

Fountain Hills Community Association
Board of Directors Meeting
October 7, 2021

The Board of Directors of Fountain Hills Community Association held a Virtual Board of Directors Meeting on Thursday, October ,7 2021 at 7:30 p.m.

Board Members Present:

Jeff Chai, President
Jeff Green, Treasurer
Grant Izmirlian, Secretary
David Holtzman, Member at Large
Nicolm Mahabir, Member at Large
Frank Walsh, Member at Large

Management Present:

Delphine Matthews, Portfolio Manager

Marcy Grove, Recording Secretary

Board Members Absent:

Nancy Dofflemyer, Vice President

I. CALL TO ORDER

The Board of Directors Meeting was called to order by Jeff Chai at 7:33 p.m. with a quorum of five members present. Frank Walsh arrived at 7:50 p.m., increasing quorum to six.

II. PREVIOUS MEETING MINUTES

The Board of Directors received draft minutes for the September 2, 2021 meeting. Frank Walsh presented several corrections and amendments. Delphine Matthews recommended additional amendments. **David Holtzman made a motion, seconded by Jeff Chai, to approve the draft minutes incorporating the amendments from Frank Walsh and Delphine Matthews. The motion carried five to zero to zero.**

III. OFFICER REPORTS

Nicolm Mahabir presented a motion via email, that the Board approve the replacement of the architectural monument which was demolished and removed at the corner of Rising Sun Lane and Village Fountain Drive, and that the replacement must conform in all respects to all specifications of the old monument, and placed on the exact location from which the old monument was removed. The motion received no second.

The Board of Directors resolved to table action until the next meeting; Jeff Chai directed management to obtain replacement proposals.

IV.COMMITTEE REPORTS

A. Architectural Control Committee

No activity was reported.

B. Enforcement Committee

Jeff Green reported a comprehensive fall inspection will be conducted soon. Three items for possible Board discussions are:

- a basketball hoop location complaint which may or may not be pursued under a new State of Maryland law; the CCOC has been asked to define the Association's options under this law but has yet to respond;
- hedges: what constitutes a hedge "fence" from an overgrown hedge? The ARC has responded a maximum hedge height to be forty-two (42) inches; hedges taller than forty-two inches would be considered "fences";
- privacy screening for waste cans at certain townhomes based upon location: the ARC has prepared language for review by the Enforcement Committee which would then be shared with the Board of Directors.

David Holtzman requested the Enforcement Committee review how best to administer the precise language of the Declaration prohibiting townhome owners with garages from parking on streets. Upon an inquiry from a single-family homeowner noting a similar issue, David Holtzman recommended the attorney might review the documents to opine whether the Village homes might be defined as townhomes as well.

C. Landscape Committee

Clay Vaughan reported a short meeting was held as not all members were present. Trees and entry shrubs have been planted.

Nicolm Mahabir questioned whether the shrub planting at the Clopper Road entrance had been correctly installed by Brightview Landscaping as the plants were placed all the way to the curb. The shrubs could obstruct traffic sight lines. Frank Walsh concurred with Nicolm Mahabir's statement the plan was not correctly installed. David Holtzman disagreed, stating the design appears correct, and that the shrubs were some years away from obstructing sightlines. Jeff Green agreed with David Holtzman's assessment and Jeff Chai noted the committee could review annual installation for the spring. Nicolm Mahabir observed the Board should not accept the Landscape Committee's report without a quorum at the meeting; Jeff Green noted no actions were taken. Clay Vaughan reported quorum was met with three of five members in attendance (Lauren Vaughan, Clay Vaughan and Nancy Dofflemyer).

D. Pool Committee

Jeff Chai inquired as to winterization plans; Delphine Matthews reported RSV Pools plan is to finish all closing duties by October 31. Jeff Green observed the sorted chairs had been moved and may need to be evaluated again. Frank Walsh asked when the tile fountain logo would be re-installed; management will research and report back.

Jeff Green checked on fountain performance. Frank Walsh reported the fountain at Sparkling Water and Fountain Club Drive has had no lights and limited spray dispersion for some time. Delphine Matthews identified this fountain as the one likely to have water flow impacted by the supply line being filled with rocks. She will contact Water Works to inspect the lights. Jeff Chai asked whether anti-tampering signs had been installed. Water Works had recommended against the plaque style signs and no yard signs have been placed. Board members have observed children playing in and near the fountains with parents approving the behavior. The fountains are currently scheduled for seasonal shut off on November 15; Frank Walsh observed the prior shut off date had been October 31 to prevent vandalism. The Board of Directors resolved to post a website notice, drafted by management, to deter residents from entering the fountains.

V. OLD BUSINESS

A. Split Rail Fence Replacement – Little Star Lane

Gardeners advised the material cost has increased and raised their proposal cost from \$3,200 to \$5,744 for the fence installation. Delphine Matthews obtained an estimate from Potomac Fence for a three-rail fence (\$4,320) and a two-rail fence (\$4,050).

David Holtzman made a motion to cancel Gardeners contract and authorize Potomac Fence to install a two-rail fence at the Little Star Lane tot lot for \$4,050. Frank Walsh seconded the motion.

Jeff Green stated this tot lot location has natural boundaries and lower exposure to traffic and may not need a fence installed; only two tot lots are listed on the reserve studies as having fences.

Nicolm Mahabir expressed concern that the fence at the Fountain Club Drive tot lot had deteriorated, been removed and not replaced; Jeff Green noted the motion under consideration was for fence replacement at this tot lot.

The vote was called and the motion carried five ayes to one nay (Jeff Green) with no abstentions.

B. 2018 Water Quality Assessment Reimbursement

Delphine Matthews updated the Board of Directors that Diane Katz, IKO accountant, continued to contact Montgomery County for the status of the refunds. The County reports research will be conducted and reimbursements issued if applicable, but the department is short-staffed at this time; they hope to respond by the end of October.

C. Finley Asphalt

David Holtzman asked when Finley Asphalt would clean, stripe and crack-fill the Condominium parking lot area. Delphine Matthews reported the striping was scheduled for completion October 7 and the crack-filling November 1 through 3.

D. Tree Debris - Little Star Lane

On September 17 a homeowner sent numerous emails regarding a tree which unknown person(s) had cut and deposited in a wood line near a walking path. The homeowner requested the Association remove the tree debris.

David Holtzman made a motion to take no action to remove the tree debris, seconded by Jeff Green. The motion carried unanimously six ayes to zero nays with zero abstentions.

VI. NEW BUSINESS

A. Pruning Proposal – Harmony Woods Lane

The Landscape Committee evaluated shrubbery along Harmony Woods Lane near the mailboxes and had Brightview Landscaping provide a proposal for cutting back overgrown areas. Sight lines are being impacted. Management noted that while Brightview Landscaping has performed pruning of new growth but larger scale pruning is now required.

Jeff Green motioned to accept the pruning proposal from Brightview Landscaping for \$1,115 to cut back overgrown shrubbery on Harmony Woods Lane. David Holtzman seconded the motion which was approved six to zero to zero.

B. Tree Removal and Maintenance

Despite the extensive tree removals and maintenance which the Board of Directors completed this year, management continues to receive requests. Currently six pruning requests and six removals are in hand. Delphine Matthews asked whether the Board would entertain further maintenance at this time. David Holtzman and Jeff Green recommended waiting as the tree maintenance budget

for this fiscal year has been expended. While contingency funds are available, pausing until spring would be a prudent course of action. Over the course of winter, the Landscape Committee could continue to gather tree data to develop another comprehensive maintenance proposal. The Board of Directors resolved to table any action at this time.

C. Tot Lot - Harmony Woods Lane

During various inspections, this tot lot has been identified as requiring attention. The location as well as the equipment condition are providing no benefits to families with children as is intended. Relocating the equipment to a more beneficial location was discussed but management reports the equipment is deteriorated. The Board of Directors asked management to obtain proposals for replacement of this equipment in an alternative, more beneficial location.

VII. HOMEOWNER FORUM

Clay Vaughan requested an update on the WSSC sewer pipe break. Jeff Chai reported the WSSC continues to assess the damage and develop a permanent repair, whether by inserting a liner or burst-replacing the pipe. The process will require several months.

Lauren Vaughan inquired whether the WSSC is aware of the new adult care facility under development.

Frank Walsh stated the Board of Directors should reconsider repairing the fountain pipe damaged by rocks to achieve the full impact of the monies spent for the fountain replacements. He requested details regarding the towing signs which had disappeared then re-appeared; neither management nor the Enforcement Committee has any information.

Grant Izmirlan asked why the sewer pipe had broken again. Jeff Chai noted this break is in a different location than the previous break. Grant Izmirlan observed Jeff Green's candidate statement was well-written, with wise explanation of the reserve funds expenditures. He expressed concerns regarding the Association's long-term financial strategy; Jeff Green will review information with him.

VIII. ADJOURNMENT

Jeff Chai moved to recess the Board of Directors meeting at 9:05 p.m. to enter Executive Session. The motion was seconded by Jeff Green and carried unanimously, six to zero to zero.

IX. EXECUTIVE SESSION

The Board of Directors unanimously developed a disciplinary action for a homeowner whose tenant had violated the parking policy and obstructed enforcement of community rules.

The Board of Directors reviewed an issue concerning a homeowner's discriminatory language toward management; no action was taken.

X. EXECUTIVE SESSION ADJOURNMENT

Upon a motion presented by David Holtzman to adjourn the Executive Session at 9:32 p.m., which was seconded by Jeff Green, the Board of Directors adjourned the meeting.

Respectfully Submitted,

Marcy Grove