

**MINUTES**  
**REGULAR TOWN COUNCIL MEETING**  
**VIVIAN TOWN HALL MEETING ROOM**  
**112 W. ALABAMA AVE.**  
**VIVIAN, LOUISIANA**  
**MONDAY, AUGUST 14, 2023**  
**6:00 P.M.**

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

**INVOCATION** - Alderman Robert Green 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, Samuel Hodge, Raymond Williams, and Robert Green. Following Roll Call the Town Clerk verified that a quorum was present.

Also present were other elected officials and/or staff members: Mayor Ronnie Festavan, Police Chief Ryan Nelson, Town Clerk Kellie Morris, and Town Attorney Douglas Dominick.

**APPROVE AGENDA** - Two items needed to be added to the Agenda; **1)** hiring of Police personnel, and **2)** a need to discuss the following legal matter: Town of Vivian vs Aclara Technologies, LLC; US District Court, Western District; Case # 5:22-CV-05207.

Motion was made by Denise Alexander, seconded by James Martin and followed by a Public Hearing. Mayor Festavan opened the public hearing for comments FOR or AGAINST adding the two items to the Agenda; none were made. He then declared the public hearing closed and called for the vote to add the two items; all approved.

Motion was then made to approve the Agenda as amended by Raymond Williams, seconded by Samuel Hodge; all approved.

**1. PUBLIC COMMENTS** - **1)** Parish Commissioner Todd Hopkins was present and announced that he would be running for re-election. He then went over some of the accomplishments that had benefited the Town, some things that were in the works, and asked for support. **2)** Ms. Regina Grundy of 108 Lovett St. in Vivian was present to make comments concerning a Zoning issue which happened to be on the Agenda. She chose to make comments when the Agenda item came up.

**2. 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 Robert Green, seconded by Raymond Williams; all approved.

**3. APPROVAL OF MINUTES** - Motion to approve the Minutes for the July10, 2023 Regular Council Meeting was made by Raymond Williams, seconded by Samuel Hodge; all approved.

**4. INTRODUCTION OF ORDINANCE # 788 OF 2023** - 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. (This will be an Ordinance to increase the sewer rates.) *There will be a public hearing prior to the adoption of Ordinance # 788 at the Regular Town Council Meeting at 6:00 p.m. on Monday, September 11, 2023 at the Vivian Town Hall, located at 112 W. Alabama Ave. in Vivian, Louisiana.*

Motion to introduce Ordinance # 788 of 2023 was made by Denise Alexander, seconded by Samuel Hodge; all approved.

**5. THE BOARD OF ALDERMAN WILL CONSIDER THE ADOPTION OF RESOLUTION # 5 OF 2023 OF THE TOWN OF VIVIAN, LOUISIANA** - A RESOLUTION TO DESIGNATE MAYOR RONNIE FESTAVAN TO SIGN AND EXECUTE A CONTRACT FOR SERVICES WITH MUSICK AERIAL

SERVICES, LLC; to provide managerial services, including day-to-day operations, of the Vivian Municipal Airport for the sum of \$850.00 a month, and to otherwise provide with respect thereto. Motion to adopt Resolution # 5 of 2023 was made by James Martin, seconded by Raymond Williams; all approved.

**6. THE BOARD OF ALDERMEN WILL CONSIDER THE SELECTION AND CONFIRMATION OF COOK & MOREHART, CERTIFIED PUBLIC ACCOUNTANTS, AS THE TOWN'S OFFICIAL AUDITOR(S)** - To perform audit(s) for the fiscal year ended June 30, 2023.

Motion to confirm Cook & Morehart as Official Auditors was made by Raymond Williams, seconded by Samuel Hodge; all approved.

**7. HIRING OF POLICE PERSONNEL - THE BOARD OF ALDERMEN WILL CONSIDER THE CHIEF OF POLICE'S RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL FOR THE VIVIAN POLICE DEPARTMENT:** Vicki Carter - Part-time Dispatcher - \$11.00 per hour.

Motion to approve the Chief of Police's recommendation was made by James Martin, seconded by Denise Alexander; all approved.

**ZONING, CONDEMNATION & CODE ENFORCEMENT MATTERS -**

**A. CONDEMNATION HEARING(S) -**

**i. THE BOARD OF ALDERMEN WILL REVIEW THE FOLLOWING FOR FINAL CONDEMNATION:** E/2 OF LOTS 2, 3 & 4, BLK 7, CHRISTIAN HTS. ADDN., VIVIAN. Caddo Parish, Louisiana geographical number 221626-120-0031-11, with a municipal address of 405 East Bailey St., Vivian, LA 71082.

Mr. Wendell Thigpen of Rodessa was present on behalf of this matter. Following discussion motion to continue until the September 11, 2023 Regular Council Meeting was made by Denise Alexander, seconded by Raymond Williams; all approved.

**ii. THE BOARD OF ALDERMEN WILL REVIEW THE FOLLOWING FOR FINAL CONDEMNATION:** 308 W. Moore St., Vivian, LA 71082.

No one was present on behalf of this matter. Based on Officer Smith's report motion to continue until the September 11, 2023 Regular Council Meeting was made by Denise Alexander, seconded by Samuel Hodge; all approved.

**iii. THE BOARD OF ALDERMEN WILL CONSIDER THE FOLLOWING PROPERTY FOR FINAL CONDEMNATION:** Lot 9, Block 17, Town of Vivian, Caddo Parish, Louisiana, as per plat recorded in Book 17, Page 173 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvement thereon, being known as Municipal No 415 West Kentucky Street, Vivian, Louisiana 71082 (Geographical No.: 221626-018-0009).

No one was present on behalf of this matter. Town Attorney Douglas Dominick read aloud the Curator's report on this property and his recommendation was to continue this matter at the September 11, 2023 Regular Council Meeting. Following the recommendation motion to approve Mr. Dominick's recommendation was made by Denise Alexander, seconded by Samuel Hodge; all approved.

**B. ZONING/CONDEMNATION** - Ashley Smith was present and provided a written report to the Council in Officer Bobby Smith's absence. Discussion followed on each property listed in the report and the following actions were taken on each: **1)** 201 Edward Dr. - the property has been cleaned and motion to remove it from the Condemnation list was made by Robert Green, seconded by Raymond Williams; all approved. **2)** 213 E. Arkansas Ave. - the Condemnation process has been started and is on-going. **3)** 405 E. Bailey St. - *see Agenda item under Condemnation Hearings*. **4)** 226 E. California Ave. - Mr. James Stewart of Haughton, Louisiana was present on behalf of this property. Following discussion motion to continue until the September 11, 2023 Regular Council Meeting was made by Denise Alexander, seconded by Raymond Williams; all approved. **5)** 224 E. Missouri Ave. - Mr. Larry Ward (?) of Ida, Louisiana was present on behalf of this property. Following discussion motion to continue until the September 11, 2023 Regular Council Meeting was made by Denise Alexander, seconded by Raymond Williams; all approved. **6)** 113 N. Walnut St. - Officer Smith's recommendation was to place this property on the Condemnation list. Following the recommendation and discussion motion to place the property on the Condemnation list was made by Denise Alexander, seconded by Samuel Hodge; all approved. **7)** 331 S. Pardue St. - Officer Smith's recommendation was to place this property on the Condemnation list. Following the recommendation and discussion motion to place the property on the

Condemnation list was made by Raymond Williams, seconded by Denise Alexander; all approved. **8)** 412 S. Pardue St. - Officer Smith's recommendation was to place this property on the Condemnation list. Following the recommendation and discussion motion to place the property on the Condemnation list was made by Raymond Williams, seconded by Denise Alexander; all approved. **9)** 102 Camp St. - Following discussion motion to continue until the September 11, 2023 Regular Council Meeting was made by Denise Alexander, seconded by Samuel Hodge; all approved. **10)** 800 S. Pardue St. - Based on information provided by Mayor Festavan motion to continue this matter was made by Denise Alexander, seconded by Raymond Williams; all approved. **11)** 415 W. Kentucky Ave. - *see Agenda item under Condemnation Hearings.*

**i. STATUS REPORT** - 226 E. California Ave., Mr. Jimmy Stewart. *See ZONING/CONDEMNATION item #4.*

**ii. THE BOARD OF ALDERMEN WILL CONSIDER A REQUEST FOR A VARIANCE BY THE TOWN OF VIVIAN** - To authorize the Vivian Police Complex to be located at Lot 9, Block 36, Vivian, Caddo Parish Louisiana. Geographical number 22162 -037-0009-00 (This is a variance to request for zero-yard setbacks.)

Motion to grant a variance to the Town of Vivian was made by Denise Alexander, seconded by Robert Green; all approved.

**C. CODE ENFORCEMENT** - Properties included in the written report were as follows: **1)** 710 W. Nevada Ave., **2)** 325 W. Arkansas Ave., **3)** 113 N. Walnut St., **4)** 1220 Carson St., **5)** 615 S. Pecan St., **6)** 412 S. Pardue St., **7)** 215 Vassar St., **8)** 100 General Beauregard Dr., **9)** 402 E. Alabama Ave., **10)** 305 E. Bailey St., **11)** 508 N. Walnut St., **12)** 1723 N. Pine St., **13)** 9780 Upper State Line Rd., and **14)** 705 S. Pardue St.

**EXECUTIVE SESSION** - Motion to go into Executive Session for discussion of legal matter 'Town of Vivian vs Aclara Technologies, LLC' was made by Robert Green, seconded by Samuel Hodge; all approved. The room was then cleared.

Those present during Executive Session were Aldermen Martin, Alexander, Hodge, Williams, & Green, Mayor Festavan, Chief Nelson, Clerk Morris and Attorney Dominick.

Following discussion of legal matter in Executive Session motion was made to return to Regular Session by Robert Green, second by Raymond Williams; all approved.

Motion was then made by Robert Green to authorize Mayor Festavan to have full and final authority, in his discretion and in the best interest of the Town of Vivian, to authorize the dismissal with prejudice or to accept a settlement amount on the matter of 'Town of Vivian vs Aclara Technologies, LLC'. A second was then made by Samuel Hodge; all approved.

**MAYOR'S REPORT** - There was none.

**ANNOUNCEMENTS BY BOARD OF ALDERMEN** - There were none.

**ADJOURN** - Motion to adjourn was made by Robert Green, seconded by Raymond Williams; all approved. Meeting was adjourned at 8:00 p.m.

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**Kellie Morris, Town Clerk**

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**Ronnie Festavan, Mayor**  
**August 18, 2023**