

ACNA Meeting Minutes July 26, 2018

The third quarterly meeting of the Allen County Neighborhood Association was held on July 26, 2018 in the Omni Room on the Garden Level of the Citizen Square Building. It was called to order at 6:30 by Joanne Bergman, ACNA Co-Leader. Forty-two residents were in attendance.

Joanne thanked the room for all who came to the meeting. She introduced Kris Krishnan, Co-Leader of the ACNA and Mike Green, Allen County Public Information Director. She told those in attendance that the group was sponsored by the County Commissioners and introduced Nelson Peters, Allen County Commissioner.

Joanne discussed the mission of the ACNA and stated the fact that the October meeting was completely focused on meeting with the lawyers to discuss legal matters with the members. She introduced two new members who are helping with the ACNA: Jim Armstrong who is taking over the membership information listings and Marvel Embrey, who is the greeter for the meetings and helps organize the membership files.

Joanne told the audience that more help is needed for the ACNA to continue to grow. Even if you can volunteer at one meeting, it will greatly help. The ACNA is looking for somebody to help take meeting minutes, which are all posted on the ACNA website.

Handouts were left on the tables for all attendees to take. One was from the Allen County Election Board looking for Poll Worker volunteers for the upcoming November elections and the other was for the Impact Award, an award set up by Linda and Jerry Vandelever. This award is given to a resident who goes above and beyond serving the community and the form provided can be used to nominate anyone you think is deserving.

Joshua Neal – Attorney with Barrett McNagny

Questions:

- Sidewalks – who is responsible for repairs? It depends on where the sidewalk is located. If in a common area, the association would be responsible. If it is a platted street or sidewalk, then it would be the City's responsibility. Josh noted that with failing sidewalks, there are liability concerns so get them repaired as needed.
- If you are going to revise Bylaws or Covenants, does the person collecting signatures have to be a Notary? Bylaws do not require a Notary. Covenants require one. The person collecting does not have to be a Notary if the collected signatures are authenticated and reviewed by a Notary. This should be documented and spelled out before the process begins so everyone is following the proper procedure.
- Signs in yards – are there Ordinances controlling them? Can covenants restrict them? The correct answer to this question needs further investigation.

- Solar panels – are there any updates to State Statutes regarding them? Not aware of any updates but State Statute on solar panels supersede association covenants
- Dues collection – how many notices have to be given before action may be taken against a resident? Residents have been given five notices and not responded. Five notices are more than enough. After several notices, liens or Small Claims Court become options. Your covenants should spell out the actions the board can take. Liens have to be filed upon within five years. Small Claims Court is a more aggressive approach.
- Can rentals be restricted in a condo association? Yes, but it is tricky if they were already built and you try to restrict later. Might be easier to target nuisance issues that often come along with rentals – but be wary of possible discrimination issues.
- If a business is being run out of a home, can this be stopped? What can you do? Yes, but steps should be taken – 1) communicate with the resident 2) write a formal letter 3) file a lawsuit if the language is in the association covenants.
- Association has issues with Gypsy Moth infestation – can the association use aerial spraying? Possibly but try to get 100% approval first. There could be liability issues with aerial spraying. Board should be vested with liability insurance. Make sure the person doing the spraying has a very strong contract with their liability stated in it. A board might be charged with dereliction of duty if all of the bases are not covered. Tricky situation.
- Dues collection is currently optional and wants to make mandatory. What steps must be taken? Have to refer to covenants to see what is required.
- Resident has pet pig and claims it is not a farm animal, which are prohibited by covenants. Can they be forced to get rid of it? If the covenants don't specifically state pigs are not allowed, any enforcement would be very difficult. Would have to change the covenants to spell it clearly out.
- If a fence or pool is installed without Architectural approval, does the board have any remedy? Do State laws supersede covenants? Yes, if covenants require approval and none given, a lawsuit may be filed to have it removed. There is precedence in Fort Wayne for this happening with a shed. There are zoning requirements for heights on fences that must be followed.
- How long should association records be kept? Covenants say thirty years. Tax records are generally required to be kept for seven years. There are no obligations for how long minutes should be kept. A policy should be established and follow that policy. Current technology is easy to keep electronic records for very long times.

Stacie Hubbert – Josh Ritter: Allen County Department of Environmental Management

- Handouts given (see website) - Household Hazardous Waste Facility; Waste Watcher guidebook
- Open to all Allen County Residents
- Now no longer only one Tox-Away day. Open every week on Tuesdays from 9:00 AM to 2:00 PM.
- Located on Lima Rd behind former Sheriff's office

- Workers will segregate and unload your vehicle
- What you can – can't bring
- 50# max per car – currently averaging seventy cars a day, approximately 3000# a week collected
- Propane tanks and fire extinguishers accepted
- Fees discussed
- Cash only at this time
- No latex paint allowed – not hazardous. Can add kitty litter to soak up liquid and once soaked up, throw in regular trash
- Phone – 260-449-4433
- Website: www.acwastewatcher.org
- Questions:
- Where to take electronics to dispose? See Waste Watcher guidebook. Agreement with Omnisource to accept electronic material
- A new guidebook will be coming out with more info and the new name on it.
- Fees listed for bulbs are only for 4' or 8'. Standard screw-in light bulbs do not have a specific fee.

Bill Hartman – Allen County Highway Director

- Discussion and update on current and future road projects
- A lot of projects ongoing and planned
- Roundabout at West Liberty Road completed
- Bass Road roundabouts – multiple being installed. Hope to have open by December 1st and then more work to be done in the spring of 2019
- West Hamilton Road now open with trail connections completed
- Bass Road will have trail connections as part of the project
- Hilligas Road – an INDOT project, is closed until early November
- Washington Center Road is closed until August
- Dupont Road from Coldwater to Lima is closed to install a tunnel for the Pufferbelly Trail until late August. Completion date for project is late 2019
- Minnick – Tillman interchange repairs scheduled for November completion
- Bass Road – multiple phase project. Completion is set for 2022 of all phases
Trying to have Bass Rd open for the winter each year
- 49 miles of reseat work planned for 2018
- 43 miles of chip-and-seal planned for 2018
- 13 miles of reclaimed road planned for 2018
- 10 miles of conversion of gravel to chip-and -seal roads for 2018
- Widening of Coldwater Road complete
- Dunton from Hathaway to Gump to be paved in next few years
- Hathaway Road from Corbin to Lima to be widened and replaced in next few years.
- Hathaway – Corbin alignment completed
- Multiple subdivision projects ongoing
- Bridge work projects:
 - o Auburn Road

- Ellson Road
- Old Lima Road (completed)
- Nodelstine Road – bidding process
- Rivers Road – bidding process
- Whitmer Road – design study for car – buggy traffic ongoing
- Tonkel Road restructure – design study ongoing
- As funds become available, more projects will be undertaken.
- Questions:
- Railroad tracks at Adams Center Road in terrible condition. Will look into situation.
- Maplecrest project – this is a City project so questions need to be directed to Fort Wayne.
- Any updates to Cedar Canyon Road? None planned at this time.
- Bass – Hadley – Flaugh update? Hope to have roads done in December, open for the winter and closed again in the spring of 2019 to continue work.

Rob Green – President – Hidden Oaks Association

PowerPoint – ACNA Presentation (see website)

- Minutes and Newsletters
- Minutes – legal documents
- Must be presented to residents upon request
- Record details only – not everything that is said
- Bylaws should spell out all of the rules for your minutes
- Hidden Oaks Bylaws presented
- Follow Bylaws to be certain compliant
- Robert’s Rule of Order
- Sample minutes presented
- Newsletters:
- Open communication
- Add detail as seen fit
- Frequency really up to association
- Mailed versus Face Book versus Website
- Use PowerPoint but no longer part of the latest Office packages
- Several online resources available for templates
- Letter from the President
- Ads – potential source of income to offset costs
- Samples newsletters passed out and available on ACNA website

Rob Grayless – President – Windsor Pointe Community Association

PowerPoint presented – see ACNA website

- Communication
- Volunteers
- Women generally volunteer more than men
- Over 65 residents have more time on their hands

- Effective communication
- Trust
- Common areas and ponds
- Poor communication leads to “us versus them” confrontations and can be very disruptive
- Factors to consider
- Openness – don’t shut down communication
- Accept criticism
- Resident forum
- Disagreements – actually had a gun pulled on a board member
- All communications now done in writing
- Save all info on communications – legal records.
- Newsletters / Social Media / Websites
- Financial records – no longer posted as vendors got records and used in the bidding process
- Important records: Covenants, Bylaws, Minutes
- Email – nothing is private! Be wary
- Quorum – be careful with emails that you don’t need a quorum
- Positive tone builds relationships
- Confrontations – let them talk at meeting but no action needs to be taken
- Use Active Listening
- Comments:
- Info sharing – be timely
- Lack transparency – be aware of cliques
- Meetings:
 - o Purpose
 - o Budget
 - o Elections
 - o Reports
 - o By Laws
 - o Quorum – can’t vote or take action if not enough present
- Agenda:
- Post in advance of meeting to board members (two weeks). Post in advance for residents (one week)
- Residents have right to attend – not to speak
- Open to all residents
- Legally must be open? Unsure
- State regulation 32.25.5.3.3g.2 Board Meeting Regulations
- Executive Sessions can be private – board only
- State regulation 23-17-27-1 Record Keeping (must present prior two years records)
- State regulation 32-25.5-3-10 Proxies (names and addresses) / how to use
- Recruiting Volunteers
- Shed: can change covenants if many residents want them
- Education on covenants
- How to change covenants

Open:

Joanne closed the meeting by reminding the attendees that the October meeting is dedicated entirely to legal questions and issues.

The next meeting for 2018 will be October 25th at 6:30pm in the lower level Omni Room in Citizens Square.

The meeting was closed at 8:00pm.