

# **Tonto Hills Improvement Association**

President: Robyn Baker  
Vice President: Nancy Nelson  
Treasurer: Jennifer Laliberte  
Secretary: Christine Prentice

## **ACC Meeting 7 April, 2025**

### **I. Call to Order**

The ACC meeting was held on April 7th 2025. Mark Laliberte called the meeting to order at 6:30 PM. Committee members present; Mark Laliberte, Rick Nelson, Robyn Baker, Gil Stedman, Samantha Miedema, Brian Milne.

Community members present or via ZOOM Duke Vukotic, Jennifer Laliberte, Charlie Civer, Don & Kris Schoonenberg, Keith Pierce, George Drazak, Raelene Milne, Nina & Kris Kiriazov, Doug Roesener, Nancy Nelson, Terry Glass, Chris Prentice, Sal & Ann DiChiara, Carol Stedman, Merrick Pierce, Paulie Fabian, Tom Miedema, David Tappe, Sam Brandt, Daniel Sprague.

### **II. Opening Comments**

Mark had no opening comment. Members were given the opportunity to speak, keeping comments to five (5) minutes and relevant to the agenda. There were none.

### **III. Approval of Consent Agenda**

Rick Nelson moved to amend the agenda to include a complaint of the pergola on Lot 17 and to approve the agenda as amended, Robyn Bake 2nd, the motion passed 6-0-0.

Robyn Baker moved to approve the 24 March Special ACC Minutes, Gil Stedman 2nd, the motion passed 4-0-2.

### **IV. Old Business**

None

### **V. New Business**

#### **Election of Committee Officers**

#### **ACC Chairperson**

Brian Milne moved to nominate Mark Laliberte as Chairperson of the ACC, Robyn Baker 2nd. There were no other nominations. Motion passed 6-0-0.

#### **Secretary**

Robyn Baker moved to nominate Rick Nelson as Secretary of the ACC, Gil Stedman 2nd. There were no other nominations. Motion passed 6-0-0.

#### **Committee Member Pledge to Follow the THIA Code of Conduct**

ACC members Mark Laliberte, Rick Nelson, Robyn Baker, Gil Stedman, Samantha Miedema, Brian Milne, each stated their commitment to adhere to the THIA Code of Conduct.

#### **Complaint against the owner of Lot 37 by the owner of Lot 17 concerning possible DofR violation on fence height.**

The ACC received on 22 March 2025, a complaint against the owner of Lot 37 by the owner of Lot 17 concerning possible DofR violations on structure height. Mark stated during the meeting there had been a previous approval, but he was mistaken. After measuring the fence Robyn confirmed parts were above 6 feet. She has agreed to shorten the fence height to the level of 6' above the patio grade. But it will take a bit of time to do that. Mark suggested a timeframe of 60 days and Robyn agreed. Mark said this issue will remain an agenda until the correct fence height is

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confirmed. Gil Stedman moved that the owner of Lot 37 will lower the fence height to 6 feet or less within 60 days. She will come to the ACC to request more time if necessary, Rick Nelson 2nd; motion passed 5-0-1.

### **Complaint against the owner of Lot 37 by the owner of Lot 17 concerning possible DofR violations setbacks.**

Robyn again recused herself. Mark stated that the Gazebo has been there a long time. A print was shown of a 1997 aerial view showing the home, built that year, and the Gazebo. The photo also shows a large worn trail leading to the structure which suggests it had been there much longer. The Gazebo was there when Robyn purchased the house. Its hard to measure the distance using the aerial photo but has agreed to remove the structure as part of the new barn project which already has preliminary approval. If possible, she will try to do it sooner. Gil Stedman moved to accept Robyn's agreement to remove the gazebo as part of the barn project planned for next year or if possible sooner, Brian Milne 2nd; motion passed 5-0-1.

### **Complaint against the owner of Lot 58 by the owner of Lot 17 concerning unauthorized construction of wall.**

Gil as a member of the Committee recused himself. Mark stated that there is nothing being built. Pavers were removed from the driveway and placed on a pallet. The pavers were removed from the driveway for when the County utilizes the easement for paving. Brian stated that the wall looks good. The decorative wall is enhancing the value the home and meets all of the requirements of the DofRs. The wall has been in place since 2004 as shown by an Ariel image from the County GIS application. Mark suggested removing the complaint about unauthorized construction since there is no construction. Robyn Baker moved that there is no violation on Lot 58 because there is no new construction, Rick Nelson 2nd; motion passed 5-0-1.

### **Complaint against the owner of Lot 17 by the owner of Lot 16 concerning possible violation of Maricopa County R1-35 Zoning Ordinance concerning Dark Sky.**

Mr. Vukotic, the owner of Lot 17 stated that the exterior lights have dimmers, are on timers, are shielded, and comply with MC ordinances on dark sky Chapter II sections # 1112.2 and 1112.5 for power and illumination. He asked who was the neighbor submitting the complaint and which lights specifically were being discussed? Mr. Vukotic said he contacted the Dark Sky people in Cave Creek and stated that their are exceptions to shielding and referenced 112.4.2 but his lights are shielded. Mr. Vukotic suggested we invite the Cave Creek dark sky people in to explain the rules.

Merrick Pierce introduced himself and stated the importance of the dark sky ordinance and that exterior lights are required to be shielded and directed downward. Mr. Pierce stated half a dozen exterior lights are casting outward. He stated it is not clear that the ACC design review process was followed prior to replacement the original lights. He suggested the ACC initiate a review process on the replaced lights.

Mark Laliberte asked if the lights equipped with timers and motion sensors could be adjusted and suggested that the owners work together to resolve the issue and the Lot 17 owner visit Lot 16 to see the impact of the exterior lights. Mr. Vukotic stated he did not want anyone coming on his property and further said he would not visit Lot 16.

Robyn Baker moved to postpone further discussions on the Lot 16 complaint against Lot 17 until the next meeting, allowing the ACC time to receive and review a new email; with a copy to Lot 17. Mark Laliberte 2nd, motion passed 6-0-0.

Robyn Baker moved to adjourn the meeting, Brian Milne 2nd, motion passed 6-0-0.