

ACNA Meeting Minutes April 28, 2015

The second quarterly meeting of the Allen County Neighborhood Association was held on April 28, 2015 in the Omni Room in the Garden Level of the Citizen Square Building. It was called to order at 7:00pm by Dan McCrea, ACNA Leader. Thirty five residents were in attendance.

Dan began by asking those attending the meeting to state their name, association, board position (if applicable) and if they were City or County groups.

Bob Eherenman - Attorney:

- Is there any mediation available when adjoining associations have a dispute? Two associations share a common retention pond and have a dispute that they are unable to settle. Bob stated that there probably is not any mediation available unless a civil law suit was filed and the judge directed mediation. The best course of action is to review what is stated in each covenant and follow from there. Most retention ponds are under the direct control of the Allen County Surveyor, who controls all drainage issues. The Surveyor may be able to help the situation. There was concern that if an association began working on a retention pond that they would become responsible for all of the work. Bob stated that this is probably not the case as retention ponds are regulated drains and there are set rules for them.
- Is it possible to merge two separate associations? The question relates to two different sections under one plat. It would depend on exactly what is spelled out in each covenant but more than likely, it would not be possible.
- Must a Treasurer Report be approved by motion and accepted (follow Roberts Rule of Law)? Bob stated that the association By-Laws will spell out what is required for your meeting minutes.
- Is there any recourse to slow speeders? Bob stated that the following guests (Allen County Sheriff and Assistant Police Chief for Fort Wayne) would be the best ones to address this to.
- A brief discussion on Eel River annexation possibilities occurred.
- What is the easement around a pond if it is not specifically spelled out? Who is responsible for the easement? Bob stated that covenants are for streets, common areas and lots. Refer to the plat filed with the Assessor office and that will usually state what easements are for each common area. Look specifically for a definition of "common area". Any easements should be part of a covenant. Bob stated it is usually at least six feet to allow the County access to inspect and maintain the drain. The homeowner is responsible for the area up to the common area.
- Continued the discussion on two associations becoming one. One is houses and one is condominiums. Bob stated that there are actually two totally different definitions for homeownership and condominiums. Condo's are usually only covered for the air space above the ground where as a homeowner owns the actual

land under the structure. This issue would take up more time than is allotted and Bob stated that it is very detailed and an attorney should be consulted for this discussion.

- Dan and Bob stated to the attendees that the October ACNA meeting is devoted 100% to legal questions pertaining to associations.

Allen County Sheriff David Gladieux
Fort Wayne Police Department Assistant Chief Steve Reed
Captain P. J. Smith

The Sheriff began by stating exactly what the Sheriff Department is constitutionally responsible for: Courts; Court security; Bailiff's; jails and inmates. The Sheriff Department works daily with the Fort Wayne Police Department and vice versa. He also works with the FBI, State Police and many other Federal Agencies. The Sheriff discussed the Safe Streets Task Force that brought multiple agencies together to match resources. They have a great amount of success with this program in reducing crime and making the streets safer. He stated that gang problems do exist in Allen County and there is a Gang Task Force addressing this issue. He stated that he is NOT a politician. There is no room for politics in police work, but his position is an elected one so he does have to run for office.

Chief Reed and Captain Smith stated that FWPD is here to protect and serve. They also work daily with the Sheriff Department. Chief Reed provided a PowerPoint presentation. Below are the bullet points:

- Breakdown of resources
- Quadrant policing
- What are we doing so that we may better serve
- Comstat map
- Theft from vehicles – currently the biggest issue FWPD is addressing
- Gangs
- Gang and Violent Crime Unit stats from 2014
- 2015 – gangs still active
- Suppression detail
- Suppression detail stats
- What is needed? Your help!

Discussion / Questions:

- Focus on who is doing crime – focus resources on those individuals.
- Are there any records showing theft stats from apartment complexes versus associations? Capt. Smith stated that there are actually more from residential than apartments. Many complexes have security cameras but the quality of the video isn't always very good and most don't have night-vision capabilities.
- Thoughts on body cameras and the current issues in the news were asked of the presenters. The FWPD actually has two different systems they are currently testing.
- Explain gang activities: Gangs are groups of individuals that combine to conduct illegal activities. A gang could be 4-5 persons to many, many more.

- There is suspected drug use in a house in an association and after multiple complaints, no action has been taken. The situation is escalating to the point where the house in question is now filming the neighbors. Is this an invasion of privacy? Cameras are more and more common so it isn't an invasion of privacy. The resident was asked if they were happy with the level of response from the FWPD and stated "no". Capt Smith told the resident to contact him directly and he will personally look into the situation.
- South Lafayette Street is almost like a raceway. Nobody is taking responsibility for patrolling and it is getting worse and worse. Capt Smith and Chief Reed took down the information and will address it.
- The current situation in Baltimore was discussed in detail. The Sheriff stated that there are bad people in every profession. His job is to weed out any bad conduct in his department. The police are held to a higher standard and must act accordingly. He did state that the media has a way of sensationalizing the news to increase viewership. Today, social media has many people on it with their own personal agenda. He is concerned with his employees and feels that he runs a very tight ship. They all go through very rigid training. He asks that if something were to happen, to please wait until the truth comes out. Many times, the truth is buried deep and that the sensationalism is what is pushed to the viewers.
- A comment was made that there are a lot of very smart politicians in Fort Wayne and running for office.
- A discussion was held to clarify the difference between the Sheriff, FWPD and the DNR. All three groups work together. The DNR comes across many situations that the police do not encounter. Meth labs are one such case.
- A resident asked if he could get references to the crime in his neighborhood online. The Sheriff stated that he posts the sexual predator list but they don't really have anything for crime in certain locations. He stated to contact him directly and he will gladly share any info he has on any area under his jurisdiction.

Dave Fuller – Allen County Building Superintendent

Mr. Fuller was in attendance to discuss a new Ordinance on Property Standards. Property Standards pertain to property maintenance and is also called a Nuisance Ordinance. The following were bullet points from his presentation:

- 645 complaints on property maintenance issues
- The Health Department was added on the new Ordinance for dealing with ponds and pools
- The State Ordinance follows the current Unsafe Building Laws.
- The Department was short staffed until John Caywood was hired. John deals entirely with property management issues and has ten years of experience in dealing with them.
- Health Department dealt with abandoned house with over 250 cats inside. Before the new ordinance, the Building Department had no jurisdiction but the Health Department did and took the lead on remediation of the situation.
- The Health Department also deals with meth house remediation. These houses can no longer be left abandoned – they must be abated.

- Deals with unregistered vehicles
- Weeds
- Swimming pool fences
- Rodents
- Does not deal with farm fences and weeds – these are agricultural and not part of the Ordinance.
- Deals with the issue of the property meeting minimum housing standards.
- A complaint must be filed to start an investigation
- Complaints take 4-6 weeks to complete.
- This Ordinance is not part of the City or New Haven – both have their own ordinance.

Questions:

- Corner of Dewald and Fairfield – how can this corner get addressed? Dave stated that the building had structural issues so it was addressed under the Unsafe Building Laws.
- Who authorized the building on Wallen east of Lima and how close they are to the road? This was approved by the Planning and Zoning Department
- A property inside the city is abandoned and an eyesore. Can the association go in and take care of the exterior of the house? The only person legally able to touch the exterior would be the owner of the property. Contact your attorney before you proceed.
- Able to go online to see how the City and County Partnerships coexist.
- www.allencounty.us – Commissioner – Code / Ordinance – Title VI – Article 8 for the new ordinance. Search Title X – Article 8 for the Health Department ordinance.
- How do you file a complaint? Email John Caywood directly (john.caywood@allencounty.us) and John will address your complaint.
- A resident commended Dave and his department for always doing superb work on any issues.

Jim Boyer – Longwood Neighborhood Association

Jim presented next for the group. Jim presented a listing of all of the pertinent websites he had found relating to the issues for the ACNA.

- Record Keeper: all neighborhood associations listed on the web
- Fort Wayne Sites:
 - www.cityoffortwayne.org: Fort Wayne Fence Post for neighborhood to neighborhood contact
 - www.cityoffortwayne.org - sitemap
 - www.cityoffortwayne.org - neighborhood resource guide
 - www.cityoffortwayne.org – presidents listing
- Allen County Sites:
 - www.allencounty.us (ACNA not easy to find) site has no site map
 - ACNA site has very good past meeting minutes listed

- www.allencounty.us – Neighborhood link
- www.allencounty.us – Northwest Partnership (NWAP)
- www.allencounty.us – Southwest Partnership (SWAP)
- www.doodlekit.com
- www.hoa-express.com
- This entire list will be posted on the ACNA site following the meeting

Open:

The group discussed the ACI maps for boundaries, tax records, etc. A comment was made to be careful with these maps as they have found the boundaries to not be accurate.

Dan discussed past surveys that were given for future meeting topics. The 2015 agenda for the ACNA is full but ideas are needed for 2016. The possible change of the meeting start time to 6:30 was discussed and a show of hands who favors it was taken. The group was split about 50-50 on changing. A resident talked about the compilation of legal comments from past meetings that Dan did and is available if you email Dan.

A resident talked about an upcoming meeting in New Haven on the Code Referendum and the need to discuss reorganization. They need to create more open communication.

Finally, Dan introduced Nelson Peters, who is the sponsor for the ACNA.

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