

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

**Meeting Minutes**

July 10, 2023 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
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 May 8, 2023 meeting were approved without revision.

**3. PRESIDENTS COMMENTS**

Aletha Kalish welcomed the homeowners in attendance at the meeting.

**4. APPOINTMENT OF A NOMINATED COMMITTEE FOR THE BOD ELECTION**

Donn Stoltzfus noted that the Association Bylaws require appointment of a committee to make nominations of candidates for the FCHOA Board in the November election. The committee must be chaired by a Board member and include at least two other members, who may not be Board members. After some discussion, Greg Piraino volunteered to chair the committee and John Bronner volunteered to serve. Frank Karnauskas was suggested as a possible member, and Donn Stoltzfus said he would ask Frank if he was willing to volunteer. Brian Bickel suggested that in the future this committee be appointed early in the year.

## 5. PROPOSED COMPLIANCE ASSESSMENT POLICY

Donn Stoltzfus briefly described the purpose of the policy to promote clarity and consistency in the enforcement of the CC&Rs and noted that four drafts had been presented for community comment, beginning in November 2022. Written comments were received from five Board members and four members of the community, in addition to comments offered by members during previous Board meetings. Comments were considered and incorporated into the document; many sections were significantly revised and some eliminated. He noted that the final draft, which was posted to the Foothills website in June, had not received any comments and that this was the document that the Board would be voting on.. Stoltzfus made a motion to adopt the policy effective immediately.

In subsequent discussion, there was a question from the public about the NOV process, which was clarified to explain that although the CC&Rs allow a single Board member to issue an Notice of Violation, the normal process under the policy would be for the committee to discuss and concur before a Notice of Violation was issued. Greg Piraino said that he made numerous comments and was pleased to see that they were incorporated into the final draft. The motion was called, and the Compliance Assessment Policy was passed by unanimous vote.

## 6. PROPOSAL FOR REPAIR OF SOLAR LIGHTING AT THE EAST ENTRANCE

Ron Steffens noted that he has not yet heard from the contractor about the issue of using the existing conduit, but would follow up and advise the Board when that proposal is received.

## 7. LOCATION AND/OR REPLACEMENT OF SURVEY MONUMENT ON GIBBON MOUNTAIN PLACE

Dan Weisz stated that it appears that the monument on Gibbon Mountain was either removed during road construction or more likely may be present but covered over in the landscaped area at the turnaround. Normally each street has two monuments; Brian Bickel said some streets have more as each curve in the street normally has a monument. The streets contractor filed a report to the County showing the location and elevation of each monument that was replaced during the repaving project; it was suggested that Austin could provide a copy of that report. Dan Weiss said he would be willing to walk the streets and identify monument locations, but Donn Stoltzfus said perhaps the contractor report could first be obtained and reviewed. The Directors recognized the importance of monuments as a part of the community infrastructure that the HOA should maintain.

## 8. COMMITTEE REPORTS

a. Brian Bickel gave the Budget and Finance Committee Report. The Balance Sheet Comparison Report shows a checking account balance of approximately \$212,688, with almost 87,000 of that amount in an account controlled by Alliance Bank for future loan payments. In addition, savings, accounts receivable, and petty cash total slightly over \$87,000. Brian noted that four homeowners have not paid their 2022 HOA assessments and those accounts would be forwarded to our attorney for collection.

b. There was no Roads Committee Report.

c. Greg Piraino presented the Architectural Control Committee Report, which is attached at the end of the minutes. Three new applications were received last month and sixteen applications are open and ongoing.

d. Ron Steffens gave the Landscape report and said that the beehive located in utility equipment near the east entrance had been removed, at a cost of \$300. As noted earlier, he has not received the proposal to repair the lighting at the east entrance.

e. Donn Stoltzfus presented the Compliance and Enforcement Committee Report, which is attached at the end of the minutes. There were no compliance assessments in June. Three enforcement cases are active, including one referred to the attorney for the FCHOA, and one new enforcement case was initiated for operation of a business.

f. There was no Communications Committee report.

g. Dan Weisz presented the Welcoming Committee report, noting that there were no sales and no new residents this month.

## 9. MASTER ASSOCIATION REPORT

Dan Weisz said that there was no news from the Master Association. The next quarterly meeting will be held in October.

10. OLD BUSINESS: None discussed.

11. NEW BUSINESS: None discussed.

## 12. COMMENTS AND INFORMATION FOR THE GOOD OF THE COMMUNITY

A resident noted that a caretaker was moving into her home, necessitating some reorganization that had spilled onto the patio and the yard, but that she would be removing those outside items within a couple of days.

10: ADJOURN: A motion to adjourn was approved at 7:133

## July 2023 Architectural Control Committee Report

Prepared by: Greg Piraino, FCHOA ACC (480) 234-4040 7/10/2023  
ACC Members 2023: Donn Stoltzfus, David Kalish

### **A: (3) New Applications Received and (1) Approved, (1) Under Review, (1) Anticipated Shortly.**

3809 Mt Kimball Appl for Gazebo Addition. Obtained all signatures. Approved as complete.

3525 E Marshall Gulch Solar application. Application appears complete. Reviewing shortly.

3584 Gibbon Mtn Discussed pool pergola. Met to discuss on site. Application requires signatures.

### **B: (16) Previous Applications with Open or Ongoing Aspects**

6871 N Quartzite Cyn Appl to pave driveway and back patio. Complete. Approved. Open.

6870 Cascade Springs Appl for roof coating. Complete. Approved. Open.

3818 E Marble Peak Appl. for re-landscape of property previously illegally cleared. Approved. Open.

3570 Guthrie Mtn PI Appl for new roof shingles. Complete. Approved. Open.

3649 E Marble Peak Appl. for fence around back patio. Approved. Open.

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. Approved. Open.

3561 E Nugget Cyn Fence. Approved. Open.

3748 E Gibbon Mtn Enclosing small tank with fence. Approved. Open

3584 E Gibbon Mtn Construction of storage building. Approved. Open

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

3881 E Marble Peak 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.

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

3830 E Diablo Cyn Appl. for house re-paint to non-white low LRV. 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. (2) Projects Completed Observed and Closed:**

3560 E Marshal Gulch Appl. for driveway resurface. Approved. Observed. Closed

3809 E Mount Kimball Appl. for shed addition. Approved. Observed. Closed

## **D: (1) Contact Made and/or Significant Discussions and/or Progress**

3584 E Gibbon Mtn Shed location dispute progress: Applicant (Jonathan Weinberg) deserves medal for patience and flexibility. Applicant met with unhappy neighbor and agreed to a potential new shed location requiring a 30' relocation. Applicant provided relocation plan to ACC which has reviewed plan and is in general favor. Shed relocation research conducted by ACC to assist and will be discussed with applicant shortly. Relocation plan will require neighbor signatures.

## **E. FUTURE ACTIVITIES**

Provide list of pre-approved locally available high-performance tan roof coatings  
Provide new FAQ pages for multiple subjects that keep coming up as applicant quest

## **June 2023 Compliance and Enforcement Committee Report (covering the period 6/1-6/30/23)**

### **A. Compliance Assessments:**

No compliance assessments were performed in June. One property was investigated for possible operation of a business in violation of the single family residential requirement. Two properties with ongoing compliance activities were monitored.

### **B. Courtesy Notices:**

No Courtesy Notices were sent during June.

### **B. New Enforcement Cases:**

An enforcement case has been initiated against 6479 E. Burro Creek for operation of a commercial business

### **C. Enforcement Cases in Progress**

3434 E. Guthrie Mountain (Courtesy). Owner continues to make progress. The deadline for compliance is August 31.

6424 N. Burro Creek (Courtesy). No response to Courtesy Notice or follow-up email.

3553 E. Lizard Rock (NOV) . The commercial trailer has returned to the site. I have requested advice from our attorney as to the next steps in the enforcement process.

#### **D. Closed Enforcement Cases**

No enforcement cases were closed during June.

#### **E. Other Notes**

The Draft Compliance Assessment Policy was revised and posted on the website. No comments were received during June. The Board will be asked to approve the Policy at the July Board meeting.