

Regular Meeting Fountain Hills Community Association, Inc. Minutes

March 2, 2006

The Board of Directors of the Fountain Hills Community Association, Inc. met for a regularly scheduled meeting at the Germantown UpCounty Center, Germantown, Maryland on March 2, 2006 at 7:30 p.m.

Present:

Ms. Susan Adamkiewicz
Ms. Robin Kastenmayer
Mr. Tom McDowell
Ms. Siu Poon
Mr. William Renner
Mr. Frank Walsh

Others Present:

Mr. William D. Whitney, Community Manager
Mr. Craig Wilson, Jr. President, Vanguard Mgmt.
Ms. Rani Pellet, Recording Secretary
Several homeowners and residents

Absent:

Ms. Jennifer Brill

I. CALL TO ORDER

Mr. McDowell, President, called the meeting to order at 7:30 p.m. with a quorum present.

II. HOMEOWNER FORUM

Mr. James Allen – 18617 Autumn Mist Drive

Mr. Allen attended the meeting because he said that during the month he had noticed several people parking along Autumn Mist Drive who then crossed the road to go into a neighboring development. These people returned to their vehicles several minutes later. Mr. Allen noted that there was a great deal of activity during the day, and some at night. He said that those who were parking on Autumn Mist Drive were young men. Because he was concerned for his family's safety, Mr. Allen contacted the police and spoke with Detective Pickney. Detective Pickney was in touch with the resident who lives adjacent to Autumn Mist Drive and found out that she is a tax accountant who works out of her house.

Mr. McDowell asked if Mr. Allen was one of the residents who had reported the increased activity near Autumn Mist Drive to Vanguard Management, because some other residents had done so. Mr. Allen said that he had not brought this issue to Vanguard, because he had thought it would be a police issue, and so he reported it to the police. Mr. McDowell thanked the resident and said that the issue would be discussed later on in the meeting.

Resident Vernon McBeth attended the meeting to discuss parking and security. He said that last month he had brought up his concern about parking and security issues to the Board and wanted to know what action had been taken. He wanted to know if there had been some resolution about parking. The Board said it would address Mr. McBeth's issues during the meeting.

Mr. German Garay attended the meeting as an observer.

Mr. Bhattacharyya, a resident who lives at 18925 Porterfield Way said he moved into the community in 2001. At that time, the builder provided him with a package of trees that was worth approximately \$2,000. The post office that is adjacent to his property planted some thorny bushes by his trees and they killed many of Mr. Bhattacharyya's trees. When the contractor came back to remove the bushes, he broke the fence between Mr. Bhattacharyya's property and the post office's property. Mr. Bhattacharyya has contacted the post office asking them to repair the fence, but he has not seen any repairs to date. He wanted

47 to know if it would be possible for Vanguard to contact the post office on his behalf and request that the
48 post office repair his fence. Mr. McDowell said that this issue would be addressed during the Board
49 meeting, and thanked the resident for his request.

50 Mr. Clay Vaughan of 18905 Porterfield Way attended the meeting to see if his architectural change request
51 would be approved.

52 Ms. Alice Kalamar, resident, attended the meeting because she is interested in what is going on in the
53 neighborhood, and she is a representative of the Pool Committee.

54 Mr. James Caddell, resident and head of the Architectural Review Committee (ARC), attended the meeting
55 as the ARC representative.

56 Mr. Chris Hekimian who lives at 13416 Rising Sun attended the meeting in order to discuss the sign that is
57 at the Village Fountain entrance by the Giant shopping center. He said that he has trouble seeing
58 oncoming traffic as he is turning right out of the shopping center because the oncoming traffic appears to
59 be obscured both by the hill, and by the Fountain Hills sign. He wanted to know if anyone had thought of
60 moving the sign to allow better line of sight. This resident also took the opportunity to thank the Board for
61 the good work that they are doing, by keeping the assessment fees down, and keeping the neighborhood
62 looking attractive.

63 The Board thanked the residents for their time, and said that many of the issues brought up in homeowner
64 forum would be addressed under New Business.

65 Motion: To accept the minutes of the previous month as amended. Renner/Poon. Vote:
66 Unanimous.

67 III. COMMITTEE REPORTS

68 A. *Pool*

69 Ms. Alice Kalamar, Pool Committee representative had nothing to report, at this time.

70 B. *Social Committee*

71 Ms. Poon, Social Committee representative said she had received an e-mail from a resident
72 who had indicated some interested in being on the social committee. Ms. Poon said she
73 would welcome another Social Committee volunteer.

74 C. *Landscaping Committee*

75 Ms. Rushita Patel, Landscaping Committee representative, said the landscaping company
76 will begin work on Little Star Lane, and Mediterranean within the next four weeks. Work
77 should be completed by the end of April.

78 D. *Web Development*

79 Mr. Morris, the volunteer who maintains the website had nothing to report. It was noted
80 that the condominiums are working on their own website.

81 E. *ARC Committee*

82 Mr. James Caddell, Architectural Committee representative provided the Board with the
83 Architectural Change requests.

84 *Mr. Clay Vaughan, 18905 Porterfield Way - back yard fence*

85 Motion: To approve the fence in the back yard, with the caveat that the fence remains within the
86 property line. Poon/Renner. Vote. Unanimous.

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88 *Ms. Cynthia Gordon, 13404 Fountain Club Drive – painting front door black, installing
single glass pane storm door, and mounting black shutters on the front of a brick house.*

89 Motion: To approve the changes to the resident's exterior door, storm door and shutters as
90 requested. McDowell/Poon. Vote: 5:1:0. Mr. Walsh opposed the motion.

91 **IV. MANAGEMENT REPORT**

92 **A. Parking Issues on Autumn Mist**

93 There were two homeowners who reported the parking situation on Autumn Mist to
94 Vanguard Management. They described that people have been seen parking on Autumn
95 Mist Drive and then crossing the road to Heritage Gate.

96 Mr. Whitney said that the resident who was receiving these visitors had been contacted.
97 The resident was running a tax/accounting firm from her house. After contacting the
98 homeowner, the issue has abated. The resident was sent a letter about the parking, and
99 Vanguard posted signs in the area. There was some discussion about people parking in
100 Fountain Hills and then walking over to Heritage Gate. It was noted that this is a
101 trespassing issue. Mr. McDowell reminded those present that in the past, the Board has
102 allowed some people to become 'deputized' in order to facilitate towing of unauthorized
103 vehicles. He said that this may be something the Board will need to consider in the future.
104 In order for this to be accomplished, the deputized person would have to sign a tow form.

105 The Board addressed the issue of the carloads of young men who were pulling up on
106 Autumn Mist Drive. The Board told the resident who called the non-emergency number
107 and provided the photos to Detective Pickney that he did the right thing. This kind of
108 activity appeared to be suspicious.

109 **B. Lake Geneva Parking**

110 Mr. McBeth discussed the issue of residents parking in visitors spaces and leaving their
111 vehicles there for long term parking. He expressed his frustration with several homeowners
112 and neighbors of his who have multiple vehicles who use their allocated parking spaces,
113 and then they use the visitor spaces as their own personal third or fourth space. He said that
114 this is not fair to the residents who live in Fountain Hills and who abide by the rules. He
115 said that Fountain Hills needs to have a better vehicle enforcement policy. He asked what
116 can be done. Mr. McBeth was informed that homeowners can tow violators from their
117 own parking space(s) if they fill out the correct paperwork. Mr. McBeth emphasized his
118 concern is about people parking too many cars in the development. He said that there seems
119 to be a loop hole in the rules because they are not enforceable.

120 Mr. McDowell said that there is a loophole in the parking rules and regulations for the
121 Fountain Hills Community. He said that if a resident has two cars in his own spaces, and
122 he puts additional cars in the visitor's spaces and leaves them there permanently, they
123 cannot be fined or towed as there are no restrictions associated with the use of the visitor's
124 spaces. Mr. McBeth continued to express his frustration, and the Board asked Mr. McBeth
125 what he would recommend stopping people from parking in the visitor's spaces.

126 Mr. McBeth recommended the following options,

- 127 • Painting VISITOR on the parking space and then towing the resident's car when it remains
128 in the visitor's space over night. He said it would be easy to identify the cars that have
129 two or more spaces this way, and it would be easy to see who is using the visitor's spaces
130 for long-term parking.
- 131 • Mr. McBeth also asked about the possibility of providing non-garaged owners with
132 numbered spaces.

- Residents implement a (rear-view mirror) hanging tag system that would include two permanent tags and 1 visitor tag.
- That residents reserve visitor spaces through the Management Company when they are having guests.
- Mr. Walsh volunteered that his neighborhood has gone to the tag system, and it has helped the parking situation for the condominiums' residents.

Mr. McBeth also expressed his concern for the safety and security of his home. He said that there were some high school youths who tried approximately 43 doors in the neighborhood.

C. Draft Budget for Fiscal Year 2007

The Board discussed the budget. It was noted that assessments will not be raised in the upcoming fiscal year. This is partly because the lawn maintenance contract will cost less. In addition, the reserve contribution will not be as large as it has been in the past because the community turned over the storm water management facility to the county. This was a large reserve expense.

152 Motion: To publish the draft budget for 2007 and to distribute it to the community for comment.
153 McDowell/Renner. Vote: 6:0:0.

154 Action: Mr. Whitney will write a cover letter for the draft budget, indicating that this is the second
155 consecutive year with no proposed increase to the monthly assessment.

156 It was noted that if the community needs to increase the assessment at any time, it is limited
157 to increasing it by 10% per year.

D. Pool Pass Distribution to Condominiums

At the last meeting, the Board discussed implementing one of the following recommendations:

1. Send out pool passes to Fountain Hills Condominiums
2. Provide the pool passes to Legum and Norman to distribute to the homeowners

Management recommended the first option. There was some discussion. It is also possible for the condominiums to pay one check for the pool passes and one for the assessments.

165 Motion: To take option 1 which is to send out pool passes based on the assessments being current
166 with the Fountain Hills Condominium Association. This would go into effect one day after
167 the April meeting, in order to allow Fountain Hills Condominium Board to provide any
168 input on this subject. McDowell/Renner. 6:0:0.

169 The Fountain Hills Board has invited the Condominium Board several times to attend the
170 meeting to provide input on this issue in person. No representative of the Condo Board has
171 attended the meeting to address the pool pass question.

E. Pool Procedures Mailing

173 The Board said it is awaiting comments from the Pool Committee regarding the pool hours.
174 Ms. Kastenmayer had a question regarding the pool procedures.

175 All pool passes will be mailed. (The application must have the owner's signature on the
176 application indicating that the tenant has a right to use the pool). If the owner's signature is
177 on file, the tenant will be sent the pool passes.

178 There was a minor change to the pool pass application. The form will now read "US mail"
179 not USPS.

180 Motion: To approve the pool pass mailing newsletter and application with the small modification.
181 Poon/Kastenmayer. Vote: 6:0:0.

182 **F. Home-Based Business**

183 The resident who lives at 18817 Lake Placid Lane has requested permission from the Board
184 in order to run her business from her home.

185 Mr. Whitney said that a home-based business is different from a home-based daycare
186 business. Maryland law allows home-based daycares to be operated within a community.
187 The Board discussed the traffic flow to this resident's home. There was some discussion
188 about the by-laws that discuss no-impact businesses. The community can restrict, but does
189 not have the right to permit a specific business. It was Management's recommendation to
190 not allow the home-based business as this type of business would violate the covenants
191 regarding impact on the community.

192 Motion: To deny the request to have a home-based beauty and hair salon in the neighborhood.
193 Renner/Poon. Vote: 6:0:0.

194 **G. Annual Legal Retainer**

195 The Board reviewed the annual legal retainer.

196 Motion: To accept the annual legal retainer. McDowell/Renner. Vote: 6:0:0.

197 **H. Exterior Light**

198 A resident complained about the brightness of the exterior light at 18839 Porterfield Way.
199 Several Board members had gone to see if the light was overly bright and shone in the
200 neighbor's house or yard.

201 Motion: To send a letter to Mr. Rivers indicating that having more thoroughly reviewed the
202 situation, the Board has determined that there is no violation regarding the light shining on
203 his property. Renner/Kastenmayer. Vote: 6:0:0.

204 **I. Vent Repair Extension**

205 The Board reviewed a request from a homeowner to have extended time to repair a chipped
206 vent. It was the consensus of the Board to allow the resident to have until the end of May to
207 complete this project.

208 **J. Violation**

209 A Board member asked about the violation procedure. The resident who lives at 18915
210 Porterfield Way has already been cited several days ago. The Board member wanted to
211 know what would happen after the 10 days leniency period. The Board was notified that if
212 the resident has not completed the repairs in 10 days, he or she will have a fine assessed for
213 10 days, then the Board will authorize the repair. A (maximum) fine of \$250.00 will be
214 added to the cost of repairs. The resident has ten days grace period in which to fix the
215 violation, then the resident will be fined for 10 days and then the cost of the repairs will be
216 added to the 10 day fine.

217 Motion: To accept the violation grace period, fining and repair schedule as described
218 above. McDowell/Poon. 6:0:0.

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K. Soil and Ladder on Common Area

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Motion: To follow the violation procedure with the resident for removal of the soil and ladder on the common area. Poon/Kastemayer. Vote: 6:0:0.

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L. Board Meeting Signs

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The Board discussed putting up signs at different entrances to Fountain Hills. These would be the old style real estate signs priced at \$109 per sign. Mr. Renner said it would be interesting to do this at all nine entrances to the community. Another option would be to put a central notice board at the pool. This large type of sign would be a capital investment. It could be lighted, etc.

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There was some concern that the portable signs would have to be put out and taken down at each of the nine entrances to the community before and after each meeting time, and that some might be lost or stolen.

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Motion: To table the meeting sign discussion until Ms. Brill attends the meeting to discuss this. Renner/Poon. Vote: Unanimous.

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M. Operating Plan

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Mr. Whitney provided the Board with an updated version of the Operating Plan for fiscal year 2007. The Board made a few additional modifications.

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Action: Move the sand removal clean-up contract request to April.

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Action: Mr. Whitney will try to get a sand removal proposal to the Board by next month.

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N. Inspection Report

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The Board reviewed the inspection report.

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Mr. McDowell encouraged Mr. Whitney to continue on with the inspections. He also thanked Mr. Whitney for the summary of the violations. Management discussed the architectural guidelines and enforcement policy. The document requires an annual inspection. This is problematic as it is not being done. Therefore, the enforcement policy has been extracted and put into a separate document.

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O. Delinquencies

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The Board reviewed the delinquency list and collection policy.

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- At the first month of a delinquency, the resident receives a late notice with a surcharge.
- If after 30 days the delinquency is not corrected, the owner will receive a Notice of Intent to create a lien (NOI). The lien includes accelerated dues through the end of the year.
- The lien has to be sent by certified mail and signed for. If it is not signed for, Vanguard posts the NOI on the building. This is considered proper notice.
- A lien is filed 30 days after the posting or receipt of the NOI.
- The homeowner's information is forwarded to the attorney for additional legal action.
- If the homeowner has a lien on the house, he or she needs to pay dues through the end of the fiscal year before the lien can be released.

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Action: Mr. Whitney will find out if the Board is due to place a lien on any house.

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Action: Mr. Whitney will double check to see what the dates mean on the delinquency lists. He thinks that this means the owner is about 60 days delinquent, and fees owed are between \$120-\$150.

260 V. OLD BUSINESS

261 Mr. Walsh said the parking signs discussion was not accurately reflected in the minutes. It
262 was noted for the record, that the Fountain Hills Condominiums will select, purchase and
263 install the signs in the appropriate locations, and Fountain Hills HOA will pay for this
264 project.

265 VI. NEW BUSINESS

A. Fence and Trees Near Post Office

267 The Board discussed Mr. Bhattacharyya's fence and tree issue. It was noted that there is
268 no association property by the post office. The builder put \$2,000 worth of trees on that
269 property. Mr. Wilson asked if this was really an association issue. He recommended that
270 the homeowner needs to address this issue with US Post Service again.

271 Action: Mr. Whitney will pass along any helpful phone numbers of contacts at the post office to the
272 homeowner.

273 VII. ADJOURNMENT

There being no additional business, the Board meeting adjourned at 9:30 p.m.

275 Motion: To adjourn the meeting at 9:30 p.m. Renner/Poon. Vote: 6:0:0.

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278 Respectfully Submitted,

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280 Rani Pellet

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Rani Pellet Minute Taker

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List of (Non-Board Member) Attendees

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286 Mr. James Allen 18617 Autumn Mist Drive.

287 Mr. Vernon McBeth 13100 Lake Lane

288 Ms. Ruchita Patel 13374 Rushing Water Way

289 Mr. German Garay 18843 Porterfield

290 Mr. Joy Bhattacharyya 18925 Porterfield Way

291 Mr. Clay Vaughan 18905 Porterfield Way

292 Ms. Alice Kalamar 13430 Fountain Club Drive

293 Mr. James Caddell 19020 Noble Oak Drive.

294 Mr. Chris Hekimian 13416 Rising Sun Lane

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Fountain Hills Regular Meeting

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Motion List March 2, 2006

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- 1: To accept the minutes of the previous month as amended. Renner/Poon. Vote: Unanimous.
- 2: To approve the fence in the back yard, with the caveat that the fence remains within the property line. Poon/Renner. Vote. Unanimous.
- 3: To approve the changes to the resident's exterior door, storm door and shutters as requested. McDowell/Poon. Vote: 5:1:0. Mr. Walsh opposed the motion.
- 4: To publish the draft budget for 2007 and to distribute it to the community for comment. McDowell/Renner. Vote: 6:0:0.
- 5: To take option 1 which is to send out pool passes based on the assessments being current with the Fountain Hills Condominiums Association. This would go into effect one day after the April meeting, in order to allow Fountain Hills Condominium Board to provide any input on this subject. McDowell/Renner. 6:0:0.
- 6: To approve the pool pass mailing newsletter and application with the small modification. Poon/Kastenmayer. Vote: 6:0:0.
- 7: To deny the request to have a home-based beauty and hair salon in the neighborhood. Renner/Poon. Vote: 6:0:0.
- 8: To accept the annual legal retainer. McDowell/Renner. Vote: 6:0:0.
- 9: To send a letter to Mr. Rivers indicating that having more thoroughly reviewed the situation, the Board has determined that there is no violation regarding the light shining on his property. Renner/Kastenmayer. Vote: 6:0:0.
- 10: To accept the violation grace period, fining and repair schedule as described above. McDowell/Poon. 6:0:0.
- 11: To follow the violation procedure with the resident for removal of the soil and ladder on the common area. Poon/Kastemayer. Vote: 6:0:0.
- 12: To table the meeting sign discussion until Ms. Brill attends the meeting to discuss this. Renner/Poon. Vote: Unanimous.
- 13: To adjourn the meeting at 9:30 p.m. Renner/Poon. Vote: 6:0:0.

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335 1: Mr. Whitney will write a cover letter for the draft budget, indicating that this is the
336 second consecutive year with no proposed increase to the monthly assessment.

337 2: Move the sand removal clean-up contract request to April.

338 3: Mr. Whitney will try to get a sand removal proposal to the Board by next month.

339 4: Mr. Whitney will find out if the Board is due to place a lien on any house.

340 5: Mr. Whitney will double check to see what the dates mean on the delinquency lists.
341 He thinks that this means the owner is about 60 days delinquent, and fees owed are
342 between \$120-\$150.

343 6: Mr. Whitney will pass along any helpful phone numbers of contacts at the post office
344 to the homeowner.

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