

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

Meeting Minutes

Monday, October 10 at 6:30 PM
Location: Zoom Video Conference

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:34

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 Jaworkski 2022	x		
Ron Steffens 2022	x		

2. APPROVAL OF PREVIOUS MONTH'S MINUTES

The minutes of the September 12 meeting were approved without revision.

3. PRESIDENTS COMMENTS

Doug Hughes reminded homeowners of the upcoming annual meeting and Board of Directors election and expressed appreciation for the large number of homeowners in attendance.

4. STREET PAVEMENT REPLACEMENT PROJECT NEWS AND STATUS

Austin Wesnitzer introduced Chris Robbins of KE&G who will serve as the project manager for the FCHOA project. Chris introduced other KE&G staff attending the meeting. Austin said that a final schedule would be distributed this week, and that KE&G anticipated around 18 working days spread over the four-five weeks to complete the paving, with cleanup and restoration of manhole covers and

survey monuments to follow.. Work will begin on the streets nearest Skyline on Monday, October 17. While the schedule is not street-specific, homeowners will be notified by door hangers a few days in advance of when work will begin on their street. Austin and KE&G staff then answered a variety of question from homeowners about how the project would be carried out.

5. NOMINATION OF CANDIDATES FOR BOARD OF DIRECTORS AND APPROVAL OF THE BALLOT AND BALLOT DISTRIBUTION PROCEDURES.

Frank Karnauskas stated the Ron Steffens will be running for re-election. No other nominations were received during the meeting.. Brian Bickel was directed to prepare a ballot which will be mailed to each homeowner. Voting can be by mail or by returning the ballot in person at the annual meeting,

6.DISCUSSION AND APPROVAL OF A DATE, TIME AND PLACE FOR THE ANNUAL MEETING OF THE FCHOA

It was determined that the annual meeting will be held November 6 at 2 PM, preferably in person. Brian Bickel was tasked to find a suitable location and said he would contact the school district to make those arrangements, if possible.

7. DISCUSSION OF PROPOSED FINES FOR CC&R ENFORCEMENT CASES'

Donn Stoltzfus indicated that he was seeking approval of the Board to asses fines in three ongoing CC&R compliance cases in accordance with the discretionary authority given the Board by the February 2018 General Violation Fine Schedule. Following is a listing of three cases and the outcome of the discussion.

3553 E. Lizard Rock Place: Large piles of landscape debris remain on site despite fines in the amount of \$150 imposed to date. Frank Karnauskas made a motion to send the owner a notice stating that an additional fine of \$300 would be imposed at the Boards Discretion if the debris was not removed within 30 days. Motion passed by a vote of 8-0 with Ron Steffens absent.

3460 E. Marshall Gulch Place: Violation of the requirement to provide advance notice of an estate sale and provide a parking plan. A \$100 fine was requested. Frank Karnauskas questioned whether such a fine could be considered against the estate sale company, as stated in the Vehicle and Parking Policy, given that the Vehicle and Parking Enforcement Policy referred only to an Owner. After discussion Frank Karnauskas made a motion to send the company a letter stating that no fine was assessed but that the Board would require and enforce

compliance with the Policy in the future. Motion passed 8-0 with Ron Steffens absent.

3773 E. Marble Peak Place: Removal of native vegetation - a mature velvet mesquite tree - without prior authorization of the FCHOA. Donn Stoltzfus proposed a fine of \$250 to conclude the case. After discussion of the case and the applicable requirements, including whether use of the Boards Discretion to impose such a fine was appropriate, Donn Stoltzfus made a motion to assess the \$250 fine. The motion was defeated, 5-2, with one abstention and Ron Steffens absent. The case remains open pending a future Compliance Hearing.

8. COMMITTEE REPORTS.

a. Architectural Control Committee: Linda Jaworski asked that the report be incorporated by reference and it is presented below.

b. Enforcement Committee: Donn Stoltzfus asked that the report be incorporated by reference and it is presented below.

c. Budget and Finance Committee: Brian Bickel noted that the loan for the street pavement replacement project has been received and is included in the financial report. He said that the project is expected to cost around 1.4-1.5 million dollars, leaving a balance of approximately 150-200,000 dollars after project completion, much of which must be retained as a reserve until the loan is paid off. The estimated annual loan payment will be \$86, 000, initially leaving around \$30,000 for annual operating expenses, a number that will increase annually as assessments are anticipated to increase to support future road maintenance.

9. The Board moved to adjourn the meeting at 8:40 PM.

Architectural Control Committee Report

6831 North Quartzite Canyon Place-Change Application for “Tuff Shed” received and approved.

3500 East Nugget Canyon Place-Application for pergola mounted solar panels denied pending Pima County sign-off on structural details.

3569 East Nugget Canyon Place-Change Application received for replacement of current fencing, approved.

3635 East Marble Peak Place-Change Application received for a new concrete driveway to be poured in place of the current driveway

3490 Marshall Gulch Place-Change Application received for painting of cinderblock wall, approved.

3773 East Marble Peak Place-Change Application received for new guest parking area. Under review.

Miscellaneous

6412 North Burro Creek-Permission granted for short term RV parking at side drive for the purpose of flood damage restoration within primary residence.

6419 North Burro Creek-Courtesy letter received per homeowner regarding roll-off placement in driveway. Time frame is 30 days during a kitchen remodel. Homeowner states interior work only, requiring no Change Application or Permit required.

September-October 2022 Enforcement Committee Report

Pending Compliance Fines Requiring Board Discussion and Possible Action

The FCHOA General Violation Fine Schedule (1/2018) and Vehicle and Parking Policy Enforcement Process (4/2019) each include the following:

BOARD DISCRETION: Notwithstanding the above provisions of the violation schedule, the Board at its sole discretion, may at any time, assess a fine in an amount of to \$2,000 for any incident the Board deems to be egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that causes detriment or damage to any Association or another Owners property. The Board may levy this fine despite any past violation history or lack thereof.

Pursuant to this authority, a fine is recommended to conclude each of the following cases:

3460 E. Marshall Gulch Place: An unauthorized estate sale occurred at this property on July 9 without the required Notice 30 days prior to the sale or the

submittal of a Traffic Control and Parking Plan to the FCHOA for approval. The day of the sale customers parked without guidance or restriction, on both sides of Evans Mt. Road near Marshall Gulch Place, among other places. This coincided with the presence of barricades on Evans Mt Road to protect the concrete work that had been done in the past week, and created hazardous driving conditions for individuals attempting to drive on Evans Mt. Road amongst cars entering, parking, and exiting the shoulders of Evans Mt. Road. The company, The Girls Estate Sales, was previously advised of the need to get prior approval for their sales. **I ask that the Board find that the failure to address parking created a dangerous condition, and to assess a fine of \$100.** An NOV was delivered to The Girls Estate Sales on July 9, and the company representative agreed to pay this fine, if assessed.

3773 E. Marble Peak Place: An NOV was sent to the owner on June 4 regarding the destruction of a native velvet mesquite tree on a neighbor's lot by the homeowner without prior approval of the HOA. The owner initially agreed to settle the case by paying a fine of \$250, to the FCHOA, but has withdrawn that offer and may make an offer to install a replacement tree. **I ask that the Board find that the cutting of a mature tree with a replacement cost in excess of \$5000 is both egregious and caused damage to another owner's property, and approve a fine of \$250 to be assessed if a replacement tree of at least 36 inch planting box size is not installed, at a similar location to the one that was destroyed, by November 30.**

3553 E. Lizard Rock Place: The owner has left two piles of landscape debris, one large, to dry and decompose on the property since May 2022, despite a Courtesy Notice, Notice of Violation, Notice of Hearing, and assessment of \$150 in fines that have not been paid to date.

As of today, October 10, 2022, the piles remain and per the General Violation Fine Schedule there is a Continuing Violation. The Board has the right to ask their attorney to file an action seeking Injunctive Relief. The Board also can use the Board Discretion authorization to assess an additional fine.

I ask that the Board defer discussion of seeking injunctive relief to another date. I further ask the Board discuss whether this violation qualifies for assessment of an additional fine under the Board Discretion authorization, such as ongoing fire danger or egregious conduct.

A. New Cases

None.

B. Ongoing Cases (enforcement stayed pending action)

6419 N. Burro Creek Place: Awaiting application to the ACC for a screening enclosure around pool equipment. Native tree replacement to be done at a later date concurrent with front yard landscaping.

3553 E. Lizard Rock Place: Third Notice sent imposing \$100 fine for failure to remove piles of landscape tree trimmings. Total fines imposed \$150 Notice of Hearing sent on the issue of the commercial trailer parked on site. Hearing date is November 14, 2022 at 8 PM.

6714 N. Quartzite Canyon Place: Awaiting application to the ACC for an enclosure to be constructed to conceal a recreational vehicle. Vehicle allowed to remain on-site in view till March 31, 2023 per Board action.

C. Concluded Cases

3800 E Mt. Kimball: ACC application for new paint color was approved.

3584 E. Gibbon Mountain Place: ACC application for an enclosure was approved.