

FOUNTAIN HILLS COMMUNITY ASSOCIATION, INC.
c/o Vanguard Management Associates, Inc.
P.O. Box 39 * Germantown MD 20875-0039
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BOARD OF DIRECTORS MEETING
Thursday, August 5, 2004

MINUTES

The meeting was called to order at approximately 7:32 p.m.

Present were:

| | | | |
|---------------|----------------|--------------|----------------|
| Tom McDowell | Siu Poon | Frank Walsh | William Renner |
| James Caddell | Charles Butler | Steve Kannry | |

Craig Wilson and David Bossler of Vanguard Management

Also present were homeowners Monika Simmons of 13347 Rushing Water Way; Jim Gribble of Village Fountain Drive; Andy Matyas of Porterfield Way; and Jen Brill of the Landscaping Committee

Homeowners Open Forum:

- Jim Gribble of Village Fountain Drive stated that the flower bed next to his house still requires work, including the removal of a dead tree. Among other concerns expressed by Mr. Gribble were the seeming high number of lifeguards on duty at the pool, non-working jets in the main pool, the progress of fountain repairs, townhouses in disrepair including chipping paint and landscaping maintenance, and mini-bikes in the neighborhood. In reference to the fountain, Craig Wilson reported that the fountain would once again be functioning as soon as the motor was replaced. In regards to the issue of mini-bikes, Steve Kannry stated that they were not regulated by the law. Mr. Wilson added that the police will not do anything if they are on private property and/or roadways. Mr. Gribble was advised to attempt to identify the homes of the offenders and file an official complaint with the board upon which time a violation letter could possibly be issued.
- Jenn Brill questioned the status of the storm water maintenance ponds. Craig Wilson reported that there was currently no update and that they were awaiting county inspection.
- Andy Matyas of Porterfield Way reported that the sidewalk in front of 18832 is currently in need of repair and questioned whether this was an association or county issue.
- Monika Simmons of 13347 Rushing Water Way requested an update on the issue of the daycare/boarding house being operated by her neighbor. Ms. Simmons stated that she has called the police and had been advised to contact the Environmental Protection Agency concerning the noise problem. Craig Wilson reported that he was still awaiting legal consultation concerning the leasing of the home.
- Charles Butler reported that there are currently two dead trees behind his home and questioned whether or not AW would be replacing them. David Bossler stated that he had

recently spoken with Paul of AW concerning the matter.

- Bill Renner also addressed the motorized scooter/mini-bike issue in the community stating that there was no current regulations but that the drivers did need to be licensed if they were operating them on public roadways. Mr. Renner also stated that the riders needed permission to use the bikes on private property.
- Siu Poon reported that she had received complaints from a certain resident whom she invited to attend the meeting but the resident did not show.

Meeting Minutes:

Regular Board Meeting of July 1, 2004

Corrections were noted by Charles Butler and Frank Walsh.

MOTION: By Tom McDowell to approve the minutes as revised. The motion was seconded by Siu Poon and was passed without discussion or opposition by the officers present.

ARC Review:

- **18830 Porterfield Way** (two car garage with additional carport)

Andy Matyas reported that he would be building the garage and carport himself but would contract out for the foundation and siding work.

Tom McDowell stated that he would like to see the exact plans of the project.

Frank Walsh questioned why Mr. Matyas was not just building a three car garage to which Mr. Matyas responded that it was a matter of conformity with other garages in the area.

MOTION: By Bill Renner to approve the request. The motion was seconded by James Caddell. Discussion was made Jenn Brill as to what were requirements in the application to the ARC. Craig Wilson responded that all that was necessary was that the ARC be able to get an idea of what the finished product would look like. Siu Poon stated that it was her opinion that the carport was not in conformity with the remainder of the community. Steve Kannry question whether or not the application met all basic requirements to which Mr. Wilson replied that it did. The motion was called into question. Opposed were Frank Walsh, Tom McDowell and Siu Poon. In favor were James Caddell, Steve Kannry, Bill Renner, and Charles Butler. The motion passed without further discussion.

- **18832 Porterfield Way** (garage)

MOTION: By Steve Kannry to approve the request. The motion was seconded by Bill Renner. Discussion was made by Charles Butler as to whether or not the garage required a window. James Caddell reported that it did not since no sides were facing the street. Bill Renner questioned if the turn into the driveway would be too sharp. Andy Matyas stated that he had calculated the turn and that it would work. The motion was called to question. Opposed was Tom McDowell. In favor were Bill Renner, Steve Kannry, Siu Poon, James Caddell, Frank Walsh, and

Charles Butler. The motion passed without further discussion.

- **18744 Harmony Woods Lane** (hand railing)

MOTION: By Bill Renner to disapprove of the request without prejudice pending a site plan. The motion was seconded by Steve Kannry and passed without discussion or opposition by all officers present.

Reports of Officers:

No reports were made.

Report of Committees:

Fountain Hills Condominium No report

Grounds/Landscaping Jenn Brill reported that the landscaping committee met on June 30, 2004 to review the proposal by D&A Dunlevy to replant five of the community entrances at a cost of \$25,000. Subsequently, a request was made by the committee for a second proposal to include additional plants as well as more perennials. This new proposal from Dunlevy estimated the project at \$30,000. With the remaining projects around the community the total cost for all landscaping needs would be approximately \$32,000. Options given by Ms. Brill to lower the cost included holding off on all other projects excepting the entrances as well as removing higher priced plants and decreasing the total number of items ordered. Craig Wilson reported that the projects high cost was due to Dunlevy's usage of older and larger plants which would provide an immediate visual effect as opposed to smaller, younger plants that would take a few seasons to grow and fill in the empty space. Frank Walsh questioned if this would be an every year project to which Mr. Wilson responded that it would only be a one time planting.

MOTION: By Charles Butler to approve the expenditure of \$32,000 to complete all pending landscaping projects. The motion was seconded by Tom McDowell and passed without discussion or opposition by all officers present.

Jenn Brill also reported that upon surveying damaged holly bushes in the Harmony Woods area D&A Dunlevy proposed spraying of the bushes at a cost of \$850.

MOTION: By Tom McDowell to grant an additional \$850 to the landscaping committee. The motion was seconded by Siu Poon and passed without discussion or opposition by all officers present.

Frank Walsh questioned as to where the funds for these projects would be coming from. Craig Wilson stated that \$20,000 was currently budgeted for landscaping and the remainder of the money would come from the association's reserve.

ARC No report

Web Site Bill Renner reported that additional links had been included in the "Community Links" section.

Pool Committee Steve Kannry reported that complaints had been received from various residents

Craig Wilson, in response to an email received from Jim Gribble concerning therapeutic jets in the main pool not functioning, reported that he was not aware of the problem. Additionally, Mr. Wilson reported that the jets in the baby pool still were not working due to the leakage issue and that the designated eating area would be marked off at a later date pending county inspection and approval.

Jim Gribble stated that pool attendance appeared to be down as of recent. Mr. Gribble also questioned the need for six lifeguards to be on duty. Craig Wilson reported that this was the number recommended by the pool company in order to maintain pool safety and proper lifeguard rotation.

Jenn Brill stated a desire for earlier pool hours. This request was seconded by Jim Gribble who also noted that earlier hours would be better than later ones. Bill Renner volunteered to look at the pool sign-in log and track usage.

Social Committee Siu Poon reported that she had contacted Lisa Follette of the Condominium Social Committee.

Management Report:

- **Landscaping Improvements** Covered in Reports of Committees
- **Townhouse Parking Lot Striping** Vanguard Management obtained four bids for the repainting of parking lot stripes, numbers and fire lane markings in the townhouse area of the community. Craig Wilson reported that the variation in the bids was to be expected and that he had no reservation in recommending Jeter Paving.

MOTION: By Bill Renner to accept the bid from Jeter Paving of \$7,045. The motion was seconded by Steve Kannry and passed without discussion or opposition by all officers present.

Unfinished Business:

- **Condominium Collection Correspondence** Craig Wilson reported that a letter had been sent concerning the matter to the condominium's association and not to the individual units. Records received by Mr. Wilson show that the condominium is currently \$12,000 in debt with an additional \$8,000 being owed to Fountain Hills Community Association. Options to resolve the matter include notifying each of the thirteen units of an intent to file a lien as well as billing the owners directly versus the condominium as a whole. A credit will be granted for past trash collection. Craig Wilson also stated that he will be meeting with Tom Shields to discuss proper legal action.
- **Legal Service Retainer Fee** A letter was received by Vanguard Management from Attorney Tom Shields concerning maintaining Mr. Shields as legal counsel for the Fountain Hills Community Association as the prior contract had expired in April 2004. Additionally,

the hourly rate requested by Mr. Shields has increased from \$210 to \$225.

MOTION: By Bill Renner to retain Tom Shields as legal counsel and approve the contract with the removal of a clause. The motion was seconded by Siu Poon and passed without discussion or opposition by all officers present.

- **Home Foreclosure** Concerning the foreclosure of a home in the Fountain Hills community, Steve Kannry questioned if the homeowner had been contacted concerning the matter. Craig Wilson stated that when the matter reached foreclosure it was usually because contact had previously been attempted with the homeowner but to no resolve.

MOTION: By Tom McDowell to proceed with foreclosure. The motion was seconded by Siu Poon and passed without discussion or opposition by all officers present.

- **MCPB Letter** Management received a letter from the Montgomery County Planning Board concerning the intent to build a new housing subdivision in the area. The committee was notified of the intent.

New Business:

- **Townhome Maintenance** Bill Renner questioned how exactly the association would go about monitoring the problem. Craig Wilson reported that they had three options including forming a committee, awaiting resident complaints, or management inspection.
- **Motorized Scooters/Mini-bikes** Craig Wilson reported that he had received a letter from the police concerning the issue that could be sent to all residents.
- **Sidewalk Maintenance Issues** Craig Wilson reported that he would investigate the cracks. Steve Kannry recommended an inspection of the entire neighborhood.
- **ARC Committee** Tom McDowell recommended dissolving the ARC due to the fact that the process seemed to be failing and there was a lack of participation. Charles Butler stated that he supported Mr. McDowell's suggestion.

MOTION: By Tom McDowell to dissolve the ARC. The motion was seconded by Charles Butler and was passed without discussion or opposition by all officers present.

Craig Wilson recommended forwarding the ARC requests to one or two board members who would review them and then report to the board. Siu Poon and James Caddell volunteered.

- Steve Kannry stated that August would be his final meeting as a member of the board. He will be stepping down due to relocating out of the community.
- Siu Poon and James Caddell reported that they would not be in attendance for the October meeting.
- Jim Gribble voiced concern over the landscaping of the flower bed next to his home stating

that nothing had been done to remedy the issue since he first brought it up. Tom McDowell reported that the tree would be replaced in the fall as this was the appropriate planting season. Steve Kannry stated that it came down to an issue with timing and Craig Wilson said that he would handle the matter.

MOTION: By Charles Butler to adjourn. The motion was seconded by Bill Renner and passed without opposition.

The meeting was adjourned at 9:48 p.m.

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

Respectfully submitted,

Lydia C.E. Schairer
Recording Secretary