

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

Meeting Minutes

April 10, 2023 at 6:30 PM
Location: Zoom Video Conference

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:30

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 March 13 , 2023 meeting were approved without revision.

3. PRESIDENTS COMMENTS

Aletha Kalish welcomed the homeowners attending the meeting and thanked members of the Architectural Control Committee and Compliance and Enforcement Committee for their ongoing work and diplomacy in working with homeowners.

4. COMMITTEE REPORTS

a. Brian Bickel gave the Budget and Finance Committee Report. The Balance Sheet Comparison Report shows assets including \$224,153 in checking, \$101,119 in savings and petty cash, and \$12,342 in accounts receivable as some annual assessments are still coming in. Brian said that the checking account balance includes \$137,523 in an account controlled by Alliance Bank that is a reserve against future loan payments and unavailable for other purposes. The balance of the street paving loan stands at \$787,623.

b. Austin Wesnitzer presented the Roads Committee Report. He stated that the final Quality Control reports were reviewed and accepted, and the final significant payment was made to the contractor. A few things are ongoing, namely a couple of survey monuments need to be adjusted and a few areas of pavement have been identified to be watched and probably repaired late this year. He stressed that the pavement is under warranty but there is value in waiting to see how those areas respond before repair

b. Greg Piraino presented the Architectural Control Committee Report, which is attached at the end of the minutes. Three new applications were received and approved last month; ten previous applications or projects are ongoing, and no projects were completed and closed out during March. Greg noted that there had been no further application from 6714 N. Quartzite Canyon, and Donn Stoltzfus added that he noticed that the RV was no longer onsite so the homeowner did apparently comply with the March 31 deadline..

c. Ron Steffens gave the Landscape report, noting that the repair of landscape lights at the community entrance continues to be a challenge. He expects to have more information by the May meeting.

d. Donn Stoltzfus presented the Compliance and Enforcement Committee Report and noted that compliance assessments were completed on the east side of the neighborhood, approximately 200 homes. He said apparent violations were minor and limited to 10 properties. No new cases were opened in March. Three enforcement cases were satisfactorily closed and four remain open, one of which (3553 E. Lizard Rock) will be referred to the attorney for action as the assessment of fines by the FCHOA has not resulted in compliance. He stated that a new draft of the Compliance Inspection Policy is available for comment on the website, and added that he met with a homeowner regarding trespass and unauthorized native growth removal, with a satisfactory result. The homeowner agreed to plant a replacement native tree later this spring.

Two homeowners made brief comments, one concerning the possibility that retention of an in-home caregiver might be construed to violate the rental restrictions. Mr. Stoltzfus explained that in his view such arrangements did not constitute rental of a portion of the home for profit and should not be viewed as contradictory to the CC&Rs. Other Board members commented and concurred.

e. Larry Holmes presented the Communications Committee Report and reminded Board members to send items to be posted on the website to his attention.

f. Dan Weisz presented the Welcoming Committee Report. Real estate activity has slowed down; two homes are for sale and he has not identified any new residents in the past month to communicate with. Aletha said she understood that one of the homes had closed last week and Dan said he would see if anyone had moved in. Aletha

agreed to keep Dan informed of any new closings that she notices in the real estate database that she follows.

(Michael Katz left the meeting).

7. MASTER ASSOCIATION REPORT

Dan Weisz said that the spring quarterly meeting of the Master Association had been cancelled, and the next quarterly meeting is scheduled for July 12. He continues to look for the presence of buffel-grass in the neighborhood as spring growth begins.

8. OLD BUSINESS - None discussed.

9. NEW BUSINESS: None discussed.

10. COMMENTS AND INFORMATION FOR THE GOOD OF THE COMMUNITY

Two homeowners had questions concerning the implementation of various aspects of the Compliance and Inspection Policy. There was a question about the time period before a violation could be designated a Non-Conforming Condition; Donn Stoltzfus replied that it was a case by case evaluation but generally anything shown to be present for over a couple of years would likely qualify.

The Board had a brief discussion following a question about enforcement of the white roof prohibition. Greg Piraino favored purchase and use of an LRV meter to quantify light reflectance value of a roof, rather than relying on visual comparison with a color standard. Both options could be complicated if a homeowner denies access to their roof or property. Donn Stoltzfus said that he would revise the draft policy to allow for either alternative, and the Board could decide in the future whether to purchase a meter for use in enforcement. Greg also pointed out that tan roof coatings made of "high performance" materials can be cooler than standard white roof coatings, and said that he was compiling information on a range of commercially available roof coatings.

EXECUTIVE SESSION: At 7:38 the Board approved a motion to go to Executive Session for the purpose of discussing legal advice from an attorney. All public members remaining on the Zoom meeting link were asked to leave the meeting, and they did so.

At 8:05 the Board returned from Executive Session.

11: ADJOURN: A motion to adjourn was approved at 8:05

April 2023 Architectural Control Committee Report

Prepared by: Greg Piraino, FCHOA ACC (480) 234-4040 4/10/2023

ACC Members 2023: Donn Stoltzfus, David Kalish

Significant Activities: None. Fairly quiet month.

A: THREE New Applications Received and Approved or Disapproved

3681 E Esperero Cyn RV on side of house. Appl. approved. Open

3801 E Diablo Cyn Carport and new storage re-submitted outside of setback. Appl. approved. Open.

3561 E Nugget Cyn Fence appl. submitted and approved. Open.

B: TEN Previous Applications with Open or Ongoing Aspects

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

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

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

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. Zero Projects Completed Observed and Closed:

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

3773 E Marble Peak Owner has indicated that they have hired an architect and would like to discuss project in coming days.

6714 N Quartzite Preliminary review of project to install large RV enclosure completed and response from ACC emailed to homeowner. No appl. yet. No April activity at all.

End of Report 4/10/2023

April 2023 Compliance and Enforcement Committee Report (covering the period 3/1-3/31 2023)

A. Compliance Assessments

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Compliance assessments were performed in mid-March for all of the homes on the east side of the community. Every property has been assessed since October 2022. As a result of the recent assessments, ten homes are being evaluated by the Committee for possible violations.

B. New Cases:

None.

C. Cases in Progress

3553 E. Lizard Rock Place (NOV): The next step in the enforcement process is to seek a legal injunction. Our attorney has provided an email describing potential courses of action and potential associated costs.

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

3434 E. Guthrie Mountain (Courtesy). Yard cleanup completed. Flat-bed trailer and a derelict vehicle remain on site and owner will be contacted to discuss progress.

3572 E. Guthrie Mountain (Courtesy). No response from the homeowner to the most recent communication regarding a visible water treatment unit. Owner will be contacted.

D. Closed Cases

Three cases were closed, including 3773 E. Marble Peak (native tree replacement); 3570 E. Guthrie Mt (coating applied to rusting roof); and 3478 E. Gibbon Mt (screening constructed around visible water treatment unit).

E. Other Notes

A third draft of the Compliance Inspection Policy was prepared and is posted on the FCHOA website for public review and comment.

A homeowner was contacted regarding trespass and native growth removal and voluntarily agreed to plant a replacement native tree to screen an adjacent property.