

**Village of Higginsport
Village Council Meeting
September 9, 2024**

The Council of the Village of Higginsport met in regular session at the Village Municipal Building on Monday, September 9, 2024 at 6:00 p.m. with all members present except Mayor, Lester Bear.

Also, present were: Police Chief Shawn Elliott, Fire Chief Rob Starrett, Dean Miracle, Scott Wilburn, Michelle Wilburn, Tricia Wood, Peggy Wood, Linda Fester, Duane Germann, Tina Germann, Dylan Branham, Patrick Elliott, and Raegan Moon.

Council President, Matt Adams called the meeting to order and led everyone in the Pledge of Allegiance.

Mrs. Tina Germann requested a moment of silence for Mayor Bear.

Police Department Report

Chief Elliott reported on the following:

- Some actions have been taken by property owners to bring their property in compliance with the village ordinance that they were cited for ordinance violations.
- No mayor's court will be held for the month of September.

New Business

Mr. Null reported that a report had been received regarding mold and mildew in the village municipal building (bank building). Mr. Null presented an estimate from Kentucky Inspection Services for air quality testing and building inspection upon completion the company will provide a remedy for a cost of \$425.00.

Motion by: Mr. Fester, seconded by: Ms. Wills to approve Kentucky Inspection Services to provide air quality testing and building inspection of the village municipal building located at 314 Washington Street for a cost of \$425.00. **Motion passed unanimously.**

Administrator's Report

Mr. Miracle reported on the following:

- Additional work has been completed at the village park. He and Mr. Germann have installed the park sign.
- Another volunteer day needs to be scheduled for the painting of the park shelters.
- Mr. Germann will be assisting with the installation of the park benches and picnic tables.

Public Participation

Mr. Patrick Elliott presented the park dedication monument that he and his family donated for the village park. He also expressed that there was another monument in the northeast corner of the park recognizing a boy scout troop that had worked in the park several years ago. A brief discussion ensued regarding clearing around or relocating the boy scout troop monument in the park.

Mrs. Linda Fester reported on the following;

- The second Brown County Comprehensive Planning meeting is scheduled for September 18, 2024 at 6:00 p.m. They will also have a booth at the county fair.
- The contract with ILCAO for the ballfield renovation grant has been fully executed. A project manager has not yet been secured for the project.
- The village is now eligible to apply for a \$50,000.00 grant thru the READY Local Government program. Grant applications are due December 9, 2024.
- Additional grant opportunities available

Ms. Tricia Wood provided an update on the recent meeting of the America 250 committee. The committee will be sponsoring a reception for veterans at the county fair. The village will be sponsoring vintage games at the American 250 event and all donations of materials for the games is welcomed.

Mr. Scott Wilburn inquired as to who was the village fire chief. Chief Starrett raised his hand. Mr. Wilburn expressed he was glad Chief Starrett was there to hear what he had to say. Mr. Wilburn proceeded to express his feeling as to events at previous council meetings stating he was disappointed on the public display of disrespect for village officials. He felt that it should not be tolerated.

Mrs. Germann inquired if Mr. Fester was still providing recognition certificates to individuals for volunteering and assisting the village. Mr. Fester confirmed that he was and Mrs. Germann provided him with the names of individuals to receive certificates of recognition.

Old Business

Mr. Null reported that council would not be able to address the golf cart ordinance as previously planned due to the village solicitor not being in attendance or providing the proposed ordinance.

Mr. Null provided with President Adams with a letter the village received from the Ohio Department of Commerce regarding the elevator in the municipal building.

Mr. Fester reported that an estimate had been received from Strand Associates to do the sewer engineering study. The estimated cost being \$10,000.00. He recommended Council approve the engineering study as the grant application was due in two weeks.

Chief Elliott inquired if the water leak at the hydrant at the sewer plant had been repaired. Mr. Miracle confirmed that it had not yet been repaired however the water had been shut off to it.

Mr. Miracle reported he was present for the recent EPA inspection of the sewer plant and that he thought there might be issues that would need to be addressed by next year. A discussion ensued regarding the current condition of the village sewer system and the proposed engineering study. Mr. Smith inquired as to how long the study would be valid if the village did not get awarded a grant at this time. Mr. Fester confirmed that if a grant was not awarded it was possibly the study would have to be completed again to apply for future grant funding.

Resolution 23-22

Authorizing Expenditure from American Rescue Plan Act Funds

Brown County, Ohio

Be It Resolved by the Council of the Village of Higginsport

WHEREAS, this date, September 9, 2024, **Mr. Fester** moved the adoption of the following Resolution:

WHEREAS, the Village has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, Section 603(c) generally provides that:

(1) USE OF FUNDS. Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024 -
(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” [The “standard allowance”].

WHEREAS, the Rule further observes that:

The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local Fiscal Recovery Fund's smallest recipients. This change is intended to promote administrative efficiency and simplify revenue loss calculation for smaller recipients.

WHEREAS, the Rule further clarifies that recipients can use:

SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

WHEREAS, some common examples of "government services" expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

WHEREAS, "Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;" and

WHEREAS, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or "rainy day" funds

WHEREAS, the Village Council has identified a project which, in the judgment of the Council, qualifies as a permitted use of the ARPA Funds, in direct support of governmental services, which consists of the following:

Sewer Engineering Study (the "Project").

NOW THEREFORE, it is hereby RESOLVED by the Village Council that:

1. The Village elects to use the standard allowance and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services

2. The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed: \$10,000.00

3. The Project described herein serves the objectives of the Act by providing services traditionally provided by a government, namely:

- ☐ Police protection
 - ☐ Fire and emergency medical services
 - ☐ Road repair, maintenance and other transportation and safety services
 - X Public infrastructure support
 - ☐ General government administration and administrative facilities
 - ☐ Land use regulations and enforcement
 - ☐ Parks and recreational facilities and programs
 - ☐ Other
-

4. Accordingly, the Project is in the best interests of the Village and is deemed a priority for the community.

5. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

Mr. Null seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Village concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Village Council, and that all deliberations of the Village Council and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Vote: Mrs. Adams, Yes; Mr. Adams, Yes; Mr. Fester, Yes; Mr. Null, Yes; Mr. Smith, Yes; Ms. Wills, Yes

Mr. Fester reported the engineers and surveying to the ballfield renovation project will begin in the next couple weeks.

Ms. Wills expressed the village continues to make improvements in the village but that Council needed to address the issues with the bank building as it is the main municipal building and the village should have a respectful facility and presence that is easily identified by the public as there is currently no signage identifying the building. A brief discussion ensued regarding Ms. Wills concerns.

Mr. Wilburn suggested Council consider having a flea market at the ballfield and charge for vendor space.

Fire Department Report

Chief Starrett reported on the following:

- Met with the consultant that Lewis Township hired to evaluate services in the township.
- SCBA bench testing scheduled for next week.
- Pump testing has been completed.

Chief Starrett inquired as to who was on the Safety Committee and request a meeting be schedule with the committee and members of the fire department.

Chief Starrett reported that he had been reviewing the annual department costs since 2020. The village receives approximately \$14,000.00 annually from it's fire levy and \$30,000.00 annually from the Lewis Township contract. The anticipated department of expenses for 2024 is approximately \$32,000.00. If the township does not renew the contract there should be enough in the fire fund to operate for a few years. There is a possibility of being able to purchase a new fire engine in 2029 if the township continues to contract with village.

Chief Starrett addressed Mr. Wilburn regarding the comments he had made earlier in the meeting. Chief Starrett expressed that a man that had served the village for fifty years if a complaint was filed against him and he was not notified or shown the complaint then he was not shown any respect. He stated that the events at the previous council meeting stemmed from the complaint.

Additional Business

Mr. Fester expressed his appreciation to all those involved in the fire and police services as the 09/11 anniversary approaches.

Ms. Wills expressed that everyone gets thanked for what they do for the village however the village fiscal officer is never thanked for what she does for the village. She thanked Mrs. Dufau for saving the village money on their financial audits and the great job she does for the village.

Mr. Smith inquired if there had been any findings in the investigation of the complaint made against the village fire chief. Chief Elliott cautioned Council about discussing the matter to do the Whistle Blower Laws.

Fiscal Officer Report

Mrs. Dufau presented the following for Council's approval:

- Meeting minutes for August 12 and 26, 2024.
- 2025 Acceptance of Rates
- Paid Bills

Motion by: Mr. Null, seconded by: Ms. Wills to approve the regular meeting minutes from August 12, 2024. Motion passed unanimously

Motion by: Mr. Null, seconded by: Ms. Wills to approve the special meeting minutes from August 26, 2024. Motion passed unanimously

Motion by: Ms. Wills, seconded by: Mr. Adams to approve and pay the bills. Motion passed unanimously

Resolution 24-23

Motion by: Ms. Wills

Seconded by: Mr. Null

Whereas, the Village Fiscal Officer, Sheila Dufau, has presented the proposed 2025 Tax Budget to the Village Council, and

Whereas, the Council of the Village of Higginsport has reviewed the proposed budget,

Therefore, be it resolved, that the proposed 2025 Tax Budget be approved and submitted to the Brown County Auditor's Office.

Vote: Mrs. Adams, Yes; Mr. Adams, Yes; Mr. Fester, Yes; Mr. Null, Yes; Mr. Smith, Yes;
Ms. Wills, Yes

Motion by: Mr. Adams, seconded by: Mr. Null, to adjourn the meeting. Motion passed unanimously.

Lester Beair, Mayor

Sheila G. Dufau, Fiscal Officer

Kathy Adams, Council Member

Matt Adams, Council Member

Linda Wills, Council Member

Scott Null, Council Member

Mark Fester, Council Member

Drew Smith, Council Member