

## **ACNA Meeting Minutes April 25, 2011**

The meeting of the Allen County Neighborhood Association was held on April 25, 2011 at 7:00pm in the City Council Chambers Room of the City County Building. The meeting was called to order at 7:00pm by Kris Krishna, Co-Coordinator. Twenty-five residents were in attendance.

Kris began the meeting by introducing the new Coordinator of the ACNA, Dan McCrea. Dan will be taking over the duties previously held by Joanne Bergman and Kris. Joanne and Kris have been running the ACNA for many years and felt it was time for others to take over the coordinator duties. Kris thanked Commissioner Nelson Peters and Mike Green, Public Information Officer for all of the help they have given both Joanne and him over the past years.

Also introduced were Greeters Dee Jackson and Ann Holsinger, Jim Boyer, who is gathering and cataloging all of the contact information for the ACNA, Secretary Rob Green and Videographer Larry Banks.

Dan made a brief statement thanking Kris and Joanne for all the work they have done for the ACNA. He stated that he would like to create a social network to try to get all of the neighborhood associations in Allen County involved in the ACNA. This social network would help get the word out and hopefully get the many associations not represented at the ACNA meetings involved. Dan asked those in attendance to feel free to email him with any thoughts or ideas for the ACNA. Dan's email is [dwmccrea@frontier.com](mailto:dwmccrea@frontier.com).

A handout was given to all in attendance to ask friends living in other subdivisions to provide the name and phone number of one board member from that association and provide this to Dan. The ACNA will then try to contact that group and inform them of the ACNA and invite them to the next ACNA meeting.

### **Carrie Hawk Gutman:**

Attorney Carrie Hawk Gutman began the meeting with answers to questions that had been emailed to the ACNA.

### **Questions:**

- What constitutes required meeting minutes and board rules? Carrie stated that the minutes of the meeting are a brief overview of what was discussed at that meeting, not everything that was said. The board only acts on motions that are presented to the board. The minutes should document the people present, any excused members, visitors, agenda items and discussions. There is no stated rule that minutes must be distributed to the association members unless specifically spelled out in the covenants or by laws. The only time they would be required to be passed out would be for Annual Membership Meeting. The minutes should also document any committee reports to the board. Unless it is specifically spelled out in the covenants or by laws, the minutes must be made available by some means to any member who requests them.

- The next two questions were related to the downturn in the economy. If a property is in foreclosure and vacant and gets damaged by storm or a fallen tree, can the Association repair it and file a lien for the costs? Carrie strongly cautioned boards against this. She stated that the first step would be to contact the financial institution that holds the title and request they repair it. Should that fail to get action, check with local entities (in Fort Wayne, Code Enforcement; in Allen County, the Allen County Building Department). These entities will have rules regarding unsafe structures and may be able to force action. Carrie warned boards that if they were to make the repairs and file a lien, they may not be able to collect on that lien and would be out the money. She suggested meeting with a lawyer to review your options before taking on the repair yourself. Collectability on liens is always an issue.
- Can you add costs for a repair on to an existing lien? Carrie stated that no, you cannot add them. You would need to file a new lien.
- If there are street repairs to be made and the cost is split 40 / 60, does the board have the power to assess charges? Carrie said it would depend on what is stated in the covenants. The covenants would state what is required for special assessments and what percentage of residents need to approve for the assessment to be binding. Again, it is recommended to have a lawyer review the covenants to be sure actions taken are proper.
- Can you charge more to a home that might benefit most from a repair? Carrie stated that no you can't, unless it is spelled out in the covenants.
- A board was taking over the association from the developer and wanted to know about the costs for pools, clubhouses and pool assessments. Carrie stated that this is more an accounting issue and you should contact an accountant who can then review what is spelled out in the covenants and recommend what needs to be done.
- An association wanted to amend their covenants. It states that 75% of the residents must approve the changes. There are two houses that are being sold on land contract. Who would be the owner of record on those two houses? Carrie stated that you can contact the Allen County Recorder Office and they would have the record of who is the actual title holder of the houses. There you can see if a Conditional Sale of Contract is filed and who would be the owner of record.

### **Jack Hammer:**

Jack Hammer, Three Rivers Festival Executive Director spoke about the upcoming Three Rivers Festival and how the Festival Committee was trying to get back to the roots of the Festival and get the neighborhood associations involved again. Jack stated that he was born and raised in Fort Wayne and he remembers the many changes the festival has undergone over the years. He stated that the goal was to return the festival to a community festival. He stated that the Three Rivers Festival is the #2 attended festival in the state and that the festival committee wants to continue that.

Jack stated that the festival parade drew between 60,000 – 80,000 people last year. There was one association that was in the parade last year and he was encouraging others to feel free to get involved this year. The cost is \$75 for a walking unit and more

if you there is a decorated truck / trailer or float. He also stated that he was pleased to announce that the Mitzvah Temple is now associated with the parade. Jack feels the parade is a “coming together of the community” he encourages other associations to become involved in this years parade.

Jack stated that the bed race returns again this year. The bed race had been phased out over the years but is now a part of the festival again. There is a \$50 entrance fee for participation in the race. There is a \$500 grand prize to the winner so there is a strong incentive to participate. Last years race was well attended and Jack hopes that more associations take part this year.

New this year on Friday and Saturday is the return of the International Village where ten nationalities are scheduled to participate. This village will have food, music, dancing and will display the heritage of the nationalities for all to see.

Lastly, Jack stated that the festival was returning to the water this year but not in the manner of the past. There will be a canoe race, canoe obstacle race and a water war (with tap filled water balloons). Jack stated that there are water quality issues with the rivers running through Fort Wayne so these events are designed to take advantage of the water but not to endanger any participants. The festival would like to have a responsible view of the river.

Jack also stated that over the entire festival in 2010, there were only three arrests.

### **Dave Fiess:**

Dave Fiess from the Allen County Health Department was on hand to discuss mosquito control with the attendees. Dave presented the group a handout titled *Bug Off: How to take the bite out of mosquitoes.*

Dave stated that with all of the heavy rains we were currently having, there would probably be an explosion of nuisance mosquitoes this summer. He also stated that there is a good chance of diseased mosquitoes in untreated areas, such as stagnant water, ponds with no fountains, clogged downspouts and discarded tires after the heavy rains stop. He stated that the Health Department uses an integrated mosquito control system where traps are set and trapped mosquitoes are tested. If mosquitoes test positive for disease, spraying will be done within a half-mile radius of the testing site. He also stated that they are now using a more environmentally friendly spray to control mosquitoes. Dave also said that if there are reports of abandoned pools or stagnant ponds, the Health Department will come out and test for diseased mosquitoes and will treat the affected water.

Dave stated there are things homeowners can do to prevent mosquito breeding grounds:

- Clean clogged gutters (mosquitoes only need ¼” of water to breed)
- Cut high grass
- Plant drip pans can pool stagnant water
- Old tires – Old tires make a great breeding ground for mosquitoes as the black rubber heats up well in the sun and hastens the growth process. Old tires should be recycled or stored in a garage or building to prevent water from pooling in them.

Dave also stated that in the City, Code Enforcement can be called to enforce lawn and weed maintenance. In the unincorporated areas of the county, check with the local Trustees to have them assist in enforcement.

Dave stated that the Health Department also will provide mosquito fish that can be put in ponds or unmaintained pools to help control breeding. These fish cannot go into any Indiana Water Way as they are an invasive fish. Residents coming to get the mosquito fish must sign a document stating that they will not allow these fish to enter any waterway. The fish are free to residents.

Dave stated that on May 9<sup>th</sup>, the mosquito monitoring program begins. Residents should call the Health Department (260-449-7459) toward the end of May to see if the mosquito fish are available.

Bug repellent, long sleeves and long pants are recommended in areas where mosquitoes are present. Also, tick season start around the same time so a good repellent is strongly recommended.

Dave accepted questions from the group:

- How long will mosquito fish live? Dave stated that in a pond that is at least five feet deep, the fish will burrow into the mud and come out again the following year. Ponds that freeze completely will cause the fish to die. Residents can get more the next year from the Health Department.
- Can residents get advanced notice on when spraying will occur? Dave stated to go to the website ([www.allencountyhealth.com](http://www.allencountyhealth.com)) and click on the tab for “Notice for Spraying”. Entering in your email address will put you on a list where you will get an email notice of impending spraying.

### **Marjorie Stephens:**

Marjorie Stephens from the Better Business Bureau was the next speaker. Marjorie was at the meeting to help residents learn ways to protect themselves from scams and scam artists. She provided the group with a handout entitled *Most Commonly Requested Numbers*. On this handout, she highlighted some important numbers: a free credit report website; Direct marketing opt out phone numbers and mailing addresses; and a credit card opt out phone number. She strongly recommends using the credit card opt out number as a stolen credit card offer can lead a criminal to opening an account with your information. This service requires giving your Social Security number, but Marjorie still recommends using the service.

Marjorie told the group of some recent scams in the area:

- A coupon booklet for tickets to the Fort Wayne Zoo
- An auto detailer coupon for a \$10 complete detailing
- Persons approaching citizens in gas stations and grocery stores offering coupon deals or home improvement solicitations.
- Door to door magazine subscriptions (this one especially is very dangerous, to both the homeowner and the person selling the magazines)
- Home Repair contractors – the Irish Travelers are soon to be hitting the area again. They offer discounted asphalt sealing, roof repairs or home improvement. Do not use these services as the quality of work is not sufficient and they usually do not pull the required permits.

- Telemarketing (Three Rivers Credit Union scam is going around again)
- National Medical Service
- Vacation property rentals or time shares
- Credit card offers

Marjorie cautions residents to contact a business if you are unsure about an offer (especially if it sounds too good to be true), contact the BBB and to avoid the door to door magazine sellers at all costs. Never pay up front for a service, check references and never provide private information over the phone. Don't trust caller ID numbers as scammers can actually program in a number or area code to make it look local. Call your bank or financial institution if you have any questions about any phone call or offers supposedly from your bank.

### **Nicholas Jordan:**

Nicholas Jordan, the Allen County Chief Deputy Auditor, was the evening's final presenter. Nicholas was at the meeting to provide information to attendees on the fiscal accountability for neighborhood associations.

(**Note:** Due to time constraints, Nicholas' presentation was cut short. He had much more information and examples to present but ran out of time. Mike Green is going to post Nicholas' PowerPoint presentation and the example budget and his comments on the Allen County Website. It was also decided to have Nicholas back at the July meeting and providing him the majority of that evening for his presentation as there was plenty of requests for more time with him.)

Nicholas' presentation was broken into five areas:

- Recordkeeping
- Dues
- Insurance
- Budgets
- Tax returns

Much of his presentation focused on the new Indiana Code 32-25.5. This provision was discussed over the past several ACNA meetings by several different presenters. The ACNA members were told that this provision is for any new Association incorporated after July 1, 2009 or any current Association that chooses to opt in to it. There are advantages to opting in and for not opting in. Each association should study the pros and cons before deciding. For discussion purposes, it was assumed that associations were opted in to the Statute for Nicholas' presentation.

Nicholas elaborated on some of Carrie's comments from the beginning of the evening on recordkeeping. He stated that Associations are required to maintain a current roster of members of the association, the Articles of Incorporation, Covenants and By-Laws. There are set rules for what constitutes a Special Meeting, how many residents must be present to provide a quorum and how to address an increase of over \$500 to the dues.

Nicholas discussed dues assessments and dues collections. He strongly recommends associations to have a two person system for the collection of dues and for bill payments. Have a two person system will lessen the possibility of fiscal

mismanagement. The two person system would require one person accept the collections and another to actually deposit the money. A two signature check requirement will also help prevent payments being made for kickback situations. Another method of collection would to have the money directly sent to the financial institution and then that institution handles all of the money. A statement would be provided showing the collections. This method usually has a fee associated with it. Associations would have to see if this method would be beneficial to them.

The need to have insurance for an association was discussed next. The question of why to have insurance was raised and an audience member reminded the group of a comment from a lawyer at a previous meeting: anyone can sue anyone for any reason. Just suing doesn't mean you will win, but having insurance for specific reasons is important.

Types of insurance for associations could be property, commercial general liability, automobile, director's and officer's, Fidelity Bond, comprehensive commercial equipment, workers compensation and umbrella liability. What insurance your association requires should be discussed with a credible insurance agent.

Nicholas' presentation ended with him briefly discussing budgets. Joanne had asked for ACNA members to provide their budget and Nicholas was going to review them and provide comments. He did this but ran out of time and didn't get to go over it. As stated previously, this is going to be put on the Allen County website.

Nicholas did state that budgets are required and should provide an estimated revenue and surplus.

### **Open Discussion:**

Joanne thanked everyone for coming to the meeting. Those who come to the meeting are there to make their association better. That is the goal of the ACNA. It was decided that Nicholas would be asked to attend the July meeting to go over his presentation in detail. As of now, there is only one other item on the agenda for July, so the majority of the meeting could be spent on his presentation. The group was strongly in favor of this. Nicholas also said that any questions can be emails to Dan McCrea and he will get them to Nicholas. They will then be discussed at the next meeting.

The meeting was closed at 8:40pm.

**The next meeting of the ACNA will be held on July 26, 2011 at 7:00pm in the Citizens Square Building, 200 E. Berry. The exact location of the meeting will be determined at a later date. NOTE the new location for the ACNA meetings.**