

Spring 2023

TREVI NEWS

trevigardenshoa.org

TGHOA

Board Members

President:

Kathy Seketa

Phone 217-741-3599

Vice President:

Steve Sandstrom

Phone 217-529-5203

Treasurer:

Randy Armstrong

Phone 217-341-9680

Secretary:

Steve McCaffrey

Phone 217-679-2525

At Large:

Collins Pieper

Phone 217-741-5406

At Large +

5th Addition rep:

Tom Gatschenberger

Phone 217-381-0704

At Large:

Carolyn Austin

Phone 217-691-5884

Questions? Concerns?

Email us at

trevigardenshomeowners

@gmail.com

Getting back to business

Hello, Trevi Garden Homeowners Association Members. Welcome to the spring newsletter.

Within this newsletter you will find the latest on project initiatives carried over from last year as well as new requested initiatives from Trevi HOA residents for this year. I would like to thank the residents who have stepped up to help the Board. These include **Carolyn Austin** for volunteering to fill an HOA Board vacancy (via the November 2022 ballot), **Joe Stengel** for getting the city involved in the swale project and his continued monitoring of its status, and **Joe Trost** for his dedicated attendance and participation at the HOA meetings.

Please take the time to read through the newsletter articles, as there are several important issues that affect the HOA homeowners as a whole. Inside you'll learn more about:

- **The rapidly increasing percentage of rental ownership in Trevi Gardens.** As I write this newsletter, the Board is drafting language to amend the HOA Covenants to protect Trevi Gardens' property values. This topic has been discussed at the last two Trevi Board meetings.
- **Clarification on the Fifth Addition, including the validity of its Condo Covenants.** The Trevi Board was getting asked repeatedly about handling the 5th Addition street funds. The Trustees sought out an attorney to get a definitive interpretation of the relevant covenants, and recommendations for future procedures. Mr. Bradley Wilson, attorney at law for Gates, Wise, Schlosser and Goebel, was recommended based on his extensive experience with HOAs. He attended the February board meeting to share written responses and references to the HOA Covenants, and to take questions.
- After three years, **the lawsuit brought by a former Trevi Garden HOA bookkeeper had its day in court.**
- The Board is excited to reintroduce **Spring Cleaning Day** for Trevi Gardens on Saturday, April 22. **Theresa Armstrong** has offered to spearhead the project. Thank you, Theresa! Details are on the next page.

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Trevi Gardens

Homeowners Association

P.O. Box 9238, Springfield, IL, 62791
Trevigardenshoa.org

President's letter *cont.*

The HOA Board is looking forward to directing time and energy to issues that affect Trevi Garden as a whole. Our primary purpose is to keep our subdivision attractive and inviting, and a better place to live for everyone. When necessary, we'll consult with professionals for insight to issues that are beyond the scope of this volunteer board. We also look for input from you, the residents, on all issues. Your input is important. When we take action, it is to be based upon influence from you!

Please take a few minutes to read the rest of this newsletter. Plan on being at the next Trevi Gardens HOA Board meeting at 6 p.m. on Monday, April 17 at the Southern View Chapel.

NOTE: Prior meeting minutes are posted on the Trevi Gardens Homeowners Association website – Trevigardenshoa.org.

Katherine Seketa, HOA President



Spring Cleaning Day in Trevi Gardens

Join us at 9 a.m. Saturday, April 22, at the front entrance to celebrate Earth Day.

We will spread out and walk the subdivision to pick up any trash and debris that may have gathered in the ditches, swale or common areas. We will supply trash bags but please bring your own gloves.

This is a great opportunity to meet your neighbors, initiate friendships and help the neighborhood look as beautiful as possible.

If you have any questions or ideas, please do not hesitate to contact Theresa Armstrong via the Trevi email account (trevigardenshomeowners@gmail.com).



Financial matters: Trevi Treasurer's Report

Hello to my Trevi Gardens neighbors. Here, I would like to summarize current Trevi Gardens finances, look back at 2022, and finally try to project Trevi Gardens' fiscal outlook over the next few years.

Just over two years ago, the Trevi Gardens' board formulated a plan to modernize and make our finances more efficient. Trevi Gardens has eliminated wasteful spending where it has been found, cut costs where possible, and changed fiscal procedures where necessary to prevent future events like those that took place at the end of 2020.

We have created a needed and more comprehensive written fiscal policy as a guideline for this board and future boards to follow. We have updated banking procedures. We have provided more detailed fiscal reporting.

We recognized a need and created a separate Reserve Fund (with a separate budget) for the purpose of having the funds available to make expensive future repairs to the Trevi Gardens infrastructure. Repairing our infrastructure keeps Trevi Gardens functioning properly, raises property values, and promotes Trevi Gardens as a desirable place to live and raise a family.

Last year, we were able to make repairs to two of our private streets, which improved the appearance of our subdivision while raising property values. We were able to convince the city of Springfield to make improvements to our swale (drainage ditch) near the curve of East Sherry Drive and Trevi Drive. We expect to see the City back this Spring to finish the work. Having the city do this work saved Trevi Gardens an estimated \$50,000.

Even with expenditures for present and future needs we still hope to grow the balance of our Reserve Fund so we will be able to make future improvements to Trevi Gardens infrastructure in a fiscally responsible way.

Over the last two years, our fiscal situation has gotten stronger and continues to improve. We are building

reserves and improving our community at the same time.

In 2023 and beyond, we will continue to cut waste and promote efficiencies. We are considering having a Reserve Fund Study conducted so we, as board members, will have a clearer understanding of future Trevi Gardens infrastructure repair needs and the potential cost to make those repairs.

We will invest our savings and reserves to grow our assets so our accounts can become more self-sufficient and less reliant on HOA dues. We will establish a list of Treasurer-related polices (much like our Fiscal policies), which can guide this board and future Trevi Boards as they manage the affairs of Trevi Gardens.

I believe the future is bright for our community and your board will continue in our efforts to make further improvements and to enhance the lives of those who live here in our home, Trevi Gardens.

Randy Armstrong, Treasurer



TREVI GARDENS

CALENDAR OF EVENTS

April 17	QUARTERLY HOA MEETING
	6 pm, Southern View Chapel
April 22	SPRING CLEANING DAY
May 5	CINCO de MAYO
May 14	MOTHER'S DAY
May 29	MEMORIAL DAY
June 18	FATHER'S DAY

Attorney consulted, action needed

Corporate rentals & condo covenant concerns

Over the last couple of years the TGHOA Board has addressed problems with our deteriorating “private” streets. These are the ones that were not built up to code by the original developers.

In 2021 the board sought independent counsel to create a pecking order for the private streets in greatest need of repair. The Fifth Addition’s private streets were included, as the city will only maintain and repair public streets. One of the last sections of the subdivision constructed, the Fifth Addition has substandard streets and drainage from shortcuts taken when it was originally engineered. Oddly, the developers chose to classify the residences on its three streets — Messina, Resina and Argenta — as a “condominium unit” instead of individual single-family homes.



Why this was allowed to occur is a mystery. The designation created a “hole in the donut” for governance of Trevi Gardens. Owners of these 31 properties can operate under a separate set of rules, designed for a condo association. Some of the residents who purchased homes on these lots were not told of this before the sales, and since no condo association had ever formed in the 30+ years since the subdivision was completed, the HOA board has tried to act democratically when addressing the Fifth Addition’s needs.

Road repair inquiries were made for a Fifth Addition street in 2021. Questions arose as to whether the HOA Board needed permission from ALL 31 of the residents to fix a section of one of its 3 streets, or just those homeowners on the affected street. There was even question as to whether the respective condo

covenants carried any weight whatsoever, having never been activated.

Prior legal advice given to the Trevi Board has been conflicting and questioned by Fifth Addition residents. Clarification was needed.

At roughly the same time in 2021-22, the real estate market was heating up. In the resulting turnover of home ownership in Trevi, an alarming trend became apparent. Homes that had gone up for sale were being purchased by corporate landlords at much greater frequency, and being turned into rental properties. In two years’ time, Trevi’s number of rental properties rose from 69 to 99, an increase of 43%. It went from having 26% of its total properties classified as rental to 37%. **More than one-third of the homes in Trevi have now become rentals properties.**

This caused concern for numerous reasons. Generally speaking, rental properties are not as well maintained as privately owned homes. One is less likely to see new trees and flowers planted by a corporate landlord. Most first-time homebuyers are younger, and a professional property flipper can price these prospective buyers out more easily. Of greatest relevance to the HOA, when a landlord lives in the neighborhood or across town, the tenant or a Trevi board member can get in touch with them more easily. When the landlord is a corporate property manager based out of state – or even outside the country, as some now are – it is more difficult to get a real-time response to a matter like complaints regarding uncut grass, unrepaired storm damage or tenants who are not following the HOA covenants about trash pick-up, etc.

Obviously, this does not apply to all landlords who own Trevi properties. Nor is it meant to impugn residents who rent homes or duplexes in our neighborhood, take great care of them, love the location and the amenities (a fishing pond, walking paths, quiet cul-de-sacs and convenient proximity to Southwind Park and I-72/I-55). When a property is cared for, it’s obvious and appealing, not only to those who live in it, but also to all those around it. The board wishes to encourage home ownership. We do not want Trevi to become a community of renters.

With these two issues commanding attention, the trustees decided it was time to talk to a lawyer.

Bradley Wilson, an attorney with Gates, Wise, Schlosser & Goebel, was recommended based on his expertise with HOAs. He spoke with board members, who then provided a list of questions about the Fifth

Addition Planned Unit Development Condominium zoning, and about what the HOA could do to limit rental properties. Wilson provided written responses and attended the February board meeting to present his findings in person.

Wilson shared these legal opinions:

The Fifth Addition Condo Covenants are still valid and they would take precedence if ever there were conflicts between the Trevi covenants and the condo declarations.

The HOA Board has the power to charge and collect assessments from the Fifth Addition, but needs that board's permission to spend them (i.e., use the Reserve Funds). Without a condo board in place, the HOA needs the permission of the whole Fifth Addition (31 residents) to conduct any kind of repairs or expenditures from its accounts. Per the condo covenants, each resident in the Fifth Addition own 3% of the whole area. If it was to make repairs without full consent, the HOA could in effect be accused of trespassing.

Should the Fifth Addition decide to create a condo board, it would have the power to give the HOA Board permission to spend their Reserve Funds on street repairs.

Should the Fifth Addition not want to maintain a condo board, they could create one to make any agreements it wished with the HOA board, such as giving future permission to handle the Fifth Addition private streets like the other HOA private streets, and then the condo board could dissolve itself. All agreements made with the Trevi HOA would stay in force.

Joe Trost, a Fifth Addition resident, asked Mr. Wilson several questions about setting up a condo board and then being able to make changes to the condo covenants. Wilson said the directions for governing and managing the Fifth Addition are contained within its covenants and he preferred to not go into detail about them that evening, as his (paid) focus was on the Trevi HOA's specific questions. But he strongly encouraged the Fifth Addition to create a condo board to have a functional voice to communicate and work with the HOA going forward. Trost said he would consult with other Fifth Addition residents about creating a board.

Discussion shifted to the increasing percentage of rental properties in Trevi Gardens and ways to legally curb this growth.

Wilson said the covenants can be amended to cap the amount of rental properties within the subdivision.



Tom Gatschenberger, Brad Wilson, Kathy Seketa

Because a “floating” percentage could become difficult for the board to track, an alternative would be to state no homes that go up for sale may be rented for one year from its purchase date. An amendment could also say simply, “No more rental properties are allowed within Trevi Gardens as of X date,” with language to possibly set a few exceptions – like renting to a family member. Fines could be established to discourage violations.

In addition, if the board finds itself dealing disproportionately with bookkeeping and enforcement problems generated by rental properties, it would be within its rights to charge these landlords additional fees to compensate for the costs.

The board was extremely grateful for Mr. Wilson's input on these issues. A complete set of his written legal opinions can be found at trevigardenshoa.org.

Specifically, the TGHOA plans to act upon one of the suggested solutions for curtailing rental purchases later this spring. It will mean amending the Trevi Gardens Covenants. Amendments require a majority vote (51%) of all Trevi residents to succeed. We will be canvassing our neighbors and ALL the property owners to guarantee it is done in an open and proper manner.

It is too late to be proactive on the issue of corporate rental properties within Trevi Gardens. But the board still wants our “reaction” to be appropriate. **Doing nothing is not an option.** Please reach out to any board member to share your opinion about what would be the best path forward, or about any other neighborhood matters that concerns you. Our contact information is on the front of this newsletter.

Judge decides Trevi small claims case

A former Trevi Gardens bookkeeper and board member filed a lawsuit against the Trevi Gardens HOA and some of its current and past board members in mid-August 2022. A Small Claims summons was delivered to the Trevi Gardens Homeowners Association President and to four other current and former board members.

The former bookkeeper sought compensation for time working as the bookkeeper under a disputed contract in 2020 while she also served as an At-Large board member. Her services ended during a tumultuous period that included an unapproved withdrawal of more than \$112,000 from Trevi's bank account, and the HOA board losing administrative access to Trevi's post office box and Facebook account.

A bench trial court date was set for November 17, 2022. The former bookkeeper represented herself before Judge Rudolph Braud. Attorney Alyssa Haaker of the law firm Drake, Narup & Mead represented the HOA and

its board members. Insurance covered the cost of the HOA's legal representation.

The former bookkeeper presented her case, answering questions from the judge and Trevi's attorney, and questioning two of the board members and her husband. At its conclusion, the judge dismissed the case. In his formal written judgment two weeks later, he ordered the plaintiff to return the HOA's office supplies, any records and documentation she still possessed, and pay \$281 to Trevi Gardens.

Within a few days, the former bookkeeper formally asked the court for a reconsideration that would grant her a new trial. A further hearing was held on January 18, 2023, where the request for a reconsideration was denied.

As present, the HOA has received a check for \$281 and the bookkeeper records, but few documents from the period 2016 to 2020.



Drainage improved at SE corner

In early December 2022, City work crews installed new drain pipes and regraded the outflow area at the southeast corner of the subdivision, where Trevi Drive curves into Sherry Drive. The next phase of work will extend the pipes another 200 feet toward 2nd Street and cover them.

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TIMES

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Sunday School - 10:30 AM
Sunday Night - 05:00 PM
Wednesday - 06:30 PM

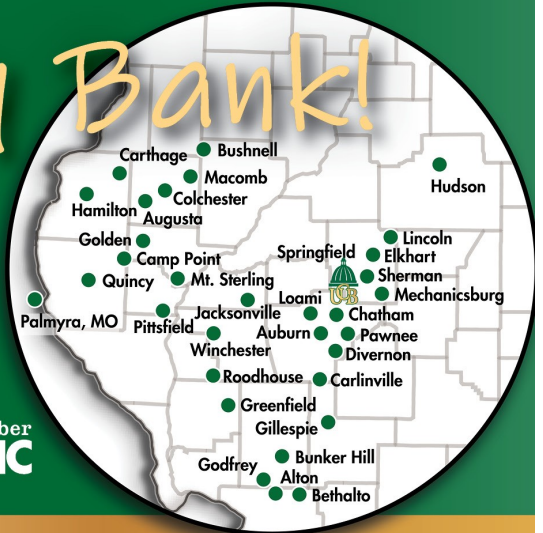
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