

**Fountain Hills Community Association  
Board of Directors Meeting  
March 5, 2009**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Regional Services Center on March 5, 2009 at 7:30 p.m.

**Board Members Present:**

Siu Poon, President  
David Holtzman, Treasurer  
Frank Walsh, Secretary  
Daryl McFadden, Director  
Vernard McBeth, Director (Arrived at 8:40 p.m)

**Also Present:**

Stephon Collins, Community Manager  
Ruth Ann Allen, Recording Secretary

**Board Members Absent:**

Sue Adamkiewicz, Vice President  
Shirley Fair, Director

**Homeowners Present:**

R. Nicolm Mahabir, 19009 Mediterranean Drive  
Steven Muse, 18804 Porterfield Way

**A. CALL TO ORDER**

The Board of Directors meeting was called to order by Siu Poon at 7:35 p.m.

**B. HOMEOWNERS FORUM**

1. Steve Muse, 18804 Porterfield Way, mentioned that some homeowners living in the single family homes on Lake Placid Lane had asked if there were different rules for these homes than the rest of the community. The Board explained that those homeowners have the same rules as the rest of the community.

Mr. Muse also asked if adding on an apartment onto a single family home was in accordance with the By-Laws since the home at 18817 Lake Placid Lane seems to be waiting for County approval for an addition. Management has been in touch with homeowner on this matter. David Holtzman suggested that Management formally send a letter to the Department of Permitting Records so the community=s issues with this addition can get on the record. Management will also check if there has been approval for the walkway around the house. The Association has rules in the By-Laws for subletting apartments.

2. Nick Mahabir, 19909 Mediterranean Drive, wanted an update of his towing situation with G&G Towing. The Board stated that this issue is on the agenda and will be discussed at that time.

3. David Holtzman, Board Treasurer, mentioned that there is an increase in the

trash along the fence line adjacent to the shopping center on Clopper Road. The trash has been collecting over the winter and there is evidence of drug usage.

Mr. Holtzman also mentioned that many homeowners of the townhouses did not clear their sidewalks after either the ice storm or the snow storm. Homeowners could not safely walk on the sidewalks past the townhouses. He requested that Management be more aggressive with enforcing the cleaning of sidewalks.

Mr. Holtzman also mentioned that there are several vehicles at the end of Champions Way that have not moved in a month and are storage for household items. Storage of personal property outside of your dwelling is against the By-Laws. Management stated that these vehicles have been cited, but these vehicles move from one space to another before they can be towed. The parking rules in the community state that each homeowner receive two (2) lined parking spaces or in the case of the garage town homes, the garage and their driveway to garage. The townhouses with no garage have their driveway space and one lined parking space.

4. Daryl McFadden, Board Member, asked if an insurance claim had been filed for the vehicle who struck the fence on Dawson Farm Road. Management reported that this had been done.

5. Siu Poon, Board President, reported that too much sand had been dumped in on the streets of the Village Homes. Management contacted Dunlevy who quickly came and removed the sand.

### **C. REPORTS OF OFFICERS AND DIRECTORS**

#### **1. New Fire Station**

David Holtzman reported that he had been to visit the new fire station, #22, the Kingsview West Fire Station located on Route 118 and Clopper Road. The fire station is operational and there should be an open house coming up in the next couple of months. The fire station was presented with a \$100 gift card from the Fountain Hills HOA and Condominium as a welcome gift. Mr. Holtzman will let the community know when the open house is scheduled.

### **D. MINUTES**

**MOTION:** (Siu Poon/David Holtzman) Approve the minutes as amended.

**Vote:** Unanimous

### **E. COMMITTEE REPORTS**

#### **1. Fountain Hills Condominium**

David Holtzman mentioned that the Condominium Board wished to convey their concern that during the pool season water should not be discharged from the pool onto the Association property. Also, the delivery of chlorine to the pool, which occurs near 18808 Sparkling Water Drive, should not be allowed on a Sunday morning or in a residential area. Management has been in contact with Winkler Pools concerning these issues.

The Fountain Hills Condominium now has a web site created by new Board Member, Brandon Dart. The web address is [www.fountainhillscondominium.org](http://www.fountainhillscondominium.org). Mr. Holtzman requested that there be a link from the condominium website to the HOA website. Management stated that this link has been created.

## 2. Stop Signs

Frank Walsh mentioned that there is no stop sign from the alleyway of Little Star onto Fountain Hills Drive. Homeowners come out of the alleyway without looking. Management will obtain a quote for installing Stop or Yield signs for this intersection on both sides of the community.

David Holtzman also mentioned that the Fire Lane sign on Tivoli Fountain Court needs to be replaced. Management will look into this matter.

## F. ARC

Management has not received any ARC applications. The Board requested that Management check to see if there is an ARC approval for the deck on Mediterranean Drive.

## G. MANAGEMENT REPORT

### 1. Towing Dispute

David Holtzman stated that Management has provided pictures in the Management Report of the towed vehicle from G&G Towing and the owner, Nick Mahabir. The picture provided by the towing company before the car was towed does not show a hang tag visible.

Mr. Mahabir questioned how G&G Towing's photo of the vehicle showed no hang tag, when the pictures provided by him taken at the towing facility showed a hang tag in the window. He also stated that his hang tag has never been removed from the window.

David Holtzman commented to the Board President, Siu Poon, that there was no evidence the G&G towing had entered the vehicle.

Board Member, Daryl McFadden, mentioned that he had seen evidence on the door of his own vehicle that the towing company had attempted to enter his vehicle when his vehicle was towed.

Mr. Mahabir stated that G&G Towing is not honest and other neighbors have complained that they also have been towed and the hang tags had been removed from the window of the car. Mr. Mahabir stated that he would file a complaint against G&G Towing. David Holtzman mentioned that G&G Towing is an agent of the Association, so any suit would likely involve the Association.

**MOTION:** (Dave Holtzman/Frank Walsh) The Association does not accept request for refund of towing fine to Mr. Mahabir and his recourse is with the Montgomery County Police and Department of Consumer Affairs.

**Vote:** 3 ayes/1 abstention (McBeth)

Management stated that the contract for G&G Towing is renewed automatically with thirty (30) day notice for cancellation and a notice of ten (10) days for calls. The

Board requested that Management check with the Better Business Bureau to see if any other complaints have been filed.

## 2. Pool Pass Rules

Management requested that the Board review the 2009 Pool Pass Distribution packet and the Swimming Pool Rules and Regulations.

Management stated that the pool passes have been modified from last year.

Children will have different color passes depending on their age. David Holtzman questioned how the children who are 11 and under, who need to be observed by an adult in the pool, will be distinguished from others. Management mentioned that other pools have used wrist bands to identify those children.

Siu Poon mentioned that on the bottom of the pool passes, AF.H.A.C.@ needs to be changed to AF.H.C.A.@

Frank Walsh requested that the sentence APlease note that the hours have been extended on Monday, Wednesday, and Friday, after the schools have closed for the summer, until 9:00 p.m.@ be removed as this scheduling has been in place for while. He also requested under QUALIFICATIONS, Aduring the pool season@ be removed and Under 2009 Swimming Pool Hours, remove the bold type on A9:00 p.m@.

David Holtzman mentioned that there have been problems in the past with family members who don=t live on the property requesting pool passes. He questioned whether a statement should be included regarding being a full time resident. Frank Walsh mentioned that there are some instances where children come to live in the community for the summer and require swim passes. In the past, Management has always brought these instances to the Board=s attention. Siu Poon requested that the word Apermanent@ under QUALIFICATIONS be in bold type.

**MOTION:** (Siu Poon/David Holtzman) Approve the 2009 Pool Rules and Regulations and the 2009 Pool Pass Distribution packet as corrected.

**Vote:** 4 ayes/1 abstention(McBeth)

Vernard McBeth questioned if homeowners should provide self-addressed stamped self-addressed envelopes for the return of pool passes. David Holtzman stated that this would create more administrative headaches for Management. Management mentioned that the motion have been passed to accept the Pool pass distribution as stated.

## 3. Pool House Painting Specifications

Management mentioned that the pool house was last painted seven (7) years ago. David Holtzman mentioned that the ceiling in the dome needed plaster repair. Management stated that this was part of the package. Management also mentioned that the handicap benches, that are currently not attached to the wall, will be attached and the lockers will be scraped and painted. David Holtzman also mentioned that the gazebo, farthest right of the tennis courts when standing at the exit of the pool house, had a column that was cracked and did not appear to be stable. Management stated that it had been inspected, repaired and fixed, but they will check it again.

Frank Walsh mentioned that the doors on the pool house don=t always close correctly. Management mentioned that the doors or the locks will be replaced.

Management will solicit bids from five (5) general contractors.

4. Damage to Fence on Dawson Farm Road

Management was able to get the police reports concerning the accident involving the car damaging the fence on Dawson Farm Road. The fence has been repaired at a cost of \$750. Management has filed a claim with the driver=s insurance.

5. 13531 Hamlet Square

Management reported that there have been ongoing issues with the tenant returning to the house, even though the house has been condemned. The house is now boarded up and a padlock has been placed on the front door. The owner has refused to pay the community assessments and the house will go into foreclosure. Management has been in touch with legal counsel concerning this situation. Management stated that it will take a long time for this matter to be settled. David Holtzman stated that the Board should not worry about this situation until circumstances warrant.

## H. LEGAL/COLLECTIONS

1. 18821 Sparkling Water Drive, Unit T2

The homeowner has requested a waiver of the \$5.00 late fee due to her home being flooded from a pipe break and she forgot to send her assessment. David Holtzman added that this homeowner suffered significant loss due to the water leak.

**MOTION:** (David Holtzman/Daryl McFadden) Approve the waiver of the \$5.00 late fee for 18821 Sparkling Water Drive, Unit T2 as requested.

**Vote:** Unanimous

2. Legal Retainer Agreement for Thomas Schild Law Group

The annual limited retainer agreement with Thomas Schild Law Group is up for renewal. The retainer period is from April 1, 2009 - March 31, 2010. The retainer fee increased from \$2,400.00 to \$2,725.00. The cost of services beyond the scope of the limited retainer will be \$325.00 per hour for attorneys and \$100.00 - \$160.00 per hour for a legal assistant.

**MOTION:** (David Holtzman/Siu Poon) Accept the Retainer Agreement for Thomas Schild Law Group and renew the agreement for an additional year.

**Vote:** 4 ayes/1 abstention (McBeth)

3. FY 2010 Operating Budget

Management presented the Board with the draft FY2010 operating budget for their review and consideration.

David Holtzman noted that though Management stated at the February Board meeting that Dunlevy does not account for the time it spends on common areas versus the grounds maintenance for the townhouse lots, the FY2010 budget shows a percentage cost for this ground maintenance and it is presented at 30%, down from 40% previously. Management stated that Craig Wilson had contacted Dunlevy about this matter and the FY2010 budget does show the percentage costs for grounds maintenance at the

townhouses. The bill for the townhouse grounds maintenance is not billed separately.

David Holtzman requested that Management look at plats and determine the square footage maintained in the townhouses.

Vernard McBeth stated that the townhouse assessment are higher than the single family houses as more time is spent on townhouse property.

Frank Walsh stated that the 30% for townhouse maintenance makes sense when most of the land is townhouses, but the statement from Management in the operating budget concerning the breakdown of the grounds maintenance for Fountain Hills was not well received. He stated that the information from Management is inconsistent.

David Holtzman suggested to Management that they reformulate the budget so the allocation for townhouse grounds maintenance be 40%, since the townhouse budget was underfunded and deficient in previous years largely due to landscape costs.

Management stated that the Board has time to review the budget for the April Board Meeting or a special budget work session with Management and the Board can be scheduled. The Board can email any comments concerning the budget to Stephon. The vote on the budget will be tabled until April.

## **I. OLD BUSINESS**

### **1. Enforcement Committee**

Steven Muse has not had a chance to meet with Craig Wilson from Vanguard to prepare a ATerms of Reference@ guide.

## **J. NEW BUSINESS**

### **1. Towing**

The homeowner at 18600 Little Star Lane was towed by G&G Towing for being Aparked in a fire lane. Management had requested that the homeowner come to the Board meeting, but he was not present.

### **2. ARC Audit**

Vernard McBeth stated that he had requested that the ARC Audit be put on the agenda for March, but it was not on the agenda. He requested that Management conduct an audit for the approval of ARC applications versus what actually was done to see if there are violations. Management suggested that the Enforcement Committee and the ARC could work together and recruit homeowners to walk through the community and double check things that were done whether they had ARC approval and follow the rules. Management can supply the list of homes.

### **3. House on Mediterranean Drive**

There is a house on Meditteranean where the yard is overgrown. They have been sent a violation letter. Management suggested that a hearing be held with the homeowner and the Board. Management will check the status of this situation.

## **K. ADJOURNMENT**

**MOTION:** (David Holtzman/Siu Poon) Adjourn the Board Meeting at 9:31 p.m.

**Vote:** Unanimous