

Approved as Corrected 2/2/2012

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

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

Board Members Present:

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

Also Present:

Stephon Collins, Community Manager
Ruth Ann Allen, Recording Secretary

Board Member Absent:

Sue Adamkiewicz, Director

Homeowners Present:

Harry Matchet, 13220 Lake Geneva Way
Stephon Muse, 18804 Porterfield Way
Vernard McBeth, 13108 Lake Geneva Way

A. CALL TO ORDER

The January 2012 Board of Directors Meeting was called to order by Phil Suter at 7:30 p.m.

B. MINUTES

1. December 1, 2011 Board of Director Meeting Minutes

MOTION: (Phil Suter/Siu Poon) Accept the minutes of the December 1, 2011 Board of Directors Meeting as edited.

Vote: Motion Passed - Unanimous

C. REPORTS OF OFFICERS AND DIRECTORS

1. Phil Suter reported on numerous complaints from homeowners. These complaints included architectural violations, trash bags left where birds can rip them open and spread the contents, trees in need of trimming, maintenance of common areas, snow removal, and lack of stop signs at specific intersections.

The Board requested that a notice be placed in the next newsletter stating that all trash must be placed in sealed containers. McFall & Berry are working on trimming the trees on the common areas. The County has been contacted several times concerning the trimming of the trees on County streets in the community. Management has met with D&A Dunlevy concerning snow removal and the over application of salt in the community. The Board is currently working on the matter of the stop signs in the community.

Several homeowners on Harmony Woods Lane have requested that the policy requiring parking permits be repealed. Management stated that, at this time, this policy is not being enforced with towing.

Some homeowners on Harmony Woods Lane are suggesting removing the tot lot on Harmony Woods Lane and replacing it with a pet area in the same location.

A complaint was received about the condition of the tot lot near the intersection of Rushing Water Way and Autumn Mist Drive. Management stated that next year's budget includes funds for improvements to this tot lot.

Residents have complained about rats near the condemned house on Hamlet Square Court. The County has cleaned out the house and Management has hired Mr. Bugs to place bait traps along the fence line. There have been no recent complaints about rats.

There has been mixed reaction from residents to the dog stations placed in the community. Some residents love them, and others think they are a waste of money, as dog walkers don't use them.

The parking space numbers on Rushing Water Way are faded and difficult to see. Management reported that these numbers are scheduled for repainting in the spring.

One homeowner noted that a section of the sidewalk is missing by Little Star Lane and Rising Sun Lane, and this presents a safety hazard as pedestrians must walk in the street. The Board will consider completing the sidewalk in that area.

2. Nicolm Mahabir stated that he had met with a police officer who lives in the community concerning the intersection at Little Star Lane and Rising Sun Lane. The police officer's recommendation was to make the intersection a 4-way stop and not to put in speed humps. Danial Magid noted that painting a white line across the traffic lane at the stop signs helps to remind people to stop.

D. HOMEOWNERS OPEN FORUM

1. Harry Matchett, 13220 Lake Geneva Way, mentioned that the cable that is sticking above the ground by a Comcast box has not been repaired. Management stated that Comcast has been notified and there is a work order to have it repaired. Management stated that it can take Comcast awhile to come do repairs.

2. Steven Muse, 18804 Porterfield Way, mentioned that the Statement of Correction for the November 2010 Board of Directors Meeting has not been added to the

minutes on the website, and he inquired why this had not been done. The Board, Steven Muse, and Vernard McBeth discussed the situation with the Statement of Correction. The Board mentioned that they received an opinion from legal counsel suggesting options on how to handle this matter. This matter is on the agenda and will be discussed further at that time.

3. Vernard McBeth, 13108 Lake Geneva Way, mentioned that the placement of a sign at Village Fountain Drive and Clopper Road makes it difficult to see around it. Mr. McBeth requested that the Board look into replacing the sign or moving it back from the street.

Mr. McBeth mentioned that homeowners in arrears should not have the right to file complaints. The only right homeowners who are in arrears lose, is the right to vote in an election. Mr. McBeth questioned why homeowners who are in arrears should not lose their pool passes or assigned parking spaces. Management stated that any homeowner in arrears is not issued a pool pass until their account balance is zero (0).

Mr. McBeth noted that it was not clearly defined whether a homeowner needed to be present when nominated from the floor for the Board of Directors. Management stated that this is not stated either way in the documents.

E. MANAGEMENT REPORT

1. Appointment of Enforcement Committee Member

Management received correspondence from Harry Matchett stating that he is interested in serving on the Enforcement Committee. Mr. Matchett stated that he wants to be an impartial member of the committee and will be on the committee only if there is equitable and consistent treatment of violations and the enforcement of the violations. Mr. Suter stated that the violations will be equitable and enforced consistently and that he would like to establish some guidelines to ensure consistency.

Mr. Muse inquired about follow-up from inspections. Mr. Suter stated that if the Enforcement Committee did more frequent inspections, the follow-up would occur during the next inspection and noted that last year there was a six (6) month gap between enforcement inspections and that Management had to reply to several enforcement complaints. In addition, when the Board was made aware of outstanding violations which were not corrected, they requested Hearings with the homeowners and if the violation still remained unresolved, they filed cases with the CCOC for resolution.

Mr. Suter stated that he would be willing to talk with Mr. Matchett and walk through the community with him concerning the operations of the Enforcement Committee.

The triplicate form that will be used by the Enforcement Committee has one (1) copy for the Enforcement Committee, one (1) for the homeowner, and one (1) for

Management, with the information going onto a spread sheet. Mr. Muse stated that he

would like to continue to be on the Enforcement Committee as a member, but not the Chair. Mr. McBeth volunteered to be the third (3rd) member of the Enforcement Committee.

MOTION: (Phil Suter/Siu Poon) Appoint Harry Matchett as member and Chair of the Enforcement Committee.

Vote: Motion Passed - Unanimous

Management will provide Mr. Matchett with a copy of the Enforcement Committee Charter and the information on fines.

2. Fountain Hills HOA Committees

a. *Web/Newsletter Committee*

Phil Suter, as the editor of the community newsletter, inquired of the Board if they approve of the process. Mr. Suter agreed to be the Board liaison for the Web/Newsletter Committee. Mr. Suter stated that he would appreciate input for the newsletter from other Board members. The Board agreed with the newsletter procedures and Mr. Suter as liaison.

b. *Pool Committee*

There are presently no members on the Pool Committee.

Phil Suter mentioned that in review of the Pool Pass Applications, there are approximately two (2) dozen pool pass applications not accounted for. Steven Muse stated that he had a number of applications that he would pass on to Mr. Suter.

c. *Social Committee*

Siu Poon agreed to be the Board liaison and Chair for the Social Committee.

3. Storm Water Management Maintenance Proposal

Management provided the Board with a copy of a work order from the Montgomery County Department of Environmental Protection for maintenance of the storm water management pond located behind Porterfield Way. This pond was overlooked when the work on the previous other ponds was completed by AW Landscapes. AW Landscapes submitted a proposal to bring the pond into compliance.

MOTION: (Phil Suter/Siu Poon) Accept the proposal from AW Landscapes for work on the storm water management pond behind Porterfield Way at a cost of \$1,875.00.

Vote: Motion Passed - Unanimous

4. Pool Management Contract

The pool management contract expired at the end of September 2011. Management requested that the Board review the contract so Management can solicit bids for pool management for the upcoming season. The Board discussed the hours of pool operation and agreed to set the pool hours for the summer at 11:00 a.m. to 9:00 p.m. daily. The hours when school is in session will again be 3:00 p.m. - 8:00 p.m.
MOTION: (Phil Suter/Siu Poon) Approve the Pool Management Contract as edited.
Vote: Motion Passed - 5 ayes/0 nays/1 abstention (Brennan)

5. Speed Control Devices for the Townhouse Section

The Board agreed to add stop signs and paint white stop lines at intersections in the townhouse section of Fountain Hills. The Board requested that Management find out what liability exposure that would be to putting up more stop signs. It was requested that Management ask the insurance company about loss control associated with adding new stop signs. Management will have a comprehensive list of proposed locations of new stop signs in the community, along with the expected cost of installing the stop signs and painting the associated stop lines for the February Board Meeting.

6. Statement of Correction to November 5, 2010 Minutes

There was continued discussion concerning the Statement of Correction to the November 5, 2010 Board of Director Meeting Minutes. Legal counsel was asked to review this matter, and Management provided the Board with the email from legal counsel concerning this matter. Legal counsel gave four suggestions on how to handle this matter. The Statement of Correction could be attached to the November 2010 minutes, the November 2010 minutes could be amended to reflect the changes, the Statement of Correction could be attached to the current meeting minutes, or none of the above, as it sets a future precedent for amending past minutes from previous boards. It was also noted that the minutes from the Special Meeting were never approved.
MOTION: (Tom Brennan/Nicolm Mahabir) Table the matter of the Statement of Correction indefinitely.

Vote: Motion Passed - Unanimous

7. Lawn Maintenance Contract Proposals

Management provided the Board with proposals for lawn maintenance from six (6) contractors. The Board requested that Management invite McFall & Berry Landscapes, Valley Crest Landscapes, and Complete Landscaping to attend an interview to discuss their proposals for the lawn maintenance contract. Management will contact these three (3) contractors to see if a representative would be available to meet for an interview with available Board members January 14, 2012.

8. Revised Payment Plan for 18919 Porterfield Way

The Board rejected the previous request of a payment plan for 18919 Porterfield Way. The homeowner indicated that the counteroffer by the Board would be a hardship financially. The homeowner is now suggesting a payment plan with a total monthly payment of \$250.00, which includes the monthly assessment.

MOTION: (Phil Suter/Siu Poon) Accept the revised payment plan for 18919 Porterfield Way for a monthly payment of \$250.00, which includes the monthly assessment.

Vote: Motion Passed - 4 ayes/2 nays (Brennan, Walsh)/0 abstentions

9. Request for Waiver of Late Fee for 18933 Fountain Hills Drive

The homeowner at 18933 Fountain hills Drive has requested a waiver of the \$5.00 late fee charge to the account.

MOTION: (Phil Suter/Siu Poon) Waive the \$5.00 late fee for 18933 Fountain Hills Drive.

Vote: Motion Passed - Unanimous

F. NEW BUSINESS

1. Suggestions Mentioned by Nicolm Mahabir

Nicolm Mahabir mentioned several ideas he would like the Board to consider.

- a. Hold a training/planning session for the Board to go over the By-laws, Robert's Rules of Order, and discuss future plans for the community. Management will check with Craig Wilson, Vanguard Management, for dates when he would be available to meet with the Board for this purpose. It was noted that the community would need to be notified of this meeting, as the Board cannot hold meetings without notifying the community.
- b. Look into the feasibility of beautifying the forested area along Great Seneca Highway between Dawson Farm Road and Clopper Road.
- c. Look into the feasibility of installing security cameras at major intersections.
- d. Look at the possibility of a part-time manager to work with Stephon Collins to help get things done in a timely manner.
- e. Broaden the scope of the annual community picnic to include activities like collecting canned goods and used clothing for charity, a 5k walk, etc. The picnic would be held sometime around the end of September.
- f. Hold a community yard sale at the beginning of the summer.
- g. Look into holding contests for residents for Christmas decorations, landscaping (in the summer), and possibly Halloween decorations.

G. ADJOURNMENT

MOTION: (Phil Suter/Siu Poon) Adjourn the Board of Directors Meeting at 9:45 p.m.

Vote: Motion Passed - Unanimous

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