

PALM VALLEY COMMUNITY ASSOCIATION

Board of Directors Meeting

October 24, 2023 5:00 PM
Holiday Inn & Suites
1188 N Dysart Rd
Goodyear, AZ 85395

MINUTES

Directors Present

Ronald Huston Trust - Treasurer
Thomas Hyslop - President
Barbara Bosson - Secretary
Sara Moore - Vice President
David McFelia - Director
Jennifer Neal - Director

Directors Absent

James Bluemer - Director

Additional Attendees

Community Manager Susie Lumley, FirstService Residential
Homeowners Present: Rick Howell, Roc Latino, Mary Addington, Lorrie Centers, Joni Kerley, David & Lynn Barnett, Mousa Mansour, Agata Nicols, Olivia Makarenko, Alison & Jake Dull, Mortin & Arlene Scheutzow, Mark & Ramona Soares, Janis Booth, Dave Fleming, V Smith, R Kendall, Cecilia & Al Lopez, J Reyes, Steve Stella, Tim Vining, Robert & Jennifer Fones, Bob & Marsha Darre, G DeFrancesco, Ryan Brown, Farrah & Mohammad Sandhu and Phil R Meenach.

I. CALL TO ORDER

The meeting was called to order by Board President Thomas Hyslop at 5:03 P.M.

II. CONSENT AGENDA ITEMS

A. MINUTES

Resolved

To approve the 9/26/23 meeting minutes with the change to add Olivia Makarenko's name under the open forum comment at the top of page 3.

Motion: Barbara Bosson

Second: Ronald Huston Trust

► **Resolved**
The motion passed unanimously

B. FINANCIAL STATEMENT

Resolved

To approve the September financial statement as presented.

Motion: Sara Moore
Second: Jennifer Neal

▶ **Resolved**
The motion passed unanimously

C. BOARD MEMBER APPOINTMENT

Resolved

To ratify approval to appoint Jennifer Neal to the Board of Directors to fulfill the unexpired term of Madeline Mitchell.

Motion: Barbara Bosson
Second: Thomas Hyslop

▶ **Resolved**
The motion passed unanimously

III. HOMEOWNER FORUM

Homeowners Agata Nicols and Joni Kerley presented a petition containing 134 signatures, combination of handwritten and electronic signatures. The petition states "This petition with regards to the HOA management abandoning their plan to put rental restrictions on the ballot at the annual meeting without proof of issues, mitigation plan, or trying to address an issue, or even notifying owners that there is a problem. They are trying to change the Original CCR's from no restrictions to a minimum of 30 days at a time."

Homeowner Joni Kerley asks the Board to vote again whether the proposed short-term rental amendment should be on the ballot.

Homeowner Agata Nicols suggests the board track how many homeowner calls are related to short-term rental complaints, asked how many of the approximately 40 short-term rental homes have had issues, and asked if there will be a registration/administration fee for rentals.

Homeowner Mary Addington said she has been a Palm Valley homeowner since 1994 and lives 10' from the neighboring property and has concerns about a short-term rental in that proximity does for her peace of mind. She had a friend in another community that dealt with short-term rental issues like trash and parties for 4 years. She feels this topic should be on the ballot so the community can decide. She also thanked the board and Ron Huston for their efforts in maintaining low HOA fees all these years.

Homeowner Mousa Mansour stated he feels a few bad apples should not ruin short-term rentals for everyone. He has never had any issues with his short-term rental and has noise aware sensors installed in his home. He said 30-day rentals put owners at risk for tenant laws, that in Arizona tenant laws go into effect for rentals over 28 days. He asked the board to please reconsider voting on short-term rentals. He said if his ability to do short-term rentals is taken away, he will be forced to sell his home and lose money, and he would hate to see this topic go to court.

Homeowner Rick Howell stated he feels the topic of short-term rentals should be on the ballot, that we have two groups, those for and those against. Rick said he does not feel the groups here in attendance at the meeting are representative of 1297 homes. He says let the homeowners speak through a vote.

Homeowner Janis Booth says she has lived in Palm Valley for 20 years and was a real estate broker in the west valley for 22 years. Janis said she has lived 5 doors from a short-term rental for years without issue. She said she feels like maybe a couple of bad apples are causing this issue. Janis said buyers sometimes purchase with the plan to use the property as a VRBO or AirBnb and invest a lot of money into their property to attract high caliber clientele. She suggests maybe set up some rules regarding short-term rental behaviors could solve the problem without eliminating short-term rentals. Janis also mentioned a tree in a homeowner yard at 137th and Coronado that is a hazard and needs to be trimmed.

Homeowner Phil Meenach thanked the board for doing a thankless job. He said he missed the vote when trees were no longer required in front of homes. He sees issues around him such as a broken car in a

driveway, a travel trailer, and a broken golf cart on a driveway. He would like to see these violations addressed to keep property values up.

Homeowner Steve Stella stated he has owned a short-term rental in Palm Valley since 2017 and never had an issue, that he screens his tenants, and the police have never been called to his home. He says he has had no complaints and only one bad renter in all that time. Steve also stated that street parking is ridiculous on his street and twice a week patrol is not enough.

Homeowner Roc Latino stated he feels like he has motels next door and across the street. He said he understands there are people for and people against short-term rentals, but he doesn't appreciate some of the tactics. He said Joni Kerley called his neighbor for information about him. He said he has notified PD and if someone has questions about him, they should come to him and ask directly.

Homeowner Jake Dull stated the topic of short-term rentals wasn't brought up correctly in the first place. He said they have over 10% of the community represented by signatures on the petition submitted tonight, that the board is setting a dangerous precedent, and this is not wise use of HOA funds. He said he feels like the advice from the Association attorney is to benefit the attorney himself and there is little hope this will move forward once litigation begins. He said there was never an opportunity to address both sides of the issue.

Homeowner Brian McCarty spoke about the growing Goodyear airport noise and safety issues. He and another homeowner went to the City meeting last night. He said the size of the Goodyear Airport has now surpassed San Diego International Airport, and the Goodyear Airport is now open 24 hours. Phoenix Airport has an app to report low flying or loud aircraft. Contact City of Phoenix at 602-773-1093. You may also file a complaint at flighttracker.casper.aero/phx/complaint.

Homeowner Gene Salaro complained about a dead cactus in the City maintained landscaping in front of The Oasis. Gene also stated he takes care of 4 VRBOs for owners in the neighborhood and has never had any issues, except for last week they had a green pool issue apparently due to two vans trafficking and apparently people used the pool for bathing, but they are gone now.

Homeowner Alison Dull said she appreciates the short-term rental people showing up tonight, that this topic was put on the ballot without proper evidence. She said there is an appeal in the AZ Supreme Court regarding short-term rentals where the short-term rentals won. She said she would like to use her home as a short-term rental while she is vacationing. She said she would like to see a community communication avenue, that right now there is no way to access neighbors without knocking on doors.

Homeowner Patricia Miller expressed concern regarding dead plants in the City maintained landscaping along McDowell Road and large planes flying over her home.

Homeowner Janis Booth expressed concern regarding a neighbor she feels is running a recovery house in her neighborhood. She will provide the address to management.

A homeowner asked the board to consider adding a pet station in the common area on the north side of Palmilla Blvd before the roundabout.

IV. MANAGEMENT REPORT

Administrative Report:

- A. 103 calls logged in the month of September 2023
- B. 3 new owners recorded in the month of September 2023
- C. 174 violation letters issued in the month of September 2023
 - 124 First Notices
 - 50 Fine Notices

Physical Property Report

- A. Changed monthly street sweep date to follow bulk trash pick-up. Beginning in October, Sundance Sweeping will perform street sweeping service in The Fairways and Palmilla the 4th Wednesday of each month.

- B. A Balanced Pool completed 3 times per week service for Palmilla Pool.
- C. Tot Lots performs quarterly maintenance for all 3 playgrounds.
- D. Signature Gate Co performs quarterly maintenance at Fairways and Palmilla gates.
- E. Trim & Tidy services landscape needs of the community on Tuesday and Wednesday each week and The Fairways every other Thursday.

V. OLD BUSINESS

A. CURB APPEAL

Resolved

To approve curb appeal projects to be paid with operating funds as follows:

MASTER

Remove city ordinance signs from all pet stations. Signs will not be replaced. Remove rusted pet station posts and replace with metal posts that do not require painting. Replace 11 pet bag dispensers at a cost of \$957 plus installation.

DESERT GREENS

Replace the Park Rules sign at Desert Greens park at a cost of \$82.50 plus installation.

HORIZONS

Replace the Park Rules sign at Horizons park at a cost of \$82.50 plus installation.

PALMILLA SHARED

Replace the FD Access sign at the Palmilla entrance at a cost of \$24.95 plus installation.

Replace the Fire Dept Entrance Only sign on the Palmilla side of the gate between The Fairways and Palmilla at a cost of \$34.95 plus installation.

THE FAIRWAYS

Replace the Fire Dept Entrance Only sign on the Fairways side of the gate between The Fairways and Palmilla at a cost of \$34.95 plus installation.

PALMILLA LAKES

Replace 39 Fire Lane signs in Palmilla Lakes at a cost of \$1,192 for 39 plus installation.

Replace the Pool Rules and Shallow Water No Diving Signs in the Palmilla pool area at a cost of \$49.95 each plus installation.

Motion: Ronald Huston Trust

Second: David McFelia

► **Resolved**
The motion passed unanimously

B. PAINTING

Painting bids were tabled to the January 2024 meeting.

VI. NEW BUSINESS

A. FINANCE COMMITTEE APPOINTMENT

First Motion

To amend the Committee Policy to state: No committee shall have more than three board members serving at the same time.

Motion: Ronald Huston Trust

Second: David McFelia

- ▶ **Resolved**
The motion passed unanimously

Second Motion

To appoint a Finance Committee and approve Finance Committee Guidelines as presented. To appoint Ron Huston as Committee Chair and Barbara Bosson, David McFelia and Evelyn Howell as Committee Members.

Motion: Sara Moore

Second: Jennifer Neal

- ▶ **Resolved**
The motion passed unanimously

B. VIOLATION COMPLIANCE POLICY REVISION

Resolved

To amend the Violation Compliance Policy Section 6 to state: All Notices shall be sent to the homeowner at the mailing address or email address as it appears on the records of the Association at the time of the Notice.

Motion: Barbara Bosson

Second: Jennifer Neal

- ▶ **Resolved**
The motion passed unanimously

VII. COMMITTEE REPORTS

A. ARCHITECTURAL COMMITTEE REPORT

- a. The committee reviews submittals electronically as they are received through SmartWebs.
- b. The committee meets on an as-needed basis.
- c. The committee is working on revisions to the Design Guidelines with the plan to publish to the membership early next year.
- d. 4 architectural requests were processed for the month of September 2023.
 - o 4 approved

B. LANDSCAPE COMMITTEE REPORT

- a. The committee meets on an as-needed basis.
- b. The committee met September 27th and reviewed several topics.
- c. The committee was able to locate and repair two minor irrigation leaks in Palmilla that have been leaking for over a year.
- d. The committee plans to meet again in November.

C. PALMILLA POOL COMMITTEE REPORT

- a. Service for the months of Feb - Nov is 3x/week.

- b. Service for the months of Dec - Jan is 2x/week.
- c. The committee meets on an as-needed basis.
- d. The pool heater will be turned on when the weather cools down and remain on through Thanksgiving weekend.
- e. Committee meeting to be held following Finance Committee recommendation regarding available funds for pool deck resurface.

Resolved

To appoint Jennifer Neal as Pool Committee Chairman.

Motion: Sara Moore
Second: Barbara Bosson

▶ **Resolved**
The motion passed unanimously

D. PALMILLA STREETS AND DRAINAGE AD-HOC COMMITTEE REPORT

This committee has not met since prior to summer.

VIII. HOMEOWNER PETITION

Homeowners in attendance asked if the Board will consider their petition regarding removal of the short-term rental amendment from the annual meeting ballot.

Management explained, with petitions received now from both sides of the issue surrounding short-term rentals, it would seem the topic warrants enough homeowner interest to justify putting the topic to a vote of the membership.

Proposed Resolution

Motion by David McFelia to reconsider the May vote and remove the short-term rental CC&R amendment from the annual meeting ballot.

Motion died due to lack of a second.

IX. ADJOURNMENT

- A. The next meeting will be held Tuesday, November 7th, 5:00 P.M. at the Holiday Inn & Suites located at 1188 N Dysart Rd, for Meet The Candidates and approval of the 2024 budgets.
- B. The Annual Membership Meeting is scheduled for Tuesday, December 5th, 5:30 P.M. at the Holiday Inn & Suites located at 1188 N Dysart Rd. Sign in begins at 5:00 P.M.

Resolved

The meeting was duly adjourned at 6:31 P.M.

APPROVED

DATE