

Corrected as amended on March 6, 2014.

**Fountain Hills Community Association  
Board of Directors Meeting  
February 6, 2014**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, February 6, 2014 at 7:30 p.m.

**Board Members Present:**

Jackie Arnold, President  
Nicom Mahabir, Vice President  
Harry Matchett, Treasurer  
Hari Donthi, Secretary  
Tom Brennan, Director  
Steven Muse, Director  
Frank Walsh, Director

**Also Present:**

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

**Homeowners Present:**

Vernard McBeth, 13108 Lake Geneva Way  
Tim Smith, 13327 Tivoli Fountain Court

**A. CALL TO ORDER**

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

**B. HOMEOWNER OPEN FORUM**

1. Vernard McBeth, 13108 Lake Geneva Way, inquired about the appeal process on the Board's decision not to rescind his violation. It was noted that the only appeal process is filing a CCOC case and the information was included in the letter sent to Mr. McBeth on the Board's decision. It was noted that if the Board rescinds the violation that a CCOC case would be averted. Mr. McBeth stated that he had acquired information that there needs to be a witness to the event or a photo of the event for evidence in the CCOC case. The Board told Mr. McBeth that the Board will discuss this matter under Closed Meeting.

Mr. McBeth inquired about the status of the current CCOC case. Mr. McBeth stated that he believes there is a willful disregard for the process and inquired why the Board is continuing to work with the lawyer. Mr. McBeth stated that he and Mr. Muse are open to talking with the Board to come up with a common sense resolution to this case.

2. Steven Muse, Board Member, noted that on January 27<sup>th</sup> he had sent an email

to the entire Board that the second (2<sup>nd</sup>) appointment of the Condominium Representative did not follow the rules. Mr. Muse stated that if a special meeting was needed of the Condominium Neighborhood Advisory Committee in order to appoint an individual for the representative to the HOA Board that notice of this meeting needs to be posted prior to the meeting. Management stated that the Condominium Neighborhood Advisory Committee and the Condominium Board of Directors are the same unit and the dates of the Board meetings are posted well in advance of the meetings. Management stated that a letter had been received from the Condominium Neighborhood Advisory Committee (Condominium Board) selecting Frank Walsh as the Condominium Representative. Mr. Muse asked for confirmation that the Condominium Neighborhood Advisory Committee and the Condominium Board of Directors are actually the same entity. Management will check the Association's documents to clarify this matter.

Mr. Muse also noted that the website had been down for over a week and inquired why this had occurred and further asked if anything been done to prevent this from happening in the future. It was noted that this matter had been rectified and the Webmaster handled this matter.

3. Harry Matchett, Board Member, noted that the parking sign by 13243 Lake Geneva Way is gone and has not been replaced. It was also noted that the stop sign by 19006 Mediterranean Way is lying on the ground. Management stated that work orders, to have those signs replaced, had been issued.

## C. MINUTES

### 1. January 2, 2014 Board of Directors Meeting Minutes

**MOTION:** (Hari Donthi/Steve Muse) Accept all edits of the January 2, 2014 Board of Directors Meeting Minutes except for the removal of the sentence on page 2 in Item C.

**Vote:** Motion Passed - 5 ayes/0 nays/2 abstentions (Matchett, Walsh)

**MOTION:** (Hari Donthi/Tom Brennan) Remove the sentence on page 2 in Item C.

**Vote:** Motion Passed - 4 ayes/2 nays (Muse, Walsh)/1 abstention (Matchett)

## D. COMMITTEE REPORTS

### 1. Enforcement Committee

Harry Matchett stated that the Enforcement Committee inspected the community on February 2<sup>nd</sup>, writing about sixty (60) violations. It was noted that the Enforcement Committee did not write up violations for items that cannot be repaired until the weather gets warmer.

It was noted that the recycle bins on Mediterranean Way are no longer being left out after pick-up.

Steven Muse noted that the basketball hoop at 18800 Porterfield Way is bent over and not broken as the violation notice states; Mr. Muse also questioned whether the violation issued for pots and soil at the side of the house at 18904 Fountain Hills Drive is actually a violation, as the pots and soil are on the side of the house and not in the front.

## **E. MANAGEMENT REPORT**

### 1. Pool Pass Application Packet

Management provided the Board with the 2014 Pool Pass Application Package for their review. It was noted that the pool hours are posted on the website, in the pool pass packet, and on the door to the pool, but the three postings do not list the same hours. Management will check on the hours for the pool that the Board approved last year and make sure that all the postings for the pool hours are in agreement.

Mr. McBeth inquired if the Association would be using the electronic pool passes. It was noted that the electronic pool passes will not be used this summer.

**MOTION:** (Jackie Arnold/Hari Donthi) Accept the Pool Pass Application Packet with the correction of the pool hours.

**Vote:** Motion Passed - 6 ayes/0 nays/1 abstention (Muse)

### 2. Request for Additional Lighting

Management stated that a request and a petition had been received from residents of Lake Geneva Way and Mediterranean Way requesting two (2) additional street lights be placed in the middle of each block on both sides of Lake Geneva Way, as the areas are unsafe and more lighting is needed. Management suggested that the Board may want to consider looking at the whole neighborhood to identify locations where additional lighting may also be needed.

It was noted that most of the houses in the community do not keep their outside lights on at night; this makes the community darker.

**MOTION:** (Tom Brennan) Have Management contact a lighting contractor for proposals for additional lighting.

**Motion was withdrawn.** (Brennan)

Craig Wilson noted that putting additional lights in just one area will create a snowball effect and other neighborhoods will then request additional lighting. It would seem advantageous to look at the whole neighborhood at one time. Harry Matchett, Tom Brennan, and Jackie Arnold volunteered to walk the community for areas that might need additional lighting. It was also suggested that a Police Officer be asked to join the Board members. The Board also requested that residents be notified to turn on their outside lights in the evening for added light in the community.

**MOTION:** (Tom Brennan/Nicolm Mahabir) Have Harry Matchett, Tom Brennan, and Jackie Arnold walk the Fountain Hills community to look for areas in need of lighting and report back to Management to solicit bids for discussion at the next Board Meeting.

**Vote:** Motion Passed - 5 ayes/1 nay (Muse)/1 abstention (Walsh)

### 3. Tree Removal Proposal

Management provided the Board with a proposal from D&A Dunlevy for removal of deadwood and several large dead trees from the common area behind 18615 Autumn Mist Drive for \$3,900.00. It was noted that it is hard to determine deadwood at this time of year. Harry Matchett and Frank Walsh noted that they thought the removal of the dead trees in this area was included in a previous landscaping proposal. Mr. Matchett and Mr. Walsh will check this area again and report back to the Board. Management will check the previous proposals for tree work to determine if this area are had been included.

## **F. OLD BUSINESS**

### **1. Communication Policy**

Steven Muse stated that he does not want to work on the communication policy until the CCOC case has been resolved. Jackie Arnold suggested that email communication be included in the communication policy.

Mr. Muse also inquired why it took so long to add the Association's email to his account.

### **2. 13211 Lake Geneva Way**

Management stated that the Board had previously voted to file a proof of claim to recover delinquent assessments for 13211 Lake Geneva Way. However, accounting informed Management that the courts had made an error on this case and advised Management not to take action. Once Management receives details on this case, it will be provided to the Board.

## **G. HEARING**

### **1. 13243 Lake Geneva Way**

A Hearing was held at the request of the homeowner of 13243 Lake Geneva Way concerning a \$50.00 fine for the violation of storing items on the front porch. The homeowner, Xingfu Chen, was present and stated that he had not received the notices in a timely manner as he had moved out of the house and the first notices were not forwarded to him. His tenant finally forwarded a notice to him and at which time Mr. Chen contacted Management. Mr. Chen stated that he had emailed Management his change of address before the notices were sent. The Board requested that Mr. Chen forward the email the Board the change of address notice sent to Management. The Board will discuss this matter under Closed Meeting.

## **H. NEW BUSINESS**

### **1. Treasurer's Report from December**

Harry Matchett, Board Treasurer, submitted to the Board and Management his written response to Vanguard Management's memorandum responding to the questions Mr. Matchett raised concerning the financials for the community. Mr. Matchett stated

that Management's response included a statement that the financial package was recently

converted to electronic delivery. Mr. Matchett stated that Management has sent the financial package electronically since he became a Board member in November 2012. Mr. Matchett reiterated that the financial package is due by the twentieth (20<sup>th</sup>) of the month. The latest financial package was delivered late again as it was not provided until January 28th.

Mr. Matchett noted that the Board was not notified that a homeowner had not abided by the terms of an agreed-upon payment plan. Management noted that such payments are sent directly to legal counsel and that legal counsel is responsible for providing the Association this information. The Board noted that any new legal counsel should be asked to keep the Association better updated on payment plans. The Board also discussed the option of using a collection agency. This will be a matter that the Board will discuss in further detail in the future.

In the written response submitted to the Board and Management, Mr. Matchett illustrated the impact of the adjustments made to the financial accounts in October 2013 for the fiscal year ending June 30, 2013. Mr. Matchett stated that the fiscal year ending June 30, 2013 financials provided by Management showed a net income of \$30,153.29. The October 2013 adjustments to the financial accounts decrease the net income and resulted in an approximately \$10,000.00 net loss for the year ending June 30, 2013. Mr. Matchett noted the memo from Management states “we have made these adjustments each year for the past seven (7) years.” Mr. Matchett stated he was unaware of such adjustments. Mr. Matchett inquired if any other Board member was aware of these adjustments. Not other Board member was aware of the adjustments. Mr. Matchett stated had he been informed of such adjustments that they would have altered his judgment during the fiscal year 2014 budget process.

## 2. Announcement of Closed Meeting

Jackie Arnold stated that, pursuant to the FHCA By-Laws, Article VI, Section 4, and in compliance with 11B-111 of the Real Property Article of Annotated Code of Maryland, a special Closed Meeting was convened on January 17, 2014 at 6:30 p.m. for the sole purpose of meeting with legal counsel.

## **I. CLOSED MEETING**

**MOTION:** (Tom Brennan/Steven Muse) Move into Closed Meeting at 9:15 p.m.

**Vote:** Motion Passed - Unanimous

## **J. RESULTS OF THE CLOSED MEETING**

The Board discussed took action on the request to rescind a violation and the Hearing. The Board discussed the status and forward action for the Association for the CCOC case.

## **K. ADJOURNMENT**

Fountain Hills Community Association  
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**MOTION:** (Jackie Arnold/Hari Donthi) Adjourn the Regular Board Meeting and the Closed Meeting at 10:00 p.m.

**Vote:** Motion Passed - Unanimous