

TOWN OF ADVANCE

MEETING MINUTES

LOCATION: TOWN HALL

November 14, 2022

7:00 PM

112 N. Main – P. O. Box 67 Advance, IN 46102 Phone: (765) 676-6611 – Fax (765) 676-6696

Email: [advanceCT@townofadvance.com](mailto:advanceCT@townofadvance.com)

Council Members: Melody Fry, Dale Thompson, Amanda Lyles and Jim Caldwell

Clerk Treasurer – Shari Johnson

Marshal: Brad Thomas

**Attendees:** Council Members: Jim Caldwell, Amanda Lyles, Dale Thompson and President Melody Fry

Marshal: Brad Thomas

Clerk-Treasurer: Shari Johnson

Others in attendance: Deputy Marshall Shaun Hitch, Reserve John Demaree, David Gregory, Keith Cromwell, Jeff Hopper, Scott Roby, Doug Meissel, Seth Byrd with Ilines, David Lumpkin Kyle Schnoor, and Rick Bearman.

**President Fry called to order the Council Meeting at 19:05.**

**Pledge of Allegiance**

**Rules of Order**

**Marc Hansen – tabled until December**

**Seth Byrd – Ilines:**

Ilines has provided internet service for over 10 years to town and surrounding areas. More capacity is wanting to be placed. A fiber optic line needs to be run to the water tower from REMC lines. Mr. Byrd wanted to know any restrictions the town had to get to the water tower and run up the tower.

Councilman Caldwell questioned what company/contractor ilines has used in the past, and Mr. Byrd replied they didn't have one. C. Caldwell stated Adams electric has done work for the town and Councilman Thompson stated they didn't do that type of work.

Mr. Byrd questioned what obstacles there could be getting to the water town, and if there were any existing conduits that could be used. Boone REMC has a fiber box across the street and lines would need to be run underground and was concerned about entry to the water tower.

Councilman Caldwell stated there was only electric conduit. Mr. Byrd stated a one inch area of the door would be needed to run lines. CT Johnson advised Mr. Byrd would need to contact Mr. Elless and suggested a meeting between ilines, a council member and Mr. Elless would be beneficial.

Mr. Byrd stated this would not cost any more to residents but provide better service. No costs would be incurred to the town. Councilman Caldwell stated Mr. Byrd would need to come back to the town with a plan of what ilines and REMC requests.

CT Johnson stated she had questions. The first concern was if power went out, were there still issues with services having down and Mr. Byrd stated this was not an issue.

Councilwoman Lyles questioned an email she had received stating there was allotted monies to Boone County to bring Fiber to the Town. Mr. Byrd stated this was not the same and lines would not be providing fiber to homes; however, this might be possible in the future.

CT Johnson stated she had attended training and many municipalities receive monies, like pole attachments, or receive a fee from providers for placement of services. Currently the town does not receive a fee and she questioned if this could be negotiated.

Mr. Byrd stated it was a possibility and he would need to review the previous agreement. CT stated she located the agreement in her archives. Currently, Mr. Byrd stated most agreements are given free service in exchange for use of the water tower. He stated if this needs to be reviewed ilines would be open to review. He advised every agreement is different. CT stated this could be discussed and she would get Mr. Byrd Mr. Elless's contact information.

#### **Ladd Engineering Report – Engineering Report:**

Councilman Caldwell made a motion to approve pay application 2F in the amount of \$52,403.08 for E. Wall CCMG. Councilwoman Lyles seconded. All in favor, motion carried.

CT Johnson stated because of her persistence, she saved the Town \$43,000.00 off of the original bid.

President Fry read engineer report and recommendations. One update would be an addition of a tire for \$820.00. Councilman Thompson stated the tire could be found for less.

Councilman Caldwell made a motion to approve EVAPAR for generator work. Councilman Thompson seconded and advised that the higher cost quote provided a more powerful generator. All in favor, motion carried.

**Councilwoman Lyles made a motion to approve the Meeting Minutes from October 11, 2022. Councilman Thompson seconded. All in favor, motion passed**

Councilwoman Lyles made a motion to approve claims for November 14, 2021, in the amount of \$168,691.80. Councilman Thompson seconded. All in favor, motion passed.

Council signed off on reconciliation for October.

Park – no one present.

**Councilman Caldwell – IMPA Commissioners Report:**

Councilman Caldwell advised the 8.8% increase would begin in January.

Councilman Caldwell requested the Council consider IMPA review the Town's electrical system and the cost to upgrade.

Councilwoman Fry made a motion for IMPA to do an assessment of the Town's electrical infrastructure. Councilman Thompson seconded. All in favor, motion passed.

CT advised the Cyber assessment was moving forward, and computer was received to scan system of weaknesses.

**UMAC – President Fry read report:**

Gallons used vs. billed numbers presented. The inspection on the water tower will be in the spring. The water sample taps have been ordered and will be installed (IDEM Violation). The system was flushed and should get through the winter.

The WWTP UV system was taken offline for the winter and lamps placed in storage. The Town, with Mr. Elless and the engineer need to meet to discuss I & I of the system. The system is still at capacity and reports have been sent to the engineer for review.

Discussion regarding violations ensued.

**Hopper Excavating – President Fry read report:**

Work completed in October was line locates, disconnects, and reconnects, septic pumping, grade sewer drive, mowing, repairs to a sewer line and flags were taken down.

Councilman Thompson made a motion to approve Hopper fuel surcharges on invoices through the end of the year. Councilman Caldwell seconded. All in favor, motion carried.

CT Johnson discussed the replacement of the Omnibeacon. When the upgrades were done to the WWTP, Troy attempted to extend the life of some parts to help with cost. The Omnibeacon failed so a new one needs to be purchased.

Councilman Thompson made a motion to approve BBC Quote of \$1720.00 to repair the Omnibeacon. Councilwoman Lyles seconded. All in favor, motion carried.

**IMPA – President Fry read report:**

In October, 3 service requests were completed. No poles were replaced, and there was one outage.

**IMPA Commissioner’s Report – Councilman Caldwell:**

Councilman Caldwell stated IMPA’s rates were increasing by 8.8%. This rate will be reflected in the tracking factor. Other power providers are much higher and there are potential blackouts in other states because of what kind of power was purchased. NIPSCO was increasing 16.5%.

CT advised she had a meeting with Cyber company and an assessment was done. Phishing exercises will be conducted. Another meeting will be held, and a computer sent to office to begin cyber breach.

CT reminded that Fire, UMAC, and Hopper contracts were up for renewal this year. She also suggested length of contract may need to be considered.

**Fire – Keith Cromwell read report:**

For the month of October, the fire department had 5 EMS, 2 Fire , 1 Haz Mat , 1 MVA, and 2 False Alarm

**Police – Marshall Thomas (no paper report was presented, all verbal):**

Tickets were being delivered to Bob Hill daily for code violations.

For the month of November there were 21 runs. There were 5 runs for sex offenses. Five runs were made to 407 S. Main. Discussion ensued about runs and that most runs are at 3 addresses. CT Johnson advised that there are a ton of tires are at 407 S. Main. Regarding Code Enforcement, M. Thomas stated he can’t look over fences. CT stated tires were in the driveway.

CT Johnson advised a letter was sent out by attorney in attempt to clean up Bob Hill properties.

Trainings have slowed down. Wellness checks are still being done.

CT questioned the vest reimbursement from the County. M. Thomas advised the County changed what vests were being utilized. M. Thomas stated he had possession of Mr. Trincado’s assets of the department. CT Johnson questioned that M. Thomas had requested Mr. Trincado would like his gun. CT advised she didn’t think he should be given that, as he only participated in one or two shifts for the department.

M. Thomas discussed programs he wanted to initiate such as helping with a GED program and improving income levels. He stated he had someone in mind to run these programs and bring to the department.

**Clerk-Treasurer – Shari Johnson:**

Fund and appropriation reports were presented without comment. CT advised the appropriation report would not update actual amounts until all bills were paid. CT advised when she came into office the bank had \$124,000.00 total, and now revenues are almost \$1.7 million.

Councilman Thompson made a motion to approve CT adjustments for the month of October 2022, in the amount of -\$182.73. Councilwoman Lyles seconded. Councilman Caldwell abstained from approving the fire department adjustment; motion passed.

TRECS – The Town received \$2337 from surplus tax refunds sent by state.

CT stated at her conference she spoke with Cindy Barga with TRUSTIndiana. She was advised the rainy day funds could totally be placed with TRUSTIndiana to begin earning funds. The current yield is over 3%. CT advised she felt comfortable investing with TRUSTIndiana as they are a state directed agency. CT advised initially she would like to invest electric, general, and rainy day funds. Council concurred.

Councilwoman Lyles made a motion to approve the Keystone Software 2023 Renewal Agreement for \$8946.00. Councilman Caldwell seconded. All in favor, motion carried.

CT requested clarification on a Hopper invoice.

CT advised she had to input 2 years of financials because the prior CT at the time did not do that. To manually enter figures took 2 weeks for one year and that Keystone is a benefit.

Councilwoman Lyles made a motion to correct September 11, 2022 Meeting Minutes to reflect vote for W.W. Williams quote from \$7237.50 in minutes to \$727.50. Councilman Thompson seconded. All in favor, motion carried.

Ordinances and Comprehensive Plan discussions were tabled, as well as the Investment Policy.

CT advised the 1782 notice had already been received and the town came in under the max levy. CT advised she would sign and return the notice to DLGF as all that was requested was approved.

**Old Business: None Presented**

**New Business:**

President Fry read Ordinance 2022-04 for Sidewalk maintenance.

Initially Councilman Caldwell made a motion to suspend the rules to consider Ordinance 2022-04.

Councilwoman Lyles stated she was a business owner, and when there was a lot of snowfall, the only place she could shovel the snow was to the street. She said there was a problem because it makes it hard for elderly to get around. Mr. Hopper advised if INDOT has been through they push the snow back.

CT Johnson advised Lebanon shovels a swatch of area in front of their businesses for people to walk through.

C. Lyles also stated the time shouldn't be noon and should be earlier.

Councilwoman Lyles voted nay, and Ordinance will be considered at the December 2022 Meeting. CT advised since there wasn't a unanimous vote, the ordinance would have to be considered at the December meeting. Councilwoman Lyles stated the time should be moved up to 9:00 a.m. and that she had so much to clean off in front of her business.

President Fry questioned why C. Lyles voted nay. She reiterated how she felt the time should be changed to 9:00 a.m. President Fry stated this Ordinance is not just for businesses but the entire town.

#### **Billing Disputes:**

##### **Request to Speak:**

**Eric Bearman** from 10388 Ross Rd. Jamestown spoke regarding the bank building. He advised Maria McKinnon sold him this property. He stated he had a lot of questions regarding zoning. On October third he had the property sold and he got a call from the realtor that it couldn't be sold due to zoning. He stated, "maybe he was wrong but just trying to learn."

President Fry stated it's zoned as urban business and not residential. Mr. Bearman advised he was embarrassed at the sale, and he wished he would've known beforehand. He asked if Advance had a board to overrule the county zoning as he felt the zoning was residential. Councilman Caldwell stated the Council could, but wouldn't. President Fry reiterated it was urban business and not residential. Mr. Bearman stated it was always listed as a residence with the county and he now has to figure out what to do and he didn't know what happened. He reiterated that he was embarrassed, and he felt his building was the only one in town ready to move in.

Councilman Caldwell stated there was a meeting with the EDC the following week to discuss the town. Mr. Bearman stated he didn't want to ruffle feathers but how could the town help.

Councilwoman Lyles stated she supported the efforts Mr. Bearman has made, but there aren't a lot of opportunities to downtown businesses. If his building was used as residential it would be a waste of space.

Mr. Bearman felt he was blind sighted. He stated he spoke to M. Thomas as a business owner and investor regarding the property and him using the building.

There are issues also due to handicap accessibility to the building. Mr. Bearman stated if the town would give him 18 inches, (encroaching on parking) he could do more with that. He went back to town code stated he didn't understand how he was shot down.

President Fry questioned who told him the building was residential? He stated the McKinnon's (realtors) initially listed as a residential space and pushed for the space to be so. Mr. Bearman stated he wanted to help the town. Discussion continued over the same topics.

Councilman Caldwell stated Mr. Bearman needed to come up with a plan and what he would do with 18 inches. Mr. Bearman stated the Fire Marshall discussed handicap accessibilities. He said anything the town could help with, would be great. Councilman Caldwell stressed again, a plan needs to be presented and the Council may or may not help. Discussion continued regarding all businesses in town and the vacant lot and Councilman Caldwell advised the zoning had already been set for the vacant lot. Councilman Thompson stated he didn't understand why the library building wasn't zoned general business.

**Kyle Schnoor** who owns 102 N. Main stated water pours back into his property. Councilman Caldwell stated the engineer addressed this with INDOT. Mr. Hopper advised INDOT that it wasn't constructed properly; however, INDOT said it was fine. Councilman Thompson stated Mr. Schnoor needed to contact state for a resolution. Councilman Caldwell questioned if the issue was in the right-of-way, and Mr. Hopper stated partially.

Mr. Hopper asked CT Johnson if she had a contact at INDOT. She advised no.

Councilman Caldwell stated CT needed to get ahold of town engineer.

Councilman Thompson made a motion to adjourn the meeting. Councilwoman Lyles seconded. All were in favor, motion passed. Meeting adjourned at 20:25.

X

Clerk Treasurer

X

President

The next Council meeting is scheduled for Monday December 12, 2022 at (19:00) 7:00 p.m. at the James L. Caldwell Fire Department, 106 E. Wall St., Advance, IN.