

Fountain Hills Community Association
Board of Directors Meeting
April 7, 2022

The Board of Directors of Fountain Hills Community Association held a Virtual Board of Directors Meeting on Thursday, April 7, 2022 at 7:30 p.m.

Board Members Present:

Jackie Arnold
Edgard Aspilcueta
Jeff Chai
Jeff Green
Frank Walsh (7:45 p.m.)

Management Present:

Delphine Matthews, Senior Portfolio Manager

Board Members Absent

Nancy Dofflemyer
Grant Izmirlan

I. CALL TO ORDER

The Board of Directors Meeting was called to order by Jeff Chai at 7:31 p.m. with a quorum of four members present. Frank Walsh joined the meeting at 7:45 p.m.

II. PREVIOUS MEETING MINUTES

The Board of Directors had received draft minutes of the March 3, 2022 meeting. **Jeff Chai made a motion, seconded by Jeff Green, to accept the draft minutes as presented. The motion carried three to zero with one abstention as Jackie Arnold had not attended the March meeting.**

III. OFFICER REPORTS

No reports were presented.

IV. COMMITTEE REPORTS

ARC Committee: There was no March ARC meeting as no applications were received.

Landscape Committee: Lauren Vaughan reported the Brightview suggestions were received to offset the \$800 which had previously been requested the annual plantings.

Enforcement Committee: A weekend inspection is planned. The “hedge-as-fence” is still open and might be linked to an update to ARC Guidelines. Jeff Chai requested this become a May agenda item. The Committee addressed some specific complaints during the month.

Pool Committee: The Pool Committee did not meet in March but plans to meet soon as the season begins soon. Delphine Matthews reported the pool contractor had begun the opening process.

IV. OLD BUSINESS

A. Tivoli Fountain Court Drainage

Delphine Matthews noted that proposals have been provided and the Board of Directors should take action. While the Landscape Committee may not agree with the four recommendations for a

swale, all contractors had proffered this solution. The installation of a French drain would create ongoing maintenance costs and possible tree root problems. Management recommends the tree removals by Kevin Elliott and installation of a swale by Brightview Landscaping. This installation will not alleviate drainage on private lots but will reduce adverse runoff from the common area. Jeff Green had visited the area after recent rains and observed standing water; gutters and hardscape on the private lots adds to the problem but the swale would mitigate the Association's contribution. Jeff Chai agreed and stated the Landscape Committee could select plantings to replace the trees. Jackie Arnold expressed concern that one proposal diverted runoff to the street which could freeze in winter. One proposal offered river rock instead of turf; turf does not thrive in this area. Were only swale proposals requested? Delphine Matthews noted the request for proposals was to manage runoff with the lowest maintenance solutions without any other directives. She noted the turf may improve with tree removal and could be improved at a nominal expense compared to the project. **Jeff Green presented a motion to accept Kevin Elliott's tree removal proposal at a cost of \$3,800 and Brightview's swale proposal at a cost of \$4,010, the latter to include sod for the turf replacement. Jeff Chai seconded the motion which was approved four to one (Frank Walsh) with no abstentions.**

B. Harmony Woods Lane Playground Area

While Montgomery Parks and Planning initially seemed to approve the Association relocating the playground, the representative now states the island location would not be approved due to traffic concerns. Installing traffic calming and safety measures did not change the response. The alternate locations suggested by Montgomery Parks and Planning were not appropriate due to sloping grade or proximity to homes. The representative did not provide a specific code or regulation prohibiting the proposed island location. Delphine Matthews will seek out a second opinion from the department and request any documentation which would support Montgomery Parks & Planning's response. Jackie Arnold noted the overall project costs seem high for a low return value. Frank Walsh suggested applying for a permit to relocate to see the department's response. Delphine Matthews stated this would incur an expense of \$700 to \$1,500.

Jeff Green asked whether the Board should act on the playground equipment removal proposal or obtain comparative bids. Delphine Matthews noted the department also objected to removal of the old equipment with a replacement location being identified as owners may become upset.

Jackie Arnold inquired whether management had addressed the broken Clopper Road gate with Montgomery County. Delphine Matthews noted the representative was to contact the appropriate individual to address but she will also call 311 and make a report. She urged all owners to call 311 and report the gate as well.

C. Autumn Mist Shrub Pruning

Brightview Landscaping has pruned the shrubs per the Landscape Committee's specifications.

V. NEW BUSINESS

A. Trash Collection

Management made some changes to the proposed agreement from Potomac Disposal which increased their rates for service in January 2022. The contractor requests a five-year commitment with early termination fees which decrease year over year to no fee at the end of the term. The new agreement could be initiated within four to ten weeks. The trash cans remain the property of

Potomac Disposal and are provided to residents at no charge. David Holtzman inquired how the budget overage would be funded. Delphine Matthews replied the Townhome operating contingency account would be utilized and the Board had a decision to make later in the meeting regarding transferring funds from the Village homes reserve or snow contingency funds. The Single Family Homes' variance would be funded from the Townhomes and added to the Single Family Homes' budget for 2022-2023.

Jeff Green asked the process for trash exceeding the trash can capacity. He noted the Association should review trash can privacy screening for homes without garages. Delphine Matthews stated Potomac Disposal would not collect trash not in bins or piled higher than the bin lid. Residents could obtain a second trash can for a fee. Jackie Arnold asked whether there would be changes to the community trash can service. Jeff Green inquired if the free bulk waste removal would continue and if a specific collection day had been determined for the once weekly collection. Delphine Matthews will seek answers to the Board's questions.

B. Scarlet Mist Way Erosion

An erosion complaint creating hazardous conditions on a sidewalk was reported and management solicited a proposal from Brightview. The \$2,500 proposal would add topsoil and sod to the area to decrease runoff. The Board considered other option for long-term resolution.

Frank Walsh made a motion to approve the Brightview proposal for topsoil and sod at a cost of \$2,500. The motion was seconded by Jeff Chai and carried five to zero with no abstentions.

C. Vehicle Tow Appeal

A new owner, Ms. Harding, appeared before the Board of Directors to request reimbursement for a towing charge. The owner stated the parking policy was unclear and not highlighted nor clarified in settlement documents, welcome letter or the community website. The signage in the neighborhood states parking permits are required but the owner believed the sign to be incorrect as no other documentation defined the need for a permit in the Harmony Woods Lane area. Jeff Green noted that towing is inconvenient but a reimbursement of a towing fee would create a precedent. The seller should have conveyed the parking permits to the new owner. The neighborhood signage conforms to Montgomery County law and the tow is legitimate. The Association should not incur the cost of reimbursement for a legitimate tow. Parking permits have been fraudulently used in the past and the Association uses this tool to maintain enforcement. Jeff Green would support a reduced fee to obtain the parking permits. Sherry Lee recommended the Board approve one free parking pass and charge \$100 each for the other two permits available to the address. Ms. Harding reiterated the policy is not clear on the website and sets residents up for failure to comply. Sherry Lee noted the policy is broad as some neighborhoods within the community do not have permit enforcement. Delphine Matthews closed the hearing. The Board of Directors will render a decision in Executive Session which management will provide to Ms. Harding by email.

D. Fountain Repair

The contractor began spring start-up of the new fountains but discovered further vandalism had been done to the condominium area fountain. The approved repair cost would increase from \$2,710 to \$7,550; the increase includes higher material costs and security measures. Jeff Green asked whether security measures were included for the other two fountains; Delphine Matthews replied the other fountains had only had dirt thrown into the basins so had not been damaged to the

degree the condominium fountain suffered. Jeff Green identified the expense as a capital improvements item.

Jeff Green presented a motion to approve the Fountains by Water Works repair proposal for \$7,550. The proposal received a second from Frank Walsh and was approved five to zero with no abstentions.

E. Fountain Hills Condominium Document Request,

The Fountain Hills Condominium emailed a request for documents related to the trash cost increase. The Condominium is entitled to receive the documents. IKO Community Management charges a fee for retrieving requested books and records and the Condominium does not accept the fee. Jeff Green observed that Frank Walsh could download the requested invoices and financial reports from the IKO portal. Frank Walsh noted the documents request was made to ensure the general fund was not being used to fulfill the higher waste management charges. Delphine Matthews replied that as she had held the January, February and March invoices in dispute until after the March Board meeting, the March 2022 financial report would be the only document displaying this expense. She requested Frank Walsh discuss at the upcoming Condominium Board meeting and send an email to rescind the documents request.

F. Reserve Fund Transfer, Village Townhomes

The trash service increase has resulted in a Village Townhomes' budget shortfall of \$4,586.82; funds could be transferred from the reserve fund or snow contingency. Jeff Green recommended deferring the decision until the May meeting as there had been a snow event in March which is not yet reflected in the financials. Delphine Matthews stated deferring a decision until May would also allow time to review the Single Family Homes' shortfall of approximately \$500. Jeff Green asked whether the Single Family Homes could be levied a one-time special assessment or adjust the 2022-2023 to replenish the funds. Frank Walsh asked whether a special assessment could be levied on only one segment of the Association. Jeff Green directed management to research options for the Single Family Homes' funding.

VI. HOMEOWNER FORUM

No homeowners addressed the Board of Directors.

VII. ADJOURNMENT

Jeff Chai moved to adjourn the Board of Directors meeting at 9:26 p.m. the motion was seconded by Frank Walsh and carried five to zero with no abstentions.

VIII. EXECUTIVE SESSION

The Board of Directors determined a response to the towing appeal. The session adjourned at 9:52 p.m.

Respectfully Submitted,

Marcy Grove