

ACNA Meeting Minutes July 24, 2012

The meeting of the Allen County Neighborhood Association was held on July 24, 2012 at 7:00pm in the Omni Room in the Garden Level of the Citizen Square Building. The meeting was called to order at 7:00pm by Dan McCrea, Co-Coordinator. Forty two residents were in attendance.

Dan noted that he has a new email address (dwmccrea@comcast.net) and to please refer any emails to him at this new address.

Carrie Hawk Gutman Attorney

- Present to answer legal questions pertaining to associations.
- What is the best way to have collected signatures notarized when modifying restrictive covenants? Signatures can be notarized at a later date per Indiana Statute but you still must affirm to the Notary that the signature is their signature.
- Must every signature be notarized? All signatures must be recognized. It doesn't necessarily need to be recognized by a notary. There are others who can recognize (ex. Judges). Carrie suggested having several residents become Notary's and then have those residents collect the signatures. You can submit an affidavit stating that all signatures are correct (using a form and one Notarized signature) but if there are any complaints over the signature page, then they all have to go back and be individually notarized again. Be careful with blanket signatures!
- Do City Police have jurisdiction outside of the City? Carrie was unsure of this. This question pertains to having a resident of an association that lives outside the city patrol the association while off duty.
- Who is responsible for trees damaged from the recent storms? If the tree is on your property, you are responsible. If the tree is in an easement, the utility can come and take it down but they are not required to do so. Limbs that overhang your property can be trimmed by you. The City is working hard to collect all of the trees from the recent storm.
- Who is responsible for the trees between the street and the sidewalk? That is your property – you are responsible. The City can come and work in that easement area but it isn't a requirement.
- What happens if a tree falls on a property that is in foreclosure? If it falls on the neighbors property? The responsibility technically falls to whomever holds the foreclosure, but good luck trying to get any action from them. If it is in the covenants, the association may be able to step in and do the work.
- Who is responsible to take the storm debris to the street? The resident must bring any limbs to the street. City workers are not allowed on private property.
- Is there an easy way to combine multiple covenants from different stages of one development into one? This could be very difficult as not all stages of one development are necessarily the same. They could be very different in size with

- different amenities, so it could be tough. The State is trying to make this process easier but the Recorders might fight it as it could lead to confusion over which covenants are the current version.
- How are fines assessed for Architectural violations? Most covenants don't allow for fines. You have to read exactly what your covenants say and follow that.
 - How do you update a covenant that was written in the 1950's? This will be very tough with older homes and long time residents. This will require great communication and residents working together.
 - If a resident hasn't paid his/her dues, can they see the association books? All books and records must be made public. You can set the times they can be viewed, but they are public and anyone requesting to see them can. Don't try to hide anything. Be transparent. It is the best policy.
 - Can associations audit their own books? This should be done by an outside firm but it can be expensive. One suggestion would be to form a committee and let the committee audit them.
 - Are common areas taxable? If they are in the developer's name, yes, they are taxable. If they are in the associations name, no, they are not. Associations need to have the Assessor take the developer off the books if the common areas have been turned over to the association.
 - What is the time limit on opening books? The State requires a "reasonable time". Your By-Laws should state how long the association has to make them open.
 - When is the business entity reports filed? If it is a for-profit company, they are filed every two years unless told otherwise. For a non-profit organization, file yearly on the anniversary date of Incorporation. File a return now if one has not been done in the past. Then file every year after.

Shawn Boyle
Koehlinger Kruse

- Discussion on home security systems.
- Systems today can be armed or disarmed from a keypad or a fob.
- These systems will not only turn on and off but can be used in panic mode, alerting authorities of trouble issues immediately.
- Koehlinger uses local monitoring.
- Systems encompass individual points, motion sensors, breaking glass detection and can be set up to monitor temperature and water / floods.
- Be careful of alarm offers and don't fall into the lease trap. Be sure to read and understand all of the fine print so you are not locked into a system.
- Able to install security cameras. The cameras can be viewed over the Internet from almost anywhere so you can see what is going on in your house.
- Systems can be tailored to your specific needs.
- Many home security systems will net you a 5-10% rate discount from your insurance company.
- Don't fall for the latest scam – giving out your information about your home over the phone. Don't answer questions about your security system, your work hours,

- if you have a dog, etc. Scammers are out there using these calls to set your home up for a robbery!
- Can these systems be set up wireless? Yes, but it is very expensive. Battery life is only about three years right now, so a wireless system will go through a lot of batteries and they are expensive. A hardwired system is best.
 - Can you have pets with one of these systems? Yes, if the pet is less than 45 pounds, special sensors can be used and they work very well.
 - What about false alarms? False alarms usually occur when the system is not properly maintained. Weak magnets, doors not shut all the way, operating the unit incorrectly all lead to false alarms.
 - Is the alarm system of value with false alarms due to the equipment? Company policy is that if two false alarms occur due to the equipment, the system is worked on until it is fixed, guaranteed.
 - Be careful. You get what you pay for with home security systems. Price isn't the only factor to consider.
 - Can the system run on only a battery backup (power is off to a house)? No, the systems must have 110v to operate.

Dave Fuller
Allen County Building Commissioner

- Building department covers permitting for all building projects including remodeling.
- This department covers the City as well as all of Allen County. All building falls under the State Building Codes so there is no need for separate departments.
- You can do anything to your house if you own it from the Building Code standpoint. There are other factors that could cover your house though.
- Should you do it yourself or hire a contractor? Costs vary and everything must be correct, so be careful if you do it yourself.
- Call the Building Department to see if a contractor is licensed and if there have been any complaints filed against them.
- No permit is required from the Building Department as long as you are not affecting the structure itself. Carpets, painting, wallpaper and changing lights are some repairs that do not require a permit.
- The Building Department works on an automated system and you can expect a response within 24 hours for inspections. Concrete work requires quicker action and you can expect action within two hours of calling for an inspection.
- Do not need a permit if doing flat work (driveway, patios) unless you are changing the structure of the house.
- You will need a planning permit before a building permit. Know and follow the code to prevent issues later down the line.
- Do you need a permit if you are adding electrical outlets or lights? Yes, electrical changes require a permit and an inspection.
- Is a permit required for a free standing pergola? Not usually unless it is over 30" off the ground. Then you will need steps and railings, which require inspection.

- Is a permit needed for a garage if it is less than 200 sq. ft? No, unless there is electrical to it.
- What if no permit is pulled and there are problems? This falls under the Unsafe Building Law and an order can be issued to bring it into compliance or remove it.
- Do swimming pools require permits? Swimming pools fall under the State Swimming Pool Code. Any pool over 18" deep requires a permit. A fence or cover is required.
- Do you need a land use permit for a driveway or fence? These do not fall under the Building Department. They may fall under the Highway Department. This is only for outside of the City. Inside the City, a permit is required for a fence.

Open Discussion:

Nelson Peters

- Discussed changes to the 911 communications. Due to a Federal mandate, their obsolete equipment needed to be replaced. \$17 million dollars in communication upgrades were approved.
- There were mandated changes to digital frequencies and bandwidths.
- A new system was purchased in 2000 by means of a Bond. We are now paying off the Bond and the twelve year old equipment is very difficult to find parts for.
- Allen County burn ban will probably be cancelled in a few days but extreme caution needs to be used for all open burning.
- With the burn ban soon to be lifted, there could be issues with fireworks, air quality and open burning. The county will be working with Fire Chiefs across the area.
- The October meeting will be dedicated to all legal questions, as always. John McGaulley will have a brief presentation but the bulk of the meeting will be with Carrie Hawk Gutman and Bob Eherenman.
- The ACNA Coordinators are always looking for suggestions for topics to be presented at these meetings.

The meeting was closed at 8:30pm. The next meeting is scheduled for October 23rd at 7:00pm in the Omni Room in the Garden Level of the Citizen Square Building, 200 E. Berry.