

Corrected as approved on January 3, 2013

**Fountain Hills Community Association
Board of Directors Meeting
December 6, 2012**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, December 6, 2012 at 7:30 p.m.

Board Members Present:

Phil Suter
Nicolm Mahabir
Frank Walsh
Siu Poon
Harry Matchett
Tom Brennan
Sue Adamkiewicz

Also Present:

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

Committee Chair:

Maggie Suter, Architectural Review Committee (ARC)

Homeowners Present:

Steven Muse, 19904 Porterfield Way
Joselyn Chiou, 13307 Tivoli Fountain Court
Kuo Guo, 13312 Rising Sun Lane

A. CALL TO ORDER

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

B. ELECTION OF OFFICERS

Following the Annual Meeting in November, 2012, the Board of Directors appointed the officer positions for the current year.

Siu Poon nominated Nicolm Mahabir as President.
Siu Poon nominated Sue Adamkiewicz as Vice President.
Sue Adamkiewicz nominated Frank Walsh as Secretary.
Siu Poon nominated Harry Matchett as Treasurer.

MOTION: (Phil Suter/Tom Brennan) Nominate Nicolm Mahabir as President, Sue Adamkiewicz as Vice President, Frank Walsh as Secretary and Harry Matchett as Treasurer.

Vote: Motion Passed - Unanimous

Tom Brennan, Siu Poon, and Phil Suter are Directors.

Nicolm Mahabir requested that Phil Suter conduct the Board Meeting for December.

C. MINUTES

1. November 1, 2012 Board of Directors Meeting Minutes

MOTION: (Phil Suter/Siu Poon) Approve the November 1, 2012 Board of Directors Meeting Minutes as edited.

Vote: Motion Passed - Unanimous

D. DIRECTORS AND OFFICERS REPORTS

1. Phil Suter reported that a homeowner requested additional street lights at Porterfield Way and Liberty Mill Road. It was noted that this request should be sent to the County.

It was noted that the locations for placement of the new towing signs have been marked with orange paint, and the signs are ready for installation by G&G Towing. The Board requested that Management email them a map of the location of the signs.

2. Management noted that the speed bump and the stop signs have been installed and the stop lines have been painted. Frank Walsh requested that Management email a map to the Board showing the placement of the stop signs.

It was noted that the stop sign on Mediterranean Drive cannot be seen, as it is behind a tree. The Board stated that the tree will probably need to be removed. Management will check on this situation.

3. Niclom Mahabir suggested that it would look nicer to have signs consolidated onto one (1) or two (2) poles and the new towing signs should be placed on existing poles, if possible.

4. Management noted that County has nearly completed installation of the pathway by the entrance to Village Fountain Drive. The retaining wall is completed, but the area needs to be backfilled and cleaned up.

E. COMMITTEE REPORTS

1. Landscape Committee

It was noted that Dunlevy has completed the landscape upgrades and they did a good job. The tree at Autumn Mist Circle has been planted. The cost of the work was approximately \$10,800.00, which was under the approved amount for the work.

F. HOMEOWNERS OPEN FORUM

1. Steven Muse, 18804 Porterfield Way, stated that at the November Board Meeting he requested a Hearing before the Board for rescinding of a plain sight violation, Mr. Muse never received any notification concerning the Hearing and the Hearing is not

Fountain Hills Community Foundation
Board of Directors Meeting
December 6, 2012

listed on the agenda. Mr. Muse stated that he feels the Board is acting against his family.

The Board responded that, due to time constraints for discussion of legal matters and an additional Hearing, the Hearing was not placed on the agenda. The Board went on to note that Mr. Muse should have received a response to his request for a Hearing. The Board stated that the Hearing will be placed on the agenda for the January Board meeting and notification will be sent to Mr. Muse.

G. MANAGEMENT REPORT

1. Request for Reimbursement to RSV Pools

Management noted that Gaithersburg Plumbing completed the repairs to the drinking fountain and foot baths at the pool. These repairs were needed due to improper winterization, according to the findings of Gaithersburg Plumbing. Management has not paid the final bill to RSV Pools, pending the Board's decision to request reimbursement for the cost of these repairs from RSV Pools.

MOTION: (Siu Poon/Phil Suter) Send the final payment to RSV Pools minus the cost of the repairs for the drinking fountain and foot baths, along with a letter of explanation.

Vote: Motion Passed - 6 ayes/0 nays/1 abstention (Brennan)

2. 2013 Grounds Maintenance Proposals

Management provided the Board with six (6) proposals for the 2013 grounds maintenance contract. The Board discussed and compared the proposals. The Board requested that Management contact D&A Dunlevy and request a three (3) year contract with minimal increases. The Board agreed to defer approval of the contract until Dunlevy responds to the request. Craig Wilson, Vanguard Management, placed a phone call to Dunlevy to request an extended contract for Fountain Hills Community Association.

3. Request for Hearing

Kuo Guo, 13312 Rising Sun Lane, requested a Hearing with the Board of Directors concerning a violation notice for installation of pavers in the front yard without prior approval. Mr. Guo stated that the installation of pavers was a walkway and not a parking pad, even though Management provided a photo of a car parked on the walkway.

Mr. Guo stated that his ARC Application for the pathway extension was denied by the ARC Committee. Mr. Guo stated that his pathway is consistent with other pathways in his neighborhood. Mr. Guo also stated that he did not see in the guidelines that a pathway was required to be under thirty-six inches (36"). Mr. Guo stated that the pathway is not a driveway extension as he does not need extra parking. Mr. Guo stated that he disagreed with the violation notice to remove the pathway and requested an option to modify the pathway, and he agreed not to park on the pathway.

Fountain Hills Community Foundation
Board of Directors Meeting
December 6, 2012

The Board reminded Mr. Guo that an ARC Application should be submitted before any change is done, and if there are questions concerning ARC guidelines that homeowners should contact Management. Also, the ARC Committee will look into the other houses that have pathways similar to Mr. Guo's to see if there is an approved ARC Application on file.

The Board will discuss this matter under Closed Meeting, and Management will contact Mr. Guo concerning the Board's decision.

4. Tree Pruning

Management provided the Board with two (2) proposals for tree pruning. One (1) proposal for \$811.80 is for pruning a large tree located next to 13307 Tivoli Fountain Court that hangs over the homeowner's house. The second (2nd) proposal is for removal of a tree that is leaning against the foot bridge between the condos and Lake Placid Lane for \$650.00.

MOTION: (Phil Suter/Siu Poon) Approve the tree pruning at 13307 Tivoli Fountain Court for \$811.80 and the removal of the tree leaning against the foot bridge between the condos and Lake Placid Lane for \$650.00 by a qualified contractor.

Vote: Motion Passed - Unanimous

5. Request for Waiver of Late Fee

The homeowner of 18904 Porterfield Way requested a waiver of the \$5.00 late fee.

MOTION: (Phil Suter/Siu Poon) Waive the \$5.00 late fee for 18904 Porterfield Way.

Vote: Motion Passed - Unanimous

6. Grounds Maintenance Contract

Craig Wilson, Vanguard Management, contacted D&A Dunlevy during the Board meeting and Dunlevy agreed to a three (3) year contract with a two percent (2%) increase each year for 2014 and 2015.

MOTION: (Phil Suter/Siu Poon) Approve the 2013 grounds maintenance proposal from D&A Dunlevy for a three (3) year contract with a two percent (2%) increase in each subsequent year.

Vote: Motion Passed - 6 ayes/1 nay (Walsh)

7. Hearing Response for 13312 Rising Sun Lane

The Board discussed the issue of the pathway installed at 13312 Rising Sun Lane. The Board noted that the red brick pathway was the same size as the driveway and Management had provided a photo of a vehicles parked on that area. The Board also noted that the red brick pavers do not agree with the color of the cement driveway. The

Fountain Hills Community Foundation
Board of Directors Meeting
December 6, 2012

pavers were approved with an ARC Application and email this information to the ARC Committee. It was also noted that the pathway was constructed without an approved ARC Application. The Board agreed to deny Mr. Guo's request for an appeal and ask the Mr. Guo remove the pavers and submit another ARC Application that has the walkway less than thirty six inches (36") and that the color of the pavers be consistent with the driveway concrete. Management will send correspondence to Mr. Guo regarding the Board's decision.

MOTION: (Phil Suter/Siu Poon) Deny the appeal and remove the unapproved modification within twenty (20) days for 13312 Rising Sun Lane, and resubmit a new ARC Application for the pathway.

Vote: Motion Passed - Unanimous

8. Violation Notice for 13108 Lake Geneva Way

A violation letter was sent to 13108 Lake Geneva Way for an unapproved storm door exterior light fixture. Management stated that the original ARC Application was found and approved in 2004. The Board agreed that the fixtures are in compliance and the violation notice will be rescinded.

MOTION: (Phil Suter/Harry Matchett) Rescind the violation notice unapproved storm door and light fixture for 13108 Lake Geneva Way.

Vote: Motion Passed - Unanimous

H. NEW BUSINESS

1. Committee Reappointments

The Board requested that Management check with all committee members to determine if they are ready to continue serving on the committee.

2. Board of Directors Meeting Conflict

Frank Walsh noted that the rescheduled July 2013 Board Meeting conflicts with the Fountain Hill Condominium Board of Directors Meeting. The Board agreed to look into changing the date of the Board meeting.

I. CLOSED MEETING

The Board moved into Closed Meeting at 8:58 p.m.

J. RESULTS OF CLOSED MEETING

The Board discussed with Management a Hearing and two (2) pending CCOC cases against the Association. The Closed Meeting concluded at 9:23 p.m.

K. NEW BUSINESS (cont'd)

1. Stop Sign at Lake Geneva and Mediterranean

Fountain Hills Community Foundation
Board of Directors Meeting
December 6, 2012

The Board requested that Management check with the contractor about removing the tree at Lake Geneva Way and Mediterranean Drive by the Stop sign, along with the other two (2) trees already approved for removal.

2. Committees Liaisons and Chairs

The Board discussed appointment of Board members as liaisons to the Pool Committee, Landscape Committee, Newsletter/Web Committee, Enforcement Committee, Architectural Control Committee, and the Social Committee. The Pool Committee is currently inactive. Phil Suter requested that the Board find someone as a person-in-training for the Newsletter/Website Committee.

MOTION: (Phil Suter/Siu Poon) Approve Sue Adamkiewicz as the Board liaison for the Enforcement Committee and reappoint Harry Matchett and Sam Harris as members of the Enforcement Committee. Appoint Nicolm Mahabir as liaison of the Landscape Committee, Phil Suter as liaison for the Newsletter/Website Committee, Tom Brennan as liaison for the ARC Committee, Siu Poon as liaison for the Social Committee and ask Danial Magid to be Chair of the Enforcement Committee.

Vote: Motion Passed - Unanimous

L. ADJOURNMENT

MOTION: (Phil Suter/Siu Poon) Adjourn the Board of Directors Meeting at 9:29 p.m.

Vote: Motion Passed - Unanimous