

**Fountain Hills Community Association  
Board of Directors Meeting  
August 5, 2010**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Service Center on Thursday, August 5, 2010 at 7:30 p.m.

**Board Members Present:**

Nicolm Mahabir, President  
Vernard McBeth, Vice President  
Frank Walsh, Secretary  
Brandon Dart, Director  
David Holtzman, Director  
Steven Muse, Director

**Also Present:**

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

**Board Member Absent:**

Daryl McFadden, Treasurer

**Homeowners Present:**

Phil & Maggie Suter, 13384 Rushing Water Way  
Wenmei Huang, 13222 Lake Geneva Way

**Others Present:**

Brad Stokley, Playground Specialists  
Scott Vincent, RSV Pools

**A. CALL TO ORDER**

The August Board of Directors Meeting was called to order by Nicolm Mahabir at 7:35 p.m.

**B. MINUTES**

1. July 1, 2010 Board of Director Meeting Minutes

**MOTION:** (David Holtzman/Frank Walsh) Approve the July 1, 2010 Board of Directors Meeting Minutes as amended by Frank Walsh.

**Vote:** Motion Passed - Unanimous

2. May 2010 Board of Director Meeting Minutes

*a. Suggestion by Recording Secretary of Addition to May 2010 Minutes*

The Recording Secretary had submitted a suggestion for an addition to the May 6, 2010 Board Meeting Minutes. David Holtzman objected to the addition as written. Nicolm Mahabir recommended that the inclusion of a statement

regarding an incident that occurred during the meeting be tabled indefinitely, but noted that this does not preclude action concerning department of attendess at future Board meetings. David Holtzman inquired if all members of the Board were held to the same level of department. Mr. Mahabir stated that all members of the Board are held to the same department, but the incident in May refers to only one member of the Board.

*b. Approval of the May 2010 Board Meeting Minutes*

The Recording Secretary stated that the May 6, 2010 have not been approved.

**MOTION:** (David Holtzman) Approve the minutes of the May 6, 2010 Board Meeting as amended at the last meeting.

**The motion died as there was no second.**

**MOTION:** (Vernard McBeth/David Holtzman) Approve the original version of the May Board Meeting Minutes as amended by Frank Walsh.

**Vote:** Motion Passed - 5 ayes/1 nay (Mahabir)

**C. REPORT FROM PLAYGROUND SPECIALISTS**

Brad Stokley, Playground Specialists, was present to report on his evaluation of the installation of the playground on Lake Geneva Way. Mr. Stokley inspected the playground six (6) or seven (7) weeks ago. He noted that the playground was not installed on a completely level surface, but the playground falls within the parameters for placement and safety. Additional surface material was placed in some areas. The dots on the equipment that designates where the surface material should come to show in the areas where the ground is lower.

The Board mentioned that the swings are still too high for small children to get into. Mr. Stokley replied that the replacement chains are inexpensive and longer chains can be installed. He is willing to install them and not charge for labor. Steven Muse noted that the Board had mentioned that the swings were too high, before the playground equipment had the final approval. The representative from Playground Specialists at that time stated that the seats would drop down, thus making the seat lower. Mr. Muse noted that the seats have not dropped down. Management will resolve the matter of lowering the swings with Playground Specialists to the Association's benefit.

Vernard McBeth mentioned his concern that Playground Specialists was not very accessible. Mr. McBeth wants assurance that Playground Specialists can be reached, if necessary. Mr. Stockley stated that he can be reached by email or cell phone. Management has his contact information and he can leave the Board with his business card.

Vernard McBeth also mentioned that the big slide and the little slide do not look to reach the ground on the same level. Mr. Stokley stated that the safety surface may have changed since he last checked and will check this matter on Friday, August 6, 2010.

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**D. ARC APPLICATION FOR VENT DUCT**

Wenmei Huang, 13222 Lake Geneva Way, was present to respond to the Board's questions concerning her ARC Application for an exhaust vent duct to be placed on the front of the townhouse. The vent to the outside will be a six inches by six inches (6" x 6"). Frank Walsh asked if other townhouses have vents in the front. Nicolm Mahabir stated that here are very few houses that have vents to the front. The Board will consider the application and will let the homeowner know of their decision.

**E. UPDATE FROM SCOTT VINCENT, RSV POOLS**

Scott Vincent, RSV Pools, reported that the staff and cleanliness of the pool are fine. The fountains are up and running. There are still some structural cracks that need to be fixed, but the fountains are not losing much water due to leakage from the pipes. There is still money left from the amount that the Board had approved to fix the fountains so further repairs can be done.

Nicolm Mahbir mentioned that the lights and the fountain in his neighborhood are not turning off at 11:00 p.m. Frank Walsh also mentioned that the lights and the fountain at Fountain Club Drive were not turning off until Management went out and reset the timer. Management will check on this matter.

Several Board Members also mentioned that water is not coming out of the top of the pineapple at a couple of fountains. Mr. Vincent stated that there could be a blockage up to the pineapple or the pump may not have enough power to get the water up to the pineapple. RSV Pools will check on this matter. Frank Walsh mentioned that the fountain on Fountain Club Drive has a big blue plastic thing half way up the fountain that is not attractive. Mr. Vincent was not sure if this was put on the fountain by RSV Pools, but it could be a booster bump to force the water up. This matter will be looked into by RSV Pools.

Brandon Dart mentioned that there could be water seepage from the pipes at Fountain Club Drive as the ground is wet downhill from the pump area. RSV Pools will look at this area.

Mr. Vincent explained that the items listed on an invoice received from RSV Pools are for work on the pool at the beginning of the pool season; this work was required by Montgomery County to ensure that the pool opened on time. RSV Pools did not have time to provide a proposal to the Board before the work needed to be performed. The invoice is under the \$4000.00 limit for approval. Mr. Vincent promised that the inspection of the pool will be done once the water is turned on for next year. RSV Pools will also provide an inventory at the end of the pool season.

**MOTION:** (Vernard McBeth/Steven Muse) Approve the invoice from RSV Pools for \$3,773.88.

**Vote:** Motion Passed - Unanimous

**F. HOMEOWNERS OPEN FORUM**

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1. Phil Suter, 13384 Rushing Water Way, mentioned that there are several street

lights on his street that go off and on randomly. Management will look into this matter.

Mr. Suter also mentioned that he had contacted the State about paving an area into the median of Great Seneca Highway to allow for left turns from Fountain Club Drive and Autumn Mist Circle onto Great Seneca Highway. The State is reviewing the request.

2. Management mentioned that Maggie Suter, 13384 Rushing Water Way, was interested in chairing the ARC Committee. For the committee to be official, there needs to be at least three (3) members. Management has a list of names of residents who have stated an interest in serving on the ARC Committee and will pass these names onto Mrs. Suter. The Board will be in contact with Mrs. Suter on the formation of the ARC Committee.

## **G. MANAGEMENT REPORT**

### **1. Tree Removal Proposal from McFall & Berry**

Management met with McFall & Berry in reference to tree work throughout the community. McFall & Berry provided a proposal for tree work in the community for a total of \$1,500.00. Vernard McBeth stated that dead pines along Dawson Farm Road were not on the list. Additionally, there are six (6) dead trees near Lake Geneva Way. David Holtzman mentioned that a tree by the pool fence near 18808 Sparkling Water Drive was snapped in half during a storm and there is just a sharp stump sticking up. Mr. Walsh also mentioned that the replacement of trees needs to be addressed. Steven Muse suggested that Board members email Management the location of the dead trees that were not on the proposal from McFall & Berry. Frank Walsh suggested that this proposal from McFall & Berry be approved and Management can work with McFall & Berry for a second (2<sup>nd</sup>) proposal for tree removal.

**MOTION:** (David Holtzman/Brandon Dart) Approve the proposal as present by McFall & Berry along with the removal of the stumped tree at 18808 Sparkling Water Drive at a cost of \$1,500.00.

**Amend:** (Vernard McBeth) Include the removal of six (6) trees on Lake Geneva Way.

**The amendment died as there was no second.**

**Vote:** Motion Passed - 3 ayes/ 2 nays (McBeth/Muse)/1 Abstention (Mahabir)

### **2. Pet Waste Stations**

Management obtained a price to purchase thirty-four (34) Fido Pet Stations. The cost for each station is \$345.00. The total cost, not including installation, is \$11,730.00. This cost also does not include the contract to empty the stations on a regular basis and to replenish the bags. Vernard McBeth suggested that the top five (5) most offensive areas be considered for pet stations. Management mentioned that another community Vanguard manages spends \$600.00 a month to clean the pet stations two (2) times a

month. Management also stated that the trash company cannot knowingly collect trash

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containing animal feces. Management can check with McFall & Berry if they would handle maintenance of the pet waste stations.

#### **H. HOMEOWNER OPEN FORUM FOR BOARD MEMBERS**

1. David Holtzman stated that a street light on Fountain Plaza Court at the circle is out. Management will check on this matter.

2. Steven Muse mentioned that he is satisfied with the contracts that Fountain Hills Community Association has entered into this year. The contractors have done a good job.

#### **I. UNFINISHED BUSINESS**

##### 1. Matter of the May 2010 Board Meeting

a. Steven Muse stated that the incident involving Mr. Holtzman and Mr. Muse needs to be addressed. Mr. Holtzman owes an apology to the Board and the Board Chairman for the incident that occurred at the May Board Meeting. Mr. Mahabir owes an apology to Mr. Holtzman for the personal attack to Mr. Holtzman at June Board Meeting.

b. Vernard McBeth also mentioned that the issues involving apologies need to be addressed so the matter can be done with. Mr. McBeth stated that something should be noted for the record in the May 2010 minutes that something did transpire. An apology should also be given to the homeowner who was in attendance.

c. Nicolm Mahabir, Board Chairman, stated his words were inappropriate and he apologizes in public. There was nothing personal and no animosity intended and he accepts the responsibility for what he said. His apology does not do away with the incident at the May Meeting, and the Chair will deal with the situation in the future.

##### 2. Tree at 13322 Rising Sun Lane

Steven Muse mentioned that he had noticed a tree was removed across the street from 13322 Rising Sun Lane and inquired if a mistake had been done. Management reported that the tree at 13322 Rising Sun Lane had been taken down on Wednesday, and the homeowner across the street had removed a tree from their own yard.

#### **J. NEW BUSINESS**

##### 1. Parking on Rising Sun Lane

Vernard McBeth mentioned that he had received an email from a homeowner concerning the parking on Rising Sun Lane. The email was sent through the web site to the Board President, Vice President, and Management. Mr. Holtzman mentioned that

this email was not included in the Management Packet. Management apologized for this

oversight.

The homeowner mentioned that many of the cars parked on Rising Sun Lane had out-of-state license plates and didn't move for weeks. The homeowner also observed that people were parking on Rising Sun Lane and walking over to the condominiums.

David Holtzman stated that he had checked this area out for a couple of days, and noted in emails to Board members his observations. He noticed only one out of state license plate and this tag did have a military sticker.

The Board agreed that Management should respond to the homeowner thanking him for his comments and stating that the situation will be observed.

## 2. Placement of Satellite Dishes

The question was asked by Vernard McBeth about the placement and guidelines regarding satellite dishes in the HOA. Management stated that there is not much that can be done about satellite dishes due to the Telecommunication Act of 1996.

The Board noted that several residents have placed their satellite dishes on the front stoop. The regulations of the community suggest the satellite be placed first at the rear or side of the house near the ground or on the rear slope of the house, or at the front of the house near the ground where landscaping can be placed in front of the dish. Management stated that all the homeowner has to say is that the dish cannot be moved and it is placed in the position where they get the best reception, and this hinders any action from the Association.

Vernard McBeth stated that the HOA can impose placement restriction. Management stated that the Association can attempt to enforce the placement restriction, but the Association has to prove that another location would be better. This would cost money. Management mentioned that previously most hearings have ruled in favor of the homeowner. Mr. McBeth stated that recently rulings have been for the HOA. Mr. McBeth stated that these communities there are very specific rules for satellite dishes that are not as loose as the Fountain Hills Community Association.

Vernard McBeth stated that if the Association doesn't enforce the rules then there are not rules. Management stated that a letter can be sent suggesting that the satellite dish be placed to the rear of the property. But the homeowner can send a letter stating that the satellite dish is located for the best reception, then it makes it difficult for the HOA to enforce rules. The matter can then be taken to the FCC, but access is needed to the property to prove if the satellite dish is placed for best reception.

Vernard McBeth stated that the satellite dishes are an eyesore, and the Association would be remiss not to enforce the rules of the HOA.

Management suggested that a Board member can call legal counsel about this matter for his opinion.

Frank Walsh stated that the matter of satellite dishes had been talked about in the past by previous Boards, and legal counsel's advice was that it was a waste of time and

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Management stated that an FCC Hearing costs money, but Management will carry out what ever decision the Board decides.

Nicolm Mahabir stated that this matter will be left open for discussion, and the Board can decide on a plan of action.

3. ARC Application for 13222 Lake Geneva Way

**MOTION:** (Nicolm Mahabir/Vernard McBeth) Approve the exhaust vent duct to the front of the house at 13222 Lake Geneva Way.

**Vote:** Motion Defeated: 0 ayes/3 nays (Dart, Holtzman, Walsh) 3 abstentions (Mahabir, McBeth, Muse)

**K. ADJOURNMENT**

The Board Meeting was adjourned by unanimous consent at 9:20 p.m.