

ACNA Meeting Minutes April 25, 2019

The meeting of the Allen County Neighborhood Association was held on April 25, 2019 at 6:30pm in the Omni Room in the Garden Level of the Citizen Square Building. The meeting was called to order by Joanne Bergman, Co-Coordinator. Fifty-three residents were in attendance.

Joanne introduced the other Coordinators for the ACNA – Kris Krishnan and Rob Grayless; Public Information Officer Mike Green; Secretary Rob Green and behind the scenes, cameraman Larry Banks, who records the meetings for public access TV. The ACNA is sponsored by the Allen County Commissioners, specifically Nelson Peters. Nelson was unable to attend the meeting.

Then Joanne explained that Rob Grayless was taking on a larger role with the group. Rob has over 30-years' experience with association boards, covenants and by-laws. He has set up times for meeting with residents to assist with questions on associations. The next meeting date is May 25th. Contact Rob at the information on the bottom of the agenda if interested in meeting.

Finally, Joanne introduced Marvel Embrey to the group. Marvel is coordinating the July 25th meeting. See the agenda passed out for the July meeting. The goal is that the agenda is reviewed and questions pertaining to the topics are brought to the July meeting.

Joanne introduced Scott and Mary Jackson who were the greeters at the entrance of the meeting. The ACNA is all volunteers and any resident wishing to help out is encouraged to do so.

The meeting was turned over to Rob Grayless who introduced the speakers for the meeting.

Bob Eherenman - Attorney

Questions:

- The Title Company did not inform new homeowner of delinquent dues at the time of the closing. Can the Title Company be held responsible for the money? No, they can't be held liable for the money. The Title Company should have checked for any outstanding liens on the property before closing. If there were none, they are not responsible. The previous owner is still liable for the dues and the new homeowner will be responsible for any dues post sale.
- The State requires notarized signatures for covenants changes. Can you explain the process? In order to record any document, the signatures must be notarized. Do all property owners need to sign? The process is spelled out in your covenants on what percentage is required. The board may be able to use a proxy vote to file the changes but detailed records of the meeting and voting must be kept. Proper residency and how many people are on the property record must be verified.
- Are there legal ramifications against the board if money is spent for social events? The board is required to develop and submit a budget at the annual meeting. If extra money is put aside for general funds, then they are well within the rights to use that money for social events, as long as they are open to all residents.

- An association has lapsed over ten years in maintaining incorporated status. Can they just reinstate the association? To be incorporated, bi-annual reports must be filed with the State. The State has a Resident Agent on file for each association that is incorporated. If that person moves or changes and the State is not aware, notices are sent to the wrong place. If no reports are submitted, the incorporation is then dissolved. It is very difficult to reinstate it. If the association name is still available, it would be easier to start over new. You would then get a new EIN and have to make sure it gets posted to those the association deals with.
- Is it possible to have a Harassment Policy for condo associations? Bob had never seen one in over twenty-five years. Associations don't have employees, so a policy like this wouldn't make sense. If there are issues between residents and the board, it would most likely be a police issue.
- Can you explain the proxy voting law more? If a covenant allows it, it is perfectly ok to vote by proxy. There is a standard proxy form that the State uses and that process needs to be followed. If there is nothing in your by-laws on proxy voting, you should put it in there. Changing the by-laws is fairly easy.
- Current election cycle – can election signs be restricted? No, they can't be restricted. There is a State Statute for political signs that limits the time they can be out but that is about all you can do. What about in a condo where they are put on common property? Most condo associations have undivided ownership so common property is open for all to use. The size of a sign may be a zoning issue but it would have to be pretty large to fall under zoning.
- How do you amend a 70+ year old covenants? It should say in the covenants how to do it but be cautioned – if they don't give a percentage needed to amend, it defaults to 100% agreement. Good luck – getting 100% is nearly impossible.

Jackie Wagner
Water Quality Education Specialist
Allen County Partnership for Water Quality

- PowerPoint presentation
- Who are we? Locally funded agency. One department for the entire county to coordinate many different agencies.
- Our mission? Water resource issues; water quality
- Coloring books – get kids involved early in water quality. Two different books for different age groups.
- Watershed Mentality documentary. Made in conjunction with PBS.
- Water Matters Articles for use in publications, websites, newsletters, etc.
- What we do? Inform people on water quality. Found on website and FaceBook; trying to bring back the radio show that used to be in place.
- Water quality tips of the month – new program recently introduced.
- Our focus? Water quality – mainly stormwater. Care about our water and what goes into it. Rain barrel technology discussed.
- Contact info: Jacquelyn.Buck@co.allen.in.us or at 260-449-7139. Resources available to help protect water for you and downstream of you.

- Question: water running through an easement and leaking somewhere. Who would you contact for that issue? Start with the County Surveyor – the Surveyor is responsible for all stormwater issues.
- Who is using Fort Wayne water and who uses other municipalities? It depends on where you live as there are multiple municipal hookups.

Rachel Blakeman – Community Research Institute Director

Bernie Beier – Allen County Homeland Security

- Discussion on outdoor warning sirens
- What if you are indoors and can't hear the warning siren? The sirens are not actually designed to be heard indoors! They are outdoor early warning sirens. The sirens are only for tornado warning. They can't be used for other types of notification.
- The sirens are run jointly by the City and the County.
- They operate through the 911 Call Center
- The City of New Haven has its own system, separate from the County system.
- The information to activate the sirens comes from The National Weather Service.
- Notifications are normally quicker on TV and radio.
- How can the system be activated? 1) Tornado Warning 2) INLETS or 3) Trained weather spotters or First Responders.
- The procedure for activating the sirens is 1) receive alert 2) activate the system and run it for 3-5 minutes then turn it off – there is no all-clear notification 3) perform monthly tests.
- All of the sirens go off in the County at once. Allen County is the largest county in Indiana so a warning in the northern section of the county triggers the entire system and it could be sunny in the southern section.
- Area map of siren locations shown.
- System used to be used for Civil Alert System but is no longer used for that.
- Challenge of system – the system is aging, over 30 years old, and the radio frequency used is under mandated change so it must be updated.
- Cost is approximately \$825K - \$2 Million for the frequency change update.
- Who will pay for this update? That is unclear at this point.
- With property tax caps, income funding is limited.
- Working on a survey to find out from residents how they use the system, comments and feedback.
- Cell phone technology is currently more robust. GPS technology is used and only alerts in specific areas are triggered.
- Questions:
- The replacement of the system will need to be presented to the County Commissioners.
- Actions must be taken prior to the sirens going off. If you hear the siren, the time for action is usually past.
- Discussion on mobile home disaster where twenty-one people were killed even though the sirens went off in Alabama.

- The sirens are not listened to and ignored or people misunderstand the purpose of them.
- Plan of action is to hold social discussions with residents for feedback before making recommendation to the Commissioners.
- In the Alabama disaster, there was a 48-hour notification of impending storms but it was ignored. Why?
- The Amber Alert was issued at 3:30 AM today and all cell phones went off. Why can't the tornado warning system be used like that? In Allen County, it already does!
- Asking the public for input might not be the best idea. Why do that first? The goal is to educate people first. Get and give input. Phase II would be to take that data and use it to modify the system.
- Siren technology is old – response to sirens is late. Current technology is more advanced.
- The day and time for the monthly test is not publicized. False activation of the system seems to happen a lot. That is part of the education problem!
- Cell phone technology is geographical whereas sirens are County-wide – one goes off, they all go off.
- In order to use the sirens with new technology, the IP addresses would need to be updated on each tower.
- Is there a way to change the code for outfitting mobile homes with weather issue technology? Changing Code is very difficult. The preferred method would be weather radios required for all new mobile homes, manufactured homes but this is very difficult to get changed.
- The current maintenance budget for the entire siren system is \$1300 annually. The service and maintenance are currently being performed by volunteers who go around and perform maintenance. Any added money needed for repairs must be asked of the County Commissioners.

Kyle Newcomb – The Newcomb Group
Brian Carmody – Sunrise Property Management

- Open floor discussion to talk about property management company versus doing the work yourselves.
- The two companies are different but use a very similar approach to running associations.
- What does a Management Company do? They represent the Board of the development. They handle the day to day activities of the association. They field concerns of residents, enforce covenants conditions, pay invoices, collect dues.
- What is the cost for their service? It depends on a case by case basis. The number of homes, the number of ponds and common areas, pools and clubhouses, etc. all weigh into the cost for the service.
- How do they handle dues collection? The process is to invoice for dues with a due date, usually give a 30day grace period, send a reminder notice with any late fees added and finally send an attorney letter if no action taken. Liens and Small Claims Court are used if nothing else works.

- What infractions do they cover? The management company is required to follow each covenant and by law for the association. Neighbor to neighbor issues are tricky situations and many times using the police for addressing these issues is the best course of action.
- What is the cost for dues collections? Attorney fees all vary so it would depend on each case. If it is in the covenants, then recouping attorney costs is factored into the situation. Liens are required to be filed yearly and only work if the house is being sold. Small Claims is the better option, but there are costs to using it.
- Do you provide free quotes? Yes, contact either one of us and we gladly meet and discuss specific costs.
- An association has had threats and harassment against the President. How do you handle this? Covenants do not address threats or harassment. Many times, the management company uses the police liaison department to help. Threats could lead to civil infractions against the homeowner and this leads to police intervention.
- Do you regularly search for infractions in associations or wait for calls on issues? Both companies do weekly drive throughs of associations they work for, but they are usually looking for specific issues. The management company relies on the Board or residents to notify them of issues and they then address them.
- What coverage areas do you have? Both are mainly Allen County. How many employees do you have? It really depends on the work load. Both use some full-time workers and some part time workers.
- Can you use a management company for only financial services? In the past, that was done but currently, both are full-service operations.
- Are the fees associated with management companies prorated on use or a general fee? Again, it depends on a case by case basis.
- Question on transparency between the Board / Management Company and the residents. Feel like the Board is hiding behind the management company. Prevent residents from attending meetings. The management company is responsible to present the financials to the residents. The Annual Meeting is where residents can openly discuss issues. Residents may attend Board Meetings but they do not have to be allowed to talk. Provision may be made for it. The Board Meeting may be closed to the public if personal issues need to be discussed. They try not to be secretive at all.
- Meeting need to be held in public places, not private homes. Notices of meeting are sent. Agenda are presented and some even send them out prior to the meeting.

Open Discussion:

- Who approves the budget for associations? Residents often want feedback but don't volunteer to help. Most covenants state that the annual budget must be approved by the Board. The Board is elected by the residents to run the association. If you don't like the Board actions, get involved!!
- One association sends the budget out prior to the annual meeting so the residents can see it and be ready with questions or comments at the annual meeting.

- Residents don't want to pay dues if they feel they are not getting any value for the money.
- One association uses any extra money from dues each year and holds an ice cream social and has rented out a local pool for a time period where the residents can come swim for free. Show value to the dues they are paying.
- Christopher Columbus Project – a group of 7th grade students from local middle school was in attendance. Looking for residents to help them complete the project they are working on. If interested in helping, please stop and see them after the meeting.
- Any idea on the cost to install a park in a development? Suggested to contact the Fort Wayne Parks Board for help with grants and the process.
- Rob Grayless is available after the meeting if there are any individual questions.

The meeting was closed at 8:00pm. The next meeting is scheduled for July 25th at 6:30pm in the Omni Room in the Garden Level of the Citizen Square Building, 200 E. Berry St.