

**Fountain Hills Community Association**  
**Board of Directors Meeting**  
**July 7, 2011**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Regional Service Center on Thursday, July 7, 2011 at 7:30 p.m.

**Board Members Present:**

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

**Also Present:**

Stephon Collins, Community Director  
Ruth Ann Allen, Recording Secretary

**Board Member Absent:**

Shirley Fair, Director

**Committee Chair Present:**

Maggie Suter, Architectural Review Committee

**Contractor Present:**

Pete Fleming, RSV Pools, Inc.

**Homeowners Present:**

Virginia Aspilcueter, 18701 Sparkling Water Drive, Unit L

**A. CALL TO ORDER**

The July 2011 Board of Directors Meeting was called to order by Phil Suter at 7:40 p.m.

**B. MINUTES**

The approval of the minutes will be delayed until Vernard McBeth is present.

**C. MANAGEMENT REPORT**

1. Pool Guests

Pete Fleming, RSV Pools, Inc., related an incident at the pool where a child aged twelve to fifteen (12 -15) was at the pool, with a guest of the same age, without adult supervision. Phil Suter mentioned that Rule 29 of the pool rules states that a child under the age of eleven (11) must be accompanied by an adult, and children eleven through

fifteen (11-15) may be at the pool without an adult at the discretion of the pool company. Rule 3 of the pool rules states that all guests must follow the rules of the Association.

Mr. Fleming noted that there was concern with safety over a child eleven through fifteen (11-15) bringing a guest of the same age to the pool without adult supervision. Mr. Fleming stated that most of the other pools that RSV manages state that a person must be at least either 16 or 18 years old to bring a guest to the pool without an adult present. The Board discussed whether the rule concerning guests at the pool should be updated for consistency and safety.

**MOTION:** (Phil Suter/Frank Walsh) Under Rule 3 of the pool rules related to guests, change the rule to state that all guests under the age of sixteen (16) must be accompanied by an adult (16 or older).

**Vote:** Motion Passed - 5 ayes/1 nay (Muse)

Phil Suter also mentioned that the pool rules posted at the pool house are from 2008. Management will post updated pool rules for 2011 at the pool house.

## 2. Pool Passes for Delinquent Accounts

Management stated that currently the policy states that residents must have a zero dollar (\$0.00) balance to obtain a pool pass. There have been several complaints from residents who have a balance between \$3.00 and \$5.00 on their account not being able to enter the pool. These homes are controlled by the Housing Opportunity Commission (HOC), and the residents are not responsible for the monthly assessment. Management stated that these accounts are paid on a quarterly basis and there is often a gap in the payment. The Board discussed whether to leave the policy at a zero dollar (\$0.00) balance, make an exception for the HOC housing, or change the rule to allow for a balance of \$5.00 and under. The Board agreed that the policy will stand as stated.

## 3. Fountain Issues

Pete Fleming, RSV Pools, stated that the leak of the fountain on Club Plaza Drive has become progressively worse over the last few weeks. Mr. Fleming suggested that the underground pipe may have broken due to heavy landscaping vehicles. RSV Pools has patched the leak. Mr. Fleming stated that in the fall the winterization pipe should be repaired and buried deeper or a new one installed at the proper depth. Phil Suter stated that he thought that a new pipe should be installed. The Board requested that Mr. Fleming provide an estimate in August for the repairs.

## 4. Pool House Roof Repairs

Management sent out an RFP to five (5) roofing companies to bid on replacement of the roof at the pool house. Management has received two (2) proposals ranging from \$66,000.00 up to \$139,000.00 to replace the entire roof. The roof is not scheduled for replacement on the reserve schedule at this time. The roof was built in 1996 and is fifteen (15) years old.

Management had Hann & Hann investigate the cause of the leak in the pool house

lobby. It was determined that sealants around the base of the railing posts were loose and failing. The cost for this repair would be \$2,345.00. Management also mentioned that

there are also small leaks around the lights in the pool house. Vernard McBeth stated that all leaks in the pool house should be a concern and should be repaired.

The Board requested that Management have a roofer evaluate the status of the roof and report on whether it should be replaced or it can be repaired.

5. Electronic Newsletter

Phil Suter sent a draft electronic newsletter to the rest of the Board members for their review. The plan is to post the newsletter on the web site and to email a copy to residents who have signed up to receive information for the community by email.

**MOTION:** (Phil Suter/Steven Muse) Send out welcome newsletter to homeowners/residents and send out the electronic newsletter at the end of the month. Put a link on the community website to sign up for email newsletter.

**Vote:** Motion Passed - 4 ayes/1 nay (Walsh)/1 abstention (McBeth)

The Board discussed whether some hard copies of the newsletter should be placed at the pool for the summer and whether the Condominium should be asked to post the newsletter in their message boards.

**MOTION:** (Frank Walsh) Any homeowner/resident not signed up for electronic mailings be sent a hard copy of the newsletter.

**Motion died as there was no second.**

**MOTION:** (Steven Muse/Phil Suter) Have no more than fifty (50) copies of the newsletter left at the pool house for the summer.

**Vote:** Motion Passed - 5 ayes/1 abstention (McBeth)

6. Tree Pruning of County Trees

Management has received complaints from homeowners in the single family section of Fountain Hills concerning trees that are scratching cars. These trees are along County streets and should be maintained by the County which has not responded to a request from Management. Management requested a proposal from McFall & Berry for pruning of the street trees in the single family section, normally maintained by the County. The cost of this proposal is \$1,900.00. The Board discussed whether the Association or the County should trim the trees.

**MOTION:** (Frank Walsh/Phil Suter) Accept the proposal from McFall & Berry to trim the County trees in the single family section for \$1,900.00.

**Vote:** Motion Failed - 2 ayes/3 nays (McBeth, Muse, McFadden), 1 abstention (Mahabir)

The Board discussed contacting the County about trimming the trees. Management will send Phil Suter the information on where the trees need to be trimmed,

and he will contact the County.

7. Concrete/Sidewalk Repair

Management had an inspection performed of the common areas sidewalks throughout the community and noted areas that are in need of repair. Phil Suter and Management revisited the areas and modified the scope of the work, and the contractors were asked to resubmit their bids.

**MOTION:** (Steven Muse/Phil Suter) Accept the proposal from Asphalt & Concrete Service, Inc. for \$29,906.00.

**Vote:** Motion Passed - 5 ayes/1 abstention (McBeth)

8. Tot Lot Replacement

Management provided the Board with four (4) proposals from three (3) contractors for replacement of the playground equipment at Tivoli Fountain Court and Fountain Club Drive. These playgrounds are scheduled for replacement in 2012, but after being inspected by three (3) different inspectors, the playgrounds were deemed to not conform to current standards. The Board discussed the proposals received for replacement of the playgrounds. Mr. McBeth suggested that the Board consider Playground Specialists for playground equipment as they put in the playground on Lake Geneva Way, and use one contractor for design consistency. Mr. Suter stated that the cost of the current proposals from Playground Specialists are the highest of the proposals. Management contacted Brad Stockley of Playground Specialists and asked him for different options for the playgrounds that would use play equipment that is on sale to reduce the price, but still provide equipment that is fun. Mr. Stockley stated that he would provide a proposal to Management by Friday, July 8<sup>th</sup>.

9. 13533 Hamlet Square Court Update

Management has been in regular contact with the Assistant District Attorney and Montgomery County Code Enforcement about gaining access to the property to allow for a contractor to obtain a cost to clean out the house at 13533 Hamlet Square Court. Management has not been able to gain access but has learned that the judge is entering an order authorizing Montgomery County to enter the house and render it safe. This would require removing the contents and stripping the floors and walls down the studs and concrete. The homeowner will have thirty (30) days to remove personal items from the house.

Management has learned that the house at 13533 Hamlet Square Court was sold at a tax lien sale for non-payment of property taxes on June 13, 2011.

10. ARC Appeal for 13219 Lake Geneva Way

The ARC disapproved the architectural application from 13219 Lake Geneva

Way to build a deck and fence since necessary information was not included in the application. The homeowner has appealed the decision of the Board and resubmitted application. Maggie Suter, Chair of the Architectural Review Committee, stated that the

new information is not in accordance with the architectural rules of the Association. The guidelines stated that fences in the community are to be a maximum of six (6) feet high, but the proposed fence is seven (7) feet. The rules also stated that the deck is to be placed at least one (1) foot away from the property line, but the size of the deck was not changed on the application.

**MOTION:** (Phil Suter/Frank Walsh) Deny the appeal of the architectural application for 13219 Lake Geneva Way.

Vote: Motion Passed - 4 ayes/2 abstentions (Mahabir/McBeth)

The Board requested that Management send a letter to the homeowner at 13219 Lake Geneva Way stating what needs to be changed on the application and requesting that a new application be submitted with the corrections.

#### **D. HOMEOWNER OPEN FORUM**

1. Virginia Aspicueter, 18701 Sparkling Water Drive, Unit L, had several questions and concerns. Ms. Aspicueter inquired if the trash corrals at the Condominium were only for Condominium residents, as townhouse residents often come to dump their trash in the corrals. The Board stated that the trash corrals are only for the use of the Condominium.

Ms. Aspicueter mentioned she has had trouble obtaining a new parking pass. The Board stated that this matter needs to be handled by the Condominium's Manager.

Ms. Aspicueter mentioned that residents are not picking up after their pets. The Board noted that they had previously installed pet waste stations to encourage homeowners to clean up after their pets and are looking into options for residents who still are not cleaning up after their pets.

Ms. Aspicueter inquired if there was to be a community picnic this year. Nicolm Mahabir stated that a community event is planned for Saturday, September 24<sup>th</sup> from noon to 4:00 p.m. Ms. Aspicueter stated she is willing to help plan this event. Mr. Mahabir will give Ms. Aspicueter the contact information for Siu Poon who is the Chairman of the Social Committee.

Ms. Aspicueter also inquired if a stop sign could be placed at Little Star Lane and Fountain Club Drive as people drive too fast through that area. The Board stated that they had suggested that radar detection for speed be done at this intersection, but the Condominium Board didn't agree with that suggestion. Management stated that County police cannot stop cars for moving violations on private streets.

Frank Walsh mentioned that the Condominium has placed "Slow/Children at Play" signs near the playground in that area to help deter people from speeding. Phil Suter mentioned that a permanent speed hump could be installed to slow down cars. The

Board also suggested that a different police officer be asked to patrol the area. Management also suggested asking the police representative for the Fountain Hills area to come to a Board Meeting.

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Ms. Aspicueter mentioned that trees need to be trimmed in the Condominium. The Board stated that this is a Condominium matter, and Ms. Aspicueter should attend the Condominium Board Meeting concerning the trees. Daryl McFadden mentioned that trees need trimming near 18505 Sparkling Water Drive.

**E. MINUTES**

1. June 2, 2011 Board of Directors Meeting Minutes

The Board discussed the suggested changes to the minutes, but were unable to come to an agreement before the meeting ended.

**F. ADJOURNMENT**

The July 7, 2011 Board of Directors Meeting was adjourned by acclamation at 9:50 p.m.