

anthem community council

Meeting of the Board of Directors
November 16, 2022, 6:30 p.m. – Open Session
Anthem Civic Building, Community Room

MEETING MINUTES

Members Present:

Darrin Francom, Chair
Carolynn Hiron, Vice Chair
Chilesa Ready, Secretary
Doug Sutherland, Treasurer
Bob McKenzie, Director
Gina Richard, Director

Members Absent:

Barb Patterson, Director

Others Present:

Aaron Baker, Executive Director
Paul Conley, Sr. Director of Finance
Mike Krask, Director of Parks & Facilities
Scott Newell, Aquatics & Programs Director
John Safin, Communications Director
Jonathan Ebertshouser, Legal Counsel
Gay Johnson, Recording Secretary

CALL TO ORDER

Chairman Francom called the meeting to order at 6:31 p.m. and recognized those in attendance.

ESTABLISH QUORUM

Chairman Francom established a quorum with six Board members present.

CONSENT AGENDA/APPROVAL

Chair Francom made a motion to adopt the consent agenda and approve the October 26, 2022 meeting minutes. Vice Chair Hiron accepted the motion and seconded. Voting took place; the motion passed unanimously.

PRESENTATION OF AWARDS/ANNOUNCEMENTS

A. Phoenix Neighborhood Services

Chair Francom introduced Neighborhood Specialist Edward Limon, liaison for Council District 1, working with Ann O'Brien on different issues in CD1. He provided the Mission to Preserve, Enhance and Engage communities through their four divisions: preservation (code compliance, abatement, code compliance, graffiti busters, shopping cart program), admin services (manage program funding, oversight and grant services), revitalization (enhance deteriorating historical home rehab support, restoration, small business assistance), and engagement (community partnerships, share resources, education and outreach events). He also provided information on how to access the services for residents and assist them. Chair Francom expressed his appreciation for the informative presentation and what they do for the area.

STAFF REPORTS/FINANCIALS

A. Executive

Executive Director Aaron Baker supplied information regarding approaching Public Safety roundtable on December 6, upcoming Community Resources Fair on January 19, continued relationships with Anthem Neighborhood Watch with volunteer opportunities, recent Veterans Service Award recipient Darlene Gonzales, Asset Sale with details on the website, MCDOT work in the area, and modified hours of operation for the Civic Building and Community Center during Thanksgiving Holiday and Winter Break.

B. Programs

Director of Programs & Aquatics Scott Newell the Aquatics report of activities including swim team, dive team, synchro team all in the water and hosting final triathlon of the year on December 10 at the Community Center; in Sports & Fitness had huge turnout at 2nd Annual Pickleball Tournament, holiday hours posted on the doors and online, Anthem Turkey Trot on Thanksgiving Day 8am-noon, hosting day-after-Thanksgiving flag football tournament; in Parks/Fields and Security new non-resident check-in procedure for SK8 & Ride Park and a new skateboard instructor for private, semi-private and group lessons; in Youth/Family Programs camps running Thanksgiving Break, Winter Holiday Break and returning Polar Express theme in cooperation with the Daisy Mountain Railroad on December 20 with limited tickets available for this festive December 20 event.

C. Parks and Facilities

Director of Parks & Facilities Mike Krask supplied the Facilities report of installation of the ACC holiday lights, automated security gate installed at Parks & Facilities, air handler replacement units for Daisy Mountain Veterans room in the Civic Building, Community Center parking lot lights LED conversion providing more light at 1/3 of the cost, Poly to PVC conversion ongoing, painting of softball stands commencing on November 21; in Landscaping of Phase 2 Arborist cutback has completed yearly 20% maintenance, extensive revisions of storm water run-off in Sierra area and storm clean-up with stump removal throughout Anthem; in Parks playground equipment refurbishment or replacement, Daisy Mountain Railroad 10% of the old railroad ties being replaced this year, Sprint tower changing to Dish, Verizon tower replacement on December 1, installation of concrete flatwork replacement.

D. Financials

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Sr. Director of Finance Paul Conley spoke on status of accounts, informed of the upcoming Asset Sale in November with flyers available soon and more details on the website. Quick report on Facilities Master Plan, with issues on landscaping completion for Tennis Court 1, North Lawn quotes are within our \$400,000 budget, with an opportunity for a Board member to be included in interviews. Reserve item for A/V system in the Civic Building decision forthcoming, but quoting of microphones is a eight to ten month backlog, unless availability frees up. Full disclosure financial statements are posted at *OnlineAtAnthem.com* as part of the documents for the open meeting.

Resident Ron Jerich inquired with dramatic downturn in house sales, how would that impact the Board moving forward on their projects in the Enhancement Fund Program. Mr. Conley supplied allowances to the Finance Committee but no one enhancement project was so big that it would impact us to drain us, doing them in stages of smaller projects going first with enough money in the bank to do first two years of enhancements without any more money. A review of accounts, looking at year three and four we will need to adjust the schedule of starting those projects. Chair Francom also provided that the key point is to adjust the schedule to align with the revenue stream that we have.

E. Communications

Communication Director John Safin provided information on breathtaking Veterans Day Ceremony with weather as a concern, and upcoming Martin Luther King Day Celebration on January 16 with update presentation later in the meeting with details, 2023 Special Events Calendar coming soon. Family Safety Preparedness Night on November 2 was a good turnout with hopes that next year's will be bigger and better and thanks to attendees for all their expertise and time in the event, and on December 9 at 9am, Friends of Daisy Mountain Trails Town Hall Meeting will host Maricopa County Supervisor Chair Bill Gates from District 3.

Director McKenzie motioned to accept the Staff Reports and Financials as presented with our thanks. Vice Chair Hiron seconded. Voting took place; the motion passed unanimously.

COMMITTEE REPORTS

A. Update from Finance Committee

Committee Chair Sutherland stated that the Finance Committee postponed their meeting until November 29. Chair Francom stated that no motion was necessary.

OLD BUSINESS

A. Martin Luther King Day Event Update

Chair Francom introduced Communications Director John Safin. Mr. Safin stated they were tasked with creating the very first official Anthem Hosted MLK Day Celebration at the August Board meeting. He gave an overview of the history of the day, the theme of "A Day of Unity and Community Service" with Anthem blue inclusive in advertising as it is the color of unity, The event will take place on January 16 at 9am in the Community Park Amphitheater, the perfect setting for shared seating, interaction, bringing comradery, the natural beauty of the surrounding area, to focus on the stage, the speakers, the message and what's being portrayed, then culminating in the Unity Walk from the amphitheater around the Community Center, along Anthem Way, ending at Ramada 1 in the park. Still working on the Keynote Speaker.

Treasurer Sutherland made a suggestion of the Assistant Coach of the Phoenix Suns, Michael Ruffin, a member of our own community to bring his perspective and experiences.

Director McKenzie complimented Mr. Safin on his presentation and the outline of the event.

Secretary Ready inquired as to whether there is a flyer available. Mr. Safin provided that Ms. Eileen Cosby would be sharing that soon for publication on the website and wherever possible. Ms. Ready also inquired about attire availability for the event. Mr. Safin said that items of significance are being considered and is welcome to suggestions. Chair Francom expressed his appreciation for the presentation and approach.

NEW BUSINESS

A. Additional 2022 Reserve Funding

Chair Francom introduced Mr. Conley who provided the background and recommendation from staff of the anticipated \$500,000 surplus be transferred to fully fund the Reserve per the Reserve Study suggestions. With no further questions or comments from the Board and residents, Chair Francom entertained a motion.

Director McKenzie made a motion to authorize the transfer of the funds. Treasurer Sutherland seconded. Voting took place; the motion passed unanimously.

B. New IT Contract

Chair Francom introduced Executive Director Aaron Baker who gave background of the IT agreement for professional services from AAM. Mr. Baker introduced Rick Black and Alex Borshch from AAM to answer any questions.

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Resident Shari Miller inquired as to what happened to the previous vendor, how long did we have them and price comparison. Mr. Baker supplied that the current vendor for about a decade. The monthly reoccurring costs is comparable to what we are paying now, but the new on-site technician would be a new cost, combined these are still cheaper than hiring a new employee. Ms. Miller voiced her concern for consideration of the learning curve involved. Chair Francom appreciated the concern and thoughtfulness on it.

Resident Ron Jerich inquired as to other communities AAM is involved in in the same capacity as the ACC. Mr. Black supplied that Sun City Hilton Head in South Carolina and locally Sun City Festival. Mr. Jerich asked about the relationship to the AAM at the start of the community. Mr. Black supplied it is the same company, but not sure of the same people involved. Mr. Borshch further supplied that they are just IT people, not Community Managers, never want to do that job, just nerds. Mr. Jerich voiced his concern over going from one vendor to another is not easy, to consider why you are making the change. Mr. Black spoke to that concern, that the advantage of AAM over your typical service IT provider, is they have been through a lot of these types of changes. Mr. Baker also stated that part of the transition would be a planned overlap of several months between the old and new provider. With no further questions or comments, Chair Francom explained that this a deviation from our normal purchasing policy, which indicates an open Request For Qualifications for Professional Service Contract, the Board needs to consider that and incorporate that moving forward to making a motion.

Director McKenzie moved to authorize the ED in conjunction with our to proceed with executing the contract and further we waive our usual bidding procedure due to the extensive research already done by our Executive. Vice Chair Hiron seconded. Voting took place; the motion failed due to lack of majority. The record to reflect to those who voted aye were Director McKenzie, Sutherland and Hiron; those in the negative Director Richard, Francom and Ready. Chair Francom explained his vote isn't not in favor of moving to a new contract, not a vote to say that I don't have a great trust in AAM, I just felt that even though I know it will elongate the process it is important to have an open Request For Qualifications to ensure that something of this magnitude that we select the firm that is best qualified, certainly may be AAM. The process would potentially generate more of buy-in across council and staff, letting all be involved in the selection. On behalf of the Board there is great room for improvements and would like to move forward to obtain those improvements because we think it is a wise move as a council and protective of our security, our information and perhaps a better level of service to the ACC. Secretary Ready provided that her sentiments are similar to Mr. Francom in addition to be concerned about setting a certain precedent and there is a certain protocol set that it is adhered to.

C. St. Rose Classroom

Chair Francom introduced Executive Director Baker to review the classroom at the existing St. Rose Church campus. Mr. Baker stated that the plan has gone through internal review and conforms with the standards. It is a permanent use classroom moved from Ridgeline Academy.

Resident Ron Jerich inquired as to the location of the facility. Mr. Baker answered St. Rose Church, Chair Francom added that it would be in their parking lot area. With no other comments from the Board or residents.

Director McKenzie made a motion to approve the classroom for St. Rose Church. Treasurer Sutherland seconded. Voting took place; the motion passed unanimously in favor.

OPEN DISCUSSION

Resident Ron Jerich commented that the issue of the IT contract, in his opinion that it the Board had jumped into this too quickly, they have not looked at all the alternatives and it was the wrong way to go. There needs to be more thought put into the subject.

Resident Ron Jerich then recounted his conversation with Mr. Baker about the Sk8 Park finances and how they differ in opinion on the matter. Mr. Jerich opined that the judgment call on non-resident usage and the amount of money was not based on mathematical facts. Mr. Jerich inquired about another review of usage in the near future. He stated that the Council is asking the residents to pay for oversight, which he believes the ACC should never do.

Resident Ron Jerich voiced his concern over Amped Coffee and the noise produced at a recent celebration. He called MCSO, along with a number of other residents, and visits were made to the facility by deputies. The residents aren't happy. Legal Counsel previously said that no actions can be taken against them unless violations come up. Violations have come up on the first day, so what are we going to do to continue with amplified noise. Chair Francom corrected Mr. Jerich that it might be the Bearded Barber. Mr. Ebertshauser comment that for the ACC to take actions for violations of the recorded deed restrictions for that parcel, the action by the property owner would have to be some sort of nuisance. Per Mr. Ebertshauser, the complication for the ACC is that to prove a nuisance, we would have to establish some sort of pattern of violations. A singular event may not be enough, it could be, but it typically is not enough to justify nuisance. Instead, we look to MCSO because the ACC does not

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have a noise ordinance. Anthem is not a town or a city. Consequently, Anthem can't pass that kind of ordinance. When we look at just the deed restrictions, all we have is the nuisance clause. Instead, we rely on our partners, Maricopa County Sheriff's Office, to enforce the county ordinances with regards to this. It's quicker, it's more effective, and certainly more appropriate than a nuisance violation when we are talking about a singular event. Chair Francom provided that the Board has talked about this, with legal counsel. The first line of enforcement is with the county, who does have a noise ordinance. If over time it became a pattern that we could define that is a nuisance that falls within the restrictions and covenants on the property itself, then the ACC may be able to move, but it is very secondary and probably very delayed from the action Mr. Jerich took as a resident or as a citizen to contact MCSO. The Board's advice to Mr. Jerich and other residents who feel that Bearded Barber, Amped Coffee or any other business are outside the lines of the applicable ordinances is to work with the appropriate law enforcement agencies, MCSO or City of Phoenix. Mr. Jerich supplied that MCSO said they can't do anything because we don't have a noise ordinance. Chair Francom provided that that communication will be shared with MCSO. Anthem does not need one, we are part of the county itself and therefore the county ordinances are the ones to comply with. Ms. Shari Miller inquired as to what time this incident occurred. Mr. Jerich supplied that it was from 6-10pm. Ms. Miller supplied that the county ordinance specifies after 10pm the noise ordinance pertains.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:45 p.m.

Respectfully Submitted,

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1/26/2023

Chilesa Ready, Secretary
On Behalf of the Anthem Community Council Board of Directors