

**Fountain Hills Community Association
Board of Directors Meeting
July 2, 2009**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Regional Services Center on July 2, 2009 at 7:30 p.m.

Board Members Present:

Siu Poon, President
Sue Adamkiewicz, Vice President
David Holtzman, Treasurer
Frank Walsh, Secretary
Vernard McBeth, Director

Also Present:

Stephon Collins, Community Manager
Craig Wilson, Vanguard Management
Ruth Ann Allen, Recording Secretary

Board Members Absent:

Shirley Fair, Director
Daryl McFadden, Director

Homeowners Present:

Nick Malabir, 19009 Mediterranean Drive
Ira Adler, 18808 Sparkling Water Drive, Unit 102

Committee Representative:

Stephen Muse, Enforcement Committee

A. CALL TO ORDER

The Board of Directors Meeting was called to order by Siu Poon at 7:30 p.m.

B. HOMEOWNERS FORUM

1. Nick Malabir, 19009 Mediterranean Drive, mentioned that the bushes along Great Seneca need cutting back again and the grass line is moving behind the townhouses on Lake Geneva Way. Mr. Malabir also mentioned that the fountain on Lake Geneva has not been working for two (2) weeks. Management will have Winkler Pools check on the fountain. Mr. Malabir would like an email from Management on why the fountain has not been working.

2. Ira Adler, 18808 Sparkling Water Drive, Unit 102, has been in contact with Management concerning the run off water from the pool coming across onto Condominium property which has been going on for ten (10) years. Mr. Adler mentioned that now there is an oily substance seeping up from the ground along the sidewalk behind 18808 Sparkling Water Drive. This substance is leaving a yellow stain along the sidewalk.

3. Stephen Muse, 18804 Porterfield Way, noted that the lawns look great and the

landscape company is doing a good job. Mr. Muse mentioned that the trail is becoming closed in and needs to be widened, and a tree has fallen across the trail which needs to be removed.

4. David Holtzman, Board member, mentioned that the Association sign on the Condominium end of the trail has been pulled up and dumped off the bridge.

C. MINUTES

MOTION: (Siu Poon/Vernard McBeth) Approve the June 4, 2009 Board Meeting Minutes as amended.

Vote: Passed - 5 ayes

D. REPORTS OF OFFICERS AND DIRECTORS

1. Treasurer's Report

David Holtzman reported that an updated delinquency status report had been received from the attorney which included a total of four (4) accounts. Mr. Holtzman stated that there are twenty-eight (28) accounts that are delinquent over ninety (90) days or more than \$500.00 in arrears. Mr. Holtzman questioned where a break down is occurring since the attorney did not supply the complete list of delinquencies. He questioned whether Management had forwarded these accounts to the attorney. Mr. Holtzman would like to have an explanation from the lawyer as to where the delinquent accounts are in the process as well as a factual record of the balance sheet to show what is being done to collect these monies.

Craig Wilson, Vanguard Management, suggested that Board members meet with Management to discuss the process involved with delinquencies and determine if the process needs to be re-evaluated. Management will set up a meeting in the middle of July at their office.

Legal counsel charges \$40.00 per case to create a status report on a monthly basis. Vernard McBeth requested that Management check with legal counsel on what is included with these costs. Frank Walsh was also surprised at these costs. David Holtzman stated that these costs are often built into the agreement with the lawyer. The Board would like to continue to receive monthly reports on accounts that are with the attorney, but the Board will need to decide whether to pay the fee for the monthly reports.

E. REPORTS OF COMMITTEES

1. Fountain Hills Condominium

a. *Fire Sprinkler Head Replacement*

David Holtzman stated that the repair project has been delayed until later in July as the wrong parts were ordered.

b. *Pool Matters*

The Condominium is still concerned about the drainage of the pool and water flowing onto the property.

c. *Parking Lot Markings*

David Holtzman mentioned that the parking lot markings in the lot next to

the pool at 18808 Sparkling Water Drive are almost gone.

d. Property Damage Due to Run-off Water from Pool

The Condominium feels that there is significant damage to the pavement near the pool. The Condominium plans to hire an engineer to look at the area to assess the damage and determine the repairs. The Condominium will request that the master association reimburse the Condominium for this expense.

Siu Poon questioned Management concerning the back wash system at the pool. Craig Wilson stated that the system was approved by the Health Department when it was installed. He stated that part of the problem is that the life guards are lazy and backwash excessively. There is a sign in the pump room not to backwash longer than 1½ minutes. The holding tank cannot hold all the water from the backwash. When the pools are drained, this creates an excessive amount of water. Also, the pool deck drain system may not be efficient.

e. Condominium's Response to the Enforcement Committee

The Condominium Board has decided to have their own legal counsel give advice on whether the Community Association can conduct plain site violations on the Condominium property. The Board feels that the Condominium has the right to protect the rights of the condominium owners and would use the law to enforce those rights.

3. Enforcement Committee

Steven Muse requested that Management send the plain site violation form in a format where he can fill in the blanks and send it back to Management with attached photos.

Vernard McBeth stated that it was never stated that the Enforcement Committee would inspect the Condominiums, but that for equity and parity of the Association, the committee would like to have a member from each community (townhouse, single and condominium). Since the Condominium representatives have stated that a homeowner from the Condominium would not want to serve on the Enforcement Committee, the Enforcement Committee accepts that decision.

David Holtzman stated that the views of Vernard McBeth do not represent the views of the Fountain Hills Condominium.

Frank Walsh stated that it is stated in the minutes that plain site violations would be done on the Condominium property according to the new Enforcement Committee which is why the Condominium objected in the first place. Vernard McBeth replied that the Condominium owners have stated that the Enforcement Committee of the Fountain Hills Community Association cannot come onto the Condominium property.

4. Social Committee

Sue Adamkiewicz reported that the community picnic would be held on August 2, 2009. She has fliers ready to be distributed to the community. Several Board members will help distribute these fliers around the Community. The flier will also be placed on the web site. Ms. Adamkiewicz also mentioned that volunteers are needed to set up, take

down and man the moon bounce.

David Holtzman stated that the Social Committee has also discussed holding the picnic on Fountain Club Drive and placing parking restrictions in place on the day of the event, so that the barbecues and tables can be placed on the street. A letter will be sent to all Condominium owners and placed on the bulletin boards explaining the parking restrictions. Management questioned what would be done with vehicles that are not removed. David Holtzman replied that the Condominium would not be liable for damage to vehicles, and cars would be relocated for this community event. It costs \$45.00 for the towing company to relocate a vehicle. The cost of the Community Picnic will be approximately \$1200.00.

MOTION: (David Holtzman/Siu Poon) On Sunday, August 2, 2009, Fountain Club Drive between Little Star Lane and Club Fountain Plaza will be closed to traffic and parking for a community picnic between 8:00 a.m. and 8:00 p.m. and the Association reserves the right to relocate vehicles to legal parking spaces on the property of the Association.

Vote: Passed - 4 ayes/1 abstention (Vernard McBeth)

The Condominium will request that the towing company not tow vehicles on Sunday night and Monday night. Regular towing policies will start again at 2:00 a.m. on Tuesday morning.

F. MANAGEMENT REPORT

1. Fence Repair

Since the recent installation of the fence, there has been damage due to an individual or individuals bending the fence to pass through. The cost of repairing the damage is \$575.00. The Board discussed whether there were other options to repairing the fence. Siu Poon suggested reinforced the fence with a strip along the fence to keep the panels from being pulled apart. Management will check on this option. Another option would be to place plantings in front of these section to deter people from trying to go through the fence. Bushes could not be placed in this area until the fall.

2. Pool Operations

a. Possible e. coli Contamination in Pools

Management is waiting for an official report from water testing of the alleged *e. coli*. Management had a verbal confirmation that no *e. coli* was present in either of the pools, but they have not received the written report. Craig Wilson also stated that Management obtained the daily reports by life guards of pool testing to have on hand. David Holtzman congratulated Management on handling this situation and stated that Winkler Pool did a good job with communication. Craig Wilson mentioned that it cost approximately \$150.00 to respond to this issue.

b. Communication with Winkler Pools

Craig Wilson stated that all communication with Winkler Pools concerning the pools, i.e. tiles around the pool, algae in the fountains, maintenance and upkeep will be done in writing to keep a paper trail.

c. Water Discharging from Pools

Ira Adler mentioned his concern that it has taken so long to determine the reason for the water flowing from the pool onto Fountain Hills Condominium property. Craig Wilson suggested that it may be time to hire a civil engineer to determine the cause of the problem. Management will obtain an estimate from a civil engineer for diagnosis and resolution of this problem.

David Holtzman suggested the feasibility of creating a barrier between the pool and the hillside, as the hillside has been saturated since the beginning of May and the grass has already turned brown and died.

Ira Adler and Frank Walsh reminded Management to have testing done on the new seepage along the sidewalk to determine where it is coming from and what is in it.

3. Common Area Inspections of the Condominium Association

David Holtzman stated that the Condominium Board of Directors has requested that their legal counsel review the community covenants to determine if the Enforcement Committee can conduct plain site violations on Condominium property. Legal counsel for the master association upon review of the covenants stated that the Enforcement Committee can conduct plain site violations on the Condominium property. It was noted that the Enforcement Committee would hold off on inspections so the Condominium Board could get an answer from their legal counsel.

4. Playground Proposals for Lake Geneva Way

Management has received two (2) quotes for options to replace the playground equipment on Lake Geneva Way.

Company	Option 1 w/swings	Option 2 w/swings
Sport Systems	\$29,978.00	\$33,900.00
Playground Specialists	\$21, 927.00	\$31,900.00

The difference in Option 1 and Option 2 is the size of the playground equipment. The quote from Playground Specialists for Option 2 is the proposal sent to the Board in March. Management would need to check with Playground Specialists if they would honor this quote.

MOTION: (Vernard McBeth/Sue Adamkiewicz) Accept the proposal from Playground Specialists for Option 2 for \$31,758.00.

Amend: (Vernard McBeth/Sue Adamkiewicz) \$19,000.00 will come from the reserves and the remainder from the operating fund.

Vote: Passed - 5 ayes

5. Violation Letters

The violation letters for shrubs not being maintained, the ice cream truck parked

in driveway/common area, for dog left unattended on deck for extended periods, and the barbecue grill left at curb for trash collection have been sent.

Siu Poon questioned whether the neighbor of the dog being left unattended on the deck could call Animal Control or the Health Department for this issue. Vernard McBeth stated that as long as the dog has food and water, Animal Control would probably not cite this as a problem.

Vernard McBeth requested that the owners of the ice cream truck and the owners that are not maintaining their yards be fined on Monday, July 6th.

G. LEGAL/COLLECTIONS

1. 18815 Sparkling Water Drive, Unit G

The prior owner of 18815 Sparkling Water Drive, Unit G filed for Chapter 7 bankruptcy protection in November 2007. The property was foreclosed on by the mortgage company in June 2008. All monies due have been paid by the mortgage company. The balance for monies post petition and pre-foreclosure for a balance of \$536.30 must be written off.

MOTION: (Siu Poon/Vernard McBeth) Write off as bad debt the amount of \$536.30 for prior owner of 18815 Sparkling Water Drive, Unit G.

Vote: Passed - 5 ayes

2. 18715 Sparkling Water Drive, Unit T-3

David Holtzman mentioned that the account for 18715 Sparkling Water Drive, Unit T-3 will be brought to the Board's attention to be written off as bad debt as the Condominium will need to do the same action.

H. ADJOURNMENT

MOTION: (Vernard McBeth/Siu Poon) Adjourn the Board Meeting at 9:15 p.m.

Vote: Passed - 5 ayes