

# **Fountain Hills Community Association**

## **Board of Directors Meeting**

### **September 2, 2010**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Service Center on Thursday, September 7, 2010 at 7:30 p.m.

#### **Board Members Present:**

Niclm Mahabir, President  
Vernard McBeth, Vice President  
Daryl McFadden, Treasurer  
Frank Walsh, Secretary  
Brandon Dart, Director  
David Holtzman, Director  
Steven Muse, Director

#### **Also Present:**

Stephon Collins, Community Manager  
Ruth Ann Allen, Recording Secretary

#### **Homeowner Present:**

Bill Renner, 18834 Porterfield Way

#### **A. CALL TO ORDER**

The September Board of Directors Meeting was called to order by Niclm Mahabir at 7:43 p.m. Mr. Mahabir stated that he had asked Vernard McBeth, Vice President, to preside over the Board meeting.

#### **B. MINUTES**

##### **1. August Board of Directors Meeting Minutes**

**MOTION:** (Brandon Dart/David Holtzman) Approve the August 5, 2010 Board of Directors Meeting Minutes as amended by Frank Walsh.

**Vote:** Motion Passed - Unanimous

#### **C. MANAGEMENT REPORT**

##### **1. Change in Banking Procedures**

David Holtzman stated that the change in banking procedures was not listed on the agenda or in the Management Report. Vernard McBeth stated that this matter will be discussed under New Business.

##### **2. Approval of Architectural Review Committee (ARC) Chair**

Management received a letter from Maggie Suter of 13384 Rushing Water Way volunteering to chair the ARC. Management has emailed former Board and/or ARC members as well as several other homeowners who had expressed interest on being on the ARC, but Management has not received replies from any of them.

Vernard McBeth suggested that Ms. Suter be appointed as chair of the ARC. Frank Walsh stated that the chair cannot be approved without a committee. Mr. McBeth requested that two (2) Board Members volunteer for the ARC to constitute a committee. Vernard McBeth and Daryl McFadden volunteered to be on the ARC Committee.

**MOTION:** (Vernard McBeth/Nicolm Mahabir) Approve Maggie Suter, 13384 Rushing Water Way, as chair of the Architectural Review Committee.

**Vote:** Motion Passed - 7 ayes

2. Request for Waiver of Late Fee for 13509 Champions Way

The homeowner of 13509 Champions Way has requested a waiver of a \$5.00 late fee for the July 2010 payment.

**MOTION:** (Vernard McBeth/Daryl McFadden) Approve the waiver of the \$5.00 late fee for 13509 Champions Way.

**Vote:** Motion Passed - 7 ayes

3. Request for Waiver of NOI Fee and Late Fee for 18835 Porterfield Way

The homeowner of 18835 Porterfield Way is requesting a waiver of the \$45.00 Notice of Intent fee as well as the \$5.00 Late fee that has been assessed to the account.

Frank Walsh reminded the Board that the Notice of Intent fee is a hard cost for the Association.

**MOTION:** (Frank Walsh/Steven Muse) Waive the \$5.00 Late fee, but not the \$45.00 Notice of Intent fee, for 18835 Porterfield Way.

**Vote:** Motion Passed - 6 ayes/1 abstention (McBeth)

4. Request for Waiver of Return Check fee for 18725 Harmony Woods Lane

The homeowner of 18725 Harmony Woods Lane is requesting a waiver of the \$35.00 Return Check fee that has been assessed to the account.

David Holtzman stated that the Return Check fee is a hard cost for the community.

**MOTION:** (David Holtzman/Frank Walsh) Deny the request for waiver of the Return Check fee of \$35.00 for 18725 Harmony Woods Lane.

**Vote:** Motion Passed - 6 ayes/1 abstention (McBeth)

5. Reconsideration of ARC Application for 13222 Lake Geneva Way

Management received a letter from the homeowners at 13222 Lake Geneva Way requesting that the Board reconsider the architectural application to install an additional exhaust vent to the front the townhouse. The homeowner stated that the new request is for the 4"x4" exhaust vent to the front of the townhouse, instead of the 6"x6" exhaust vent. The homeowner also stated that there are other townhouses in the area that have two (2) vents to the front.

Vernard McBeth stated that the ARC Committee needs to officially document that there are other townhouses that have two (2) vents to the front.

Fountain Hills Community Association  
Board of Directors Meeting  
September 2, 2010

**MOTION:** (Steven Muse/Daryl McFadden) No later than Friday, September 10, 2010, the Chair of the ARC Committee and the two (2) other Board members will check for exhaust vents to the front of townhouses, and if there is at least one (1) townhouse with two (2) vents to the front, then approve the ARC Application for 13222 Lake Geneva Way.

**Vote:** Motion Passed - 5 ayes/2 abstentions (Walsh/Holtzman)

**D. HOMEOWNERS FORUM**

1. Bill Renner, 18834 Porterfield Way, mentioned that he noticed that in one of the alleys on Fountain Hills Drive and Noble Oak Drive, that several garages had just one light illuminated or no lights on. Mr. Renner stated that according to the ARC Rules and Regulations the garages must have two (2) lights on in the alley with photocells. Mr. Renner requested that the Board communicate the information from the ARC Rules and Regulations to residents and homeowners concerning the garage lights in the alleys.

Mr. Renner mentioned that on the weeks when recycling is moved back one day, some residents put out the bins twenty-four (24) hours before pick-up, instead of waiting until the following day. Mr. Renner stated that this often causes recycling items to be blown around the neighborhood. Mr. Renner requested that this information be communicated to the residents of Fountain Hills by letter and/or on the web site.

Mr. Renner noted that during the street sweeping in the spring, the sand was blown from the streets, often onto residents yards, or left in piles. Management responded that McFall & Berry went back to remove the sand, and Management told them to sweep and remove the sand, not blow it.

Mr. Renner inquired as to the date and time of the dog swim at the pool. Steven Muse stated that the dog swim will be held on Sunday, September 12<sup>th</sup>, from 10:00 a.m. until 2:00 p.m. Flyers will be handed out to homeowners. There will also be a sign at the pool and on the web site. David Holtzman requested that a copy of the flyer, so this information could be posted at the Condominium.

**E. RSV POOLS**

Pete Fleming, RSV Pools, was present to follow up on the fountains and the closing of the pool. Mr. Fleming stated that the blue apparatus in the fountain was an old chemical feeder and should have been removed. The Board mentioned that it was still in the fountain and the there was also a blue chemical feeder in the fountain on Lake Geneva Way. Mr. Fleming noted that the fountain that was not flowing well had a clogged line and this had been cleared. He noted that the timers for the fountain were probably off schedule due to the power outages. The timers have been set properly.

Mr. Fleming stated that the pool season went well. Fountain Hills pool should receive a Certificate of Merit from the Montgomery County Health Department for satisfactory health inspections.

Fountain Hills Community Association  
Board of Directors Meeting  
September 2, 2010

6<sup>th</sup>, as the furniture will be cleaned and moved off the deck. Management stated that the furniture cannot be put away until it is inspected. The furniture will be inspected during the next week. Mr. Fleming also noted that due to the dog swim on September 11<sup>th</sup>, RSV Pools will wait to pump out the pool. The circulators will need to be kept running and a bare minimum of chlorine will be needed until a day or two before the dog swim.

According to the fountain contract, the fountains will be turned off on October 31<sup>st</sup>. Steven Muse suggested that the fountains be turned off before Halloween weekend. They would be turned off and winterized by October 30<sup>th</sup>. Frank Walsh stated that the fountain on Sparkling Water Drive and Fountain Club Drive continues to leak. Mr. Walsh inquired if the dye test had been done on the Fountain to find the leak. Mr. Fleming stated that the dye test had not been done, but that the fountain would be repaired after the fountains had been shut down at the end of the season. Mr. Walsh stated that this seemed too long to wait as water is leaking from the fountain and asked what the plan was for identifying the leak and repairing it. Management stated that they would get the plan from RSV Pools and then forward this information to the Board. Management recommended waiting to turn off the fountain until the scope of the work could be determined from RSV Pools. The Board agreed to wait for additional information before turning off the fountain.

**F. UNFINISHED BUSINESS**

1. Fountain Hills International Festival

Nicelm Mahabir mentioned that the Fountain Hills International Festival, originally scheduled in July, has been rescheduled for September 25<sup>th</sup> from 12:00 noon until 4:00 p.m. Mr. Mahabir stated that he hopes all Board members would be in attendance.

2. Street Lights

David Holtzman mentioned that a street light on Fountain Club Plaza is not working. Mr. Holtzman also inquired if progress had been made on fixing the other lights that were not working. Management stated that repairs had been done to the lights and they should be working. David Holtzman stated that the street lights were still blinking on and off as of September 1st. Also, two (2) street lights on Champions Way, in the cul-de- sac area, should be checked.

3. Pool Passes

Vernard Macbeth requested that the Board and Management look into a computerized pool pass system for use with plastic pool passes for the Fountain Hills pool.

David Holtzman had concerns about the vulnerability of the information on the pool passes, and making sure that the information is secure.

Fountain Hills Community Association  
Board of Directors Meeting  
September 2, 2010

passes and the biggest issue is that once a week, Management has to update the delinquency information into the computer at the pool.

Mr. Bernard stated having plastic pool passes should have a return on the initial investment and it saves on the amount of paper used for pool pass applications.

Management will provide the Board with a full report and costs for a computerized pool pass system, compared to the costs for mailing and administration of the current pool pass system, for the October Board Meeting.

**4. Plain Sight Violations and Fines**

Steven Muse stated that there must be consequences for violations with fines. Many homeowners have unapproved architectural changes or additions to their property.

David Holtzman stated that the Fountain Hills covenants and bi-laws have directions on how to handle plain sight violations. Each case that is brought to the Board's or Management's attention can be addressed consistent with the covenants.

Management stated that any violations that are brought to Management's attention can be handled in the Board meeting.

Vernard Macbeth mentioned that the Board and Management has been reluctant to go onto homeowner's property, i.e., to have a deck removed.

Mr. Muse mentioned that what is to stop the homeowner from putting in a second exhaust vent even if the application is denied. Also, there are residents who have been fined, but there has been no follow up. David Holtzman stated that there needs to be concrete information to the Board on the violations and unpaid fines.

Management stated that according to the Fountain Hills documents a written notice is sent to the homeowner to correct the violation within fifteen (15) days or less. Frank Walsh stated that this is a good first step, but there needs to be more follow up.

Mr. Muse stated that the Board needs to consider how it wants to handle plain sight violations that are not corrected within the fifteen (15) days.

**G. NEW BUSINESS**

**1. Banking Changes**

David Holtzman inquired of Management concerning the banking change for Fountain Hills Community Association. Vanguard Management has implemented a banking change effective September 27, 2010 to begin with the assessment payments due on October 1, 2010. Management stated that new coupons with envelopes will be sent to all residents in mid-September with no extra charge to the Association. With the banking change, payments can also be done by credit card (with a large added fee) or by echeck. Mr. Holtzman inquired if information on using the new payment options will be included in the information on the banking change. Management stated that information will be included explaining this information to homeowners.

Management stated that this change in banking services should lead to a drop in bank fees as ninety percent (90%) of the fees charged by the previous bank will go away.

Fountain Hills Community Association  
Board of Directors Meeting  
September 2, 2010

The new bank specializes in working with homeowner associations.

David Holtzman stated that he wanted a clear explanation for the Condominium that there were no changes in the payments to the HOA and the Condominium, except for the type of coupons used.

**2. Clean Up after Dog Feces**

Daryl McFadden observed a resident on Lake Geneva Way walking a dog who did not clean up the dog feces on the grass. Management stated that if this matter is reported to Management a violation letter can be sent. If the matter is noticed again, the homeowner can be called in for a Hearing. If the situation is not resolved with a Hearing, the homeowner can be fined.

**3. Missing Information in Board Packet**

Frank Walsh noted that a sentence was not completed under Item 7 of the Management Packet. Management stated that the McFall & Berry were neglecting to mow the storm water area located behind 18940 Fountain Hills Drive; Management has brought this matter to their attention.

**4. Emails to Board Members**

Frank Walsh noted that the emails that homeowners send through the web site are not sent to all Board Members. Management will check with the web master to update the information.

**H. ADJOURNMENT**

**MOTION:** (Bernard Macbeth/Steven Muse) Adjourn the Board Meeting at 9:05 p.m.

**Vote:** Motion Passed - Unanimous