

MINUTES OF REGULAR COUNCIL MEETING
TOWN HALL MEETING ROOM
112 W. ALABAMA AVE.
VIVIAN, LOUISIANA
MONDAY, OCTOBER 11, 2021
6:00 PM

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

INVOCATION - Alderman Raymond Williams 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 and Raymond Williams; absent was Angela Channell. Following Roll Call the Town Clerk verified that a quorum was present.

Also present were other elected officials and/or staff members: Ronnie Festavan - Mayor, Ryan Nelson - Chief of Police, Kellie Morris - Town Clerk, Douglas Dominick - Town Attorney and Bobby Smith - Zoning/Condemnation and Code Enforcement Officer.

APPROVE AGENDA - Motion to approve that Agenda was made by Raymond Williams, second by Denise Alexander; all present approved.

1. SCHOOL ANNOUNCEMENTS - There were none.

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 Raymond Williams; all approved.

4. APPROVAL OF MINUTES - for September 13, 2021 regular meeting. Motion to approve the minutes of the September 13, 2021 regular meeting was made by James Martin, second by Michael Guthrie; all present approved.

5. PUBLIC HEARING ON ORDINANCE # 765 OF 2021 OF THE TOWN OF VIVIAN, LOUISIANA - AN ORDINANCE TO REVOKE AND SET ASIDE SOUTH AVENUE, A ROAD LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF VIVIAN, CADDO PARISH, LOUISIANA.

Mayor Festavan opened the public hearing for comments FOR or AGAINST the Ordinance. Mr. David Jones, North Caddo Medical Center CEO, was in attendance to request support for the Ordinance and presented the Council and others with a packet to support his request for the revocation/closure of South Ave. Following a question-and-answer period with Mr. Jones, and no additional comments FOR or AGAINST the Ordinance from others, Mayor Festavan then declared the public hearing closed.

6. THE BOARD OF ALDERMEN WILL CONSIDER THE FINAL ADOPTION OF ORDINANCE # 765 ON 2021 OF THE TOWN OF VIVIAN, LOUISIANA - SEE PREVIOUS AGENDA ITEM.

Motion to adopt Ordinance # 765 of 2021 of the Town of Vivian, Louisiana was made by Raymond Williams, second by Denise Alexander; all present approved.

7. INTRODUCTION OF ORDINANCE # 766 OF 2021 OF THE TOWN OF VIVIAN, LOUISIANA - AN ORDINANCE FOR THE CODE OF ORDINANCES, TOWN OF VIVIAN, TO AMEND SECTION 18-191 ESTABLISHED OF DIVISION 3. RATES OF ARTICLE III. WATER OF CHAPTER 18 - UTILITIES, and in particularly Ordinance No. 761 of 2021 adopted on September 13, 2021.

Motion to introduce Ordinance # 766 of 2021 of the Town of Vivian, Louisiana was made by Raymond Williams, second by James Martin; all present approved.

There will be a public hearing prior to the adoption of Ordinance # 766 at the regular Town Council Meeting at 6:00 p.m. on Monday, November 8, 2021 at the Vivian Town Hall, located at 112 W. Alabama Ave. in Vivian, Louisiana.

8. INTRODUCTION OF ORDINANCE # 767 OF 2021 OF THE TOWN OF VIVIAN, LOUISIANA - AN ORDINANCE FOR THE CODE OF ORDINANCE, TOWN OF VIVIAN, LOUISIANA, TO AMEND SECTION 7-3 OUTDOOR BURNING RESTRICTIONS OF ARTICLE I IN GENERAL OF CHAPTER 7 FIRE PREVENTION AND PROTECTION OF THE CODE OF ORDINANCES OF THE TOWN OF VIVIAN; to change times of burning and to otherwise provide with respect thereto.

Motion to introduce Ordinance # 767 of 2021 of the Town of Vivian, Louisiana was made by Michael Guthrie, second by James Martin; all present approved.

There will be a public hearing prior to the adoption of Ordinance # 767 at the regular Town Council Meeting at 6:00 p.m. on Monday, November 8, 2021 at the Vivian Town Hall, located at 112 W. Alabama Ave. in Vivian, Louisiana.

9. THE BOARD OF ALDERMAN WILL CONSIDER THE ADOPTION OF RESOLUTION # 18 OF 2021 OF THE TOWN OF VIVIAN, LOUISIANA - A RESOLUTION FOR THE BOARD OF ALDERMEN'S APPROVAL OF AND AUTHORIZATION FOR THE MAYOR TO SIGN & EXECUTE THE LOUISIANA COMPLIANCE QUESTIONNAIRE. (This questionnaire is a required part of the financial audit of State and Local Government agencies.)

Motion to adopt Resolution # 18 of 2021 was made by Raymond Williams, second by Denise Alexander; all present approved.

10. HIRING OF POLICE PERSONNEL - THE BOARD OF ALDERMEN WILL CONSIDER THE CHIEF OF POLICE'S RECOMMENDATION TO HIRE THE FOLLOWING FOR THE VIVIAN POLICE DEPARTMENT; 1) Nicholas Harvin - Part-time Dispatcher - \$10.00 per hour and 2) Mark Fargerson - Part-time Dispatcher - \$12.00 per hour.

Motion to approve Chief Nelson's recommendation to hire both individuals, Nicholas Harvin and Mark Fargerson, as stated above in globo, as a unit, was made by Raymond Williams, second by Michael Guthrie; all present approved.

11. ZONING, CONDEMNATION & CODE ENFORCEMENT MATTERS -

A. CONDEMNATION HEARING(s) -

i) THE BOARD OF ALDERMAN WILL CONSIDER THE FINAL CONDEMNATION OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT: LOTS 8 & 9, BLK. 10, TOWN OF VIVIAN, as per plat of said town recorded in Conveyance Book 17 page 273 of the Records of Caddo Parish, Louisiana, together with all buildings and improvements thereon WITH A MUNICIPAL ADDRESS OF 211 W MISSISSIPPI AVE., VIVIAN LA 71082. GEO #: 221626-011-0018-00 -

No one was present on behalf of the above-stated address. Motion to proceed with FINAL condemnation of said property was made by Denise Alexander, second by James Martin. Discussion followed with Town Attorney Dominick reading aloud for the record a timeline of information, work done, and contact made concerning the process on this property. He also read an email that he had received from homeowner Sandra Sullivan stating reason for her absence from the meeting, as well as other additional information.

Zoning/Condemnation and Code Enforcement Officer Bobby Smith also reported to the Council that no changes, up-grades, and/or improvements had been made to the house and that it is in dilapidated condition. Following all discussion and information provided to the Council, vote was then taken to follow through with the FINAL condemnation of the property with all present approving.

ii) THE BOARD OF ALDERMAN WILL CONSIDER THE FINAL CONDEMNATION OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT: 2.2 ACS. M/L - BEGIN AT SW COR. OF SEC. 23 (22-16), RUN E. ALONG S. LINE OF SAID SEC. 390.00 FT., THENCE N. 218.00 FT., THENCE W. 254.00 FT., THENCE S. 69.00 FT., THENCE W. 36.00 FT., THENCE NW'LY 421.00 FT. TO A POINT ON W. LINE OF SAID SEC. THAT IS 558.00 FT. N. OF SAID SW COR., THENCE S. 558.00 FT. TO POB 221623-4-123, WITH THE MUNICIPAL ADDRESS OF 9996 UPPER STATE LINE ROAD, VIVIAN, CADDO PARISH, LOUISIANA 71082, together with all buildings and improvements thereon. GEO #: 221623-004-0123-00 -

Officer Bobby Smith gave a report and provided photo(s) to the Council on this address stating that the home had been removed and the property cleaned up. Motion was then made to remove the house from the condemnation list by Denise Alexander, second by Raymond Williams; all present approved.

B. ZONING VARIANCE HEARING(s) -

i) 302 Seminole St. - Case # 560 -

Ms. Sherry Thomas of 302 Seminole St. was present to request a variance to place a new mobile home on the property to replace the one that she presently resides in. Officer Bobby Smith stated that all requirements had been met and he was and in favor of granting the variance.

Motion to grant the requested variance was made by Raymond Williams, second by James Martin; all present approved.

C. FULL ZONING/CONDEMNATION & CODE ENFORCEMENT REPORT -

Officer Smith provided the Council Members with written report on properties that he is working on. Motion to begin condemnation process on property in the report located at 314 W. Tennessee Ave. was made by Denise Alexander, second by Raymond Williams; all present approved. Officer Smith then discussed the addresses and violation statuses on the written report presented: **1)** 415 W. Kentucky Ave, **2)** 9782 Upper State Line Rd., **3)** 435 N. Walnut St., **4)** 113 N. Walnut St., **5)** Corner of Hosston Rd. & S. Pardue St., **6)** 224

Virginia Ave., **7)** 201 S. Pine St., **8)** 405 Bailey St., **9)** 107 E. Atlanta St., **10)** 425 S. Pecan St., **11)** 505 N. Cypress St., **12)** 901 N. Pine St., **13)** 301 W. Georgia St., **14)** 325 W. Arkansas Ave., and **15)** 301 E. Pennsylvania Ave. The written report also included 1 (one) address previously discussed in agenda item # 11-B-i; **1)** 302 Seminole St.

12. THE BOARD OF ALDERMEN WILL ADOPT RULES OF PROCEDURE FOR AGENDA ITEM # 13 - Motion to adopt Rules of Procedure was made by Denise Alexander, second by Raymond Williams; all present approved.

13. THE BOARD OF ALDERMAN WILL CONSIDER THE CHIEF OF POLICE'S RECOMMENDATION AND DISCUSS THE PROFESSIONAL COMPETENCE AND/OR ALLEGATIONS REGARDING MISCONDUCT OF AN EMPLOYEE OF THE VIVIAN POLICE DEPARTMENT - (Pursuant to LA R.S.42:17 when discussing the character or professional competence allegations of misconduct the Board of Alderman may go into EXECUTIVE SESSION.)

Motion was made to go into Executive Session for discussion of agenda item # 13 by Raymond Williams, second by Denise Alexander; all present approved.

The room was then cleared. Those present during Executive Session were Aldermen Martin, Alexander, Guthrie and Williams, Mayor Festavan, Chief Nelson, Town Clerk Morris and Attorney Dominick; the Employee of the Vivian Police Department WAS NOT.

Following discussion of agenda item # 13 in Executive Session motion was made to return to Regular Session by Raymond Williams, second by James Martin; all present approved.

Motion to approve the recommendation made by Chief of Police Nelson during Executive Session was made by James Martin, second by Raymond Williams; all present approved.

MAYOR'S REPORT - Mayor Festavan gave a report on the following: **1)** Council Members getting their Ethics certificates turned in, **2)** National Night Out that was held on October 5th, **3)** the 'Great Pumpkin' that is located on the Square, **4)** Scare-on-the-Square to be held on Saturday, October 30th, and the Town will not alter the date for Halloween activities and/or Trick-or-Treating, **5)** the Town Lighting and the Country Christmas Song Fest on Tuesday, November 30th, and **6)** Chief Nelson's request to purchase a new police vehicle for patrol.

ANNOUNCEMENTS BY BOARD OF ALDERMEN - **1)** James Martin mentioned the new basketball court that is being constructed at the City Park, **2)** Raymond Williams asked about the new digital sign and **3)** Denise Alexander and James Martin asked questions about the Monterey Hills project and the potholes in the street. Mayor Festavan then mentioned the improvements at the Airport.

ADJOURN - Motion to adjourn was made by Raymond Williams, second by Denise Alexander; all present approved. Meeting was adjourned at 7:39 p.m.

Kellie Morris, Town Clerk

Ronnie Festavan, Mayor
October 25, 2021