

**Village of Higginsport  
Village Council Meeting  
May 16, 2023**

The Council of the Village of Higginsport met in regular session at the Village Municipal Building on Tuesday, May 16 2023 at 6:00 p.m. with all members present except Anthony Moon.

Also, present were: Police Chief Shawn Elliott, Captain Brian Perry, Wanda Crawford, Chris Bishop, Solicitor DJ Osborne, Annie Osborne, Rose Horn, Peggy Wood, Tricia Wood, Sandy Bear, Mark Fester, Linda Fester, Wayne Johnson, Connor Babb, Scott Wilburn, Bob Feinen and Sherry Feinen.

Mayor Crawford called the meeting to order and led everyone in the Pledge of Allegiance.

**Public Participation**

Mrs. Linda Fester reported on the following:

- Completing the NatureWorks Grant application that is due June 1, 2023.
- The village has been paired with a planner through the Appalachian Grant Initiative to assist with redevelopment and revitalization.
- Working with Cindy Brown and Sheila Dufau to develop a village website.

Mr. Scott Wilburn reported the Community Center would be hosting the following events:

- Family Game Night - Saturday, May 20, 2023 at 5:00 p.m.
- Adult Days - Fridays 9:00 - 10:00 a.m.

**Solicitor's Report**

Solicitor Osborne reported he had been asked to prepare legislation regarding livestock in the Village. He presented and reviewed a proposed ordinance pertaining to the matter. A lengthy discussion ensued regarding the proposed ordinance as well as the impact to current owners of pets and livestock. The enforcement of the ordinance was also discussed. Solicitor Osborne recommended Council take additional time to review the proposed ordinance. It was general consensus of Council to table the matter until the next meeting.

**Old Business**

Ms. Wills inquired as to who had authorized the port-o-let at 511 Columbia Street. Mayor Crawford reported that it was to only be there temporarily until the property owner had completed sewer installation to the village sewer system. Chief Elliott reported the property owner had been given until April 15, 2023 to complete the installation. Mayor Crawford informed Council he would follow-up with the property owner.

Mr. Null reported the approximate cost to replace the two upstairs windows of the municipal building was \$240.00 per window. Mr. Null expressed the windows could be repaired with plex-glass and recommended contacting Minton Glass. Ms. Wills recommended obtaining an estimate to repair the windows. After a brief discussion, it was general consensus of Council to do so.

Mr. Bear expressed his appreciation to all those that have volunteered with the park and ballfield clean-up. He reported that there had been sixteen (16) volunteers participate.

Mr. Bear thanked Jennifer and Patrick Elliott and Wanda and Eddie Crawford for their donation of American flags to be hung in the village.

Mr. Beair inquired if there was an inventory of the street department equipment. Mayor Crawford confirmed there was not.

Mr. Elliott reported that he had made contact with the property owner of the campground at the west end of town and had informed them that they would have to tap into the village sewer system. Mr. Elliott inquired if the property owner had obtained a permit to do so. Mayor Crawford and Mr. Beair expressed that they had not been contacted by the property owner. A brief discussion ensued regarding the matter.

#### **New Business**

Mrs. Adams inquired about addressing property owners accumulating household trash on their property and only disposing it during township dumpster days. Captain Perry responded that the village had an ordinance regarding the matter but that someone would have to site the property owner before the police department could enforce it.

Mr. Elliott addressed Mr. Beair's previous question regarding an inventory for the street department equipment. Mr. Elliott asked Solicitor Osborne how the village can get a complete inventory of all village owned property. Solicitor Osborne expressed that Council would need to pass a resolution requiring inventory for all departments and appoint a council member to oversee collecting the inventory from various village departments. Mr. Elliott asked Mrs. Dufau if she had received an inventory from the fire department. Mrs. Dufau the police department and nothing for the street or fire departments.

#### **Resolution 23-17**

**Motion by: Mr. Elliott**

**Seconded by: Mr. Beair**

To approve requesting Solicitor Osborne prepare a resolution to get a full village inventory and to appoint Patrick Elliott to oversee the collection of such inventory.

**Vote: Mrs. Adams, No; Mr. Beair, Yes; Mr. Elliott, Yes; Mr. Moon, Absent; Mr. Null, No; Ms. Wills, No**

Mayor Crawford reported the village is required to have the elevator in the municipal inspected and certified for the State. If the elevator is not inspected and certified it will need to be disabled. A brief discussion ensued regarding the matter.

#### **Resolution 23-18**

**Motion by: Mr. Null**

**Seconded by: Mr. Beair**

To approve the inspection and repairs for the municipal building elevator at a cost not to exceed \$6,500.00.

**Vote: Mrs. Adams, Yes; Mr. Beair, Yes; Mr. Elliott, Yes; Mr. Moon, Absent; Mr. Null, Yes; Ms. Wills, Yes**

#### **Police Department Report**

Chief Elliott reported that the village will be responsible for the guardrail repair at US 52/US 505 and will have to pursue reimbursement from the trucking company's insurance that was responsible for the damage.

**Resolution 23-19**

**Motion by: Mr. Null**

**Seconded by: Mrs. Adams**

To approve the guardrail repair at the intersection of US 52/505 at a cost not to exceed \$6,000.00

**Vote: Mrs. Adams, Yes; Mr. Beair, Yes; Mr. Elliott, Yes; Mr. Moon, Absent; Mr. Null, Yes; Ms. Wills, Yes**

**Resolution 23-20**

**Motion by: Mr. Null**

**Seconded by: Mrs. Adams**

To approve Solicitor DJ Osborne filing legal action against Swift Trucking for restitution for their responsibility for the damaged guardrail at US 52/US 505 as well as legal fees incurred by the village for such legal action.

**Vote: Mrs. Adams, Yes; Mr. Beair, Yes; Mr. Elliott, Yes; Mr. Moon, Absent; Mr. Null, Yes; Ms. Wills, Yes**

Chief Elliott reported he had heard a lot of chatter regarding the police department including hours being worked and police coverage. He reported that Captain Perry would be providing daily coverage from 7:00 a.m. to 2:00 p.m. and evening and weekend coverage would vary. He requested support from Council.

Chief Elliott requested Council approve Captain Perry taking the police truck cruiser home. Chief Elliott reported Captain Perry is living a mile out of town and that having the cruiser with him it would make for quicker availability if the department K-9 was needed on a traffic stop. A lengthy discussion ensued regarding Chief Elliott's request as well as the length of a traffic stop and the time it takes to get to the village if the K-9 is needed. Mr. Null expressed his concerns regarding the security of the cruiser being parked outside of the village and Mr. Elliott expressed his concerns of the village officer's safety.

**Resolution 23-21**

**Motion by: Mr. Elliott**

**Seconded by: Mr. Beair**

To permit Captain Brian Perry to drive the police truck cruiser home, Monday through Friday, on an occasional weekend and for K-9 training.

**Motion died for lack of a vote.**

Mayor Crawford asked Solicitor Osborne if he was in charge of the police department. Solicitor Osborne confirmed that the mayor was indeed in charge of the police department. Mayor Crawford proceeded to grant Captain Perry permission to take the police truck cruiser home (one mile outside of the village).

Mayor Crawford and several members of the public expressed their support for the village police officers.

Mr. Elliott expressed that if Mayor Crawford was the sole overseer of the police department, he would recommend that Mayor Crawford dissolve the Police & Fire Committee. Solicitor Osborne interjected and expressed that the mayor could not dissolve the committee as it is established by Council and that the committee provides additional input.

### **Fiscal Officer's Report**

Mrs. Dufau notified Council should they wish to place a tax levy on the November 2023 ballot the necessary resolutions/ordinances would need to be approved at the June and July council meetings. Council briefly discussed the matter.

Mrs. Dufau requested a meeting of the Sewer Committee be scheduled to address the continuing revenue decline in the sewer fund.

Mrs. Dufau reported she had been working with Mrs. Fester on the NatureWorks Grant application and that the possibility of being awarded the grant would be much greater if the village would commit funds for park improvements. She recommended Council consider allocating a portion of the American Rescue Funds received for park repairs and improvements. A brief discussion ensued regarding the matter.

### **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, May 16, 2023, **Mr. Elliott** 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:

Village Park Improvements (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: \$25,000.00

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
- ☐ Public infrastructure support
- ☐ General government administration and administrative facilities
- ☐ Land use regulations and enforcement
- X Parks and recreational facilities and programs
- ☐ Other

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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. Beair** 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. Beair, Yes; Mr. Elliott, Yes; Mr. Moon, Absent; Mr. Null, Yes; Ms. Wills, Yes

Mr. Beair reported he had checked into getting water access at the park and the cost for a water tap would be \$3,000.00. Council briefly discussed the matter and Mrs. Adams volunteered to permit the village access to water on her property located near the park if needed.

**Motion by: Ms. Wills, seconded by: Mrs. Adams to approve the regular meeting minutes of April 10, 2023. Motion passed unanimously.**

**Motion by: Ms. Wills, seconded by: Mr. Null to pay the bills. Motion passed unanimously.**

**Motion by: Ms. Wills, seconded by: Mrs. Adams, to adjourn the meeting. Motion passed unanimously.**

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Eddie Crawford Jr., Mayor

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Sheila G. Dufau, Fiscal Officer

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Kathy Adams, Council Member

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Patrick Elliott, Council Member

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Linda Wills, Council Member

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Scott Null, Council Member

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Lester Beair, Council Member

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Anthony Moon, Council Member