

**FOUNTAIN HILLS COMMUNITY ASSOCIATION, INC.**

**c/o Vanguard Management Associates, Inc.  
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**BOARD OF DIRECTORS MEETING**

**Thursday, October 7, 2004**

**MINUTES**

The meeting was called to order at approximately 7:39 p.m.

Present were:

Tom McDowell                      Siu Poon                      Frank Walsh                      William Renner

Craig Wilson and William Whitney of Vanguard Management

Also present were homeowners Monika Simmons of 13347 Rushing Water Way; Kristin Jenkins, Ruth Hurtado, and Donya Zimmerman of Clopper Hills Condominium; and Vernard McBeth of Lake Geneva Way

**Homeowners Open Forum:**

- Vernard McBeth inquired of the board as to whether or not storm doors and entry door were considered exterior modifications and thus required submission of an ARC application. Bill Renner replied that an application was only necessary if there would be a change in the color or style that was different from the existing front door. Mr. McBeth also inquired about changing his light fixtures to which Craig Wilson responded that an application is required but additionally, light fixtures were not something the association checked on.

Of a more pressing matter, Mr. McBeth came to address the board in reference to a letter he and his neighbors had recently received from another resident. The letter spoke on many issues but most specifically about animal waste and parking problems in the Lake Geneva Way area of the community. Craig Wilson responded that the parking matter had been addressed by both the board and by Vanguard Management. Assigned parking spaces were issued to all residents and that towing services were offered but only seven homeowners had replied. Mr. Wilson added that residents needed to make specific complaints and place them in writing otherwise management would be unable to do anything to alleviate the problem. Bill Renner commented the board had done their best to come to a solution concerning the parking in the Lake Geneva Way townhome area but any possible solution also required resident participation (ie. towing). Mr. McBeth questioned what was the best way to deal with the issue of homeowners not using their garages to which Tom McDowell responded that the association could not police the area and the ultimately the most direct results would be achieved if residents would get involved.

- Kristin Jenkins of the Clopper Hills Condominium came to address the board in regards to the pending collection matter. Ms. Jenkins stated that since July 2003 the condominium had been charged late fees by Fountain Hills Community Association. For some time residents of the condo had been paying \$31 per month instead of the required \$62. Ms.

Jenkins questioned what exactly that money went to cover to which Craig Wilson responded that the association had treated the condominiums as townhomes in regards to assessment of fees since the very beginning and that until July 2003 all fees had been paid in full. It was around then that the condominium's management company began paying differing amounts and in a sporadic manner. Vanguard had sent coupons to CMI for the total \$62 per month but CMI generated their own coupons and paid only every other month. Frank Walsh added that a letter was finally sent directly to the residents because no response had been made by CMI. To this Ms. Jenkins inquired as to why it had taken two years for the residents to be made aware of the issue. Craig Wilson replied that CMI had known for some time about the matter and that while notices and other mailings went directly to the residents, delinquency notices went to CMI. In response to what exactly the \$62 per month paid for, Bill Renner commented that the money went to pay for trash removal, reserve for repairs, snow removal, parking, pool costs and common area maintenance but that the condominium budget had not been kept properly for some time. Ms. Jenkins questioned why the condominiums were charged townhome rates. Tom McDowell answered by stating that the fee was based on residency per unit regardless of size. Bill Renner also noted that in regards to the trash collection matter, FHCA had agreed to credit the condominium upon CMI providing proof of payment. Kristin Jenkins replied that she had assumed the role of acting board president and that the association was in the process of switching to Chambers Management. Ms. Jenkins commented that the condominium had a strong desire to "get on track" and that in her opinion the late fee was somewhat unfair since the residents were not aware of the matter until recently. Tom McDowell advised that the condominium "get their house in order" with the new management group and then come back to the board in attempts of reaching a mutually beneficial arrangement. Craig Wilson added that a letter was in the process of being written to avoid legal repercussions and that the lien would not be placed especially since communication had been established.

**MOTION:** By Tom McDowell to cease assessment of additional late fees and continuation of legal action until the end of the calendar year. The motion was seconded by Bill Renner.

Discussion ensued concerning the matter of trash pickup. Craig Wilson responded that no decision had been made due to the corral issue. Ms. Jenkins informed that board that at a recent community meeting the condominium had opposed removal of the corral due to lack of space for trash and trash cans in the condos themselves.

The motion carried without opposition.

### **Meeting Minutes:**

Regular Board Meeting of August 5, 2004

Corrections were made by Frank Walsh

**MOTION:** By Tom McDowell to accept the minutes as modified. The motion was Bill Renner and passed without discussion or opposition by all officers present.

Regular Board Meeting of September 2, 2004

Corrections were made by Frank Walsh and Craig Wilson

**MOTION:** By Bill Renner to accept the minutes as modified. The motion was seconded by Siu Poon and passed without discussion or opposition by all present.

### **Reports of Officers:**

No reports were made.

### **Report of Committees:**

**Fountain Hills Condominium** No report.

Bill Renner inquired on the progress of the repairs from the fire in January of this year to which Frank Walsh respond that they were “coming along”.

**Grounds/Landscaping** No report.

**ARC** To be covered under New Business

**Web Site** No report

Bill Renner thanked Siu Poon for sending the recent ARC information and Craig Wilson added that the minutes would be sent so that they could be posted on the site as well.

**Pool Committee** No report.

**Social Committee** Siu Poon reported that the picnic was still on schedule and the flyers had been sent out. Tom McDowell questioned if the fountain area could be used to host the event to which Craig Wilson responded that it was a possibility but would not be the greatest location.

### **Management Report:**

- **Social Committee flyer** Already covered in Reports of Committees

- **Tree Replacement- Fountain Club Drive** There is currently one tree missing along the row of original trees on the left side of Fountain Club Drive. D&A Dunlevy has proposed two options for replacement of the tree. Both options would involve the removal of the existing stump and the planting of a Glory Maple on the site however the size and maturity of the tree differs between the options. It was the recommendation of Craig Wilson to opt for the larger and more mature tree.

**MOTION:** By Frank Walsh to accept the bid from D&A Dunlevy for Option 1 which involves the planting of an 18 foot October Glory Maple at the cost of \$1,000. The motion was seconded by Tom McDowell and passed without discussion or opposition by all officers present.

## **Unfinished Business:**

- In regards to complaints made by Monika Simmons of 13347 Rushing Water Way, Tom McDowell reported that contradictory observations had been made as to the signage of the daycare that was being run out of a neighboring house. Upon speaking to the owners of the unit in reference to the allegation by Ms. Simmons that various rooms were being rented it was made known that there are no renters but only multiple people staying at times to care for an ill relative. Craig Wilson noted that if Ms. Simmons complaints were substantiated than it would be an issue for the board. Also stated by Mr. Wilson was that upon inspection by William Whitney, no additional cars were parked in front of the unit. Siu Poon inquired as to whether or not Ms. Simmons had been notified. Craig Wilson commented that since there was no written complaint made by Ms. Simmons there was no need for a written notification to which Tom McDowell advised some form communication be made.
- **Board Elections** Tom McDowell reported that based on emails he had received all but two candidates had submitted their applications by the date allotted which would allow for their names to appear of the ballot. Craig Wilson stated that he had contacted one of the candidates, Mr. Muse, and that he may nominate himself at the meeting.

## **New Business:**

- **Fee Collections** A letter was received by Vanguard Management from Mr. Clifford Gonsalves of 18802 Porterfield Way in response to the assessment of various fees. Mr. Gonsalves requested the removal of the August late fee along with the September Notice of Intent fee, totaling \$40. If these fees are waived the association assumes the cost. Bill Renner suggested waiving the Notice of Intent fee due to the fact a payment from Mr. Gonsalves was received the same day the collection letter was mailed

**MOTION:** By Bill Renner to waive the Notice of Intent fee with the Fountain Hills Community Association assuming the \$35, however, Mr. Gonsalves is to still be held responsible for the August late fee of \$5. The motion was seconded by Tom McDowell and passed without discussion or opposition by all officers present.

A similar request was received from Ms. Tan Le of 13432 Fountain Club Drive asking the waiver of her May late fee and Notice of Intent fee assessed in September.

**MOTION:** By Tom McDowell to waive the Notice of Intent fee with the Fountain Hills Community Association assuming the \$35, however, Ms. Le will still be held responsible for the May late fee of \$5. The motion was seconded by Siu Poon as was passed without discussion or opposition by all officers present.

- **ARC**
  - **13500 Rising Sun Lane (storm door)** Tom McDowell questioned whether or not it complied with all association requirements to which Siu Poon responded that there were no noticeable problems. Discussion was made as to the color of

the door. Craig Wilson recommended the committee approve the application with the stipulation that it match the existing color of the home.

**MOTION:** By Bill Renner to approve the application with the stipulation that the color of the door be white or almond. The motion was seconded by Siu Poon. In favor were Bill Renner, Siu Poon, and Tom McDowell. Frank Walsh opposed. The motion was passed.

o **18744 Harmony Woods Lane (handrail)**

**MOTION:** By Tom McDowell to approve the application with the stipulation that the color of the handrail be black. The motion was seconded by Bill Renner and was passed without discussion or opposition by all officers present.

o **18808 Lake Placid Lane (deck addition)**

**MOTION:** By Tom McDowell to approve the application "as is". The motion was seconded by Siu Poon and passed without discussion or opposition by all officers present.

• **November Board Meeting** A motion was made and passed in the September board meeting to hold a Board Appreciation Dinner in lieu of the November meeting. Tom McDowell presented the options of Agrodolce at \$30 per person or Amada Amante at \$50 per person with the total amount of attendees to be approximately 30 people. It was Mr. McDowell's recommendation that the board go with Agrodolce due to location as well as price. Siu Poon questioned whether there should be a cash bar verses an open bar to which Tom McDowell responded that there would be a cash bar. Bill Renner inquired about menu selections recommending a choice of two or three entrees with the feeling that fixed options would help expedite the ordering and preparation of the meals. Discussion was raised as to whom should be invited. Craig Wilson responded that he already had a list and would be putting invitations together soon. Tom McDowell ended by stating that he would email the board with the final details as soon as possible.

**MOTION:** By Bill Renner to adjourn. The motion was seconded by Siu Poon and passed without opposition.

The meeting was adjourned at 9:30 p.m.

The next meeting will be on Thursday, December 2, 2004 at 7:30 p.m. at the Upcounty Government Services Center.

Respectfully submitted,

Lydia C.E. Schairer  
Recording Secretary

