

Corrected as Approved on May 1, 2012

**Fountain Hills Community Association
Board of Directors Meeting
April 5, 2012**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Center on Thursday, April 5, 2012 at 7:30 p.m.

Board Members Present:

Phil Suter, President
Nicolm Mahabir, Vice President
Danial Magid, Treasurer
Frank Walsh, Secretary
Sue Adamkiewicz, Director
Tom Brennan, Director
Siu Poon, Director

Also Present:

Stephon Collins, Community Manager
Ruth Ann Allen, Recording Secretary

Homeowners Present:

Monika Simmons, 13347 Rushing Water Way
Coretta Jefferson, 13403 Rising Sun Lane
Harry Matchett, 13220 Lake Geneva Way

Contractor Representatives Present:

Mike Holt, RSV Pools, Inc.
Andy Morton, ValleyCrest Landscape Maintenance, Inc.

A. CALL TO ORDER

The April Board of Directors Meeting was called to order by Phil Suter at 7:33 p.m.

B. MINUTES

1. March 1, 2012 Board of Directors Meeting Minutes

MOTION: (Phil Suter/Tom Brennan) Accept the March 1, 2012 Board of Directors Meeting Minutes as amended.

Vote: Motion Passed - Unanimous

C. REPORTS OF OFFICERS AND DIRECTORS

1. Resident Comments

A comment was received from a homeowner suggesting that the pool be opened for outside memberships. It was noted that this year's paper work has already been filed with the County for the pool and with outside memberships, the pool would need to be

ADA compliant. The Board noted that the majority of pool members would need to agree to outside memberships, and there is a County pool very close to Fountain Hills. The Board can discuss this issue for next year in January or February.

All matters received from residents concerning violations were forwarded to the Enforcement Committee.

A homeowner inquired if a fence could be installed across from 13322 Rising Sun Lane to mimic the fence in front of 13322 Rising Sun Lane. It was noted that the fence across the street is an exception because it was the model home.

An inquiry was received about the replacement of the tot lots on Rushing Water Way and Autumn Mist Drive. Management stated that these tot lots are on the reserve schedule for replacement in FY2013, which would be after July 2012. The Board requested that Management solicit bids from Playground Specialists for replacing these tot lots.

A complaint was received concerning the area around Rushing Water Condominiums. In particular, the complaint noted scattered trash along the street, playing basketball in the common area, and damage to cars. In general, the complaint noted that the area is not well maintained. Management stated that Chambers Management manages the Rushing Water Condominiums, and they only do the financials. As the condos are a sub-association, there is not a whole lot of enforcement. The Board requested that a letter be sent to homeowners of the Condominium to address the complaints and to inform the residents to contact the police to request more patrols in that area. Homeowners should also call the police to report specific incidents. The Board suggested that Management contact the homeowner who made the complaint to provide addresses for items that are community violations.

2. Trimming of County Trees

The County has trimmed all the trees in the community that are located on County property.

3. Update on 13533 Hamlet Square Court

Management reported that the house at 13533 Hamlet Square Court was sold at the tax lien sale in May, but the purchaser backed out of the contract after discovering that there was \$50,000.00 in clean-up costs that would have to be paid. The County will attempt to sell the house next tax lien sale in June.

4. Installation of Cameras at Entrances to the Community

Nicolm Mahabir stated that three (3) contractors submitted bids for installing cameras at the entrances to Fountain Hills. The cost for these cameras would run about \$90,000.00 to \$100,000.00. Mr. Mahabir suggested that the project be tabled. The Board thanked Mr. Mahabir for his work on this issue.

D. COMMITTEE REPORTS

1. Architectural Control Committee

Phil Suter reported that the color palette samples for the community have been ordered. The committee will check these colors with the houses in the community and provide comment to the Board.

2. Landscape Committee

Phil Suter, Nicolm Mahabir, Siu Poon, and Frank Walsh, acting as the Landscape Committee, met with ValleyCrest Landscape to discuss options for landscaping at the entrances to the community and at the pool house, after which ValleyCrest submitted a proposal for this landscaping. At this time, no work will be done at the entrance at Village Fountain Drive as the County will be installing a sidewalk in that area. Management stated that the Landscape Improvement budget includes funds for landscaping the entrances.

MOTION: (Phil Suter/Siu Poon) Accept the Landscape Proposal from ValleyCrest Landscape Maintenance for landscaping at the pool house and the entrances to Fountain Hills for \$8,810.00.

Vote: Motion Passed - Unanimous

Andy Morton, ValleyCrest Landscape, stated that their arborist looked at the trees in the community and many need major pruning and others need to be removed. The Landscape Committee will meet with ValleyCrest to look at the trees and ValleyCrest will submit a proposal for this work prior to the next Board meeting.

The Board forwarded Management information on a program from the State of Maryland for the purchase of trees costing no more than \$30.00. Management called the contact phone number for this program, but has not received a returned call.

3. Enforcement Committee

Harry Matchett reported that an inspection had been done on April 1, 2012. Management stated that the violations submitted by the Enforcement Committee were sent out on April 5, 2012.

4. Social Committee

Siu Poon reported that a community yard sale is scheduled for June 2, 2012. A flier will be distributed in the community and will be included on the website.

E. CONTRACTOR REPRESENTATIVES

1. RSV Pools

Mike Holt was present as the area manager for RSV Pools. Mr. Holt stated that he understood two (2) of the issues that needed to be handled better for this pool season are

communication and getting things done in a timely manner. Mr. Holt stated that he will

work on improving these areas. Mr. Holt also stated that Lindsey, the pool manager from last summer will be returning to Fountain Hills as the pool manager.

Phil Suter mentioned that last year's pre-inspection of the pool was received late. A general contractor could have done some of the things that were identified as needing repair, but there was not enough time. The Board requested that any pre-season matters regarding the pool be brought to the Board by the May Meeting.

Mr. Suter also emphasized that the pool must never be drained onto the Fountain Hills Condominium parking lot. Management also stated that to avoid overflow, the backwash can only be run for two (2) minutes.

The Board also emphasized that there must always be at least one English speaking guard at the pool. This was not the case too many times last season.

The Board requested that Mr. Holt review the pool rules to determine if they are consistent with other pools and to let the Board know if any of the rules cannot be enforced. The Board also mentioned that last year there was inconsistent enforcement of the pool rules which led to homeowner complaints and therefore this year, the rules must be consistently enforced.

The Board mentioned that a walk through of the pool by RSV Pools was to be done at the end of the last pool season, and this inspection report was never given to Management.

Nicolm Mahabir thanked Mr. Holt for coming and mentioned that Mr. Holt was invited to come to any of the Board Meetings. Mr. Mahabir mentioned that Management speaks for the Board and if there is any problem with the Community Manager that Mr. Holt should contact Craig Wilson, Vanguard Management.

2. Valley Crest Landscapes

Andy Morton, ValleyCrest Account Manager, stated that the first cutting and the mulching was done in the community. Mr. Morton apologized that the first mowing was not up to par. Mr. Morton stated the mowing operations will improve. Mr. Morton stated that smaller blade mowers will be used on the front yards and the hills. The landscapers will work in the community for two (2) days for lawn maintenance.

Mr. Morton stated that the pre-emergent application and fertilization of the turf was just completed, but it will take a few days to see any effect. Mr. Suter stated that the turf has a lot of weeds and needs help. Mr. Morton stated that the weeds should begin to die soon and another weed treatment can be done if necessary.

Tom Brennan requested that ValleyCrest put together a flier to include tips and advice for homeowners on taking care of their yards. Mr. Morton agreed that this was a great idea and will provide the information to Management. This information can be included in the newsletter and placed on the website. It was also suggested that this information could be provided seasonally.

F. HOMEOWNERS OPEN FORUM

1. Harry Matchett, 13220 Lake Geneva Way, mentioned that there are trees at the tot lot on Lake Geneva Way that have not been mulched or weeded. The members of the Landscape Committee stated that some of the trees were going to be naturalized and not mulched. Management requested that all this information be emailed to him so that Management can determine if these trees are to be naturalized or mulched.

Mr. Matchett also stated that a tree was trimmed at the rear of the house, but the broken branch was not removed. Management will ask ValleyCrest to remove the branch.

2. Monika Simmons, 13347 Rushing Water Way, mentioned that she has been fighting the Bermuda grass in her yard that has been coming from the common area. Ms. Simmons requested that something be done to prevent the spread of the Bermuda grass. Ms. Simmons also mentioned that grass clippings are being thrown into the mulched areas of her yard when the common area is mowed. The Board stated that they had already asked ValleyCrest not to blow grass clippings onto the flower beds and landscaping around the houses. Ms. Simmons also mentioned that the mowers have dug into the ground and there are areas with no grass. The Board stated that they are working with ValleyCrest to correct these matters.

3. Coretta Jefferson, 13403 Rising Sun Lane, stated that her vehicle was towed as the handicap tag was not on the window of her vehicle. Ms. Jefferson stated that she parks in the handicap spot that has a handicap symbol on the parking space, but there is no sign at the head of the parking space about towing. Ms. Jefferson requested the reimbursement of the \$168.00 towing charge as the towing sign was not installed on that handicap spot.

The Board requested that Management have a sign installed on this parking space.

The Board stated that they will discuss this matter later in the meeting and Ms. Jefferson will be notified by a letter of the Board's decision.

3. Harry Matchett, 13220 Lake Geneva Way, stated that there is an open drain near the tot lot on Lake Geneva Way. Mr. Matchett stated that this is a safety issue and someone is going to get hurt. Management stated that this drain was to be fixed earlier in the week, but it has not been done. Management stated that it will be fixed in the next couple of days.

Mr. Matchett also stated that Comcast has still not fixed the exposed wire. The Board suggested that it could be repaired by homeowners. Management stated that they are not comfortable with homeowners fixing the wire as it is on common area and is the property of Comcast. The Board agreed to give Comcast a week to fix the problem.

G. MANAGEMENT REPORT

1. New Committee Member

Management provided the Board with a request from resident Brenda Salas, 13515 Hamlet Square Court, to join the Social Committee and the Pool Committee.

MOTION: (Phil Suter/Tom Brennan) Approve Brenda Salas, 13515 Hamlet Square Court, to join the Social Committee and the Pool Committee.

Vote: Motion Passed - Unanimous

2. Pool Management Contract

RSV Pools agreed to the requirements set forth by the Board at the March 2012 Board Meeting and the Board voted electronically to approve the contract with RSV Pools for one (1) year at a cost of \$63,962.00.

MOTION: (Phil Suter/Siu Poon) Ratify the discussion to award the pool management contract to RSV Pools for one (1) year at a cost of \$63,962.00.

The motion was withdrawn.

MOTION: (Phil Suter/Tom Brennan) Appoint the pool management contract to RSV Pools effective for one (1) year at a cost of \$63,962.00.

Vote: Motion Passed - Unanimous

3. Fountain Management Contract

Management provided the Board with a contract from Community Pools for management of the fountains in Fountain Hills at a cost of \$4,200.00.

MOTION: (Phil Suter/Nicolm Mahabir) Approve the fountain Management contract to Community Pools for one (1) year at a cost of \$4,200.00.

Vote: Motion Passed - Unanimous

It was noted that the Board did not consider approving the pool and fountain contracts for more than one (1) year.

4. Amend Suit for 13510 Rising Sun Lane

The homeowner filed for Chapter 7 bankruptcy protection on August 12, 2011 and was granted a discharge by the US Bankruptcy Court. The Board previously voted to write-off \$5,335.30 as bad debt, however the post-petition amount is \$481.20 in assessment and late fees and the charge from legal counsel to amend the suit and remove the pre-petition bankruptcy balance is \$300.00. The Association has up to twelve (12) months to amend the suit filed in August 2011. Management recommends waiting to file an amendment to the suit to allow the Association to include a greater amount of assessments.

The Board agreed to table the decision on this matter until the July Board meeting.

5. Request for Extension to Correct Violation

Management provided the Board with correspondence, from the homeowner of 13510 Rising Sun Lane, requesting a thirty (30) day extension to remove the blue tarp on the roof. The homeowner is working with the insurance company to make repairs.

Management noted that the homeowner has already been fined. If the Board agrees to the requested thirty (30) day extension, the fines would cease for that amount of time. If the repair has not been completed after the thirty (30) day extension, the fines can be started again.

MOTION: (Siu Poon/Phil Suter) Give the homeowner of 13510 Rising Sun Lane a grace period of thirty (30) days.

Vote: Motion Passed - Unanimous

6. Default Judgement for CCOC Cases

The Association filed two (2) CCOC cases for the homeowners of 13110 Lake Geneva Way and 13523 Hamlet Square Court. Neither homeowner has responded to the complaint. The CCOC is asking the Board whether they should move forward with a default judgment on behalf of the Association.

The violation for 13110 Lake Geneva Way is for a trash can and 13523 Hamlet Square Court is a violation for repair of the roof. There is currently over \$445.00 in fines connected with 13523 Hamlet Square Court.

MOTION: (Phil Suter/Siu Poon) Request that the CCOC move forward with filing a default judgement for 13110 Lake Geneva Way and 13523 Hamlet Square Court.

Vote: Motion Passed - Unanimous

7. FY2013 Draft Operating Budget

At the March meeting, the Board approved distribution of the FY2013 draft budget to homeowners. It was suggested that that the Board allow another month for homeowner comments as, although the draft budget was placed on the website, the notice to homeowners did not get mailed out in a timely manner.

The Board agreed to table the approval of the FY2013 draft budget until the May 2012 Board Meeting.

Harry Matchett, 13220 Lake Geneva Way, had questions concerning the FY2013 draft budget for Management and the Board. Due to the time constraints, the Board suggested that Mr. Matchett discuss his concerns with Management at their office. Mr. Matchett agreed to talk with Management at another time.

It was also noted that certain details were not included with the budget on the website as it becomes very easy for contractors to look at the specific financial information on contracts.

Tom Brennan suggested that the Board consider holding a meeting for

noted that as there was only one (1) homeowner present at the Board meeting with concerns and that the Board would be surprised if other homeowners would show up at another time.

8. Maryland Personal Property Return

Management provided the Board with a copy of the Personal Property Return that will be filed with the State of Maryland upon signature of the Board president.

H. UNFINISHED BUSINESS

1. Concrete Repair

Management stated that RFPs were sent to five (5) contractors and they are waiting for the proposals to come back.

2. Stop Signs

Management is waiting for a response from the County on adding stop signs to the entrances of Fountain Hills.

3. Risk Assessment

Management stated that the Association's insurance company has been to the community to do the risk assessment.

4. Management Contract

It was stated that the contract does not need to be changed with Vanguard Management, but Tom Brennan requested that a service level of agreement be drafted to improve the relationship between Management and the Association. Mr. Brennan will draft a service level of agreement for the next Board meeting.

5. County Sidewalk Extension

Homeowners of Fountain Hills Community Association received a notice from the Montgomery County Department of Transportation stating that a shared use path would be installed along Clopper Road from Village Fountain Drive to Little Star Lane. The Board has agreed to the installation of the path.

MOTION: (Phil Suter/Tom Brennan) Send a letter of conditional support to the County for installation of the pathway on Clopper Road from Village Fountain Drive to Little Star Lane.

Vote: Motion Passed - Unanimous

I. NEW BUSINESS

1. Damage to Monument Sign at Entrance to Village Fountain Drive

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Management filed a claim with the driver of the vehicle that was charged with causing the accident. The driver's insurance company felt that the truck, a ValleyCrest subcontractor, was responsible and thus, they would not be paying on the claim. Management has turned the matter over to the Association's insurance carrier to process and they will subrogate against the appropriate individual.

Management stated that the monument signs are reserve expenditures and the signs are due for replacement in two (2) years according to the Reserve Study.

2. Request for Waiver of Towing Charge for 13403 Rising Sun Lane

The Board discussed the request from Coretta Jefferson of 13403 Rising Sun Lane for waiver of the towing charge of \$168.00.

MOTION: (Frank Walsh/Siu Poon) Deny the request for a waiver of the towing charge of \$168.00

Vote: Motion Passed - 6 ayes/0 Nays/1 Abstention (Adamkiewicz)

J. ADJOURNMENT

MOTION: (Siu Poon/Frank Walsh) Adjourn the Board of Directors Meeting at 9:37 p.m.

Vote: Motion Passed - Unanimous