

ACNA Meeting Minutes January 20, 2015

The first quarterly meeting of the Allen County Neighborhood Association was held on January 20, 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. Forty-one residents were in attendance.

Dan began by noting many new faces attending the meeting and proceeded to have those in attendance state their name, association, board position (if applicable) and if they were City or County groups.

Dan also asked for suggestions from the group for ideas for ACNA meetings for 2015.

Carrie Gutman - Attorney:

- Sidewalks: if damaged by homeowner but property line ends before the sidewalk, who is responsible to repair? The Homeowner or Contractor would be responsible if they actually damaged the sidewalk.
- If there is settling to the sidewalk, who is responsible to repair? It depends on City or County and what it says in the covenants. If in the County and the association has control of the public sidewalks, then the association is responsible. In the City, the City is usually responsible and there is a 60%/40% split for repairs but they are prioritized by need.
- A shed was built after approval was denied – what are the association’s remedies? Can an association remove the shed? Never remove a structure, regardless of what the covenants say. This is simply asking for trouble. First, send a letter stating that the resident is in violation. If nothing is done after a set period of time, go to court through the Allen County Circuit Court. If the Court reviews all the documents and agrees with the association, the Court will force action to be taken against the resident.
- How to get sidewalks along a busy road that leads to a school (in the City limits) and yet has no sidewalk? Contact the Neighborhood Liaison to work with the association and the City to try to rectify situation.
- Do you have to follow Roberts Rules of Order when holding association meetings? It is not required but some order of business should be followed.
- Are fences enforceable under Architectural control if the covenants don’t specify the type of material? Yes, but this needs to be put in writing to set your policy and needs to be followed in future cases.
- Can Boards hold secret meetings and not provide minutes or budgets to residents? No – any written request to a board for minutes or financial information must be provided to the residents. This is controlled under Indiana Statute. This has happened in the past and Carrie had to provide an attorney letter to get the records.
- Can common ground be sold? It’s not very easy to sell common ground. Common ground is used in many instances for drainage and selling that property

- is usually not allowed. You can check and see if your covenants allow it, but you will have to work through the Surveyor's office to see if it is possible.
- What information is required to be kept for meeting minutes? Usually the minutes, financial statement and any items that apply to the Statute.
 - Common area tax record shows it is still controlled by the developer but it should not be. How can you rectify this? Check with the Recorder's Office to see if the developers have signed them over. If not, follow up with the developer to have it rectified.
 - Rentals: Can an association say rentals are not allowed? Rentals are controlled by the Fair Housing Act and even if the covenant says they are not allowed, it may not be true. It all depends on what is in your covenants.
 - If it does not say one way or the other, can it be added to the covenants? Changing covenants is possible. Review what is written in them. The process is not easy, for a good reason. They are not meant to be easy to change. You will have to weigh the costs.
 - Who controls drainage? The Allen County Surveyor.
 - Liens for unpaid dues: New Statute states you can't file for one year and it is void after five years. You will have to re-file.
 - A lien is filed but the house has gone to foreclosure. Who is the lien against at that point? The Recorder's Office website will show who holds the title. If the house is in foreclosure, the process is very drawn out. Your original lien against the homeowner becomes void but you can re-file against the bank that now holds the title.
 - Dan - Note: most sidewalks are marked with metal stakes 3" – 4" below grade that will show the property line and can help determine who is responsible for repairs.

Mary Wiemann

Senior Vice President with Aging & In-Home Services of NE Indiana

Mary was in attendance to present an overview of her agency's services and she began by telling those in the audience about the handout provided by her agency. The following are the headers of her PowerPoint presentation.

- Older adults, disabilities and caregivers
- 9/10 hope to live their life in their own home
- Each Other
- Challenge
- Family caregivers
- Typical family caregiver is....
- Costs: \$450 billion in care costs
- Unpaid family caregiver
- Most Common chronic condition of the elderly
- Challenge – urban / rural
- Biggest risk – outlive money
- Community resources
- Private, not for profit
- National aging services network

- Lake / Hobson
- Serving NE Indiana for 40 years
- Our Region (9 counties)
- Our clients – A profile
- Chronic condition of care managed
- If you know someone, call us!
- Aging and disability resource center
- Most requested services
- Challenge – funding
- Medicare
- Payment sources for health related care
- Other: own pocket / long term care insurance
- Plan ahead
- In crisis – emergency
- Just call us
- Thank you!

Questions:

- Would your association be willing to attend a homeowner’s association meeting to discuss services? Yes, they do over 100 events a year. They try to focus on areas where older residents reside. They perform these sessions at many churches too.
- Can you reiterate the cost numbers provided? Average nursing home care is \$6000 / month and in-home case management runs on average \$2000 / month.

**Nicholas Jordan
Chief Deputy Allen County Auditor**

Nicholas was in attendance to discuss the importance of fiscal responsibility for neighborhood associations and things your organization should be doing.

His presentation began by telling the attendees how to find information on their association. By going to the Allen County Website (www.allencounty.us) and searching for Public Access Tax Records, then searching by Address, name, etc., one can see who the person of record is for any property in Allen County. By searching the Indiana Secretary of State website (www.in.gov/sos) and searching the Business Entities, one can see if their association has been filing the proper documented with the Secretary of State for your Articles of Incorporation. This must be done every year. The following are the headers from Nicholas’ PowerPoint presentation:

- Agenda
- Authoritive Sources (Statutes)
- Recordkeeping
- Review of Statute
- Attorney General can take action!
- Dues
 - o Assessments

- Collection
- Liens (Attorney)
- Insurance
- Budgets
- Tax Returns
 - Annual reporting required
- Conclusion

Questions:

- Is there a cost to change your covenants? Should be done by an Attorney, so, yes, there is a cost. Can go to the Recorders website and view plenty of other covenants on file. By preparing your own version prior to seeking legal advice you could say money.
- Must we file taxes if dues are the only money coming in? Yes, you must file a tax report even if you have zero income.
- If you never filed tax returns in the past, is there a penalty? There may be, but you need to file so you should start right away and see what happens.
- Discussion on having Management Companies: many associations use them, some really feel they are beneficial and others think they are expensive and you don't get what you pay for. It was noted that the ACNA brought in two Management Companies previously to present their services to the audience last year. Refer to the minutes from July 23, 2013.
- Can you pay a salary to your Board? You may – it depends on what your covenants say.

Open:

Kris Krishnan asked about moving the meeting from the 7:00pm start time to 6:30 – 8:00 for future meetings. The Omni Room MUST be cleared by 8:45pm so that leaves little time after the meetings for follow up.

Some discussion was held on rocks around the perimeter of retention ponds. It was suggested that you consult with the Surveyor prior to doing this as many retention ponds are for drainage and you can't change them without approval.

An attendee requested that instead of having all presenters at these meetings, how about leaving more time open for general questions and discussions. Dan noted that the Leaders of the ACNA have been asking for years for more input on what the attendees wanted out of these meetings and that was the first time this was brought up. The ACNA will discuss the possibility of doing this for the next meeting.

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