

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

**MEETING MINUTES**

**February 12, 2024 on Zoom**

**1. CALL TO ORDER / ROLL CALL**

The meeting was called to order at 6:30 PM

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

**2. PRESIDENTS COMMENTS:**

Vice President Bainbridge welcomed the homeowners who were in attendance. She reported that Michael Katz has resigned from the Board, which is now comprised of seven members and two vacant positions.

**3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS (1/8 and 2/5)**

The minutes of the January general meeting and the February 5 special meeting were approved without revisions.

**4. COMMITTEE REPORTS**

a) Budget and Finance

Treasurer Bickel presented the monthly finance report, which included a checking balance of \$205,180 (of which \$86,658 is reserved for the next 12 monthly loan payments), a savings balance of \$121,414, and accounts receivable (assessments due) of approximately \$30,000.

Brian explained that assessments were posted on January 1, 2024 and due by January 31. Late fees are assessed if payment is not received by January 31, however there is a 15-day grace period meaning that if payment is received by February 15 the late fee will be cancelled. He asked homeowners to check their Portal account if they wish to verify that their payment has been credited.

b) Architectural Control Committee

Secretary Stoltzfus reviewed the monthly report, which is attached at the end of the minutes.

c) Communications Committee

Larry Holmes reported that Board of Director meetings on Zoom were now being recorded and video will be posted to the website on the day following the meeting. He said a message had been sent to all homeowner email addresses of record and there were no "bounce-backs", implying that all of the addresses were in use. He is continuing to work with Greg and Brian towards the goal of posting all ACC records, including approved projects, in the Caliber database for public access. He also stated that the updated ACC Guidelines approved on February 5 would be posted by tomorrow.

In response to a question about whether the ACC could implement a web-based approval process, Brian Bickel said that it was possible using the current software but the process of making it work smoothly was complicated.

d) Compliance and Enforcement Committee

Secretary Stoltzfus reviewed the monthly report, which is attached at the end of the minutes. He noted at a homeowner who was in attendance had an interest in amending the CC&Rs to allow basketball hoops.

Sean Oden stated that he collected 25 signatures on a petition to allow basketball hoops; none of the homeowners he approached opposed the petition. Larry Holmes asked that he send the petition to him if he wanted it to be on record.

Brian Bickel and Donn Stoltzfus briefly reviewed the process for amending the CC&Rs, found in Article VI, Section 3 of the CC&Rs. Amendment requires that the Board first ask our attorney to draft a written document stating the proposed change, which would then require the signature of 75% of the homeowners in the Foothills Clusters (276 of 367 lots). The change must be approved by Pima County, after which it would immediately take effect. Per state law, each homeowner must then be provided with a copy of the revised CC&Rs. Brian and Donn noted that there may be other legal requirements per state law, which our attorney would advise if that is the case.

Lisa Gobar asked if the process required approval of the Board, or if any homeowner could prepare a document and obtain the necessary number of signatures. Donn Stoltzfus said that had not been discussed with the attorney. (*Subsequent to the meeting the attorney to the Board advised that anyone, including someone not living in the Clusters, could follow the process and amend the CC&Rs with the consent of 75% of the homeowners, without the involvement of the Board of Directors*).

Secretary Stoltzfus said that he would suggest the question of amending the CC&Rs to allow basketball hoops as an agenda item for a future Board meeting, clarifying that the President has the ultimate authority to set the agenda.

#### e) Landscape Committee

Ron Steffens that a tree was removed from the Marshall Gulch cul-de-sac. The committee will meet next month to discuss other current issues.

#### f) Road Maintenance Committee

Austin Wesnitzer said that he had spoken with the contractor about making some repairs in March, when the temperatures will be warm enough for optimal asphalt work. This is intended to address the drainage problems in the area of 3684 E. Kingler Spring and 3737 E. Marble Peak, as well as some other localized erosion and surface problems. He said the work at Kingler Spring will require some filling and resurfacing of the entire cul-de-sac to redirect drainage. Austin said that it would be possible to replace the monuments on Gibbon Mountain, which were either removed or covered in the paving project, but the cost would be \$3-5,000 and he does not recommend that the Board do so because other nearby monuments are in place.

#### g) Welcoming Committee

Dan Weisz sent a letter to one new homeowner in the Clusters.

### 5. MASTER ASSOCIATION REPORT

Dan Weisz said there were no new issues to report. The annual meeting of the Master Association will be held on March 14 at 4:30 PM on Zoom. The agenda and Zoom access information will be posted on the community website prior to the meeting.

### 6. OLD BUSINESS

Gigi Bainbridge volunteered to chair the Nominating Committee for the 2024 election. The other listed topics had previously been reported on by Austin Wesnitzer in the Road Maintenance Committee presentation.

## 7. NEW BUSINESS

Donn Stoltzfus said that he would contact the attorney to clarify some of the questions about the process to amend the CC&Rs,

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

Lisa Gobar thanked the Board for recent efforts to make Board activities more readily accessible and transparent to the community, but said that she felt more improvements were needed. She asked the Board to work to inform the community about matters of process, policy and procedures and said that the Board should not act as a filter for determining which homeowner concerns are addressed.

In response, Brian Bickel said that he agreed with the goal of greater transparency and pointed out all of the information that is available to homeowners by accessing the Caliber website. He said that greater community engagement and participation, starting with attendance and discussion at the annual meeting held for that purpose, would help the Board understand what issues were a priority to the members.

Sean Oden said that he had a concern about inconsistent or selective application of the ACC requirements, as he experienced when required to repaint his house to a standard that another homeowner was not required to meet just a few weeks earlier. Vice President Bainbridge suggested that this would be a good agenda topic for a future meeting.

Lisa Gobar commented that procedures for public input should be established for communication to the Board, expressing frustration that some of her emails do not receive a response.

The meeting was adjourned at 7:30 PM.

### **Feb 2024 Architectural Control Committee Report Prepared by: Greg Piraino**

FCHOA ACC (480) 234-4040 2/12/2024 ACC Members 2024: Donn Stoltzfus, David Kalish

#### **A: (6) Applications Received - (5) Approved (1) Pending**

6761 Cascade Spr. Application to paint. Approved, Open.

6419 Burro Creek Application to construct shade over porch. Approved, Open.

3500 Nugget Cyn Shed addition. Approved, Open.

3818 Marble Pk Shed Addition. Approved, Open.

6870 Cascade Springs Repaint. Approved, Open

3773 Marble Peak 4th application for Demolition and Reconstruction of home submitted with plans 1/15/24. Application will be returned 2/13/24.

## **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 attorney's review a discussion was held with the ACC. ACC decision was made to update the Guidelines to V1.1 and incorporate attorney recommendations. ACC Guidelines V1.1 were discussed with ACC attorney and Board in an Executive Session. Guidelines were posted for homeowner comments and 21 comments were received and shared in their entirety with the Board. The Guidelines were edited again to pickup many of the Homeowner ideas offered and this revision was dated 2/5/24. Attorney is presently reviewing 2/5/24 including edits requested by homeowners clarifying that existing homes can be demolished and replaced with new homes. Guidelines V1.1 2.5.24 are close to posting on HOA website.

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

Approximately 30 approved applications remain open. ACC will begin contacting these homeowners once present Guidelines workload recedes.

## **D. Miscellaneous Activities**

Provided application and approval records requested by 3773 Marble Peak Place applicant.

## **E. Future Activities**

Upload ACC Guidelines 2.5.24 revision to FCHOA website

- Explore use of Caliber for ACC application purposes
- Provide expanded list of pre-approved locally available high-performance tan roof coatings. Provide descriptions of alternate high performance tan roof coatings. Provide explanation on roof coating performance and why tan roofs can meet or exceed white roof performance.
- Provide new updated FAQ pages for multiple subjects that keep coming up as applicant questions.
- Consider and discuss potential future updates to CC&R's.

**End of Report 02/12/2024**

## **January 2024 Compliance and Enforcement Committee Report (covering the period 1/1-1/31/24)**

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

No Compliance Assessments were completed. Resuming next month.

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

Courtesy Notices were sent to two homeowners, each regarding newly-placed basketball hoops that are visible from the street. One owner complied by removing the hoop from view, the other owner has maintained the hoop in the street right-of-way and is now under enforcement.

### **C. New Enforcement Cases:**

6840 McFall Crags Place (NOV) Basketball hoop in the street ROW in front of the home. Owner has not responded by the stated deadline to correct and will be given a Notice of Hearing to be held in March.

### **D. Enforcement Cases in Progress**

3736 E. Lizard Rock (NOV) . Boat trailer in side yard. The violation was confirmed by a Hearing Panel on December 11 and fines and late fees totaling \$180 have been assessed. The owner recently made contact and stated that he is attempting to find someone to remove the boat and trailer. Monitoring the status but not recommending further action at this time.

### **E. Closed Enforcement Cases**

3548 E. Nugget Canyon: The owner removed the hauling trailer by the deadline to do so.

6821 N. Quartzite Canyon: The owner submitted an application to the ACC to recoat the white roof in an acceptable color.

### **F. Other Notes**

An inventory of apparent white/near white roofs is underway.. To date 21 homes with possible violations have been identified for further visual review.