

ACNA Meeting Minutes April 28, 2022

The second 2022 quarterly meeting of the Allen County Neighborhood Association was held on April 28, 2022 in the Omni Room on the Garden Level of the Citizen Square Building. It was called to order at 6:30 by Dean Embrey, ACNA Co-Leader. Twenty-nine residents were in attendance.

Dean began by introducing his wife Marvel as the Co-coordinator of the ACNA, Mike Green, the Public Information Office for Allen County and Rob Green, secretary. Dean next announced that the July 2022 meeting would be a panel discussion meeting, where four residents (two from the county associations and two from the city associations) would lead the group in presenting ways that they have dealt with association issues in the past. The four volunteers for this panel are needed and if any attendees are interested, please reach out to Dean or Marvel. There is also a sign-up sheet on the information table at the entrance to tonight's meeting. Dean also stated that he had some updated solar panel information to present to the attendees, if there was time, or to see him after the meeting.

Josh Neal; Attorney – Barrett McNagny

- Josh had previously presented to the group with his associate Bob Eherenman
- Questions:
- Can associations legally limit rental properties or is that in violation of the Fair Housing Laws? Yes, rental restrictions can be in restrictive covenants but must be worded properly. (Two documents govern associations – restrictive covenants and by-laws.) Rental restriction must be in the covenants and if not, they must be amended. Enforcement must be uniform – can't play favorites. Restricting rentals is doable and enforceable, if done properly and if you follow the proper enforcement.
- What if there are currently no restrictions, already have many rental properties in the association, can it still be done? Yes, you can amend the covenants but you have to follow the rules for amending already in the covenants. That means getting notarized signatures from the current residents. Once amended, a reasonable time frame must be given for current renter to move out.
- Can you set a maximum percentage of rentals if there are already a large amount in the association? Never heard of that done, would be very difficult to track and how would a potential buyer know the current percentage? Not recommended to set it this way.
- Can group homes be restricted in associations? Probably not, would be in violation of the Fair Housing Act.
- Can an HOA have online voting? Nothing known of to prevent it. Have not seen it done in Indiana to date.
- Can a board vote by email? Current Code allows online voting to a certain percentage of issues but not allowed for major issues. Post Covid, Zoom, Teams, etc. meetings are pretty normal and allowed but there are rules to follow when using them.
- Explain the rules for amending covenants and Notarization. (Many questions on this topic). Signatures must be notarized. Different opinions on whether each

- signature needs to be notarized or have all the signatures collected and notarized after all are collected. This “may” be allowed, but it opens the association to potential issues down the road. Any resident could question if the individual signatures were valid – if you use this method, be certain to maintain detailed records. Not the recommended method to do it.
- You can have a proxy vote for budgets, minor issues but not for amending covenants.
 - Can you provide a recent covenant to review for changes to an association that has been in existence a long time? Public record, search a newer development and see what they have recorded.

Ben Roussel, Joint Department of Planning Service Executive Director

- Governs the unincorporated Allen County as well as Huntertown, Grabill; New Haven, Monroeville and Leo-Cedarville
- Planning Commission covers rezoning, plats, commercial development.
- Zoning Appeals covers specific items, such as set-back, public hearings.
- Projects currently undertaking include the updated Comprehensive Plan. The last time this plan was updated was in 2007. Also overseeing the All In Allen County project. Working on the housing shortages and zoning ordinance amendments.
- Questions:
- Previous questions regarding Group Homes – any attempt to restrict them most likely would be a violation of the Fair Housing Act. Group homes are for a protected class of residents and restricting them could be a federal violation. Consult an attorney prior to any attempts to restrict them.
- Questions about the rezoning of the land on Illinois Rd that has been in the news recently. How can other developments prevent this issue where a resident was able to be removed from a covenant? The Planning Commission covers rezoning, developments and covenants. Ben stated that there has been misinformation in the news over this event. Make sure your attorney is aware of any covenant vacation requests. If you do not have an attorney on retainer, be watching the media, social media and public notices. In this case, the DPS followed not only what was required by law, they went above and beyond that.
- Who oversees commercial developments that change the original plans? Most of these are covered by the DPS.
- Who oversees an area that is a flood plain if it is going to be developed? The DPS uses the best available resources on hand. Current flood plain maps and wetland information are used. The Surveyor office covers storm water issues.
- A Resident stated that the All In Allen County should include a long-term plan for the environmental needs of Allen County and it should be added to the plan. Ben stated that low staffing levels prevent some items they can accomplish, they are limited by budgets and at this point, they do not have future environmental issues in the plan.
- Legal notices in the newspaper are difficult to read and monitor. Why not give out more information to a larger area surrounding planned developments? There are rules for the DPS to follow for getting information out and they follow these rules. They go beyond the rules and post signs about the public meetings. In the

- previous case above, the neighboring residents were all notified in advance of the meeting.
- Who covers commercial lighting issues after the development is completed? This is not part of the DPS. They approve prior to the development but are not involved in the enforcement.
 - A resident stated that many attorneys in Allen County are involved in many DPS cases so they state they have a conflict of interest when asked to assist in issues with the DPS. You may have to reach out to attorneys from other counties.

Tom Fox – Department of Environmental Management Director

- This department is involved with “Trash Talk”!
- Previous to 2018, was called the Solid Waste District
- Their job it to work to keep items out of the landfills that don’t belong
- Allen County was the first county to change to the Department on Environmental Management
- 600000 tons of trash are collected in Indiana per year – Allen County contributes 60% of the waste to them.
- Tox Away Program
- Waste oil used to be collected once a year – now every Tuesday the Tox Away location on Lima Rd. accepts it
- The Tox Away site collected 89 tons of items that did not end up in the landfill
- Four Saturday s year are open for the Tox Away and looking to add more.
- Maintain commercial drop off sites for items.
- Looking for more – tough to find available land that commercial owners will allow as drop off sites.
- Using community outreach now - social media; website; presentations such as this meeting; Earth Day and Eco-Fest. The goal is to recycle and sustain the environment.
- Waste Watcher handout. Published every other year to every resident in Allen County.
- Electronic recycled is done in conjunction with Onmisource in New Haven. There are fees for disposal of electronic items. Electronic items are sent to Electronic Recycling Inc. ERI is able to recycle 99% of everything they receive.
- Yard waste is collected off Lake Avenue.at the Fort Wayne Biosolids facility. They also have a free mulch program – they will mulch up the items you bring in and you can take it away for free.
- Batteries and light bulbs can be recycled at all Do-It-Best locations, Batteries Plus and many larger big box stores.
- New program has been started for “Sharps”. Smaller sharps boxes are available from the Tox Away location for \$5.00 per box; larger boxes are \$10.00.
- Cooking oil is now taken at the Tox Away location for free.
- A consultant has been hired to adjust their programs for the future. They are helping to get the word out on what they do, how they are doing at it and how to prepare for the future.
- A reusable bamboo utensil set was given out to every resident in attendance
- Questions:

- Could the former Northeast Fire Station be used as a drop off site? This site is currently being used for other things.
- The electronic recycling fees were discussed
- Do you collect old lawn mowers or air conditioner units? No, these items should go to a local scrap yard. The motor oil from them is accepted at the Tox Away site though.
- Will you have to move from the Bryon site? Yes, that site will be moving soon.
- Do you offer programs that associations can use for meetings? Yes, contact the office to set up something.
- Why not have longer hours for the Tox Away? Limited by budgets and employees
- The yard waste collection site is for all of Allen County? Yes

Susan Baier – Allen County Public Library Executive Director

- Overview of the Allen County Public Library
- 2022 Master Plan PowerPoint
- Slide info:
- Why have libraries anymore? Research, genealogy, reference material, after school programs, books, DVD's and summer reading programs.
- Facility Master Plan
- In the news, feedback requested and being reviewed.
- Open Houses
- Over 1300 surveys received.
- Love your library!
- Diverse county = diverse thoughts.
- The Chapter Ahead? Part of All In Allen County
- Major themes:
- New location in Huntertown; remain in the southwest; be accessible and easy to use, close to schools. Location, location, location!
- Facility Plan
- Currently fifteen branches: Aboite, Dupont, Georgetown, Grabill, Hessen Cassel, Huntertown (new), Little Turtle branch, Monroeville, New Haven, Pontiac, Shawnee, Tecumseh, Waynedale, Woodburn and the main branch downtown.
- Cost for the Master Plan = \$125 million.
- Sell existing lands for approximately \$5 million. Use existing reserves of \$26.5 million dollars. Will need to collect the remaining \$985 million with bonds.
- Financial Plan
- Reach me at librarydirector@ACPL.info
- Website – www.youracpl.org
- Questions:
- What size is the current Dupont location? Approximately 12,000 – 13,000 square feet. Want to enlarge it to closer to 25,000 square feet.
- The Library Board has approved the Master Plan. It now goes to the Allen County Council
- Resident - Program to throw away books was ill conceived
- The SE area needs a library and the Shawnee branch needs major renovations.

- Will the current Dupont branch be moved? Yes, it is landlocked so it will be sold and moved elsewhere.
- How will you get the needed money with all of the increases in taxes already? It is hoped that with all of the ongoing developing, the tax base is increasing so the burden will be spread out.

Open:

Need volunteers for the July meeting to be presenters. Looking for two people from City associations and two from the County. This meeting will be an open forum for the presenters to tell attendees how they do things, issues they have dealt with in the past and the general day-to-day running of their associations.

Dean presented information he received on solar panels for residential houses. There are currently some restrictions on solar panels, mainly on not allowing them on the ground level and they are prevented from filling an entire yard with panels. Currently they are allowed on roofs and south-facing walls. Legislation on solar panels is being discussed and changes are happening quickly and often. There was some question among the group if some of the recent legislation is taking effect on July 1st.

Dean closed the meeting at 8:00 PM.

The next meeting will be July 28, 2022 at 6:30 pm in the lower-level Omni Room in Citizens Square. The remaining 2022 meeting date is October 27th.