

Fountain Hills Community Association, Inc.
Regular Meeting Minutes
January 3, 2008

The Board of Directors of Fountain Hills Community Association, Inc. met at the UpCounty Regional Services Center, Germantown, Maryland on January 3, 2008 at 7:30 p.m. for a regular meeting.

Present:

Mr. Tom McDowell, President
Ms. Siu Poon, Vice President
Mr. David Holtzman, Treasurer
Mr. Frank Walsh, Secretary
Ms. Alice Kalamar, Director

Absent:

Ms. Sue Adamkiewicz, Director

Others Present:

Mr. Craig Wilson
Mr. Stephon Collins, Vanguard Management
Ms. Erin Barry, Recording Secretary

I. CALL TO ORDER

Mr. Tom McDowell called the meeting to order at 7:35 p.m. with a quorum present.

II. HOMEOWNER FORUM

- The following list of issues were brought forth by residents during the open forum:
- A resident asked about the white railing around the neighborhood that is periodically pulled out. Though he often puts it back in place himself, he wondered if it was anyone's responsibility? Management said if they notice it they put it back in or the landscaping company will.
- A resident mentioned that her townhouse faces a busy street that is quite noisy and wondered if there was a way to put in trees or something to create a sound barrier to absorb the noise.
- A resident asked about the towing company and whether we can review or revoke their contract because we still have people parking on our property. Management shared that Montgomery County's law and economics largely regulate the towing policy. Tow drivers are paid commission so if they patrol somewhere and don't find many offenders they patrol less often. If the problem is escalating then Management will call them to patrol again but explained they can't monitor when they come and don't come.
- A resident asked if there was a Board email to direct questions and concerns to. Management will look into getting a generic Board email.
- A resident shared that rentals are increasing and wondered if violation notices are sent to renters or the owners? Management explained they are sent to the owner because ultimately the owner is responsible. When they have both addresses they will send the notice to both. Often the owner will move out and not send Vanguard their new address so they have to send the notices to the tenant only.
- A resident asked if people who are repeat offenders of violations were sent multiple notices. He sees lots of places with newspapers and garbage in their yards. Management said they did.
- A resident inquired about the pool house steps. He said they were repaired last year but were quite unsightly and wondered if they will be redone? Management said they were scheduled to be redone in the spring.
- A Resident expressed concerned about trash not in trash cans and cars parked on the sidewalk alone the streets: Champion Way, Niagara Falls and Hamlets Square. He

51 hopes Management will enforce regulations more regularly over there. Management
52 explained the vast majority of these problems occur after hours. When it happens
53 during the day they can tag cars, but if it's after hours they don't know about it. They
54 explained this is where the community can help enforce these things after hours.

- The resident mentioned that there was discussion about what could be done about the lack of use of garbage cans and parking on the sidewalk last fall. He said that Management was going to help figure a way to deal with this. He asked that we once again address how we can develop a practice or process, such as one or two nights a month go through after hours to enforce regulations, for double parking and trash specifically.
- A resident asked about a property with a fence around a garden on common property. He didn't notice any action in the Management report. In the report was a property with that violation, but the resident was inquiring about another property. Management will look into this other property as well.

III. MANAGEMENT REPORT

A. Minutes of Meeting

The Board reviewed the minutes of the previous meeting.

Motion: To approve the December meeting minutes subject to changes. Poon/McDowell Vote:
Unanimous

B. Reports of Officers or Directors

There were no reports of the Officers or Directors at this time.

IV COMMITTEE REPORTS

E. Social Committee

No report

F. Landscaping Committee

There was no report at this time but they had two questions.

1.) When is it appropriate to contact Dunlevy?

Answer- Contact Dunlevy directly as needed but keep management included.

2.) How to handle special requests for plantings?

Answer- Ask Dunlevy for recommendations and pricing then forward them to management to be included with the Board package for consideration.

A Board member asked about previous items regarding the “Fountain Park” already in line to be considered. The Landscaping Committee chair responded to the Board member by calling him a profanity. The President reminded all present that they were volunteers and to conduct themselves in a civil manner. The Landscaper Committee requested that a list of those items be sent to them.

G. Pool Committee

Ms. Kalamar brought pictures of the pool steps to be repaired. The heater does not work very well in the pool house.

H. Web Committee

94 The Board asked about a blind email address for the Board. Management will look into it.

95 **I Fountain Hills Condominium**
96 No December meeting.

97 **J Architectural Review Committee**
98 They had no applications at this time.

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100 **111. MANAGEMENT REPORT**

101 **A. Revised Architectural Guidelines**

103 The Board reviewed the guidelines and made modifications. They will request ARC work
104 on a procedure process for a rules enforcement policy as a stand-alone policy.

105 Motion: Recommend the approval of the revised Architectural Guidelines as presented with the
106 changes of the word “containers” to trash cans. McDowell/Poon Vote: Unanimous

107 Add memo from Vanguard as Exhibit A.

108 **B. Legal Opinion on Appointing Members to fill vacant Board positions.**

109 The Board reviewed the polices provided by Attorney Thomas Schild and discussed the
110 findings. The Board felt that the legal opinion didn’t fully address whether the Board had
111 the authority to elect a candidate for the remaining term of the Board, if the Director’s term
112 expired and he/she choose not to run for re-election.

113 Action: Management will request that the attorney add an addendum to the opinion letter of how
114 to deal with insufficient candidates leaving a position to be filled.

115 Ms. Fair was present at the meeting.

116 Motion: To appoint candidate Ms. Fair to the Board contingent to receiving confirmation from the
117 attorney that the Board has authority to fill a position not caused by death, resignation
118 or removal of an at-large member and that the Board has the authority to elect a
119 candidate for the remaining term of the Board. Holtzman/Kalamar Vote: Unanimous

120 **C. Legal Opinion on Board Action without Meeting**

121 The Board reviewed the letter from Attorney Thomas Schild on Board Action Without a
122 Meeting of the Board of Directors.

123 The Board concurred to table this to the next meeting.

124 **D. Pool Management Evaluation**

125 The Board reviewed the information submitted about the various pool companies. The
126 Board discussed the different companies and decided to set up interviews with four of the
127 pool companies on Saturday, January 12, 2008, starting at 9:00 am. Management will notify
128 the candidates and set up times for their interviews.

129 Motion: To terminate Community Pools contract with 30 days notice per our contract.
130 McDowell/Poon Vote: Unanimous

131 **F. Pool Furniture Repair**

132 The Board reviewed the quote from Criterion Inc. to the restrap the pool chairs.

133 Motion: To approve the Criterion quote of \$2605.10 to restap the pool chairs. Kalamar/Poon Vote:
134 Unanimous

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136 **G. Foreclosure Proceedings on 18710 Harmony Wood Lane**

137 The issue was settled with the homeowner. Foreclosure rescinded as payment received in
138 full.

139 **H. Draft 2006/2007 Audits**

140 The Board reviewed the audit report and noted changes.

141 Motion: To accept the audit with the amendment to the language on note six and number 17 of the
142 representation letter and to file federal income taxes using the corporate method.
143 Poon/McDowell. Vote Unanimous

144 **I. Wachovia CD**

145 The Treasurer noted that Wachovia Money Market account was over the limit.

146 Motion: That we transfer \$60,000.00 from Wachovia MM reserve account to Smith Barney for
147 purchase of a CD consistent in terms with our prior policy laddering the date of
148 maturity. Holtzman/Poon Vote: Unanimous

149 The Treasurer requested that Management research the general disbursement report,
150 account 9100 and give more information regarding the invoice for \$195.00 for the bulk
151 trash removal.

152 **IV UNFINISHED BUSINESS**

153 There is no unfinished business.

154 **V NEW BUSINESS**

155 There is no new business

156 **VI ADJOURNMENT**

157 There being no additional business the Board meeting adjourned at 9:35 pm.

158 Motion: To adjourn the meeting at 9:35 p.m. Poon/Kalamar Vote: Unanimous

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161 Respectfully Submitted,

162 Erin Barry, Recording Secretary

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Fountain Hills Community Association, Inc.
Motion List
January 2008

168 Motion: To approve the December meeting minutes subject to changes. Poon/McDowell Vote:
169 Unanimous

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171 attorney that the Board has authority to fill a position not caused by death, resignation
172 or removal of an at large-member and that the Board has the authority to elect a
173 candidate for the remaining term of the Board. Holtzman/Kalamar Vote: Unanimous

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175 McDowell/Poon Vote: Unanimous

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182 purchase of a CD consistent in terms with our prior policy laddering the date of
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199 Fountain Hills Community Association, Inc.
200 Action List
201 January 3, 2008
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204 to deal with insufficient candidates leaving a position to be filled.

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231	Residents in Attendance
232	Tim Smith
233	Don Webb
234	Shirley Fair
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