

MINUTES
REGULAR TOWN COUNCIL MEETING
VIVIAN TOWN HALL MEETING ROOM
112 W. ALABAMA AVE.
VIVIAN, LOUISIANA
MONDAY, SEPTEMBER 11, 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 - Motion made to approve the Agenda as presented by Raymond Williams, seconded by Samuel Hodge; all approved.

1. PUBLIC COMMENTS - There were none.

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 James Martin, seconded by Samuel Hodge; all approved.

3. APPROVAL OF MINUTES - Motion to approve the Minutes for the August 14, 2023 Regular Council Meeting was made by Raymond Williams, seconded by James Martin; all approved.

4. PUBLIC HEARING ON ORDINANCE # 788 OF 2023 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. (This is an Ordinance to increase the sewer rates.)

Mayor Festavan opened the public hearing for comments FOR or AGAINST Ordinance # 788; none were made. He then declared the public hearing closed.

5. THE BOARD OF ALDERMEN WILL CONSIDER THE FINAL ADOPTION OF ORDINANCE # 788 OF 2023 OF THE TOWN OF VIVIAN, LOUISIANA - *See previous Agenda item.*

Motion to adopt Ordinance # 788 of 2023 was made by Samuel Hodge, seconded by Raymond Williams; all approved.

6. INTRODUCTION OF ORDINANCE # 789 OF 2023 OF THE TOWN OF VIVIAN, LOUISIANA - AN ORDINANCE TO AMEND AND SUPPLEMENT THE TOWN OF VIVIAN'S BUDGET ORDINANCE # 776 OF 2022 - To reflect the appropriate revenues and expenditures. *There will be a public hearing prior to the adoption of Ordinance # 789 at the Regular Town Council Meeting at 6:00 p.m. on Monday, October 9, 2023 at the Vivian Town Hall, located at 112 W. Alabama Ave. in Vivian, Louisiana.*

Motion to introduce Ordinance # 789 of 2023 was made by Robert Green, seconded by Raymond Williams; all approved.

7. INTRODUCTION OF ORDINANCE # 790 OF 2023 OF THE TOWN OF VIVIAN, LOUISIANA - AN ORDINANCE FOR THE CODE OF ORDINANCES, TOWN OF VIVIAN, LOUISIANA, TO RE- ZONE PROPERTY AT THE FOLLOWING MUNICIPAL ADDRESS: 110 Airport Dr. Vivian, Louisiana.

There will be a public hearing prior to the adoption of Ordinance # 790 at the Regular Town Council Meeting at 6:00 p.m. on Monday, October 9, 2023 at the Vivian Town Hall, located at 112 W. Alabama Ave. in Vivian, Louisiana.

7. cont'd.

Motion to introduce Ordinance # 790 of 2023 was made by Raymond Williams, seconded by James Martin; all approved.

8. THE BOARD OF ALDERMAN WILL CONSIDER THE ADOPTION OF RESOLUTION # 6 OF 2023 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 # 6 of 2023 was made by Raymond Williams, seconded by Robert Green; all approved.

9. 2nd REVIEW OF POLICE DEPARTMENT PROBATIONARY STATUS - 1) (Cecil) Shondell Littlejohn - Part-time Officer - Hire date, February 13, 2023. (Continued from the May 8, 2023 Regular Council Meeting.)

Following comments from Police Chief Ryan Nelson and his recommendation to terminate Officer Littlejohn's employment, motion was made approve the Chief's recommendation by Denise Alexander and seconded by Raymond Williams. The vote was approved with 4 (four) AYES and 1 (one) ABSENT, as James Martin was not present for the vote.

ZONING, CONDEMNATION & CODE ENFORCEMENT MATTERS -

A. FINAL CONDEMNATION HEARING(s) -

i. THE BOARD OF ALDERMEN WILL RE-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.

Following report given and recommendation by Zoning/Condemnation Officer Bobby Smith, motion to remove this property from the Condemnation list was made by Raymond Williams, seconded by Samuel Hodge; all approved.

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

Following report given, questions, answers and discussion, motion was made to proceed with the final condemnation process on this property by Denise Alexander, seconded by Robert Green; all approved.

iii. THE BOARD OF ALDERMEN WILL REVIEW 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).

Following report given, questions, answers and discussion, motion was made to proceed with the final condemnation process by Denise Alexander, seconded by Raymond Williams; all approved.

iv. THE BOARD OF ALDERMEN WILL REVIEW THE FOLLOWING PROPERTIES FOR FINAL CONDEMNATION:

1) 226 E. California Ave. - Following report given, questions, answers and discussion, motion was made to continue this case at the October 9, 2023 Regular Council Meeting by Denise Alexander, seconded by Raymond Williams; all approved.

2) 224 E. Missouri Ave. - Following report given and recommendation by Zoning/Condemnation Officer Bobby Smith, motion to remove this property from the Condemnation list was made by Robert Green, seconded by Samuel Hodge; all approved.

3) 102 Camp St. - Following report given, questions, answers and discussion, motion was made to continue this case at the October 9, 2023 Regular Council Meeting by Denise Alexander, seconded by Raymond Williams; all approved.

B. ZONING/CONDEMNATION REPORT - Zoning/Condemnation Officer Bobby Smith gave a written and oral report on the following properties: **1) 110 Airport Dr.** - Rezoning status, and **2) 333 W. Kentucky Ave.** - Following the report and recommendation motion was made to place 333 W. Kentucky Ave. on the Condemnation list by Denise Alexander, seconded by Samuel Hodge; all approved.

B. cont'd.

i. ZONING VARIANCE HEARING - Case # 612 - 201 Edwards Dr. - Ms. Eular Williams.

The following individuals, all of Vivian, appeared to speak on this matter: Ms. Eular Williams, Suzie Pickett, Will Brown, Raymond Hodge, Dominique Brown, and Charles Williams. Following questions, answers and much discussion, motion to continue this matter at the October 9, 2023 Regular Council Meeting was made by Denise Alexander, seconded by Raymond Williams; all approved.

C. CODE ENFORCEMENT REPORT - Properties included in the written report were as follows: **1)** 113 N Walnut St., **2)** 420 E. Alabama Ave., **3)** 502 S. Spruce St., **4)** 412 S. Pardue St., **5)** 9780 Upper State Line Rd., **6)** 407 Jackson St., **7)** 409 Jackson St., **8)** 1522 N. Pine St., **9)** 1618 N. Pine St., **10)** 121 Milner St., **11)** 606 N. Pine St., **12)** 421 W. Kentucky Ave., **13)** 1012 N. Lillie St., **14)** 100 N. Huckaby St., **15)** 420 E. Alabama Ave., **16)** 736 N. Cypress St., **17)** 107 E. Atlanta St., **18)** 508 N. Walnut St., **19)** 523 W. Georgia Ave., **20)** 804 W. Georgia Ave., and **21)** 507 N. Hickory St.

THE BOARD OF ALDERMEN WILL CONSIDER THE MAYOR'S RECOMMENDATION TO GO INTO EXECUTIVE SESSION - Concerning the following litigation: Town of Vivian vs Alcara Technologies, LLC, (United States District Court, Western District, Case NO. 5:22-CV-05207).

Motion to go into Executive Session for discussion of legal matter 'Town of Vivian vs Aclara Technologies, LLC' was made by Samuel Hodge, seconded by Robert Green; all approved.

The room was then cleared. Those present during Executive Session were Aldermen Martin, Alexander, Hodge, Williams, & Green, Mayor Festavan, Clerk Morris and Attorney Dominick.

Following discussion of legal matter in Executive Session motion was made to return to Regular Session by Samuel Hodge, second by James Martin; 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 - Mayor Festavan gave a report on the following: **1)** the work done on the water well on S. Pine St.

ANNOUNCEMENTS BY BOARD OF ALDERMEN - There were none.

ADJOURN - Motion to adjourn was made by Samuel Hodge, seconded by James Martin; all approved. Meeting was adjourned at 7:49 p.m.

Kellie Morris, Town Clerk

Ronnie Festavan, Mayor
September 14, 2023