

## **ACNA Meeting Minutes January 24, 2017**

The first quarterly meeting of the Allen County Neighborhood Association was held on January 24, 2017 in the Omni Room on the Garden Level of the Citizen Square Building. It was called to order at 7:05pm by Dan McCrea, ACNA Leader. 39 residents were in attendance.

Dan began by introducing Nelson Peters, Allen County Commissioner, who is the sponsor of the ACNA. Dan then asked those attending the meeting to state their name, association, board position (if applicable) and if they were a City or County group. After introductions, Dan informed the attendees that Carrie Gutman had changed careers and was no longer going to attend the meetings. Dan introduced Joshua Neal who is going to take over for Carrie.

### **Joshua Neal - Attorney**

- How does a board remove a disruptive board member? Josh stated that board actions are governed by the association By-Laws and the answer to this question would depend on the ones from that association. Generally speaking, the best method would be to lobby residents to vote that member off the board at the next election. Litigation is possible but not recommended for either the residents or the association. If the disruptive member was breaking the law, there would be specific action that could be taken.
- What is the difference between a Platted Easement and an Easement? An easement is generally land that has less than full property rights to the homeowner. Your covenants will tell you what the easements are to be used for. Easements are usually in place for utilities, drainage, etc. There really isn't any difference between the two types. A Platted Easement is one that is shown on the main plat for the development. An Easement is a separately written agreement between several parties. Legally, they are both the same.
- Should you use a lawyer to write your By-Laws? Due to cost concerns, you do not have to use a lawyer for By-Laws. However, it is recommended that you do so you know that they are in order. An association can follow a boilerplate example and follow what the Statute requires and be compliant.
- How much does it cost to have a lawyer re-write covenants? Josh stated that there is no set answer to this. The cost depends on how much they need to be re-written. Generally, approximately \$500 would be the cost for a simple boilerplate rewrite.
- Can a board re-write the By-Laws to remove a disruptive member? Josh said that the answer to this would really depend on what "disruptive" means and that re-writing the By-Law for this should not be necessary. Does the Robert's Rule of Law say that you can remove a disruptive member? Josh stated that the By-Laws really govern the board actions, not Robert's Rule of Law.

- Are associations allowed to post all residents names and addresses? Josh stated that this information is public record so there is no reason why they can't. A presenter later in the evening will discuss this in more detail.
- Can an association restrict political signs from being posted? Josh said that no, you can't restrict signs – there are Free Speech issues involved. Can you have a provision that says “No Signs?” Again, Josh stated no, you can't say this. Can you restrict signs from common property? Josh said that you probably can govern your common property. Can you restrict the size of a political sign? Again, Josh said that no, you cannot. Dan interjected that a previous presenter to the ACNA had informed the group that a recent Indiana Statute was implemented that specifically forbids associations from prohibiting political signage.
- If the By-Laws state that members must rotate off the board, can this be enforced? Josh said that most associations can't get any residents to run for the board so you can't force members to rotate off if there isn't any other resident willing to take the position.
- Can an association restrict rental properties? Josh said that in most cases, a condo or villa development can restrict rentals but generally, homeowner associations can not restrict renting. Be aware of potential racial overtones if you try to restrict renting. Try to address the reason why renting is not wanted instead of trying to restrict it all together.
- Can covenants be rewritten so that the wording “original plat” is not included? Josh stated that the original plat remains valid unless future revisions have been made. If newer revisions are in place, you can't go back to the original plat.
- Does filing a lien affect your credit score? Josh said that liens are public documents so yes; it will appear on your credit score. Generally, people don't look for liens on a credit report.
- Are all general board meetings required to be held in an open meeting forum? Josh said that there is a new law that says that all board meetings must be open forum but you can hold an Executive Session where only the business at hand can be discussed.

### **Bill Hartman – Allen County Highway Director**

Bill was attending the meeting to discuss road projects in the County for 2017

- The County maintains:
  - 1300 miles of paved roads
  - 395 bridges
  - 200 miles of dirt roads
- The Highway Department has a staff of 85 employees, most stationed at Citizen's Square. Two Service yards are staffed: one on Carroll Road (North Barn) and the other on Tillman Road (South Barn)
- The County fleet of vehicles is 30 tandem trucks, 8 heavy-duty pickups, 5 graders and 2 backhoes
- The annual budget for the Highway Department is \$25 million and the County is coordinating an additional \$70 million of Federal Aid road projects.

- The County is involved in a joint venture with Huntington County to address the road situation near the GM plant.
- The County is spending over \$2 million on a New Haven subdivision project.
- The County maintains a chip and seal program for many of the County Roads.
- There are 14 bridges being repaired in the County in 2017.
- The County also maintains a large section of horse and buggy traveled roads that require a large amount of repair every year.
- Major project just beginning – the \$44 million Bass Road project. Many sections of the road are undergoing major repairs. There are several bridges to be replaced, multiple roundabouts being constructed and several bridge widening projects. The entire project will be ongoing through 2023. During this construction, portions of the roadway will be closed to all traffic.
- The Liberty Mills roundabout project is slated for 2017.
- The State Street bridge repairs are going to address flooding under the bridge.
- Bridge replacement at Washington Center and Lima is scheduled for 2017.
- The Tillman Road roundabout project is scheduled for 2017.
- US24 East – Ryan Road work is scheduled.
- Gump Road replacement – this was a County project at the beginning but is now a Huntertown project. This project is now funded 90/10 with Huntertown paying the greater portion.
- Questions:
- Bass and Hadley going to be closed during the Bass Road project? Yes, portions of Bass Rd will be closed throughout the project until 2023.
- Is there a planned roundabout at Bass and Hadley and the RR crossing? Yes. Can this be done? Bill stated that yes it can and has been done in multiple locations throughout the state.
- Is Carroll Road going to be repaired? Bill said that Carroll Road is a Huntertown project so that question would need to be addressed with Huntertown.
- Is DuPont going to be widened? Bill said that the DuPont project is a City project and that will be discussed by the next speakers.
- Is there more work to be done at Rothman and Maplecrest? Bill said that again, that is a City project.

### **Mario Trevino / Frank Suarez – City Transportation Engineering Services**

- City Services works directly with the County Highway Department on many projects. Both Departments share a floor at Citizen’s Square so collaboration is very easy.

The following are the bullet points from a PowerPoint presentation:

- **Transportation Infrastructure**
- 80,000 traffic signs
- 34000 street lights
- 800 miles of road painted yearly (have to use a water-based paint and it doesn’t last as long as paint did in previous years)
- 448 traffic signals per intersection (448x4= 1792 total signals)
- 1600 miles of sidewalk

- 1200 miles of streets
- 73 miles of trails (goal is to be 90-100 miles by the end of 2017)
- 12 miles of levees
- 1654 potholes repaired a year
- 22000 tons of leaves picked up
- Snow plowing
- 2016 Infrastructure Improvements
- 14.4 miles of concrete street reconstruction
- 36.1 miles of asphalt street repairs
- 62.9 miles of crack sealing
- 9.5 miles of chip and seal
- 26.2 miles of curbs replaced
- 2017 road repair budget is \$23 million
- Asphalt – before and after
- **Concrete improvements**
- Pavement Management System
- Eagle Lake Heights
- Stellhorn Road
- Maumee Ave.
- St. Joe Center Road
- McKinnie Ave.
- **2017 Arterial Street Improvement**
- Coldwater – Washington Center Road
- Hobson Road Phase I
- North Anthony – Crescent Ave.
- Maysville / Trier / Landin roundabout
- Memorial Way
- Point Inverness Way
- Fairfield Ave streetscape
- Maplecrest median replacement
- State Blvd. realignment Phase I
- DuPont – Lima to Coldwater reconstruction
- Some area roads will have to close for these repairs
- Rendering of proposed 2017 projects
- **How to select roads for repair?**
- [www.cityoffortwayne.org/invest](http://www.cityoffortwayne.org/invest)
- Click on red arrow
- Click on Invest in our neighborhoods
- Updated in April of 2017 with 2017 projects
- Residents can view all projects and their status
- Questions:
- What is the status of the Maplecrest Road repair from State to Stellhorn? This project is in the design stage. Financing for this project is not in the 2017 budget.
- When will the DuPont Road project begin? Letting is scheduled for 2017 – the project itself will be a two-year long project.

- Where is the bike path going on the DuPont Road project? The path will be under the road.
- Why aren't lines painted at night when there is less traffic? Lines are painted both day and night.
- We were told that our subdivision road project would be done in 2016 and it isn't done yet. How come? Due to rising cement costs, this project ran out of money and will have to be finished in 2017.
- Please explain the wording on the 2018 Information Form sent to residents: The goal of this form is to have you pick the top three projects you would like to see in your area and rank them from #1-#3 with #1 your highest priority.
- Explain the Wheel Tax and will it be used in 2017? The Wheel Tax has been in effect and will continue to be in effect in 2017.

**Nicholas Jordan – Chief Deputy, Allen County Auditor's Office**

- Department is responsible for the fiscal accountability for the County
- The following are the bullet points from a PowerPoint presentation:
- Record Keeping
  - Dues
  - Insurance
  - Budgets
  - Tax Returns
  - Authoritative Sources
  - IC 32-25.5 Homeowners Associations
  - IC 32-28-14 Homeowner Association Liens
  - Indiana Secretary of State
  - IRS / Indiana Department of Revenue
  - Recordkeeping
  - Articles of Incorporation / Covenants / By-Laws
  - Secretary of State website – search for Business Entity reports.
  - Records Office – Neighborhood Resource Center, click tab, able to search for covenants / By-Laws of any association
  - Current roster of all members
  - Board Meetings
  - IC 32-25.5-4 Allows Attorney General to bring action against an association for fraud or misappropriation of funds.
  - Records should be maintained as long as covenants require or at least two years.
  - Dues
  - Assessments
  - Collections
  - Liens
  - Insurance
  - Why have insurance?
  - Types of Insurance available.
  - Directors / Officers should have a Fidelity Bond. This is very important
  - Budgets

- Required (IC 32-25.5-3.3)
- Contents
- Distribution or Notice
- Approval
- Examples
- Questions:
- How much should an association have in reserve cash? No set answer, look at your history and your budget. Can you cover unforeseen costs? Are you responsible for your street repair?
- Contact Info: Nicholas Jordan 260-449-7230 [nick.jordan@allencounty.us](mailto:nick.jordan@allencounty.us)
- Related links / info:
- Allen County GIS Data viewer: <http://www.acimap.us/> This site allows you to choose from various different GIS maps in Allen County. The Basic one is the iMap Data Viewer. I also believe that the Assessor's COMPS site is beneficial if you want details regarding recent sales and comparable properties used in your Assessment. Many of these GIS maps have various functions/layers you can turn on as you like.
- Indiana Secretary of State Business Services: <https://inbiz.in.gov/BOS/Home/Index> This site is used for registering with the secretary of state and annual filings.
- Allen County Recorder's website Neighborhood Resource Center: <http://www.allencountyrecorder.us/Resources/ResourceCenter.aspx> You can search for neighborhood covenants/by-laws and other documents if recorded.
- ACNA website: <http://www.allencounty.us/government/community/allen-county-neighborhoods-association>
- City of Fort Wayne Neighborhoods website: <http://www.cityoffortwayne.org/neighborhoods.html>

The meeting was closed at 8:35pm. The next meeting is scheduled for **April 25, 2017** at 7:00pm in the Omni Room on the Garden Level of the Citizen Square Building, 200 E. Berry St. **Remaining 2017 meeting dates: July 25; October 24.**