

Corrected as approved on July 2, 2013

**Fountain Hills Community Association  
Board of Directors Meeting  
June 6, 2013**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, June 6, 2013 at 7:30 p.m.

**Board Members Present:**

Nicolm Mahabir, President  
Sue Adamkiewicz, Vice President  
Harry Matchett, Treasurer  
Frank Walsh, Secretary  
Tom Brennan, Director  
Siu Poon, Director  
Phil Suter, Director

**Also Present:**

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

**Homeowners Present:**

Nigel Ohrum, 18913 Porterfield Way  
Danial Magid, 18019 Village Fountain Drive

**Contractor Representatives Present:**

Vlade Jankovic, RSV Pools, Inc.  
Mark Ryba, D&A Dunlevy

**A. CALL TO ORDER**

Nicolm Mahabir stated that as he was not feeling well, he has asked Sue Adamkiewicz to chair the Board of Directors Meeting.

The June 6, 2013 Board of Directors Meeting was called to order by Sue Adamkiewicz at 7:34 p.m.

**B. MINUTES**

1. May 2, 2013 Board of Directors Meeting Minutes

**MOTION:** (Phil Suter/Tom Brennan) Approve the May 2, 2013 Board of Director Meeting Minutes as edited.

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

**C. DIRECTORS AND OFFICERS REPORTS**

1. Phil Suter stated that the sidewalk addition by the County on Village Fountain Drive has been completed and noted that the landscaping in that area should probably

wait until the fall. Mr. Suter also noted that the monument at that entrance needs to be reinstalled. Management stated that the monument should be installed first and that the Board should walk through that area with the landscaper to discuss the plans for the landscaping in that area.

Mr. Suter noted that there are dead trees on Rushing Water Way that should be under warranty.

#### **D. COMMITTEE REPORTS**

##### **1. Enforcement Committee**

Sue Adamkiewicz noted that, subsequent to the last Board meeting, the Enforcement Committee has done three (3) inspections for trash-related violations; noting a total of fifty-six (56) violations.

##### **2. Social Committee**

Siu Poon noted that the community yard sale is scheduled for Saturday, June 8<sup>th</sup>.

#### **E. HOMEOWNER OPEN FORUM**

1. Nigel Ohrum, 18913 Porterfield Way, stated that he is a new homeowner in the community and was interested in learning about the Homeowner's Association. Mr. Ohrum offered to volunteer for a committee.

#### **F. CONTRACTOR REPRESENTATIVES**

##### **1. RSV Pools, Inc.**

Vlade Jankovic, RSV Pools, stated that the start of the pool season has gone well. The Board inquired if the pool had opened on time, as there were last minutes repairs that needed to be completed after inspection. Mr. Jankovic stated that all the repairs on the pool had been completed and that the pool was opened on time. The Board expressed concerns as RSV Pools had stated that there would be no scrambling to open the pool on time this year. It was also noted that Management had not been included on the first inspection. The Board requested that RSV Pools provide them a copy of the County pool inspection requirements.

##### **2. D&A Dunlevy**

Mark Ryba, Maintenance Supervisor for D&A Dunlevy, was present to discuss five proposals submitted for work in the community. The tree removal proposal focuses on dead trees in the community while the tree pruning proposal focuses on addressing older, mature trees that are crowding decks and fences or are overgrown in the front of homes. Mr. Ryba suggested that he could meet with the Board and do a walk through to go over the proposals.

<b>Proposal</b>	<b>Cost</b>
Tree Removal	\$3,900.00
Tree Pruning	\$12,350.00
Wood Chips	\$1,040.00
Stump removal	\$150.00
Tree Planting	\$525.00

It was noted that the tree pruning in the landscape contract is for ornamental trees and trees that can be easily reached.

The Board discussed whether to move forward with any of the proposals. It was requested that Management provide the Board with the list of trees that were to be pruned last year to determine if any of the trees on the list were overlooked.

The Board noted that there is a tree, located on Little Star Lane, that is leaning and should be removed.

**MOTION:** (Nicolm Mahabir/Phil Suter) Approve the \$3,900.00 for removal of trees.

**Vote:** Motion Passed - 4 ayes/3 nays (Brennan, Walsh, Poon)/0 abstentions

The Board agreed to arrange a meeting with D&A Dunlevy to walk through the community to discuss the remaining proposals. The Board requested that Management provide other bids for the rest of the proposals.

Frank Walsh inquired if the work around the fountain had been completed. Mark Ryba thought the work had been completed. Mr. Walsh asked why the work took months to be completed, and why some plants that were planted, were removed and planted again, but Mr. Ryba did not think that happened.

## **G. MANAGEMENT REPORT**

### 1. Pooch in the Pool

Management provided the Board with a request from Steven Muse to conduct the 4<sup>th</sup> Annual Pooch in the Pool at no expense to the Association as the funds to support this event have been funded through donations.

**MOTION:** (Nicolm Mahabir/Siu Poon) Approve the request for Pooch in the Pool.

The Board discussed that approving this event might set a precedent for other homeowners requesting use of the pool for their own agendas.

**Vote:** Motion Failed - Unanimous

The Board agreed that it did not want to be seen as promoting one charity over another.

2. Draft Pit Bull Policy

Management provided the Board with the draft pit bull policy prepared by the Association's attorney. The policy includes registering of pets in the community. Craig Wilson stated that he does not agree with the registering of pets. Mr. Wilson stated that a pit bull policy should be implemented. This policy should state that pit bulls are not allowed on common areas and that pit bulls should be under control of their owner – or another responsible adult – at all times. The Board tabled any decision on the pit bull policy until the Board can meet with Management to review and edit the policy.

3. Sand Removal

Management provided the Board with two (2) proposals for sand removal on private streets in the community. The sand removal proposal from AW Landscapes is for \$6,700.00 and the proposal from D&A Dunlevy is for \$5,100.00.

**MOTION:** (Nicolm Mahabir/Sue Adamkiewicz) Approve the proposal from D&A Dunlevy for sand removal for \$5,100.00.

The Board discussed whether the sand should be removed and if it was worth the cost.

Frank Walsh noted that the Condominium had hired Dunlevy for sand removal and they were not happy with the work.

**Vote:** Motion Failed - 2 ayes (Adamkiewicz/Mahabir)/4 nays/1 abstention (Brennan)

**MOTION:** (Harry Matchett/Frank Walsh) Don't do any sand removal in the community this year.

**Vote:** Motion Passed - 4 ayes/2 nays (Adamkiewicz/Mahabir/1 abstention (Brennan)

4. Write-Off of Bad Debt

Management provided the Board with a memo from the accounting office requesting that the Board approve the write-off of \$7,807.30 as uncollectible bad debt for 13211 Lake Geneva Way. The homeowner filed for Chapter 7 Bankruptcy, which was discharged by the court on May 15, 2013. Thus, all amounts due prior the Chapter 7 filing date are not collectible.

**MOTION:** (Siu Poon/Nicolm Mahabir) Write off \$7,807.30 as uncollectible bad debt for 13211 Lake Geneva Way.

**Vote:** Motion Passed - 5 ayes/1 nay (Brennan)/1 abstention (Matchett)

5. Request for Waiver

Management provided the Board with a request from 18701 Autumn Mist Drive for a waiver of a Notice of Intent for \$45.00 and a 2012-2013 Lien for \$340.00 for a total of \$385.00. It was noted that these are hard costs to the Association. The account shows

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**MOTION:** (Phil Suter/Tom Brennan) Waive two late fees for a total of \$10.00 for 18701 Autumn Mist Drive.

**Vote:** Motion Passed - 5 ayes/2 nays (Adamkiewicz, Walsh)/0 abstentions

**MOTION:** (Phil Suter/Tom Brennan) Deny the request for waiver of \$385.00 for 18701 Autumn Mist Drive.

**Vote:** Motion Passed - Unanimous

6. Hearing for 18619 Village Fountain Drive

Management provided the Board with a Request for Hearing from 18619 Village Fountain Drive over the disapproval for installation of a deck, which was previously approved, but the application had to be resubmitted as the work had not been started within 180 days of approval of the applications. The application was not approved for the following reasons: Clarification of color, deck not drawn on plot map, and need for a variance for elevated decks within five feet (5') of the property line. The variance cannot be approved by the AERC, but has to be reviewed and approved by the Board.

The homeowner of 18619 Village Fountain Drive also provided the Board with a sample of the brown floor color and stated that the railings would be white. It was noted that the rear property of the townhouse does not backup to another townhouse, but green space. It was noted that construction of the deck began without approval.

**MOTION:** (Nicolm Mahabir/Sue Adamkiewicz) Approve the AERC Application for deck at 18619 Village Fountain Drive.

**Vote:** Motion Passed - 5 ayes/1 nay (Walsh)/1 abstention (Suter)

**H. CLOSED MEETING**

**MOTION:** (Phil Suter/Siu Poon) Move into Closed Meeting at 8:50 p.m.

**Vote:** Motion Passed - Unanimous

**MOTION:** (Phil Suter/Tom Brennan) Adjourn the Closed Meeting into the regular Board of Directors Meeting at 9:26 p.m.

**Vote:** Motion Passed - Unanimous

**I. REGULAR BOARD MEETING (reconvened)**

1. Results of the Closed Meeting

The Board reviewed the May 2, 2013 Closed Meeting Minutes and discussed matters concerning the two (2) CCOC cases.

2. May 2, 2013 Closed Meeting Minutes

**MOTION:** (Phil Suter/Tom Brennan) Approve the May 2, 2013 Closed Meeting Minutes

**Vote:** Motion Passed - 6 ayes/0 nays/1 abstention (Poon)

3. Landscaping at 13246 Autumn Mist Circle

Phil Suter noted that the landscaping at 13246 Autumn Mist Circle, which was planted in the fall, and re-evaluated by an arborist, has doubled in size and should continue to grow.

4. Sidewalk at 13400 Rising Sun Lane

The regrading and seeding of the area, adjacent to the newly installed sidewalk by 13400 Rising Sun Lane, has been completed and the homeowner is happy with the work.

5. Response to Questions from 18804 Porterfield Way

The Board noted that two (2) emails were received from homeowners with the same questions that Steven Muse had sent to the Board for answers. Frank Walsh stated that the Board does not know all the answers to these questions. It had been stated that the answers to the questions would be placed in the newsletter, and the original questions asked by Mr. Muse and Mr. McBeth were placed in the newsletter and on the website. Phil Suter noted that the newsletter is not a public forum for answering homeowner's questions, and that the follow-up list of numerous question from Mr. Muse should not go in the newsletter. The Board noted that, since many of the answers to these questions are part of a legal matter, the Board will not respond to these questions at this time. It was noted that the Board did promise Mr. Muse that the questions would be answered within ten (10) days.

6. Information on the Missing Laptop

It was noted that there were several questions from homeowners concerning the missing laptop after the notice in the newsletter. Nicolm Mahabir will follow-up on this matter.

7. Burned-out Light

It was noted that a light is out at the pool. Management will follow-up on this matter.

**J. ADJOURNMENT**

**MOTION:** (Siu Poon/Tom Brennan) Adjourn the Board of Directors Meeting at 9:35 p.m.

**Vote:** Motion Passed - Unanimous