

Corrected as approved on February 6, 2014

**Fountain Hills Community Association
Board of Directors Meeting
January 2, 2014**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, January 2, 2014 at 7:30 p.m.

Board Members Present:

Jackie Arnold, President
Nicolm Mahabir, Vice President
Harry Matchett, Treasurer
Hari Donthi, Secretary
Tom Brennan, Director
Steven Muse, Director

Also Present:

Stephon Collins, Community Manager
Ruth Ann Allen, Recording Secretary

Homeowners Present:

David Holtzman, 18715 Sparkling Water Drive
Tim Smith, 13327 Tivoli Fountain Court
Vernard McBeth, 13108 Lake Geneva Way

Contractor Representative Present:

Jess Bulley, RSV Pools

A. CALL TO ORDER

The January 2014 Board of Directors Meeting was called to order by Jackie Arnold at 7:32 p.m.

B. POINTS OF ORDER

Steven Muse noted that the "Reports of Officers and Directors" was not included in the agenda. Mr. Muse also noted that, according to the agenda, the Condominium Representative is to be appointed prior to approval of the minutes. Mr. Muse asked if the minutes should be approved first. It was noted that, as the minutes are based on decisions and assigned actions, this will not be affected by appointing the Condominium Representative first.

MOTION: (Nicolm Mahabir/Hari Donthi) Adopt the agenda as presented.

Vote: Motion Passed - 5 ayes/1 nay (Muse) 0 abstentions

C. APPOINTMENT OF A CONDOMINIUM REPRESENTATIVE

Steven Muse noted that Management was to report back to the Board on the

procedure for appointing a Board Director from the Condominium before any action was taken.

Management reported that, according to the By-Laws the replacement Director shall be an Owner within the same Neighborhood as the Director being removed and shall be selected by the Neighborhood Advisory Council for that Neighborhood. Management notified the Condominium Advisory Council that they needed to appoint an Owner from the Condominium as a representative to the FHCA Board of Directors. Management received a letter from the Condominium Advisory Council informing the Board that they had selected Frank Walsh as the Condominium Representative/

MOTION: (Nicolm Mahabir/Hari Donthi) Appoint Frank Walsh to the Fountain Hills Community Association as the Condominium representative as selected by the Neighborhood Condominium Advisory Board.

Vote: Motion Passed - 5 ayes/1 nay (Muse)/0 abstentions

D. MINUTES

1. November 7, 2013 Board of Directors Meeting Minutes

MOTION: (Tom Brennan/Nicolm Mahabir) Accept the November 7, 2013 Board of Directors Meeting Minutes as edited with grammatical and punctuation errors corrected.

Amend: (Hari Donthi/Jackie Arnold) Accept changes from Mr. Muse.

Vote: Motion Passed - 5 ayes/1 nay (Mahabir)/0 abstentions

2. December 5, 2013 Board of Directors Meeting Minutes

MOTION: (Tom Brennan/Hari Donthi) Accept the December 5, 2013 Board of Directors Meeting Minutes with edits.

Vote: Motion Failed - 2 ayes/4 nays (Arnold/Mahabir/Brennan/Matchett)

MOTION: (Hari Donthi/Jackie Arnold) Approve the December 5, 2013 Board of Directors Meeting Minutes as edited except for the verbatim comment dealing with “water under the bridge.”

Vote: Motion Passed - 5 ayes/1 nay (Mahabir)/0 abstentions

E. HOMEOWNER OPEN FORUM

1. David Holtzman, 18715 Sparkling Water Drive, stated that he would encourage the members of the Board to put aside their differences on small matters so that the large issues that affect the community can be considered and approved. Mr. Holtzman also encouraged the Board to seek reimbursement of the costs associated with the frivolous CCOC case and also to consider budget conservation. Mr. Holtzman noted that the Board should focus on the streets and sidewalks in the townhouse section, rather than in the single family section.

Mr. Holtzman stated that there is a conflict on the Board. Hari Donthi, Board member, asked for further explanation on the conflict of interest of the Board. Mr. Holtzman stated that Board members have been chosen by the residents of the

community to act for the good of the community, not to push their own particular agendas.

2. Tim Smith, 13327 Tivoli Fountain Court, asked that the landscaping and maintenance in the area around Tivoli Fountain Court be addressed. Mr. Smith particularly noted a grassy alley between the two rows of townhouses that has become a muddy swamp where grass won't grow. Mr. Smith also noted that when it rains there is a river flowing through that area.

Management noted that this area has been reseeded in the past, but it is a popular area for kids to play soccer and the tree canopy has grown so that sunlight does not get into that area. This is a matter the Board can discuss in the spring.

Mr. Smith also noted that the Board should take care of dead plants in the area near the bus stop area across from 13343 Tivoli Fountain Court and around the gazebo. The Board requested that Mr. Smith provide photos of the areas.

3. Vernard McBeth, 13108 Lake Geneva Way, noted that he received a letter that the Hearing would begin at 8:55 p.m., but the agenda states that the Hearing is scheduled to begin at 9:12 p.m. Mr. McBeth noted that if the Hearing starts at 9:12 p.m., the meeting will be forced to adjourn before that homeowner has the full twenty (20) minutes to respond to the complaint. Jackie Arnold stated that the Hearing will start as close to 8:55 as possible.

Mr. McBeth also inquired about the frivolous CCOC case that Mr. Holtzman referred to and what the conflict of interest was on the Board.

4. Steve Muse, Board member, noted that the Board had not received information from Management concerning who would be covering the cost incurred by contacting the attorney without the Board's permission. Mr. Muse also asked for an accounting of the total expenditure by the Association on the CCOC cases; he also asked the current Board be provided details of the CCOC.

Mr. Muse also noted that he had not yet been given a FHCA email.

Mr. Muse inquired if the pet policy was on the website and noted that the pet policy had not been resent to Board members. Management stated that the pet policy was not on the website, and Management will send the pet policy to Board members.

F. RSV POOLS

Jess Bulley, RSV Pools, was present to respond to questions the Board had raised concerning the pool operations, staffing, and maintenance. Ms. Bulley works in the RSV office and was filling in for Vlade Jankovic, the area supervisor for FHCA, as Mr. Jankovic was out of town. Ms. Bulley responded to questions sent to RSV from

Management.

Ms. Bulley stated that the biggest challenges faced in having the pool ready for opening day is the inspections by the County. Ms. Bulley stated that different inspectors often have different expectations, and it can take several weeks to schedule a re-inspection.

Ms. Bulley noted that RSV has a list of repairs needed before the next pool season. RSV Pools tries to include Management on inspections, but sometimes the inspectors come at the last minute, if they are in the area; when this occurs, it is often too late to contact Management. Ms. Bulley noted that the back outside fence around the pool could possibly be denied approval, as the required height is six feet (6') but, in some sections, the fence only reaches five feet eleven inches (5' 11"). The Board requested that Management check the fence height and provide them with proposals for fixing it.

Management stated that the pool furniture has been inventoried and the list was sent to Vlade for a quote on the repairs. Management has not gotten a report from Vlade.

Ms. Bulley reported that there will be a new manager for the Fountain Hills Pool, but that person has not been hired yet. Staffing for the pools usually starts in February. Several lifeguards have applied to return to Fountain Hills. Nicolm Mahabir requested that any managers at the pool be over eighteen (18) years of age and that the lifeguards have a good working use of English.

Ms. Bulley stated that it was a great idea for the Pool Committee/Board Members to meet with the lifeguards before the start of the pool season. RSV Pools will contact Management to arrange a time for this meeting closer to the opening of the pool.

The Board noted that the pool itself looked great and was clean, but the cleanliness of the tables and pool deck was to be desired. It was suggested that pool patrons need to also be reminded to help take care of their mess when at the pool. The Board thanked RSV for their help in planning the pool activities for parties over the summer. Ms. Bulley noted that RSV will also help next summer with pool activities.

Ms. Bulley noted that AEDs are required to be installed at all pools for 2014, and that RSV Pools will maintain and service the AEDs.

G. COMMITTEE REPORTS

1. Enforcement Committee

Harry Matchett reported that the Enforcement Committee Meeting was held on December 30, 2013 and provided the Board with the minutes of that meeting. Mr. Matchett stated that the notice of the Enforcement Committee Meeting was placed on the website. Steven Muse noted that many homeowners do not look at the website regularly so postcards should be sent notifying homeowners of committee meetings. The Board will look into the process of notifying homeowner of committee meetings.

Mr. Matchett reported that the Enforcement Committee discussed the documents and the inspection process. As none of the members wanted to be chair of the committee,

Harry Matchett will act as chair and liaison. The Enforcement Committee will complete an inspection of the entire community in January of 2014.

Mr. Matchett noted that Danial Magid volunteered to help with the community newsletter.

Mr. Matchett inquired if Management could provide the committee with access of the list of violation notices. Management will look into this matter.

MOTION: (Harry Matchett/Tom Brennan) Have Management provide Harry Matchett with the violation notice and complaint log for last year.

Management noted that a log is not maintained of the violation notices and complaints. Vanguard keeps this information listed under address, but this information can be given to Mr. Matchett.

Vote: Motion Passed - Unanimous

H. MANAGEMENT REPORT

1. Pool Management Contract

Management provided the Board with the proposed contract renewal addendum from RSV Pools for the 2014 swimming pool season. The contract shows a 1.5% increase from 2013 for a cost of \$64,920.00 for 2014.

Vote: Motion Passed - Unanimous

2. Picnic Table Replacement

Management provided the Board with two (2) proposals for the replacement of picnic table and bench located behind 13321 Tivoli Fountain Court. The Board discussed if residents use this area and, if not, whether this could be converted to green space.

MOTION: (Harry Matchett/Steven Muse) Remove, and don't replace, the picnic table/bench behind 13321 Tivoli Fountain Court.

Vote: Motion Passed - 5 ayes/0 nays/1 abstention (Mahabir)

MOTION: (Harry Matchett) Look into moving the wood chips from the picnic area to another area.

The Board decided to defer the decision on how to address this area and what to do with wood chips until the spring.

Harry Matchett withdrew his motion.

3. Tot Lot Wood Chips for Harmony Woods Lane

Management noted that, upon recent inspection of the community tot lots, it was noted that the wood chips at the tot lot on Harmony Woods Lane were below the safety threshold. Management provided a proposal from D&A Dunlevy to replenish the wood chips for \$1,170.00.

MOTION: (Steven Muse/Harry Matchett) Table adding wood chips to the Harmony Woods Tot Lot until Spring.

Vote: Motion Passed - Unanimous

4. ARC Application

Management provided the Board with an ARC Application for 18807 Lake Placid Lane for removal of several large trees within the property line to the rear of the home as the trees are encroaching on the house.

MOTION: (Tom Brennan/Harry Matchett) Approve the ARC Application for 18807 Lake Placid Lane for removal of trees on the homeowner's property.

Vote: Motion Passed - Unanimous

5. Signs for Pet Policy

Management provided the Board with a draft language for signs to be placed in the community concerning the recently adopted pet policy. The Board requested that Management send the pet policy to Board members for their review before any decision is made on the signs. The Board requested that Management provide proposals on the cost of the signs to be placed on existing posts with the wording suggested by Management. The Board tabled any decision on this matter until the February Board meeting.

I. HEARING

A Hearing was conducted at the request of 13108 Lake Geneva Way for a violation for trash not being placed in a sealed container; the Enforcement Committee originally reported this violation. It was noted that according to the Association's documents the Board has ten (10) minutes to explain the violation followed by the homeowner, who has twenty (20) minutes to respond.

Tom Brennan, as a member of the Enforcement Committee, stated that on a Monday morning in November he observed twelve (12) to eighteen (18) town homes on Lake Geneva Way and Mediterranean Way with plastic bags of trash in front of the homes that were not in covered receptacles. No pictures were submitted, as it is not required to have photos with the violation.

Vernard McBeth, 13108 Lake Geneva Way, noted that since he was removed from the Enforcement Committee there has been a pattern of harassment concerning violations. Mr. McBeth stated that his trash is always put in a trash can and that there was no evidence that this particular bag of trash belonged to his house. Mr. McBeth also noted that a sealed plastic bag is also a sealed container. Mr. McBeth noted that several other times he has received notices of violations that, when challenged, were shown to not be violations.

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Jackie Arnold stated that Mr. McBeth could remain during the Board discussion of this matter, but he must remain silent. The Board discussed the issue of the violation noting that there have been an excessive number of trash bags left on Lake Geneva Way and Mediterranean Drive that are not in trash containers and that it has become out of control. It was also noted that there is no evidence that the trash bag did not belong to Mr. McBeth. It was noted that the Board has made some issues personal, there was no photo provided with the violation, or any other proof, and Management did not provide the violation report for the Hearing.

It was stated that the Board needs to rely on the members of the Enforcement Committee.

MOTION: (Jackie Arnold/Steven Muse) Rescind the violation for 13108 Lake Geneva Way.

Vote: Motion failed - 2 ayes/3 nays (Brennan, Matchett, Mahabir)/1 abstention (Arnold)

Management noted that the homeowner can file a CCOC complaint concerning the violation.

J. ADJOURNMENT

MOTION: (Steven Muse/Nicolm Mahabir) Adjourn the Board of Directors Meeting at 9:45 p.m.

Vote: Motion Passed - Unanimous