

**Shannon Valley Homes Association  
Board Meeting Minutes  
February 8, 2022**

**Board members present:**

Libby Hayes, President  
Griffin Gatewood, Vice President  
Tony Kays, Treasurer  
Holly Stark, Secretary  
Chris Slimm, Member-at-Large

**Also present:**

RJ Allen, Home Association Solutions  
Doug May, Home Association Solutions  
Residents listed on Schedule 1 attached hereto  
Overland Park Community Policing Unit Members

**1. Call to Order**

Libby Hayes called the meeting to order at 7:11 p.m.

**2. Open Comments**

Several residents spoke during the open comment session. Virtually all of the comments related to issues surrounding the Concord House. One resident had requested the Board to voluntarily resign. The Board declined the request to resign. The Board responded by thanking everyone for their thoughts and addressing some of the concerns as well as directing them to the Fact Sheet, attached hereto as Schedule 2, which Board provided in the printed meeting packet for attendees.

**3. Minutes**

Upon motion duly seconded, the January 12, 2022 minutes as presented were approved.

**4. Financials**

The year-to-date financials were presented and discussed. The financials showed a healthy condition of the SVHA with a projected reserve of approximately \$60,000 for the end of the year after all budgeted expenses are incurred throughout the year and remaining dues are paid.

**5. Social**

The Board discussed the Easter Egg Hunt planned for Saturday, April 9, 2022 at 10 a.m. and preparations related thereto including soliciting volunteers to help with the event.

**6. Committee Appointments**

Upon motion duly seconded, the Board adopted the Resolutions attached hereto as Schedule 3 to establish the Nominating Committee and rules related to such Nominating Committee.

**7. Next Meeting**

The next Board meeting will be held on Tuesday, March 22, 2022 at 7:00 p.m. at Tomahawk Ridge Community Center located at 11902 Lowell Avenue, Overland Park, KS 66213.

**8. Executive Session**

The Board conducted an executive session to discuss the status of unpaid dues by residents.

**9. Fence Approval**

Upon motion duly seconded, the Board approved the request of the resident located at 9119 W. 113<sup>th</sup> Street to construct a wooden fence that was 5 feet tall around the perimeter of the property and a 6 foot wood screening fence that would be built around the patio, subject to receiving proper permits from the City of Overland Park for such fences. The proper drawings and information were supplied to the Board from the resident.

**10. Adjourned**

There being no further business, the meeting was adjourned at 9:34 p.m.

## Schedule 1

Brad Gerstner  
Donna Gerstner  
Marjorie Meyer  
Ted Steinmeyer  
Toni Steinmeyer  
John Bennett  
Marie Boatright  
Greg Fowler  
Susan Brandt  
Deb Vogler  
Allen Overbay  
Katy Overbay  
Janet Summers  
Martha Belker  
David Schulze  
Trenna Schultze  
Nancy M Dalbey  
Lori Kueker  
Andy Johnson  
Gina Johnson  
Jerry Nalley  
Stephanie Elliott  
Kar Woo  
Russ Townsley  
Dansby Vogler  
Sharon Nielson  
David Wahlgren  
Lonnie Wahlgren  
Art Levine  
Tim Dalbey  
Terry Kueker  
Christina Schultze  
Betsy Wright  
Dan Schiefer  
Michelle Schiefer  
Barbara Varhol  
Julie Jablonski  
Michael Pahura  
Brooke Pahura  
Joan Kane  
Ron Kane  
James Holcroft  
Larry Brooks  
Mary Ellen Brooks  
Dave Smith

Gary Baker  
Darrell Bandel  
Melanie Bandel  
Jeff Clary  
John Moore  
Nancy Keener  
Linda Nease  
Doug Bailey  
Erik Mariscal  
Sean O'Neill  
Ian Finlay  
Carolina Arbona  
Michelle Nash  
Matthew Elyachar  
Gary Fox  
Amy Franklin  
Serge Hansel  
Pat Hayes  
Jonathon Russell  
Diane Fowler  
Rachel Cox  
Martha Jacobsen  
Sheila Hickerson  
Jerry Revenaugh  
Pat McGill  
Rosalind Price  
Brian Price  
Allen Switzer  
Sandra Miles  
Connie Fleming  
Mike Fleming  
Linda Bell  
Bruce Bell  
Jim Dykes  
CeeAnn Neuenschwander  
Jim Neuenschwander  
Pat Hughes  
Richard Triola  
William Popplewell III  
Taylor Sibala  
R Bieker  
Doug Conlan  
Joe Haney  
Brian White  
Peter Lee

Jennifer Lee  
Jane Walton  
Gary Walton  
Harold Alexander  
Candy Alexander  
Greg Pryor  
Michelle Pryor  
Kyle Weinstock  
Jerry Weinstock  
Ronald Nash  
Denyse Heaney  
Deb Bieker  
Denice Cahill  
Doug May  
Rob Hill  
Chuck Seago  
Dayna Garrett  
Kelly Baker  
Richard Renzi  
Brad Hipp  
Snehal Bhagat  
Ken Thurmond  
Helen Anderson  
Mark Ottaway  
Jessica Ashby  
Elaine Tobias  
Jessica Eickhorst  
Sam Bellante  
Julie Bellante  
Vickie Snyder  
Don Wright  
Kelly Bhagat  
Linda Tamosunias  
Shawn K. Cole

## Schedule 2

### Fact Sheet

## Shannon Valley Homes Association

February 8, 2022

[shannonvalley.org](http://shannonvalley.org)

The SVHA Board has observed that rumors and speculation not based in fact are circulating on social media about the Artists Helping the Homeless' Concord House planned for Shannon Valley. What are the facts? Please see below.

- **What is the Fair Housing Act (FHA)?**

The Fair Housing Act prohibits discrimination in housing because of race, color, national origin, religion, sex, familial status, and disability.

- **What is the Americans with Disabilities Act (ADA)?**

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life.

- **Are drug and alcohol addiction disabilities under the FHA and ADA?**

Yes. The ADA ensures that people with disabilities have the same rights and opportunities as everyone else and the FHA does the same as to housing. This includes people with addiction to alcohol and people in recovery from opioid and substance use disorders who are no longer using those illegal substances. All disabilities protected under the FHA are equally protected, i.e., no one disability is more protected than another disability.

- **What is a sober home?**

Sober living houses, also called sober homes and sober living environments, are facilities that provide safe housing and supportive, structured living conditions for people exiting drug rehabilitation programs. Sober living homes serve as a transitional environment between such programs and mainstream society. The FHA refers to sober living houses as group homes.

- **Do federal laws, such as FHA and ADA, supersede state and local laws, as well as HOA Deed Restrictions and Covenants?**

Yes.

- **Do the FHA and the ADA apply to the Concord House planned for Shannon Valley?**

Yes. There is substantial legal precedent making it abundantly clear that the FHA and ADA apply to allow sober living homes to exist in residential areas like Shannon Valley by requiring sober living homes to receive a reasonable accommodation to exempt such homes from certain zoning ordinances or HOA requirements.

- **Do sober houses like the one proposed for Shannon Valley require certification from the State of Kansas?**

No. There is currently no state certification program for sober living houses in Kansas.

- **Does the FHA protect disabled individuals in houses like the Concord House that are not required to have a certification from the State of Kansas?**

Yes. FHA protection is available to disabled individuals regardless of state certification requirements.

- **Are sober homes associated with an increase in crime?**

The City of Overland Park asked the Police Department to review crime statistics near sober homes in the city. The Police Department reported no increase in crime in those areas. In addition, the City found no increase in crime has been reported near the AHH sober homes in Lawrence.

- **Can a sober home be disallowed if it causes a decrease in my property value?**

No. Even if a decrease in property value does exist, the FHA would still apply to protect the disabled individuals. However, real estate professionals we consulted did not see the presence of a sober home in a neighbor of Shannon Valley's size having any impact on property values.

- **Do Overland Park zoning laws apply to the Concord House?**

Yes, but exemptions are available to provide disabled individuals with a reasonable accommodation under the FHA. The January 20, 2022 letter from the City of Overland Park to Shannon Valley states:

"The Artists Helping the Homeless recovery home is closely aligned with a United States Supreme Court case related to the operation of Oxford Houses (City of Edmonds v. Oxford House, Inc.), which lawfully operate in residential areas throughout the city of Overland Park and the United States. Residents with disabilities, which includes

alcoholism and drug abuse, qualify for reasonable accommodation under the Fair Housing Act.

“While Overland Park’s single family zoning allows for no more than four unrelated people to live together in one building, City staff have determined that **based on the proposed use as a recovery home, the City is preempted by the Fair Housing Act from applying its zoning code on the property.** This finding means that no additional process is available to the City related to this proposal.” (emphasis in original).

The letter referenced above contains very detailed information and we encourage residents to review the City’s letter posted on the SVHA’s website for more details of the City’s investigation findings and analysis of the Concord House including the fact that 17 other houses of this nature currently operate in Overland Park.

- **What can I do to learn more about the FHA and the application to the Concord House if I want to read it for myself?**

There is a very helpful publication the U.S. Department of Justice (DOJ) and the U.S. Department of Housing and Urban Development (HUD) jointly released on November 10, 2016. The DOJ/HUD are the governmental enforcement branches that can assist protected classes whose rights are being violated under the FHA. This publication is reader friendly and meant to help municipalities and bodies like SVHA to understand the framework of the FHA to avoid violating it. It also puts parties on notice as to the DOJ/HUD’s expectations for protected classes under the FHA. Here is a link to the publication: <https://www.justice.gov/opa/file/912366/download>. The publication is 20 pages long; however, the pages containing questions 8 and 9 from the DOJ/HUD publication are attached to this FAQ as they help explain the exact protections afforded to the Concord House under the FHA.

- **What is the SVHA Board position on the Concord House?**

The Board has heard from many Shannon Valley homeowners. Some are strongly opposed to the Concord House, others strongly support it. The Board has taken no position for or against the Concord House. The Board’s job is to follow the law and protect SVHA from incurring liability. To this end, the Board has gathered information, consulted legal experts, met with stakeholders and City officials to protect the rights of all and avoid liability for homeowners. The Board held a webinar to explain its findings and allow residents to ask questions. It has published relevant materials related to the Concord House on its website. Members of the Board have met with, exchanged phone calls and e-mails with dozens of concerned homeowners.

- **Could attempts by the SVHA to stop AHH from opening the Concord House result in liability to homeowners in Shannon Valley?**

Yes. The issue of sober homes located in residential areas has been widely litigated. These lawsuits have invariably resulted in losses for homeowner associations like ours. These lawsuits are expensive. The losing side can be – and often is – held liable for paying the legal costs of both sides as well as damages. In some cases, these liabilities have exceeded \$500,000. An adverse settlement that exceeds the SVHA emergency fund could result in a special assessment to each Shannon Valley homeowner. If special assessments are not done, the judgment will be a liability of the SVHA until it is paid in full and the party who holds the judgment can levy on SVHA bank accounts and leave the SVHA with no funds to pay for garbage fees, common area maintenance, or other expenses.

- **Why won't the SVHA disclose the name of the counsel it consulted?**

The SVHA Board received advice from an experienced Kansas qualified attorney who kindly volunteered his time. We are not going to thank him by disclosing his name so he can be harassed. The Board often seeks people to volunteer their time as we have limited resources. The advice we received was thorough and correct. Based on the considerable time the lawyer invested in this matter, such advice would have easily cost between \$10,000-\$15,000 if it were billed to the SHVA. One of the Board members presented the conclusions of the advice to the SVHA in her capacity as a Board member at the January 17, 2022 Zoom. The SVHA Board empathizes with the residents who are concerned about the Concord House; however, the Board is confident in the legal analysis conducted for the SVHA which did include looking at any other possible legal options as to the Concord House. No other legal options are available. The City ruled on January 20, 2022, that the Concord House is allowed as a single family home in Overland Park (for the same reasons the legal analysis conducted on SVHA's behalf showed and as was explained on the Zoom) and SVHA is bound by the City's decision.

- **Why didn't the Board announce to the SVHA about the possible existence of the Concord House in October?**

The Board is legally obligated to protect the privacy rights of homeowners to avoid incurring liability. When the Board receives a complaint from a resident, we do not disclose the information to the community as a whole because we need to be careful not to violate the homeowner's privacy rights and we need to do an investigation to determine if a violation exists. Once the investigation is complete, we notify the complaining party how the issue has been dealt with and we work directly with the homeowner at issue to resolve the violation if one exists.

In October, we had insufficient information to complete a review; however, we did respond to residents that we were continuing to investigate. We were able to obtain

some information from AHH in November that the house was unoccupied and would remain unoccupied throughout the month of December. During our preliminary legal research, it became quickly apparent that the Concord House would be subject to FHA protection so the Board was very careful in its communications to avoid incurring liability under the FHA. (Disclosing information of a protected class moving into a neighborhood that results in the individuals of the protected class being harassed can bring liability on the HOA for such harassment.) The Board asked Mr. Woo to join our next meeting scheduled for January (the Board was meeting every other month at the time) to talk to the Board about the Concord House so the Board could get the facts. We corresponded with all residents who had notified us that we were planning this investigation and gathering more facts. The Board continued its work streams to look into the issues and prepare fully for our January meeting. Due to social media posts with misinformation in December, we decided to see if Mr. Woo would be able to meet us over the Christmas break for an informational session so we could gather the facts we needed for our investigation. Mr. Woo graciously agreed. The Board obtained legal advice and reached out to the City to understand the status of its process which had just started as well. After completing the investigation and receiving legal advice as to the issues, the Board felt comfortable issuing its statement on December 30, 2021, publically without incurring liability under the FHA due to the fact that Mr. Woo had participated in a news story a few days earlier about the Concord House; thus, it was already public that this protected class would be moving into the neighborhood.

- **Did we know about the Concord House in time to take any actions available to us?**

Yes. When the SVHA Board issued its statement about the Concord House on December 30, 2021, the City had not completed its review of the Concord House so residents could reach out to the City to voice their opinions. The Board's statement also made clear that the decision of the City would be controlling on SVHA. The SVHA Board also encouraged residents at the January 17, 2022 Zoom to reach out to Mr. Jack Messer who was the point person for the City of Overland Park dealing with the Concord House review. Mr. Jack Messer's communications regarding the status of the City's review which included all his contact information was posted on the SVHA website since January 7, 2022 well before the City's decision on January 20, 2022. We understand that many residents did provide opinions to the City during the review process. However, now that the City has ruled, there is really no further action that residents can take as to the Concord House due to its protection under the FHA.

- **How do I find a trusted source for information on the Concord House in Shannon Valley?**

Please visit the official SVHA website at [shannonvalley.org](https://shannonvalley.org) to access announcements and relevant documents about the Concord House mentioned in this Fact Sheet.

Due to resident requests, the Board is now making use of the official Shannon Valley Facebook Page [@ShannonValleyHomeownersAssociation](#) which a member of the Board is monitoring, but is not able to fully control the content as it is a social media page.

## **Schedule 3**

### **SHANNON VALLEY HOMES ASSOCIATION RESOLUTIONS OF THE BOARD OF DIRECTORS ADOPTED ON FEBRUARY 8, 2022**

**WHEREAS**, the Board of Directors of the Association (the “**Board**”) of Shannon Valley Homes Association, a not-for-profit corporation incorporated under the laws of the State of Kansas (the “**Association**”), desires to form a nominating committee (the “**Nominating Committee**”) for purpose of nominating candidates for election to the Board at the annual meeting or any special meeting of the Association, pursuant to Article V, Section 5.1 of the Bylaws of the Association;

**WHEREAS**, the Board desires to appoint one or more members of the Board and members of the Association to the Nominating Committee;

**WHEREAS**, the Board desires to adopt the rules set forth on Exhibit A as the rules of the proceedings of the Nominating Committee (the “**Nominating Committee Rules**”);

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby establishes the Nominating Committee; and it is further

**RESOLVED**, that, effective as of the date hereof, the Board hereby appoints and elects Tony Kays as Board representative and Chairman, and Elaine Tobias and Jim Dykes as non-Board representatives, of the Nominating Committee, to serve in such capacity until all vacancies of the Board are filled at the next annual meeting of the Association, or their earlier death, resignation, or removal from office; and it is further

**RESOLVED**, that, effective as of the date hereof, the Nominating Committee Rules are hereby adopted as the rules of the proceedings of the Nominating Committee; and it is further

**RESOLVED**, that the President shall serve as an ex-officio member of the Nominating Committee, pursuant to Article IX of the Bylaws; the President shall not have a casting vote in respect of the proceedings of such committees; and it its finally

**RESOLVED**, that any and all actions heretofore taken in good faith by the Board with respect to the matters described herein, be, and hereby are, ratified, approved, authorized, confirmed and accepted in all respects as the acts and deeds of the Association.

**Exhibit A**  
**Nominating Committee Rules**

Set forth below are the rules adopted by the Board of Directors (the “**Board**”) to delegate authority to and govern the proceedings of the Nominating Committee (the “**Committee**”) of Shannon Valley Homes Association (the “**Association**”) in accordance with Article V, Section 5.1 of the Bylaws of the Association:

1. Purpose. The purpose of the Committee is to identify and recruit candidates for election to the Board of the Association.
2. Appointment. Each member of the Committee shall be appointed by resolution of the Board prior to the annual meeting of the Members.
3. Composition. The Committee shall consist, at minimum, of a Chairman, who shall be a member of the Board, and two members of the Association, who may or may not be members of the Board.
4. Vacancies. In the event of a vacancy in the Committee, the remaining Committee members may fill such vacancy.
5. Chairman. The Chairman shall be a member of the Board. In the absence thereof, a non-Board representative of the Committee shall serve as acting Chairman until such time as a Board member is able to serve as Chairman. The Chairman (or, if applicable, acting Chairman) shall be responsible for administering the proceedings of the Committee.
6. President. Pursuant to Article IX of the Bylaws, the Association President shall serve as an ex-officio member of the Committee. The President shall not have a casting vote as an ex-officio member of the Committee unless the President is the sole Board representative of the Committee, unless otherwise directed by the Board. The President may serve concurrently as the Chairman of the Committee if so appointed by the Board.
7. Quorum. The quorum for meetings of the Committee shall be a majority of the Committee members entitled to vote who need not be members of the Board.
8. Notice. Meetings of the Committee may be called by any member of the Committee providing 24 hours’ notice in writing (including by email) to the other members. Such notice may be waived by the members and shall be deemed waived if a quorum of members of the Committee hold a meeting for purposes of nominating candidates for election to the Board.
9. Voting. Voting may be conducted by show of hands, by ballot, by email, or any other means deemed appropriate by the Chairman (or, if applicable, acting Chairman). A nomination may proceed with the approval of a majority of the members present at a meeting of the Committee.
10. Action without Meeting. The Committee may take action without a meeting with the unanimous written consent of the members of the Committee.
11. Nominations. The Committee shall make as many nominations for election to the Board as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among Members or non-members.
12. Minutes. A member of the Committee shall record the proceedings of the Committee and make reports to the Board at the Board’s request.