

**THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION- BOARD OF
DIRECTORS MEETING
Meeting Minutes**

Monday, May 9, 2022 at 6:30 PM
Location: Zoom Video Conference

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:31.

Board Member/Term Expiration	Present	Absent	Proxy
Brian Bickel 2024	x		
Doug Hughes 2024	x		
Austin Wesnitzer 2024	x		
Aletha Kalish 2023	x		
Michael Katz 2023	x		
Donn Stoltzfus 2023	x		
Frank Karnauskas 2022	x		
Linda Jaworski 2022	x		
Ron Steffens 2022	x		

2. APPROVAL OF PREVIOUS MONTH'S MINUTES

The minutes of the April 11 meeting and the April 15 meeting were approved without revision.

3. PRESIDENTS COMMENTS

President Doug Hughes acknowledged the members of the Board and members of the public who were in attendance, and asked if there were any comments or questions from the public before proceeding with the meeting agenda. A homeowner thanked the Board for arranging for the green waste pickup, and said it was a great help to her. Another homeowner thanked the residents who have lobbied Pima County over the years to replace the County roads. A third homeowner expressed disappointment that they did not receive timely notice of the green waste pickup. Mr. Hughes apologized for the lapse in communication and said that it would be discussed later in the meeting.

4. STREET PAVEMENT REPLACEMENT PROJECT NEWS AND STATUS

Austin Wesnitzer and Donn Stoltzfus said that they have been in contact with the selected contractor, KE&G, about providing the documentation needed to

complete a construction contract. Austin said that he expected the information would be provided within a week.

Linda Jaworski asked how we might address the concerns that several residents had about ongoing runoff from the roads onto their property. Austin Wesnitzer said that he would visit the affected properties with a representative of KE&G after a contract was finalized, and see what could be done. Ron Steffens said that he had a been in contact with a non-profit firm that might be able to assist with a design to correct the sedimentation issues where Campbell Wash crosses Ventana Canyon Road.

Treasurer Brian Bickel presented a loan sheet from Alliance Association Bank that contained a number of terms and conditions that FCHOA will need to address in the loan application. Alliance is offering a 15-yr loan in an amount up to \$800,000 with two rate options, a fixed rate currently at 6.345% for the length of the term, or a fixed rate of .5.655 that would be reset to market rates after 7.5 years. Although he noted the application would be lengthy, he expressed confidence that he could obtain all of the necessary documentation and submit the application shortly. He requires a copy of the drivers license of each Board member and an Engineering Assessment for the project, among other things.

A discussion followed about the pros and cons of each rate alternative. Frank Karnauskas noted that under present market conditions, the loan would reset at 6.9% according to the stated terms, i.e. that a higher rate was probable in 7.5 years. Michael Katz pointed out that the higher fixed rate represented a cost of approximately \$10 per homeowner, which he thought reasonable for the assurance that future interest costs would be fixed. Frank Karnauskas made a motion, seconded by Aletha Kalish, that the Board accept option 2 (the 15-yr fixed rate) and direct the Treasurer to complete the application as soon as possible. Motion passed 8-0 on a roll-call vote with the Treasurer abstaining.

Donn Stoltzfus noted that in the event the FCHOA Annual Budget needed to be revised with a separate line item for loan payments to satisfy the loan applicaton requirements, a Special Meeting could be called on short notice.

The Board discussed plans for communication with the residents prior to the beginning of the pavement replacement project. Austin said he would like to have a KE&G representative at the next Board meeting to discuss their notice procedures, which should include a general notice to everyone two weeks in advance of the start date followed by door hangers. He noted the work could begin as early as July if the contract and loan are completed. There was a brief discussion acknowledging the KE&G would be proceeding on a street by street basis and it would be important that each street be notified sequentially based on the projected work schedule.

5. COMMITTEE REPORTS

Landscape and Roads Committee: Ron Steffens said that the green waste pickup that began earlier today was going well and should be finished by Wednesday. He noted that additional pickup could be scheduled on Monday at a cost of \$600 for those people who missed the notice and needed additional time for trimming, although he said several homeowners were working now to get their trimmings on the curb by Wednesday. There was discussion of how to get the message out in the future, with only about 250 homeowners having provided the HOA with a email address, and forums like NextDoor being useful only if people receive and review periodic updates. Frank Karnauskas said that the Communications Committee recognized the issue and that the Foothills Clusters website was still the recommended way for homeowners to get information, although he hoped to improve email coverage. Multiple forms of communication would always be used. In conclusion, Ron said he would reach out to those who missed the initial pickup and potentially see if a later pickup, perhaps next week, was possible.

Ron reported that he and Dan Weisz met with Brightview Landscaping today and that limited invasive grass cleanup along HOA Streets was planned for this spring, and again in the fall. The Master Association was addressing the significant invasive grass eradication needed in upper Campbell Wash.

Brightview is conducting an assessment of what needs to be done to restore power to lighting at both entrances to the community. Costs might be around \$2500 per entrance for hardwiring, or \$6000 per entrance for a solar option, but the assessment should refine those options and costs. In the meantime, he recommended that a notice be given to residents that the lighting is out and that the Board is working on solutions.

Drainage options for Campbell Wash at Ventana Canyon are also being reviewed and more information is expected by the June Board meeting.

Architectural Control Committee: Linda Jaworski presented a report encompassing the following properties:

3739 East Guthrie Mountain Place - Application for roof top solar installation, approved.

3761 East Marble Peak Place - Application for roof top solar installation, approved.

3773 East Marble Peak Place - Application for back patio roof removal, approved.

3873 East Diablo Canyon Place - Application for back yard fencing, approved.

6841 North Quartzite Canyon Place - Application for roof top solar installation approved.

6742 North Burro Creek Place - Application for roof top solar installation, approved.

3856 East Diablo Canyon Place - Application for a new parking area, approved. Area to be up to 25' in length and 25' in width.

3861 East Diablo Canyon Place - Application for new metal roofing, approved.

6763 North Quartzite Canyon Place - Application to install a new concrete driveway and walkway, plus a small addition to the front patio, approved.

6815 North Cascade Spring Place - Application to replace existing wrought iron fencing with solid metal panel fencing, approved.

Miscellaneous - 3773 East Marble Peak - Request for setback exemption for potential new build, denied. The ACC determined that insufficient information was submitted regarding the building plans and the intended structural relocations. The homeowner was advised that this request can be revisited when more detailed information is made available to the ACC.

Business Process Committee: Brian Bickel said this update was previously fully presented during the discussion of the loan for the repaving contract.

Budget and Finance Committee: Brian Bickel presented a finance report showing a net balance of \$1.007 million, the majority of which will be spent on the repaving project. Per the loan conditions, the bank will sequester an amount equal to 125% of our annual assessment collections (approximately \$137,000) which will be released at the completion of the project.

The budget tracking report shows no major items of concern. Brian will be mailing 21 statements for late HOA assessments, but said that some of these will likely prove to be misapplied payments or payments made through an ACH (bank) account which can be difficult to retrieve.

Brian Bickel made a motion to transfer the balance of the CD account to the reserve account, which passed unanimously. This money will be available for the first set of payments for the street pavement replacement project.

Communication Committee: Frank Karnauskas said that he had nothing to add to the previous discussion of what the committee is doing to make communication with the homeowners more efficient and effective.

Welcoming Committee: Dan Weisz reported that he and Frank Karnauskas will meet this week to review the current welcoming packet materials and identify where revisions are warranted.

Enforcement Committee: Donn Stoltzfus reported that there were no new or pending enforcement actions during the past month. However, he is currently gathering information on two new reports that may warrant enforcement action. The committee will discuss each report and make a decision in the near future.

6. MASTER ASSOCIATION REPORT

Dan Weisz reported that Brightview will be starting removal of buffelgrass stands at two residential property locations this week, but that the estimated cost to remove buffelgrass this spring from upper Campbell Wash was too high for the Master Association to fund at the present time. He would be meeting with Brightview to see if a more limited and/or less expensive option might be feasible.

7. OLD BUSINESS

Donn Stoltzfus reported on his efforts to reach an agreement with Comcast/Xfinity and requested comment from the Board. He reminded the Board that several months ago, in response to concerns about restricting new utility cuts in the streets once they are paved, he approached Comcast/Xfinity about reaching an agreement to regulate such activity. Comcast/Xfinity initially wanted to do so because they had no access agreement on record for FCHOA or the other HOAs that are part of the Master Association.

Donn said he commented on an initial draft and Comcast/Xfinity made a few revisions, but did not want to agree to specific notification and oversight requirements or a specified process for making and repairing the cuts. Most recently, Comcast/Xfinity ended negotiation with a statement that they had the right to access FCHOA private streets under an existing franchise agreement they hold with Pima County for installations in Pima County right-of-way. They cited language from the 1976 FC Development Plat in support of that conclusion.

Donn said that in the past week he met with staff from Pima County Planning, Real Estate Services, and Development Services, each of whom stated that the agreement between Pima County and Comcast/Xfinity did not apply to private property, although they noted that this ultimately was a legal question. In particular, Planning staff said that the language from the 1976 plat was unfamiliar to them but did not seem to imply right of access for Comcast/Xfinity.

A discussion ensued amongst the Board about how to proceed. Aletha Kalish asked if the County might put their conclusion in writing, Donn Stoltzfus said that might be unlikely but he would make the request. Austin Wesnitzer said there was legal precedent for requiring a 5-yr moratorium on pavement cuts and that the Board should give notice of such to all utilities. Donn Stoltzfus said he would communicate again with Comcast/Xfinity in light of County staff comments, and also thought it appropriate in light of Austin's comments to raise the issue with Jason Smith, legal counsel to FCHOA. The Board did not endorse a specific position but asked Donn to continue to work to assess some sort of agreement or legal notice that might be beneficial to maintaining our streets. The Board also wants to encourage Comcast/Xfinity to make timely repairs and improvements concurrent with the street repaving project.

8. NEW BUSINESS

Donn Stoltzfus requested that the Board consider resuming in-person meetings in the near future. He also requested that the Landscape and Roads committee recommend steps that could be taken to improve pedestrian awareness and safety, such as signs or information dissemination, based on concerns that traffic behavior might change on the newly paved streets, particularly when non-residents drive in the community.

9. COMMENTS AND INFORMATION FOR THE GOOD OF THE COMMUNITY

No discussion.

10 MOTION TO ADJOURN:

The meeting was adjourned at 8:33 PM.