

# THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS MEETING MINUTES

October 9, 2023 at 6:30 PM via Zoom

## 1. CALL TO ORDER / ROLL CALL

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 THE MINUTES OF JULY 2023 AND THE SEPTEMBER SPECIAL MEETING.

The July 2023 meeting minutes were approved. The minutes of the September special meeting were not yet available. A quorum was not achieved at the August meeting so no minutes were kept, and the regularly scheduled September meeting was cancelled.

## 3. PRESIDENTS COMMENTS

President Kalish acknowledged several homeowners in attendance and expressed her appreciation for the efforts of the unknown homeowner who cleared away the sediments left on Evans Mountain Road at Lizard Rock by the monsoon storms. She emphasized that the community depended on volunteers, including the Directors, to maintain and enhance the neighborhood.

## 4. REPORT OF THE NOMINATING COMMITTEE, CALL FOR NOMINATIONS, AND ACTION REGARDING THE BALLOT FOR THE 2023 ELECTION

Chairperson Piraino providing a report noting that there were five candidates for the three Directors to be elected and one candidate for the single vacant representative to the Master Association. Several candidates provided photos and brief biographies to be included on the ballot. Brian Bickel said that the ballots would be printed and mailed this week and also clarified that the Bylaws do not require the Board to take action to approve the ballot.

In response to a question, Aletha Kalish and Brian Bickel noted that the elections cannot be expanded to fill the existing vacant Director positions, which may only be appointed per the Bylaws if the term is less than the full 3 years.

Unsuccessful candidates in the election will likely be asked if they wish to fill a vacant position.

#### 5. PROPOSAL FOR REPAIR OF SOLAR LIGHTING AT THE EAST ENTRANCE (POSSIBLE ACTION)

Ron Steffens said that he believed the work had been completed but could not verify that as he is out of town. Brian Bickel confirmed that the lighting is now operable.

#### 6. PROPOSAL FOR VENTANA CANYON ROAD WASH IMPROVEMENTS (POSSIBLE ACTION)

Ron Steffens noted that the Watershed Management Group is being consulted to come up with a solution and that Dan Weisz would be coordinating this with the Master Association in the hopes of getting a workplan to be funded jointly by the FCHOA and the Master Association.

#### 7. PROPOSAL FOR GREEN WASTE PICKUP SCHEDULE AND FUNDING (POSSIBLE ACTION)

Ron Steffens made a motion for approval of funding not to exceed \$8000 for a two-day green waste pickup in November. There was discussion to clarify that this was intended for pruning wastes, as the Board previously communicated that the scope of green wastes resulting from the July monsoon storm was too great for disposal to be funded by the HOA. Residents will be asked to separate cactus from other green wastes in piles no larger than approximately 3'x5'. The motion passed by a vote of 6-0.

#### 8. DATE AND LOCATION OF THE ANNUAL MEETING AND THE NOVEMBER BOARD MEETING (POSSIBLE ACTION)

Brian Bickel confirmed that the Annual Meeting was to be held Sunday, November 5 at 2 PM and said that he requested use of the House #1 Seminar Room at Catalina Foothills High School and anticipated that the request would be approved. The meeting will be in person; one resident requested that the meeting be hosted on Zoom as well, which Brian said he would attempt to do so if possible.

Bickel explained that 37 lots must be represented at the Annual Meeting to conduct business. While receipt of 37 ballots is sufficient for the election to be valid, other business requires 37 lot owners to be personally present at the

meeting, a standard that is occasionally not met. President Kalish encouraged homeowners to attend and noted there will be opportunity for community discussion at the meeting.

## 9. COMMITTEE REPORTS (Chair)

### a. Budget and Finance Committee (Bickel)

Treasurer Bickel presented the financial report showing approximately \$127,000 in the HOA checking account and \$86,657 in a savings account controlled by Western Alliance Bank, representing 12 months worth of loan payments for the street repaving project.

Brian explained that there were four properties more than one year in arrears on paying the annual assessment. He said that when payment is overdue by more than a year, a certified letter is sent to the owner. The language in the letter is somewhat harsh but is specified and required by state law. If the homeowner does not respond and begin payment within 30 days, the account is turned over for collection, which will add attorneys fees of approximately \$450 to the total due.

There was a question about how the HOA is sure that the assessments are mailed to the proper address for absentee owners, and Brian said he uses the address that is a matter of public record at the Pima County Assessors website.

Aletha said the delinquency rate is much lower than it was several years ago and that is the direct result of efforts by Brian to make the process easier and to work with homeowners to educate and facilitate payment options.

### b. Roads Committee (Wesnitzer)

No report. A homeowner, Jeff Bristol, asked to go on the record with two concerns. One involved concrete debris left in the Evans Mountain /Kingler Spring ROW by a driveway contractor who abandoned the project, and Brian Bickel said the homeowner is working with Pima County and a new contractor to get the concrete debris removed.

The second concern is that the street repaving project resulted in new drainage being directed onto his property at 3684 E. Kingler Spring. Mr. Bristol expressed frustration that his previous communications to the Board, beginning immediately after construction, had not been adequately responded to and that the drainage problem remained. He attributed the problem to an excess of fill being removed prior to repaving, and noted that there were other areas in the community that also resulted in ponding, which would weaken the asphalt, and misdirected drainage.

President Kalish acknowledged the comment and said she would investigate, but that in Austin's absence the Board could not respond today. Mr. Bristol said that he had previously brought the matter to Austin's attention but the problem had not been addressed.

c. Architectural Control Committee (Piraino)

Chairperson Piraino said that there were four new applications in September, two of which were approved and two were still under review. He also discussed two shed projects, one of which the ACC would discuss to see if a solution could be found to result in the movement of the shed to a new location. The full ACC report is attached.

d. Landscape Committee (Steffens)

Chairperson Steffens mentioned that the Watershed Management Group was looking at solutions for the problems at the wash crossings on west Ventana Canyon Drive, and that Dan Weisz would also be discussing this with the Master Association

e. Enforcement Committee (Stoltzfus)

No report.

f. Communications Committee (Karnauskas)

No report

g. Welcoming Committee (Weisz)

Dan Weisz said that one home on North Quartzite Canyon had recently closed and he would be providing information to the new owner later this month.

10. MASTER ASSOCIATION REPORT (Weisz)

Dan Weisz said that the quarterly meeting of the Association would be held tomorrow. He noted that with the aid of Larry Holmes, information about upcoming Master Association meetings, including agendas and the minutes of past meetings, were now posted on the Foothills Clusters website. Anyone desiring to participate in a Master Association meeting should contact Dan at the email listed on the Foothills Clusters website to receive the Zoom information for the meeting.

## 11. OLD BUSINESS

### a. Survey Monument at Gibbon Mountain Place

Brian stated that he believed the missing monument was located at what is now a manhole cover collar, and that he believed there were two missing monuments on the street.. A homeowner confirmed that the location pins were still present which might allow the monument(s) to be restored. No further information was available due to Austin's absence.

### b. Road drainage into driveway at 3737 E. Marble Peak Place

Referred to Austin, no new information.

## 12. NEW BUSINESS

### a. Delivery of all streets project files and reports to records storage.

Brian Bickel said that the HOA secretary was reviewing records retention issues with the HOA attorneys and attempting to organize the existing records. No further information available.

A homeowner had a question about whether the CC&R Compliance and Enforcement Policy had been passed by the Board. A member confirmed that it had (on July 10, 2023) and is posted on the website.

The homeowner requested clarification on how the Policy addressed VRBO rentals, particularly since the language had changed between different drafts of the policy. Brian Bickel stated that per legal advice the FCHOA cannot restrict VRBO rentals so long as the entire home is rented. Rentals of a single room or other portion of a house is a violation of the CC&Rs.

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

None.

## 14. ADJOURN

The meeting was adjourned at 7:40.

## **Oct 2023 Architectural Control Committee Report**

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

### **A: (4) Applications Received - (2) Approved, (2) Under Review**

3430 Sunrise Solar application. Complete and approved.

6880 Cascade Solar application. Complete and approved.

6714 Quartzite Re-application for RV garage and bedroom addition. Second application addressed over-height issue identified from first disapproved review. Second review in progress and approval likely once neighbor signatures page is completed.

3773 Marble Peak Re-application for Demolition and Reconstruction of home, in second review, drafted second review responses, awaiting Donn's return for completion of second review. Assembling extensive records requested by applicant. Drafted replies to questions by applicant for ACC discussion.

### **B: Previous Applications with Open or Ongoing Aspects**

6870 Cascade Springs Rooftop Solar, Approved, Open.

3780 Nugget Cyn Shingles, Approved, Open.

6414 Burro Creek Shingles, Approved, Open.

3570 Marshall Gulch Rooftop Solar, Approved, Open.

3783 Nugget Cyn Rooftop Solar, Approved, Open.

3712 Lizard Rock Shingles, Approved, Open.

3525 Marshall Gulch Rooftop Solar, Approved, Open.

3809 Mt Kimball Mtn Gazebo Addition, Approved, Open.

6871 Quartzite Cyn Pave driveway and back patio. Complete. Approved, Open.

6870 Cascade Springs Roof coating. Complete. Approved. Open.

3818 Marble Peak Re-landscape of property previously illegally cleared. Approved. Open.

3570 Guthrie Mtn PI New roof shingles. Complete. Approved. Open.

3649 Marble Peak Fence around back patio. Approved. Open.

3801 Diablo Cyn Carport and new storage re-submitted outside of setback. Approved. Open.

3561 Nugget Cyn Fence. Approved. Open.

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

3584 Gibbon Mtn Storage building. Approved. Open

3490 Marshall Gulch Painting home. Approved. Open

3881 Marble Peak PI Fence. Missing site map and missing signatures.

Disapproved. Homeowner acknowledged and will gather items. No recent activity.

6400 North Burro Creek Carport to garage conversion previously approved.

Open. Paint change to be submitted separately. No recent activity. Open

3830 Diablo Cyn Paint to non-white low LRV. Approved. Open  
3800 Kimball Mtn Paint to non-white low LRV. Approved. Open  
3584 Gibbon Mtn Replace rear block wall with ironwork. Approved. Open

**C. (0) Projects Completed Observed and/or Closed**

**D: (2) Contact Made and/or Significant Discussions and/or Progress**

3584 Gibbon Mtn Shed location dispute progress: Previously met with dissatisfied neighbor party who agreed to relocation in concept and agreed to proposed location in concept but would like to see the proposed location staked before the move. Contacted shed owner now declining to move shed. Will discuss options with ACC in November.

3500 Nugget Cyn Shed inquiry. Provided homeowner with blank application and copy of ACC Guidelines.

**E. Future Activities**

Provide expanded list of pre-approved locally available high-performance tan roof coatings Provide new FAQ pages for multiple subjects that keep coming up as applicant questions. End of Report 10/9/2023