

ACNA Meeting Minutes April 26, 2010

The meeting of the Allen County Neighborhood Association was held on April 26, 2010 at 7:00pm in City Council Chambers of the City County Building. The meeting was called to order at 7:00pm by Kris Krishnan, Co-Coordinator.

Kris made introductions of ACNA officials and guests in attendance. Along with Kris were Joanne Bergman, Co-Coordinator and Rob Green (Secretary). Guests included Attorney Carrie Hawk-Gutman, Nelson Peters and Cheri Becker.

Kris provided the members a brief overview of the history of the ACNA. The Association was founded to bring the members of the various neighborhood associations together to provide a forum for legal questions as well as other topics that pertain to Associations in Allen County.

Mr. Joe Shallot, President from Classic Heights wanted to thank the group for all of the support to his email asking for assistance in the duties of the treasurer he had posed to Joanne. He stated that the outpouring of support was very helpful and that he received the information he was looking for.

Carrie Hawk-Gutman

Attorney Carrie Hawk-Gutman began the evening by answering the various legal questions that had been presented to her prior to the meeting.

1. "We have a twenty year old subdivision that has one lot that does not have a home on it. This lot is the only one in the subdivision that has no sidewalk. That presents safety issues for those walking along the street. The lot is owned by the resident who lives next to the vacant lot. What can the Association do to get a sidewalk put in?" Carrie responded that it all depends on what it says in the Covenants. She also stated that there is more than likely nothing in there about the sidewalk. Her best advice is to try to work with the lot owner to come to some agreement on having a sidewalk put in or to pay for it with Association funds.
2. "We have two houses that share a swale between them. Both houses have sump pumps that empty into the swale. Drainage issues arise from this set up. The City Engineer says the sumps should drain in some type of retention pond. Can the Association make the residents move the sump pump drains?" Carrie stated that the Association probably has no recourse in this situation. The property owners own the rights between the houses. This issue is probably an issue that should be addressed between the City and the two residents.
3. "Our Association has one lot without a house on it. Can the covenants be changed to reflect the rights of any lot without a house on it?" Carrie replied that the Association probably can't make that change to the covenants. Most covenants usually have a provision in them stating that voting rights transfer to the resident after approximately 75% of the lots are filled. She also stated that this question does not provide enough information for her to make any better judgment on it. She would need to see the covenants to be able to better answer.

4. "Our covenants state that a late fee of \$5.00 per day can be charged for non-payment of dues. This can quickly lead to the late fees being more than the dues. Is this enforceable?" Carrie replied that again, she would need more information to better answer the question. The courts usually allow up to an 18% late fee charge. In this case, it is a legal question and she would have to review it further to answer properly.
5. "We have a resident who has been in violation of our covenants for four years. What recourse does the Association have?" Carrie stated that the Association should remain uniform in its actions. Again, what do the Covenants and By-Laws say? If after talking to the resident and providing written notice of the violations, if nothing is satisfied, then the Association would have to file suit for a Declaratory Judgment against the violator. Along with this Judgment, legal costs and any removal costs can usually be received from the violator. She stated that the Association would usually have to pay any legal fees up front and then be reimbursed after the Judgment is received.
6. "In the event of a home foreclosure, does the bank have to pay the dues?" Carrie said that yes, if the house becomes bank-owned due to a foreclosure, the dues are still collectable. She suggested a lien be filed on the property to protect the Association and so the Association will be on the list of those owed money. This money would be recouped at the time of the sale of the house.

Nelson Peters:

County Commissioner Nelson Peters began by introducing several guests in attendance. Noted were Darren Vogt, County Council Member, Roy Buskirk, County Council Member and Tom Harris, candidate for County Council.

Mr. Peters then explained the purpose of the meeting this quarter. Cheri Becker was being brought in to help Association members to make these quarterly meetings more beneficial. She was going to help attendees find ways to better manage their Associations, how to brainstorm as a group to solve issues and answer questions and generally to help find ways to make a more effective Association. Items planned to be discussed include budgets, dues collections, what are Treasurers required by law to do, how to talk to government officials and especially, how to get more people involved!!

Cheri was brought in with the direction of Nelson Peters and Mayor Tom Henry and the City of Fort Wayne to help out the Associations in Allen County. She is the Executive Director of Leadership Fort Wayne.

Cheri Becker:

Cheri began her presentation with a handout and explanation to those in attendance on what she hoped to accomplish this evening. She stated that she wanted to explore many different topics: training, Board Members, leadership skills, public involvement and training, community involvement and even using QuickBooks.

Before Cheri began, she went over her ground rules for the evening:

1. Everyone is invited to speak, but only one at a time
2. Let's have one conversation at a time, but if we get off track, we will:

3. Use our parking boards
4. It's ok to take a stand, but
5. We need to be hard on ideas and soft on people
6. Please, no beeps, buzzes or ringy-dingies
7. It is ok to stand, stretch, excuse yourself and re-charge
8. My role (facilitator) / your role (participate)
9. We will start and end on time.

The program was begun and Cheri explained that she had broken the discussion into four main areas, or "learning imperatives". These imperatives are:

1. Leadership Skill Development
2. Role and Responsibilities of Neighborhood Associations
3. Implementing Neighborhood / Community Initiatives and Challenges
4. Understanding Local Government and Legal Issues

Once the imperatives were listed, the audience was instructed to rank all four imperatives from #1 to #4 in their opinion. The audience was also instructed to list any other imperatives they felt were beneficial to neighborhood associations. After all members ranked their top four, Cheri went around the room and listed each person's top four on the easels.

She then took the top imperatives from each category and did a poll to rank them and to see how many people voted for each one. She will then take all the information gathered from the evening's session and interpret it over the coming month. She will take all the results of the listed imperatives and present the group a synopsis of the results at the next ACNA meeting. This synopsis will be used to put together training sessions and other informational material to be used by Associations to better understand how to run their organizations.

Cheri handed out a survey on the evening's presentations to each audience member. She asked that they be filled in and turned in at the end of the meeting. She will gather the results of the survey and add this to the organizers of this evening's meeting. Together, they will work to come up with a plan to present to the group at the next meeting.

Open Forum:

Kris opened the floor to open discussion at the end of the evening. The comments were:

- There is a household with four dogs in it. Is there anything in Fort Wayne regarding the number of pets allowed in a single residence? The response was there was a rule in place about how many animals can be kept. Contact Animal Control to get further information.
- What is the tax exempt status of Associations? The answer was that if the Association is listed as a non-profit association, then you can file for tax exempt status.

- There is a Neighborhood link on the www.allencounty.us site for past meeting information.
- Is there a Forum where associations and member can have grievances heard? There was a Common Grounds unit in place to address this but it is no longer in existence. An audience member stated that in SW Allen County, there is an Ombudsman Forum in place.
- An audience member suggested that for the training associated with Cheri's presentation, a reference handbook should be given out.
- Association Newsletters: Joanne stated that in the past, she encouraged attendees bring a copy of their newsletter in to share with the group. A suggestion was made that it would be helpful if these could be put on web in some fashion.
- A suggestion was made that the ACNA have its own website where access to all info from the meetings and resources could be kept for easy access.
- Joanne stated that there are national and regional neighborhood associations around the US. Joanne and Kris attended a regional session in the past, with some financial sponsorship from the Commissioners.
- Joanne and Kris stated that they are looking for other residents to become active in the running of the ACNA. They have been running the meetings for many years and are looking for involvement and any others interested in taking over some of the activities associated with the ACNA.
- Where to go from here? The City, County, Cheri and the ACNA will gather all of the info discussed tonight and will discuss the results. It is hoped that after evaluating all the data, a plan of action can be formulated and this will be discussed at the next meeting.

The meeting was adjourned at 8:30pm

The next ACNA Meeting will be held on Tuesday July 27, 2010 at 7:00pm in the Omni Room of the City County Building.