

Corrected as approved January 2, 2014

**Fountain Hills Community Association
Board of Directors Meeting
December 5, 2013**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, December 5, 2013 at 7:30 p.m.

Board Members Present:

Jacqueline (Jackie) Arnold, President
Nicolm Mahabir, Vice President
Harry Matchett, Treasurer
Tom Brennan, Director
Steven Muse, Director

Also Present:

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

Board Member Absent:

Hari Donthi, Secretary

Homeowners Present:

Lesli King Brown, 19003 Noble Oak Drive
Vernard McBeth, 13108 Lake Geneva Way
Don Webb, 13327 Tivoli Fountain Court
Tim Smith, 13327 Tivoli Fountain Court
Frank Walsh, 18711 Sparkling Water Drive

A. CALL TO ORDER

The December Board of Directors Meeting was called to order by Jackie Arnold at 7:30 p.m.

B. MINUTES

1. November 7, 2013 Board of Directors Meeting Minutes

Steven Muse suggested changes to the minutes. It was noted that the minutes have not included verbatim statements by Board members and other meeting attendees, but only what the meeting entailed. It was suggested that the Board revisit how detailed the minutes should be before the next Board meeting. Mr. Muse will distribute to the Board members his suggested changes for their review.

MOTION: (Nicolm Mahabir/Harry Matchett) Acceptance of the minutes be tabled until the next Board of Directors Meeting.

Vote: Motion Passed - 3 ayes/2 nays (Brennan/Muse)/0 abstentions

C. BOARD MEMBER RESIGNATION

Management received notification from Joyce Kral of her resignation from the Fountain Hills Community Association Board of Directors.

MOTION: (Nicolm Mahabir/Jackie Arnold) Accept Joyce Kral's resignation to the Fountain Hills Board of Directors.

Vote: Motion Passed - 4 ayes/1 nay (Muse)/0 abstentions

MOTION: (Nicolm Mahabir/Tom Brennan) Ratify Frank Walsh's appointment to the Board of Directors as the Condominium representative for the remainder of the term.

Management stated that, as Frank Walsh received the next number of votes for the Condominium Representative, he would be the next one in line to fill the vacant position. It was noted that the motion should state appoint instead of ratify. Steven Muse noted that this was not the proper procedure for election of another member onto the Board. The Board requested that Management check the By-Laws on the proper procedure for the next Board meeting.

MOTION: (Nicolm Mahabir/Tom Brennan) Withdraw the motion.

Vote: Motion Passed - Unanimous

D. COMMITTEE CHAIRS/BOARD LIAISONS

1. Enforcement Committee

Jackie Arnold stated that Don Webb, Tim Smith, and Martha Monks had volunteered for the Enforcement Committee.

Harry Matchett stated that he was willing to serve on the Enforcement Committee and that former members Danial Magid and Sam Harris were also willing to serve. Harry Matchett also stated that he was willing to be the Board liaison to the Enforcement Committee and that he would serve as chair if another committee member does not volunteer for the position.

MOTION: (Tom Brennan/Jackie Arnold) Reinstate Danial Magid, Sam Harris, and Harry Matchett and appoint Don Webb, Tim Smith and Martha Monks to the Enforcement Committee with Harry Matchett as Board Liaison and Chair if another member of the committee does not volunteer for the position as Chair.

Vote: Motion Passed - 4 ayes/0 nays/1 abstention (Muse)

Steven Muse noted that the Board Secretary, Hari Donthi, should post all meeting dates for the community.

2. Architectural Review Committee (ARC)

Jackie Arnold stated that Fred Williams had volunteered for the ARC and knew of two (2) other homeowners who were interested. Ms. Arnold will contact them to see if they are still interested in serving on the ARC. The ARC officially needs three (3) members, so the Board will act as the ARC until at least three (3) homeowners are appointed to the committee.

3. Social Committee

It was noted that Sui Poon will still serve on the Social Committee and that Sue has offered to continue as Chair. Nicolm Mahabir offered to be the Board liaison. Vernard McBeth stated his interest in possibly serving on the Social Committee.

MOTION: (Jackie Arnold/Tom Brennan) Activate the Social Committee with Nicolm Mahabir as Board liaison and Siu Poon as Chair.

Vote: Motion Passed - Unanimous

4. Landscape, Pool and Website/Newsletter Committees

Jackie Arnold stated that Joanna Hook offered to serve on the Pool Committee. There are presently no volunteers for the Landscape Committee. Vernard McBeth stated that he will consider volunteering for the Landscape Committee as there are presently no volunteers, Mr. McBeth will notify the Board of his decision on which committee he will serve on.

MOTION: (Tom Brennan/Jackie Arnold) Reactivate all six (6) committees.

AMEND: (Tom Brennan/Jackie Arnold) Reactive all committees except for the Enforcement Committee and the ARC.

Vote: Motion Passed - Unanimous

MOTION: (Tom Brennan/Jackie Arnold) Appoint Rick Morris as member of the Website/Newsletter Committee.

Vote: Motion Passed – Unanimous

Jackie Arnold noted that Joanna Kwaloff-Vedaa had offered to volunteer on the Website/Newsletter Committee.

MOTION: (Jackie Arnold/Tom Brennan) Accept Joanna Kwaloff-vedaa to the Website/Newsletter Committee.

Vote: Motion Passed - Unanimous

MOTION: (Tom Brennan/Jackie Arnold) Accept Joanna Hook as volunteer for the Pool Committee.

Vote: Motion Passed - Unanimous

E. DIRECTORS & OFFICERS REPORTS

1. Steven Muse noted that Fountain Hills Community Foundation is a corporation, not a social club and decisions that the Board makes should follow Maryland laws, the HOA Act, the Association's By-Laws and finally common sense. There have

been several actions, taken in the past, that have not followed protocol.

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Mr. Muse stated that he did not receive the binder for Board members from Vanguard until December 7th. Management stated that the delay was due to the time required to prepare the binder.

Mr. Muse inquired who contacted legal counsel about his attending Closed Meeting and who is paying for this phone call. Management stated that they contacted the attorney to be proactive as Mr. Muse was elected onto the Board and he is a complainant on the CCOC case. It was suggested that a special Closed Meeting be held to bring new Board members up to speed on the CCOC case. Jackie Arnold suggested that this matter be tabled and discussed at a later time.

Mr. Muse also inquired about the policy for email communication between Board members and the Board and Management. Ms. Arnold requested that Mr. Muse draft a policy for email communication. Tom Brennan offered to edit the email policy. Mr. Muse also suggested that Board members have a Fountain Hills email address so Board members do not need to use their personal emails. Mr. Muse requested that the Board refrain from email chatter until a policy is put in place.

2. Harry Matchett mentioned that a request had been received from the renter at 13239 Lake Geneva Way requesting a temporary wheel chair ramp. The structure is a temporary metal ramp and the homeowner has agreed to the ramp.

MOTION: (Harry Matchett/Tom Brennan) Approve the temporary wheel chair ramp for 13239 Lake Geneva Way.

Vote: Motion Passed - Unanimous

Mr. Matchett provided the Board with information from the homeowner at 13209 Lake Geneva Way, concerning the neighboring house that is in disrepair. Mr. Matchett raised the concern that the homeowner sent written communication six (6) times from May 6th through December 2nd and Management responded only twice on May 20th and December 2nd. Management stated that they had checked into the property and found that the house is in foreclosure. The Board noted their concerns that they were not kept in the loop on this matter. It was suggested that email communication from Vanguard be sent to all Board members, not just the President. Craig Wilson, Vanguard Management, stated that the Association would probably need to cover the cost to clean up the property. The homeowner who made the complaint should also take steps to secure her own property. Vanguard will look into this matter more closely.

Mr. Matchett provided the Board and Management with comments on the Treasurer's Report from the October 2013 Financial Package, which he received on December 3, 2013. Mr. Matchett noted that the financial package is due by the 20th of the following month. The Board and Management discussed Mr. Matchett's comments. Management noted that several issues could not be answered without the General Ledger and Attachment A. Management will provide the General Ledger for Mr. Matchett and

Attachment A to the Board. Tom Brennan suggested forming a Finance Committee.

Mr. Matchett also mentioned his concerns about the number of delinquencies in the community. Mr. Wilson stated that recent laws concerning debt have generally been in favor of the debtor. Many judges are not allowing Associations to recover attorney fees in judgments. Mr. Matchett suggested that the Board should look into filing delinquencies with the attorney earlier. This item will be placed on the agenda for further discussion.

F. MANAGEMENT REPORT

1. Additional Pet Waste Station

Management reported that the cost to install another pet waste station at Tivoli Fountain Court would cost \$465.00 but that this additional station will not incur an additional maintenance fee.

MOTION: (Jackie Arnold) Approve \$465.00 for the installation of a pet waste station Tivoli Fountain Court.

The motion died as there was no second.

Ms Arnold stated that she would be willing to fund the installation of this pet waste station. She will research the requirements for her to do this.

2. ARC Application

Management provided the Board with an ARC Application for 18710 Harmony Woods Lane for a white front storm door with bronze handle and kick plate and a motion sensor light.

MOTION: (Steve Muse/Jackie Arnold) Accept the ARC Application for a front screen door, bronze handle and kick plate and motion sensor light for 18710 Harmony Woods Lane.

Vote: Motion Passed - 4 ayes/1 abstention (Brennan)

3. Additional Pet Waste Station Revisited

MOTION: (Steve Muse/Jackie Arnold) Accept the pet waste station as long as there are no additional maintenance costs.

The Board discussed whether the cost of installing and maintaining the pet waste station was financially judicial. Ms. Arnold noted that residents use the trash can at the playground and that the trash can becomes very smelly. It was noted by several people that the pet waste stations do help. The Board requested that Management provide a map of the pet waste station locations and contact the contractor to find out which, if any stations are underutilized, and those stations can be relocated to Tivoli Fountain Court. The Board will revisit this matter.

MOTION: (Steven Muse/Jackie Arnold) Withdraw the motion.

Vote: Motion Passed - Unanimous

4. RSV Pools, Inc. 2014 Pool Contract

Management provided the Board with the extension of the pool contract from RSV Pools for 2014. Management stated that the Board has only approved the contract with RSV Pools for one (1) year at a time. The Board requested that a representative from RSV Pools come to the next Board meeting to discuss the pool operation before signing the contract.

G. HOMEOWNER OPEN FORUM

1. Lesli King Brown, 19003 Noble Oak Drive, noted her concerns about the lack of response received in regards to a complaint of a FHCA Board member. It was noted that the issue was brought to the Board's attention. Ms. Brown noted that it took too long for a response from her email and that it would be a good idea to have an acknowledgment that the email had been received. The Board requested that Management look into a way for homeowners to have their emails acknowledged.

2. Vernard McBeth, 13108 Lake Geneva Way, inquired about his request for a Hearing. Management stated that a response had been sent to Mr. McBeth today.

3. Nicolm Mahabir, Board Member, inquired if Management could get an estimate for installing two (2) streetlights on Lake Geneva Way. Management requested that Mr. Mahabir meet on site to discuss the placement of the streetlights.

4. Frank Walsh inquired why Management did not have additional help with the counting of proxies for the Annual Meeting. Management stated that the write-in candidates were not anticipated this year, and additional help was not thought to be needed.

H. CLOSED MEETING

MOTION: (Tom Brennan/Jackie Arnold) Move into Closed Meeting at 9:35 p.m.

Vote: Motion Passed - 3 ayes/2 nays (Matchett/Mahabir)

MOTION: (Tom Brennan/Jackie Arnold) Adjourn the Closed Meeting at 9:48 p.m.

Vote: Motion Passed - Unanimous

I. RESULTS OF THE CLOSED MEETING

The Board discussed a matter of an Association contract.

J. ADJOURNMENT

MOTION: (Tom Brennan/Harry Machete) Adjourn the Board of Directors Meeting at

9:48 p.m.

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Vote: Motion Passed - Unanimous