

Fountain Hills Community Association

Board of Directors Meeting

December 3, 2009

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, December 3, 2009 at 7:30 p.m.

Board Members Present:

Brandon Dart
David Holtzman
Nicolm Mahabir
Vernard McBeth
Daryl McFadden
Steven Muse
Frank Walsh

Also Present:

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

Homeowners Present:

Siu Poon, 19020 Noble Oak Drive
Anna McBeth, 13108 Lake Geneva Way
Milen Radomirski, 13509 Hamlet Square Court

A. CALL TO ORDER

The Board of Directors Meeting was called to order by Nicolm Mahabir as Chairman Pro-Temp until the Election of Officers has taken place. Mr. Mahabir received the most votes of the Board Candidates.

B. ELECTION OF OFFICERS

1. Board President

David Holtzman stated that to be eligible for the position of Board President the Board member must be a lot owner on the deed. Management suggested that the nominations for Board positions be voted on and the issue of lot owner be followed-up later.

Daryl McFadden nominated Vernard McBeth for President.

Mr. Holtzman challenged that Mr. McBeth's name does not appear on the deed of record in the County of Clerk office, therefore, he does not meet the homeowner definition of Fountain Hills Community Association. Mr. McBeth stated that if that is the case, he could sign the deed right now. Management suggested that the election continue as no formal evidence of this matter is at hand.

David Holtzman nominated himself for President.

MOTION: (Steven Muse/Daryl McFadden) Close nominations for President.

Vote: Motion Passed - Unanimous

Craig Wilson counted the ballots for president.

Mr. McBeth - 4 votes

Mr. Holtzman - 3 votes
Vernard McBeth was elected Board President.

2. Board Vice President

Vernard McBeth nominated Niclom Mahabir for Vice President.
Brandon Dart nominated David Holtzman for Vice President. Mr. Holtzman declined.

Daryl McFadden nominated Steven Muse for Vice President
MOTION: (Vernard McBeth/Steven Muse) Close nominations.

Vote: Motion Passed - unanimous

Craig Wilson counted the ballots.
Mr. Mahabir - 5 votes

Mr. Muse - 2 votes.

Niclm Mahabir was elected Board Vice President.

3. Board Secretary

Vernard McBeth nominated Frank Walsh for Secretary.
MOTION: (Nicolm Mahabir/Daryl McFadden) Close nominations for Secretary.
Vote: Motion Passed - unanimous

Frank Walsh was elected Board Secretary by acclimation.

4. Board Treasurer

Steven Muse nominated Daryl McFadden for Treasurer.
MOTION: (Vernard McBeth/Steven Muse) Close nominations for Treasurer.
Vote: Motion Passed - Unanimous

Daryl McFadden was elected Board Treasurer by acclimation.

Niclm Mahabir turned the meeting over to Vernard McBeth as Board President.
At this time, Mr. McBeth mentioned the e-mail that went around to the Board prior to the meeting, but said it would be saved for later.

C. HOMEOWNERS FORUM

1. Milen Radomirski, 13509 Hamlet Square Court, had many complaints about the condition of the pool and the pool company over the summer. Vernard McBeth stated that the Board is looking at other pool companies for next summer and these problems will not occur next year. It was noted that this matter will be discussed more during the Management Report.

2. Siu Poon, 19020 Noble Oak Drive, congratulated the homeowners who were elected to the Board of Directors. Ms. Poon mentioned that she is willing to be of service to the community.

D. MINUTES

1. October 2009 Board Meeting Minutes

The approval of the October 2009 Board Meeting Minutes will be tabled until next month.

2. November 2009 Board Meeting Minutes

MOTION: (Vernard McBeth/Daryl McFadden) Accept the November 5, 2009 Board Meeting Minutes as amended by Frank Walsh.

Vote: Motion Passed - 5 ayes/2 abstentions (Mahabir/Dart)

E. REPORT OF OFFICERS AND DIRECTORS

1. David Holtzman will report on the Condominium under the Reports of Committees.

2. Vernard McBeth mentioned that he would like the Board to consider changing the order of the Agenda. He suggested that the Approval of Minutes be first, followed by the Management Report (handling only the action items), then Homeowners Forum, Reports of Directors, Reports of Committees (committees should present a written report unless there is an action to be taken), Unfinished Business, New Business, and Adjournment. Mr. McBeth also stated that he was bringing this up as a “courtesy” and that he really didn’t have to discuss this matter because he already has a “voting bloc”.

David Holtzman mentioned that he hasn’t heard any complaints about how the Agenda is set up since he has been on the Board. Mr. Holtzman questioned what was driving the change. Mr. McBeth replied that this would give homeowners time to get to the meeting and more time could be spent on homeowner concerns. Mr. McBeth stated that too much time is spent on items that do not need to be discussed. Mr. Holtzman stated that homeowners would need to sit through the Management Report in order to be able to speak at the Homeowners Forum. Mr. McBeth replied that homeowners could come later, around 8:00 p.m. to 8:15 p.m, but homeowners are welcome to come at the beginning of the meeting for the Management Report.

Mr. McBeth stated that Committee Reports could be turned into Management before the Management Report is sent out so that these reports can be included. Mr. Holtzman stated that he would find it difficult to write a report each month on the Condominium for the HOA.

Frank Walsh mentioned that if items are not discussed at the meeting they would not be included in the minutes. Mr. McBeth stated that the Committee Reports could be attached to the minutes. Follow-up or non-action items still would not be recorded in the minutes.

Frank Walsh also stated that the Board meeting is also a business meeting. It’s the only time Board members can work together regarding issues that affect the Community. Homeowners can always write or call the management company with their issues, so they can be included on the agenda for a future meeting. The Board can rarely solve a homeowner’s issue during Homeowner’s Forum.

Steven Muse mentioned that he does not like the three (3) minute rule when homeowners state their concerns. Mr. Walsh stated that this rule is rarely enforced.

MOTION: (Nick Mahabir/Steven Muse) Table the agenda discussion.

The motion died as a vote was not taken.

It was agreed that this matter will be discussed further at a later time.

F. REPORTS OF COMMITTEES

1. Board Appreciation Dinner

Siu Poon mentioned that the Board Appreciation Dinner will be held on December 13, 2009 at Carrabba's at 6:30 p.m. Management will send an email to Board members and volunteers inviting them to the dinner. The dinner is for volunteers; each volunteer may bring a guest.

2. Enforcement Committee

Steven Muse stated that there is no report at this time.

3. Fountain Hills Condominium

David Holtzman reported that the Fountain Hills Condominium held their Annual Meeting in November. A quorum was achieved and David Holtzman was elected onto the Board for a three (3) year term. The Board officers remain unchanged:

President - Ira Adler

Vice President - David Holtzman

Treasurer - Brandon Dart

Secretary - Frank Walsh

G. MANAGEMENT REPORT

1. Termination of Pool Contract

Management has sent a letter to Winkler Pool expressing the Board's desire not to enter into a new contract. The letter also stated the outstanding issues that have not been resolved from the past pool season. The unresolved payments are due to work done by Winkler Pool without written approval; Winkler claims that Management gave them a verbal approval, and the work not done on the fountains. Craig Wilson stated that the Board not paying any of these invoices would probably result in the community being sued by Winkler. It was suggested that if any of the work that had been done was of benefit then that would be grounds to pay those invoices or a negotiated reasonable settlement be offered so as not to prolong this issue.

MOTION: (Steven Muse/Vernard McBeth) Approve payment to Winkler Pool of no more than \$5,500.00 for invoices not paid.

Amend: (Steven Muse/Vernard McBeth) Start an offer to Winkler Pool for \$2,800.00 which is 25% of the total bill, but offer no more than 50% of the total bill.

Vote: Motion Passed - Unanimous

2. RFPs for Pool Management Companies

Management has received bids from six (6) pool companies for pool management, fountain maintenance, and filtration system replacement. The Board agreed to interview Community Pool Services, US Aquatics, AquaSafe Pool Management, and RSV Pools, Inc. All the pool companies will provide references.

Community Pools offered a discount for the repair of the filter system if the contract was accepted before December 18, 2009. The Board cannot interview pool companies until January, so it was suggested that Management ask for an extension on that offer.

Management will schedule the UpCounty Community Service Center for four (4) hours on the Saturday after the January Board Meeting for these interviews.

3. Lawn Maintenance Contract

The lawn maintenance contract is up for renewal. Dunlevy has submitted a renewal contract with a two percent (2%) increase. The Board requested that Management solicit bids from other companies. Vernard McBeth suggested Walker's Landscape, a local company, also be solicited for a bid.

4. Playground at Lake Geneva Way

Management had Playground Specialists come back and look at the playground setup. The area at the end of the slide will be backfilled so the end of the slide is not so far off the ground. It was recommended for safety that wood carpet be placed around the entire playground for eight (8) inches of cushioning. Playground Specialists also recommended capping the wood around the play area to prolong the life of the timbers already there. The distance of the play equipment to the fence is six (6) feet which is fine.

Niclm Mahabir asked about the option of rubber based mulch or rubber carpet. Management stated that both of these options are very expensive.

MOTION: (Steven Muse/Niclm Mahabir) Accept the proposal for wood carpet and capping at a cost of \$4,116.00, funded from reserves.

The Board discussed that Management look into the cost of replacing the timbers new.

Amend: (Vernard McBeth/Steven Muse) Only approve the addition of wood carpet, as it is a safety issue, to the play ground at Lake Geneva Way for \$2,376.00 and shipping, funded from reserves, and to get quotes for replacement of the wood borders.

Vote: Motion Passed - Unanimous

5. ARC Application for Deck at 18619 Village Fountain Drive

The Board requested that Management inspect the deck to determine if the installation was completed, in accordance with architectural guidelines, specifically the proper distance from the property lines. Management inspected the home and the deck has not been built.

Since the deck has not been built, the stipulations for building the deck are that it be more than five (5') feet from the rear of the property and one foot (1') from the side property lines.

MOTION: (Vernard McBeth) Approve the deck with the stipulations.
The motion was withdrawn.

It was noted that the homeowners were not in violation, as previously indicated, as the deck has not been built, but the application has still not been completed.

MOTION: (Vernard McBeth/Steven Muse) Disapprove the application for a deck at 18619 Village Fountain Drive.

Vote: Motion Passed - unanimous

Management will state in the disapproval letter that the material, color and size of the deck needs to be included with the application.

6. Request to Waiver Collection Fees

The homeowner at 18727 Harmony Woods Lane has requested a waiver of the \$45.00 Notice of Intent Fee as well as the \$275.00 Lien Fee that has been assessed to the account. The Lien Fee is a hard cost to the Community.

MOTION: (Steven Muse/Daryl McFadden) Waive the \$45.00 in late fees and suggest that the homeowner implement a payment plan for the remaining balance of assessments and the \$275.00 Lien Fee.

Vote: Motion Passed - unanimous

7. 13533 Hamlet Square Court

The trash at 13533 Hamlet Square Court has been cleaned up by Knoble Inc. at a cost of \$250.00. A court hearing should be set sometime in April.

H. ADJOURNMENT

MOTION: (Miccolm Mahabir/Vernard McBeth) Adjourn the Board Meeting at 9:38 p.m.

Vote: Motion Passed - Unanimous