

NORTHTOWN HOMEOWNERS' ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING MINUTES
November 12, 2024

The meeting was called to order at 6:30PM. Jeannie reminded everyone to turn off cell phones. The Pledge of Allegiance was recited.

Directors Present: Jeannie King, Emmy Morales, Linda Barvitz, Naomi McCarthy, Dennis Franks, Frank Vance

Directors Absent: Susan Nusall

Also Present: Sharla Cook, Property Manager

Minutes Approval:

- Naomi made a motion to accept the October 8, 2024, Board Meeting Minutes. Linda seconded and the minutes were approved without objection.

President:

Jeannie announced that we are going to make a change to the agenda and have Nora Curtin's PNP report first.

PNP/Blockwatch Coordinator:

Nora Curtin is currently working on the 2025 City of Phoenix Grant Applications.

Part of the application requires an acknowledgement to accept the responsibility of the contract with the City of Phoenix and any Grant which the Northtown Homeowners Association agrees to be a Co-Applicant with the Northtown Phoenix Neighborhood Patrol (PNP).

Currently we are looking at an application requesting an amount around \$12,000. This would be for the purchase of an additional Bollard Light System to be installed on the sidewalk closest to the street (2 systems) one on each side of the walkway to the front door. Since the Grants require that the Co-Applicant contribute to this project, Linda Barvitz, the Treasurer, has included \$6000 in Northtown's 2025 Budget for the system of lights from the Pool Parking Lot to the center walkway at the sidewalk closest to the Clubhouse.

The Application must be submitted to the City of Phoenix not later than December 5th, 2024; so, it is necessary that the approval for this Co-Application is required at this meeting.

- Jeannie King, President of the HOA, made a motion acknowledging and agreeing to accept the responsibility of the contract with the City of Phoenix for any Grant which the Northtown HOA agrees to be a Co-Applicant with Northtown's PNP. Linda Seconded the motion and it was passed by the Board without objection.

President:

The Document Review workgroup has been working on updating our CC&R's and Bylaws. The first section we are going to review are some of the changes to the Bylaws, starting with Article II (We'll discuss Article I later.)

At the end of the Bylaws, there are two Addendums which we have incorporated into this document.

See attachment outlining the Bylaw changes. *(You will need to compare with your copy of the Bylaws.)*

Jeannie went through the changes made:

Definitions – moved to CC&Rs,

Notice: Section 1,A. added with 48-hour notice and an Agenda,

Meetings, Jeannie reviewed the types of meetings: Regular, Special, Emergency, Action without a Meeting (Reasons for the Emergency and Action without a Meeting must be included in the minutes, read

and approved at the next Regular Board Meeting), Executive Meeting, and Informal Gatherings. (the reasons for an Executive Meeting are explained in the attachment).

These changes/additions are from the Arizona State Statutes which will bring our Bylaws up to date.

There was discussion among the Board regarding ARTICLE VI: OFFICERS & THEIR DUTIES, SECTION 8: DUTIES, C 1. Minutes. Add "The Minutes will be typed and available to proof-read two weeks after the meeting."

- Naomi suggested a change from The Minutes ~~will be~~ to shall be typed . . .
- Frank suggested may be typed . . .

Naomi understands the reasoning behind the need for this change, but it is not always possible with other duties.

- Naomi then suggested a better wording would be, "The Minutes shall be typed as soon as possible after the meeting for preparation by Board Members for the next meeting . . .

Add 6. Proofread the Agenda.

- Naomi suggested all Board Members should proof-read the Agenda, not just the Secretary, especially items affecting their position.

There was discussion regarding ARTICLE VII, COMMITTEES
Regarding Standing Committees, adding C. Election Committee

- Naomi did not feel the Election Committee needed to be a Standing Committee as there may be restrictions other than what we already have in the Election Committee Charter.
- Section - 3 Linda thinks it is fine as currently written – take out the word Charter.
- Frank felt it was just semantics.

Not part of the Bylaw discussion: Jeannie brought up the CTA (requirement) Goodman charges \$350 plus \$200 for updates vs. Mulcahey charges \$700 including updates. Try to do after election so we don't incur charge for changes.

Questions from Community. Stephanie asked about minutes being posted as "Pending Approval" to the website or email prior to the meeting. We will investigate that possibility. Right now, there is a challenge with the website.

- Jeannie made a motion to approve the proposed changes to the Bylaws. Frank seconded and the motion passed without objection.

See second attachment re CC&R Proposed Changes (*You will need to compare with your copy of the CC&Rs*)

We will not be voting on these tonight, but just want to go through the proposed changes to make them clearer. When a person buys a home in Northtown, they are agreeing to give up some of their rights to have the benefits of the group.

RECITALS:

Over the years, there have been Amendments to the CC&Rs, but have not been incorporated. We will be incorporating these Amendments into this document.

A. Declarations (means the same as CC&Rs)

D. The correct Document number is 20030302886

Jeannie went through the rest of the changes and additions that were made.

Additional Definitions:

Section 7: Appurtenant: – property elements adjoined to another and may result in group legal and financial responsibilities. Examples :adjoining walls, roofs, fascia, abutting fences, and all duplexes and triplexes in Northtown.

Section 8: Arizona Revised Statutes: A.R.S.

Section 9: Covenant: an agreement, a promise
Section 10: Visitor: Someone staying for less than 30 days in a year
Section 11: Capital Improvement: a permanent addition or change to existing association assets which increases its value in excess of the required maintenance, preservation, and/or replacement of the same.

- Naomi added that we should remove the word “proxy” from ARTICLE III, Sections 3B & 4 and add the word “eligible” to members who are voting.
- The Board agreed with these changes/additions.

ARTICLE IV – COVENANT FOR MAINTENANCE ASSESSMENTS

Add this Amendment

Section 10: Reserve Contribution Fee: Any Person or entity that acquires title to a Lot shall pay to the Association, immediately upon becoming the Owner of the Lot, a Reserve Contribution Fee in the amount of **\$550.00** (which fee may be increased or decreased by the Board by no more than 10% every 3 years from the recording of this amendment). The Reserve Contribution Fee shall be added to the Roads’ Reserve account of the Association.

- Naomi noted that the amount now is \$605.00 as it has been raised once since this amendment was recorded. Jeannie will check which number to put in with attorney.
- Frank also felt number should be current.

ARTICLE V – ARCHITECTURAL

Section 1: Rewritten and separated Approval, and Submissions. Add color to list of inclusions. Section 2: A. No permanent buildings or structures shall be moved from other locations onto said Lots without prior approval. A shed may be an exception if first approved by the Architectural Committee.

Section 2: B. Submissions, added Certificate of Occupancy needed

Section 3: B. add “etc.” after walls and screens.

Section 3: F. Carports may not be used for open storage. All storage must be closed, and no cardboard or plastic boxes may be utilized. Use of cardboard, curtains, fencing, tarps or other temporary concealment is prohibited.

ARTICLE VI – PERMISSIONS AND PROHIBITIONS

Section 1. Animals: No animals including ferrets, livestock, potbelly pigs, or poultry shall be kept on any premises or Lot other than standard household pets. All pets must be cleaned up after in a timely manner so as not to emit odors and be always kept under their owner’s direct control when off their owner’s property. City of Phoenix codes for pet registration and health requirements shall apply.

- Naomi didn’t know why ferrets were added, they are legal “exotic” pets in Arizona. Also suggested “All pet waste” must be removed . . .

Section 2. A. Added size 2.5 x 3 feet

Section 2. B. Animal signs for firefighters & safety added.

- Frank felt we need to be specific regarding size of Animal signs, Board agreed on size to be no larger than 4” x 6” inches.

Section 3. A. No theater, bar, restaurant, saloon or other place of entertainment, and no institution or other place for the care of children, the sick, physically or chemically addicted, or mentally challenged, may ever be erected, placed or permitted to remain on any premises, Lot or any part thereof. The clubhouse may be used/rented out periodically for music, dancing, plays and other entertainment which has been historically done.

Section 4. A. Nuisances: Front yard landscaping and decorations must be in harmony with neighborhood including colors. No dead plant and no weeds over six inches in height or width are allowed. Plants need to be six inches from the sidewalk especially sharp or burning parts such as cactus and some succulents. If trees overhang a sidewalk, there must be a seven-foot clearance under them.

- Look into City restrictions.

Section 6. Private Common Area Use: Submission of Association request form to include map of requested area and intended use thereof.

- Naomi suggested calling it “Common Area Private Use.”

Section 7. Change to Sun City’s verbiage on Age Restrictions: Northtown consists of varying types of residential lots intended and operated for occupancy by at least one person fifty-five (55) years of age or older per lot under the Fair Housing Amendments Act of 1988, U.S.C.SS 3600, et seq. and the Arizona Fair Housing Act, A.R.S. SS44-1491, et seq. (collectively known as the “Fair Housing Acts”).

A. Except as provided below, at least one occupant of each Northtown lot must be 55 years of age or older. An age qualified (55+) “permanent resident” must occupy the residence when there is an underage (18-54 years old) person residing at the address. Occupancy by the age qualified resident for less than ten (10) months in any twelve (12) month period will require the residence to be “vacant” in their absence.

B. No persons under eighteen (18) years of age shall occupy or reside on any lot for more than a total of ninety (90) days in any twelve (12) month period.

C. The Association may grant variances from the above restrictions, unless the granting of a variance would result in less than eighty percent (80% of the residential lots being occupied by one person fifty-five (55) years of age or older or would otherwise jeopardize Northtown’s status as housing for older persons under the Fair Housing Acts. Any request for a variance submitted to the Association shall present the names and ages of all proposed residents, the reason for the request, and such other information as the Association may reasonably and lawfully request.

Variance shall be granted from the age restrictions for a spouse under age 55 in a domestic union recognized by the State of Arizona. Such variances apply only in the event of the death or medical relocation of one spouse and do not apply in the case of divorce or other separation: (i) If an age-qualified spouse dies, the surviving spouse may continue to live in the residence even if the surviving spouse is under age 55. (ii) If an age-qualified spouse must be relocated for medical reasons, the remaining spouse may continue to live in their residence even if the remaining spouse is under age 55. (iii) No other person under age 55 may reside with a surviving nor a remaining spouse in the residence for more than a total of ninety (90) days in any twelve (12) month period unless an age-qualified permanent resident also occupies the residence

D. The Association shall adopt, publish and enforce such policies and procedures and/or rules and regulations as are deemed necessary to demonstrate an intent to provide housing for occupancy by at least one person fifty-five (55) years of age or older per lot and to maintain the status of Northtown as housing for older persons under the Fair Housing Acts.

- Naomi mentioned that there is an exception for handicapped, not sure where it is in the document, but I’m sure it’s there. Frank added that the term handicapped is no longer used. Currently the term is persons with disabilities. Jeannie will check to see if there is an exception for persons with disabilities.

ARTICLE III – GENERAL PROVISIONS

Section 3. Amendment.

- Jeannie to check with attorney ... they shall be automatically extended for successive periods of ten (10) years following the date of original recording. (check date of original recording).

Questions & Discussion

Judy Enman has a few questions:

Article V – Architectural, Section 3. Structural Requirement. Not sure what “screens” is the document talking about. Jeannie explained the document is talking about screens that block the view, not screens on windows.

Article VI,

Section 1. Animals. Should add to sentence about pet waste - after odors add, "should not be visible from surrounding lots, common areas or sidewalks. Also, instead of "timely matter" be more specific "should be cleaned up weekly at a minimum.

- Jeannie will make those changes.

Section 2. Signs: A. Some people have huge political banners hanging

- Jeannie said political banners would be considered a sign and follow local ordinances. Will add the word "banners."

Section 3. Conducting Business: Add something about selling cars and placing them around neighborhood to get more coverage.

- Naomi felt car with a sign on car window should be their own vehicle and parked in their lot only.

Regarding visible dog waste, Nora ran into a person from Neighborhood Services who was speaking with Jack about the situation. Neighborhood Services has sent two letters to the homeowner and a Citation. Jack needs to call and make a second request and then he will send a 2nd Citation. The City is aware.

Dave Fillipiak talked about 4 layers of hierarchy of authority: HOA, City, County, and State. He asked if we checked with the County regarding having chickens. Jeannie said we did check and it's about the space needed between a chicken coop and the neighbor's wall.

FINE & PENALTY POLICY

The only things that changed on the Fine & Penalty Policy and Procedure are adding verbiage for a FIFTH NOTICE and on the Violation Fine Schedule and having 15-day units in between notices.

We have two proposed schedules: Dennis proposed that the fines start with \$25 after the Courtesy Notice, then \$50, \$75 and \$100 (for the fifth Notice (fourth Fine & Beyond). The second proposal starts at \$50 after the Courtesy Notice and then \$75 and then \$100.

- Jeannie made a motion that we accept the Fine & Penalty Policy and Procedure with verbiage for the Fifth Notice and having 15-day units in between notices. Linda seconded. There was discussion and opinions from the members on the amounts. The motion passed.

Jeannie polled the board on which schedule should be voted upon: Work Group schedule starting at \$50 - 4 votes & Dennis' schedule starting at \$25 - 2 votes

- Jeannie made a motion to accept the Workgroup schedule starting at \$50. Frank seconded. There was already discussion on the amounts. The motion passed 4 votes to 2 votes.

We need to vote on the Request for Architectural Previews Guidelines & Permit. We have already discussed this last month but needed time to Review.

- Jeannie made a motion that we accept the Request for Architectural Preview: Guidelines & Permit. Naomi seconded and the motion passed without objection.

Vice President:

Emmy Pool Security. We have appointed Jay as Pool Manager, and everything is going great.

Secretary:

The Friends of Northtown are hosting Thanksgiving Dinner Saturday, November 23rd at 1:00PM. This is for all Northtown Residents and their families. Please make your reservations as soon as possible.

The Annual Members' Meeting & Election is Tuesday, December 17th Voting from 6:30PM - 7:30PM and the Meeting begins at 7:00PM. We have received two Nominations, Linda Barvitz and Sheila Ruling. Reminder, the Board Members' reports are Annual Reports.

I have completed and sent an Election Packet to Sharla including the Notice, Instruction letter, Absentee Ballot, bios, return envelope, labels for those w/duplicate homes & labels for all other homeowners needed for Osselaer to print, crimp, fold, stuff and mail by November 17th .

Welcome to new homeowner AV Equity. We had one sale yesterday but do not have closing info yet. Currently we have 3 homes in the sale process and 1 Coming Soon

Berle created Holiday Cards. I will check on the cost. It might be nice to send to vendors and volunteers.

Treasurer:

Linda made copies of the 2025 Proposed Budget for the Board, does anyone have any questions? Judy asked about the amount for the Newsletter. Linda explained that some of the renewals have not been posted correctly. We need to keep better records. Naomi will send out an invoice for the total year.

- Linda made a motion to accept the 2025 Proposed Budget. Naomi seconded and the motion passed without objection

We are allowed to increase the Assessment by 3% each year. For 2025, the amounts are: Annual – 644.52, Semi-Annual - \$322.26, Quarterly - \$161.13 and Monthly - \$53.71

- Linda made a motion to accept the 2025 Assessment Amounts which were increased by 3%. Jeannie seconded and the motion passed without objection.

Thank you to Doug & Naomi for their help with the Budget.

Facilities:

Jeannie reported for Susan who is thankful that the tables were borrowed for the Yard Sales and were brought back on time. She is working on putting brighter bulbs in the fixtures on the back patio. Could we get something to soften the sound of the Clubhouse doors and still electronically connect.

Roads & Grounds:

Regarding the Flood mitigation project for the northwest corner of 22nd Street & Greenway, we were lucky that we had no hard rain this year because that corner lot washes into the street and it is very expensive to clean up. We have been trying to get 3 bids to relandscape, the two we received were very different. I was hoping to have a third bid, but that hasn't happened, so we won't be getting that taken care of this year.

- I would like to make a motion that we take our Landscape Extras – line item 70-7012 for \$16,000 and move that into the Road Reserves 99-9954 on the 2024 Budget. Naomi seconded. Judy mentioned that we might want to contact an erosion control company. The motion passed without objection.

Architectural Control & Compliance:

Dennis reported that in October we had 6 weed notices, 2 carport storage notices and 1 tree stump notice. In November, we had 4 notices for dead bush and dead trees, 1 tree stump, 1 weeds and 6 carport storage, Paint & touch up - 3 notices. Jeannie asked about mailbox & light posts and Dennis has not checked for that.

Jeannie asked about voting on recidivism. Linda said we have not discussed that; it is new business. Sharla explained that Osselaer is already tracking that.

Management Company:

Sharla asked when the forms and procedures go into effect. Naomi said they are dated the date of the Board Meeting when they are approved. As far as going into effect, Jeannie suggested January 1, 2025.

Sharla passed out guidelines for filing the CTA Report. One of the things she read is that they only require 3 members of the Board to file.

Activities:

Happy Hour will be from 6-8PM on 11/29 at the pool
Flugelhorn Phil will give a Christmas Concert from 6-7:30 PM on December 14th

Comments and/or Questions:

Linda Barvitz read something from another HOA that we might want to think about. They have banned the use of marijuana in their common areas. Here, common areas would include the Clubhouse, Pool and outside areas. This might be something we should think about because although it is legal, to smoke, it is not pleasant to be at the pool while someone is there smoking marijuana. The odor and the smoke can affect people.

Bev Bernal mentioned that she is going to be going away and the 22nd will be the last day to work on the newsletter. So please get your reports in as soon as possible.

Dave Filipiak asked if all the streets were going to be swept, and Doug told him yes, they are all going to be swept.

- Jeannie made a motion to adjourn the meeting, all seconded and the meeting was adjourned at 8:35pm

Respectfully submitted,

Attachments:

Bylaw Changes, CC&R Changes

BYLAW CHANGES

Article I: Delete Definitions: as they are already in the CC&Rs, or are proposed to be added to Yes or No

Notice: Yes or No : Under Article II, Section 1. A.: a small, lawful change is to delete “without” regarding notice and insert “with a 48 hour notice with an Agenda.” This, then eliminates Addendum #1 & #7 (look on the last page of the by-laws to find the Addendum).

Then insert Addendum #3), “After discussion by the Board, but before any formal action, “Members will be allowed to speak about a specific agenda item.”

Then insert #4. In number 4, Delete the first word “open” and replace it with “All”, “All Board meetings or Member meeting may be recorded subject to reasonable rules adopted by the Board.” (Per ARS)

Meetings: Yes or No : After B. : insert: “Emergency Meetings: are for circumstances which need to be decided on in less than 48 hours and needing immediate action” per ARS. Then add the last part of Addendum 7 after the semicolon, “but the reason for the meeting must be included in the minutes and the minutes must be read and approved at the next regular Board meeting.” Move Acton without a Meeting to Emergency Meeting section because they are urgent actions that need to be taken without time for a meeting.

Then Add: “Executive Meetings: A meeting or any portion of a meeting may be closed only if that closed portion of the meeting is limited to consideration of one or more of the following:

1. Legal advice from an attorney for the board or the association. On final resolutions of any matter for which the board received legal advice or that concerned pending or contemplated litigation, the board may disclosed information about that matter in an open meeting except for matters that are required to remain confidential by the terms of a settlement agreement or judgment.
2. Pending or contemplated litigation.
3. Personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association, including records of the association directly related to the personal, health or financial information about an individua member of the association, an individual employee of the association or an individual employee of a contractor for the association.
4. Matters relating to the job performance of, compensation of, health records of, or specific complaints against an individual employee of the association or an individual employee of a contractor of the association who works under the direction of the association.
5. Discussion of a member’s appeal of any violation cited or penalty imposed by the association except on request of the affected member that the meeting be held in an open session.” Then insert Addendum #5: If a Member’s violation is the reason for the Executive meeting, the member may request an open session. These are laws that have changed and we need to reflect the changes.

Informal meeting: After Section 1., Section D., add: Addendum #6: “Informal (delete meeting and insert) “gatherings” of the Board at which no votes are held, no action/s discussed or taken which are attended by a quorum of the Board (delete the end of the line and insert) “do not require minutes.” These are laws that have changed and we need to reflect the changes.

Dues & Fines: Yes or No : Under Article V, Section 1:, B.” regarding suspending voting rights add the clarification “monthly dues and fines” in parenthesis after the word assessment.

For G, we can delete this paragraph as it duplicates the statement in our CC&Rs except it gives a different amount and is in conflict with the CC & Rs.

President signings: Yes or No : Under Article VI, Section 8: A: 3: after deeds, add “, contracts” for clarification. A: 4: Add, “as may be needed” due to the fact tht Osselaer Management Company writes most of our checks now.

Meeting Minutes: Yes or No : C.” 1.: Add “The Minutes will be typed and available to proof-read two weeks after the meeting.” This is needed for preparation by members of the Board for the next meeting so points we need to remember are not forgotten, and to see if any corrections are needed to the minutes. Add” 6. “Proof-read the Agenda.” This is to ensure nothing is forgotten.

Standing Committees: Yes or No : Under Article VII, Section 1.: add “C. Elections Committee. After Section 2 add “Section3: The Board of Directors will elect Committee members from the Board, and/or the general membership who have read and agree to adhere to terms of their Committee’s Charter, are in good standing and for members are eligible to vote. Committee Chairs my invite NT Contractors in good standing to help with some tasks. These changes are needed to clarify who can be on the

Committees. Then lastly on it's own add Addendum # 2: Section 4: "Committee meetings must be open to members."

Disclosure Fees: Yes or No : Under Article XII, to the title: "Transfer Fees" add: "and Disclosure Fees" for clarification.

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Proposed CC & Rs Changes

After Recitals: Add Lot & Land Specific Agreements

A: Declarations: add (Declaration) for clarification

D. Replace with correct document number.

E. Change from Article VI to the Correct one which is VIII

Article 1 Section 3.: replace "hereinbefore" with "previously in this document" and replace "hereafter" with "from now on".

Article 1, Section 4: (after iii) Paragraph starts, "Provided, however, that the following portions of Common Area..." – add this to reflect a legal addition.

Article 1, Section 6: add after ...more living units (i.e. duplex, triplex, etc.) for clarification.

Article 1, Sections 7 – 11) : Add these sections for better understanding.

Article 2, Section 3: Changes from just party walls to all appurtenant property makes disputes easier to negotiate.

Article 4, Section 10: Add Section 10: Amendment Reserve Contribution Fee.

Article 5, Section 1: Rewritten for clearer understanding and separated "submission".

Article 5, Section 2: A: Importing Structures – added description

B. a) Delete less than 700 square feet due to we already have homes like that. C is now B.

B. Added Certificate of Occupancy

C. Re: Subdivision: Broken into paragraphs for ease of reading

Article 5, Section 3: B: added walls and screens

D. Added garages cannot be make into an extra bedroom or other major living space.

F. Added specifics re: closed storage

Article 6, Section 1: More specifics for animal types and odor emission added.

Article 6, Section 2: A: Added size 2.5 x 3 feet B. animal signs for firefighters and safety added

Article 6, Section 3: Added chemically addicted. Added: This section is about the lots and not the clubhouse.

Article 6, Section 4: Change out nuisances for more specific descriptions. Take out noise because that is a city issue.

Article 6, Section 6: Add section six a it was missed last time. Insert Private Common Area Use: More descriptive paragraph includes form to be used.

Article 6, Section 7: Change age restrictions to Sun City's verbiage.

Article 7, Section 3: bulk trash may be coordinated with the HOA.

Article 7, Section 4: Added specific weeds are not to be more than six inches in height or width.

Article 8, Section 1: Enforcement: Add last line: The form, Request for Compliance, may be used or if the City of Phoenix enforces they are to be contacted for barking dogs, loud noises, etc.