

ACNA Meeting Minutes April 25, 2017

The second quarterly meeting of the Allen County Neighborhood Association was held on April 25, 2017 in the Omni Room on the Garden Level of the Citizen Square Building. It was called to order at 7:10pm by Dan McCrea, ACNA Leader. 57 residents were in attendance.

The first two scheduled speakers for the meeting were not in attendance so Dan began by introducing Nelson Peters, Allen County Commissioner, who is also the sponsor of the ACNA. Nelson was gracious enough to speak to the group for a while in the absence of the missing scheduled speakers.

Nelson Peters – Allen County Commissioner

- Nelson began the meeting by talking about the roots of the ACNA. He stated that the group was formed in 2004 and first met in a county building at Lima and Carroll Roads. He had high hopes for the group, expected a large turnout and had three Association Presidents show up!!! He stated to look where we are now (full house in attendance tonight).
- Nelson said that no news is good news – if elected officials don't hear anything from the residents then they can assume that everything is good. Elected officials need input and feedback from the residents. Pick up the phone, write a letter, send an email – all of that feedback is good for them to hear! And it lets the officials know the items that are pertinent to each association.
- The County had roughly \$25 million dollars in the road fund but is responsible for over 1300 miles of roads! After feedback from multiple presidents, funds were put aside and twelve or thirteen associations had the streets either repaired or replaced!
- Road construction costs can be shared once the officials know the needs – feedback is imperative!
- The current session of the General Assembly is now completed in Indy. Allen County was able to have a strong voice this year and was able to be heard by the officials. The officials in Indy are currently doing the fiscal analysis on the bills that were just passed so final funding dollars are not completely known at this point.
- House Enrollment Act 1002 was passed this session. This Act will provide much needed money for funding road projects. Cash for current and long-term road projects has been funded and hopefully this money will allow for future sustainability of funds to repair the roads in Allen County.
- The House version of this Act was originally earmarking \$500 million for roads. The Senate version lowered this amount to \$250 million. The final compromised version ended up somewhere in the middle – approximately \$300 to \$350 million a year has been set aside to fund road projects for the State. This money needs to cover the maintenance and upkeep of all roads and bridges in the State though.

- Allen County estimated that they need \$57 million a year to properly maintain the current roads and bridges in the County. Since they only had a budget of approximately \$25 million on hand, it was imperative that they receive more from the State. This Act should help cover the needed added money.
- The Criminal Sentencing Reform Bill was also passed. Currently, the State has changed felony status so that felons who previously would have been sentenced to State facilities are now sent to local facilities. This has allowed the State prisoner numbers to look very good while the local prisons are overflowing. The local jurisdictions are in desperate need of funding to address this over-crowding. Local prisons need money to handle the burden of an increased prisoner population as well as money to survive the day-to-day costs of housing prisoners.
- Nelson took questions from the audience:
- A resident stated that every year since she began attending these meetings, she has filled out the wish-list survey that is passed around. Every year the top complaint is the condition of the streets in her addition and every year nothing gets done! How does one deal with this frustration? After questioning the resident, Nelson discovered that she lives in the City proper. He has no jurisdiction over City roads – this would have to go to the City. Has she tried the City 311 service? Many times. Repeated calls to the road department. The only action is patching and it lasts a few weeks and then the problem is back. Nelson asked the resident to leave her contact information with Mike Green and they would together try to get her issue resolved.
- Is there a way to find out when road projects are scheduled to begin? A resident said they are told “these are the projects” but never when they are scheduled or what is the priority. How can you find out when they are scheduled? Again, this resident lives in the City so there is limited information that Nelson can provide. Repeated calls to 311 were unanswered. Nelson suggested that multiple associations should try to group together with their requests. The voice of many is much louder than the voice of one. The more people that get word to the elected officials, the more likely they will get heard.
- A resident asked a question about the massive Bass Rd project: would it be possible to have a temporary gravel right turn lane installed at the location of a future roundabout? Currently, any cars turning left at this intersection hold up all of the traffic until the left turn is made. A right turn lane would greatly alleviate this congestion. This resident was told that it is not possible since utility work was going to be going on in that area.
- A resident in attendance told the group that in the City, there are four separate Quadrant Groups that meet regularly and have a group meeting several times a year with the Mayor. Try to attend these groups – get involved with them and then you will have direct access to the Mayor several times a year. Check the City website for dates and times of these group meetings.

At this point in the meeting, Dan informed the attendees that he would take all of the written questions from prior to the meeting and get them to Bob Eherenman and once Bob answers them, Dan would get the info out on the ACNA home page.

Next, Dan introduced the panel participants for the open group discussion that was scheduled for the meeting.

Marvel Embrey, Pheasant Run Civic Association

Shawn Smith, Countryside Estates Homeowners Association

Sandra Herman, Chandlers Landing Homeowners Association

- The purpose of the panel discussion was to help other residents with getting people involved in association business.
- A question was asked of the group: has anyone else received a letter from Title Companies for FHA and VA mortgages asking for their association Insurance Declaration sheet? None in attendance had received this letter. The group was told that these Title Companies were claiming that the association not providing this document was holding up the closing on multiple mortgages. The association was hesitant to give it out.
- Dan commented that he lives in the County. He took his road repair concerns directly to the manager of the North Barn who was out the next day to address the issues! Dan was very pleased with the response and action of the workers in the North Barn.
- Shawn said he volunteered to help his association sixteen years ago and he never has been able to get off of the board!
- Sandy stated that her association actually has term limits in the covenants but nobody attends or volunteers so they are not enforced.
- Marvel said that she and her husband have been involved with their Board for a combined 38 years!!
- How to get people involved??? Strongly suggested to get out, knock on doors, and meet with people face-to-face. It works! It is easy to ignore a general written request but when you talk directly to people, they are hesitant to say no.
- An association present actually had to physically have the President removed from his position. He would not step down but refused to address any of the issues that were presented to him. They removed him and now are trying to rebuild the association.
- It was suggested to first get people involved in a specific short-term project. After that project is completed, then ask if they want to take on something more. You are much more likely to get help in this manner than just trying to get somebody to take a Board position.
- Another strategy to get people involved is to raise your dues! Nothing gets people to show up faster than a dues increase. It works! You can also threaten to turn over operation to a Management Company. This generally will double your dues!
- Try to hold an association Block Party. Get people together, meet the neighbors, and get to know each other. Once people see who else lives around them, they are usually more willing to get involved. Don't be strangers.
- Newsletters are great but many people never read them. Samples were passed around for review. They contain a wealth of information but that information is only any good if it gets read.

- One association solicits ads for their newsletter. Most companies will place an ad as long as you commit to a quarterly newsletter AND follow through. Nothing will anger a business more than promising them space but then not delivering.
- Social media is very popular with associations now. FaceBook, Next-door Neighborhood and association websites are all very good tools to use.
- Neighborhood parties, Easter egg hunt, picnics and events like these are great ways to make your association stronger.
- People are using social media outlets to notify of vandalism, police issues, current issues pertaining to your area and items like this. You get immediate word out on things going on. The Next-door Neighbor app sends out notices to members of any police issues immediately.
- Neighborhood Link from the City is a very good resource to use.
- A resident warned attendees to not just be looking for any warm body to be on the board. Even though everyone is always looking for help, the wrong person on the board can be very detrimental to everyone!
- A question was asked - how many board members do the panel presenters have? The answer ranged from nine to seven to twelve to five. It all depends on what is spelled out in your covenants.
- It was suggested to look for professionals who live in your association to help. One association has an architect by trade who works on their board. Another has a lawyer who helps answer questions. Try to use the resources at your disposal.
- A panel member stated that they do not have an attorney on retainer. Most people at the meeting said they had one and were surprised by this fact. Some pay a yearly fee and others only pay on an as-needed basis.
- The question was asked on how you enforce your covenants. How to collect dues? Some residents said they file liens, others use Small Claims Court, some use collection agencies. Dan reminded the group that associations using Small Claims Court must hire an attorney to represent them. Many covenants state that you can file for cause and collect legal fees so that losing in Small Claims Court can be very expensive for homeowners. Paying is usually much cheaper.
- A handout was presented that talked about the Credit Bureau but there was only one copy. Mike Green was going to post it on the ACNA website.
- A warning was made that using a Credit Agency to collect dues comes with a very high percentage for fees.
- Many residents said that a letter from a lawyer often works to get action. Many people will comply once they realize the association is really serious after bringing in a lawyer. Most lawyers who do association business have a template letter they use to send out.
- One panel member stated that they have to sue a resident in Small Claims Court every two years to get them to pay the dues.
- Many associations offer payment plans to help people in paying dues.
- A handout entitled The Ten Things Every HOA Resident Needs to Know was presented. Again, there was only one copy so Mike was going to post it on the ACNA site.

- An association holds a Family Picnic every September. It is a great way to meet new people, see old faces and keep in touch with your neighbors. People look forward to it every year.
- An audience member told those in attendance to use the resource of the ACNA to help you. Ask the people around you at this meeting for help. Many have been coming to these meetings for years and years. Dan told the group that all meeting minutes are on the ACNA website. He also stated that the meeting is now recorded so you can replay the meeting over if you want.
- A question was asked about drainage – one resident placed flowers in between two houses and now there are flooding issues. It was stated that the Surveyor is responsible for all drainage issues so contact his office. There is usually no cost for this service. Every homeowner is assessed on your taxes for drainage. The only time an added cost comes into play is if there is a major project.
- A resident stated that in the City, City Utilities handles all drainage issues. Call 311.
- A resident asked how associations handle requests from residents for changes to covenants. Anybody can request a change – requesting one is easy. Making the change is where the work comes in. See what your covenants say on how to change them. Most require notarized signatures. You have to do title searches to make sure you know who the proper owner is. If a husband and wife are both listed, you need both signatures. One panel member said that two of their board actually became Notary's so they could do the notarization themselves!!! Many people do not realize the amount of work that goes in to making changes. It is not easy by any means. And on top of it all, hiring a lawyer is very important because if it is done incorrectly, all your hard work could be wasted!
- One panel member actually did a complete rewrite of their covenants. It was very costly, took a great deal of time but was worth it in the end. The amount of work and the cost to do it was very surprising.
- A question was asked about changing the covenants to allow sheds. Again, you have to follow your covenants, should hire a lawyer, all of the same issues with signatures apply. It was recommended to not try to make too many changes at once. Getting many people to all agree too many items makes it all that much harder! Even though it costs more, doing only one item at a time is usually best.
- Be aware that different phases of one development may be governed under separate covenants.
- A new law is being passed in the City addressing dead trees. There was a lot of discussion amongst the audience on where exactly the City was at in this process.
- An association had to ask the Surveyor's Office for permission to move a community play set from one location to another.
- A question was asked about an abandoned house in an association. There was no power so the basement is flooded and now all moldy. No action is being taken on it. What can you do? Many in attendance sympathized with this resident and have gone through the same issue. Foreclosed houses owned by banks don't get attention. Banks don't seem to care about them. No real answers could be given. This is a very tough situation and many associations are dealing with the problem.

- Code Enforcement can't go inside an abandoned home unless they are invited in so even if they look through a window and see the condition, there is nothing they can do.
- A discussion on Air-BNB was held. Rental properties and people using this service to rent houses short-term is becoming a big issue. Dan reminded the group to be careful with trying to enforce no rentals in your covenants. Bob Eherenman had warned the group that it can be a very tricky situation and can easily backfire on you.
- Continued discussion on liens, dues, suing and collecting money were held. Associations are usually way down the list of who gets paid in foreclosure situations. If a house is sold at auction, will the association get paid for back dues? Most agreed that you would not probably collect in this case.
- The website HOA.com was discussed. The site is free but you get charged for using it beyond the basic service. It does have very good information on it.
- A resident asked if anyone knew why their drainage assessment jumped from a standard \$800 / year to over \$2200 this year. This question would have to be asked of the Surveyor.
- Member of the League of Women's Voters were in attendance at the meeting. They asked to speak to the group at the end of the meeting. A handout was given to all in attendance. This group is a non-partisan group who are taking a grass roots approach to force fair action out of the government. They are specifically targeting the redistricting issue. The system is currently not fair to the residents. Voters are not receiving proper representation with the current system. The handout contains four names and contact information. If any resident in attendance, both male or female, would like more information or to have somebody discuss the issue at an association meeting, please feel free to call any one of them.
- Mike Green reminded everyone of the ways to access ACNA info. The contact information is at the bottom of the agenda.
- Allen County Recorder's website Neighborhood Resource Center: <http://www.allencountyrecorder.us/Resources/ResourceCenter.aspx>. You can search for neighborhood covenants/by-laws and other documents if recorded.
- ACNA website: <http://www.allencounty.us/government/community/allen-county-neighborhoods-association>
- City of Fort Wayne Neighborhoods website: <http://www.cityoffortwayne.org/neighborhoods.html>

The meeting was closed at 8:35pm. The next meeting is scheduled for **July 25, 2017** at 7:00pm in the Omni Room on the Garden Level of the Citizen Square Building, 200 E. Berry St. The **last 2017 meeting date is October 24th**. This is the meeting where the entire meeting is devoted to legal questions and answers.