

Tonto Hills Improvement Association

President: Ralph Spurgin
Vice President: Cheryl Kaufman
Treasurer: Dick Mocny
Secretary: Jacki Hoagland

Meeting Minutes – May 14, 2015 – 6:30 p.m.

- I. Ralph Spurgin called the meeting to order at 6:30 p.m.
- II. Roll Call
 - A. Board members present: Jacki Hoagland, Cheryl Kaufman, Dick Mocny, Rick Nelson, Keith Peirce, Steve Rensel, Ralph Spurgin, Bill Victor. None absent
 - B. Guests: Tara Laman, Spiros Kontakis, Denn Kontakis, Tom Rawles, Linda Rawles, Sam Brandt, Robert Tattle
- III. Open Forum—The guests had no open forum comments.
- IV. Consent Agenda
 - A. Acceptance of Meeting Agenda – Mr. Rensel moved and Mr. Victor seconded that the agenda be accepted as published. The motion passed.
 - B. Mr. Nelson moved and Mr. Mocny seconded that the minutes be approved as published. The motion passed.
- V. Meeting with Attorney – Mr. Spurgin discussed meeting on May 6 with Mulcahy Law Firm, P.C. Mr. Rensel also attended the meeting. Items discussed included communication protocol (only the President communicates and all communications must be in writing), open meeting laws do not apply to THIA since we are not an HOA, commercial property development and our hillside development petition to change the DOR Commercial Property Development. Mr. Spurgin reported that he had researched to determine if there was another document hinted at in DOR section 17 in the reference "...is designed, planned and laid out..." He spoke with Mr. Nelson, Mr. Dunning, Mr. Civer and Mr. Frederick. He reviewed letters sent by Mr. Osmon and Mr. Leonhardt shortly after the DOR were approved. He is convinced there was not another document other than the DOR. He mentioned e-mail exchanges with Dr. Day. He reviewed the THIA options based on the attorney's letter and his confirmation response to the attorney.
 - A. The Board discussed two options related to physical design. The majority of the Board preferred to leave subjective judgment with the ACC and not draft further definitions of "pleasing and harmonious."
 - B. The Board was evenly split on two options related to types of commercial businesses, hours of operation and noise levels. One option was to seek DOR changes. The other option was to do nothing.
 - C. The Board voted to send a previously circulated letter to the concerned residents group. If the group develops recommendations in either physical design or types of business, the Board will give them serious consideration.

- D. Tom and Linda Rawles spoke about their Ravens View project. They seek to be good neighbors and have made many plan changes based on ACC requests. Mr. Rensel had the architecture plans available for review. Mr. Brandt looked at them.

President Comments—Mr. Spurgin stated his goals for the Board in the upcoming year are to agree upon and make progress on the commercial property development issue, complete the hillside petition, resolve the THIA financial uncertainty, and establish an agreed upon THIA Board mission statement. In upcoming meetings we'll discuss the mission, strengths, weaknesses, opportunities, threats and values. Mr. Spurgin also requested that Board members be more diligent in responding to requests for review and comment to circulated documents.

VI. Reports

- A. Treasurer's Report—Mr. Mocny distributed the April P&L and balance sheet. The balance sheet shows \$110,999 in cash with \$100K committed in reserves for community improvements and litigation. The 2015 budget includes spending up to \$20,000 for entry landscape and repairs under community improvements reducing the cash to \$90,999. In addition, the proposed budget shows expenses exceeding income by \$9,075. This reduces cash to approximately \$82,000 with \$80,000 committed in reserves for community improvement and litigation leaving only \$2,000. Mr. Spurgin moved and Mr. Victor seconded that the Board approve the Treasurer's Report. The motion passed.
- B. Environmental Report—Mr. Nelson reviewed the road survey results. He will have them posted to the website.
 - i. Mr. Nelson reported on his meeting with Lt. Daugherty, the Maricopa County Sheriff's watch captain for our area. Lt. Daugherty will request some patrols to hopefully reduce speeding in Tonto Hills.
 - ii. Mr. Nelson spoke with Mitch Wagner, Maricopa County Department of Transportation liaison. The preliminary engineering study is complete. No showstoppers were reported. The County is moving forward with a detailed engineering study to pave in Tonto Hills. If approved, the paving will be done in sections. Deer Trail from Cave Creek Rd to Old Mine Road and Kachina are first on list. The speed limit will go to 25 MPH when paved. 15 MPH is for dust control on dirt roads.
 - iii. Posting weight limit signs makes it difficult for construction trucks, movers, etc. to access Tonto Hills.
 - iv. The County wants to communicate with Tonto Hills residents. The County will send a mailing to all property owners regarding near term and future plans. Mr. Wagner requested an email list. Mr. Wagner requested a copy of the road survey.
 - v. Mr. Nelson suggested a face-to-face meeting with the community in a town hall setting. Mr. Wagner stated it would be an informational meeting, and should not to be construed as a step prior to decision-making on paving.
 - vi. Mr. Nelson will provide Mr. Wagner with what he needs and remain in contact on progress and plans.

- C. ACC Liaison Report—Mr. Rensel provided the ACC update. Lot 191 is awaiting Maricopa County approval, lot 57 has submitted preliminary plans and a topo survey, another brought in sand, and one built an aqueduct. The ACC will review the latter two lots' situations. The ACC is looking at the old Maricopa County hillside ordinance. They might want to adopt some of that wording in the hillside DOR change petition. They will provide a pros/cons statement to Mr. Nelson. The ACC members decided not to sign the Code of Conduct statement.

VII. Unfinished Business

- A. THIA budget electric—Ms. Kaufman reported that the increase in THIA's electric cost is due to the Desert I-Net installation. Mr. Victor will call Desert I-Net.
- B. THVFD Budget—Mr. Mocny reported that he had not received an updated budget from THVFD. Mr. Rensel indicated that THVFD is still working on insurance quotes. Mr. Nelson moved and Ms. Kaufman seconded that the Board authorize Mr. Mocny to disburse \$10K to THVFD to enable them to pay an insurance premium due in June. The motion passed.
- C. Hillside Petition tactics—Mr. Nelson is awaiting review and comments from Board members on the document he circulated. He is waiting DOR wording and the pros/cons statements from the ACC. The petition will need 116 signatures to pass. Mr. Nelson discussed a "precinct captain" approach to secure the signatures. He expects to kick off the effort in the Fall.
- D. Website split/passwords—Mr. Spurgin has the administrative passwords. Ms. Hoagland will contact Mr. Grady to learn how to perform these tasks.
- E. Landscape Improvement— Mr. Peirce is working to get community involvement in developing plans. Keith did a drawing of the front entrance with existing plants and sprinkler system. He will develop a plan and secure an estimate.
- F. Landscape bidding—Mr. Rensel will work with Mr. Peirce to specify the work requirement document. Based on that, he will secure a bid from his landscaper.
- G. AGM minutes draft approval for posting
 - i. Motion to approve AGM draft minutes—Mr. Spurgin moved and Mr. Victor seconded that the draft AGM minutes be posted on the website. The motion passed.

VIII. New Business

- A. Battiste resignation/replacement—Nick Tilley and Rick Pearson were nominated to replace Mr. Battiste. Rick Pearson was elected. Mr. Spurgin moved and Mr. Nelson seconded that the position be offered to Rick Pearson. The motion passed.
- B. Communication with Members
 - i. Mr. Spurgin explained that the by-laws require notice to all members for the AGM but not for the Board meetings. Only Board members can vote at Board meetings. Mr. Spurgin sent an e-mail to Mr. Tattle on April 14 clarifying the by-law requirements.
 - ii. Mr. Spurgin explained that ARS 38 applies to "public bodies" and ARS 33 applies to HOAs. Consequently, THIA is not governed by Open Meeting laws.

Nevertheless, THIA will provide agenda notice and meeting notes— via the website and bulletin board. Furthermore, we will provide them to members who have e-mail addresses if they wish to receive them.

- iii. Opt in/opt out—Following discussion, the Board decided to use the opt-out method in e-mail distributing agendas and minutes.
- iv. ACC agenda and minutes
 - a. Mr. Mann told Mr. Spurgin that the ACC is similarly willing to distribute ACC meeting minutes. They will be cognizant of privacy concerns in drafting the minutes.
 - v. Distribution of voicemails—Mr. Spurgin explained the function and costs of an Ooma box in distributing voice mails. Ms. Hoagland will work with Mr. Victor to get the Ooma box installed.
- C. Future dues increase—Given the financial situation covered in the Treasurer's Report, the Board discussed the potential need for a dues increase.
- D. Insurance coverage for ACC—Mr. Mocny reported that the ACC is covered under the THIA policy.
- E. Kachina—Jeep tours—Spurgin
 - i. Mr. Spurgin suggested THVFD purchase descriptive plaques and that jeep tours stop at the Kachina. A lock box for maintenance donations would be part of the set up. Mr. Rensel indicated that THVFD is already working on this. Mr. Spurgin will call the jeep tour owner.
- F. Airplane Noise
 - i. Mr. Nelson will draft a letter to the airports.
 - ii. The FAA complaint number: 602-683-2669. When calling if the caller notes the time of planes passing overhead, the complaint will be more effective.
- IX. Tabled for next meeting
 - A. Mail handling vs. Financial P&Ps—Spurgin
 - B. THIA FAQs—Spurgin
 - C. Dog waste—Spurgin—Cheryl will draft letter to be emailed/posted
 - D. Welcome Wagon—Spurgin
- X. Next meeting date—June 25, 2015
- XI. Meeting Adjourned at 9:24 p.m.