

**Fountain Hills Community Association  
Board of Directors Meeting  
July 1, 2010**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Service Center on Thursday, July 1, 2010 at 7:30 p.m.

**Board Members Present:**

Vernard McBeth, Vice President  
Daryl McFadden, Treasurer  
Frank Walsh, Secretary  
David Holtzman, Director  
Steven Muse, Director

**Also Present:**

Stephon Collins, Community Manager  
Ruth Ann Allen, Recording Secretary

**Board Members Absent:**

Nicolm Mahabir, President  
Brandon Dart, Director

**Homeowner Present:**

Phil Suter, 13384 Rushing Water Way

**A. CALL TO ORDER**

The July Board of Directors Meeting was called to order at 7:39 p.m. by Vernard McBeth.

**B. MINUTES**

**MOTION:** (David Holtzman/Steven Muse) Table the discussion of the Board Meeting Minutes until Frank Walsh, Board Secretary, arrives.

**Vote:** Motion Passed - 3 ayes/1 abstention (McBeth)

Vernard McBeth requested that the discussion on the Minutes will be held later in the meeting even if Frank Walsh does not arrive.

**C. MANAGEMENT REPORT**

1. Extended Pool Hours

Management was contacted by Steven Muse and several other residents concerning extending the pool hours until 9:00 p.m. on Monday, Wednesday and Friday. The normal pool hours are 10:00 a.m. to 8:00 p.m. daily. Management contacted RSV Pools and the cost to extend the pools hours through the end of the season effective Friday, July 2, 2010 would be \$1,944.00. Management suggested that the pools hours could be changed to 11:00 a.m. to 9:00 p.m. on Monday, Wednesday, and Friday, which would mean no cost for the Association.

David Holtzman was concerned about the 9:00 p.m. closing time as the pole lights at the pool do not always turn on at night or they turn on and flicker. Management stated that sometimes the circuit breaker does not get switched on, but Management will have someone check the lights tomorrow.

**MOTION:** (Steven Muse/Vernard McBeth) Approve the hours of pool operation for 11:00 a.m. to 9:00 p.m. on Monday, Wednesday, and Friday, and 10:00 a.m. to 8:00 p.m. on Tuesday, Thursday, Saturday, and Sunday. On September 3, 2010, Labor Day Weekend, the pool hours will be 11:00 a.m. to 9:00 p.m.

**Vote:** Motion Passed - 5 ayes

## 2. Dog Swim

Management mentioned that many pools in the region conduct a dog swim at the end of the pool season. This would be conducted the first weekend after the end of the pool season. The chlorinators would be turned off on the last day of the pool season, thus allowing the pool water to be free of chlorine and safe for the dogs. Owners would be responsible for their pets.

Frank Walsh inquired if there would be a cost to the community. Management stated that there is no cost, but there should be a volunteer at the pool to oversee the dog swim. Only dogs are allowed in the pool; owners are not allowed in the pool.

**MOTION:** (Steven Muse/Vernard McBeth) Approve the Pooch Pool Party which will be free to Fountain Hill residents who have current pool passes. The pool will be closed to humans and open only for dogs. Dogs must have current proof of rabies vaccine and a current dog license. Each dog will be under control of an adult. The event will be held the weekend following the pool closing in September. The specific date and time, dependent on volunteer availability, will be decided at the August Board Meeting. Pre-registration is required.

**Vote:** Motion Passed - 5 ayes

## 3. Final Contract Payment to Winkler Pool Management

The account to Winkler Pool Management has been settled in the amount of \$9,914.60. Millennium Pools inspected the pools and the reports received from Millennium stated there was no evidence that the pool or lines were damaged due to the winterization by Winkler, and the Association did derive a benefit from the repairs that were done. The final payment included the remaining balance of the pool management contract in the amount of \$7,020.00 and payment for the repairs of \$3,074.60 minus the \$180.00 credit from Winkler Pool Management for the fountains.

Vernard McBeth stated that the fountains were not winterized properly, and therefore, the Association should not have paid Winkler Pools anything.

## 4. 13533 Hamlet Square Court

Legal counsel for the Association recommended that an accelerated lien be filed through 2011. Management stated that this had been done. The cost to file for

foreclosure would run from \$750.00 to \$2,300.00.

At the last hearing on this property in May the Judge ruled that the County should move forward with the clean-up process. The County will cover the cost of the clean-up as another lien on the property. The county will be first in line for the lien on this property over the Fountain Hills Community Association.

If the property goes for auction, the auction would be held on the second (2<sup>nd</sup>) Tuesday in June.

5. Waiver of Late Fee for 18809 Sparkling Water Drive, Unit 204

The homeowner of 18809 Sparkling Water Drive, Unit 204, has requested a waiver of the \$5.00 late fee assessed to his account for the June 2010 payment. The homeowner indicated that the check was mailed to the address provided on the coupon booklet, but the envelope was returned stating the P.O. Box was incorrect. The envelope shows that the P.O. Box number was written correctly on the envelope.

**MOTION:** (Vernard McBeth/Daryl McFadden) Approve the request for the waiver of the \$5.00 late fee for 18809 Sparkling Water Drive, Unit 204 as a onetime courtesy.

**Vote:** Motion Passed - 5 ayes

**D. ARCHITECTURAL CHANGE REQUESTS**

1. 13222 Lake Geneva Way

An architectural application was submitted by the homeowner of 13222 Lake Geneva Way for installation of a vent duct to the front of the house to connect to the kitchen exhaust system. The kitchen is on the front of the house, and the townhouse is in the middle of the row of townhouses. Management checked the house and the surrounding houses and did not notice any vents on the front of the houses. The architectural rules do not address this issue. Most of the houses have hoods in the kitchen that do not connect to the outside. David Holtzman stated that the vent doesn't seem to be inconsistent or intrusive on the front of the house.

**MOTION:** (Steven Muse/Daryl McFadden) Conditionally disapprove the application of 13222 Lake Geneva Way. The Board requests that the homeowner resubmit the application and provide photos of the home and attend the August 5, 2010 Board Meeting.

**Vote:** Motion Passed - 4 ayes/1 abstention (McBeth)

2. 13428 Rising Sun Lane

The homeowner of 13428 Rising Sun Lane submitted an architectural application to construct a fence to the rear of the property. The fence will be constructed out of heavy duty pressure treated wood in a dog eared shadow box style.

**MOTION:** (Daryl McFadden/Vernard McBeth) Approve the ARC Application for 13428 Rising Sun Lane for a fence at the rear of the property.

**Vote:** Motion Passed - 5 ayes

3. 13364 Rushing Water Way

The homeowner at 13364 Rushing Water Way submitted an architectural application for construction of a deck constructed with pressure treated lumber framing, composite decking, and vinyl railing. Management checked the measurements of the deck and the deck falls within the approved limits.

Frank Walsh mentioned that the white railings still need to be addressed in the Architectural Rules and Regulations.

**MOTION:** (Daryl McFadden/Vernard McBeth) Approve the installation of a deck at 13364 Rising Sun Lane.

**Vote:** Motion Passed - 5 ayes

4. 13414 Rising Sun Lane

The homeowner submitted an architectural application for replacement of the existing deck boards and railing with pressure treated lumber.

David Holtzman inquired of Management if a homeowner needs an architectural application to replace an existing outside structure, i.e. a deck. Management agreed that an architectural application is not needed for replacement to an existing outside structure.

Management will let homeowner know that an Architectural Application was not needed to replace the deck boards and railing of the existing deck.

**E. MINUTES**

1. May 6, 2010 Board Meeting Minutes

Vernard McBeth stated that the conversation about the Enforcement Committee and the disagreement between Nicolm Mahabir and David Holtzman were not in the May Board Minutes. Management stated that their recommendation is that minutes should be action items and suggested that this matter not be put in the minutes. Mr. McBeth stated that the matter is referred to in the June minutes. Mr. McBeth reiterated that Mr. Holtzman owes the Board president and the rest of the Board an apology. Mr. Holtzman stated that enough time has passed and no one has hard feelings for what was said in May and June, and the matter should be dropped. The Board discussed whether the minutes should be approved at this meeting or wait until Mr. Mahabir is present. The Recording Secretary suggested that she could try to write up a statement to be placed in the May minutes concerning this issue. The approval of the minutes will be deferred until the August Board Meeting.

2. June 3, 2010 Board Meeting Minutes

The Board discussed changes to the Board Minutes.

**MOTION:** (Steven Muse/Frank Walsh) Approve the June 3, 2010 Board Meeting Minutes with corrections and amendments by Frank Walsh and Daryl McFadden.

**Vote:** Motion Passed - 5 ayes

#### **F. HOMEOWNER OPEN FORUM**

1. Phil Suter, 13384 Rushing Water Way, stated that the mowing of his back yard has improved since the last Board meeting.

2. Steven Muse, Board Member, stated that he had concerns concerning the behavior and language of patrons at the pool. Management has talked with the manager and the lifeguards at the pool and they will clamp down on inappropriate behavior at the pool.

#### **G. UNFINISHED BUSINESS**

1. Permit Application for Summer Festival

Frank Walsh noted in the Management Report that the permit for holding the summer festival was for Leaman Park, not Fountain Hills Park. Management stated that the soccer and baseball field are called Leaman Park.

2. Parking for the Summer Festival

Steven Muse inquired as to where homeowners would park for the summer festival. There will be some parking by the pool on Champions Way. Management suggested that the Fountain Hills Community Association could present a written request to the Fountain Hills Condominium for use of their parking lots on the day of the festival on July 24th. Mr. Muse also requested that towing not be enforced on that day.

David Holtzman mentioned that there were several units at 18801 Sparkling Water Drive that have special concerns for parking. Mr. Holtzman stated that as long as there are signs or volunteers to make sure that these parking spots are available, he sees no reason why the Condominium Board would not allow parking in the Condominium on the festival day. This would seem to be a good way to show that the Condominium and the Association can work together in good faith. Management will send a written request to the Condominium Board for use of parking space on festival day, July 24<sup>th</sup>. It was noted that the date of the event was changed from July 17<sup>th</sup> to July 24th.

3. Meeting with Playground Specialists

Frank Walsh mentioned that he thought the representative from Playground Specialists concerning the tot lot on Lake Geneva Way was supposed to be at the July Board Meeting. Management stated that he was not available to attend the July Board Meeting, but will attend the August Board Meeting.

#### **H. NEW BUSINESS**

1. Fountain Hills Fountains

Frank Walsh mentioned that the fountains seem to be running twenty-four (24) hours a day. Mr. Walsh stated that the regular practice was to have the fountains turn on

at 7:00 a.m. and shut off at 11:00 p.m. Management will check on this matter.

2. Street Sweeping

Vernard McBeth and Frank Walsh mentioned that the street sweeping was done poorly. There are still piles of sand especially at the intersections of Fountain Club Plaza. Management will check on this matter.

3. Concerns on Towing

Vernard McBeth mentioned that G&G Towing may be honoring “courtesy” parking passes for commercial vehicles of Fountain Hills residents. Management stated that concerned homeowners can call G&G Towing to have a vehicle towed. Management also suggested that Board Members provide Management a list of vehicles that park in the community overnight, but are not towed.

David Holtzman stated that the Condominium had a similar conversation with G&G Towing last summer, and since that time there has not been a problem. Management will have G&G Towing at the August meeting.

4. Pole Trash Containers

Vernard McBeth inquired about pole mounted trash cans being placed in the community for dog waste. Management stated that the Board would need to decide where these trash cans would be placed and how many. Frank Walsh inquired if the landscape company would remove the waste from the pet waste stations. Management responded that the landscape company would pick up all community trash receptacles, but there would be an additional charge.

**MOTION:** (Vernard McBeth) Approve the purchase of pet waste stations installed in the location suggested by Mr. Dart and on Lake Geneva where the blue trash can is present, at a cost not to exceed \$1,200.00.

Other members of the Board requested that Management provide the cost of the trash stations, along with the extra costs of trash bags and trash removal.

**The motion failed as there was no second.**

Management will check the costs associated with placing doggie bag stations in the community and will make suggestions for placement based on complaints received from homeowners. It was also noted that this issue was not on the agenda.

5. Issue of Conflict of Interest of Board Members

Vernard McBeth mentioned that the action item concerning the issue of Board Members of the Fountain Hills Condominium also being on the Fountain Hills Association Board was not on the agenda. Vernard McBeth requested that legal counsel should be asked about this matter. Management will contact legal counsel concerning whether there is a conflict with being on both the Condominium Board of Directors and the Fountain Hills Community Association Board of Directors. Management will have

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**I. ADJOURNMENT**

**MOTION:** (Vernard McBeth/Daryl McFadden) Adjourn the Board Meeting at 8:59 p.m.

**Vote:** Motion Passed - 5 ayes