

Approved as edited on August 2, 2018

Fountain Hills Community Association
Board of Directors Meeting
June 7, 2018

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, June 7, 2018 at 7:30 p.m.

Board Members Present:

Harry Matchett, President
Sherry Lee, Vice President
JoAnn Windsor, Treasurer
Frank Walsh, Secretary (Arr. 7:37 P.m.)
Nikole Aguilera, Director (Arr. 7:32 p.m.)

Also Present:

Debbie Durham, IKO Management
Ruth Ann Allen, Recording Secretary

Board Member Absent:

Chris Summers, Director

Homeowners Present:

Denise Herbert, 13300 Rising Sun Lane
Kevin Shine, 18724 Harmony Woods Lane
Will Brumby, 18728 Harmony Woods Lane
LaShanda Perry, 18701 Harmony Woods Lane
Siu Poon, 19020 Noble Oak Drive

A. CALL TO ORDER

The Board of Directors Meeting was called to order by Harry Matchett at 7:32 p.m.

B. HOMEOWNER FORUM

1. Denise Herbert, 13300 Rising Sun Lane, stated that she had emailed the Association about flooding in her backyard after it rains. Ms. Herbert requested that the Association have someone look at this area as there is no drain on the common area side of the property.
2. Kevin Shine, 18724 Harmony Woods Lane, noted that he had sent correspondence to the Association in May regarding parking issues on Harmony Woods Lane. Since there has been no towing enforcement recently, people are parking in the visitor parking without visitor tags and leaving their vehicles there for days and weeks. Mr. Shine requested that the towing needs to be enforced in this area.
3. Will Brumby, 18728 Harmony Woods Lane, noted that he moved in to the Community in August 2017. From January 1st through April 1st, Mr. Brumby notified Management of vehicles that had been parked in the visitor spaces for long periods of time.

Mr. Brumby noted that he had not received his third (3rd) visitor parking pass.

4. Sherry Lee reported that the landscaper seems to be cutting the front yards with a weed whacker and the grass looks terrible.
It was also noted that some yards are being cut with industrial lawn mowers.
5. LaShanda Perry, 18701 Harmony Woods Lane, noted that she had sent emails to the Association about vehicles parked in her assigned space. Ms. Perry explained that 29 people have parked in her assigned space since she moved in back in November and none of them were towed. This has caused her a lot of inconvenience. Ms. Perry stated that she pays rent, and it is her right to have a place to park her vehicle. Ms. Perry reported that she had talked with the Board President regarding the most recent incident, and that he had informed her that towing was not being done in the community at this time, so the matter was not resolved.
6. Frank Walsh inquired why the towing had stopped in the community. Harry Matchett noted that this matter will be discussed during Unfinished Business on the Agenda.

C. MINUTES

1. April 5, 2018 Board of Directors Meeting Minutes
MOTION: (Harry Matchett/Sherry Lee) Approve the April 5, 2018 Board of Directors Meeting Minutes with incorporated edits by Harry Matchett, except leave in the paragraph following the Motion on Page 3, Item F1, and move it before the Motion.
Vote: Motion Passed – 4 ayes/1 nay (Walsh)/0 abstentions
2. May 3, 2018 Board of Directors Meeting Minutes
MOTION: (Harry Matchett/Sherry Lee) Approve the May 5, 2018 Board of Directors Meeting Minutes with incorporations by Harry Matchett and Frank Walsh, except the chart under towing will be removed.
Amend: (Harry Matchett/Sherry Lee) Leave in Mr. Walsh's strike out under #4.
Vote: Motion Passed – 4 ayes/1 nay (Walsh)/0 abstentions

D. COMMITTEE REPORTS

1. Social Committee
Siu Poon, Chair of the Social Committee, presented the Board with a flier for the annual July 4th pool party from 1:00 - 5:00 p.m. Ms. Poon requested \$200.00 for supplies for the party. Mr. Matchett suggested that the Board approve funds for the Social Committee to cover all the community events for the year. Ms. Poon noted that in the past the Board has approved up to \$1,600.00 for community activities for the year.
MOTION: (Harry Matchett/Sherry Lee) Approve up to \$1,600.00 for functions held by the Social Committee for 2018.
Vote: Motion Passed – Unanimous
It was noted that the pool will close at 7:00 p.m. on July 4th. Frank Walsh requested that the flier for the July 4th pool party include a note that the pool will be closing early that day.

2. Architectural Review Committee (ARC)

The Architectural Review Committee (ARC) met on May 15, 2018 and reviewed seven (7) applications. The ARC report is Attachment 1.

E. MANAGEMENT REPORT

1. July Board Meeting

Harry Matchett requested that the July 5th Board meeting be rescheduled as it is currently scheduled for the day after the July 4th holiday.

MOTION: (Harry Matchett/Sherry Lee) Reschedule the July 2018 Board of Directors Meeting to a date to be coordinated with Management.

Frank Walsh requested that the rescheduled meeting not be held on July 12th which is the Fountain Hills Condominium Board of Directors Board Meeting.

Amend: (Harry Matchett/Sherry Lee) The rescheduled meeting will not be held on July 12th.

Vote: Motion Passed – 4 ayes/1 nay (Walsh) 0 abstentions

The change in the July Board Meeting date will be placed on the website.

2. Update on Towing

Harry Matchett explained that Fountain Hills Community Association was a defendant in the G&G Towing class action lawsuit. Fountain Hills was involved due to the Montgomery County Code, Chapter 30C that states a property owner and a towing company are jointly and severally liable for the violation of any duty imposed by Chapter 30C on the towing company. Mr. Matchett provided the following facts regarding the class action lawsuit:

- a. The class action suit resulted in a \$22 million global settlement.
- b. FHCA elected to accept the settlement of \$390.00 per towed vehicle for all tows from the Fountain Hills Community property that occurred between April 26, 2013 and June 23, 2017.
- c. FHCA's insurance carrier paid approximately \$140,000.00 on behalf of FHCA for the settlement. FHCA was fortunate as certain insurance carriers refused to cover claims.
- d. Even, through FHCA accepted the settlement, the plaintiff's attorney is still litigating all tows from the Fountain Hills property occurring between April 16, 2012 and April 25, 2013.
- e. The court estimated that FHCA's potential liability to be approximately \$1,000.00 per tow had FHCA not agreed to the settlement.
- f. The court's estimate would have resulted in an approximate \$360,000.00 claim against FHCA.

Sherry Lee explained that towing has not been done in the community due to the lawsuit against G&G Towing. The lawsuit states that G&G did not provide proper signage, charged fees for use of credit cards, used spotters, and did not supply photos of the vehicle being towed.

Frank Walsh inquired why Harry Matchett had stopped towing in the community. Mr. Matchett stated that the towing was actually stopped by Sherry Lee in response to the Board becoming aware of the G&G Towing lawsuit settlement in December 2017, and that the

suspension of towing was communicated to the Board during the December 2017 Executive Session.

Sherry Lee reported that the Association has signed a contract with Lofton's Towing, and she has done extensive investigation into Lofton Towing, and they are in compliance with all the current towing laws.

MOTION: (Sherry Lee/Frank Walsh) Resume towing effective immediately.

Vote: Motion Passed – 4 ayes/0 nays/1 abstention (Matchett)

3. Pre-opening Pool Inspection Report

Harry Matchett noted that the pool passed inspection for the 2018 pool season.

The items noted by the Montgomery County Pool Inspector where repaired for the County's approval: The pool fencing and the areas of baby pool white coat that were repaired in 2017 by RSV Pools were smoothed out along the edges by RSV Pools.

There is one light out in the main pool and repairing this would require removing a section of the concrete to get to the conduit. As it is only one (1) light, the pool passed inspection and the repair can wait until the end of the pool season. Mr. Matchett requested that the Board discuss a plan of action for the pool lights as to whether to repair the one (1) light or disconnect all the pool lights as they are not used. This issue will be discussed after the pool season ends.

4. Request for Waiver of Pool Pass Replacement Fee

Management received a request from 18744 Harmony Woods Lane for a waiver of the replacement pool pass fee.

MOTION: (Sherry Lee/JoAnn Windsor) Deny the request from 18744 Harmony Woods Lane.

Vote: Motion Passed – Unanimous

F. ADJOURNMENT OF BOARD MEETING INTO EXECUTIVE SESSION

MOTION: (Harry Matchett/Sherry Lee) Adjourn the Board of Directors Meeting into Executive Session at 9:13 p.m.

Vote: Motion Passed – Unanimous

G. RESULTS OF THE EXECUTIVE SESSION

The Board took action on a request for a payment plan and they also reviewed correspondence regarding alleged past due amounts owed by FHCA to Community Pools.

H. ADJOURNMENT OF THE EXECUTIVE SESSION

MOTION: (Harry Matchett/Sherry Lee) Adjourn the Executive Session at 9:30 p.m.

Vote: Motion Passed – Unanimous

