

Tonto Hills Improvement Association

President: Bud Tolp
Vice President: Cheryl Kaufman
Treasurer: Kathleen Kuchta
Secretary: Diana Cole

Board of Directors Executive Session Meeting Minutes August 22, 2018

11745 E Manana Road
Cave Creek, AZ 85331

- I. Call to Order: 7:08 p.m.
- II. Roll Call
 - A. Present – Diana Cole, Jacki Hoagland, Sharon Hunt, Cheryl Kaufman, Kathy Kuchta, Susan Simkins, Bud Tolp
 - B. Absent – Nick Tilley
 - C. Excused – Steve Rensel (see Meeting Minutes of 8/20/18)
- III. Consent Agenda Items:
 - A. Approval of Executive Session Minutes of August 20, 2018.
 - i. Bud Tolp made a motion to approve, Kathy Kuchta 2nd. The motion passed.
 - ii. There was a discussion on storage of Executive Session and documents related to Lot #218 until the matter is resolved. Diana Cole will set up a Dropbox file to store these documents and provide password to Bud Tolp and Cheryl Kaufman.
- IV. Attorney recommendation
 - A. Cheryl Kaufman will contact Steve Earl to be interviewed or for a recommendation for another attorney who specializes in commercial real estate.
- V. Scrivener's Error Update
 - A. Cheryl Kaufman reported that the previous scrivener's error matter cost about \$250. Document copies have been forwarded to for review and determination if a scrivener's error exists; if deemed an error, it may take about 2 months for attorney Beth Mulcahy to file with the county.
- VI. D of R's #11 - "No garage, stable, or guest house, shall be commenced or erected on any lot until the construction of the main building complying with these restrictions shall have been started thereon"
 - A. The Board discussed and concurred that this restriction applies to all properties in Tonto Hills, both residential and commercial as no distinction is named.
 - B. Bud Tolp will communicate the Board's decision to ACC Chair, Robert Tattle.
- VII. D of R's #17 – High Class Business

- A. There was a discussion about the term “High Class Business”. All board members agreed that the project planned for Lot #218 would not meet the definition of High Class Business.
 - B. The Board discussed:
 - i. The power given to the Board by D of R’s #2 to define “High Class Business”
 - ii. How best to define “High Class Business”
 - iii. Inclusion of this definition in the ACC Policies and Procedures and/or D of R’s
 - iv. The precedent has already been set by the two current commercial lot buildings and that they exemplify “High Class Business” in Tonto Hills
 - C. Bud Tolp will contact Beth Mulcahy for guidance on her recommended process for defining the term and inclusion in the ACC Policies and Procedures and/or D of R’s, the possibility of the Board simply voting each time a commercial project is proposed, and the use of past precedent as a guideline.
 - D. Cheryl Kaufman will make a motion at the next Board meeting on Sept. 10 that the current plans for Lot#218 do not meet the definition of a High Class Business.
- VIII. D of R’s #21
- A. Bud Tolp will contact Beth Mulcahy for guidance on use of an appraiser to determine the impact of the proposed commercial Lot #218 storage yard on neighboring lots, if D of R #2 allows the Board to interpret the term “adjacent” in #21, and for a recommendation on an appropriate appraiser.
 - B. The Huebner home Lot# 29 was suggested as the reference property.
 - C. Jacki Hoagland volunteered to lead this effort if the Board moves forward with an appraisal.
- IX. Communication with ACC re Board decisions
- A. Bud Tolp will communicate with Robert Tattle regarding Board’s decision on D of R #11 prior to the next ACC Meeting on Sept. 11.
- X. THIA Community Communication
- A. Bud Tolp will give an update of Board efforts to date on the commercial Lot#218 at the next board meeting on Sept. 10.
 - B. Diana Cole reviewed a letter to be sent to THIA lot owners who do not have email
 - i. Jacki Hoagland proposed sending the letter to all THIA lot owners. All Board members present voted to send to all lot owners.

ii. Kathy Kuchta asked for legal review of letter prior to mailing. Bud will have letter reviewed by Beth Mulcahy.

iii. Jacki Hoagland and Susan Simkins volunteered by stuffing the envelopes.

C. Real Estate Flyer-type holder for extra copies of minutes to be posted at mailboxes.

i. Kathy Kuchta will purchase a flyer holder and bill THIA.

XI. Adjournment – Bud Tolp made a motion to adjourn at 8:00. Susan Simkins-2nd. The motion passed.

Diana Cole Approved 9/10/2018
Diana Cole, Secretary