

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

**MEETING MINUTES**

**April 8, 2024**

**Zoom Meeting**

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

The meeting was called to order at 6:32 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:**

President Kalish welcomed the Directors and members of the public. She said some homeowners had contacted her and expressed concern that the Board might change the CC&Rs. She explained that the process would require homeowners to vote on each proposed revision, and that the Board at this point is only discussing the possibility of starting what could be a long process to seek any such revisions.

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

The minutes of the March meeting were approved without revision.

**4. COMMITTEE REPORTS**

a) Budget and Finance

Treasurer Bickel stated that he had filed the FCHOA tax return for the year. He also had recent correspondence with the IRS that made him hopeful that the confusion that originated many years ago, when the FCHOA switched from fiscal year tax reporting to calendar year, may finally be resolved. He stressed that all taxes due have been paid each year.

Brian reminded everyone that the monthly financial report is available on the Caliber website. He said that there are only two homeowners more than one year in arrears on their assessment payments, and 19 homeowners have not yet paid their 2024 assessments.

b) Architectural Control Committee

Greg Piraino reviewed the monthly report, which is attached at the end of the minutes. Four new applications were received last month. One application was denied. Greg and other members of the Board discussed the ongoing problems with a dispute among neighbors about the past placement of a utility shed. Greg remains committed to getting the issue resolved. Aletha Kalish made a suggestion regarding documentation that might help with the dispute.

c) Communications Committee

No report..

d) Compliance and Enforcement Committee

Donn Stoltzfus reviewed the monthly report, which is attached. Having concluded the annual compliance assessment surveys for 2023-2024, he complimented the community on the high rate of compliance. Donn also addressed enforcement against trailers and motor homes, in response to a recent letter to the Board from a homeowner; discussed overnight parking enforcement; and the prohibition against discharge of pool water to the community streets. Details are included in the attached report. Greg Piraino volunteered to help review the aerial photos to confirm which homes appeared to have white or near-white roofs. After that list is finalized, Courtesy Notices would be sent prior to the next Board meeting.

e) Landscape Committee

Ron Steffens said that the committee has been working on drainage and erosion issues that seem to require coordination between the Landscape Committee, the Road Maintenance Committee, and the Master Association. That coordination is underway and should enable the HOA to address some of the problems that have recently been identified.

f) Road Maintenance Committee

Austin Wesnitzer continues to work with KE&G to take care of some minor repairs. He also addressed concerns in the Campbell Wash area, where it may be necessary to do some preventative maintenance to address erosion and silting across the street.

A broader discussion ensued involving Ron, Austin, and Dan Weisz. An affected neighbor, Debbie Davis, explained that her neighbors property is eroding and that rock previously placed to protect the street now acts as a dam to trap that eroded material on the street, creating muddy deposits that affect traffic.

Dan said that he has reviewed recommendations that Watershed Management made to address the problem, and that he is waiting for a cost proposal from Brightview Landscaping for the work. He assured Debbie that there were some steps that could be taken to solve the problem. One recommendation is to remove and replace the rocks to alleviate the dam effect; another was to place riprap to reduce erosion above the street. Ron explained that Brightview, our landscape contractor, is certified in watershed management and capable to implement these recommendations.

The concluding discussion showed that obtaining a balance between managing water flow and protecting the road was a complex but necessary objective. Austin Wesnitzer said that the past recommendations of the Pima County Flood Control District for additional hardscape at the Campbell Wash crossing should be addressed by monitoring the situation; he felt that the work could be necessary at some point in the future but the conditions were relatively stable now, with the help of some less-costly actions that the HOA could take at the present time.

#### g) Welcoming Committee

Dan Weisz said that he had sent a welcoming letter to one homeowner who closed on a property in March.

### 5. MASTER ASSOCIATION REPORT

Dan reported on the Annual Meeting of the Master Association and said that the Association was planning to contract for some additional buffelgrass removal in the upper reaches of Campbell Wash, assuming they could obtain permission from those homeowners who are not part of the Association. Letters requesting access are being mailed. In addition, he personally has been removing small amounts of buffelgrass throughout the Clusters as it emerges this spring.

### 6. DISCUSSION AND POSSIBLE ACTION REGARDING POTENTIAL FUTURE AMENDMENT(S) TO THE FCHOA CC&Rs.

The Board discussed potential processes and remains interested in moving forward to ask the homeowners to make changes to our CC&Rs, which now date back almost 50 years. Donn Stoltzfus suggested a committee be formed to consider possible changes and make recommendations to the Board. Aletha Kalish thought it was important that this be done before any petition were prepared so that the effort would be focused and comprehensive. Brian Bickel reminded everyone that there ideally would be one proposed changer per petition, and that the task of obtaining the necessary signatures

for each petition could be led by interested homeowners. Petitions do not have a set time limit and thus remain in effect until withdrawn or passed. Some members of the Board are interested in implementing a more efficient voting system for our homeowners and conversations continue on that topic.

## 7. OLD BUSINESS

The Board continues to seek volunteers to fill the two remaining positions on the Board and to fill vacancies on the Nominating Committee and Compliance and Enforcement Committee.

Greg Piraino said that he had listened to the remarks from Sean Oden about past inconsistencies in how the ACC enforced paint color requirements. Donn Stoltzfus elaborated on what the documents showed had taken place. Greg stated that it reinforced his commitment to consistency of numbers.

In response to a question from Aaron Jones, who has an application pending before the ACC, Greg elaborated that while there may occasionally be unique circumstances that warrant deviation from a standard established by the Board, those instances should not be common.

## 8. NEW BUSINESS

The Board approved a motion to move future Board meetings to the second Tuesday of each month, based on comments made at the previous meeting. Donn Stoltzfus said that he would communicate the change to Larry Holmes for posting on the website and to Irene Barg for setting the signs at the community entrance.

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

None.

10. ADJOURN. The meeting was adjourned at 8:00 PM.

### **Apr 2024 Architectural Control Committee Report**

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

#### **A:) Applications Received - (4) Under Review (1) Disapproved**

3584 Gibbon Mtn Application to replace portions of block wall with steel fence. Under review.

6625 Pigeon Springs Re-Roof and Re-paint. Under review.

6865 Cascade Springs Application for addition. Under review.

6865 Cascade Springs Application for water diversion wall. Under review.

6860 Cascade Springs Application for Casita- located against side PL no setback- Disapproved

### **B. Previous Applications Closed:**

3826 Diablo Cyn Garage enclosed. Approved, Closed, Filed.  
Approximately 30 approved applications remain open. ACC will begin contacting these homeowners once present Guidelines workload recedes.

### **C. Previous Requests Carried Out:**

Request from Ron to listen to recording of Sean Oden regarding re-paint requirement – listened to audio recording of complaint.  
Request from homeowner to assist in relocation of shed at 3584 Gibbon Mtn: new shed location was staked, discussed with homeowner, discussed with south neighbor all in agreement on new location. Neighbor to east refused to observe or approve location she had previously stated she would accept now stating she did not want to see shed at all.

### **D. Future Activities**

- Create new streamlined application forms for improvements that are easier to follow, enter data into, and review more quickly
- Create list of information for homeowners to put on plans to accompany applications. Make this list very easy to follow.
- 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 how and why tan roofs can meet or exceed white roof performance.
- Provide 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 04/08/2024

## **March 2024 Compliance and Enforcement Committee Report (covering the period 3/1-3/31/24)**

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

Compliance Assessments for the lots on the eastern half of the community were completed in March. Two potential violations related to vehicles were noted for further evaluation and possible enforcement next month. Thank you to all of the homeowners that maintain their properties in compliance with the CC&Rs.

## **B. Courtesy Notices:**

Two Courtesy Notices were sent in March, one regarding a recreational trailer parked on a lot and the other concerning materials and debris on a lot creating an untidy or unsightly condition. An email was sent to a third homeowner regarding a motor home parked on a street; the homeowner promptly complied.

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

6791 N. Cascade Spring Place: A recreational trailer has been stored in public view on the lot for several weeks. The owner did not respond to a Courtesy Notice dated March 4 and a Notice of Violation (NOV) was mailed on March 25. The owner responded on April 3 and said that she is preparing the trailer for sale. A Compliance Hearing will be scheduled in May if the trailer has not been removed before then.

## **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. No progress or response to recent communication. Recommended for referral to our attorney.

## **E. Closed Enforcement Cases**

6840 McFall Crags Place (NOV) Owner removed the basketball hoop that has been placed in front of the lot and in the street ROW.

## **F. Outstanding Fine Balances**

3553 E. Lizard Rock - \$180.  
3736 E. Lizard Rock - \$180

## **G. Other Notes**

**Vehicles:** The Board received an anonymous letter from "several residents" urging better enforcement against "recreational vehicles" stored in the community (no specific properties were named). The committee has taken enforcement actions in several cases in the past year, and one new action is in progress. There are currently three properties in the Clusters that are known to have received authorization from the FCHOA to store a regulated vehicle on site in an enclosed area; those are 3570 E. Guthrie Mountain, 6714 N. Quartzite (pending construction), and 3681 E. Esperero Canyon.

The community is monitored for compliance with the CC&Rs through semi-annual walkby/driveby assessments as well as responding to any complaints or concerns that are made known to the FCHOA. Any such concerns should be addressed to [CC&R.Chair@foothillsclusters.com](mailto:CC&R.Chair@foothillsclusters.com), or alternatively to [Contact@foothillsclusters.com](mailto>Contact@foothillsclusters.com). The specific address of concern should be provided.

The FCHOA recognizes that residents often bring their regulated vehicle onto their property for the purpose of readying it for use or for cleaning it after use. As a matter of practicality, this type of temporary storage is tolerated and enforcement does not begin until a regulated vehicle has been observed on site, without prior authorization, for more than two consecutive weekends. When enforcement does begin, if the owner does not comply voluntarily, it can take several months under the current Enforcement Policy before the Board is able to authorize legal action against the homeowner.

It should be noted that the term "recreational vehicles" does not appear in our CC&Rs. Things such as golf carts, four-wheelers, boats, dirt bikes, etc. that some might consider to be recreational vehicles are not restricted in their storage or use. What is restricted are trailers of all kinds - recreational, commercial, hauling - construction vehicles, commercial vehicles, and "habitable motor vehicles", meaning vehicles with containing a bed, kitchenette, and the like.

**Vehicle parking** on streets between the hours of 1 AM - 6 AM in violation of the Vehicle Parking Policy was recently identified as a concern at one property. An assessment of the entire community was performed around 5 AM on March 24. Three vehicles, including one at the property of concern, were found to be parked on the street in violation of the Policy; on the bright side, this represents a compliance rate of 99.2%. The Committee appreciates that we live in a community that is respectful of and compliant with our CC&Rs.. Periodic early-AM assessments for compliance with the parking requirements will continue to occur in the future.

**Pool Discharges:** In response to a concern about a homeowner draining their pool into the street, the Pima County pool drainage regulations have been posted on the [www.foothillsclusters.com](http://www.foothillsclusters.com) website. While the FCHOA does not have the authority to enforce these regulations, homeowners should know that, among other applicable requirements, Pima County prohibits such discharges into a street lacking a curb, which means that a discharge of pool water into any of the FCHOA streets is a violation of the Pima County regulations. Homeowners should report such violations directly to Pima County.

**White/Near/White Roofs:** Through a review of aerial photographs from multiple sources **21 homes** in possible violation of the CC&R prohibition against white-near white roof coatings have been identified for further visual review. That review is ongoing and it is expected that letters requesting compliance will be sent to the owners of these homes later this month. Per the policy approved by the Board last year, homeowners will have the opportunity to show that their roof is in compliance, or will be allowed up to one year to apply an approved roof coating.