

**Fountain Hills Community Association
Board of Directors Meeting
November 3, 2011**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Regional Services Center on Thursday, November 3, 2011 at 7:30 p.m.

Board Members Present:

Phil Suter, President
Vernard McBeth, Vice President
Daryl McFadden, Treasurer
Frank Walsh, Secretary
Nicolm Mahabir, Director
Steven Muse, Director

Also Present:

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

Board Member Absent:

Shirley Fair, Director

Homeowners Present:

Trac Ngoc-Pham, 13301 Rushing Water Way
Maggie Suter, 13384 Rushing Water Way
Danial Magid, 18819 Village Fountain Drive
Daniel Nelson, 13511 Hamlet Square Court
Jeff Maurer, 19007 Noble Oak Drive
David Holtzman, 18715 Sparkling Water Drive, Unit 102
Siu Poon, 19020 Noble Oak Drive
Harry Matchett, 13220 Lake Geneva Way
Tom McDowell, 18911 Porterfield Way
Jason Pepin, 13508 Champions Way

A. CALL TO ORDER

The November Board of Directors Meeting was called to order by Phil Suter at 7:35 p.m.

B. ANNUAL MEETING

The Annual Meeting was called to order at 7:35 p.m. and was suspended for the regular Board Meeting at 7:50 p.m. for counting of the ballots.

C. MINUTES

1. October 6, 2011 Board of Directors Meeting Minutes

MOTION: (Phil Suter/Nicolm Mahabir) Accept the October 6, 2011 Board of Directors

Meeting minutes as written.

Vote: Motion Passed - 3 ayes/0 nays/1 abstention (Walsh)

D. MANAGEMENT REPORT

1. Pool Fountain Repairs

Management has not received another proposal from RSV Pools for the repair of the drain line as requested by the Board.

Management solicited proposals for repairs of the drain pipe line from Millennium Pools and Community Pools. Community Pools submitted a proposal for a new drain that would run into the flower bed for \$2,500.00.

Management stated that the fountains have been winterized, so any repairs to the fountain would wait until spring. Management stated that the drawing of the location of the french drains was no longer available, but it seems easier to install in a new drainage system.

The Board suggested that Management solicit bids from other fountain companies for repair of the fountains and drains as the work cannot be done until spring. The decision on fixing the broken drain pipe line was tabled.

2. Speed Control Devices

Management received information on installing temporary versus permanent speed control devices. The temporary speed control devices won't last long due to large vehicles like trash trucks and snow plows. The cost of a temporary speed control device is \$229.00 for one. Placement of six (6) permanent speed control devices; three (3) on Rising Sun Lane and three (3) on Little Star Lane would cost \$6,160.00. These devices would be placed where the Board deems necessary. The decision on speed control devices was tabled for discussion at the next Board meeting.

3. Monitoring of Traffic in Fountain Hills

Management met with Montgomery County Police to discuss police monitoring of traffic speeding and running of stop signs in the community. The police stated that there is no policy for enforcing this on private property. Management stated that Craig Wilson, Vanguard Management, will draft a letter to Montgomery County Police requesting to meet with the commander of the police department to discuss this matter.

It was noted that the single family homes are County streets so they should be patrolled by the County police. Jeff Maurer, 19007 Noble Oak Drive, would be willing to go through the process to request that the County place speed control devices on the County owned streets in Fountain Hills. Management stated that there needs to be sixty-six percent (66%) agreement of homeowners and the process could take up to two (2) years.

4. Concrete Repair Change Order

Asphalt and Concrete Services, Inc. submitted a change order for concrete work

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not included in the contract signed in August 2011 at a cost of \$4,352.40. Vernard McBeth also noted that there are other areas in the community that needed concrete work that were not included on either contract. Management suggested that the Board approve the change order and next year look into the other areas in the community that also need concrete work.

MOTION: (Phil Suter/Daryl McFadden) Approve the change order from Asphalt and Concrete Services, Inc. for \$4,352.40.

Vote: Motion Passed - 3 ayes/0 nays/3 abstentions (McBeth/Muse/Walsh)

5. Request for Reimbursement of Towing Fee

Management received correspondence from the homeowner of 19008 Mediterranean Drive requesting reimbursement of a \$158.00 towing fee. The homeowner stated that the hang tag fell off and got hung on the gear shift of his car and if the tow company had looked they would have noticed it.

MOTION: (Steven Muse/Vernard McBeth) Reimburse the towing fee for 19008 Mediterranean Drive.

Vote: Motion Passed - 3 ayes/1 nay (Walsh)/2 abstention (McBeth/Suter)

The Board requested that Management contact G&G Towing and notify them that if the hang tag can be seen in the vehicle, then the vehicle should not be towed.

6. Ground Maintenance Proposal for 2012

The Board discussed the performance of grounds maintenance of McFall & Berry in Fountain Hills. Several Board members noted areas of where they felt the work was not up to par. It was noted that the cost for ground maintenance for McFall & Berry was less than the other bids received from landscape companies. It was suggested that Management solicit bids for grounds maintenance from other contractors.

MOTION: (Phil Suter/Frank Walsh) Bid out the ground maintenance contract for 2012.

Vote: Motion Passed - 4 ayes/0 nays/2 abstentions (Muse, McBeth)

E. HOMEOWNERS OPEN FORUM

1. Trac Ngoc-Pham, 13301 Rushing Water Way, stated that he thought he was getting charged the wrong assessment for his condominium. It was explained that the condominiums on Rushing Water Way are considered townhouses and the monthly fees are based on townhouse assessments. Management will send a letter to Mr. Pham explaining this matter.

2. Siu Poon, 19020 Noble Oak Drive, mentioned that trees on County property are hanging low over the sidewalks in the single family homes. Phil Suter stated that he had been in contact with the County and the County trees in Fountain Hills were scheduled to be inspected.

3. David Holtzman, 18715 Sparkling Water Drive, inquired if the expenses for dog waste stations is paid from the general fund or the townhouse fund. Management stated that the payment comes from the general fund. Mr. Holtzman mentioned that according to the By-Laws of the Association, the Condominium owners are not responsible for waste removal. Management stated that it can be argued that dog feces are household waste. According to Montgomery County, the removal of pet waste in a safe and hygienic manner is the responsibility of the homeowner. The Board mentioned that they have received more complaints concerning pet waste from the Condominium residents than single family or town homes, and that Condominium residents are using the pet waste stations.

4. Tom McDowell, 18911 Champions Way, inquired if it would be possible to change the documents so that all the Board Members were not voted in every year. Management stated that the By-Laws would need to be amended and this could be done with a majority of a quorum vote.

F. UNFINISHED BUSINESS

1. Repairs at 19005 Mediterranean Way

Management stated that an inspection was done at 19005 Mediterranean Way after October 31, 2011 and the repairs had not been made. The homeowner had requested a thirty (30) days extension until October 31, 2011 to complete the repairs.

MOTION: (Phil Suter/Frank Walsh) Have Management send a letter to 19005 Mediterranean Way requesting that the homeowner come to a Hearing for repairs that have not been completed on the house during the requested extension.

Vote: Motion Passed - 4 ayes/0 nays/2 abstentions (McBeth/Muse)

2. Statement of Correction for November 2010 FHCA Board Meeting Minutes

Board members and Management discussed the matter of a statement of correction that the Board approved in November 2010 that has not been attached to the November 2010 Board of Director Meeting Minutes on the web site. The November 2010 Meeting Minutes were approved "as corrected" by the Board in March 2011 and did not contain a "Statement of Correction."

MOTION: (Steven Muse/Daryl McFadden) As mentioned in the October 27, 2011 email to Craig Wilson and Stephon Collins, request that the Statement of Correction as motioned and accepted at the November 2010 Board Meeting be included in the November 2010 Board Minutes.

The motion was rescinded.

It was recommended that legal counsel be asked for an opinion on how to handle this matter.

G. RETURN TO ANNUAL MEETING

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The Annual Meeting resumed at 9:20 p.m. with the results of the election for the Board of Directors.

H. ADJOURNMENT

MOTION: (Phil Suter/Vernard McBeth) Adjourn the Board of Directors Meeting and Annual Meeting at 9:40 p.m.

Vote: Motion Passed - Unanimous