

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

Meeting Minutes

Monday, February 13, 2023 at 6:30 PM
Location: Zoom Video Conference

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:32

Board Member/Term Expiration	Present	Absent	Proxy
Aletha Kalish 2023	x		
Michael Katz 2023		x	
Donn Stoltzfus 2023	x		
Brian Bickel 2024	x		
Greg Piraino 2024	x		
Austin Wesnitzer 2024		x	
Ron Steffens 2025	x		
Vacant 2025			
Vacant 2025			

2. APPROVAL OF PREVIOUS MONTH'S MINUTES

The minutes of the January 9, 2023 meeting were approved without revision.

3. PRESIDENTS COMMENTS

Aletha Kalish welcomed the homeowners attending the meeting and made a few brief comments about homeowner participation, noting that community input was welcomed but depending on the time available open discussion may or may not be possible.

4. STREET PAVEMENT REPLACEMENT (Roads Committee Report)

No report was given.

5. APPLICATION TO STORE AND RV AT 3681 E. ESPERERO CANYON

Greg Piraino reviewed the application which includes a proposal to modify the existing gate to fully screen the RV from view from the street. A low wall and existing vegetation encloses and screens the RV from neighboring views. After a

brief discussion a motion was approved the application, said motion passed unanimously.

6. COMMITTEE REPORTS

a. Brian Bickel gave the Budget and Finance Committee Report. The Balance Sheet Comparison Report shows assets of approximately \$929,000 with liabilities, including the unpaid balance of the loan, of approximately \$726,000, with final billing for the road project still pending. There has been a very good response to the annual assessment billings, with only a handful of accounts in arrears. Brian said that he is working to resolve an outstanding question from the IRS about past tax returns, related to a change made in 2012 in the fiscal year reporting. Brian said he does not believe that the HOA has any liability, but that he had retained the assistance of an accountant to help respond to the IRS.

b. Greg Piraino presented the Architectural Control Committee Report, which is attached at the end of the minutes. Four new applications were received in the previous month; seven previous applications remain open. No projects were closed out and during the past month Greg was in communication with four homeowners about possible future applications. The Committee is preparing a list of Frequently Asked Questions to be posted on the FCHOA website as an aid to homeowners, and will also be making minor revisions to application for clarification.

c. Ron Steffens presented the Landscape Committee Report. He said the recent green waste pickup was completed at an approximate cost of \$7100. He said that the Committee was discussing ideas for future event communication regarding the restrictions on removal of mature native plants.

d. Donn Stoltzfus presented the Compliance and Enforcement Committee Report. No assessments or notices were sent out in the past month, and no cases were closed. There are three unresolved Courtesy Notices that could proceed to the Notice of Violation stage, as well as four other active cases. Prominent among the later is the continued storage of a commercial trailer at 3553 E. Lizard Rock, for which legal assistance will be sought to proceed with enforcement. He will advise the Board when our attorney provides some direction and an estimate of costs.

Donn said that the Committee had made some revisions to the Draft Compliance and Enforcement Policy posted on the website. Those revisions were mostly minor except for a significant rewrite of the Native Plant discussion, based on the definition of Native Plants in the Pima County Ordinance. He invited comment from the public on the Policy. Two homeowners had questions and there was a brief discussion of the Policy.

e. Frank Karnauskas presented the Communications Committee report, and announced that Larry Holmes wishes to join the Committee. A motion to add Larry as a committee member passed unanimously.

f. Dan Weisz presented the Welcoming Report and said that he had received three notices of new property transactions and sent welcome emails to those new homeowners..

7. MASTER ASSOCIATION REPORT

Dan Weisz noted that the Master Association met in January. In response to a question about meeting notices, Dan said each representative from the individual HOAs was responsible for informing members of their HOA about the date and time of upcoming Master Association meetings.

8. OLD BUSINESS - None discussed.

9. NEW BUSINESS: None discussed.

10. COMMENTS AND INFORMATION FOR THE GOOD OF THE COMMUNITY

None discussed.

11: ADJOURN: The meeting was adjourned at 7:25.

February 2023 Architectural Control Committee Report Prepared by: Greg Piraino

FCHOA ACC (480) 234-4040 2/13/2023 ACC Members 2023: Donn Stoltzfus, David Kalish

Significant Activities:

Drafted updates to ACC Major Work Application to streamline and clarify. Incorporated new application language from FCHOA attorney to create new "Preliminary Approval" status at the request of a homeowner contemplating major work. Drafted FAQ to reply to several questions received from homeowners contemplating major work. ACC committee to review and hopefully issue updated form and FAQ replies in mid-February.

A: FOUR New Applications Received and Approved or Disapproved

3748 E Gibbon Mtn Enclosing small tank with fence. Appl. submitted and approved.

3584 E Gibbon Mtn Construction of storage building. Appl. submitted and approved.

3490 E. Marshall Gulch Painting home. Appl. submitted and approved.

3800 E. Mt Kimball Window replacement. Appl. submitted and approved.

B: SEVEN Previous Applications with Open or Ongoing Aspects

3881 E Marble Peak Appl. to install fence. Missing site map and missing signatures.

Disapproved. Homeowner acknowledged and will gather items. No activity so far.

6400 North Burro Creek Appl. for carport to garage conversion previously approved.

Appl. for paint change to be submitted separately. No paint application received. No activity or paint applications received lately. Open

3560 E Marshal Gulch Appl. for driveway resurface. Approved. Open

3830 E Diablo Cyn Appl. for house re-paint to non-white low LRV. Approved. Open

3809 E Mount Kimball Appl. for shed addition. Approved. Open

3800 E Kimball Appl. for house re-paint to non-white low LRV. Approved. Open

3584 E Gibbon Mtn Appl. to replace rear block wall with ironwork. Approved. Open

C. Projects Completed Observed and Closed: None new this month

D: Contact Made and/or Significant Discussions and/or Progress:

3773 E Marble Peak Home Demo/Reconstruct: Major Work form updated and FAQ question responses drafted. Drafts presently being reviewed by ACC. No appl. yet.

6714 N Quartzite Provided Greg with draft design of large RV enclosure possibly encroaching on side setback possibly taller than 15'. No site plan yet. No appl. yet. Meeting offered 2/18.

3681 E Esperero Cyn RV on side of house. Definition of "Enclosed" for Board discussion/reply in Jan. "Request" letter submitted. Up for discussion at 2/13 Board meeting.

3801 E Diablo Cyn Appl. to enclose carport and construct new storage in side setback. Disapproved in January due to proposed new sf construction in a side setback. No objection to enclosure of garage in setback. Survey performed and staked. ACC Chair observed. Initially homeowner indicated she would revise plan by shortening storage room by approximately 3' though now has requested reconsideration on various grounds. ACC discussion tent.

February 2023 Compliance and Enforcement Committee Report (covering the period 1/1-1/31 2023)

A. Compliance Assessments:

No assessments this month. Assessments will resume in March.

B. New Cases:

None. Three Courtesy Notices from the preceding month have not been satisfactorily resolved and may proceed to a Notice of Violation stage soon.

C. Cases in Progress

3553 E. Lizard Rock Place (NOV): A second fine of \$100 was assessed for daily parking of a commercial trailer on site. I spoke to the tenant and there appears to be little prospect that the trailer will be removed voluntarily in the near future. The next step in the enforcement process is to seek a legal injunction and I will be contacting our attorney to evaluate potential courses of action and potential associated costs.

6419 N. Burro Creek (Courtesy): Native tree replacement to be done concurrent with 2023 landscaping.

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

3773 E. Marble Peak Place (NOV): Three replacement trees have reportedly been planted. Case will be closed upon verification.

3570 E. Guthrie Mountain (Courtesy): No response to two communications regarding a deteriorating porch roof.

3434 E. Guthrie Mountain (Courtesy). Yard cleanup completed. No response to communication regarding removal of a flat-bed trailer and a derelict vehicle parked outside of a driveway/approved parking area.

3572 E. Guthrie Mountain (Courtesy). Following up on an unapproved water treatment unit. Recently reviewed records and no prior authorization has been found. Awaiting response from homeowner.

D. Closed Cases

None this month.

E. Other Notes

Recently completed a second draft of the Compliance and Enforcement Policy based on comments received from two Board members and one member of the public. The document is posted on at www.foothillsclusters.com. The most significant change consisted of clarifying what constitutes a native plant for purposes of CC&R enforcement by adopting the Pima County Native Plant list from the Pima County Native Plant Preservation Ordinance. Seeking community input on the specifics of the draft policy.