

Fountain Hills Community Association
Board of Directors Meeting
November 5, 2009

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Regional Services Center on November 5, 2009 at 7:30 p.m.

Board Members Present:

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

Also Present:

Stephon Collins, Community Manager
Ruth Ann Allen, Recording Secretary

Homeowners Present:

Nicolm R. Mahabir, 19009 Mediterranean Drive
Jill Nason, 13231 Autumn Mist Circle
Brian Luginsland, 13231 Autumn Mist Circle
Brandon Dart, 18701 Sparkling Water Drive, Unit I
Alice and Edwin Tucker, 13259 Autumn Mist Circle
Irene Todene, 18707 Harmony Woods Lane
Michele and T. Sullivan, 13259 Hamlet Square Court
Steven Muse, 18804 Porterfield Way

Committee Representative:

Steven Muse, Enforcement Committee

A. CALL TO ORDER

The November Board of Directors Meeting was called to order by Siu Poon at 7:39 p.m.

B. HOMEOWNER FORUM

1. Michele and T. Sullivan, 13529 Hamlet Square Court, were concerned about the property on Hamlet Square Court that has been condemned. There is still trash both in front of and in back of the house. Mr. And Mrs. Sullivan questioned why the Board has not taken action on this property. This matter will be discussed during the Management Report.

Mr. Sullivan also inquired if the Board meeting was being taped. The meeting is not taped.

2. Vernard McBeth, stated that a delivery truck must have hit a tree near 19001 Mediterranean Drive as two (2) medium sized branches are hanging down.

3. Daryl McFadden, mentioned that the swings at the new playground are too high off the ground. Nicolm Mahabir mentioned that the slide is also too high off the ground.

Mr. McFadden also mentioned that the utility box in the 13200 block is out of the ground and on its side.

4. Siu Poon mentioned that a resident of a single family home asked whether speed humps could be placed on the main road of Fountain Hills as cars travel too fast. Management reminded the Board that this is a County road, so the Association cannot put in speed humps. Also for clarification, the walkway from the road to the house is the homeowner's responsibility.

5. Alice Tucker, 13259 Autumn Mist Circle, asked why there is no social hall in the community to hold functions. The Board replied that this was not planned by the builder. David Holtzman mentioned that there are facilities in the area that the County will rent inexpensively for social activities. The Board also mentioned to Mrs. Tucker that a picnic was held in August for the community, and they intend to hold another picnic next year.

6. Irene Todene, 18707 Harmony Woods Lane, mentioned that she has neighbors who are loud and drink outside. Ms. Todene has called the police but since it is an HOC unit, nothing can be done. Steven Muse mentioned that he can give Ms. Todene the contact information for the person who deals with the HOC units.

7. Shirley Fair asked when the leaves would be cleaned up. Management stated that the landscape company has already been working in the community to clean up the leaves.

C. MINUTES

1. October 1, 2009 Board Meeting Minutes

Mr. Holtzman asked the Recording Secretary why the comments at the end of the October Board Meeting were not placed in the minutes. The Recording Secretary responded that she did not think these comments were a necessary part of the minutes. Mr. Holtzman requested that these comments be placed in the minutes and the approval of the minutes be tabled until next month.

MOTION: (David Holtzman/Daryl McFadden) Table the approval of the October 1, 2009 minutes so the Recording Secretary can include all parts of the meeting in the minutes.

Vote: Motion Passed - 6 ayes/1 nay (Vernard)

D. REPORTS OF OFFICERS AND DIRECTORS

1. Playground on Lake Geneva Way

Vernard McBeth mentioned that the swings and slide are too high. The playground may not have been placed in the ground deep enough or placed in the center of the play area. Also, the new benches have not been installed at the playground.

2. Financials

David Holtzman stated that financial matters will be discussed in the Management Report.

3. Fountain Hills Condominium

Mr. Holtzman reported that the Condominium has changed trash companies.

There are still issues that need to be ironed out. This should not affect the rest of the community. The paving of the parking area and re-stripping of the lines has been completed. The invoice for this work has been forwarded to the HOA. Management reported that the invoice has not been received as of this Board Meeting. The election for the Condominium Board of Directors will be next week on Thursday, November 12, 2009.

E. REPORTS OF COMMITTEES

1. Social Committee

The date for the Board's appreciation dinner has not been finalized.

The Board is still waiting for the report on the final cost of the community picnic in August.

F. MANAGEMENT REPORT

1. Shrub Replacement

Dunlevy recommended that the Association consider installing two (2) Megellan Barberry bushes in the space used for foot traffic near the fence on Niagra Falls Court. The Board previously approved an expense not to exceed \$500.00 for the bushes. The final proposal from Dunlevy is to plant six (6) Julianna Barberry bushes for \$690.00 along with turf spray, leaf compost and mulch for a total cost of \$975.00. Dunlevy suggested that the Julianna Barberry would be a better fit for the area where they are to be planted. The Board approved the increased expense electronically.

MOTION: (Siu Poon/Sue Adamkiewicz) Approve the shrub replacement near the fence on Niagra Falls Court for a cost of \$975.00.

David Holtzman stated his objection is the process in which the motion was approved. He suggested in the future that when spending money above that which was approved, a meeting should be held to discuss the matter. Frank Walsh agreed with Mr. Holtzman and pointed out that not only was the cost higher, but these are different plants.

The shrubs have not yet been planted. Vernard McBeth inquired why the bushes have not been planted since the approval was done by email. Management reported that the person who was to do the planting has been sick. Frank Walsh stated that there really was no need to rush approval via email since these plants still have not been installed.

Vote: Motion Passed - 6 ayes/1 abstention (Vernard)

2. ARC Applications

a. *13403 Rising Sun Lane*

The homeowner has requested replacement of the existing sliding glass door with a more energy efficient sliding glass door of a similar style.

MOTION: (David Holtzman/Vernard McBeth) Approve the ARC Application for replacement of the sliding glass door at 13403 Rising Sun Lane.

Vote: Motion Passed - 7 ayes

b. *18619 Village Fountain Drive*

The homeowner has re-submitted the ARC Application to build a deck.

According to pictures submitted of the house, the deck has been built without approval of the ARC or the Board of Directors for the ARC.

Siu Poon mentioned that according to the ARC Rules, the deck needs to be placed one (1) foot away from the neighbor's yard. This specification is not included in the application. David Holtzman stated that a violation should be sent to the homeowner stating that detailed plans; including materials, color and survey showing measurements, need to be included with the ARC Application.

Vernard McBeth suggested that the ARC Application should be disapproved first.

MOTION: (Vernard McBeth/David Holtzman) Disapprove the application for the deck at 18619 Village Fountain Drive.

Vote: Motion Passed - 7 ayes

The Board members discussed what the next course of action should be. It was suggested that Management should go and inspect the property. The notice of violation letter should also include that the homeowner should come to a hearing in December to discuss the illegally constructed deck and learn whether the deck conforms to the ARC Rules and Regulations.

Daryl McFadden questioned what should be done if a deck is built without permission, but conforms to the architectural rules. Siu Poon stated that the deck would be approved.

Vernard McBeth stated that the Board has to decide whether to fine homeowners who violate this rule. The Board must take a serious stand concerning these ARC issues to enforce the rules of the community.

If the deck does not meet with ARC rules, then the Board has the authority to have the deck removed.

MOTION: (David Holtzman/Frank Walsh) Ask Management to send a notice of violation to the homeowner at 18619 Village Fountain Drive for the installation of a deck without the approval of the ARC.

Amend: (Vernard McBeth) The violation should state what would happen if the homeowner does not comply.

David Holtzman withdrew the motion.

Sue Adamkiewicz stated that there are two (2) issues. The first issue is that the deck was put up without approval. The second issue is that not all the information required was included in the ARC Application.

Vernard McBeth stated that the homeowner should be fined for putting up the deck without permission, and then resolve the issues of the property line, materials, and color. Mr. McBeth also stated that the fine should start next Thursday for erecting the deck without permission and the homeowner would have 15 days to correct the problem.

A violation letter will be sent from Management and a fine will be placed after fifteen days if the matter of the details of the ARC Application are not resolved.

3. 13533 Hamlet Square Court

Management has been in contact with the County, and the County has granted a contract to have the trash removed. This property is second or third on the list. Management has been monitoring the property every two (2) to three (3) days. The County stated that it would cost \$80,000 to clean up the house inside and out. The owner of the house lives in Virginia and is trustee for the woman who was living at the house. Management does not know when the County will come to remove the trash. If the County removes the trash there is no cost to the Association, but the trash still sits outside the house in the meantime. The Association can now go onto the homeowner's property as the abatement has been lifted. If the Association decides to remove the trash before the County does, the cost could be charged to the homeowner.

MOTION: (Vernard McBeth/Daryl McFadden) Employ a trash contractor to remove all the trash outside of the property at 13533 Hamlet Square in 30 days not to exceed \$1000.00.

David Holtzman stated that there could be a good chance that there could be a confrontation if the trash is removed and the Board would be liable. Frank Walsh stated that the County is going to pick up the trash so let the County do it, then the HOA is not liable. Vernard McBeth stated that the County should have done it by now.

Vote: Motion Passed - 6 ayes/1 nay (Frank)

David Holtzman requested that Management contact legal counsel to let them know the Board's decision.

Gladhill Pest Control placed bait stations around the property. The cost of \$85.00 for the bait stations was within the spending authority of Management.

At the October Board Meeting, a homeowner on 13532 Champions Way mentioned that her property had roaches, and it was assumed they came from the Hamlet Square Court property. It was mentioned that the roaches probably came from a townhouse that was in foreclosure next to the homeowner on Champions Way, as the neighbor on the other side of the foreclosure also had roaches.

4. Waiver Request for 13314 Rising Sun Lane

The homeowner requests a waiver of the \$35.00 return check fee. The homeowner's bank had to close the previous account and open a new account. The online bill pay was scheduled to come out of the new account, but was instead taken from the closed account.

Frank Walsh mentioned that the \$35.00 return check fee is a hard cost to the Association.

MOTION: (Siu Poon/Sue Adamkiewicz) Reimburse one return check fee of \$35.00 to 13314 Rising Sun Lane.

Vote: Motion Passed - 4 ayes/3 nay (Frank, David, Vernard)

5. Pool Matters

Management stated that the pool and the fountains have been winterized, but not to Management's satisfaction. The pool company also took the fountain pump motors. These need to be stored in a dry place, so the pool company probably had them in their truck and did not leave them behind. The water level in the pool was not lowered for the winter. Management will complete the winterization of the pool and charge that amount to the pool company. The keys and the pumps will need to be returned by close of business on November 9, 2009. Management is holding the October payment. The termination letter for service has been sent to Winkler Pools.

Management will be in contact with legal counsel when the contract ends on November 9, 2009.

G. FINANCIAL MATTERS

1. Investments Account

There is currently \$42,209.83 in the Association's operating savings account through Smith Barney. This is due to a \$20,000.00 CD that was called in full. This CD was not scheduled to mature until March 2010.

MOTION: (David Holtzman/Daryl McFadden) Invest \$20,000.00 in the Smith Barney Operating Savings Account in a CD at market rate for a term of one (1) year.

Vote: Motion Passed - 6 ayes/1 abstention (Vernard)

H. NEW BUSINESS

Mr. And Mrs. Sullivan, 13529 Hamlet Square Court, mentioned that a friend was visiting and was mugged walking from the parking area. This is possibly a second incident to the one reported last month. The Sullivans inquired if more lighting could be placed in that area. David Holtzman stated that there are other areas in the community that are also dark. The Board was proactive and installed a fence to interrupt the flow of people into that area. The lighting is as it is.

The Board requested that the homeowners send Management information on the incident. Management will look at the lighting in that area.

I. OLD BUSINESS

1. Towing of Rental Truck

The homeowner was reimbursed by the towing company.

J. ADJOURNMENT

MOTION: (David Holtzman/Daryl McFadden) Adjourn the regular Board Meeting at

9:14 p.m.

Vote: Motion Passed - Unanimous