

The Foothills Clusters Homeowner Association
MINUTES - BOARD OF DIRECTORS MEETING

Date/time: Monday, December 2, 2019 at 6:30 p.m.

Location: Catalina Foothills High School, House #1, Seminar Room, Tucson, AZ

1. CALL TO ORDER/ROLL CALL

1. Call to Order – the meeting was called to order at 6:30 p.m.
2. Housekeeping – sign in roster, cell phones.
3. Roll call

Board Member/Term Expiration	Present	Absent	Proxy
Aletha Kalish 2020	X		
Pat Tapke 2020	X		
Donn Stoltzfus 2020	X		
Brian Bickel 2021			X
Austin Wesnitzer 2021		X	
Doug Hughes 2021	X		
Frank Karnauskas 2022	X		
Ron Steffens 2022	X		
Linda Jaworski 2022	X		

4. A Quorum was present
5. Next board meeting is Monday, January 6, 2020, 6:30 pm. at Catalina Foothills High School, House #1, Seminar Room, Tucson, AZ.

6. APPROVAL OF PRIOR MEETING MINUTES – Motion to accept the Minutes from the November 4, 2019 Board Meeting was made, seconded and passed.

2. PRESIDENT’S COMMENTS – Aletha Kalish welcomed everyone and acknowledged and thanked board members, committee members and members of the community for all their efforts. She indicated that our community is in a position to move forward with the roads and plans to focus as much energy as possible to accomplish this goal. Aletha and David plan to host a community cook out on April 4 and will mail out invitations.

3. COMMITTEE REPORTS

1. Architectural Control and CC& R Committee (Report Attached).
 - a. Hearing on CC& R Violation-
Pursuant to the Foothills Clusters Homeowners Association Enforcement Policy, Michael and Margaret Aden, resident owners of 3505 E. Guthrie Mountain Place were sent Notice of Hearing indicating a hearing would take place during the Architectural Control/CC&R Enforcement committee presentation at the regularly scheduled Board meeting on Monday, December 2, 2019 at 6:30 pm. Mr. Aden was present at the meeting. Mr. and Mrs. Aden have an RV/bus parked in their yard in violation of Article VII, Section 8 of the CC&Rs which reads: “No trailer or habitable motor vehicles of any nature, no commercial vehicles, construction

vehicles, or like equipment of any nature shall be kept on or stored on any part of the property except within and area which is completely enclosed and approved in writing by the Association or its appropriate committee.”

Frank Karnauskas, co-chair of the ACC/CC&R committee stated that a member of the committee met with Mr. and Mrs. Aden in August 2019 to inform them that their RV/bus parked on their property was a violation of the CC&Rs. First Notice of Violation was sent to Mr. and Mrs. Aden. Mr. and Mrs. Aden indicated they would like to keep the vehicle on their property and submitted an Architectural Change Request in which they proposed to install gates that would be 97” (8’1”) tall and increase their block wall to the same height to make the vehicle less visible from the street. The height of the vehicle is approximately 12 feet. Mr. Aden was informed that in the past the board has always required RV’s to be completely enclosed in a garage. Mr. Aden and the ACC/CC&R committee have had ongoing discussions regarding possible resolutions without success. Mr. Aden was advised that the CC& R violation and the Architectural Change request are two separate issues and approval of the Architectural Change request by the Architectural Committee should not be construed as resolving the matter of the RV/bus being visible from the street. Members of the Board were sent a copy of the Architectural Change form submitted by the Aden’s for review prior to the meeting.

Mr. Aden indicated that he has moved the vehicle to the far east side of his property to reduce visibility from Evans Mountain and believes his plan to raise the wall and install an 8 foot gate is in compliance with the CC& R requirement that the vehicle be “completely enclosed”. He is asking for approval of his application and assurance that this will resolve the CC&R violation.

In Open discussion of the matter by Board members and by members in attendance it was noted that the required notification to adjacent homeowners was not included with the Architectural Change application and that the neighbor to the north of this property currently has the front windows of the bus looking into their back yard. Mr. Aden noted that there are other recreational vehicles in the neighborhood where the top of the vehicle is visible from the street and that he feels he is being penalized because his home abuts the county road near the entrance to the subdivision and is therefore, very visible. Several long-term residents of the neighborhood indicated that many residents have had to find off-site parking for their RV’s. Pat indicated that Foothills Clusters Homeowners Association had been sued by an RV owner about 20 years ago and the Association had prevailed in that case. Frank indicated that he would like to review the matter with the Association attorney and asked Mr. Aden to voluntarily remove the RV until the matter is resolved to show good faith. Mr. Aden refused. Pat made a motion to send a letter to Mr. and Mrs. Aden requiring that the vehicle be removed. The motion was seconded

and passed 4 to 3. Frank indicated a letter will be sent to Mr. and Mrs. Aden saying the vehicle needs to be removed within 10 days. Frank will immediately contact the Association's attorney for guidance in this matter.

2. Landscape & Roads Committee

a. Roads (Report Attached)

- I. Austin was unable to attend the meeting but reported to Frank that he has identified 34 potholes on the private streets in the subdivision, 15 of which are large and need to be fixed. He is looking into the most cost-effective way to do the work.
- II. Donn will contact the Pima County Transportation Department regarding pothole repairs needed on Evans Mountain and Ventana Canyon.
- III. No discussion regarding exposed Comcast cable. Table until the January meeting.
- IV. A member reported that the lights at the east end of the Skyline entrance are still out.

b. Landscape – Austin authorized payment of Basham's invoice.

3. Business Process Committee – Table discussion of Amendment to By Laws until January meeting.

4. Communications Committee – Frank reported that everything is up to date.

5. Finance Committee

- i. Brian was absent and review of the financial reports for November is tabled until the January meeting.
- ii. Approval of the 2020 budget was tabled until the January meeting.

6. Welcoming Committee (Report Attached)

4. OLD BUSINESS –

- a. 2020 Plan of Action – Table until January meeting.
- b. Follow up with first time attendees per Doug Hughes 6/4/19 email was tabled until the January meeting.
- c. Format for phone conference calls was addressed at the November meeting and mistakenly included on the December agenda.

5. NEW BUSINESS –

- a. Frank presented a revised Enforcement Policy for review. The only change is to remove the requirement to send notice via certified mail. Motion to adopt the revised Enforcement Policy was made, seconded and passed.

6. MASTER ASSOCIATION –

- a.* The next monthly meeting of the Master Association Board of Directors will be Tuesday, January 7, 2020.
- b.* The annual meeting of the Master Association is scheduled for Monday, February 24, 2020. Time and location will be announced.

7. ADJOURN – Meeting adjourned at 7:49 p.m.