

# FOUNTAIN HILLS COMMUNITY ASSOCIATION, INC.

c/o Vanguard Management Associates, Inc.  
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Board of Directors Meeting  
Thursday, September 1, 2005

## MINUTES

The meeting was called to order at approximately 7:34p.m.

Present were:

Tom McDowell                      William Renner                      Frank Walsh                      Siu Poon  
  
James Caddell                      Steve Muse

Absent were:

Clifford Gonsalves

Craig Wilson and William Whitney of Vanguard Management

4 Homeowners were present.

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### **Homeowner Open Floor:**

Mr. Van Ripen from the Fountain Hills Condominium (Condominium) addressed the Board concerning the letter that he had sent on behalf of the Condominium relative to the issues of the pool pass distribution and parking/property lines. As this is an agenda item, Mr. Van Ripen will wait until the issue comes up on the agenda.

Mr. Muse commented that the service at the pool has dropped off significantly at the end of the season. There is more rough housing by the kids and lack of attention by the lifeguards. He also indicated that he has been going by the Hamlet Square are in the evenings and has not observed the activity that has been previously reported to the Board.

Frank Walsh noted that he has been advised by several condominium residents that there is no one on duty at the pool entry to collect passes and that people are being just let in.

### **Meeting Minutes:**

Regular Board Meeting of August 4, 2005

**MOTION** By Siu Poon to approve the minutes as presented. The motion was seconded by Bill renner and was passed without discussion or opposition.

### **Reports of Officers:**

There were no reports.

### **Reports of Committees:**

**Grounds/Landscaping Committee**                      Ruchita Patel, Chair

The committee had presented a priority list for the Board's review. The Committee had recommended a concentration on entrances at Rushing Water and Village Fountain and indicated that they don't believe that the plants at the other entrances are not resilient enough and do not have enough variety. Prior to departing the

meeting, Ms. Patel noted that the committee was in favor of proceeding with tree replacements and turf renovation that will be discussed later in the meeting.

**ARC** There are a number of change requests to be reviewed under new business. The Board agreed to review the request from 18943 Fountain Hills Drive (Summers) for the replacement of the front sidewalk from concrete to brick pavers.

**MOTION** By James Caddell, to approve the request as presented. The motion was seconded by Siu Poon and was passed without opposition.

**Web Site** Bill Renner asked that the Board candidate information be posted on the web site.

**Pool Committee** No report.

**Social Committee** No report.

### **Management Report:**

- **Fountain Hills Condominium Letter re: survey and pool passes.**

On the issue of the survey and parking:

Mr. Van Riper representing the Condominium indicated that a determination that the ten (10) spaces on Fountain Club Drive do not belong to the Condominium would result in the number of Condominium spaces being less than the required 1.5/unit required by the County. He indicated that he agrees that it would be a good idea to identify property lines but that the Condominium is cash strapped. Tom McDowell asked about the Condominium's basis for identifying the spaces in question as belonging to the Condominium and Mr. Van Riper indicated that they have always understood that these spaces were for the Condominium.

Bill Renner noted that perhaps, in the future, the Board's should speak on major issues such as this.

Mr. Van Riper noted that the main reason that parking was controlled was to assist the condominium in collection of assessments.

The Association will internally address the issue of the cost of the survey. The Condominium's position is that they already pay dues to the Association and that paying for a portion of the survey would be paying twice.

Henry's Towing has already been asked by Vanguard Management not to tow from the subject area on behalf of either Association.

On the issue of pool passes:

Mr. Van Riper noted that he understood that there had been an arrangement that, when a delinquent condominium owner paid, Legum & Norman (L&N) would advise Vanguard Management to release the passes for that homeowner. It seems as if the process had changed to a system where a resident may wait over a week to get pool passes. Now the Condominium received a letter from Vanguard to advise that they no longer wished to withhold passes. The Condominium is now considering a change to discontinue collecting the HOA fee with the condominium assessment and require the HOA to collect their fee directly from the Condominium owners.

Mr. Wilson of Vanguard Management gave a detailed explanation of the pool pass distribution process with regard to the Condominium owners and the difficulties that had been experienced during the summer months, primarily due to the fact that L&N was inconsistent from their end as they did not timely provide the requested reports; there were several different versions of reports, some of which were unusable because the identity of the units and owners was

indecipherable; and due to the fact that Vanguard was contacted regularly by multiple individuals, many of whom Vanguard could not identify as being L&N staff.

Mr. Van Ripen noted that he was given a different account by L&N and that he could only conclude that somebody was "lying". He also apologized if the letter that he wrote was "overly strong".

Mr. McDowell indicated that the decision on handling pool pass distribution was not a decision made by Vanguard. The Association was advised by legal counsel that passes should not be withheld from delinquent Condominium owners since the Condominium made a single payment to the Association and, as such, the individual Condominium owners were not delinquent to the Association.

- **Landscaping Proposals.**

There was discussion concerning the proposal from D&A Dunlevy concerning the replacement of dead/missing trees in the common areas as well as the issue of over seeding of common areas. The Landscaping Committee had recommended that this work be performed. Mr. Wilson pointed out that there was a contract price per 10,000 sq. ft. for over seeding.

**MOTION** By Tom McDowell to add wood chips to the Little Star tot lot per the proposal from D&A Dunlevy at a cost of \$1,125.00. The motion was seconded by Siu Poon and was passed without opposition.

**MOTION** By Tom McDowell to accept the proposal from D&A Dunlevy for tree replacement for a total cost of \$11,105.00 (less 5% discount). The motion was seconded by Siu Poon and was passed without opposition.

**MOTION** By Siu Poon to award over seeding of common areas to D&A Dunlevy for a total cost of \$1,600.00. The motion was seconded by Tom McDowell and was passed without opposition.

- **Pool Proposals.**

**MOTION** By Bill Renner to not keep the pool open for weekends beyond the scheduled closing date of Labor Day. The motion was seconded by Tom McDowell and was passed without opposition.

The meeting was briefly interrupted at approximately 8:50p.m. to conduct a homeowner hearing.

- **Mailbox Agreement with Townes at Chestnut Oaks HOA.**

There was discussion that the Townes at Chestnut Oaks had returned the proposed agreement concerning the relocation of the mailboxes with a small modification concerning the installation being approved by them upon completion. Mr. Wilson suggestion that Fountain Hills accept their condition with the addition of the language "which shall not be unreasonably withheld" following their language.

**MOTION** By Tom McDowell to accept the modification proposed by the Townes at Chestnut Oaks with the addition of the language "which shall not be unreasonably withheld" following their modification. The motion was seconded by Bill Renner and was passed without discussion.

### **New Business:**

- **Architectural Change Applications.**

**13315 Tivoli Fountain Drive**

Building a deck - The board approves the deck without opposition with the proviso that the deck be no closer than 5' to the rear property line and no closer than 1' to the adjacent lots.

**13436 Fountain Club Drive**

Building a patio in rear yard - The board approves the patio.

**19002 Noble Oak Drive**

Building a brick paver patio - The board approves the patio.

**13209 Scarlet Mist Way**

Building a deck - The board approves the deck without opposition with the proviso that the deck be no closer than 5' to the rear property line and no closer than 1' to the adjacent lots.

**13369 Rushing Water Way**

Storm Door - The board approves the door with the proviso that the glass must be clear.

**19000 Mediterranean Drive**

Building a deck - The board approves the deck without opposition with the proviso that the deck be no closer than 5' to the rear property line and no closer than 1' to the adjacent lots.

- **Proposal to Add Lighting on Village Fountain Drive.**

There had been correspondence from a homeowner on Niagra Falls Court expressing concern about the limited lighting on Village Fountain Drive where she must walk to retrieve her mail. There was discussion concerning the issues of how dark the area was versus whether other homeowners may be opposed to the addition of lighting.


**MOTION** By Tom McDowell, to approve the installation of three (3) new lights per the proposal from Montgomery Lighting Service (MLS) and in the interest of the safety of the residents in the area. MLS is to be asked to include a "black-out" panel on the side of the lamp facing the homes. The motion was seconded by Bill Renner and was passed without opposition.

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

The meeting was adjourned at 9:32p.m.

The next meeting will be on October 6, 2005, at the Up-County Government Services Center.

Respectfully submitted,



Craig Wilson  
Acting Recording Secretary