

ACNA Meeting Minutes January 28, 2021

The first 2021 quarterly meeting of the Allen County Neighborhood Association was held on January 28, 2021 in the Omni Room on the Garden Level of the Citizen Square Building. It was called to order at 6:30 by Kris Krishnan, ACNA Co-Leader. Six residents were in attendance.

Kris thanked those in attendance for coming and introduced Commissioner Nelson Peters, attorney Bob Eherenman and Mike Green, Allen County Public Information Director.

Bob Eherenman, Attorney

- Questions:
- A neighbor requested to build a garage and received architectural approval. The plans were not shared with the other residents. Does the board have to share the plans? Unless it specifically states it in the covenants, then, no, notice does not need to be shared. As long as the architectural committee did not vary from the covenants, then their approval is all that is required. Bob stated he had never seen a covenant that said notice to all residents was required.
- Can an association force By-Laws to be followed? This has to do with board members remaining on the board for many years when the By-Law states they can only be on it for two consecutive terms. Bob stated that it is so difficult to get residents involved that enforcing this would be very difficult. He suggested that the By-Laws be amended to remove that clause. As long as a slate of officers was presented and voted on at the annual meeting, then it would be valid.
- Can roof-based solar panels be restricted by covenants? Indiana State law allows them per Statute so a covenant can't restrict them.
- Installing sheds – can they be restricted if they are not specifically in the covenants? If they are not restricted in the covenants, then no, they can't be restricted unless the covenants were modified. Procedures need to be followed to amend them and in 2020, an Indiana law was enacted that requires signatures on recorded documents to be notarized and witnessed, and the witness needs to be notarized also. This has been a very difficult task and the legislature is trying to repeal the law. Until that happens, be very careful with how you proceed.
- Can a covenant restrict metal roofing or certain types of siding? Yes, they can.
- Is there a time limit for an approved project to completed? If approval was given and the work not done for several years, do they need to get approval again? No, but a good practice for architectural control is to specify a time frame when the approval is given. That way, it isn't open-ended.
- Are By-Laws easy to change? Does notice of a change need to be publicized? By-Laws are easy to change as they are not a recorded document. Notice of the change does not need to be given but it would be a common courtesy to let residents know of the change.
- Are covenants in a multiple section development able to be rolled into one document? Yes, you can but it would require following the procedures in each covenant. They may not all be the same so be careful to follow each one.

- Are late fees able to be assessed? This would depend on what the covenant says. Yes, you can assess if the covenant authorizes.
- What constitute a quorum for a meeting? This depends on how the By-Laws are written. Does it specifically state what the quorum is? Is it homeowner or resident? Regardless of what it states, make sure to keep detailed and accurate records in case there are ever any questions. Be ready to provide details!
- A covenant states that 70% approval is needed to amend them. Do all 70% have to be notarized? Yes, and with the new 2020 law, they need to be witnessed too. You can have the board members be a notary – many associations do so.
- How much does it cost to have an attorney amend a covenant? This will depend on how many residents and how much needs to be done, but generally it is between \$2500 - \$5000. You can amend them without an attorney, but if everything is not done with 100% accuracy, you would be wasting your time. Any error could lead to the amendment being ruled invalid.
- Do you have to have an annual meeting? Yes, it is required under the Non-Profit Statute. Most By-Laws require it too. The annual meeting is the only one that is required. Any other meetings are voluntary.
- Does a board have to provide a financial statement if requested? Yes.
- Board meetings should be scheduled and open. Good communication helps resolve many issues. Does it matter where meetings are held? No, they can be held anywhere. Be careful if you plan them for private residences, as you could potentially end up with many attendees, though not likely.
- If you were to raise dues and many residents are against it, can they still be raised? Follow the covenant and do what they state. As long as they are followed, even if a large quantity doesn't want it, they can be raised.
- Are virtual meetings allowed with the current COVID situation? Bob suggested amending the covenant to allow them.
- Discussions were held on proxy votes, post card ballots, dealing with COVID cancelled meetings and other ways 2020 has been very problematic for associations.

Nelson Peters, Allen County Commissioner

- Nelson thanked those in attendance for all they do – by being at the meeting, they show a commitment to associations. Participation in these meetings and communication directly with the commission is critical – the commissioners pay attention to the ACNA members.
- Nelson presented a PowerPoint presentation on what the county accomplished in 2020 and what is on the 2021 agenda.
- The Board of Commissioners is made up of three members.
- The county has over 1800 employees.
- The commissioners are mainly involved in the unincorporated areas of Allen County but not exclusively so.
- Many different departments – Highway, building, zoning, planning, etc.
- Handles all Public Information Requests.
- Over 1400 miles of roads and 200 bridges maintained.
- Handles the 911 system.
- Public safety.

- NE Regional Partnership.
- County Council acts as a check-and-balance with the Commissioners.
- County Council is the fiscal body for Allen County. They provide the county budget and handle all tax levying.
- Other branches under the Commissioners: Assessor; Auditor; Clerk of Courts; Coroner; Recorder; and the Sherriff.
- In 2020:
- Challenging year with COVID.
- Try to reduce the impact of COVID.
- Difficult to plan with doors closed.
- Switch to online services.
- Mask up!
- August – hot spots occurred.
- Set up Election Board at the Coliseum for 2020 election.
- CARES Act.
- Broadband Initiative.
- Rural areas – home school.
- Fixes to current system costly.
- Very good response to survey on broadband.
- Find out where holes exist and fix the holes.
- Chip and Seal gravel roads -25 miles / year.
- Land Bank Program.
- Redevelopment Commission.
- 500 acres – shovel ready.
- Sold 402 acres of this 500 and made a \$1.1 million profit
- Building Construction Investment.
- Exceeded \$1 billion in development in 2020.
- 67% online approval.
- Electric Works
- \$1 million invested since 2018.
- Cleaned up the property.
- \$3.5 million more invested in 2020
- 2020 Budget:
- Be creative.
- \$117,261,724.00 in 2020.
- Where does it go?
- Law enforcement = 70%
- Operations = 16%
- General government services = 7.9%
- Financial = 4.9%
- 2021 Goals:
- Pay equity for county workers
- Move Youth Services / clean up Byron site – sell for development
- 25 miles of gravel roads chip and seal.
- New home for Community Corrections.
- Enhanced technology in the jail.
- Carroll – Lima Road development
- Mass vaccination efforts

- Contact the Commissioners at 260-449-7555
- commissioner@co.allen.in.us
- Questions:
- Issues with 5G system / pole placement and height.
- General Assembly trying to address these issues.
- The fight over the height and placement continues.
- Will the Hazardous Waste Center have to move with the Byron Center sale?
Hoping not to – far north end of the property so hope it stays as-is.
- Can the County over-ride the City on issues? Yes.
- Are all of the Township Trustees really needed? Yes, they are responsible for fire / ambulance and cemetery's in each Township.
- Difficult to find people to be Trustees.
- Who put all the money into Electric Works? Both public and private funds are involved.
- Where does my \$50 / month investment go for the Promenade Park? Where is my return on investment? Since this is only in the City, the best answer is it is a deferred tax increase.

Open:

The third presenter for this meeting was not absent so Kris closed the meeting at 7:40 PM. He thanked everyone for attending.

The next meeting will be April 22, 2021 at 6:30 pm in the lower-level Omni Room in Citizens Square. The remaining 2021 meeting dates are: July 22; October 28.