



The Official Newsletter of the Lafayette Place Improvement Association
SPECIAL ISSUE July 2024
Westley Falcaro, Editor

Editor's Note:

This is a special issue of the LPIA Newsletter to address three (3) issues: The 2024 LPIA Annual Meeting, the recent Lawsuit enforcing the LPIA Restrictive Covenants, and the proposed Amendment to the Covenants resulting from the Lawsuit.

2024 LPIA Annual Meeting

The minutes from the Meeting are provided as follows:

Call to Order: The LPIA Annual Meeting was held at the Shawnee Branch Library, 5600 Noll Avenue at Calhoun Street. With a quorum of 31 property owners in attendance, **LPIA President Westley Falcaro** called the meeting to order at 7:04 PM. Board members Colton Bickel, Westley Falcaro, Tyrell Hollins, Don Orban, Jim Vaughn, Andrew Williams, and Nick Wybo were present.

Welcome and Introductions: Westley Falcaro, LPIA Board President, welcomed all attendees, introduced all board members, and asked each attendee to introduce themselves and their address.

Guest Speaker: Westley introduced Chris Blauvelt, Deputy Director of Neighborhood Code Compliance and our neighborhood compliance officer, Zach Elliot. Mr. Blauvelt gave a 10-minute presentation on the responsibilities of his department. A brief question and answer period followed his presentation. Regarding the property at 4428 Marquette, Mr. Blauvelt informed attendees that a case was initiated on the property a year ago, that the owner is allowed to be in the residence from 8am to 8pm to make the required repairs, etc., and that the police department desk sergeant should be notified if residents see him at the property outside of those hours.

Mr. Blauvelt stated that the police are hesitant to act in this type of situation. There were a few additional general information questions which were answered satisfactorily.

Minutes from the 2023 Annual Meeting:

Time was given for all attendees to review the minutes and questions were answered. John Lehner moved to accept the minutes as presented, seconded by Ryan Yaghi. The motion was unanimously approved.

LPIA Annual Association Meeting

2023 Treasurer's Report and Review of the 2024 Budget: Westley reported that Sue Teasdale, a licensed Realtor and Lafayette Place resident, reviewed the financial records for 2023 and found no discrepancies. Westley reported that the LPIA Board had approved moving all LPIA banking, including the Cleon Fleck CD and checking/savings accounts, to the Fire Police City County FCU, resulting in much higher interest rates on LPIA accounts.

Westley also provided a brief breakdown of outstanding Association dues as follows:

Back Dues Collected in 2023 = \$3,064.56

(Amnesty = \$1,092.50)

Back Dues Collected to date 2024 = \$2,437.50

Total Outstanding Dues of \$75 + = \$11,076.44

Outstanding Dues on which Liens are recorded = \$1,656

Westley explained the process for collecting outstanding dues and stated the Board had voted to temporarily suspend filing liens and legal actions for outstanding dues due to the unexpected expenses of a lawsuit initiated by the unanimous consent of the LPIA Board. The lawsuit involved a business operating in Lafayette Place in violation of the Restrictive Covenants.

Westley was interrupted in her presentation by the business owners loudly disrupting the meeting. Following repeated requests to end the interference and their threatened altercations with a number of resident attendees, Ms. Falcaro summoned the Library Security Officer for assistance in restoring order by removing the business owners.

Once the meeting resumed, Westley, with assistance from other Board members, explained the details of the lawsuit. LPIA was successful in its litigation enforcing the Covenants. By consent decree, the business will cease all operations by November 18, 2024.

The legal expenses totaled \$15,001.54 and has put LPIA in a weakened financial position, as the Covenants do not include provisions to seek recovery of legal expenses.

LPIA Annual Association Meeting

As a result of this event, the LPIA Board of Directors unanimously agreed to prepare and present an Amendment to the Covenants to allow the Association to seek recovery from any future legal expenses. Westley asked for volunteers to solicit signatures of resident owners in Lafayette Place to approve the Amendment to the Covenants. Once adequate signatures are collected, the Board will record the Amendment with the County. A lengthy discussion ensued on methods to obtain the required signatures. Vince Buchanan moved to accept the Treasurer's Report, including the Amendment, as presented. Motion was seconded by Brett Smith. Motion was unanimously approved.

2023-2024 OVERVIEW

Gazebo Floor Replaced

After years of wear and tear, the wood Gazebo floor was cracking and sinking, posing a liability for the Association. The Gazebo is a large part of our neighborhood identity, and the Board wanted to continue to preserve this iconic symbol for many years. The LPIA Board of Directors obtained 3 quotes for this repair/replacement work. The best price was received from Knot Just Decks at \$7,103.00. This was a large investment, and the LPIA Board was thankful to have a bequest received from the estate of past resident Doug Guerin for this work. The replacement of the floor was completed on September 5th.

New Trees Throughout Lafayette Place

Using the Citizen Match Tree Planting Program, the LPIA purchased 12 trees, which were planted throughout Lafayette Place. The locations were in the medians in front of residents' homes who agreed to the planting and care of the trees. This program allowed the purchase of trees at a reduced cost of \$600. This project was also made possible by the Doug Guerin bequest.

Dead Shrubs Removed In Gazebo Landscaping

Two large dead shrubs at the entrance to the Gazebo were removed using money from the Guerin bequest.

The Little Free Libraries

The two Little Free Libraries located in the Esplanade at Fleming Avenue and Congress Avenue were in dire need of repair due to wear and vandalism. Don Orban has restored and painted them with beautiful and bright colors. They are now sturdy and very attractive.

Sewer Drains Cleaned

In conjunction with City Utilities and a local radio station, a volunteer group of residents cleaned out the sewer drains throughout the entire neighborhood.

2023 EVENTS

- Great American Clean Up – Cancelled due lack of participation
- Dirt Day – Sa May 27
- A Night of Music – Sat July 22
- Halloween – Sun Oct 29 – cancelled due to weather
- Holiday Decorating Contest – Dec 11-21

LPIA Annual Association Meeting

2024 EVENTS

- Dirt Day – Saturday May 25
- A Night of Music – Saturday July 20
- Halloween – Sunday October 27
- Holiday Decorating Contest – December 9-20

HOUSING STATISTICS

405 properties (includes double and empty lots)
11 Illegal rentals = 2.7% (3 are currently for sale)
4 Legal rentals = 1%
15 Total rentals = 3.7%
12 Land contracts = 2.9%

29 new residents 2023 / 13 to date in 2024

34 homes listed for sale in 2023

7 homes currently for sale:

4311 Marquette @ \$164,900

4438 Wilmette St @ \$130,000 – Compass Capital

4522 Lafayette St @ \$89,000

4607 Lafayette Esplanade @ \$185,500

4608 S. Lafayette St @ \$130,000 –Compass Capital

4615 S. Lafayette St @ \$130,000 –Compass Capital

4821 S. Calhoun St @ \$145,000 Sheriff Sale

Board Election: The terms of four (4) Board members are up for renewal: Tyrell Hollins, Jim Vaughn, Andrew Williams, and Nick Wybo. Details of the candidates were provided to each attendee in their Annual Meeting packet. A request was then made for nominations from the floor. As no new nominations were received, John Lehner moved to accept the slate as presented, seconded by Chip Davis and unanimously approved.

General Business: Westley informed the attendees that a hit and run driver recently ran into the Lafayette Place marker at Lafayette and Sherwood Terrace causing major damage. She is working with the Insurance Company and the sign company that built the marker to get it repaired.

Westley acknowledged and thanked the residents who delivered flyers throughout the year for the Annual meeting, the Night of Music, and Halloween: Ethan Bassett, Luke Bassett, John Lehner, Christine Slattery, Dessiree Smith, Jim Vaughn, and Autumn Wybo. She also thanked Autumn Wybo for maintaining the LPIA Facebook page, Peter Moomey for raising and lowering the flag, Angel Campos for servicing the trash bins and pet waste stations throughout the Esplanade, Don Orban for maintaining the gardens at all the common areas and painting the Little Free Libraries, and Jeff Prentice for helping Don and various tasks asked of him!

Meeting Adjourned: As there was no further business, Westley asked for a motion to adjourn. Jeff Prentice moved to adjourn the meeting. The motion was seconded by Peter Moomey. The motion was and unanimously approved. The meeting adjourned at 8:12 PM.

Submitted by: Westley Falcaro, LPIA President

REASON FOR NEW AMENDMENT TO THE LPIA RESTRICTIVE COVENANTS

To enforce the LPIA Restrictive Covenants (RC) and maintain the integrity of our neighborhood, it was necessary to bring a lawsuit against a resident who was operating a Licensed Business in Lafayette Place, which is a violation of the Covenants. The LPIA Board of Directors offered to work with the resident to amend the Covenants via petition to Lafayette Place resident homeowners to allow the business. The resident refused to provide the requirements to amend the Covenants even though the LPIA Board of Directors provided considerable and extensive assistance to obtain compliance.

Given no alternative, the Board voted to initiate an enforcement lawsuit. Though the case proved to be lengthy and costly, LPIA won the lawsuit. By consent decree the business will cease all operations by November 18, 2024.

Unfortunately, the authors of the original Restrictive Covenants could not have foreseen this type of situation when they created the Covenants in 1915. Our Restrictive Covenants do not provide for the inclusion of recovering all the legal costs incurred for any such actions to protect the legal integrity of LPIA. As a result, all costs incurred by LPIA to protect the neighborhood's integrity, and property values, came directly from you – through your dues.

The impact on LPIA is that our operating budget this year has been placed in a precarious position.

To avoid this situation from ever happening again, the LPIA Board of Directors is proposing an Amendment to the LPIA Restrictive Covenants. See the Amendment on this page.

Volunteers will be going throughout Lafayette Place to obtain signatures. Please support your neighborhood by signing the Petition so we may amend the Lafayette Place Improvement Association Restrictive Covenants. There is no cost to any resident to amend the Covenants. Amendments require the approval of 66% of resident owners to become effective. You may also contact Westley Falcaro to sign the Petition – 456-1608.

PETITION TO AMEND LAFAYETTE PLACE ADDITION RESTRICTIVE COVENANTS AND LIMITATIONS

This Petition to Amend the Lafayette Place Restrictive Covenants and Limitations arises from the discovery that the Covenants, written in 1915, do not allow for the inclusion of Legal Costs for legal actions. Without this Amendment, all legal costs are paid from the Operations/Maintenance Budget, which is funded by your LPIA Association Dues.

Only resident owners can vote on amending the Restrictive Covenants. A resident owner is a person residing in Lafayette Place Addition who either: (1) owns a lot of real estate located in the Lafayette Place Addition outright in fee simple with no indebtedness or (2) is buying a lot located in the Lafayette Place Addition and has a mortgage on the real estate, or (3) is buying a lot located in the Lafayette Place Addition under a contract for purchase of real estate (i.e. Land Contract). Per the LPIA By-Laws, Article III, Section 2a, **“Regardless of the number of owners per record of a lot, there shall be only one vote per lot.”**

In accordance with the Lafayette Place Restrictive Covenants, a Covenant may be changed or amended with the signatures of two-thirds of the **resident homeowners**.

By signing this petition, I swear or affirm under penalties of perjury that I am a resident owner in Lafayette Place Addition, and I approve this Amendment. The proposed Amendment is as follows:

AMENDMENT: Paragraph 18: All costs associated with any Legal Action, Lawsuit, Lien or other legal action, in which the Lafayette Place Improvement Association (LPIA) is successful, shall be included in the Legal Action and paid to the LPIA by the Defendant.

**LPIA Board of Directors
Officers
President - Westley Falcaro
Vice-President- Don Orban
Treasurer – Colton Bickel
Secretary – Nick Wybo**

**Members
Tyrell Hollins
Jim Vaughn
Andrew Williams**