

ACNA Meeting Minutes January 27, 2022

The first 2022 quarterly meeting of the Allen County Neighborhood Association was held on January 27, 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. Thirty-three residents were in attendance.

Dean began by announcing 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 are interested, please reach out to Dean or Marvel. There was a sign-up sheet on the information table and the entrance to tonight's meeting

Lindsey Tipton; Attorney

- Lindsey began the presentation by stating that she works with Bob Eherenman, frequent presenter to the ACNA, and that she watched previous presentations to see how Bob presented to the group.
- Terminology:
- Covenants and Plat: Property rights of the association
- By Laws: How the association governs the corporation and its officers
- Articles of Incorporation: Legal method to form a corporation, on file with the Indiana Secretary of State.
- Questions: (Note: these minutes are not intended as legal advice – consult a lawyer before proceeding with association legal matters)
- Can you explain the definitions in Statute 72.23 as far as what constitutes an RV / Camper / Trailer? What constitutes a driveway versus a paved area in a back yard? A resident paved an area in their backyard to park an RV by a privacy fence and are calling it part of their driveway. A driveway is generally an access point that connects a street to a property so if there was a pad in a back yard, it is more than likely not part of the driveway.
- Can an association get all of the signatures on one page and then Notarize the page to amend covenants? A Notary is required to verify each signature so having them all on one page and then notarized is probably not sufficient. It could easily be questioned as to the validity of a person's signature if they wanted to contest it.
- Is a political flag a flag or a sign? "Generally", a flag is not a sign – a flag, hanging from a flagpole, not attached to a residence, is not considered a sign.
- If a group of residents is trying to amend covenants to allow for sheds and can't obtain the required 75% residents required, can they keep trying year after year to reach it? Yes, they are allowed to retry continually.
- For 17 years, at an Annual Meeting, a quorum of the Board is never in attendance. Can decisions regarding the association budget be made at these meetings? Resident involvement continues to be a big problem for associations. Technically, no, you can't without the quorum, but the board is required to conduct association business to keep the association moving ahead, so it would be difficult for a judge to fault the board for moving ahead.

- Can a group of residents in attendance of the Annual Meeting be declared a quorum and continue on with decisions? No, this is not legal.
- A resident was upset with the snow plow contractor for plowing snow at the end of his driveway. He stated that he was going to sue the contractor and the association if he slipped and fell on the snow that was plowed on his driveway, after he had cleared it. Could the association be liable for negligence? Since this is northern Indiana and it does snow and we are required to clear the snow, it would be very difficult to find a judge that would fault the plow driver or the association in this matter.

Nelson Peters, Allen County Commissioner

- Nelson began by thanking those in attendance for all they do for their associations. The people in this room are the backbone of the associations.
- The question was asked if the leaders of the associations could do more and the answer was “yes”. This group of leaders could help to elevate the democratic process by being involved and spreading the word.
- Voter involvement in primary elections is as low as 9%. As an analogy, if there were 30 residents at this meeting, and only 10% voted on an issue, then only three people are making decisions for the majority! That can really be scary. Help – get the word out – vote in the primary elections!
- A review of 2021 PowerPoint was shown. Highlights included:
 - Allen County has three Commissioners.
 - Elected on a staggered cycle, so all three are not replaced at one time.
 - Make policy for over 1800 associations
 - Enact ordinances on unincorporated areas of Allen County
 - Oversee numerous county departments
 - Make final decisions on all zoning issues
 - Maintain over 1400 miles of roads and 200 bridges
 - Oversee the 911 system and public safety
 - County Council is the fourth branch of the local government
 - Assessor, Auditor, Clerk, Coroner, Recorder, Sheriff, Surveyor, Treasurer all report to the Commissioners
 - \$2.14 Billion projects in 2021 - \$1.2 Billion in commercial and \$909 Million in residential
 - Issued over 3500 permits in 2021
 - Even with COVID, permits continue to be issued. COVID resulted in an active online process being developed
 - Department of Health – besieged since COVID. This entire department was awarded the Employee of the Year for 2021!
 - Contact the Health Department at 449-4499
 - Dealing with mask mandates, schools, parents, regulations
 - 1st Responder Support Program
 - Assist with the mental health and well-being for the front-line workers during pandemic
 - Shell buildings in Allen County – two 150,000 sq. ft. built and ready for occupancy.
 - \$1.4 million Federal Funding for Monroeville / Wayne Trace intersections

- Federal Opioid Settlement – overseeing the battle over accepting the federal mandate or control it individually. At the legislature level at this time
- Employee Health Clinic – benefit to allow County employees to receive medical treatment
- Plan to chip and seal all dirt roads – much cheaper in the long run!
- 2022
- Budget of \$125 Million
- Pie Charts showing break down of budget – where the money goes
- Of the \$125M, \$91M goes to Public Safety and Legal / Judicial areas
- Adjust pay system for County employees to attract and retain employees.
- Relocate Youth Services from Lima Rd.
- Add 25 more miles to the chip and seal program
- New Community Corrections Building
- Enhance technology in the jail system
- Continue Byron property demolition for future development
- Contact any time at 449-7555 or commissioner@co.allen.in.us
- Questions:
- Time frame for Byron property? Asbestos removal delaying – hoped to be December 2021
- Fort Wayne trash pickup issues? Some plans in place to replace current vendor
- Homeland Security only in the County? Yes, by Statute, the Commissioners only control for the County but work with communities like Fort Wayne and New Haven

Amy Scrogam – Allen County Election Board

- 2020 Census and changes to Indiana Legislature
- Increase legislator from three to four
- Maintain 9 State Representatives
- Check voter ballots
- Poll locations may have changed - watch for voting postcard
- Early voting – begins 28 days prior to election date and held at four locations
- Voting by mail – order ballot with online applications
- www.allencountyINvoters.gov
- Candidate filing, early voting, election results, who is on the ballot?
- Primary – May 3; General Election November 8
- District maps, voter locations, directions to voting locations
- Be Involved! Help is needed!
- Changes in 2021:
- Absentee ballots now due by 6:00PM, not 12:00PM
- Watchers Law
- Paper Audit Trail due by 2029 – trying now in several locations to be ready
- 115 polling locations in Allen County
- Explained tracking absentee ballots to resident question

Bill Hartman – Allen County Highway Department Director

- Snow Plowing: 36 plow trucks; 5 graders; 4 loaders; 10 pickup trucks

- Chip and Seal – try to increase 20-25 new miles a year and reseal 50-60 miles a year
- 85 employees
- Handouts:
 - 2040 Transportation Plan
 - US 30 Corridor Study Plan
 - Federally-Funded Allen County Highway Projects
 - Traffic Plans
 - Trails and sidewalk
 - Federal Aid projects
 - Gas Tax funds budget – if all electric, where does funding come from?
- Questions:
 - Snow removal in residential areas? Yes, but lowest priority. Most residential subcontract due to this.
 - Report potholes? Contact either the South Barn on Tillman or the North Barn on Carroll Rd.

Shan Gunawardena, Fort Wayne Director of Public Works

- City projects: completed a record \$38 Million in city projects in 2021
- Pandemic didn't affect project completion
- Taxes and income increased for added budget amounts
- County trying to convert dirt to chip and seal and city trying to convert chip and seal to paved!
- Increase neighborhood street replacement
- Trail projects:
 - o Lima Rd to Ludwig
 - o Covington Rd Southwest
 - o Hannah Street
- Alleys and historic streets
- Add sidewalks where there are none
- ADA curb ramps
- Sidewalk repairs
- Bridges
- Street Department three seasons: Winter; Spring, Leaves
- Open Streets event on Calhoun St.
- Great America Clean Up 2022
- Trail rides on Tuesdays
- Horse rides on trails
- Refer to Fort Wayne Parks website for times and dates
- Tox Away days
- Cruise In – June 24th
- Trash pickup
- Continual issues, vendor bankruptcy
- Contract currently being revisited
- Assist where they can with the City trucks
- Hope to have a new contractor by July 1, 2022

- Reasons for issues: pandemic, people working from home and increased residential trash amounts
- Questions:
- Leaf pickup – schedules? Mother Nature controls when they fall, can only set a schedule and hope she cooperates
- Tried to hire 40 seasonal workers for leaves and only got 20. Need to complete pick up eight weeks prior to snow season to maintain and prepare equipment
- Purchase more vac trucks for pick up instead of heavy loaders? Yes, budget constraints though
- Sidewalk along Clinton not cleared of snow and pedestrians walking in the road!
- Snow removal is split into three levels: Level 1 roads are the priority, Level 2 follow, then go back over Level 1 a second time. Level 3, residential, is the last to be addressed.
- Would the City consider taking over trash removal completely? Would be local involvement, local element to it. This is a possibility but a huge undertaking in cost and scope. Looking at taking over City bulk pickup first. This would alleviate a project that slows the contractor from normal pick ups

Open:

Dean closed the meeting at 8:00 PM.

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