

Malibu East Dialogue

August 2004

Your Communication and Information Resource

Ravinia Night party spreads to fourth-floor deck

Ravinia Night at MECA

By Betty Mayian

People began arriving early. That is always a good sign. I always enjoy sitting at the check-in desk and trying to remember names. I am so bad remembering that it becomes a joke. Name tags really help, and the more we use them at parties, the better it is. Maybe someday I will remember everyone. The attendance sheet, which Sandy Chaet left with us, had 61 names of paid guests. By the time we were finished checking everyone in, the count was 61. Actually, with Steven Solomon, the pianist, and his father, Bob Solomon, we had 63 people in attendance. There is always a bit of panic that goes on when you try to have enough food for everyone, but there seemed to be just the right amount — at least we hope so. When there is any left over, the Social Committee always brings down the food to the staff of MECA. The restaurant Corner Bakery delivered trays of goodies. So we had sandwiches (turkey, chicken salad, beef, vegetarian), Caesar salad, fruit salad, desserts of all kinds, chips, and sodas and water dispensed by Ara, the bartender. We had a couple of guests who said they had to get upstairs and get some coffee because the desserts were so sweet. They stayed for most of the time because Steven gave such a wonderful performance. We had a competition of sorts, when some of the guests stepped outside to eat their meal and enjoy the wonderful fourth floor deck (north side). About a third of the people thought this was the “in” spot. The rest of us stayed for the music inside. Too bad we can’t pipe the music to the deck(s) for parties. That way it would be the best of both worlds — music and the lovely deck with flowers and benches and gazebos and a beautiful view of the lake.

Steven Solomon played from about 4:45pm until the last guest left around 7:15 pm. We cleaned up the Windjammer Room and then sat around for another half hour and listened to more of his tunes, while his father proudly talked about Steven’s many talents. Bob kept asking us to request a song and try to stump his son. For a young man of 14 (going on 15), he has an amazing range of song titles that he can select from. He also interprets songs into a wide variety of styles. I did stump him when I asked for that oldie “Night Train.” In between sets, Steven used a selection of CDs that he chose from to entertain the guests when he took a break. What a nice kid he is. When we were listening to him, after the party was over, he talked about his music, and you could see and hear the enthusiasm he has for playing. We have heard him at several places, but the most enjoyable was at Leona’s because the big grand piano just brings out the best. For three years he has been playing there most first and third Sundays of each month from 5:30 to 7pm. Try to get over there and hear him play their piano. Then imagine this young man after he finishes his schooling and has all that training behind him. He will be attending the Northside College Prep High School and will be a member of its jazz band. I found out that he also plays the clarinet but prefers the piano for the ability to play chords and multiple notes. “You can sound like a mini-orchestra. It has a very nice tone and touch. The clarinet only has one tone,” Steven says. He will not limit his studies to music but has not chosen what other direction to focus his studies. It is enough, now, to enjoy his high school years and bask in the glory of winning the State History Fair this year, for the original script “Jazz, The Story After.”

This was a very nice evening and we all



talked about how good it was to see several families enjoy the evening. There were about five small children who really were adorable and played with each other. They were well mannered and seemed to enjoy being in this atmosphere of adults and pleasant music. Actually, we would love to have this type of get-together more often. Maybe at different times of the year, and with different foods, we could have a nice tradition started. What a tribute to the Social Committee for putting this together. Thanks to them and especially Sandy Chaet.

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MECA board meeting notes

by Elaine Winans

Please keep in mind that the meeting notes are not the official record of the MECA Board of Directors meetings. The official minutes are generally approved at the following meeting and may be viewed or copied in the management office.

MECA board meeting

Tuesday, July 27, 2004

Attendance: 11 board members, 2 management representatives and 6 residents.

Not present: Richard Strauss

OPEN FORUM

Resident and director comments and questions:

- 1) Electric grills suggested for fourth floor deck Social Committee "cookout" parties.
- 2) Requested that the rule prohibiting commercial activities in the Community Room be enforced.
- 3) The garage walls need to be power washed.
- 4) Request to return music to the elevators.

TREASURER'S REPORT

Financial statement

Balance on hand, cash and reserves — \$2,442,879.78.

COMMITTEE REPORTS

- 1) **Rules & Regulations/Legal**
Marcel Molins
Community Room rules still need to be updated and reviewed.
- 2) **Floor Representatives**
Tom Vaughan
Next meeting date to be posted on the bulletin boards..
- 3) **Social**
Sandy Chaet
Good attendance at Ravinia Night. (See page 1.) Fourteen year-old Steven Solomon's piano selections were well received. Candidates Night is set for 7:30pm Aug. 26 in the Windjammer Room. An Open House will be held in the Captain's Walk mall from 2 to 4pm Saturday, Oct. 16. We are planning an outing for September or October. Marcel suggested that a social sub-committee be formed to organize weekly parties for the Windjammer Room.

4) **Commercial Property**

Marcel Molins

West-side-handicaped access:

Due to unforeseen increasing costs of this project, this work may be delayed.

5) **Architecture & Aesthetics**

Carol Beatty

Director-only meeting set for Aug. 10

6) **ASCO report**

Sandy Chaet

After several sprinkler meetings, the ordinance has been tabled until September. The ordinance probably will apply mainly to commercial buildings.

7) **Garage**

Martina Molins

Director meeting set for Aug. 5.

Standard Garage report

Claims

Approved:	4
Denied:	1
Total:	5

Waiting lists

Single self-park:	47
Tandem self-park:	0
Second car:	0

Monthly parkers

Single:	140
Tandem:	53
Valet:	313
Preferred:	2
Engineer:	NC
Motorcycle:	2
Total:	510
New monthlies:	3
Cancellations:	7
Upgrades	0

8) **Sports Entertainment**

Neil Warner

Have a new Ping-Pong table, new pool stairs, and a new recumbent bike. Dialogue survey responses were minimal. Sandy suggested a once-a-week walking class on the deck. Neil suggested a yoga class at a nominal fee. The board wishes the committee to move ahead with these activities.

9) **Long Range Plans & Special Projects**

Jon Heller

Director Heller says that this is the last meeting that he can attend as he is relocating to Washington, DC.

10) **Communications**

Carol Beatty

One resignation was received by the Dialogue editor.

11) **Cable**

Tom Vaughan

RCN and a satellite vendor have made proposals. Looking for another cable proposal.

Pleased with the lobby and elevator marble floors

12) **Building Maintenance & Services**

Carol Beatty

Pleased with the lobby and elevator marble floors refinishing. Both pianos are not worthy of repairs. The hallway and Captain's Walk doors at the east end will be repainted. The valet carts have been cleaned. The committee will review the storage location of lost-and-found items.

MANAGEMENT REPORT

Chris Chiodo, Association Mgr.

Dean Lerner, Sudler Rep.

Items requiring board action

- 1) **Loading dock gate/overhead door proposals/discussion**
Discussed painting doors to match the building. Ordinances may require a pass-through door in the gates. This project will be delayed while obtaining more information.
- 2) **Sheridan Road brick pavers**
A contract was approved for replacing the four sections of pavers on Sheridan Road.

- 3) **Laundry room door maintenance**
A third party contractor will inspect the door and make a proposal. Discussion about letting our maintenance staff repair more equipment in the building rather than contracting it out. Suggestion that we replace the sliding door with a regular door as it continues to be a security problem.
- 4) **Atrium light court repairs**
Golf Construction proposal accepted.
- 5) **Escrow deposit return rules**
Tabled

Items requiring future board action

- 1) **Lobby restoration proposals**
Continuing to get more proposals
- 2) **Copier proposals**
Still getting proposals
- 3) **Zep carpet extractor**
Looking at newer upgraded machines that will do more varieties of floors and work more efficiently, allowing our maintenance staff to do floors more often.

Items not requiring board action

- 1) **North wall repairs**
Should be done first week in August.
- 2) **Garage construction project**
Need confirming engineering opinions.
- 3) **Unit sales** (updated list)
 - April**
 - 43B \$275,000
 - 23K \$240,000
 - May**
 - 6G \$225,000
 - June**
 - 19AB \$650,000
 - 16L \$181,000
 - 22J \$210,000
 - 35G \$240,000
 - July**
 - 22M \$189,000
 - 17J \$206,000
 - 8B \$252,000
 - 6B \$269,000
 - 41C \$270,000
 - 31L \$167,000

The meeting ended at 9:35pm and went into closed session.



What's happening around the building

by Chris Chiodo, MECA Manager

North wall repairs

The repairs to the north wall are almost complete. They are expected to be finished by August 2. Please feel free to take a look at the ongoing project.

Swimming pools

We are happy to report that the swimming pools steps have finally come in. The reason for such a long delay was that the manufacturer had to build it from scratch because of the unusual dimensions we required and where we wanted it installed.

Teen Room

We are happy to report that we have purchased and installed a new Ping-Pong table in the Teen Room.

SNAPP

The management office sent out new SNAPP (Sudler's automatic payment plan) forms to all current SNAPP users to be filled out and returned to the office. Malibu East is updating files for those participating in SNAPP. If you

ELECTION DATES

Application deadline: Fri., July 30
Candidates meeting: Thu., Aug 26
Proxies will be mailed: Tue., Aug 10
Annual meeting: Tue., Sep. 14

want to remain in the program, you must complete the new form that was sent to you. If you have not received the updated form, please come to the management office to fill one out. If we do not receive a completed new form from you, your participation will cease, and you will have to make payments by check or money order.

The new forms are necessary because they note the need to cancel SNAPP at least 60 days before the sale of your unit. Alternatively, you can escrow an amount equal to all SNAPP payments made during the 60 days prior to your anticipated closing date. This, of course, means a duplicate payment will be held by MECA for 60 days, a situation owners may wish to avoid.

NOTICE

Check your smoke detector batteries twice a year.
Have a home fire extinguisher in your kitchen.
Remember to stay in your unit in case of fire outside your unit, unless told to do otherwise by fire officials.

NOTICE

Have your business card printed in the Dialogue for only \$25.

Submit your card to the management office with a check for \$25 made out to MECA.

Cards submitted by the 15th of the month will be printed in the next month's issue.

NOTICE

If your rest is being disturbed by wind chimes, please contact the editor with your name and unit number. We have had several references to this issue and are requesting names and phone numbers so that we can institute a formal request for relief from this nuisance.

Community Calendar

by Rose Wandel



Tuesday Morning Book Club
"Mansfield Park"
 by Jane Austen
 10am Aug. 31
 1210 W. Elmdale
 312-744-0718
EDGEWATER HISTORICAL SOCIETY

SOCIETY

An Old-Fashioned Picnic
 Games, food, music, more.
 1-6pm Aug. 15
 EHS Museum
 5358 N. Ashland Ave.
 773-506-4849

NORTH LAKESIDE CULTURAL CENTER

Gunder mansion tour
 Meet at Metropolis Coffee House,
 1039 W. Granville at 1pm Aug. 1.
 Register by email at
 TCConsortium@ameritech.net
 6219 N. Sheridan Rd.
 773-743-4477

NORTH PARK VILLAGE NATURE CENTER

Solar-powered class
 Use the sun to tell time, make
 artwork, fire.
 1-2:30pm Aug. 28
Berry hunt
 Find berries, tasting
 1-2pm Aug. 4 & 12
 10-11am Aug. 10
 5801 N. Pulaski
 312-744-5472

SWEDISH AMERICAN MUSEUM CENTER

Cosmic Superlative III
 Abstract painting exhibit by Karl
 Momen
 Thru Sep. 5, \$4 adults, \$3 children/
 seniors, \$10 family
 10am-4pm Tue.-Fri., 11am-4pm
 Sat./sun.
 5211 N. Clark St.
 773-728-8111

THEATER/SHOWINGS

BLACK ENSEMBLE THEATER
"The House That Rocked"
 Life and music of Fats Domino,
 Little Richard and Chuck Berry.
 Ongoing, \$32.50
 8pm Fri./Sat., 3pm Sun.
 4520 N. Beacon
 773-769-4451

LIFELINE THEATRE

"Strong Poison"
 A mystery writer on trial for
 allegedly murdering her caddish
 ex-lover.
 Thru Aug. 15, \$20
 7:30pm Fri./Sat., 7pm Sun.
 6912 N. Glenwood
 773-761-4477

NEO-FUTURARIUM THEATRE

"That's Weird, Grandma"
 A review of short plays
 Open run, ages 8-12
 8pm Mondays, \$8, \$5 kids
 5153 N. Ashland Ave.
 773-275-5255

NORTH PARK VILLAGE NATURE CENTER

"Comedy of Errors"
 William Shakespeare's play will be
 presented with nature preserve as a
 backdrop.
 1-3pm Aug. 21-22
 \$10 adults, \$6 children to age 12
 5801 N. Pulaski
 312-744-5472

RAVEN THEATRE

"Fallout and the Playwright & All That Crap"
 Two one-act plays.
 Thru Aug. 15, \$20
 8pm Thu.-Sat., 7pm Sun.
 6157 N. Clark
 773-338-2177

COMMUNITY EVENTS/ MEETINGS

Pakistan Independence parade
 Noon-3:30pm Aug. 8
 Damen & Devon west to Western
 Ave.

MECA EVENTS/MEETINGS

Dialogue Committee meeting
 Tuesday, Aug. 17
 7:30pm — Community Room
Thursday afternoon discussion group
 Thursday, Aug. 19
 2:00pm — Community Room
MECA board meeting
 Tuesday, Aug. 24
 7:30pm — Windjammer Room
Candidates Night
 Thursday, Aug. 26
 7:30pm — Windjammer Room
 Leave event and meeting notices at the
 desk for the Dialogue.

COMMUNITY AFFAIRS

BERGER PARK

CULTURAL CENTER

First Bytes Computer Center

WiFi broadband Internet access
 available anytime.

Park District programs

Broadway beat

Summer camp show

3pm Aug. 4, Free

Concert in the Park

Bobology, big band ensemble

7pm Aug. 4, Free

Bring your own picnic lunch,
 chairs, blankets.

Online registration for fall classes

Aug. 9 at

www.chicagoparkdistrict.com

Computer camp

For ages 9-13, limited registration

9am-3pm Aug. 9-13, \$50

Registration for fall classes

9am Aug. 14

6205 N. Sheridan Rd.

773-761-0376

EDGEWATER

BRANCH LIBRARY

CAPS 24th Dist. Beat #2433

Come meet our beat police.

Wednesday, Aug. 4, 7pm

Magic Show

and summer reading program
 awards

11am Aug. 7

Saturday Book Club

"When the Emperor Was Divine"

by Julie Otsuka

11am Aug. 7

Russian Book Discussion

2pm Aug. 7

Book sale

10am-4:30pm Aug. 14

Reception for artist Philip

Whitmore

3-4pm Aug. 21

Classics Book Discussion

"All Things Bright and Beautiful"

by James Herriot

Wandel farewell parties

By Jack Winans

Rose Wandel, who is leaving Malibu East, was recently feted at two going-away parties. Sandy Chaet hosted a party for members of the Social Committee, for whom Rose has served for many years, and the Dialogue hosted a going-away dinner at Gullivers Pizzeria & Restaurant. Rose instituted the *Malibu East Dialogue* column "Community Calendar" and has researched and written it for 14 years.

Rose is also active with the Jewish Council for the Elderly and is the volunteer archivist for North Park Village. For her accomplishments as a community activist, Rose was a 1988 "Chicago Senior Citizen Hall of Fame" award winner.

Farewell

By Rose Wandel

Every so often we come to a point in our life when we have to say goodbye to someone. In my case, it is not just one person — but a great, great many who live in the building and whom I have come to know over the 19–20 years. Our lives change and so mine is also. I will be moving into a retirement community — North Park Village — during August, and it will seem strange, I am sure, for me to get acquainted and accustomed to new surroundings. But such is life...



I want to thank all those whom I have known and worked with at MECA over the years, for all the enjoyment and friendship that you have shown. I hope that I will be able to come back to visit on occasion, and want to ask that you plan to come and visit me in my new surroundings. North Park Village has been a part of me for over 35 years. At that time I was working with a group of people who knew the Municipal Tuberculosis Sanitarium of the City of Chicago was going to close for good, and the question was — what would become of the 160 acres of land and

buildings? We worked on the idea of the need for senior housing for the northwest side of the city — and that is what it became. Today there are over 600 seniors living on the grounds. I am there almost every week anyway as I have been putting together the history of the site. So — it will be sort of going home for me. Thank you again for all the good times here, and although I will miss working on the Calendar each month for the Dialogue, I am sure someone else will volunteer to take it over and do a better job.

Not goodbye — just "farewell."
Rose Wandel

Local business news

Viva Java, 1147 W. Granville (corner of Broadway) has added Wilmette's quintessential Homer's ice cream to its menu.

Liquor stores at Granville and Winthrop have lost their appeal in the courts. The community had recently voted the precinct dry.

First Bytes, located at 6205 N. Sheridan Road in Berger Park, is providing free WiFi to visitors and the tenants of the building.



Traffic alert

By Sandy Chaet

The Department of Water Management is installing a new and larger sewer beneath Ridge Blvd. from Lunt to Devon. This work is required due to the sewer's age and increased capacity needed for this area. The work started on July 12 and will go through mid-September. Although sewer pipes are placed in the center of the road, only one lane of traffic (northbound) will be open on Ridge. Southbound traffic will be diverted down Western, Clark or Sheridan from Touhy to Devon.

Pratt will be the dividing line for the work on Ridge. The first closure will be north of Pratt to Lunt. When that is done, Ridge will be closed south of Pratt to Devon to complete the project.

Customers going to Dominick's on Ridge may come up Devon to Ridge or use the Damen Avenue entrance.

Dialogue reprints

Reprints of Dialogue pages are available in color on photo paper at the price of \$1 per page. Call or e-mail the editor with your requests.



Election notice

Our Declaration requires that our Annual Meeting take place within 30 days before or after the first Tuesday in October. Accordingly, the 2004 Annual Meeting of the Unit Owners of Malibu East Condominium will be held at 7:30 p.m. Tuesday, September 14, 2004, in the Windjammer Room located on the fourth floor of Malibu East Condominium, 6033 North Sheridan Road, Chicago, Illinois. A formal notice of this meeting with a proxy attached will be mailed to all voting members of record on or about August 10, 2004.



At the Annual Meeting an election will be held to elect six unit owners to serve as members of the Condominium Board of Directors. The six (6) nominees receiving the highest total number of votes shall be elected as directors for two (2) years.

The following directors' terms are expiring:

Cass Buscher (Appointed to fill Larry Creter's term)
 Larry Creter (Resigned)
 Jonathan Heller
 Neil Warner
 Sandy Chaet
 Marcia Fishman
 Marcel Molins

The six individuals elected at the annual meeting will join the following directors, who have one year remaining on their terms:

Carol Beatty
 Allan Eckardt
 Martina Molins
 Avany Penaherrera
 Richard Strauss
 Thomas Vaughan

There will be a "Meet the Candidates Night" in the Windjammer Room on Thursday, August 26, 2004, at 7:30 pm. Please plan to attend.

Source: June 29, 2004, letter to unit owners from President Marcel Molins

So you want to be a board member

by Jack Winans

It's a pretty big pair of shoes to fill — do you have the qualifications? More importantly — do you have the dedication? You will not only be volunteering your talents, but a huge chunk of your time, time that you may later resent being taken from your already busy lifestyle.

Are you a crusader, or a true representative of the owners? Do you speak for yourself or for the best interests of the association? Are you willing to yield to the expertise of other board members and the association manager when issues stray into areas not of your expertise?

And is your agenda pure? Can you be fair, objective and calm when other board members and owners may strongly disagree with your stand on issues? Can you place your trust in others? You may disagree with the majority vote, but you must have confidence that they have the best interests of the association at heart and not only abide with board decisions but support them.

Are you open to discourse by anyone at any time? Because you are a board member, owners will take the attitude that your time is their time, anytime. They'll approach you in the hall, the elevator, the mailroom, the laundry, anywhere, and assume that you have the time to listen to their complaints and ideas and have the expertise and the power to solve their problems on the spot.

Can you take abuse; how thick-skinned are you? Some owners will have the attitude that you, as a board member, are responsible for whatever difficulty they are experiencing and accuse you of being indifferent, vindictive, corrupt or worse, in language that may be really coarse and vile.

I'm sure that you have applied all of these reasons to arrive at a conclusion that running for the board of directors is a really, really bad idea. But worse, you also realize that if you don't volunteer, you are leaving the position open to

someone whom you may not approve of or may have self-serving motives.

So what are the benefits of board membership, if any? There is, of course, the prestige of the position, knowing that you were selected on your merits to become one of 12 owners to represent all 500. Also, there is the satisfaction that most people derive from serving others and contributing to the good of their community. You may also see it as an obligation to return to your fellow owners the gift of self that so many others have instinctively given to you.

Whatever your reasons, the Malibu East Board of Directors and owners encourage you to participate in the government of our building.

Electioneering policy

By Jack Winans

At the July 29, 1997, MECA board meeting, the board took the following action to open the election process in order to encourage more candidates.

- The management office will provide photocopying service at a reasonable rate for mailings.
- Campaigning would be allowed in the lobby during specified dates and times. Flyers pre-approved by management and prepared at the candidates' expense may be passed out during those times.
- "Meet the Candidates Night" will continue to be held in the Windjammer Room, offering owners the opportunity to meet and discuss issues with board candidates.

NOTICE

Our Malibu East annual Candidates Night meeting will be held at 7:30pm Thursday, Aug. 26 in the Windjammer Room.

MECA director candidates will be present to explain their platform and answer questions.

MECA's Management Structure

By MECA Director Thomas C. Vaughan

This outline will explain the business process that is used at MECA. Some of these procedures are directed by Illinois law while others have been developed by good management practices tempered with common sense.

Through an election procedure, the owners of record of MECA annually elect six candidate owners (plus a number to serve out the remaining term of any vacancies) to serve on MECA's 12-member managing board for a two-year term. These candidates are elected from owners who have indicated their desire to serve on the board by completing an election application distributed to all owners. Any owner is eligible to run for board service. Election results are tabulated by an independent firm at the annual meeting of MECA owners held each fall.

At this annual meeting, the resulting new board in turn elects officers from its members to serve for the following 12 months. Currently, these officer positions are 1) the President, who serves as the chief executive officer of MECA, 2) a Vice President, 3) a Second Vice President, 3) a Secretary, 5) an Assistant Secretary, 6) a Treasurer, and, 7) an Assistant Treasurer.

Temporary select and standing committees are formed as the president and board see fit to investigate and analyze sundry categories of issues on behalf of the board. The president designates a committee chairman and assigns board member participants to each of these committees. By design, some committees are also open for membership to any owner in the building expressing interest, while others may be restricted to board or officer participation only. All board members are invited to attend any open committee meeting. Members of these committees work for the committee chairmen, who in turn report to the president and the board. Committee authority is limited to the gathering of information and data in order to advise and recommend action to the full board

of directors.

In executing its responsibilities, the board is able to delegate the day-to-day management of MECA's business by hiring a manager and a real-estate management firm to oversee operations. Periodic meetings of the board (usually the fourth Tuesday of the month) are held where the business of MECA is discussed and handled according to a board-approved agenda. A quorum for the meeting is met when more than half of the board members are in attendance. The manager, management firm, committee chairmen, and officers report significant events, ongoing project updates, and offer suggestions for board consideration and resolution at such meetings. Motions are passed with a majority vote of board members in attendance. Attendance at board meetings is open to all owners with the meeting dates announced 48 hours prior, except for special meetings (owners' meetings), which require greater advance notice. An open question period for owners precedes the official calling the meeting to order, and a second open question session is usually scheduled for a recess midway through each open meeting. At the conclusion of regular business the board may retire to closed session to discuss personnel matters, issues private to specific owners, board disciplinary matters, and negotiation strategies relative to contracts and potential lawsuits.

The Illinois Condominium Property Act dictates that certain items must be brought to a full vote of the owners. Such items would include exercising MECA's right of first refusal for the purchase of a condominium unit, the sale of an MECA-owned unit, or approval for non-emergency capital expenditures in excess of \$10,000 not previously approved in the annual budget. Owners' meetings can be called by either the president, a majority of the board, or 20% of the unit owners with no less than 10 days' written notice mailed to all owners. It has been the



practice of MECA's boards to inform all owners and solicit their ideas for items having a significant impact on the building, its finances, or its lifestyle. However, when not dictated by law, this advice and consent usually has not included a binding formal vote. Such owners' meetings are coordinated by building management and are called at the board's direction.

While this is a general outline of the management process at MECA, any specific questions or uncertainties can be answered by the president of MECA or its officers. For a complete presentation of our guiding principles please refer to the Illinois Condominium Property Act of January 1, 1963, as amended, and MECA's Declaration of Condominium and Bylaws.

*Editor's note: For documents pertaining to condominium law and Malibu East, go to www.malibueast.org and click on **Reference**. If you do not have Internet access, please provide a blank disk to the Dialogue editor with your request.*

NOTICE

All director candidates are requested to provide the Malibu East Dialogue a statement of their candidate qualifications and a list of objectives and priorities if elected.

Please submit fresh material, not a copy of your original Candidate Form. Please keep your submission under 250 words.

Please note that submissions may be edited for space, but not for content.

A picture of the candidate will be appreciated. If a photo is not available, please call the Dialogue to schedule a free photo shoot.

How to be a good FID dude

Meeting your fiduciary duty as an association board member and saving your assets

As a board member for your condominium association, you are responsible for the operation, care and upkeep, maintenance, replacement, and improvement of the common elements. In addition, board members are required to prepare, adopt and amend administrative rules and regulations governing the day-to-day operation of the association, formulate annual operating budgets, respond to litigation, review and approve building additions and alterations, and generally accommodate the endless needs of unit owners. In short, the association has all of the powers and responsibilities of a not-for-profit corporation. Board members are required to do all of this in their free time, without compensation, and most often times without praise. The most important requirement for acting as a board member, however, is that you carry out your responsibilities according to the elevated standard of a fiduciary!

Illinois law requires that in the performance of their duties, the officers and members of the board are required to exercise, whether appointed by the developer or elected by the unit owners, the care required of a fiduciary of the unit owners. The courts have defined the fiduciary relationship as a special confidence reposed in one who, in equity and good conscience, is bound to act in good faith with due regard to the interests of the other, and requiring strict compliance with the condominium declaration and bylaws. Simply stated, a board, through its members, must act reasonably in its administration of the association by following all of its bylaws, rules and regulations as well as abiding by the declaration and the Condominium Property Act.

When the board and/or its members either negligently conduct the business of the association, or worse, willfully and wantonly disregard their duty, it is likely that a court will find liability on behalf of the board and its members for breaching their fiduciary duty. Many

associations, in an effort to shield its board members from liability, have included an exculpatory clause to their declaration limiting the scope of fiduciary duty to willful misconduct. For example, the declaration may state “[n] either the directors, Board, officers of the Association, Trustee, nor Developer shall be personally liable to the Unit Owners for mistake of judgment or for any other acts or omissions of any nature whatsoever as such directors, Board, officers, Trustee or Developer, except for any acts or omissions found by a court to constitute gross negligence or fraud.” The purpose of such clauses is to allow board members and officers to act with a certain level of protection so as to not unduly hinder their ability to perform the day-to-day administration of the association. In an era of increasing litigation, one could imagine that an association may become virtually deadlocked if every decision a board member made could subject them to personally liability. Even worse, an individual’s willingness to volunteer to become a member of the board would disappear if not for some type of protection.

Illinois courts have found boards and their members to be in breach of their fiduciary duty by disregarding the association’s bylaws, impeding a unit owner’s right to free enjoyment of her unit, or failing to properly prepare the annual budget. Specifically, in one case, a court found a board and its members guilty of constructive fraud and in willful breach of their fiduciary for refusing to approve a unit owner’s plans for the reconstruction and renovation of her penthouse, following the demolition phase which caused numerous problems and damage to the common elements and other units. The court awarded plaintiff \$869,609.32, finding that the board’s extreme lack of cooperation and unreasonable delay in approving construction plans, amounted to a willful breach of its fiduciary duty.

In another case, the court sustained a unit owner’s complaint against the board and its members for willful and wanton misconduct, for exercising its right of first refusal with respect to the sale of a unit, without obtaining the req-

uisite affirmative vote of 2/3 of the ownership of the association. The court reasoned that the board and its members were cloaked with full knowledge of their declaration and bylaws, therefore requiring strict compliance thereof. The case involved allegations of discrimination and violations of civil rights, which could result in substantial damages, including punitive damages. Cases of this nature are occurring more frequently because board members fail to read the declaration and bylaws, and more importantly fail to seek legal advice regarding the interpretation or effect of certain governing rules and regulations.

In many lawsuits by unit owners, the association’s general liability insurance carrier provides a legal defense for the board and its individual members. However, most policies exclude indemnification for willful and wanton acts, including fraud and constructive fraud which are common theories pled against a board and its members in breach of fiduciary duty cases. Moreover, as discussed above, if the court finds willful and wanton misconduct, the member is also not entitled to indemnification by the association. As such, a board member may be subject to personal liability and responsible for contributing to the payment of a judgment award. Consequently, each time a board member makes a decision regarding the affairs of the association, he or she is potentially placing their personal assets at risk if they act in contradiction to their fiduciary duty.

In order to be a good fiduciary, each board member should read or review their respective declaration and bylaws. When making decisions, one should ask themselves if the choice they are making is reasonable and fair to all members of the association. And lastly, in particularly complicated matters or matters of potential or actual litigation, the board should seek the advice of an attorney experienced in the highly technical area of association law.

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Board members' responsibilities

Q. Would you please provide the many major functions or responsibilities of a board member?

A. Serving on a board of directors of a condominium association requires the handling of various functions, none of which should be taken lightly. Unfortunately, unit owners seeking directorship status seldom know exactly what the functions entail.

- There are eight major considerations that should be communicated to board members. Here is a general outline of the duties associated with condominium boards:
- A board member is a representative of the association and is expected to act responsibly in solving a wide variety of problems, such as security, maintenance, human relations and other matters related to the government of a small community. The actual day-to-day work is expected to be performed by the property manager, who is paid for his or her services if the association is not self-managed.
- The board, on behalf of the association, is responsible for complying with the Illinois Condominium Property Act, functioning within the guidelines of the declaration of the association and administering the regulation of the association.
- Board members have a fiduciary responsibility in that they act on behalf of the unit owners and are required to make prudent decisions.
- A board member is eligible for other positions, such as a board officer (president, vice president, secretary, treasurer) or committee chairman.
- A board member participates in the selection and approval of contract vendors, such as landscapers, plumbers and heating contractors.
- A board member is responsible for preparing the annual budget and determining the monthly assessments.
- A board member assists in the direction of a property manager and management firm.

Picnic on the deck

By Jack Winans

Like a pearl on a string, Sunday, July 18 was another delightful day. Low 70s, nice lake breeze, just too nice to stay inside. Elaine, my wife, isn't really into picnics, but does like to feed the ducks at Montrose Harbor, so I used the excuse to pack a picnic lunch while she gathered her hoarded supply of stale bread. I crafted ham, turkey, cheddar and Swiss sandwiches on whole-wheat nut and heavy white bakery breads with huge slices of tomato from the Armory farmer's market. The sandwiches, a few chips, pickle sticks, sodas and napkins all fit nicely into a 6-pack thermos bag. We took along the dregs of the Sunday papers to keep me occupied while she strolled the piers and fed the ducks.

We arrived at the Montrose Avenue Lake Shore Drive exit about 3pm to find squad cars blocking the entrance to the park. Turning north to the Wilson entrance we found the same situation. Just too nice a day, I decided as I found all of the exits blocked and signs reading, "Park closed to automobile traffic." Elaine suggested that maybe we could just drive north and perhaps find something not so crowded. I nixed the idea, thinking that if the lakeshore here is that crowded, it's got to be like that everywhere today.

But, I had a brilliant solution; I knew ONE place that wouldn't be crowded, a lakeside place with benches and tables, a nice breeze and beautiful flowerbeds. As I drove back north up Sheridan Road, I turned into the driveway into our own building, and Elaine said, disappointed, "We're just going to give up and go home?" I answered, "We're going home, but not giving up at all, we're going to have our picnic on the fourth floor deck!"

Well it was not only not crowded, it

- The board members are ultimately responsible to unit owners who are association members.

From the Sunday, October 29, 2000 Chicago Sun-Times CONDO WATCH by Kent Arney



was deserted! We had the north side all to ourselves — a choice of plenty of benches, three tables with chairs and sun or shade. At first we felt almost like interlopers, though, just ourselves, sitting alone outside the patios of so many of our neighbors. We moved from the shade to the sun to be more comfortable, and although the breeze made reading the Sunday paper a little cumbersome, I felt a little triumph, all of those people fighting to get to a spot like this, and here it is, just waiting for anyone in the building to claim as their right at anytime.

Our Architecture Committee has done a great job of planting flowers and trees and our maintenance crew has done a great job of cleaning up the deck. The only flaw we found was that a lack of ANYONE coming down here and using and enjoying the deck has allowed spider webs to proliferate everywhere — in the gazebos, the chairs and tables, everywhere.

We talked about the lack of children playing down here. It is such a safe environment; there should be children on tricycles, children pulling little red wagons, children laughing and running and playing tag. There should be families walking, safe from the bicycles of Sheridan Road sidewalks, far away from the noise and fumes of automobiles. And there should be lots of picnickers this Sunday and every Sunday, just a few steps from home and far from the crowds, the flies, the noise of the park.

But there was just Elaine and I, we enjoyed it, but we were sad that we were there all alone.

Ravinia Night party pictures



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Sizzling summer pet safety

Summer is a great time for having fun with your pets, but heat, travel and greater outdoor exposure can also present some safety concerns.

Heat stress

Since pets do not sweat to keep cool, as humans do, they need some special considerations in hot weather. Very young and older pets particularly suffer from the heat. Pets need lots of fresh, clean water in hot weather. Use an extra large water dish, or consider getting an automatic waterer so your dog won't run out of water during the day.



(Continued on next page)

Be sure that your outdoor pets have shade all day long, especially on the balcony. The shade that a building provides in the morning may be in full sunlight by the middle of the day.

Pets in parked cars



Each year 10,000 dogs and cats die in parked cars. Even in relatively mild weather, with the windows partially rolled down, the inside temperature of a car can reach 160 degrees within 10 minutes.

When traveling with your pet, never leave your pet in this dangerous situation. If you cannot take your pet inside with you when you stop, then someone should stay outside and walk the pet or wait in the car with them with the air-conditioner on.

Drowning

Not all dogs can swim well, so if you take your dog to the lake or out on a boat, consider getting it a doggie life vest. These vests are available in sizes to fit all breeds and can save your dog's life.

Lyme Disease

Summer is flea and tick season. If your dog romps in a wooded area or goes on hikes with you, it may be exposed to ticks, which carry Lyme Disease. Spray your dog with a good flea and tick spray before and after outings and check him for ticks on your return. Be sure to check between the dog's toes, in the ears, and on the behind. There is now a vaccine to prevent Lyme Disease. Ask your veterinarian if your dog should be vaccinated.

With a little forethought and planning, summer can be safe and enjoyable for your pets, whether at home or traveling!

Source: condensed from an article in petco.com.



Alderman Mary Ann Smith 48th Ward

July 21, 2004

Dear Friends of Andersonville,

For years we have all worked hard to build up, promote and nurture the success of Andersonville. Business owners, property owners and neighboring residents have labored to make Andersonville safe, clean, unique and one of the most desirable areas of the City of Chicago. The charm of the street is due to its scale, architecture, diverse and multi-cultural mix of retail businesses, restaurants and bars, its safety and the tireless devotion of its stakeholders in protecting the street.

Our success shows itself in the beauty of the street, the success of our merchants and the surrounding neighborhoods. But success is also manifesting itself in potentially disturbing ways that could "kill the goose that laid the golden egg" as the saying goes. As Andersonville has become more and more successful, property on the street has become more and more valuable and desirable. As most of you are aware, there are ongoing discussions with the community about how the City can help protect the small merchants of Andersonville against replacement by chains. While in its infancy, this discussion is important to have before our treasured local business people are forced out of the community.

Recently, I have also become aware of inquiries by developers to purchase properties in Andersonville for tear-downs. Not only would this force out small local businesses, but it would replace the quaint, low-rise architecture of the street with tall condo buildings. I have taken action to deter this from happening for the short term, while the community – business owners, property owners, chambers of commerce, block clubs and community organizations – have a chance to discuss and debate these issues and reach a consensus on how to move forward.

At today's City Council meeting, I introduced an ordinance that would limit the height of potential new development on the east side of Clark Street from Winona to Victoria. I did this to discourage speculators from buying and demolishing Clark Street buildings and to preserve the status quo while the community decides what our permanent zoning ought to be, as is the tradition in the 48th Ward. Final action by the City Council will reflect the outcome of our community process.

We have all worked too hard to create the unique atmosphere of Clark Street and Andersonville to have it replaced without the input and direction of the community. I will be working hand-in-hand with our community organizations, chambers of commerce and block clubs in the coming weeks to convene public forums to discuss what the future of Clark Street should look like. I want the community to make informed decisions *before the fact*, rather than wish we had acted after beautiful and significant buildings are torn down and treasured businesses disappear.

You have helped make this neighborhood successful and prosperous. I look forward to working with you to protect and enhance our success and prosperity.

Mary Ann Smith
Alderman, 48th Ward

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Dear Etta Kitt,

One of my neighbors dumps his trash straight from his garbage and trash can directly into the garbage chute without using bags. I know that this is a bad thing to do, but am not sure just what the effect is on our trash chute and how to approach my neighbor. I don't want to be the "condo police."



Signed, Just a citizen

Dear Citizen,

Thank you for being a good "condo citizen" and bringing this to our attention. Unless this neighbor is a good friend and you feel comfortable in criticizing him, I would suggest that you contact management and have them post a letter above the trash chute.

The effect of dumping "raw" trash into the chute is twofold.

First, it allows wet garbage to adhere to the sides of the chute where it impedes the smooth flow of trash and eventually hardens and breaks up other bags, multiplying the problem.

Secondly, the wet, raw garbage adhering to the sides of the chute putrefies and gives off a foul odor. When this becomes noticeable (as it soon does), the chute has to be flushed out and sanitized.

All wet garbage should be double-bagged before putting down the chute.

If you know your neighbor well enough, just let them know that you don't want your floor smelling like a pig farm.

And be a good citizen and take your rinsed-out bottles, cans and plastic containers to the bulk room for recycling.



Also, please neatly pile your newspapers in the bulk room for recycling.

'Town Crier' announcements by Christine Smith

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Letters to the MECA *Dialogue* Committee are encouraged. Please be as succinct as possible. The MECA *Dialogue* staff reserves the right to edit letters to fit available space and to print only those with constructive content. Letters to the Committee may be left at the management office.

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