing prior to the adoption of Ordinance # 730 at the Regular Council Meeting at 6:00 p.m. on January 13, 2020 at the Vivian Town Hall, located at 112 W. Alabama Ave. in Vivian, Louisiana.

9. THE BOARD OF ALDERMEN WILL CONSIDER THE ADOPTION OF RESOLUTION # 21 OF 2019 OF THE TOWN OF VIVIAN, LOUISIANA - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT (LA DOTD) FOR IMPROVEMENTS AT THE VIVIAN AIRPORT; Obstruction removal – Phase I (Runway 9 and 27 Approaches). Motion to adopt was made by Angela Channell, second by James Martin; all approved.

10. THE BOARD OF ALDERMEN WILL CONSIDER THE ADOPTION OF RESOLUTION # 22 OF 2019 OF THE TOWN OF VIVIAN, LOUISIANA - PROVIDING FOR CANVASSING THE RETURNS AND DECLARING THE RESULT OF THE SPECIAL ELECTION HELD IN THE TOWN OF VIVIAN, STATE LOUISIANA, ON SATURDAY, OCTOBER 12, 2019 TO AUTHORIZE THE REDEDICATION OF A SALES AND USE TAX THEREIN. Motion to adopt was made by Denise Alexander, second by Michael Guthrie; all approved.

11. THE BOARD OF ALDERMEN WILL CONSIDER THE ADOPTION OF RESOLUTION # 23 OF 2019 OF THE TOWN OF VIVIAN, LOUISIANA - A RESOLUTION AWARDED THE LCDBG CONTRACT # 2000434387 FOR SEWER IMPROVEMENTS TO YOR-WIC CONSTRUCTION CO., INC. CONTINGENT UPON LCDBG REQUIREMENTS AND APPROVAL. IN THE BASE BID AMOUNT OF \$439,125.00. This resolution also authorizes the Mayor to sign all documents pertaining to this project. Motion to adopt was made by James Martin, second by Angela Channell; all approved.

12. **HIRING OF POLICE DISPATCHER** – This item was removed from the Agenda; no action taken.

13. **THE BOARD OF ALDERMEN WILL CONSIDER THE REQUEST BY THE TOBACCO HOUSE TO ISSUE A PERMIT TO ALLOW THE PACKAGE SALE OF LOW CONTENT ALCOHOL ON ITS PREMISES LOCATED AT 707 SOUTH PINE STREET, VIVIAN, LOUISIANA** – *This is being considered by the Board of Aldermen due to the fact that the Town Ordinance has a provision that states:* “No permit shall be granted for any premises situated within three hundred (300) feet of any public playground or of a building used exclusively as a church, synagogue, public library or school. The measurement of this distance shall be made from the nearest point of the property line of the church, library or school to the nearest point of the property line of the premises to be licensed.” The Board of Aldermen will determine whether or not the Fellowship Hall/Youth Center Building of the Emanuel Baptist Church falls into the category of being defined as a building “which the usual and ordinary activities incident to the church” are carried on, and if so, whether or not to issue the permit unto the Tobacco House. Mayor Festavan opened the public hearing for comments FOR or AGAINST issuing the Permit. Ms. Rhonda Earhart of Shreveport, Louisiana and Mr. Sam Curry of Vivian, Louisiana were present to speak FOR issuing the permit. There were no comments AGAINST issuing the permit. Mayor Festavan then declared the public hearing closed. Motion to issue the Tobacco House a permit to allow the package sale of low content alcohol was made by Denise Alexander, second by James Martin. The vote recorded was Ayes - 4; Nays - 1; Motion passed.

14. **ZONING VARIANCE HEARING** – THE BOARD OF ALDERMEN WILL CONSIDER ISSUING A VARIANCE; To allow mobile homes to be placed at each of the following 3 (three) addresses: **1)** 14635 Old Atlanta Rd., Case # 462 **2)** 403 W. Nevada Ave., Case # 475 and **3)** 218 N. Pecan St., Case # 489. Mr. Bobby Smith, Zoning & Condemnation Officer was present and spoke on behalf of each of the 3 (three) cases. Ms. Amy Schichner of 14651 Old Atlanta Road in Vivian was present to speak AGAINST issuing the variance for Case # 462, 14635 Old Atlanta Road, for various reasons and ask that it be tabled until another time. Following some discussion, the motion to table Case # 462 was made by Denise Alexander, second by Raymond Williams; all approved. Following question, answer and discussion on each of the remaining cases, motion

was made by Raymond Williams, second by Michael Guthrie to issue variance to Case # 475, 403 W. Nevada Ave.; all approved. A motion was then made to issue a variance to Case # 489, 218 N. Pecan St., by James Martin, second by Angela Channell; all approved.

PROPERTY CONDEMNATION REPORT – Bobby Smith gave a report on the condemned property located at 202 W. Mississippi Ave. He and Town Attorney Doug Dominick agreed that after making no contact with the property owner that Attorney Sam Goodwin would be hired as Curator to handle this matter in order to do the final condemnation of said property. Mr. Smith also informed Mr. Dominick that he needed to meet with him concerning paperwork on the Monterey Hills project. The work at 917 S. Pine Street was also mentioned during this time.

CODE ENFORCEMENT REPORT – No report given.

MAYOR'S REPORT – The Mayor's report included the following topics: **1)** Town Employee Safety Meeting to be held on Monday, December 23, **2)** Sexual Harassment Training is now required for all employees and elected officials, **3)** the Town's Surplus Sale would be moved to the spring, **4)** the Appraisal on the old Fire House was in progress, **5)** Water rates would be expected to go up in February, 2020, **6)** the Town Hall Offices would be closed on December 24, 25 & 31 and January 1, 2020 in observance of the Holidays, and **7)** a Legion Hills MLK Community Center Grant celebration would be held on Saturday, January 4, 2020.

ANNOUNCEMENTS BY BOARD OF ALDERMEN – Alderman Michael Guthrie asked about an update on the new Police Complex and was informed that some paperwork had been sent to Baton Rouge, however that it would be quite some time before the work would begin and/or complete. Alderman Angela Channell also reminded everyone about the 'A' Celebration at the High School, on Friday, December 13 at 1:30.

ADJOURN – Motion to adjourn was made by Raymond Williams, second by Denise Alexander; all approved. Meeting adjourned at 7:06 p.m.

Ronnie Festavan, Mayor

December 19, 2019

Kellie Morris, Town Clerk