

**Fountain Hills Community Association
Board of Directors Meeting
October 1, 2009**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Regional Services Center on October 1, 2009 at 7:30 p.m.

Board Members Present:

Siu Poon, President
David Holtzman, Treasurer
Frank Walsh, Secretary
Shirley Fair, Director
Vernard McBeth, Director
Daryl McFadden, Director

Also Present:

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

Board Member Absent:

Sue Adamkiewicz, Vice President

Homeowners Present:

Swetha Thota, 13231 Lake Geneva Way
Tina Carlisle, 13530 Champions Way
Teresa Still, 13532 Champions Way
Nick Mahabir, 19009 Mediterranean Drive

Committee Representative

Steven Muse, Enforcement Committee

A. CALL TO ORDER

The Board of Directors Meeting was called to order by Siu Poon at 7:34 p.m.

B. HOMEOWNERS FORUM

1. Steven Muse, 18804 Porterfield Way, inquired as to the status of the fence. This issue will be discussed in the Management Report.

2. Teresa Still, 13532 Champions Way, mentioned her concerns about the condemned property on Hamlet Square which is behind her house. She stated that it is an eyesore and a health hazard. There is trash and furniture in the yard. Ms. Still mentioned that she is having an exterminator come to her house to eliminate pests that she assumes have come from that property.

Management mentioned that homeowners should contact Deborah Scott of the Department of Housing & Community Affairs to report this situation to her. Ms. Scott will be inspecting the property when the abatement order expires on October 2nd. Homeowners can send Ms. Scott any evidence of the condition of the property before this

issue goes before a judge. Management is also prepared to provide any information necessary, if requested.

Vernard McBeth suggested that pest control be placed around the perimeter of the property and the bags of the stuff of the property be removed. This matter will be discussed under New Business.

3. Ms. Still also mentioned her concerns about the area at the end of Champions Way. This area is overgrown and seems to attract suspicious activity. The Board mentioned that this is not Fountain Hills' property. Ms. Stills should contact Montgomery County Park and Planning with her concerns.

Ms. Still mentioned that someone was attacked in that area late at night that was staying in the townhouses. The incident has been reported to the police and the police stated that they will watch that area more closely.

4. Swetha Thota, 13231 Lake Geneva Way, stated that a cargo van she had rented was towed from a visitor parking space with her visitor's tag on the rear view window. She is requesting reimbursement of the towing charges from the Board.

C. MINUTES

1. Board of Directors Minutes of September 3, 2009

MOTION: (Vernard McBeth/Daryl McFadden) Adopt the minutes of the September 3, 2009 Board Meeting as amended.

Vote: Motion Passed - 6 ayes

D. REPORTS OF OFFICERS AND DIRECTORS

1. David Holtzman reported that a resident of Champions Way mentioned that on Saturday mornings there is a little league game on the baseball field next to the town homes, and they are leaving their trash behind.

2. Daryl McFadden asked Stephon Collins if he had responded to his email concerning his questions on RFPs. Mr. Collins had responded back to the email, but the information that Mr. McFadden wanted will take time to put together.

3. Vernard McBeth asked if the benches at the playground on Lake Geneva Way were to be replaced. Management reported that the benches will be replaced, but not by Playground Specialists who are putting in the playground equipment. Mr. McBeth mentioned that the next time a playground is replaced the Board should look at other comparable units before one is decided upon.

Mr. McBeth also mentioned that a homeowner had mentioned to him that the homeowner at 13201 Lake Geneva Way had their car towed as someone had parked in their spot and they had nowhere to park.

Mr. McBeth also asked for explanation on the motion that was passed last month concerning the HOAs relationship with the Condominium for site violations. Mr. McBeth stated that this was not the original issue. The original issue was having a homeowner

from the Condominium on the Enforcement Committee for parity and equity just as the Condominium is represented on the Board of Directors. He stated that this motion does nothing to help move the Enforcement Committee forward. Mr. McBeth mentioned that the HOA has not seen the opinion of the Condominium's legal counsel on the relationship between the HOA, and the Condominium, therefore, the Board should take the HOA attorney's advice. Mr. McBeth mentioned that if Mr. Holtzman can report a site violation on the HOA property then why is that fair that the HOA cannot report a site violation on the Condominium.

Craig Wilson mentioned that a site violation can be brought before the Board on a case by case basis, but that the Enforcement Committee should not worry about enforcing the rules on the Condominium property as they cite their own homeowners.

E. REPORTS OF COMMITTEES

1. Condominium

David Holtzman reported that there have been several cases of serious trash dumping at the Condominium. There is evidence of the identity of who dumped office furniture on the property, as well as the person who unloaded a full pick-up truck of trash.

Mr. Holtzman also mentioned that the Condominium parking lot next to the pool is scheduled to be repaired starting October 8, 2009, weather permitting. Notices will be put up stating that cars not removed from the parking lot will be towed.

2. Enforcement Committee

Stephen Muse stated that there was nothing to report.

3. Social Committee

Management will email to Board members the total cost for the picnic.

Siu Poon also mentioned that she will pick a few dates for the appreciation dinner and email these to Board members for their choice of dates.

F. MANAGEMENT REPORT

1. 2009 Annual Meeting

The Annual Meeting and election of Directors is to take place on November 5, 2009. The purpose of the Annual Meeting will be to elect all seven (7) Director positions for a one (1) year term. Management has received six (6) candidate questionnaires. The quorum for the meeting is 10% or 89 homes. This many homes must be represented in-person or by proxy in order for the meeting to take place on November 5, 2009.

2. Volunteer Interest Forms

Management has received a couple of volunteer interest forms. One homeowner is interested in pool and recreation, and the other homeowner is interested in the newsletter, architectural committee and website.

3. Playground Installation on Lake Geneva Way

The playground installation is scheduled to be completed on October 2, 2009. The playground must remain off limits until Monday, October 5, 2009. The caution tape

will remain around the playground, and signs will be put up to keep children off the playground. Mr. Holtzman suggested that Management contact the daycare providers in the area to help keep kids off the playground. Vernard McBeth recommended that the swings be taken down for the weekend. Management will contact Playground Specialists with this request.

Vernard McBeth mentioned that the current wood chips do not seem to go with a \$30,000 playground project. At present, the old wood chips will be reused and new wood chips will be placed when needed.

4. Daycare Licenses

The Board requested that Management ask the daycare providers for updated copies of their licenses.

5. Reimbursement of Towing Charges for 13359 Rushing Water Way

The homeowner of 13359 Rushing Water Way owes over \$2,000 to the G&G Towing for a car without tags that was towed in June from his parking space. The homeowner states that he has not been able to get home to pick up the car as he is a trucker and has been away. He has requested financial help from the Board to pay G&G Towing.

MOTION: (Siu Poon/Shirley Fair) Deny the request from homeowner at 13359 Rushing Water Way for reimbursement of monies owed to G&G Towing.

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

6. Snow Removal Contract

Management has received the snow removal contract from D&A Dunlevy for the 2009/2010 winter season. There is no increase in the cost of the contract unless gas prices rise above the \$4.00 per gallon mark.

David Holtzman questioned why the price of snow removal was not lower, because gas prices are lower than last winter.

Management also received a contract from O'Leary Asphalt which is comparable to the contract from Dunlevy. Craig Wilson suggested going with Dunlevy as they know the property as they do the ground maintenance also.

MOTION: (David Holtzman/Siu Poon) Accept proposal from D&A Dunlevy for snow removal for the 2009/2010 season.

Vote: Motion Passed - 4 ayes/1 nay (Daryl)/1 abstention (Vernard)

7. Shrub Replacement by Fence

D&A Dunlevy has recommended that the Board consider installing two (2) Magellan Barberry bushes (5' tall x 3' wide) in the area used for foot traffic near the fence on Niagra Falls Court. The bush is thorny and fast growing, and does not bear fruit. The plants could be put in this fall, but Dunlevy did not provide a price for the plants.

MOTION: (Vernard McBeth/Shirley Fair) Allow Dunlevy to install two Magellan Barberry bushes and remediate area at a cost not to exceed \$400.00.

Vote: Motion Passed - 6 ayes

David Holtzman also mentioned that the area where the bushes are to be planted will also need to level where the path has been worn down.

Management also mentioned that the plantings that are to be replaced in the fountain area of Fountain Club Drive will be done soon.

8. Pool Management/Operation

Management met with Winkler Pools in September to discuss the invoices that have not been paid. Management mentioned that these invoices are for services that Management did not approve. Winkler Pools stated that these had been approved verbally, but Management stated that they do not do verbal approvals. Winkler Pools has not been able to account for the Guest Passes that Management provided at the pool for Winkler Pools to sell. Winkler Pools needs to provide the date that the fountain stopped working, as Management will not pay for upkeep of fountains if they were not working.

The pool and fountain contracts for the 2010 season have been separated.

Vernard McBeth questioned whether Winkler Pools could be charged with neglect for the problems with the water drainage. Management replied that this would probably not work.

Management provided the Board with a copy of the report from the swimming pool consultant. The report concluded that:

- a. The filter system has many leaking valves. The strainers inside the tanks have become brittle and do not properly filter the sand, therefore allowing sand to get into the pool. The drain caps are leaking due to wear and tear.
- b. The floor around the drain slopes in the wrong direction causing water on the floor to flow toward the wall.
- c. The backwash pit was designed to hold water from the pool if it is back-washed not more than 1.5 minutes. If the pool is back-washed more than three (3) minutes, the water will overflow, come out of the ground and onto the condominium property. Craig Wilson mentioned that the Association could solve this problem by changing to a cartridge system. With this system the pool does not need to be back-washed. The cartridge system is costly as replacement cartridges need to be replaced every year and two (2) sets of cartridges per filter system would be required. There are currently six (6) filter tanks.

Vernard McBeth inquired if the cartridge system would add life to the pool and what would be the return on investment. Management stated that the back-washing wouldn't have to be done anymore and the cartridges make for cleaner pool water. Since the filter system should probably be replaced, the investment for both systems is probably equal.

The Board requested that Management compare costs between a new sand filter system and the cartridge filter system.

- d. The deck drains were designed to hold water that is splashed out of the

pool and not designed for high volume such as hosing down the deck. The system should be connected to the closest sewer system to prevent the excess water from the drain going onto common property. The closet drain is on condominium property.

David Holtzman stated that the Condominium would like to be treated fairly and as a partner in the solution for solving the water drainage issue and not as a problem. If the HOA is sincere about resolving all issues, then the Condominium would welcome the improvement.

Mr. Holtzman requested a comprehensive description of the schedule and costs for the filter system, deck drain and the maintenance of the skimmer throat. He also noted that the report was great; can the consultant now give us a way to fix the pool leaks?

Management mentioned that some of these issues should have been noticed by the pool company on the pre-season inspection. Winkler Pools came in at the last minute to get the pool open.

Daryl McFadden questioned whether Winkler Pools will winterize the pool well. Management will do a final walk-through with Winkler Pools at the end of the season.

9. ARC Application

a. *18930 Fountain Hills Drive*

The Board had requested more information and a site plan from the homeowner last month for building a patio under the deck. The homeowner returned the application, but the information requested by the Board was not included. These applications were for two (2) different requests, extending the deck and installing a patio under the deck.

MOTION: (Siu Poon/Frank Walsh) Deny the ARC Applications from 18930 Fountain Hills Drive subject to receipt of the appropriate documents.

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

10. Violation Letter for 13426 Rising Sun Lane

The violation letter was addressed to 13428 instead of 13426. Management will have this matter corrected.

G. NEW BUSINESS

1. Condemned Property at 13533 Hamlet Square

Management mentioned that the abatement on the property ends on October 2, 2009. Then Deborah Scott of the Department of Housing & Community Affairs will check on the property, and then this issue will be scheduled for a hearing.

Vernard McBeth stated that when the abatement is lifted, the Association should remove the junk in the yard and remove the vermin.

MOTION: (Vernard McBeth/Shirley Fair) Contract with appropriate contractors to place bait stations and remove junk from property at 13533 Hamlet Square, not to exceed \$500.00.

David Holtzman mentioned that the County may remediate action on this property

or the homeowner may take action where the HOA would not need to spend money to remove the junk or the vermin.

Mr. McBeth stated that after the abatement is over, the HOA does not have to wait, but can go on the homeowner's property.

Mr. Holtzman stated that there is a process that needs to be followed and if the Board wants to hold a special meeting after the process has run its course then the Board can vote to take action. By going onto the property, the HOA is opening for liability and a bad precedence for the future.

AMEND: (Vernard McBeth/Shirley Fair) After October 5, 2009, engage contractors, assigned by Management, to place bait traps and remove junk in yard not to exceed \$500.

Management mentioned that the court date will be on Monday, and Management will hear from Ms. Scott on the outcome of the hearing sometime next week.

Vote: Motion Failed - 3 ayes/3nays (Frank, David, Siu)

Mr. McBeth questioned if the Board is comfortable to let the junk sit in the yard and the vermin not be taken care of for another 2 weeks, as this is not showing the community that the Board is concerned for its neighbors. The Board is willing to wait for the process to follow through with the County.

Mr. Holtzman responded that the Board does show concern for its neighbors. Mr. McBeth noted that Mr. Holtzman dominates the Board meetings. Mr. Holtzman suggested that the Board could have a special meeting to discuss these issues.

2. Reimbursement of Towing Charge 13231 Lake Geneva Way

Management has received the information from the homeowner concerning the specifics of the vehicle that was towed and will contact the towing company. Management will be in contact with the homeowner following this contact.

H. ADJOURNMENT

MOTION: (Siu Poon/Vernard McBeth) Adjourn the Board Meeting at 9:35 p.m.

Vote: Motion Passed - 6 ayes