

Fountain Hills Community Association

Board of Directors Meeting

February 5, 2009

The Board of Directors of Fountain Hills Community Association held a Board Meeting at the UpCounty Regional Services Center on February 5, 2009 at 7:30 p.m.

Board Members Present:

Siu Poon, President
Sue Adamkiewicz, Vice 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

Homeowners Present:

R. Niclom Mahabir, 19009 Mediterranean Drive
Steven Muse, 18804 Porterfield Way

A. CALL TO ORDER

The Board of Directors meeting was called to order by Siu Poon at 7:32 p.m.

B. HOMEOWNERS FORUM

1. R. Niclom Mahabir, 19009 Mediterranean Drive, was present to discuss with the Board the circumstances of his car being towed for not having a permit tag. He stated that his parking permit was hanging in the window when his car was towed. He requested a reimbursement of \$158.00 in cash for the cost of retrieving his car. He also requested reimbursement for the loss of two (2) hours of work and the taxi fares which he incurred when he was without his car. He stated that he had called the towing company but was transferred from person to person and received no answers to his questions. He was upset that he would be treated this way by a company that is working for the residents of the community. If this situation is not handled in a timely manner, Mr. Mahabir stated he would use legal action to get the towing company out of the community.

C. MINUTES

1. December 4, 2008 Board Minutes

Siu Poon and Frank Walsh have changes to the December 4, 2008 minutes which will be sent to Management.

MOTION: (Siu Poon/Vernard McBeth) Approve the December 4, 2008 Board Minutes as amended by Frank Walsh and Siu Poon.

Vote: 6 ayes/ 1 abstention (Fair)

2. January 8, 2009 Board Minutes

David Holtzman stated that he did not receive proper notice of the Board Meeting on January 8, 2009. Siu Poon replied that she did send out notices by email for the meeting. All Board members, except David Holtzman and Frank Walsh, stated that they received proper notice of the Board Meeting on January 8, 2009. However, according to the By-Laws, proper notice was not given. Both Frank Walsh and David Holtzman asked Siu Poon numerous times that the meeting be rescheduled because it conflicted with the long established meeting of the Fountain Hills Condominium Board meeting. (The only active Neighborhood Advisory Council.) Siu Poon did not reschedule the meeting nor give a reason why.

The minutes for the January 8, 2009 Board meeting were taken by Siu Poon, Vernard McBeth and Shirley Fair.

David Holtzman and Frank Walsh objected to the wording that they were "Absent" on the January 8, 2009 Board Minutes as they could not attend the meeting due to a Board meeting on the same night for Fountain Hills Condominium. Craig Wilson suggested that the wording be changed to "Not Present."

MOTION: (David Holtzman/Frank Walsh) Reconsider the motion under New Business of the January 8, 2009 minutes to approve Steve Muse as chairman of the Enforcement Committee, because this item was not on the agenda.

Vote: 2 ayes/5 nays (Poon, Adamkiewicz, Fair, McBeth, McFadden)

MOTION: (Siu Poon/Vernard McBeth) Approve the Minutes of the January 8, 2009 Board meeting as amended.

Vote: 5 ayes/2 nays (Holtzman, Walsh)

D. AGENDA

Vernard McBeth suggested that the agenda be suspended to give David Holtzman and Frank Walsh a chance to discuss the rescheduling of the January 8, 2009 Fountain Hills Community Association meeting that conflicted with the Fountain Hills Condominium Meeting. The agenda was suspended to discuss the January 8th meeting.

MOTION: (Vernard McBeth/Daryl McFadden) Suspend the agenda.

Vote: 5 ayes/2 nays (Holtzman, Walsh)

E. PARKING IN THE FOUNTAIN HILLS COMMUNITY

David Holtzman stated that Management does not seem to have clear guidance concerning the towing policy. He stated that between the By-Laws and the parking resolutions the towing policies should be clear.

Frank Walsh mentioned that there is a resolution prohibiting parking on the lawn and on the sidewalk and the By-Laws in Article IV, Section 5 and 6 also include rules for parking: Residents cannot tandem park if the vehicle is over the sidewalk or park on the driveway apron and cannot T-bone park.

Homeowners have been given adequate notice on parking by mail, personal contact and signs.

Management stated that all cars not parked in parking spaces are towed, but they will not tow a vehicle from the homeowners property. There is a process where the homeowners is sent a letter of notice and, if the matter is not taken care of, adjudication.

Since many parking violations happen overnight and on weekends and need to be brought to Management's attention, towing does not happen.

Vernard McBeth mentioned that enforcing these parking rules will create parking problems for homeowners on Lake Geneva Way. He suggested holding a special meeting to discuss parking for each section of the community.

F. REPORTS OF OFFICERS

1. Treasurer

Treasurer David Holtzman's financial questions from an email on January 25, 2009 are answered in the Management Packet. See page seven (7) of minutes.

2. Fountain Hills Condominium

David Holtzman dispensed with the report of the Condominium Association. His only comment was that the Condominium Board took great exception that the Community Association Board Meeting was rescheduled to be held on January 8, 2009; the same night as the regularly scheduled Condominium Board Meeting.

3. Inactive Committees

Vanguard President, Craig Wilson, suggested removing inactive committees from the Agenda.

MOTION: (Siu Poon/Shirley Fair) Remove inactive Committees: Social, Landscape, and Pool, from the Management Report until such time the committee becomes active again. Add the Enforcement Committee to the Management Report.

Vote: Unanimous

4. Enforcement Committee

Steven Muse, the chairman of the Enforcement Committee, requested a tri-copy ticket book for violations. Management will check into this idea.

Craig Wilson requested that Steve Muse meet with him to discuss and prepare a "Terms of Reference" guide. David Holtzman referenced Article VIII, Section 13 and 14 as references for procedures to follow.

G. MANAGEMENT REPORT

1. Future Meetings

The Fountain Hills Community Association Board received a letter from Ira Adler, Board President of the Fountain Hills Condominium, expressing concern over that the Fountain Hills Community Association Board Meeting was held the same night as the Fountain Hills Condominium Board Meeting. Management listed possible Board meetings where there could be a conflict in the future. David Holtzman stated that listing conflicts for six (6) years in the future was absurd and insulting.

David Holtzman mentioned that he had noted the problem in writing and at a

previous meeting, but the situation was not corrected.

MOTION: (David Holtzman/Vernard McBeth) The Fountain Hills Community Association Board shall not hold a meeting on the second (2nd) Thursday of the month.

Vote: 6 yeas/1 abstention (Fair)

Board President, Siu Poon, will respond back to the Fountain Hills Condominium Board of Directors.

2. Recording Secretary

Ms. Erin Barry notified the Board of her resignation effective January 31, 2009. Ruth Ann Allen has agreed to take minutes for the February 5, 2009 Board meeting. The Board of Directors needs to make a decision if they would like to retain the services of Ms. Allen as Recording Secretary.

MOTION: (Siu Poon/David Holtzman) Retain Ruth Ann Allen for Recording Secretary beginning March 2009 for \$120.00 per meeting.

Vote: Unanimous

3. Lawn Maintenance Contract

The 3% increase in the proposed 2009 Lawn Maintenance Contract with D&A Dunlevy is for two (2) categories; Spring Clean-up/Mulching and Fall Leaf Removal. The explanation for this increase is that the trees and shrubs in the community are much larger and it requires more time for spring clean-up and the removal of leaves in the fall.

David Holtzman mentioned that according to the By-Laws, expenses for lawn maintenance for the town homes are paid by the lot owners. The lawn maintenance contractor should be asked to give an accounting of the specific services performed at the townhouses broken down by contract fees. Management responded that this had not been done before, but they will request that Dunlevy specifically itemize the time and money spent on the townhouses.

MOTION: (Siu Poon/Vernard McBeth) Approve the lawn maintenance contract with D&A Dunlevy for 2009 in the amount of \$179,970.00, requiring an accounting of the bills levied by the maintenance contractor to provide an accurate accounting of services to the townhouses.

Vote: Unanimous

4. Damage to Fence at Dawson Farm Road

Management has filed an insurance claim with the Fountain Hills insurance which will follow through with driver's insurance after the police report has been filed. The car that caused the damage has been identified.

5. Maintenance Inspections Disposition

Management recommends that the maintenance inspection forms that were completed in 2005 and 2006 be archived or destroyed.

MOTION: (David Holtzman/Frank Walsh) Destroy the maintenance inspection forms that we are not required to keep except for those that are evidence of a violation.

The motion was withdrawn.

MOTION: (David Holtzman/Frank Walsh) Destroy and dispose of maintenance inspection forms from 2005 and 2006.

Vote: 6 ayes/1 abstention (McBeth)

6. Request for waiver from 13627 Village Fountain Drive

The homeowner has requested a waiver of the \$45.00 Notice of Intent fee.

MOTION: (Frank Walsh/David Holtzman) Deny the request for a waiver for 18627 Village Fountain Drive as it is a hard cost.

Vote: 3 ayes/4 nays (Poon, Adamkiewicz, McBeth, McFadden)

MOTION: (Vernard McBeth/Daryl McFadden) Remove the late fee of \$5.00 and reimburse the homeowner \$27.50, half of the notice of intent fee.

Vote: 2 ayes/5 nays (Poon, Adamkiewicz, Holtzman, Walsh, Fair)

MOTION: (Siu Poon/Sue Adamkiewicz) Credit the late fee of \$5.00 and deny the request to waive the Notice of Intent fee to 13627 Village Fountain Drive.

Vote: 6 ayes/1 abstention (McBeth)

7. 13531 Hamlet Square Court

The unit was foreclosed about January 2007. The Board authorized legal counsel to proceed with a money judgement against the homeowner. The next step would be to proceed with oral exam at a cost of \$500.00 plus attendance time.

MOTION: (David Holtzman/Frank Walsh) Have the attorney continue the judgement lien on owner of 13531 Hamlet Square Court at a cost of \$500.00.

Vote: 6 ayes/1 nay (McBeth)

8. Investment Account

The money market account at Smith Barney is currently at \$64,382.34. Management recommends purchasing two (2) CDs for five (5) years; one for \$25,000 and one (1) for \$20,000 which will bring the Association under the FDIC limit.

David Holtzman stated his concerns with investments with Smith Barney. He would like to consider placing some of the investments in a local community credit union fund that would benefit the community.

Craig Wilson, Vanguard Management, stated that for those accounts someone has to physically go to the bank for each transaction. Also, additional accounts means more fees. With Smith Barney, transactions can be done by telephone or fax and it is considered one account.

MOTION: (David Holtzman/Frank Walsh) Accept Management's recommendation of purchasing two (2) CDs for a period of five (5) years; one for \$25,000 and one for \$20,000.

Vote: 6 ayes/1 abstention (McBeth)

H. NEW BUSINESS

1. Towing Issue

The issue of the towing of Mr. Mahabir's car needs to be addressed by the Board. According to Mr. Mahabir the car should not have been towed. David Holtzman requested that since the Board has only heard Mr. Mahabir's side of the story, Management investigate this situation.

2. Maryland Legislature

Management stated that a bill in the legislature would ban covenants prohibiting clothes lines in HOAs.

I. OLD BUSINESS

1. Parking in Fountain Hills

Vernard McBeth reiterated that the rules for parking in Fountain Hills need to be clarified. He suggested exploring a more pragmatic approach noting that there are one (1) set of rules in the By-Laws and three (3) sets of parking rules. These rules may not apply to the specific areas in the community. This item will be placed on the agenda for next month.

2. Fence

The fence to be installed near the 7-Eleven is in the permitting process.

J. ADJOURNMENT

MOTION: (Vernard McBeth/Siu Poon) Adjourn the Board Meeting at 9:40 p.m.

Vote: Unanimous

Treasurer's Questions posted by email:

Q. Please provide an explanation for the activity under GL Disbursements Account 6010-con Fees for mis-post of (sic) Condominium assessments.

A. This was a payment that had been sent by a Condominium homeowner for their condominium assessment and the lockbox had mis-posted the funds to

Fountain Hills Community Association, the funds were returned to the Condominium.

Q. Please review and provide an explanation for the pool electric charges of \$298, Please provide an analysis comparing prior year usage and charges for the pool's off-season.

A. The pool does, indeed, use electricity during the winter as the room where the water meter is located must be heated since there is no way to completely drain the line. Management will provide information as to the Association's pool electricity expenses for the off-season in the next management package.