

Corrected as approved on August 1, 2013

**Fountain Hills Community Association  
Board of Directors Meeting  
July 2, 2013**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, July 2, 2013 at 7:30 p.m.

**Board Members Present:**

Nicolm Mahabir, President  
Harry Matchett, Treasurer  
Frank Walsh, Secretary  
Tom Brennan, Director  
Siu Poon, Director  
Phil Suter, Director

**Also Present:**

Stephon Collins, Community Manager  
Ruth Ann Allen, Recording Secretary

**Board Member Absent:**

Sue Adamkiewicz, Vice President

**Homeowner Present:**

Yonas and Naomi Todd, 13222 Lake Geneva Way

**A. CALL TO ORDER**

The July Board of Directors Meeting was called to order by Nicolm Mahabir at 7:35 p.m. Mr. Mahabir requested that the homeowners present please wait outside the meeting room in order to conduct the Closed Meeting of the Association before the regular Board of Directors Meeting.

**B. CLOSED MEETING**

The Board of Directors moved into Closed Meeting before the regular Board of Directors meeting as legal counsel was present to talk with the Board.

**MOTION:** (Tom Brennan/Phil Suter) Move into Closed Session at 7:36 p.m.

**Vote:** Motion Passed - Unanimous

**MOTION:** (Phil Suter/Tom Brennan) Adjourn the Closed Meeting into the regular Board of Directors Meeting at 8:35 p.m.

**Vote:** Motion Passed - Unanimous

**C. RESULTS OF THE CLOSED MEETING**

The Board met with legal counsel for a review and discussion of the CCOC cases

filed against the Association.

#### **D. HOMEOWNER OPEN FORUM**

1. Yonas and Naomi Todd, 13222 Lake Geneva Way, were present to follow up on their ARC Application to build a fence. Mr. Todd noted that they had sent an ARC Application for a fence in March and Mr. Todd was concerned with the communication with the ARC, as he felt the issues could have been addressed sooner.

the Board noted that his application was denied due to several factors and suggested that Mr. Todd submit another application with the required information. Mr. Todd stated he would also like to build a patio, and the Board suggested that Mr. Todd submit a second application for the patio. Nicolm Mahabir noted that the committees in the community are made up of volunteers, so it often takes a little more time for responses.

2. Tom Brennan, Board member, stated that he had emailed the Board President and Vanguard regarding the driveway at 19008 Mediterranean Drive that has turned into a repair shop for vehicles. Management stated that a violation notices had been sent to the homeowner. It was suggested that Mr. Brennan send an email to Management every day with updates on the situation.

3. Frank Walsh, Board member, noted that the light on the pool building on the condominium side is out.

4. Phil Suter, Board member, noted that there are dead trees at the entrance of Rushing Water Way that should be under warranty by Valley Crest. Management stated that Valley Crest has been notified, but they have not responded.

Mr. Suter noted that the entrances to the community look fantastic and the overall appearance of the landscaping in the community looks good. Mr. Suter did note that the grass cutting has been a little sloppy. Management stated that Dunlevy has been contacted about the mowing in certain areas of the community.

#### **E. MINUTES**

1. June 6, 2013 Board of Directors Meeting Minutes

**MOTION:** (Tom Brennan/Siu Poon) Approve the June 6, 2013 Board of Directors Meeting Minutes as edited.

**Vote:** Motion Passed - Unanimous

2. June 6, 2013 Closed Meeting Minutes

**MOTION:** (Nicolm Mahabir/Tom Brennan) Accept the June 6, 2013 Closed Meeting Minutes as edited.

**Vote:** Motion Passed

**F. BOARD MEMBER RESIGNATION**

Board member, Sue Adamkiewicz, sent correspondence to the Board and Management giving her resignation from the Board of Directors and the Enforcement Committee.

**MOTION:** (Nicolm Mahabir/Phil Suter) Accept the resignation of Sue Adamkiewicz as member of the Board of Directors and the Enforcement Committee.

**Vote:** Motion Passed - Unanimous

The Board requested that Management send a letter of thanks for Ms. Adamkiewicz's service on the Board of Directors and the Enforcement Committee.

Nicolm Mahabir stated that the position of Vice President on the Board of Directors was open and asked for nominations to fulfill that position. Tom Brennan, Board member, volunteered to fulfill the position of Vice President.

**MOTION:** (Phil Suter/Harry Matchett) Nominate Tom Brennan for Vice President on the Board of Directors.

**Vote:** Motion Passed - Unanimous

**G. MANAGEMENT REPORT**

1. Revised Pit Bull Policy

Management provided the Board with the revised draft Pit Bull Policy prepared by Craig Wilson, Vanguard Management, for the Board's review. Frank Walsh noted that he did not see the reference to muzzles as a requirement, as it is hard to enforce and it stereotypes the pit bull breed. Management stated that the Association may be held strictly liable for any damage or injury caused by a pit bull while on its property and recommends that the Board approve the Pit Bull Policy to minimize the Association's risk of liability.

The Board tabled the decision on the Pit Bull Policy until the August Board of Directors Meeting.

2. Storm Water Management Pond Maintenance

Management received an inspection report from Montgomery County Department of Environmental Protection (MCDEP) concerning a number of the storm water management ponds throughout the community. Maintenance on the ponds was last performed in 2010. Once the repairs were completed, Management sent all the necessary information to the Association's attorney to process the paper work to have the remaining facilities transferred to the MCDEP. The attorney failed to submit the paper work. Management is reviewing the report received from the MCDEP to determine if any of the work required is structural, for which the attorney would be asked to pick up the cost. Management has requested an extension on completion of the work until this issue can be sorted out. The proposed cost of the repairs is \$23,575.00, which is a reserve expense.

3. Pool Party

The Social Committee requested funds of no more than \$250.00 for the Pool Party to be held on July 4<sup>th</sup> from 1:00 to 5:00 p.m. These funds would be to cover the extra lifeguard, gifts, certificates, activities, food, and supplies.

**MOTION:** (Phil Suter/Harry Matchett) Approve a \$250.00 limit for the July 4<sup>th</sup> Pool Party.

**Vote:** Motion Passed - Unanimous

Management provided the Board with a request from RSV Pools that they would provide the extra lifeguard for free for the July 4<sup>th</sup> pool party if the pool could be closed at 7:00 p.m. instead of 9:00 p.m.

**MOTION:** (Nicolm Mahabir/Siu Poon) Close the pool on July 4<sup>th</sup> at 7:00 p.m. and accept the free lifeguard for the July 4<sup>th</sup> Pool Party.

**Vote:** Motion Passed - 5 ayes/0 nays/1 abstention

The Board requested that Management post notices at the pool and have the lifeguards notify patrons of the 7:00 p.m. closing on July 4<sup>th</sup>.

4. Tree Removal

Management provided the Board with a second proposal for tree work from Lee's Tree Service, Inc. for a total of \$6,550.00. Frank Walsh noted that the Board had requested a walk through to look at the work before it was approved.

**MOTION:** (Phil Suter/Tom Brennan) Accept the proposal from Lee's Tree Service, Inc. not to exceed \$6,550.00, conditional on a walk through with Board members and Management.

**Vote:** Motion Passed - Unanimous

Frank Walsh, Nicolm Mahabir, and Harry Matchett agreed to do the walk through with Lee's Tree Service and Management.

5. Wood Chips

Management provided the Board with a proposal from D&A Dunlevy to install wood chips along the pathway, bench area, and tot lot on Tivoli Fountain Drive at a cost of \$1,040.00.

**MOTION:** (Phil Suter/Tom Brennan) Accept the proposal from D&A Dunlevy for wood chips along the pathway, bench area and tot lot at Tivoli Fountain Drive for \$1,040.00.

**Vote:** Motion Passed - Unanimous

6. Tree Stump Removal

Management provided the Board with a proposal to remove the stump from the common area behind 13393 Rushing Water Way at a cost of \$150.00.

**MOTION:** (Phil Suter/Siu Poon) Accept the proposal from D&A Dunlevy for removal

**Vote:** Motion Passed - 3 ayes/2 nays (Brennan/Matchett/1 abstention (Walsh))

7. Painting of the Inset Logos on Monuments

Management provided the Board with proposals for painting of the inset logos on the twenty-three (23) stone monuments throughout the community.

The Board agreed that this work did not need to be done and no action was taken.

8. Fountain Repairs

The Board requested that, in August, Management provide information to the Board concerning the fountain repairs.

9. 18711 Harmony Woods Lane

Management provided the Board with a memo from Management's accounting office requesting that the Board approve the write-off of \$1,251.30. The homeowner filed for Chapter 7 bankruptcy, which was discharged by the court in October 2012. All amounts due prior to October 2012 are uncollectible.

**MOTION:** (Phil Suter/Siu Poon) Write off the bad debt of \$1,251.30 for 18711 Harmony Woods Lane.

**Vote:** 5 ayes/1 nay (Brennan) 0 abstentions

The Board requested that Management check why this was brought to the Board's attention so long after October 2012.

10. 18819 Sparkling Water Drive, Unit 301

Management provided the Board with correspondence from the Association's attorney recommending that the Board file a District Court suit to obtain a money judgment for 18819 Sparkling Water Drive, Unit 301.

**MOTION:** (Phil Suter/Nicolm Mahabir) File a money judgment against 18819 Sparkling Water Drive, Unit 301.

**Vote:** Motion Passed - 5 ayes/1 nay (Matchett/0 abstentions)

11. 18623 Autumn Mist Drive

Management provided the Board with correspondence from the attorney recommending that the Board file a District court suit to obtain a money judgment for 18623 Autumn Mist Drive.

**MOTION:** (Phil Suter/Nicolm Mahabir) Proceed with a money judgment against 18623 Autumn Mist Drive.

**Vote:** Motion Passed - 5 ayes/1 nay (Matchett)/0 abstentions

12. 18800 Porterfield Way

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Management received correspondence from the homeowner of 18800 Porterfield Way requesting a waiver of a \$35.00 Return Check Fee.

**MOTION:** (Phil Suter/Tom Brennan) Deny the waiver of a \$35.00 Return Check Fee for 18800 Porterfield Way.

**Vote:** Motion Passed - Unanimous

## **H. NEW BUSINESS**

### **1. Use of Common Areas by Homeowners**

The Board discussed the use of common areas by homeowners. This issue came up as a homeowner used a common area for a personal event. Management stated that there is nothing in the By-Laws about homeowner use of common areas. Frank Walsh stated that, in the past, homeowners were required to seek approval for holding an event on the common area. Tom Brennan noted that the upkeep and maintenance of the common area is by the Association. Management noted that the Association has the right to make rules for use of the common areas by homeowners, but there is nothing pertaining to this matter in the rules and regulations at this time.

The Board also inquired about the use of tot lots by homeowners, and if this was controlled by the County. Management referred the Board to Article 9 of the Declarations, which refers to the common areas of the Association. The Board requested that Management keep this item on the agenda for further discussion.

## **I. ADJOURNMENT**

**MOTION:** (Nicolm Mahabir/Siu Poon) Adjourn the Board of Directors meeting at 9:40 p.m.

**Vote:** Motion Passed - Unanimous