

**Fountain Hills Community Association
Board of Directors Meeting
June 4, 2009**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Regional Services Center on June 4, 2009 at 7:30 p.m.

Board Members Present:

Siu Poon, President
Sue Adamkiewicz, Vice President
David Holtzman, Treasurer
Frank Walsh, Secretary (Arrived 7:40 p.m.)
Shirley Fair, Director
Daryl McFadden, Director
Vernard McBeth, Director (Left 8:05)

Also Present:

Stephon Collins, Community Manager
Ruth Ann Allen, Recording Secretary

Committee Members Present:

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. Shirley Fair mentioned that the situation involving her neighbors has been quiet. She also mentioned that she loved the new fence.

2. Sue Adamkiewicz mentioned that the landscaping company is damaging the wood trim on her townhouse when they trim the bushes around her home. Ms. Adamkiewicz will send Management a picture of the damage, and Management will contact Dunlevy concerning this matter. Other Board members mentioned that vinyl trim could be installed that would not be damaged as easily as the wood.

3. Siu Poon mentioned that a neighbor had approached her about the speed of vehicles in the community and wondered whether speed calming devices could be placed on roads in the community. Management stated that these are County maintained roads, and the County would have to approve any speed calming device.

4. Vernard McBeth asked about the plantings for the common area. Stephon Collins replied that he hadn't heard back from Dunlevy with a quote. Management will follow-up with Dunlevy when this work can be done.
Mr. McBeth also asked about follow-up on the unkept yard at 19004 Mediterranean Drive. Sue Adamkiewicz mentioned that Nick Mahabir said that it had been trimmed some. Mr. McBeth said that he could not see any difference.

5. Stephen Muse mentioned that he had sent Management pictures of plain site violations in the community.

C. MINUTES

MOTION: (Vernard McBeth/Sue Adamkiewicz) Move to adopt the minutes from May 7, 2009.

Vote: Passed - 5 ayes/1 abstention (Shirley Fair)

D. REPORTS OF OFFICERS AND DIRECTORS

1. David Holtzman stated that he had requested a delinquency report from Management for this Board meeting and he did not see that one was provided. Mr. Holtzman stated that the current delinquency rate is ten (10) percent. Mr. Holtzman mentioned that the Condominium is working to reduce their delinquencies and has asked for a delinquency report for every Board meeting. Mr. Holtzman would like to have a delinquency report for the Association at every meeting. The delinquency report would help the Board follow up delinquencies that are over ninety (90) days in arrears, that have gone to the attorney in order to monitor the process with the attorney. Management stated that the Association receives a status report every few months. Mr. Holtzman would still like to see a detailed delinquency report of the accounts that are with the lawyer. Vernard McBeth asked if this would incur a fee. Management replied that this would probably incur a cost, but Stephon Collins will check with the lawyer on this matter. If there is a cost for a monthly delinquency report, the Board will discuss this issue again.

E. REPORTS OF COMMITTEES

1. Fountain Hills Condominium

David Holtzman mentioned that water has still been draining onto the Condominium property. Mr. Holtzman feels that Winkler Pool is not responding to the concerns that the Condominium has expressed.

2. Enforcement Committee

Stephen Muse mentioned that there is need for one more member on the committee, and he would like to have someone from the Condominium to fill that position. If someone is not found from the Condominium, another person from the single family or townhouse communities could be on the committee. Both David Holtzman and Frank Walsh stated that they did not think someone from the Condominium would be willing to walk around the single family and townhouse properties to report violations as the Condominium has a separate set of covenants. Stephon Collins will check with legal counsel to see if the HOA By-Laws pertain to the Condominium. Siu Poon suggested that Mr. Holtzman and Mr. Walsh try to solicit someone from the Condominium to be on the Enforcement Committee. Vernard McBeth stated that since all three types of homes are represented on the Board of Directors, that there should be a Condominium homeowner on the Enforcement Committee. Frank Walsh stated that according to the

Management Report, we didn't have an Enforcement Committee. The report stated that Mr. Muse resigned as chairperson. Apparently, Mr. Muse changed his mind because attended this meeting.

As of now, Stephen Muse and Nick Mahabir are the two members on the Enforcement Committee. There should also be a Board member as a liaison for the committee. Vernard McBeth is willing to be the Board liaison for the Committee for now.

3. ARC

There were no ARC applications

4. Social Committee

Sue Adamkiewicz will email those who want to be part of planning a cookout at the pool and solicit suggestions for dates to bring to the Board.

F. MANAGEMENT REPORT

1. Plain Site Violations

Stephen Muse sent pictures to Management of houses in Fountain Hills that he felt had plain sight maintenance violations. These houses were 13106 Lake Geneva Way, 19004 Mediterranean Drive, 13110 Lake Geneva Way, and 18802 Porterfield Way. Mr. Muse stated that the house on 13110 Lake Geneva Way has shrubbery that is overgrown like the house on 19004 Mediterranean Way. It was noted that the shrubs may have been trimmed at 19004 Mediterranean Way. Vernard McBeth stated that they may have cut the grass, but not the shrubs.

Management has done the violation letters for these houses, but they have not been mailed. Stephon Collins wanted to make sure everyone on the Board is in agreement on sending out these violation letters. Mr. Muse stated that the Board should not have to evaluate the pictures. Management should be able to check to see if the yard maintenance is in compliance with the By-Laws. David Holtzman read from Article 13 in the By-Laws on Exterior Maintenance that states that houses should be in good order and repair; lawns cut and shrubs, trees and plantings pruned. Frank Walsh commented that he thought the process was very subjective and could not see the violations in the pictures.

Management will send the violation letters on the Enforcement Committee's recommendation, and if the homeowners are aggrieved, they can come to the Board Meeting.

2. Pool Management/Operation

Stephon Collins, Community Manager, reported that no one on the pool staff had an Operator's License. Someone on the pool staff will be taking the test on June 10th. Mr. Collins stated that he has had to inspect the pool situation at least two (2) times a week since the beginning of the pool season. There are still plumbing issues that have not been taken care of; including water pressure, showers, and toilets. The baby pool is

missing plaster. Winkler Pools should be fixing or reporting these things to Management. There have also been statements that the pool was built wrong. Management has contacted a plumber to come look at the bathroom in the pool house. Daryl McFadden asked if a walk through had been done before the pool season. Mr. Collins replied that these issues had been noted before the pool season.

Mr. Collins stated that at this point it is taking a lot of effort on Management's part to keep the pool up to par. Mr. Collins mentioned that the contract with the pool company could be terminated during the summer, but it is not wise.

Siu Poon stated that the bill from the plumbers should be paid by Winkler Pools.

David Holtzman stated that water is still being drained onto the property of the Condominium even though Winkler Pools has been told many times that this is not acceptable. Mr. Holtzman would like to know what steps are being done by Winkler Pools to prevent this from happening again.

Mr. Collins mentioned that the backwash needs to be done everyday (two (2) minutes maximum), but the holding tank which is buried in the ground is not big enough. Frank Walsh mentioned that a french drain had been installed at the pool and wondered what the purpose of it was and whether it is supposed to help the problem of the overflowing water. Management will check on this matter.

Stephon Collins also mentioned that there is a leak from the windows in the bath house that was discovered after it was painted. Once the leak is located and repaired, whatever painting needs to be done will be completed.

G. LEGAL/COLLECTION MATTERS

1. Executive Session

Frank Walsh stated that collection issues should be taken up in Executive Session. David Holtzman stated that he received a notice from the attorney stating that recent legislation required that matters of collections be held in open session except for limited circumstances. Stephon Collins mentioned that this was a recent condominium act, but that a similar legislation is also pending for homeowner associations. Frank Walsh agreed to discussing the collection issues in regular session as long as the homeowner names are not used.

2. 18627 Village Fountain Drive

The homeowner has requested a waiver of the \$5.00 late fee that has been assessed to the account. The homeowner uses direct bill pay provided by his bank, but the payment was not received by the Association before the 15th of the month. The Board has already waived a late fee for this homeowner.

MOTION: (Siu Poon/David Holtzman) Deny the request from 18627 Village Fountain Drive for waiver of \$5.00 late fee.

Vote: Passed - 6 ayes

3. 18940 Fountain Hills Drive

The homeowner is requesting a waiver of the \$5.00 late fee.

MOTION: (Frank Walsh/David Holtzman) Waive the \$5.00 late fee for 18940 Fountain

Hills Drive.

Vote: Passed - 6 ayes

4. 13531 Hamlet Square Court

Management received a request from the attorney for information on the homeowner at 13531 Hamlet Square Court. Typically, Management provides any information they have; however Management does not have any information on this homeowner, so the attorney will charge a \$400.00 fee to obtain the necessary information. This cost would be recovered in a judgement against the homeowner.

MOTION: (David Holtzman/Daryl McFadden) Authorize attorney to spend \$400.00 to obtain information regarding 13531 Hamlet Square Court.

Vote: Passed - 6 ayes

5. 18808 Sparkling Water Drive, Unit 302

The homeowner is requesting a waiver of the \$45.00 Notice of Intent fee and three (3) late fees of \$5.00 each for a total of \$60.00.

MOTION: (Siu Poon/Daryl McFadden) Waive one late fee of \$5.00 and charge the rest of the money owed (\$55.00) to 18805 Sparkling Water Drive, Unit 302.

Vote: Passed - 5 ayes/1 abstention (Frank Walsh)

6. 18805 Sparkling Water Drive, Unit 301

The homeowner is requesting of waiver of the \$45.00 Notice of Intent fee and \$30.00 in late fees, and is requesting a payment plan.

David Holtzman suggested that the homeowner provide the Board with a payment plan and if the balance is resolved and all current fees current in 6 months, the Board would consider waving some fees.

MOTION: (David Holtzman) Deny request for 18805 Sparkling Water Drive, Unit 301, for waiver of \$45.00 Notice of Intent fee and \$30.00 in late fees, and if homeowner is interested in a payment plan, that would have all assessments current in six (6) months, the Board would consider waiving fees.

The motion failed as it was not seconded.

MOTION: (David Holtzman/Daryl McFadden) Deny the request for waiver of the \$45.00 Notice of Intent fee and \$30.00 in late fees for 18808 Sparkling Water Drive, Unit 302.

Vote: Passed - 6 ayes

Management will send a letter to the homeowner and also state that if the homeowner is interested in a payment plan that would have all the assessments current in six (6) months, the Board would consider waiving fees.

7. Investments Account

There is currently \$25,211.63 in the Smith Barney money market certificate which is \$211.63 over the \$25,000.00 limit. Management recommends moving funds to the Wachovia money market account which is insured up to \$250,000.00.

MOTION: (David Holtzman/Daryl McFadden) Transfer \$8,000.00 from the money market account at Smith Barney to the money market account at Wachovia.

Vote: Passed - 6 ayes

H. UNFINISHED BUSINESS

1. Proposal for Tot Lots

Daryl McFadden asked for an update on the proposals for the tot lots.

Management stated that this information would be available for the July Board Meeting.

I. NEW BUSINESS

1. Rentals

David Holtzman asked for thoughts from Board members on instituting a registration process for rental units in the Association. This would give the Association a better understanding of which houses are owner-occupied and which houses are not owner-occupied. Mr. Holtzman feels that more oversight needs to be done for units that are rented.

When a unit is rented in the Condominium there is an annual registration and fee along with a valid license for rental of units and the County does an inspection so that the unit meets code.

Siu Poon suggested that David Holtzman provide the Board with the information on the resolution and the process that the Condominium uses.

Management stated that they can give an accounting within 87%-90% of which houses are rented from their records. The homeowner is supposed to send Management a copy of the lease agreement; also rentals can be tracked through poll pass information.

J. ADJOURNMENT

MOTION: (Siu Poon/Sue Adamkiewicz) Adjourn the Board Meeting at 9:00 p.m.

Vote: Passed - 6 ayes