

**Fountain Hills Community Association
Board of Directors Meeting
February 3, 2011**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, February 3, 2011 at 7:30 p.m.

Board Members Present:

Phil Suter, President
Vernard McBeth, Vice President
Daryl McFadden, Treasurer
Frank Walsh, Secretary
Shirley Fair, Director
Nicolm Mahabir, Director
Steven Muse, Director

Also Present:

Stephon Collins, Community Manager
Craig Wilson, Vanguard Management
Ruth Ann Allen, Recording Secretary

Homeowners Present:

Robin Richards, 18736 Harmony Woods Lane

A. CALL TO ORDER

The February Board of Directors Meeting was called to order by Phil Suter at 7:36 p.m.

B. MINUTES

1. November 4, 2010 Board of Director Meeting Minutes

The minutes of the November 4, 2010 Board of Directors Meeting still need to be approved. The Board members requested that the approval of the minutes be delayed until the March Board Meeting.

MOTION: (Phil Suter/Vernard McBeth) Delay the approval of the November 4, 2010 Board Meeting Minutes until March.

Vote: Motion Passed - 6 ayes/1 abstention

2. January 6, 2011 Board of Director Meeting Minutes

MOTION: (Phil Suter/Vernard McBeth) Approve the January Board of Director Meeting Minutes as amended.

Vote: Motion Passed - Unanimous

C. MANAGEMENT REPORT

1. Revision of the Enforcement Policies and Procedures

Vernard McBeth requested that the wording in the Violation Enforcement Procedure under Item 1C, #2, be changed to include “of no less than one (1) day” to motivate homeowners to fix the violation quickly. The violation letter will state how many days the owner has to correct the violation.

MOTION: (Vernard McBeth/Phil Suter) Change the language in the Violation Enforcement Procedure under Item 1C, #2 to read “The Member will then have a time period of no less than one (1) day, but not to exceed fifteen (15) days from the date of the violation notice, to correct the violation.”

Vote: Motion Passed - 7 ayes

2. Change of Fiscal Year/Annual Meeting

The Board of Directors directed Management to look into the possibility of changing either the fiscal year and /or the Annual Meeting date. Legal counsel stated that the Board may elect to change the fiscal year by vote of the Board. There would be an additional cost of having a mid-term audit to close out the books and notification to the homeowners. Management stated that the cost of the audit would be around \$3,000.00.

To change the Annual Meeting or terms of directors which are set for the By-Laws, would require an amendment. An amendment to the Fountain Hills By-Laws requires a two-thirds (2/3) approval by the homeowners, but Montgomery County Code allows for approval by a majority vote.

Vernard McBeth stated that the way the system is set up now, a new Board has to work with the previous Board’s budget.

The Board agreed to table the decision on this matter.

3. Contract for DC Metro Pet Services

The pet waste stations have been ordered. The Board noted that DC Metro Pets will use the results of the survey of the community to make recommendations on where the pet waste stations should be located. The Board agreed that they would make the final decision on locations of the pet waste stations. Also in the contract, it states that DC Metro Pets would be allowed to place ads in the community newsletter or web site. The Board requested that this statement be removed from the contract.

The Board has already decided on several areas where the pet waste stations should be placed. Management will provide DC Metro Pets with a map of the community to mark the planned locations of the pet waste stations.

MOTION: (Phil Suter/Vernard McBeth) Approve the agreement with Fountain Hills Community Association and DC Metro Pets. Management will provide DC Metro Pets a property map to mark the exact locations of the stations.

Vote: Motion Passed - 5 ayes/2 abstentions (Walsh/Mahabir)

4. McFall & Berry 2011 Lawn Maintenance Contract Addendum

Management provided the Board with the addendum for the upcoming 2011 Lawn Maintenance Contract from McFall and Berry. There is no increase in the contract cost for this period.

MOTION: (Phil Suter/Vernard McBeth) Accept the contract addendum for the 2011 Lawn Maintenance Contract from McFall & Berry.

Vote: Motion Passed - Unanimous

5. McFall & Berry Tree Replacement Proposal and Flower Bed Enhancements

Management provided the Board with proposals from McFall & Berry for tree removal, tree replacement, and flower bed enhancements. Vernard McBeth requested that this matter be tabled, as a full landscaping plan with pictures and locations was not provided by McFall & Berry. Phil Suter stated that, since there is no Landscaping Committee, he would be willing to meet with McFall & Berry to look at these areas and help develop the suggestions for trees and flower bed enhancements. Frank Walsh pointed out an address error in their current proposal; there is no entrance at Liberty Mill and Dawson Farm.

Management suggested that McFall & Berry had not had enough time to provide all the details that the Board wanted for landscaping plans. The Board suggested giving McFall & Berry until April to provide a map of the entire community with landscape plans and plot maps for flower bed layouts.

6. Pool Management/Operation

a. Pool Parties

Currently the pool policy prohibits pool parties, but the policy does not prevent residents from bringing outside food to the pool.

MOTION: (Vernard McBeth/Steven Muse) Strike from the Pool Policy, Item 12i, “No pool parties” until the issue comes up again.

Frank Walsh stated that there had been complaints from homeowners about pool parties. It also interferes with the right of other homeowners to enjoy the pool when there are parties.

Management stated that the concerns with having pool parties at the pool is that during a party, the number of patrons could exceed the number which can be safely covered by the life guard staff. Phil Suter suggested that pool parties could be allowed, but limitations set on the number of guests. Management suggested defining a party by the number of guests allowed. Mr. McBeth did not want to define this.

Vote: Motion Passed - 5 ayes/1 nay (Walsh)/1 abstention (Suter)

b. Pool Policy and Procedures

Management provided the Board with the Fountain Hills Pool Policy for their review as the language will need to be modified to comply with the new procedures for pool passes.

Phil Suter stated that he did not want to take Vanguard out of the equation of pool pass applications. Management stated that this new procedure for pool passes is a complete one hundred eighty (180) degree difference in the way it has been handled in the past. Management stated that Vanguard could not guarantee staff at the pool for adding residents into the computer or taking pictures as staffing is subject to their willingness and availability.

The Board requested that the pool pass applications be sent to Vanguard. These applications will be picked up by a Board member or a Pool Committee

member and volunteers will enter the information into the pool computer and take the pictures of residents. Once the pool pass applications have left the Vanguard office, Management is not involved in the rest of the pool pass process. Management will provide the Pool Committee and/or Board with a delinquency list each week during the summer so the information can be input in the computer at the pool.

The Fountain Hills homeowners will need to be informed that if their account is delinquent, they will not have access to the pool. Additionally, homeowners who have tenants will need to return the pool passes when their tenants move out, or be charged for the unreturned pool pass cards.

If a pool pass card is lost, the homeowner will need to request a new card and pay a fee of \$50.00 to have it replaced. The Board suggested that Management handle the application for a new pool pass and the check. Once the check has cleared, the Pool Committee or Board will be notified to notify the homeowner can pick up the pool pass at the pool.

Management stated that a laptop lock should be purchased for the laptop at the pool.

Management will draft a cover letter and revise the pool pass application to be inline with the computerized system. Management will send out the pool applications to homeowners, along with putting it on the web site.

Phil Suter also requested that on the bottom of the application there should be a place for the person taking the picture and the applicant to sign at the time when the pictures are taken acknowledging that the resident had received their pool passes.

Phil Suter requested that the Homeowners Open Forum be handled at this time as the meeting was running late.

D. HOMEOWNERS OPEN FORUM

Robin Richards, 18736 Harmony Woods Lane, mentioned she was not pleased with the use of hang tags and guests passes on Harmony Woods Lane. She stated that her guest parking would be limited by the number of guest passes and the hang tags would be an inconvenience.

The Board inquired of Ms. Richards if she had noticed the parking problem on Harmony Woods Lane. Ms. Richards stated that the parking was a problem several months ago, but for the past couple of months, parking has not been a problem.

Vernard McBath stated that the hang tags would not be a permanent situation. The plan is to implement the hang tags for three (3) months, starting on April 1, 2011.

The Board discussed the possibility of giving residents on Harmony Woods Lane more guest passes.

Frank Walsh stated that buying the parking tags and putting up towing signs temporarily was a waste of money; either don't use the hang tags at all or make it a permanent policy. Mr. Walsh stated that the resident present does not want hang tags, and

there were only a few complaints about parking originally. Mr. Walsh suggested that the Board wait six (6) months before implementing the hang tags and, in the meantime, keep checking on the parking because maybe this parking issue isn't as bad as initially thought and seemed to be getting better on its own. Vernard McBeth stated that only one (1) resident complained about not wanting hang tags. There was some discussion as to the number of residents that didn't want hang tags. Nicolm Mahabir stated that the decision to use hang tags should be determined by what is good for the most people, along with considering residents opinions, and what is good for the community.

MOTION: (Phil Suter/Vernard McBeth) Amend the previous motion to implement the hang tag policy for Harmony Woods Lane on April 1, 2011 to state that the policy will be implemented for a three (3) month trial period, April - June.

Vote: Motion Passed - 5 ayes/2 abstentions (Walsh/Mahabir)

E. MANAGEMENT REPORT (Cont'd)

7. Proposal for a Level II Update to the Reserve Study

Management provided the Board with a proposal from Miller Dodson for the completion of a Level II Update of the Reserve Study conducted by Miller Dodson in 2006. A reserve study should be conducted every five years. The purpose of the study is to review the Association's facilities, streets, sidewalks, fountains, playgrounds and concrete, and advise the Association of the appropriate funding level to maintain the Association's common elements. The cost of the study is \$5,2000.00.

MOTION: (Vernard McBeth/Frank Walsh) Approve the proposal from Miller Dodson for the completion of a Level II Update of the Reserve Study for \$5,200.00.

Vote: Motion Passed - 7 ayes

8. Illegal Dumping at the Storm Water Management Pond behind Harmony Woods Lane

During the inspection of the storm water management pond located behind Harmony Woods Lane, it was discovered that a large amount of illegal dumping has occurred. AW Landscapes has cleaned up the area. Management recommends the installation of "No Trespassing" signs and a gate to restrict access to the pond location. The violators are gaining access from Old Mateny Road, and the gate owned by the County that prevents access to the pond is also broken. The Montgomery County Environmental Protection inspector has notified the County that this gate needs to be fixed.

The community's installation of a gate will not interfere with the County's access to the pond, as they only need access to the pond for major maintenance. Fountain Hills is responsible for mowing, trimming of trees and bushes, etc.

9. Waiver of Fine for 18927 Porterfield Way

Management received correspondence from the homeowner expressing disagreement with the violation and fine letter received concerning the shrubs in the yard not being maintained. The homeowner stated that the Cypress trees were planted in lieu of a fence and that permission was obtained from the Board to plant the trees.

Management has no record of such an approval.

The Board requested that Management send the homeowner a letter stating that the homeowner has ten (10) days to either provide proof of the approval by the Board, fill out a new ARC Application, or request a Hearing. The Board requested that Management defer additional fines until the ARC Application has been received.

MOTION: (Vernard McBeth/Steven Muse) Deny the request to waive the \$50.00 fine.

Vote: Motion Passed - 5 ayes/2 abstentions (Walsh/Suter)

10. Request for Reimbursement for The United Church of Christ

Management received correspondence from The United Church of Christ of Seneca Valley concerning D&A Dunlevy blocking the rear entrance to their parking lot with a wall of snow. The road in question is an access road that leads from Village Fountain Drive to the church property. When Management was notified, D&A Dunlevy was contacted and a crew arrived in twenty (20) minutes. However, the church had already had their contractor remove the snow and requested that the Association pay that part of the snow removal bill, once it is received. The letter also stated that if the access road is blocked again, Fountain Hills will be fined \$250.00.

Management has instructed D&A Dunlevy to always clear the access road so this access to the church is not blocked.

MOTION: (Steven Muse/Daryl McFadden) Do not pay the bill to The United Church of Christ when it is received.

Vote: Motion Failed - 3 ayes/4 nays (Suter/Walsh/Mahabir/Fair)

Management stated that the access road is an easement, and they will check to see if not clearing the access road is in violation of the easement. The Board requested that a letter be sent to the church stating that this matter should not happen again, and please allow the community an acceptable amount of time to clear the snow, if needed.

11. Draft FY2012 Budget

Management provided the Board with a draft FY2012 Budget package. The budget reflects a decrease in the assessment over last year, but Management suggested not decreasing the assessments to help offset the delinquencies in the community.

The Board will review the Budget and discuss it at the next Board meeting.

F. NEW BUSINESS

1. Emailing of Board Packets

The Board discussed having Management email the Management Packets to Board Members instead of receiving hard copies.

MOTION: (Vernard McBeth/Steven Muse) Have Management email the monthly Management Packets to Board members.

Vote: Motion Passed - 5 ayes/2 nays (Suter/Walsh)

After the vote was taken, several Board members questioned the approval of the motion. The Board can reconsider this motion at the next Board Meeting.

2. Web Site

Phil Suter stated that since there is no Web Committee, there is no control for what is put on the web site. Phil Suter stated that having a Web Committee would mean that they would have authority to go on the web site to make updates and changes.

Management stated that the Web Committee does have a Terms of Reference.

3. Community Newsletter

The newsletter should be approved by the Board before it is sent to homeowners.

G. ADJOURNMENT

MOTION: (Vernard McBeth/Daryl McFadden) Adjourn the Board of Directors Meeting at 9:36 p.m.

Vote: Motion Passed - 7 ayes