

MINUTES OF THE SPECIAL MEETING
COMMON COUNCIL OF THE CITY OF HOBART
LAKE COUNTY, INDIANA
November 9, 2021

Call to Order: Mayor Snedecor called the special meeting to order at 4:06 p.m. followed by the Pledge of Allegiance. The meeting was held with the building open to the public and a call-in number for remote public participation.

Roll Call: The following members were present in person: Mr. Huddlestun, Mr. Maggio, Mr. Vinzant, Mr. Wells, Mr. Claussen and Mr. Waldrop. Present via zoom telephonically: Mr. Kopil. Also present: City Attorney McCarthy and Clerk-Treasurer Longer.

Approval of Agenda: Motion by Mr. Claussen, seconded by Mr. Wells, to approve the agenda as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

BUSINESS OF THE DAY:

Ordinance 2021-24: (2nd Reading) An Ordinance to Amend the Covenants and Restrictions Governing Certain Parcels of Real Estate in an Established PUD Zoning Classification: Cressmoor Estates, S. of 37th Ave., W of Lake Park Ave., E of Wisconsin St., D.R. Horton, Inc. The second reading of the Ordinance was held. Derrick Hoffman of D.R. Horton was present. Mr. Vinzant stated that most of the amendments he will be proposing had been discussed by the Plan Commission, not for the plat but more appropriately included in the PUD Covenants and Restrictions.

Motion by Mr. Vinzant to Amend Ordinance 2021-24 as follows:

- In Article Three, Section 3.02(c) regarding the townhomes, add the following:
 - (6) The Homeowner’s Association shall be responsible for plowing and snow removal from driveways of the Townhomes.
 - (7) The Homeowners Association shall be responsible for snow haul off if snow accumulation exceeds 1 foot.
- In Exhibit D to Declaration for Cressmoor Estates, under Landscaping Restrictions, add the following:
 - 7. The areas between the Townhome driveways shall remain planted with grass and not replaced with stone, concrete or asphalt.
- In Exhibit F to Declaration for Cressmoor Estates, under “Typical Foundation Landscape Packages”, replace the entire last page entitled “Typical 4 Unit Townhome Foundation Plan” and “Duplex Foundation Plan Standard Package” and replace it in its entirety with the plan as shown below:

The image contains architectural drawings for foundation and landscaping plans. On the left is a 'TYPICAL 4 UNIT TOWNHOME FOUNDATION PLAN' with a corresponding '4 UNIT FOUNDATION PLAN PLANT LIST A' and '4 UNIT FOUNDATION PLAN PLANT LIST B'. On the right is a 'DUPLEX FOUNDATION PLAN STANDARD PACKAGE' with a corresponding 'DUPLEX PLAN A PLANT LIST' and 'DUPLEX PLAN B PLANT LIST'. A title block on the far right identifies the project as 'CRESSMOOR ESTATES TYPICAL FOUNDATION LANDSCAPE PLANS' and is labeled '1 OF 1'.

- In the Table of Contents under Section 1.26 MANAGERS, change the title to read 1.26 DIRECTORS to match the title in the body of Article One under 1.26.
- In Article Five, Section 5.07 MANAGING AGENT, add a sentence to the beginning of the section so that it will read in its entirety:

The Homeowners Association shall retain a company to manage the property. Any management agreement entered into by the Association prior to the Turnover Date shall have a term of not more than two years and shall be terminable by the Association without payment of a termination fee on ninety (90) days written notice.

Motion seconded by Mr. Claussen. Discussion followed regarding the responsibilities of Homeowners Associations (HOA) and the enforcement of the covenants and consequences of non-compliance. Attorney McCarthy noted the City Ordinances would govern maintenance compliance of the property. Derrick Hoffman, DR Horton representative, stated the HOA will be the enforcement entity, collect delinquencies and can lien property. The City will not be a collection agency for the HOA. Attorney McCarthy noted the most important part of the HOA is how it is set up on the front end to assure compliance in the future and the City ordinances protect the City with remedies in place if necessary. Mr. Snedecor clarified that if the Council approves Ordinance 2021-24 as amended, the amendments would go back to the Plan Commission to approve and ratify. If they do not approve, they will come back to the Council for a final decision. Attorney McCarthy stated the amendments would go back to the Plan Commission to review the changes and assure they are included in the final Declaration for Cressmoor Estates.

Mr. Snedecor called for the vote on the Amendment. Roll Call Vote taken. Aye: Huddlestun, Maggio, Vinzant, Wells, Claussen, Waldrop/Nay: Kopil. Motion to Amend Ord. 2021-24 carried. (6Aye-1Nay)

Motion by Mr. Vinzant, seconded by Mr. Wells, to adopt Ordinance 2021-24 as Amended. Discussion followed lauding the diligence of the Plan Commission while working through this PUD and the Development issues and addressing the concerns. Mr. Huddlestun questioned if the majority of HOA members were single family and they agreed to disband the HOA, would the townhomes and duplexes also dissolve. Mr. Hoffman, D.R. Horton, stated there is one HOA with three committees, one for each type of dwelling, with the dues and responsibilities spelled out in the by-laws and one of those entities cannot just disband as they are all governed by the entire HOA structure and in order to disband the HOA as a whole, they would be required to come to the City for approval to disband. Attorney McCarthy stated she is working on an Ordinance regarding HOAs that would include a strong disincentive for them to disband. Mr. Waldrop noted that if the City needs to step in for maintenance work, it will not necessarily fall to the individual departments but may be contracted out and charged to the HOA under this PUD and its residents. Mrs. McCarthy noted it will be at the City's discretion if and when to step in to address issues. Mr. Huddlestun reiterated that he is concerned about protecting the City from future issues with maintenance and compliance with the covenants. Mr. Vinzant stated there will always be a need for HOAs to maintain drainage and other areas specific to the development's residents and the City needs to assure that HOAs are in place that will function to address their responsibilities.

Mr. Snedecor called for the vote on the motion to adopt Ordinance 2021-24 as amended. Roll Call Vote taken. Aye: Huddlestun, Maggio, Vinzant, Wells, Claussen, Waldrop / Nay: Kopil. Motion to Adopt Ord. 2021-24 carried. (6 Aye - 1 Nay)

Announcements: Mr. Snedecor reminded the Council of the Veteran's Day ceremony to be held at Veteran's Park on Thursday, November 11th at 11:00AM.

Adjournment: Motion by Mr. Claussen, seconded by Mr. Waldrop, to adjourn the meeting. All aye, motion carried. (7-0) The meeting adjourned at 4:40 p.m.


SECRETARY


PRESIDING OFFICER