

**Armory Park Del Sol Homeowners' Association
Board of Directors Meeting, November 15, 2010
Armory Park Senior Center**

DRAFT 2 / 11-16-10

MINUTES

- I. Call to order 5:30 p.m.** . Present were: **Mike** Katz, **Susan** Klement, **Ken** Shackman, **Brad** Stroup, board members and homeowners Dolores Gohdes, Paul Gohdes, John Heyl, Kathy Heyl, Helen Landerman, Tom Skinner, Katherine Sovie, Allen Veaner, and Mary Wells.
- II. Directors' comments** There were none.
- III. Approval of Board meeting minutes**
 - a. October 18, 2010** Ken moved approval of the minutes. Brad seconded. **Passed unanimously.**
- IV. Reports**
 - a. President's Report (Katz)**

Mike reported that he, Ken, Susan and Allen attended a useful and free LMRI education session given by a lawyer.

- b. Treasurer's/ Finance Committee Report (Shackman)**
 - i. Treasurer's Report**

Ken reported that The Year to Date expenses are approximately \$7,150 under budget when compared with budgeted expenses for the first ten months of the fiscal year. We have paid for all of the tree pruning. Irrigation water costs are approximately \$250 below the budgeted amount through the end of October. During October, there was some vandalism to the irrigation system. We made repairs and installed security bags on several backflow preventers to prevent or minimize future damage. Eleven owners, excluding JWM Cos., owe quarterly dues. The number is typical for the month when quarterly dues are due. We have sent or will send reminder letters to the owners, in some cases several. None of these cases have reached the point where a collection agency is becoming involved.

The 2009 board hoped that we would be able to repay the money we borrowed from the reserves that year. Mike inquired about the water bill, which was almost double that of the previous month. This may be due to the leaks, but **Ken** will check on it. Susan felt that, considering our current good financial situation, it will be necessary to explain the increase in the assessment. She feels this is due to the fact that we did not budget for needed expenditures, such as additional tree pruning, because we did not have the money. **Mike** stated that we will explain this clearly at the Annual Meeting.

- c. Manager's Report (Lakey)**

Ken Bade and Pam requested that John Wesley Miller make a partial payment of the security patrol costs during Declarant Control. Mr. Miller agreed to pay \$2,772.00 to the Association with the understanding that this would allow the Association to turn over completely to homeowner control.

Pam provided a Board Resolution to Mike via email regarding changing the garage light bulbs for safety reasons. Management expressed reservations that there was no Board decision as to what committee or person would be responsible for changing out the bulbs and the Association's possible exposure to liability should a fixture be broken.

Pam is in the process of contacting Primavera Properties regarding weed violations. Because John Wesley Miller is responsible for the assessment for this property, LMRI sent an Initial Contact Email (ICE) to Georgia Schwartz requesting confirmation that Primavera should be contacted regarding weed removal and, if so, who would be the best contact.

Pam reviewed the plans submitted to the City and the permits granted for the communication network at 450 E. Toole Ave. Several plans were sent back to the contractor for additional information and resubmitted. The City engineer stated that the project is within zoning requirements and the satellite dishes will be 32 feet high, about the height of a two-story building.

Pam sent out the budget with a cover letter to homeowners as directed by the Board.

d. Architectural Review Committee (Fischler)

Matt sent a report indicating approvals for side yard lighting and garage windows.

e. CC&Rs Compliance Committee (Skinner)

Tom Skinner, Jerry Swatez, and Darryl De Shurley inspected the neighborhood on November 9th and will do so again during the week of December 12th. Of the 14 issues from the previous report, 6 were closed. The committee members noted four new issues for a total of 12 outstanding non-compliance issues. John Wesley Miller is still trying to decide whether he will clear the weeds on the Primavera or ask Primavera to do it. We previously directed Pam to contact Primavera. Tom clarified that 487 Downtown on his spreadsheet should be 481 Downtown.

While discussing the Noncompliance Report/Spreadsheet, a lengthy discussion about parking enforcement occurred. The Committee inspects the neighborhood only once per month at 6:30 a.m., so any homeowner who habitually illegally parks a car in the neighborhood at times other than 6:30 a.m. on that particular day does not get cited. Tom's committee members do not know whether cars parked in the neighborhood at that time are legally parked or not. Tom suggested a number of methods for dealing with the situation, such as hiring tow trucks or security patrols. None of these ideas met with approval. Mike feels we are properly enforcing the CC&Rs by patrolling once per month. Susan stated that if we cited one member and that member complained that another never gets cited, we could land in court. Ken stated that, previously, he and others who frequently walked the neighborhood kept records of parked cars. LMRI can check who the owner is at a cost of about \$12 per incident. Katherine suggested that we issue tags that owners could give guests to place on their dashboards, as was done in a neighborhood in which she lived. Susan moved that we issue tags for guests. The motion died for lack of a second. Susan, Allen, John and Tom volunteered to form a committee to discuss the parking enforcement issue.

i. Action on noncompliance issues

Two hearings will be held next month as we did not send notices of hearings to the owners. Pam will send notices for December.

f. Clean and Safe Committee (Gohdes)

Paul reported that more lights (mostly garage) were out this month than usual. Darryl and Brad followed up on replacement. We may have a wiring problem in one or two lampposts. The irrigation system was vandalized twice on the day of the last board meeting and the day after. Arizona Proscapes took corrective action. Many incidents of vandalism occurred recently in the north end of Armory Park Historic District on Railroad, Arizona and 6th Avenues. Susan suggested we send an email on the listserv regarding the vandalism in Armory Park. She will draft a message. Dolores remarked that a police officer stated that any act of vandalism that is not reported to the police has not officially occurred.

g. Landscaping Committee (Albright/Heyl)—No Report

i. Next weed pulling event?

Kathy feels that it is not worthwhile to schedule a weed pulling event at this time because Arizona Proscapes cut a lot of the buffelgrass down. She fears that this action spread the seeds and we will have much more

buffelgrass in the future. Susan is concerned that a lot of our buffelgrass is coming from ABC Roofing. She will look into what the City's policy is regarding buffelgrass. Kathy is concerned that we did not discuss the planting of the various plants the Landscape Committee decided upon. The Committee has not purchased the plants yet, so AZ Proscapes cannot plant them. Kathy wants the plant grandfathering issue to be on the December agenda and Susan wants to discuss whether we will require homeowners to remove fountain grass from their properties.

h. Governing Documents review committee (Klement)—No Report

i. Transition Committee (Katz)

i. Meeting with attorney

Mike reported that he and Ken met with Tanis Duncan, our HOA's attorney on November 2nd for about twenty minutes to discuss finalization of the HOA's transition to homeowner control. All the outstanding issues, including past Developer expenses paid by the HOA have been resolved to the Board's satisfaction. Ken and Mike recently met with John Wesley Miller, who agrees to our moving forward. Tanis will prepare a simple one- or two-page document, plus a transfer of the Deed of the Common Area land (including language that will hold us harmless if there are outstanding liens or claims on the Common Area). She feels we can easily complete the transaction prior to January 1, 2011.

ii. JWM reimbursement—where to place funds

John Wesley Miller will reimburse the HOA for certain Developer expenses paid by the HOA. Specifically he will reimburse the HOA for half of the 2004 Dictograph Security Patrol expenditures that we questioned. The amount that John Wesley Miller has agreed to pay is \$2,772. Ken Bade, LMRI CEO, provided invaluable assistance in negotiating the reimbursement. The Board should decide which account(s) to place the reimbursement in. All or part could be place in the Reserves account.

Susan moved that we place the funds we receive from John Wesley Miller in the Reserves account. Ken seconded. **Passed unanimously.**

j. Water Conservation Committee (Portillo)—No Report

V. Old business

a. Member noncompliance updates

i. JWM vacant lots – update (erosion control).

We previously asked Pam to check with Primavera about removing weeds on that lot. We also asked Pam to ask John Wesley Miller to replace the wattles on all his empty lots to try to prevent erosion.

b. Landscaping issues

i. Tree pruning activities – update

The contractor finished the tree pruning and was paid after approval of the work by our certified arborist, Juan Barba. Mr. Barba will chemically treat four tree stumps and will bolt a few trees to stabilize branches that are beginning to split from the main trunk. John Giovando and Paul Gohdes pruned some of their front yard trees that were hitting their houses. Board members asked that, in future, all homeowners report such matters to the Landscape Committee or a board member so our contractors can deal with them.

i. Rock Riprap installation—update

Due to a communications glitch, Arizona Proscapes has not yet installed rock riprap in the detention basins but will do so later this week.

ii. Work order online tracking

We have established a new online tracking system for landscaping work and are evaluating this system.

iii. Front yard erosion control

Susan is concerned that there is a great deal of erosion in front yards, especially on South Third Avenue, East 16th Street, and Southern Pacific. This erosion constantly dumps pebbles on the sidewalks but the situation is far worse after storms. Someone has to sweep the sidewalks after storms. She, Bob Stauffacher, John Giovando and, perhaps, others have been doing this work but we cannot rely on volunteers who may or may not do the job. The erosion creates liability for the Association because someone can easily trip on the pebbles. Susan suggests that we ask Arizona Proscapes for advice on how we can prevent the erosion and/or replace the pebbles with something that water, wind, dogs, etc., cannot constantly shift onto the sidewalk. We need to give Arizona Proscapes more direction. Susan and Mike will join the Landscape Committee on a walk through the neighborhood to decide where corrective action is needed.

c. Web site—update

Due to the length of the agenda, this issue was tabled.

VI. New Business

a. Responsibility for garage light repairs/replacement—Action item

Pam sent proposed wording for a resolution regarding association responsibility for garage light bulb replacement, which Susan edited. However, board members felt that we had already decided this issue on March 8, 2010 and that we do not need a formal resolution. The issue that led to Pam's concern was replacement of a garage fixture, not a light bulb. We decided to pay to replace Mr. Canella's light fixture because lighting is an association responsibility and because few fixtures are likely to require replacement. Pam will redraft her resolution to cover fixtures as opposed to bulbs.

b. Driveway parking—Action item

Susan investigated the matter of parking sideways on driveways. Ricardo Martinez, who is the Parking Services Supervisor with the City of Tucson Transportation Department, stated that such parking is contrary to City ordinances. However, neither Susan nor Ken could find any such prohibition in the ordinances that Mr. Martinez sent. Accordingly, while Susan and Ken felt that we should not allow such parking on our driveways, both prefer not to involve the HOA to enforce it. If the City staff believes that an ordinance has been violated, then they can cite the offender. Also, this issue does not occur frequently. Susan drafted the following resolution:

The APdS Board of Directors hereby rescinds the following motion that it passed on June 8, 2009: The Board may allow short term parking on the concrete driveway of each lot for the same duration as allowed for the guest parking areas as long as no part of the vehicle, i.e., tires or vehicle body, is encroaching into the street. The edge of the street shall be defined as the edge of the asphalt pavement.

Ken moved and Susan seconded approval of this motion. **Passed unanimously.** Dolores stated that, once, when she had parked her car in her driveway to remove some items from it, a passing officer told her that she parked there at her own risk. Dolores stated that no part of her car encroached upon the street at that time.

c. Satellite dish Toole construction project

The satellite dish construction project has not yet received all of the required approvals by the City. Ken stated that, since we border an industrial area, we are, to a considerable extent, at the mercy of those who build next to us. We are concerned about aesthetics, noise and drainage. Possibly we could prevail upon the builders to plant additional trees to shield us from the view of the 32-foot high dishes. There will be generators for power

backup, but use of these should be infrequent. We do not yet know whether the satellites will create a background hum. We need more information on all the issues. We do not know what direction the dishes will face nor whether they will move. Pam is trying to find a contact with whom to discuss APdS concerns about the project.

d. Nominating Committee

The Nominating Committee comprises Carole Baumgarten, Darryl DeShurley and Paul Gohdes.

e. Annual meeting 2011

The Annual Meeting will take place on Monday, February 28th, 2011 at St. Andrew's Episcopal Church. Susan wants clarification as to whether there can be nominations from the floor at the Annual Meeting and whether absentee ballots will count towards a quorum after the transition takes place. Mike will ask Pam these questions.

f. Street gravel

Susan expressed concern about the amount of gravel on the interior streets. As president of her former HOA, she learned that this is a primary cause of deterioration and arranged for quarterly street sweeping by a private contractor who also came after storms. Here, the streets are maintained by the City, but, given the state of the City's budget and the fact that our interior streets do not get a great deal of traffic, we probably cannot expect the City to do much, if any, sweeping. Susan telephoned the City and learned that the City can no longer do any residential sweeping.

Many people walk our streets, including walkers in each Monday's "Meet Me at Maynard's" walk. If anyone trips on the gravel, we could be considered liable or have to fight a lawsuit whether we are liable or not. Part of the gravel is due to erosion from many back yards. We need to request that owners prevent this from happening. Should we ask owners to sweep the streets in front of their houses as well as 14th and 15th streets? It is unlikely that many would want to do that. Perhaps we should contract for a street sweeper. Susan contacted the company her previous HOA used, Sunstate Sweeping. That company would sweep on demand for \$85 an hour, with a minimum of two hours—thus, \$170—with no contract, and no other added charges, such as taxes or travel time. There was general enthusiasm for hiring a sweeping firm. Susan will follow up by investigating other firms. She will also check whether the City allows private sweeping firms and whether the firms have insurance to cover any damages to City property.

VII. Call to the audience/homeowner input

Katherine asked whether termite extermination companies would be allowed to drill in the front yards. The board members felt that no one could prevent such a company from drilling. They probably have experience in avoiding irrigation systems and would have insurance for any damage. Helen Landerman asked about placing a sign at her rear entrance asking visitors to come to the front door and telling them where to park. Ken and Mike suggested that she consult the Design Guidelines. She may need to get permission from the Architecture Review Committee. She should speak to the Landscape Committee to convey her wishes about plants in her front yard and to receive permission for any changes to her exterior plants.

VIII. Date for next Board meeting: December 20, 2010

IX. Adjournment: The meeting adjourned at 7:27 p.m.