

**Fountain Hills Community Association**  
**Board of Directors Meeting**  
**September 1, 2022**

The Board of Directors of Fountain Hills Community Association held a Virtual Board of Directors Meeting on Thursday, September 1, 2022 at 7:30 p.m.

**Board Members Present:**

Jackie Arnold  
Jeff Chai  
Nancy Dofflemyer  
Jeff Green  
Grant Izmirlian  
Frank Walsh

**Management Present:**

Delphine Matthews, Senior Portfolio Manager

**Board Members Absent:**

Edgard Aspilcueta

**I. CALL TO ORDER**

The Board of Directors Meeting was called to order by Nancy Dofflemyer at 7:36 p.m. with a quorum of six Directors present.

**II. PREVIOUS MEETING MINUTES**

The Board of Directors had reviewed draft minutes of the August 4, 2022 meeting. Frank Walsh requested a clarification and proposed an edit to the draft minutes under the Harmony Woods playground portion. **Jeff Chai made a motion, seconded by Nancy Dofflemyer, to accept the draft minutes as edited. The motion carried six to zero with no abstentions.**

**III. OFFICER REPORTS**

No officers presented reports.

**IV. COMMITTEE REPORTS**

ARC Committee: The Committee considered six applications, approving four, not processing one and requesting neighbors' acknowledgements for the sixth application.

Landscape Committee: The Committee will consider landscape maintenance contracts at their next meeting and present their recommendation for a provider at the October Board meeting. Jeff Green asked the status of the tree removals. Delphine Matthews reported the Board had approved \$10,000 as a cap for the removals and the estimate was \$9,975; she awaits the contractor to schedule the work.

Enforcement Committee: The Committee did not meet as quorum was not achieved. No inspections were conducted in August. Nine vehicles were towed in July. The September meeting date will be determined and announced.

David Holtzman expressed concern with inequitable towing and inquired how the community should speak if the Committee did not meet. Jeff Green noted management could be contacted.

Pool Committee: The Criterion rep met with Frank Walsh regarding re-strapping the chairs and submitted pricing which will be shared with the Board via email. Refinishing the frames was suggested as the chairs are of commercial quality. The contractor recommended strapped chairs instead of mesh for durability and a color choice of white or white with contrast rather than green. Refurbishment costs per chair were estimated at half the cost of purchasing new chairs per Criterion. Jeff Chai requested Frank Walsh take photos of the chairs; the refurbishment costs could be discussed at the September Committee meeting, date to be determined. Frank Walsh recommended a percentage of the chairs be re-strapped as needed annually to maintain their life. Frank Walsh reported the suggestion box was open; no key is available. The box will be removed and residents may contact management with suggestions.

Frank Walsh inquired as to the re-installation of the fountain logo in the tile; management will follow up with RSV Pools.

Delphine Matthews has been monitoring lifeguard staffing with the pool company on a daily basis; the lifeguard shortage is affecting other pools as well. Credit will be taken for closed days. She has solicited proposals for the 2023 season from other pool companies whose staffing appeared less impacted. The staffing problem will likely continue during the 2023 season.

## **V. OLD BUSINESS**

### **A. Harmony Woods Lane Playground Area**

Delphine Matthews communicated the Board's concerns regarding the Montgomery County Parks and Planning site plan to the representatives and awaits their response.

### **B. Entrance Lighting Proposal**

Power Systems Electric had provided four options for Board review. The firm does not recommend installing solar lights at the monument due to the maintenance costs. With two pole lights and monument lighting, cost estimates ranged from \$24,000 to \$30,000, depending on the boring required to install a power source. A PEPCO meter installation will be required at a cost of \$1,500 to \$2,500.

The Directors considered the options and potential lighting locations. After some discussion. **Grant Izmirlan presented a motion instruct Power Systems Electric to install a power source at the exit, a pole light on the street at a cost not to exceed \$32,500 including the PEPCO meter.** The motion received no second and was later rescinded.

The Board next discussed the need for the playground light pole and how best to optimize installation of one light pole on the street. The need for monument lighting was also reviewed.

**Grant Izmirlan motioned to install one light pole on the street and also the monument lighting. Jeff Chair seconded the motion.** This motion was later withdrawn.

The area map with PSE's wiring and installation recommendations was reviewed at length. The Board of Directors resolved to install a power source at the exit, one pole light on the island near the exit to illuminate both side of the street and monument lighting as per Grant Izmirlan's suggestion. Management was directed to obtain an updated proposal with these specifications for email review, motion and vote.

The Fountain Hills Condominium request to install a light pole at Condominium expense on Master Association property at the tot lot was raised but not pursued.

## **VI. NEW BUSINESS**

### **A. Tree Pruning**

After two days of pruning, management continues to receive numerous pruning requests. Residents on Harmony Woods Lane have expressed concern their area has been neglected and one owner does not understand why the tot lot cannot be changed rapidly. Tree pruning is needed in many areas as trees are encroaching on the townhomes and behind the single-family homes. Jackie Arnold asked whether the homeowners' requests mirror the pruning list developed by the Landscaping Committee; she will forward the report for review.

**Jeff Green made a motion to approve four more days of pruning by Kevin Elliott Tree Service at a total cost of \$10,000 with a task list based upon coordinating homeowner requests and the Landscape Committee recommendations. Jeff Chai seconded the motion.**

Frank Walsh expressed concerns giving a contractor a "blank check". Delphine Matthews noted the contractor would be provided a directed task list. The list will be provided to the Board and cross-checked against the management list. Frank Walsh suggested a phased approach by street. Nancy Dofflemyer observed that five years of inaction had allowed excessive overgrowth which would take time to resolve.

**The vote was called and the motion approved with five ayes, zero nays and one abstention (Frank Walsh).**

### **B. Pool Pole Light Fixtures**

Management had solicited three proposals to replace thirteen lamps at the pool: Kolb Electric - \$14,819.83, Power Systems Electric - \$12,150 and Critical Peake Services - \$12,794.24. An Evolve LED post top is proposed. The light replacement is due per the reserve study and some are failing. Jeff Green recommends the same model fixture with a Kelvin rating of 2700 instead of the proposed 5000, as well as straightening the leaning poles. The Board considered replacing the poles as well as the lamps; the contractors had not provided any assessment of the poles needing replacement.

**Jeff Green presented a motion to accept Power System Electric's proposal for \$12,150 to replace thirteen lamps with the 2700 Kelvin model, and to have the poles straightened by Power Systems Electric or other contractor. Nancy Dofflemyer seconded the motion.**

The Board further considered replacement of the poles simultaneously with the lamps. Upon review, management was instructed to obtain a proposal including the cost of pole replacement for the October meeting. Frank Walsh asked whether the contractor or Association would apply for the PEPCO LED rebate; the Association will need to apply.

Jeff Green withdrew his motion with the topic tabled for the October agenda.

## **VII. HOMEOWNER FORUM**

Latasha Bell reported that trees marked for removal two years ago on Rushing Water Way remain in place. The Landscape Committee will review the removal list to verify whether these trees should be removed.

David Holtzman announced the Fountain Hills Condominium would provide a written request to the Fountain Hills Community Association to install a light pole at the tot lot, master association property, with the Condominium carrying the expense.

David Holtzman presented questions and concerns from condominium residents regarding the inequitable application of parking rules on Fountain Club Drive, stating the governing documents provided that townhome owners with garages and driveways may not park on the private street. Some condominium residents' vehicles were towed with prior warning notice. Missing signage had been restored and the word "residents", not "townhome residents", was misleading. Condo residents have been unfairly targeted and the towing did not comply with the county code requirement of forty-eight hours' notice. He expressed concerns these tows may lead to a similar situation as the G&G Towing court case did in the past.

Jeff Green noted the Declaration does not state townhome owners are restricted from parking on private streets and provided the language from Article IV, Section 7.A: "Any other provision of this Declaration to the contrary notwithstanding, the Association shall have no right to suspend the right of any Townhouse Member of the Association to use the Private Streets and Roadways for both vehicular and pedestrian ingress and egress to and from his Lot and for parking." The Enforcement Committee does not target condominium residents. Regarding the G&G case, because the Committee had followed good procedure, the liability was much less than for other Associations. The Committee has performed 800 to 900 tows without these being reversed by the Board or overturned by the Office of Consumer Protection. The Board has also sent a clarifying memo regarding parking to the Fountain Club Drive residents.

David Holtzman recommended the community leaders address the neighborhood drug problem he has observed, teenagers smoking marijuana on common areas en route to school. Nancy Dofflemyer replied law enforcement should be contacted for this issue. Grant Izmirlan supported parents responding to the problem.

Grant Izmirlan asked the status of the new trash cans being provided to the residents by Potomac Disposal/GFL. Management reported the order had been cancelled when the company was sold and approval is awaited from the new corporate entity. There is no current time frame and the company has been undergoing service challenges during the merger, but thankfully not within Fountain Hills.

Grant Izmirlan reported trash and debris at the Village fountain pump house. The fountain lights are still not operating. Delphine Matthews noted the contractor has made multiple efforts to restore the lights but has not yet diagnosed the problem.

Rick Morris recommended an electrician be engaged to diagnose the fountain lighting problem. He requested management provide updated information regarding the new trash provider for the website. As the company has not provided full details and timeline for changes, this portion of the website will be cleared until appropriate information may be provided.

Frank Walsh requested residents be notified if trash will not be collected on Labor Day.

**Jeff Chai presented a motion to enter Executive Session at 9:29 pm. Grant Izmirlan seconded the motion which passed six to zero with no abstentions.**

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**VIII. EXECUTIVE SESSION**

The Board of Directors considered and declined a delinquent homeowner's request to adjust a payment plan.

**IX. ADJOURNMENT**

**Jeff Chai motioned to adjourn the Executive Session at 9:45 p.m. the motion was seconded by Jackie Arnold and carried six to zero with no abstentions.**

Respectfully Submitted, *Marcy Grove*