

Corrected as approved on July 5, 2012

**Fountain Hills Community Foundation  
Board of Directors Meeting  
June 7, 2012**

The Board of Directors of Fountain Hills Community Foundation held a Board of Directors Meeting at the UpCounty Center on Thursday, June 7, 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  
Craig Wilson, Vanguard Management  
Ruth Ann Allen, Recording Secretary

**Board Member Absent:**

Sue Adamkiewicz, Director

**Homeowners Present:**

Theresa Williams, 18729 Harmony Woods Lane  
Harry Matchett, 13220 Lake Geneva Way  
Vernard McBeth, 13108 Lake Geneva Way  
Steven Muse, 18804 Porterfield Way

**Contractor Representatives:**

Scott Vincent, RSV Pools  
Mike Holt, RSV Pools  
Lindsay Vormack, Pool Manager

**A. CALL TO ORDER**

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

**B. MINUTES**

1. May 3, 2012 Board of Directors Meeting Minutes

**MOTION:** (Phil Suter/Tom Brennan) Accept the May 3, 2012 Board of Directors Meeting Minutes as edited.

**Vote:** Motion Passed - 5 ayes/0 nays/1 abstention (Poon)

**C. DIRECTORS AND OFFICERS REPORTS**

1. Resident Comments

Phil Suter reported on comments received through emails from homeowners concerning landscaping matters, handling of the seal coating process for residents, the fountain lights not working properly, and enforcement issues.

**D. COMMITTEE REPORTS**

1. Social Committee

Nicolm Mahabir reported that the yard sale went well on June 2<sup>nd</sup>. The weather was fine and there was a good turn out. Mr. Mahabir has received comments that homeowners were glad that the community held the yard sale.

2. Landscape Committee

It was noted that Valley Crest has finished the updating of the landscaping at the entrances. There are some areas that will require additional plantings..

Mr. Suter noted that he thought the last two (2) cuts by ValleyCrest were better.

It was noted that the community sign at Fountain Club Drive by the pool still needs to be removed and the top part of the sign saved.

The Board mentioned that several stumps were not removed on Lake Geneva Way, there are areas on Autumn Mist Circle that still need to be seeded, and there is shrubbery that needs to be trimmed.

3. Enforcement Committee

*a. 13510 Rising Sun Lane*

The blue tarp has not been removed from 13510 Rising Sun Lane. The Board approved a thirty (30) day extension for fixing the roof, and it has been over thirty (30) days since the date of the extension. The homeowner has already been assessed the maximum fine of \$500.00. The Board asked Management to schedule a Hearing for 13510 Rising Sun Lane.

*b. 13318 Rising Sun Lane*

The homeowner of 13318 Rising Sun Lane was sent a violation notice for repairing vehicles in the driveway and Management reported that this activity has stopped. It was subsequently noticed that there are oil stains evident on the driveway and sidewalk. A second violation notice will be sent to 13318 Rising Sun Lane to remove the oil stains from the driveway and sidewalk area, and the Board requested that the notice specifically mention the apron area of the driveway.

**E. HOMEOWNER OPEN FORUM**

1. Theresa Williams, 18729 Harmony Woods Lane, stated that concrete work had been done on the sidewalks in her area, and the sidewalk in front of her driveway was repaired and there is now a two (2) inch gap in height, which is a trip hazard. Ms.

Williams also mentioned that there are other damaged areas to properties from the contractor that need to be repaired. Ms. Williams mentioned she was upset with the contractor's attitude when she talked with him about this situation. Management will look into this matter.

2. Tom Brennan, Board member, reported that dirt was left adjacent to the sidewalk by his home after concrete repairs. Board Member Nicolm Mahabir noted that there are bare areas where grass was not seeded and the soil has washed away near his house. Mr. Mahabir also mentioned that a tree trunk was damaged when a truck backed into it. Management stated that a walk through will be done of the entire community to look for areas that need to be cleaned up and repaired.

3. Steven Muse, 18804 Porterfield Way, mentioned that he has made several requests to Vanguard to arrange for him to review documents, but no one has gotten back to him. Management stated that they will look into this matter.

Mr. Muse mentioned there is a taxicab parked in the community that needs to be addressed as it is not allowed to be parked in the community.

Mr. Muse requested that the Board of Directors Meetings be audio recorded so any discrepancy can be checked on.

Mr. Muse requested that his pool passes be activated for this pool season. Mr. Muse stated he has pool passes from last year and, even though his current application is not on file, his previous application should be sufficient to have the pool passes activated. Mr. Muse stated that the Board voted to deny his request through email right before the pool opened and he did not have a chance to meet with the Board or have a Hearing. The Board stated that Mr. Muse does not have a current completed pool pass application on file and requested that Mr. Muse submit a completed pool pass application so the pool passes can be re-activated.

4. Vernard McBeth, 13108 Lake Geneva Way, noted that an area around a tree in front of his house was damaged when the concrete work was done; this damage has not been repaired.

Mr. McBeth stated that he considers that the landscape maintenance by ValleyCrest to be terrible. The grass is not cut evenly and often it is cut using a weed whacker instead of a mower. Board members, Nicolm Mahabir and Tom Brennan, agreed that Valley Crest is not doing a good job. Management will set up a walk through of the community with Management, Andy Morton from Valley Crest, and Board member Nicolm Mahabir to discuss landscape issues.

## **F. MANAGEMENT REPORT**

### **1. Email Recommendation**

Phil Suter recommended that the email for the Board President and the Board Vice President be removed and that there be one (1) email for the Board of Directors which can be viewed by all Board members with a password. All emails to the Board of Directors would be auto forwarded to Management in case an email needed immediate attention.

**MOTION:** (Phil Suter/Siu Poon) Remove the Board President and Vice President emails and set up a Board of Directors email with auto forward to Management.

**Vote:** Motion Passed - Unanimous

## 2. Pool Inspection and Opening

Scott Vincent and Mike Holt, RSV Pools, were present to discuss with the Board the situation involving the pool opening inspection and opening weekend. The Board was disappointed in the pre-season time-line and preparation of the pool and the condition of the pool on opening day. The Board noted that they had received many comments from residents. These comments included the lack of cleanliness of the pool and the pool area, the observation that no life guards were stationed at the front desk, and life guards smoking outside the pool.

Mr. Vincent stated that Montgomery County had a different process for registering pools this year and appointments had to be set up to meet with the pool inspector and often the pool inspector did not show up. This slowed down the process for preparing the pools. The required height of pool fences was also changed this year, but RSV obtained a variance for the fences at the pool that need to be replaced. The Board noted that the Community Manager needs to be notified of pool inspections and there should be no reason for not contacting him, as he can be reached directly through his cell phone.

Mr. Vincent stated that RSV ran out of time to get the pool up to par for opening day. The Board stated that they did not want excuses and RSV was hired because they claimed they could do the job. The Board noted that the appearance and cleanliness of the pool is a serious matter. Mr. Vincent stated that the pool looks much better now, there is a great staff in place, and RSV has always responded to bumps in the road.

The Board noted that they did not like to hear from residents that the pool, pool house, drinking fountains, etc. were not clean.

Mike Holt stated that there were still a few issues that needed to be fixed. Management stated that a plumber would be at the pool on Friday to work on the plumbing issues.

It was also noted that the parking lot at the Condominium had been flooded already this pool season. Mr. Holt reported that this had been an error and it should not happen again.

It was also noted that there is a point when the guards are rotating positions that

there is no life guard at the front desk for about five (5) minutes. Mr. Vincent will look into a way to try to solve this issue.

3. Social Committee Terms of Reference

The Board reviewed the updated Social Committee Terms of Reference.

**MOTION:** (Phil Suter/Siu Poon) Approve the updated Social Committee Terms of Reference as edited.

**Vote:** Motion Passed - 5 ayes/0 nays/1 abstention (Walsh)

4. Pool Committee Terms of Reference

The Board reviewed the updated Pool Committee Terms of Reference.

**MOTION:** (Phil Suter/Tom Brennan) Accept the Pool Committee Terms of Reference.

**Vote:** Motion Passed - 5 ayes/0 nays/1 abstention (Walsh)

5. Appointment of Pool Committee Member

Marilyn Tuori has indicated her interest to serve on the Pool Committee.

**MOTION:** (Phil Suter/Tom Brennan) Appoint Marilyn Tuori on the Pool Committee.

**Vote:** Motion Passed - Unanimous

6. Pool Privilege for 18804 Porterfield Way

It was noted that Steven Muse of 18804 Porterfield Way does not have a completed pool pass application on file, so his pool passes were deactivated on May 31, 2012. Mr. Muse was sent a request in April to resubmit the application. Mr. Muse has not submitted the application. The Board requested that Mr. Muse resubmit a completed pool pass application to have on file and for indemnification purposes.

**MOTION:** (Phil Suter/Nicolm Mahabir) Ratify the vote taken over email to deny the request by Mr. Muse that he be granted an exception and allowed to not have a completed and signed application and indemnification on file.

**Vote:** Motion Passed - Unanimous

7. Fountain Repair

Management reported that all the fountains are up and running, but a few repairs still need to be completed. Community Pools submitted a proposal for these repairs for \$1,230.00.

Tom Brennan noted that he thinks the structure of the Lake Geneva/Mediterranean Way fountain is awful and should be torn down and replaced. Management stated that this is on the reserve schedule for replacement.

**MOTION:** (Phil Suter/Tom Brennan) Approve the proposal for repairs to the fountains from Community Pools for \$1,230.00.

**Vote:** Motion Passed - Unanimous

It was noted that the lights on the main fountain turn on and off at crazy times. The lights should be scheduled to be on from 8:00 p.m. until 11:00 p.m. Management stated that part of the repair is to replace the timer on the lights of the fountain.

8. Monument Sign Replacement

Management stated that the Association has received a check from the insurance company in the amount of \$4,444.10 for the claim of the damaged monument sign at Village Fountain Drive. Once a contract has been signed to replace the sign, the insurance company will send an additional check in the amount of \$609.90.

The entrance sign will not be replaced until the County completes the work on the sidewalks along Clopper Road in that area. At that time, the Board will determine the placement of the monument sign.

9. Asphalt Repair

Management provided the Board with a proposal from O'Leary Asphalt to repair the ruts in many of the parking spaces on Autumn Mist Circle. These ruts were identified when homeowners moved their cars during the seal coating. The proposal is for these ruts to be repaired prior to the phase II seal coating during the week of July 30<sup>th</sup> - August 3<sup>rd</sup>. The cost of the proposal is \$10,770.00.

The Board discussed whether this work should be bid out to other contractors.

Management also stated that Vanguard has put in place a Project Management Procedure, which will improve the notification to homeowner and residents of work that is to be done in the community, i.e. seal coating of parking lots.

**MOTION:** (Phil Suter/Danial Magid) Accept the proposal from O'Leary Asphalt for \$10,770.00 to repair the ruts in the parking lot of Autumn Mist Circle.

**Vote:** Motion Passed - 5 ayes/0 nays/1 abstention (Brennan)

10. Tree Pruning Proposal

Management provided the Board with proposals from Lee Tree Service, Branches Etc, Inc., and ValleyCrest to limb up trees overhanging decks and sidewalks and trimming of branches around street lights in the community. Management stated that the project is bigger than what was thought so the Board should have it done now, rather than waiting until the end of summer.

Management stated that from now on a schedule will be set so trees in the community will be pruned on a rotating basis.

**MOTION:** (Phil Suter/Siu Poon) Accept the proposal from Lee Tree Service for tree pruning for \$1,250.00 per day for up to five (5) days not to exceed a total of \$6,250.00 for the completed job.

**Vote:** Motion Passed - Unanimous

11. Write Off of Bad Debt for 18815 Sparkling Water Drive, Unit D

The homeowner of 18815 Sparkling Water Drive, Unit D filed for bankruptcy protection in May 2011, converted to a Chapter 7 in December 2011 and was granted a discharge by the US Bankruptcy Court. All amounts due prior to the conversion are not collectible and must be written off as bad debt. The write off amount is \$302.88.

**MOTION:** (Phil Suter/Siu Poon) Write off as bad debt the amount of \$302.88 for 18815 Sparkling Water Drive, Unit D.

**Vote:** Motion Passed - Unanimous

12. Request for Waiver from 18705 Autumn Mist Drive

The homeowner of 18705 Autumn Mist Drive requested a waiver of the \$45.00 Notice of intent fee imposed for delinquency.

**MOTION:** (Phil Suter/Frank Walsh) Deny the request of the \$45.00 Notice of Intent fee for 18705 Autumn Mist Drive as it is a hard cost to the Association.

**Vote:** Motion Passed - Unanimous

13. Request for Waiver of Towing Fee

The tenant of 18631 Autumn Mist Drive requested the reimbursement of the \$336.00 towing fee for being towed from the Condominium's parking lot during the seal coating process.

**MOTION:** (Nicolm Mahabir/Phil Suter) Deny the request for reimbursement of the towing fee of \$336.00 for 18631 Autumn Mist Drive.

**Vote:** Motion Passed - Unanimous

14. Enforcement Committee Recommendation

The Board and the Enforcement Committee reviewed and discussed the rules for violation notices and fine, and the process for dealing with commercial vehicle violations. It was noted that the covenants consider commercial vehicles as those with lettering and signs on the vehicle.

It was noted that Management cannot place tow notices on vehicles after 5:00 p.m., but any Board member has the ability to put a tow warning on a vehicle upon Management's request.

The Board requested that Management draft the Terms of Reference for the Enforcement Committee for their review at the next Board Meeting.

15. Underwater Pool Light Repair

Management provided the Board with a proposal from RSV Pools for replacement of the underwater light unit in the diving well. This is one of the items outstanding on the County Maintenance inspection. The cost of the proposal is \$495.00.

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**MOTION:** (Phil Suter/Siu Poon) Accept the proposal from RSV Pools to replace the underwater light unit in the diving well for \$495.00.

**Vote:** Motion Passed - Unanimous

16. Valley Crest Proposal for Liriope

Management provided the Board with a proposal from Valley Crest for installation of seventy-five (75) Liriope in the entrance flower beds at Village Fountain Drive, Little Star Lane and Clopper Road. The cost of the proposal is \$293.99.

**MOTION:** (Phil Suter/Siu Poon) Accept the proposal from Valley Crest for planting of seventy-five (75) Liriope at entrances at a cost of \$293.99

**Vote:** Motion Failed - 3 ayes/3 nays (Brennan, Walsh, Mahabir)

17. Request for Waiver of Pool Pass Fee

The homeowner of 18819 Porterfield Way is requesting a waiver of the \$50.00 fee for replacement of a pool pass.

**MOTION:** (Siu Poon/Tom Brennan) Deny the waiver of the \$50.00 pool pass replacement fee.

**Vote:** Motion Passed - Unanimous

**G. ADJOURNMENT**

**MOTION:** (Nicolm Mahabir/Phil Suter) Adjourn the Board of Directors Meeting at 9:29 p.m.

**Vote:** Motion Passed - Unanimous