

**Fountain Hills Community Association  
Board of Directors Meeting  
Regular Meeting  
November 4, 2010**

**Members Present:**

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

**Also Present:**

Stephon Collins, Community Manager  
Craig Wilson, Vanguard Management  
Rani Pellet, Recording Secretary

The Fountain Hills Community Association conducted its regular Board meeting at the UpCounty Regional Services Center, on Thursday, November 4, 2010, at 7:40 p.m.

**I. Call To Order Regular Meeting**

Mr. Mahabir, President, called the meeting to order at 7:40 pm with a quorum present. Mr. Holtzman asked if the Board would review the minutes of the previous month as well as the October 26, 2010 special meeting. It was the consensus of the Board that the minutes would be reviewed. Mr. McBeth and Mr. Walsh said they had sent revisions to the Board.

**II. Minutes of Previous Meetings**

Mr. McBeth said he changed the minutes to reflect that he, Mr. McBeth, had called Mr. Holtzman “a hypocrite and a coward.” He itemized the other modifications he wanted changed, and the Board moved to accept the minutes as amended by Mr. Walsh and Mr. McBeth.

Motion: To accept the previous month’s minutes dated October 7, 2010 as amended. (Muse/McBeth). Vote: 6:0:1 (Holtzman).

There was some discussion about the October 26, 2010 meeting with the lawyer and the minutes that were written at that meeting. It was decided that the Board would table the review and approval of the minutes of the October 26, 2010 meeting at this time.

*Motion: To table the discussion and approval of the minutes from the October 26, 2010 meeting with legal counsel. McBeth/Muse. 4:3:0. The motion passed.*

Mr. Holtzman had a question about the correspondence regarding the October 26, 2010 meeting minutes. He noted that the correspondence was not actually something that was an addendum to the meeting minutes, nor was it a part of the meeting. An action item list was created at the October 26, 2010 meeting. The correspondence was a printed report of the outcomes of that action list.

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*Motion: To accept the minutes of October 26, 2010. McBeth/McFadden. Vote: 3:3:1. The motion did not pass.*

*Motion: To reconsider the October 26, 2010 minutes as presented with the addendum of the correspondence included. McBeth/McFadden. Vote: 4:3:0.*

### **III. Reports of Officers**

There were no reports of officers.

#### **Committee Reports**

Ms. Sui Poon, resident, described the annual picnic at the pool which took place on September 25, 2010. She said a good time was had by all, and there was a good turnout of residents/homeowners.

### **IV. Homeowner's Forum**

Tot Lot Safety - A resident who lives near the playground on Harmony Woods Lane described the playground behind her home. She said that the playground has become a hangout for teens. Condoms have been found there. The resident asked if the playground could be removed. It was noted that as this is the only tot-lot in the vicinity, some homeowners might be upset if it were removed. Other homeowners spoke up and indicated that they do not use the tot lot due to the issues there, so it would not matter to them if playground were removed. Other residents echoed the homeowner's concerns about the trash, condoms, and possible drug items that are in the woods, on and near the playground. It was noted that the persons using the tot-lot are not Fountain Hills Community, residents, but are from neighboring communities.

A resident who lives on Sparkling Water Drive indicated that drivers coming in to the neighborhood do not respect the stop signs. He noted they are not even breaking or slowing down as they approach the stop signs, they are just completely ignoring them. The resident was concerned because there are many children living in this area. He said he would like to know if the community could put speed bumps near the stop sign to force people passing through to slow down.

Mr. Holtzman interjected that this area is a part of the Fountain Hill's Condominium Association's jurisdiction, and he said that the condominium is currently addressing this issue and is also very concerned about people speeding through the community.

Mr. Muse pointed out that there is a new police chief and there are also new county council members. He suggested that the community contact both chief of police, and the city council in order to get help regarding the speeding issue.

One resident who has lived in two sections of Fountain Hills; Sparkling Water Drive and Autumn Mist Drive said he wanted to know why Fountain Hills has two different websites; one for the condominiums and another for the single family and townhouse sections. He said that Fountain Hills is supposed to be a cohesive community, and he said he finds that the two websites does not help foster community unity.

A resident stated that the children are the “cornerstone of the community”, and because of that he felt the playgrounds need to be updated with new play equipment.

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One resident noted that he had been concerned when he saw a person taking photographs at the tot lots. He said he found out that this person was a Vanguard inspector.

A resident expressed his concern about trash and hornet nests.

One homeowner who lives very close to the 7-11 store said she is dealing with people who are still not putting trash in proper trash receptacles. She reminded the community of the rodent problem there. The city of Germantown did put rat bait out by the 7-11, and rat bait was also put out in parts of Fountain Hills Community that borders the 7-11 store. There was some discussion regarding enforcement of how to keep people from dumping their trash and encouraging residents to use the receptacles.

A resident on Rising Sun Lane said she notices there is a home near hers that has obvious exterior violations. She asked about an enforcement committee, fees and asked what the HOA can do to help bring neighbors who do not take care of their properties into compliance. She asked what the HOA can do to stop a resident from continuing to have exterior violations. A member of the community said that the problem has been that prior boards were not willing to take action against homeowners whose properties are not being properly maintained. Mr. Muse and Mr. McBeth said a new board will be willing to take more action against these homeowners. Mr. Mahabir encouraged residents to contact Vanguard if they see any obvious exterior violations.

## **V. Unfinished Business**

Mr. Muse reported on the *pooch in the pool* event. He said it made \$50 and they had 50lbs of cat/dog food donated. Mr. Muse noted that the weather had not been perfect, and there was a little bit of rain which may have kept some residents home. Several people would like to participate in this event next year. Next year, the humane society will be on-site to collect donations. A good time was had by all who attended.

## **VI. Pool Pass Computer System**

Last month the Board tabled the electronic pool pass discussion due to concerns over money, safety, and privacy issues. Mr. McBeth said that currently, Fountain Hills uses a paper pool pass system, and he is in favor of having a computerized pool pass system. He indicated the Fountain Hills budget allows \$6,000 for pool pass administration. He said approximately 500 out of the 900 houses in the community get a pool pass. He estimated that would be about \$1,000 in postage. He talked about the other set-up expenses for the bar coded pool passes, and some of these fees Mr. McBeth worked out were; wi-fi at the pool for \$55.00 per month; the cost of the actual software system plus computer is \$3,024 plus \$1,000 for the computer. According to Mr. McBeth, the community would be able to save money on the administration costs for pool passes by going to an automated program. The reasons for wanting to implement this bar coded or 'permanent' pool pass system is to;

Help the environment by,

- Saving paper
- Saving postage
- Saving administration costs in future

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- Saving money for the community as a whole; so that the budget line item could be reduced by several thousand dollars.

One benefit of this electronic pool pass is that residents can be instantly approved or denied access into the pool if their card is linked to the updated delinquency report. Residents who pay their assessment can use the pool, residents who are not up-to-date on their hoa fees cannot use the pool. Now residents delinquent accounts are checked only once a year. With electronic pool passes, homeowners could be checked every time they enter to the pool. This way, they may have a greater incentive to pay their HOA fees.

Mr. Holtzman raised the issue of privacy, and who will be allowed to see the homeowners accounts. The question was raised about who will update and maintain the homeowner list?

*Motion: To table the electronic pool pass discussion. Walsh/Dart 3:3 1 The motion did not pass.*

*Motion: To accept the proposal for automated pool passes for the Fountain Hills Community. Muse/McBeth. 3:3:1. The motion did not pass. The new board will revisit this at the next regular Board meeting.*

## **VII. Candidate Questionnaire**

Mr. Muse, resident and law enforcement officer addressed the issue of the candidate questionnaire that was distributed to the Fountain Hills community. Mr. Muse said he rides/drives through every neighborhood in Fountain Hills. When he received the candidate questionnaire that named him and other members of the Board regarding overspending the budget by \$60,000, Mr. Muse said he was hurt, and “crushed”. Mr. Muse asked why this type of documentation was put out on management letterhead.

Management said the community was approximately \$58,000 over budget; about \$20,000 of that amount was due to the snow removal from the community during the heavy snows last year. Mr. Muse said that people believe what they read. His question was did Fountain Hills overspend by 60,000? Mr Wilson said that the Board went over budget by \$55,950. Mr. Muse said he knew it was not OVER 60,000 as the candidate questionnaire response had stated. Mr. Muse had an issue with the questionnaire responses. At this time, Mr. McBeth spoke up. He said he is a part of the trio that the candidate accused, and he said that this kind of accusation is hurtful and does not appear to show any regard for Mr. McBeth as a member of the Fountain Hills Community. Mr. McBeth said that Mr. Holtzman was very indignant about the pool cards, however he is willing to spend money on dog stations during this time of poor economy. He also said that some of the money spent, was from when the community was trying to get a home situation remedied because of a hoarder.

*Motion: To include the statement of correction from Mr. McBeth into the minutes. MacBBeth/Muse. Vote: 4:3:0. The motion was carried.*

*Motion: To table the remainder of the regular meeting. Mahabir/Muse. 4:3:0. The motion was carried.*

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Mr. Holtzman made a final statement. He said that month after month the community is subject to the diatribes from Mr. McBeth and Mr. Muse, and he said that they are both uncivilized and hurtful. Mr. Holtzman said he is concerned that the information that would be on the electronic pool passes would be something that could be illegally hacked into to gain access to personal information.

**VIII. Adjournment**

There being no additional business at the regular meeting, the regular board meeting for the Fountain Hills Board of Directors adjourned at 8:40 p.m. McBeth/McFadden. Unanimous.

Respectfully Submitted,

Rani M. Pellet  
Recording Secretary