

ACNA Meeting Minutes July 27, 2010

The meeting of the Allen County Neighborhood Association was held on July 27, 2010 at 7:00PM in the Omni Room of the City County Building. The meeting was called to order by Kris Krishnan, Co-Coordinator. Thirty five residents were in attendance.

Kris made introductions of ACNA officials and guests in attendance that included Attorney Bob Eherenman, Commissioner Nelson Peters, Public Information Officer Mike Green, Director of Leadership Fort Wayne Cheri Becker, former ACNA President Chris Ivancic and Mike Connolly and Tom Harris, candidates for the 2nd District County Council. Along with Kris were Joanne Bergman, Co-Coordinator, Rob Green (Secretary) and Dee Jackson and Ron Vargo (Greeters).

Kris began the meeting with a brief overview of the agenda for the evening. The main focus of the meeting was to review the findings from Cheri's presentation and discussion at the April 2010 meeting and where the ACNA goes forward from here.

Bob Eherenman, Attorney with the law offices of Haller & Colvin, P.C.:

Since Bob had no pre-meeting questions provided, he began his presentation with the main topics from previous meeting topics of interest to the group.

Covenants:

Covenants provide restrictions on property in an association with specific ways to enforce these restrictions. The covenants are a contract, but the first line of enforcement should be to try to talk to the persons involved. Generally this is your neighbor and a line of communications should be the first step in any dispute. Many times a resident may not even know he is in violation of the covenants! Eighty to ninety percent of the residents will comply with your request once they are informed of the violation.

For the minority that won't comply after talking, the main course of action is to document everything that transpires, including all discussions and any correspondences sent. The association should tell the resident of the violation, verify in writing that the resident is aware of the violation and follow up with the resident for resolution. The best advice for the association is to try to think like a judge overseeing the matter.

If after the written notice of a violation is ignored, the next step would be to involve your association lawyer and have the lawyer draft and send a letter outlining the violation. The lawyer will detail the steps needed to correct the violation and what would happen for failure to comply. If after the lawyer sends the letter and nothing happens, a court would have to be involved.

One item associations should check their covenants for is an Attorney Payment Provision. If there is a provision for a prevailing party, the association could be liable for ALL legal fees for both sides if they lose the case. If the association has an Attorney Payment Provision, then they would not be liable for all the fees.

One final comment on covenants: The thought is that if a resident hires a good lawyer, he will beat the covenant's enforcement. The covenants are a contract, and if they are specific and clear, maintained and enforced uniformly, then they are fully

enforceable by a 2 to 1 margin. Bob also stated to pick your battles wisely and always try to use common sense.

Questions:

- How far beyond the covenants can you go? What if a resident puts an outbuilding on a lot without approval of the Architectural Control Committee?
 - o If you want restriction on the land, make sure to put it in the covenants!! The judge will look at what is in the covenants and rule based on that.
- How to change current covenants?
 - o It will depend on what is spelled out in the covenants. Usually it states a certain percent of the residents must agree with the change in order for it to be allowed. If no percentage is stated, Indiana law then requires 100% agreement for a change! Look at what is spelled out in your covenants and be aware of how the covenants are worded. Is it one vote per “owner” or “resident”? The owner would be the person listed on the deed and may not be the current resident.
- Should you review your covenants?
 - o Bob stated “yes”. He strongly advised thoroughly reviewing your covenants at least annually. Many items in the covenants can fall out of date over time.
- Are daycare centers or home hobbies allowed per the covenants?
 - o Usually these issues would be more a zoning issue than a covenants issue.
- How do you address multiple covenants with many different builders in a development?
 - o The best course of action would be to try to get all of the builders to consolidate their covenants into one uniform document.
- Are solar panels allowed to be restricted by covenants?
 - o Solar panels are limited by the current State Statute. Covenants can’t supersede the Statute. Satellite dishes fall under the same Statute. The covenants can’t regulate satellite dishes under 1 meter in diameter.
- Does the owner have to be the occupant?
 - o Usually there is a no-rental provision in the covenants. The Supreme Court says it is legal, but it is very difficult to enforce.

Cheri Becker:

Cheri presented to the group her findings and conclusions from the presentation at the April 2010 meeting stating that after all of the findings were tabulated, most comments revolved around the legal issues of an association. The four main areas from the modules and top issues under each were:

1. Leadership:
 - Conflict resolution/ problem solving
 - Recruiting volunteers
 - Ethics and integrity
2. Role and responsibility of the Board / Association
 - Fiscal Accountability.
 - How to collect dues, manage deposits.

- How to maintain properties.
- What legal issues become involved with local development?
- 3. Community Initiatives
 - How to reduce crime.
 - How to develop an Emergency Preparedness Plan.
 - What is the purpose of an association?
- 4. Understanding Local Government
 - Understand the role of the local government
 - What is the role of the city in planning an association?
 - Understanding zoning rules / zoning appeals

She listed the comments that were provided from the surveys presented at the April meeting:

- Legal issue resolution
- Tax returns (depends on what type of association)
- Communications between various neighborhoods
- How the age of the association affect the residents
- How many residents are in an association
- What rights an association has in regards to utilities.

After the information was gathered, 35 people stated they were very committed to attending training. Thirty-two out of the 35 were either Very Committed or Committed to attending training.

With that strong of a commitment, she thought it would be a very good opportunity to have others come to these meetings to address the individual modules listed above.

After her presentation, Cheri left the meeting to allow the group to discuss her findings and look for ways to move forward.

Kris Krishnan:

Kris began the next portion of the meeting with a handout on the ACNA administration. This handout spelled out the purpose of the ACNA, the functions of the meetings and the roles of the person involved in the ACNA as listed: the Commissioners, the Public Information Officer, two Coordinators and seven helpers. The helpers are the Secretary, two Greeters, a Refreshment Host, the Data Recorder, the Public Activist and the ACNA Webmaster. Duties for each of these positions are spelled out in the handout.

Kris stated that he and Joanne have been the ACNA Coordinators for the past five years and that they are both stepping down at the end of 2010 and there is a need for two new people to volunteer to take over the Coordinator position. Without volunteers, the job of the ACNA will not get done.

In addition to the Coordinator positions, the group is looking for a person to be the Webmaster for the Association. Currently there is no website for the ACNA, but one could be started and the information gathered would then be available online.

Mike Green, PIO, told the group that these ACNA meeting are now available to be viewed online on the Allen County website under the "Video on Demand" tab. The Video on Demand tab allows access to all City and County meetings free of charge.

These meetings can be viewed by anyone with a computer. Simply click on the website, www.allencounty.us and click on the Video on Demand tab. On the same website, there is a tab for the Neighborhood Association Resource. Information from the ACNA meetings can be found under that tab.

Kris passed out another handout titled “Future Directions of the ACNA Development Programs” which was his outline of classes that could be developed and presented for training for the members. The classes were broken up into four main categories and labeled as Neighborhood 101; 102; 103; 104. Each of these could be developed and would last approximately three hours or so and these would be the core requirements for associations, providing all the training that the people were looking for per Cheri’s presentation. They could also be recurring classes so that as association members change, others could take these classes to learn what is necessary for an association.

He suggested three possible avenues for moving forward. Plan A was a City and County sponsored Neighborhood Development Academy conducted by the Leadership Fort Wayne group. Plan B was for IPFW (or other college) to develop a course to train neighborhood leaders through a Continuing Education Program. Plan C was for the ACNA to develop courses based on the experience of the group over the past few years.

Group Discussion:

The big question from the group was “What is most important for the group”? Nelson Peters stated that they would like to work forward on an agenda to continue the ACNA but that money could be an issue. The City has Grant money available through Leadership Fort Wayne but the County does not have any funds specifically at this point. There could be three ways to secure funding: try to get in on the City grants; Cost share with the City or provide at a cost to each association.

He stated that this program will only be as good as we make it. We need to really try to get all of the nearly 400 associations involved in this to make it work. There is always the question of how committed everyone will be. Without strong commitment, there is little hope for success. There are no firm cost estimates for the program at this time, so that remains a huge question. The cost estimate provided to the City from Leadership Fort Wayne was approximately \$1000 per session or approximately \$12000 for the entire group of sessions. How this would be broken up is not known at this point.

The IPFW suggestion seems to be a very promising one but at this time, budgets are extremely tight and there has been no movement to get IPFW to commit to anything along these lines. The City and County could combine funds to help move this forward, but what if after doing this, nobody showed up for the classes? Again, the commitment level was discussed. A show of hands showed that 25 out of 35 in attendance said yes, they would be interested in these classes.

It was suggested that the classes could be put on DVD format and made available through the local library for viewing. The question of who would fund this was again raised. There doesn’t appear to be any funds readily available for this type of program at this time.

A resident in attendance stated that IPFW had a program like this for associations. The classes were available for a small fee but the program was dropped for some reason. None in attendance knew why this occurred.

Kris thought all of the information presented through the past few years ACNA meetings could be compiled and used to make the classes. He had detailed reports from these meetings and he could work to compile his notes into a series of classes. He suggested copies of these could be provided to local library branches.

ACNA meetings are currently very repetitive and it would be good to find ways to change that. The possibility of the training sessions would be one very good way of accomplishing that goal. But again, the fact that funding for this isn't available continues to be an issue. And there hasn't been a big pool of volunteers coming forward to take the load off the few who are presently running it. Some other suggestions were to break the meeting into the modules per Cheri's presentation, change the frequency of the meetings or even conduct Saturday workshops.

Kris then conducted a poll of those in attendance to gauge the commitment and willingness of the members to attend training. Of the many suggestions presented, quarterly meetings held on weeknights with a cost of \$25 / session was the most favorable scenario.

Open Discussion:

The floor was opened to discussion at this point. There was one request for recommendations for pond maintenance and lawn service from one of the members. Attendees were going to discuss this after the meeting.

There was some discussion on the fact that the group and training could be Fort Wayne associations versus Allen County associations. It was suggested that the best alternative would be one group, not two.

Another suggestion was that these suggested courses would best be served if they were web based, available to all at any time. The web based option becomes a very powerful option, similar to Angie's List. If organized properly, it was suggested it was the best way to go.

The ACNA again stated that they were trying to gather all of the associations and association Board Member names. There are quite a few still not accounted for. If you know of any, please present them to the ACNA Board.

Joanne asked that any member interested in becoming more involved in the ACNA to please contact her before the October meeting. We need to get more volunteers or the job will never get done!

The meeting closed at 8:30pm.

Next meeting: October 26, 2010 at the Allen County Public Library, Meeting Room A at 7:00PM. Parking is free with a valid library card.