

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

Meeting Minutes

January 8, 2024 on Zoom

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:38 PM

Board Member/Term Expiration	Present	Absent	Proxy
Brian Bickel 2024	x		
Greg Piraino 2024	x		
Austin Wesnitzer 2024	x		
Michael Katz 2025		x	
Ron Steffens 2025	x		
Vacant 2025			
Gigi Bainbridge 2026	x		
Aletha Kalish 2026	x		
Donn Stoltzfus 2026	x		

2. PRESIDENTS COMMENTS:

President Kalish welcomed the homeowners who were in attendance.

3. APPROVAL OF THE MINUTES OF THE FOUR PREVIOUS MEETINGS.

The minutes of the October general meeting, the November general and special meetings, and the December general meeting of the Board of Directors were approved without revision.

4. DISCUSSION AND POSSIBLE ACTION TO ADOPT THE 2024 BUDGET

Treasurer Bickel briefly summarized the proposed annual budget, which was discussed in detail in the December 2023 meeting, but noted a couple of minor changes. The budget as proposed anticipates income of approximately \$125,00 and expenses of \$155,000, of which approximately 87,000 represents payments on the loan that was secured to repave the community streets. A motion was made to approve the 2024 annual budget as presented, and the motion passed by unanimous consent.

5. DISCUSSION AND POSSIBLE ACTION REGARDING REVISIONS TO THE ARCHITECTURAL CONTROL COMMITTEE GUIDELINES.

Greg Piraino explained that the ACC Guidelines were being updated and clarified to be more informative and protective of the property values and aesthetics of the Clusters. He said that the Committee had received some legal questions about the application of the Guidelines and requested advice from the attorney who represents the Board. The attorney provided a written response and the Board intends to go into executive session in a few minutes to meet with that attorney.

One member requested that the letter from the attorney be made public. Greg responded that the letter was issued under attorney-client privilege and would not be released. Another homeowner questioned the legal enforceability of the Guidelines. Brian Bickel responded that the Bylaws allow for development of guidelines to interpret the CC&Rs, and stated his belief that, as a corporation, the FCHOA Board was the entity represented by the attorney. Greg Piraino explained that the attorney informed the Board that the guidelines were consistent with the authority of the Board.

The Board went into Executive Session from 7:00-7:41.

Upon return, Greg Piraino announced that the proposed ACC guidelines, accompanied by a letter from the attorney explaining the authority supporting the guidelines, would be posted on the website for a brief public comment period. All homeowners are encouraged to review and comment. Comments submitted by homeowners would be reviewed and considered by the ACC and the Board, and would be available to all as part of the public record. The Board will call a special meeting later in the month to consider taking action on the Guidelines after review of the comments and any resultant revisions.

Greg then made a motion to post the new guidelines on the website for 10 days, followed by a five-day review period, after which the guidelines and comments would be posted prior to an announcement of a Special Meeting for the Board to consider adopting the guidelines.

Lisa Gobar read a letter that she had prepared explaining her objections to the process in which the guidelines had been applied to her proposed project and questioning whether certain aspects of the guidelines were legal under the community CC&Rs.

Following those comments, the motion passed by unanimous vote.

6. COMMITTEE REPORTS (CHAIR)

a). Budget and Finance Committee (Bickel)

No additional report beyond what was presented in Item 4.

b) Architectural Control Committee

Greg Piraino reviewed the monthly report which is included in the minutes.

c) Communications Committee

Larry Holmes said that recordings of the Board meetings on Zoom were being retained and would be posted on the website the day after each meeting.

d) Compliance and Enforcement Committee

Donn Stoltzfus reviewed the monthly report which is included in the minutes.

e) Landscape Committee

No report.

f) Road Maintenance Committee

No report. There was a brief discussion about loose manhole covers that the contractor should review and repair.

g) Welcoming Committee

Dan Weisz reported that one home closed to a new owner in December. Aletha added that two sales were pending in January.

7. MASTER ASSOCIATION

Dan Weisz reported there was no news, and the quarterly meeting was approaching. Anyone wishing to join that meeting should contact him for the Zoom link.

8. OLD BUSINESS

None. Austin Wesnitzer was not present to review the various items related to the street project.

9) NEW BUSINESS

Brian Bickel reminded homeowners that they could access the Caliber Portal for their account information, including the status of payment of assessments, as well as review other information posted by the Board. Anyone having difficulty during so could contact him.

The Board meeting in March will be a live meeting at Catalina Foothills High School.

10) COMMENTS FOR THE GOOD OF THE COMMUNITY

Lisa Gobar explained that per Arizona statute the regularly scheduled committee meetings of the FCHOA must be accessible to the public, and stated this was not the case with the Architectural Control Committee. Greg Piraino responded that the committee generally does not meet in person, or hold scheduled meetings, but tends to share comments and project responses among members via email.

Lisa also requested that Committee reports presented at the Board meetings provide greater detail about the individual homeowner projects.

The meeting was adjourned at 8:21PM.

December 2023 Compliance and Enforcement Committee Report (covering the period 12/1-12/30/23)

A. Compliance Assessments:

No Compliance Assessments were completed.

B. Courtesy Notices:

One Courtesy Notice was sent regarding a hauling trailer full of debris with a January 15 deadline to comply.. The homeowner has responded and the situation is being monitored.

C. New Enforcement Cases:

6821 N. Quartzite Canyon (NOV). The property is being repaired and the homeowner applied a white roof coating. Both the homeowner and the management company overseeing the repairs received the NOV. There has been no response, and a Notice of Hearing will be sent with the Hearing to be conducted at the February 12 Board Meeting.

3548 E. Nugget Canyon (NOV). Hauling trailer stored in public view. The owner was given a deadline of January 7 to comply and the situation is being monitored.

D. Enforcement Cases in Progress

3736 E. Lizard Rock (NOV) . Boat trailer in side yard. A Compliance Hearing on December 11 resulted in the imposition of a fine of \$50. Homeowner was notified of the fine by Priority Mail with confirmed delivery on December 14. As of December 31 the

boat trailer remains on site, and the homeowner will be assessed an additional fine of \$100.

E. Closed Enforcement Cases

3434 E. Guthrie Mountain (NOV). Hauling trailer stored in front yard. The owner removed the trailer by the deadline and the case is closed.

F. Other Notes

An inventory of apparent white/near white roofs is underway..

Two reports of portable basketball hoops, on Diablo Canyon and McFall Crags, were received and will be investigated next month.

Jan 2024 Architectural Control Committee Report

Prepared by Greg Piraino, FCHOA ACC(480) 234 4040

ACC Members Donn Stoltzfus David Kalish

A: (3) Applications Received - (2) Approved (1) Disapproved

3826 Diablo Cyn Application to enclose garage. Submitted with plans and neighbor's signatures 11/20/23. Approved 12/19/23.

6871 Quartzite Cyn Application to paint trim. Approved 1/3/24.

3773 Marble Peak 3 rd application for Demolition and Reconstruction of home. Submitted with plans 11/24/23. Applicant had made several adjustments and corrections but did not make all changes requested by ACC. Several proposed solutions were accepted by ACC pending final plan acceptance. Some progress was made toward approval. Application was disapproved 11/22/23.

B. Attorney Review of Guidelines and CC&R's:

At ACC request in December the attorney for the Clusters reviewed the ACC Guidelines V1.0 3/8/22 and original CC&R's. Following the review a discussion was held with the ACC. ACC decision was made to update the Guidelines to V1.1. ACC Guidelines V1.1 will be discussed with ACC attorney and Board in an Executive Session on 3/8/22 for possible vote to implement updated Guidelines.

C: Previous Applications with Open or Ongoing Aspects

3430 Sunrise Rooftop Solar, Approved, Open.

6880 Cascade Rooftop Solar, Approved, Open.

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. 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
3756 Marble Peak Roof replacement. Approved. Open
6714 Quartzite RV garage and bedroom addition. Approved. Open
3584 Gibbon Mtn No progress in December. Previously met neighbor initiating
complaint who agreed to relocation in concept and agreed to proposed location in
concept and would like to see the proposed location staked before the move. Shed
owner open to moving shed. ACC discussion in November centered on cost of move
and financial responsibility coming next opportunity.

D. FUTURE ACTIVITIES

Update and implement ACC Guidelines revision.
Provide expanded list of pre-approved locally available high-performance tan roof
coatings.
Provide descriptions of alternate high performance tan roof coatings.
Provide new FAQ pages for multiple subjects that keep coming up as applicant
questions.
Provide records requested by 3773 Marble Peak Place.
Contact two new white roofs.
Obtain legal review results of CC&R/Guidelines review