

# FOUNTAIN HILLS COMMUNITY ASSOCIATION, INC.

c/o Vanguard Management Associates, Inc.  
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## BOARD OF DIRECTORS MEETING

Thursday, September 2, 2004

### MINUTES

The meeting was called to order at approximately 7:34 p.m.

Present were:

Tom McDowell	Siu Poon	Frank Walsh	William Renner
James Caddell	Charles Butler		

Craig Wilson and William Whitney of Vanguard Management

Also present was homeowner Monika Simmons of 13347 Rushing Water Way

### Homeowners Open Forum:

- Monika Simmons of 13347 Rushing Water Way once again requested an update on the issue of the daycare/boarding house being operated by her neighbor. Craig Wilson reported that a letter had been sent requesting the removal of the sign displayed in the window as well as a request for the owner of the unit to provide copies of all rental leases. Included in the letter was a deadline for the removal of the sign with a fine of \$25 per day to be applied if the deadline was not met. Ms. Simmons raised concern over two other homes in the community and inquired what it would take to prove that the homes were in fact used for boarding renters. Mr. Wilson suggested keeping a log of the daily activities of the "renters" to show they are not merely casual visitors but if they are staying in the home without paying rent than they are not technically "renters". Mr. Wilson went on to state that the matter would be difficult to prove and would ultimately require the board to take legal action. Monika Simmons then questioned whether or not it was possible to change the associations' covenants to which Frank Walsh responded that it was still an issue of providing proof. Tom McDowell seconded Craig Wilson's suggestion that Ms. Simmons maintain a log and added that she obtain a petition from her neighbors. Ms. Simmons further questioned if there was a way of finding out who the house was titled to and whether or not that person was required to live at the residence. Craig Wilson stated that the owner does not have to reside at the premises and that it can be leased out but all current records show the owner, Mr. Mendoza, living there. Siu Poon suggested looking at the names on the current pool passes, if any. Craig Wilson will check the pool pass applications for 13349 Rushing Water Way. Ms. Simmons also commented on the unsightly state of her neighbor's front yard.

### Meeting Minutes:

Regular Board Meeting of August 5, 2004

Tom McDowell made a request to receive the meeting minutes no later than ten days following the meeting.

**MOTION:** By Frank Walsh to table approval of the August meeting minutes until all Officers had the opportunity to read and revise. The motion was seconded by James Caddell and was passed without discussion or opposition by the officers present.

### Reports of Officers:

No reports were made.

## **Report of Committees:**

**Fountain Hills Condominium** Frank Walsh reported that there was a delay in the progress of the construction to repair the fire damage due to failed inspections, including the sprinkler systems. The remainder of the construction is to be completed by the end of September though some residents have reported that they are experiencing difficulties with their insurance agencies.

Also reported by Mr. Walsh was the fact that Fountain Hills Townhouse residents continue to dump their trash in the condominiums' corral and requested that something more be done to alleviate the issue aside from an article in the newsletter such as a flyer sent to the townhouses closet to the condo. Mr. Walsh stated that it was not merely weekly garbage but rather larger items such as old furniture and large boxes perhaps from cleaning or moving. Tom McDowell questioned what more could be done to help solve the problem. Craig Wilson stated that the only real hope would be to catch and then prosecute an offender, essentially making an example of the person but this would require community participation. Mr. Wilson also suggested placing a fake camera as well as signage stated that the area was under video surveillance. Bill Renner suggested establishing a temporary neighborhood watch especially at peak usage times such as weekends and evenings.

**Grounds/Landscaping** Frank Walsh inquired about the tree replacement to take place on Fountain Club Drive. Craig Wilson reported that he had contacted D&A Dunlevy and was awaiting the proposal.

Bill Renner inquired if sidewalk repair fell under the jurisdiction of the Grounds and Landscaping Committee. Craig Wilson stated that a report of the necessary repairs had been sent to the Department of Public Works & Transportation via email. Tom McDowell also stated that it was also a matter of whether or not the sidewalk was the responsibility of the association or the county.

**ARC** To be covered under Unfinished Business

**Web Site** Bill Renner reported updates will be made to the ARC page to request that a site plan be included with submission.

**Pool Committee** Craig Wilson reported that pool season will be ending on Labor Day and that we are working with the "second team".

**Social Committee** Siu Poon reported that she had met with Lisa Follette of the Condominium Social Committee. A community picnic has been planned at the Fountain Hills Park for Saturday October 30, 2004 to include a moon bounce and inflatable slide, the latter to cost approximately \$350. Frank Walsh stated that he would be willing to post flyers at the condominiums and Bill Renner added that he would post the event on the web page.

## **Management Report:**

- **Board Vacancy** There is currently a board vacancy due to the resignation of Steve Kannry at the August meeting. Under the By Laws, an individual may be appointed to serve the remainder of the term. No action was taken because the Annual Meeting is coming up and will include elections for the entire Board.
- **Community Meeting Room** To date nothing more has been received from Mr. Bowie. It was the decision of the board at an earlier meeting to table the issue to such a need arises as to address it further.
- **Community Inspections** Concerning the issue of community inspection raised by homeowner Jim Gribble at the August meeting, Bill Renner reported that he had driven through the townhouse area of the neighborhood on Village Fountain Drive and noticed many homes in need of repair. The question of establishing standards was raised by Tom McDowell to which Craig Wilson responded that there be obvious and visible disrepair present on the home. A suggestion was made by Bill Renner to place all residents on notice prior to the inspections to allow the homeowners time to make any necessary repairs. While homes in the area are currently inspected on a case by case basis, Mr. Wilson commented that on average one person could inspect approximately fifty townhomes in four hours. Mr. Renner proposed the idea of working in teams of two as well as taking photographs of the homes and the problem areas. Tom McDowell advised that the committee first work on setting agreeable standards and

then proceed from there.

- **Newsletter** The newsletter is currently at the printer
- **Grub Treatment** D&A Dunlevy has proposed grub treatment on Porterfield and Noble Oak as well as spot treatments of several areas in the townhouse neighborhoods to alleviate the grub problem. The cost of the project will be approximately \$2,600. The idea is to deal with the issue immediately rather than spending more money later to replace the grass at the sites. Bill Renner commented that it would be more cost effective to act now and would be cheaper than the other options.

**MOTION:** By Tom McDowell to accept the proposal from D&A Dunlevy. The motion was seconded by Bill Renner. Discussion was made by Frank Walsh who questioned whether or not the association had enough funds with the landscaping projects. Craig Wilson responded that as this was a preventative measure the money could be allotted but that if it were to become a yearly occurrence that it would need to be budgeted for. The motion was called to question and passed without further discussion or opposition by all officers present.

- **Delinquency Status** At the present time the association is up to date with all homeowner delinquencies with a few exceptions.
  - Paul- in foreclosure
  - Anderson- currently on a payment plan
  - Price- also on a payment plan
  - Hall- filed bankruptcy but claim was dismissed

Frank Walsh inquired on the status on the Clopper Hills Condominium delinquency to which Craig Wilson responded that a letter had been sent to all units informing the owners of the matter.

## **Unfinished Business:**

- **ARC** Current applications have been reviewed by Siu Poon and James Caddell. A request was made by Siu Poon to receive the applications no later than one week prior to each board meeting.
  - **13213 Lake Geneva Way (TH - deck)** James Caddell advised approval of the request with conditional size stipulations, one foot from the side and five feet from the rear.

**MOTION:** By James Caddell to approve the application. The motion was seconded by Bill Renner and passed without discussion or opposition by all officers present.

- **18943 Fountain Hills Drive (SF - brick patio)** James Caddell commented that the only stipulation that needed to be met was that the patio in question be within the property lines.

**MOTION:** By James Caddell to approve the application. The motion was seconded by Siu Poon and passed without discussion or opposition by all officers present.

- **18900 Porterfield Way (SF - fence)** James Caddell noted that the stipulations for the fence stated that it be four feet from the rear alley and that the request was well within the guidelines with it being proposed at seven feet from the alley.

**MOTION:** By James Caddell to approve the application. The motion was seconded by Charles Butler and passed without discussion or opposition by all officers present.

- **18812 Lake Placid (SF - deck)**

**MOTION:** By James Caddell to approve the application. The motion was seconded by Bill Renner and passed without discussion or opposition by all officers present.

- **18935 Porterfield Way (SF - deck and flagstone patio)**

**MOTION:** By James Caddell to approve the application. The motion was seconded by Siu Poon and passed without discussion or opposition by all officers present.

○ **18625 Autumn Mist (TH - deck)**

**MOTION:** By James Caddell to approve the application with conditional size conditions, one foot from neighbor and five feet from rear. The motion was seconded by Charles Butler and passed without discussion or opposition by all officers present.

Craig Wilson stated that he would send the list of approvals to Rick to post on the website.

**New Business:**

- **Neighborhood Advisory Committees** Craig Wilson reported that under the By Laws there is a provision for the formation of Neighborhood Advisory Committees. Tom McDowell advised that the board acknowledge their existence but not advertise for membership. Charles Butler questioned if the board was required to advertise the committees to which Craig Wilson responded that the wording of the By Laws was open enough that they did not have to but if people were to show up then the board would have to allow their formation.
- **Board Vacancy** There is currently a board vacancy. James Caddell inquired if anyone had desired the position but according to Craig Wilson the vacancy had not yet been advertised. Tom McDowell questioned what would happen if no one were to run in the upcoming board election. Mr. Wilson stated that if that were to occur then they association would be placed in receivership.
- **Board Appreciation Dinner** Siu Poon commented on the need for something to be done to acknowledge the hard work of board and various committees.

**MOTION:** By Tom McDowell to arrange a dinner for the incoming board members. The motion was seconded by Charles Butler and amended to also include the board for this previous year as well as the committees. Discussion was made by Tom McDowell about determining who would be invited. Siu Poon suggested contacting the committee liaisons for lists of active members. Mr. McDowell also raised the question of when the event should occur. Craig Wilson proposed that it be held in lieu of the November monthly board meeting.

**MOTION:** By Tom McDowell to schedule a board/committee appreciation dinner in lieu of the November board meeting. The motion was seconded by Charles Butler and passed without discussion or opposition by all officers present.

- **Annual Meeting** Due to low attendances and inability to form a quorum, Craig Wilson suggested that in the future the Annual Meeting be consolidated into one of the monthly meetings

**MOTION:** By Charles Butler to adjourn. The motion was seconded by Tom McDowell and passed without opposition.

The meeting was adjourned at 9:25 p.m.

The next meeting will be on Thursday, October 7, 2004 at 7:30 p.m. at the Upcounty Government Services Center.

Respectfully submitted,

Lydia C.E. Schairer  
Recording Secretary