

## **ACNA Meeting Minutes July 22, 2014**

The meeting of the Allen County Neighborhood Association was held on July 22, 2014 at 7:00pm in the Omni Room in the Garden Level of the Citizen Square Building. The meeting was called to order at 7:05pm by Dan McCrea, ACNA Leader. Forty-nine residents were in attendance.

Dan began the meeting by introducing Allen County Surveyor Al Frisinger

### **Al Frisinger – Allen County Surveyor:**

Mr. Frisinger began the meeting by explaining the function of a County Surveyor. The Surveyor is the Drainage Engineer in the County. If water flows into a regulated drain, a storm water review of the drain is performed. This review will assess how to manage the runoff from the roads and fields into the drains.

Beginning about forty years ago, storm water management started using retention ponds as a storm water management tool to hold water at a set level with intakes for surrounding inflow and an outflow point where the water will gradually release as the pond level gets to a certain height. The water is then discharged at a slower rate to the surrounding rivers and streams. The associations where retention ponds are used are then free for the associations to use as they see fit.

The Clean Water Act in the 1970's mandated that water runoff be filtered or regulated in a way that the water has seen a cleaning effect before being discharged into the surrounding streams. The National Pollution Discharge System (NPDS) set the requirements for retention pond design and use.

Mr. Frisinger opened the floor to questions at this point.

- In the Stillwater Addition, a ditch runs through the association. How can this ditch be enlarged to make it work better for the surrounding water? How does the Association work with the Surveyor to make this happen? Mr. Frisinger said that widening it would not help very much and stated that unless you could greatly regulate the discharge, it isn't worth the money. He did say that if the Association contacts his office, they will come out and review the ditch and look at possible options. He felt that to do this type of work, a wetland engineering plan would be needed, which means involving IDEM, the DNR and the Army Corp of Engineers, which makes the cost of all this very prohibitive.
- The Oaks Subdivision at DuPont and Tonkel has a problem with muskrats. They would like to put rock around the pond to help with the erosion damage being done by the muskrats. What regulations are there for this? Al stated that the retention ponds are owned by the Association and any work they choose to do around them is their choice. Rock will help with erosion but not in getting rid of the muskrat problem. Getting rid of the muskrats is the only solution, as difficult as that can be.
- The Hannaur Ditch near Spy Run – the pond by the old Siefert factory is being affected by the new developments built there. Why was this allowed? Al stated that this area, being downstream from huge inflow areas, is a very difficult

- situation. Maintenance is needed to the ditches around there but there are very limited funds to do this. Al stated that each drain has its own money set aside for maintenance and the money for these drains is nearly exhausted. Even if the drain maintenance would be done, the huge amount of inflow from upstream of this drain would still present problems.
- Are there published standards or requirements for retention ponds? Al stated that there are standards for the design and construction but once they are built, the maintenance falls of the ponds falls to the association members. The maintenance is the choice of the residents. He also stated that many maintenance items can be very costly. He suggested contacting his office for assistance in side bank erosion and can provide the recorded documents from when the pond was built.
  - Westbrook Addition – why can't a small pond be put into the four-acre dead area? Al stated that the dead space was actually the former location of houses that were bought out after previous floods and could possibly flood again. The small four-acre site can't take the huge quantity of inflow from upstream and the cost to build and maintain would make it unlikely to construct.
  - Are there requirements or regulations for signage around ponds? Al stated that no, there are no requirements from the Zoning Laws. Dan added that from previous ACNA meetings with our lawyer guests, there are large liability issues around ponds and from the legal standpoint, ponds should have warning signs around them. Al agreed and suggested contacting your association insurance company for direction on this question.

**Round Table Discussion:**

**Carolyn Devoe - Southwest Area Partnership**

**Anthony Ridley - Southeast Area Partnership**

**Ellen Fox - Northeast Area Partnership**

**Palermo Galindo - City of Fort Wayne Community Liaison**

The remainder of the meeting was set up as a round table discussion so that the audience could interact with leaders of various groups to discuss topics ranging from conflict resolution, meeting structure, fiscal accountability and ways that area groups can interact with City and County Departments.

Carolyn stated that her area runs from US-24 to the airport and west of the City limits. She suggests issues be taken to the association first. If the issue isn't solved at that level, then take it to the SWAP. If they can't solve the issue, then take it to the Department Head of the County or directly to the Mayor if you are in the City limits.

Tony stated that his group has a very open and active dialog with the City, where there are open lines of communication. He stated that you should look for the positives in your area and elaborate on them instead of the negatives.

Ellen stated that her area is basically around the North Side High School area. They fought years ago when a prison was proposed to be built near the High School. They are now the largest homeowner association in Fort Wayne and have been able to give the residents a voice in the community. She stated that you need to know your neighbor first. Know your neighbor, know your block, know your street, know your

county, know your state. But know your neighbors first. Be open and share your comments, concerns and your thoughts.

Palermo stated that as the Community Liaison, he works with these Partnerships on a regular basis. He stated that there is an Association Presidents Meeting on September 8<sup>th</sup> from 6:30 – 8:30 in the Omni Room of the Citizen Square Building and all Association Presidents are welcome to attend. The regional meeting for the RNNC is September 11-13 in Richmond IN. He also stated that a Neighborhood Resource Guide is available from the City of Fort Wayne website and this guide will help with the steps that are needed to start an association.

### **Questions:**

- Resident lives in the NE area and has a very low crime rate because most of the homes are owned, not rented. It was felt that many times rental owners are not tied to the area and don't have the same bond to the area as those who own homes. It was felt that there needs to be a push to get rental property residents to feel the same as a home owner.

(SWAP) There needs to be pride and ownership, strong curb appeal and presentation. In the Southwest, they started a dumpster day's program and informed several large rental property owners of it, opening it to all residents. These property owners were so impressed that they were involved in the program that they actually paid to have sidewalks put in when that issue arose! Don't treat the rental residents as outsiders! Be inclusive, not exclusive! Say "hello neighbor, my name is..." to those when they move in. Provide them a current newsletter and be open about the covenants requirements. It doesn't always work but it is certainly worth a try.

(SEAP) Rentals are a way of life in today's society. An improving economy helps, but many are unable to own homes. There needs to be community involvement, pride and open communication. In this area, families are moving back in and the area around Indiana Tech is very robust and lively. The many bike paths to draw families to the area. There is a strong push from the City and the Associations, 311 is a great tool, the Mayor's Night Out is a huge hit and having Palermo and his office as a liaison is very beneficial.

(NEAP) Rentals are plentiful in their area. But many rental residents are planting flowers and showing pride in their homes. They have helped in cutting down trees, cleaning up after storms and being involved. Look at the positives of the rentals, not only the negatives.

- The City will help with dumpsters for clean up days. Call them to arrange.
- Use the 311 function!
- 26% of the population is now renting
- Use the What Is In It For Me approach – use this as a guideline to make residents more happy, more empowered, more enamored. Rentals don't necessarily mean problems.
- What can be done if the grass is not being mowed? Talk to the homeowner first. Is there a reason why it is not being cut? Find out the reasons. Cut it yourself if they are not able to cut it. One partnership actually pays area boys to cut some properties. There are codes in the City for this. Call the 311 function. The City

- will cut the lawn after it reaches a certain point and assess liens on the property for repayment. There is no County Ordinance for lawn heights. Many times the Association will have regulations in the Restrictive Covenants (not the By-Laws).
- The rental issue was again discussed. Having a no-rental clause in your Covenants is difficult to implement and you need to be careful that once you have it, it doesn't come back to be an issue for yourself. Changes in family dynamics could occur and if you have the no rental clause, it could affect you personally.
  - Real Estate Agents are not informing new owners about Covenants. This was discussed both ways – some in attendance stating that it is a law and others saying it is not happening.
  - A resident from the Lake Pointe Villas spoke. He stated that in their association, if work is not performed, the association will do it and then assess the fees back to the resident in question. He also stated that pond liability is nearly a must. He knows of an association that was sued after a drowning and it lost a judgment for over \$30.7 million dollars!! In the villas, each resident has assumed liability for the pond and could be held responsible for any judgments.
  - (SWAP) The association is responsible for any felonies committed by the Board and is liable for anything the Board does. It is felt that the State legislature has done the citizens wrong by the actions it has taken.
  - What can be done if the covenants are not being followed? Follow what is written in the covenants. There are either verbal or written actions to be taken. In most cases, if they will not follow the covenants, you have to rely on the courts to handle it.
  - It was suggested to give the realtors listing a home a copy of the covenants to display or present to potential buyers.
  - Joanne Bergman informed the group that it was her birthday and as a present to those in attendance, a gift was taped under each chair. Happy Birthday was sung to Joanne!!
  - Joanne passed out an ACNA quiz and asked all those in attendance to please fill it out and drop it off before leaving. The winner with the most correct answers will be awarded a prize at the next ACNA Meeting!!
  - Copies of the NEAP Newsletter were available for attendees to review.
  - The October meeting is the Lawyer Meeting where two or three lawyers are present to answer questions.
  - Joanne asked the group if one or two associations would be willing to take on the organization and coordination of the October meeting. Contact her if you are interested at [JLB888@JUNO.com](mailto:JLB888@JUNO.com) or call 260-672-3716.
  - (NEAP) The Fall Concert at Lakeside Park will be held on September 14<sup>th</sup> from 3:00 – 6:00pm. Food is available for purchase and all are welcome for a great evening of fun and entertainment!!!

### **Closing:**

The meeting was closed at 8:30pm. The next meeting is scheduled for **October 28<sup>th</sup>** at 7:00pm in the Omni Room on the Garden Level of the Citizen Square Building, 200 E. Berry St.