

# LAKE VIEW PARK NEWS

LAKE VIEW PARK COMMISSION, PO BOX 8332, ASHEVILLE, NC 28814

FALL 2014

## ANNUAL MEETING

**Monday, October 20, 2014  
7:00 – 8:30pm, Newbridge  
Baptist Church Gym  
199 Elkwood Ave (corner  
of Merrimon & Elkwood)**

### Meeting Agenda:

- Lake & Dam Report
- Treasurer/Finance Report
- Grounds Report
- Chair Report
  - South Trail Presentation
    - Project Overview
    - Estimated Cost
    - Concerns
    - Vote
  - New Business
  - Elections

We have openings for Secretary and Treasurer. If you are interested in these or any position on the Commission, please send nominations prior to the meeting to [amanda\\_kincaid@hotmail.com](mailto:amanda_kincaid@hotmail.com).

You may see what each position entails on the website at [thelakeviewpark.org](http://thelakeviewpark.org).

## Special Thanks

- ❖ *We sincerely thank Alistair Hoehne for his expert and always conscientious service to the neighborhood as*

*Treasurer and financial watchdog.*

- ❖ *Thank you also to Debbie Cooper for her tenure (since 2006) as LVPC Secretary and her assistance with many Commission projects and grounds improvements through the years.*

## NEED TO CONTACT US?

We have received several anonymous letters this year, usually involving complaints of neighbors or trying to educate us Commissioners. Please note that the Commission cannot act on letters or complaints with no contact information.

If you have a complaint about your neighbor, it is recommended that you speak with your neighbor first. It is likely they don't know they are causing you a problem. Then, if you think LVPC can help, contact us by email.

*Thank you!*

## WEBSITE

Remember to check out our website, [thelakeviewpark.org](http://thelakeviewpark.org) for governing documents, annual meeting minutes, park and water use, permits, contact info, resources, etc.

## LIEN POLICY

We regret having to make "liens" a "headline" note. However, members should know the treasurer spends an inordinate amount of time billing, phoning, writing and otherwise trying to collect assessments. Assessments are due January 31<sup>st</sup>. Late payers are sent two reminders.

To pare down the job of Treasurer to where a volunteer can reasonably handle the work load, the Commission will start the lien process if the property owner is unresponsive after the 2<sup>nd</sup> notice. We have engaged Deutsch and Gottschalk, PA, in Asheville to process the liens. The property owner against which the lien is filed is also responsible for accumulated fees associated with filing the lien(s). Note that this is not a new policy. This is notice that the policy will now be more consistently applied.

## FISHING & BOATING

The annual mandatory NC Department of Environment and Natural Resources dam inspection was done January, 2014 and remained basically unchanged from the previous year.. Copies of the reports for the past three years are now on file at the lake office for residents to review.

The treasurer reports that fishing, boating and dog permit revenue so far this year totals about \$22,000. Fishing remains good according to Warden Billy, so the stock appears to be ample at this time.

When Billy and I took multiple depth measurements in June, 2014, it appeared that the lake depth levels had declined to the 2012 pre-dredge levels. This was due – once again – to a culvert collapse above the bird sanctuary. We plan to do another dredge, most likely in 2015. We will empty the basins that filled during the culvert collapse, and perhaps move to restore the depth off the south side of the lake nearest the bird sanctuary.

We have again retained Barbara Wiggins, a LVP resident and environmental engineering professional who has helped us in the past, to start the permit process. The permit process takes several months and once obtained, the permit is good for three years.

***I also want to take this opportunity – on behalf of the Commission and all of us – to thank Warden Billy Jenkins for his care of our lake and park.***

Gary Ross  
*Fishing & Boating*

## FINANCE

I would like to thank all residents of Lake View Park for their cooperation in remitting their assessments. To date about 96% of all assessments for 2014 have been paid. Prompt payments are greatly appreciated and DO reduce administrative time and expenses.

Our overall maintenance costs are increasing on a yearly basis, having risen about 7% in comparison to the same time period in 2013. In addition, we've increased our general liability insurance from \$500,000 to \$1.0 million (as recommended by legal counsel) and witnessed a rise in premiums for most other insurance policies as well. Fortunately, our annual workers compensation audit went well and we were reimbursed about 60% of our initial premium. Looking ahead, City storm water fees will nearly be doubling in 2015, utility and material costs continue to rise modestly, while contract labor fees will stay largely the same as we hired a new landscaping firm to maintain the parkways and triangles. Overall however, the

Commission has done a good job keeping costs contained.

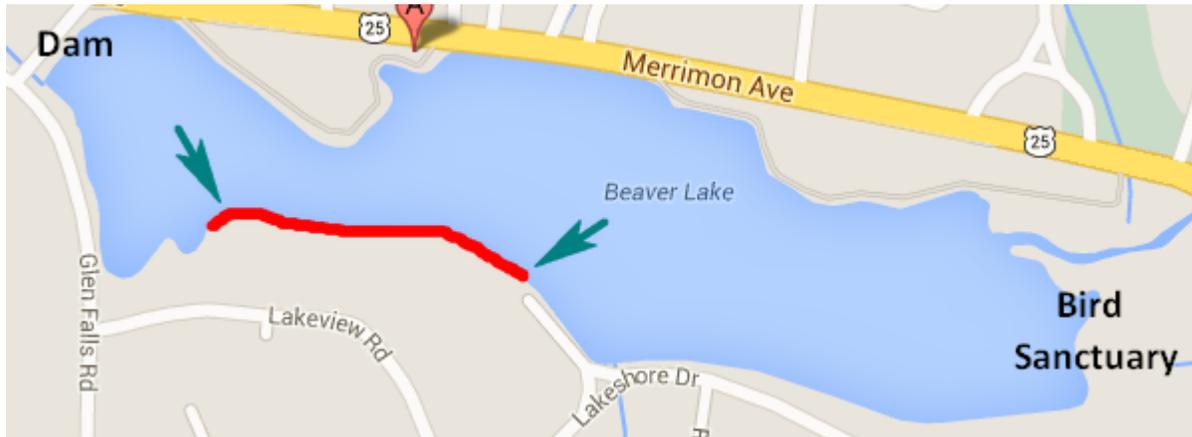
On the other side of the ledger, fees and permits have generated over \$22,000 in revenues through August and will end up paying for a good majority of the Warden's salary this year. More detailed financial reports appear at the end of this newsletter.

Lastly, I have two requests to make with respect to resident boat slips: If there's a change-over in ownership of the boat slip, please contact the Treasurer so that he or she can communicate with Billy as to who the new owner is and make the appropriate billing changes. Also, I'd like to ask residents to refrain from "loaning" their boat slip to nonresidents. Chasing down nonresidents for payment of the boat slip can be a real chore and, in my humble view, ultimately the responsibility lies with the resident to remit payment to the Commission. In the "old days", residents would actually walk their boat fees to the Treasurer's house and receive their permit or boat slip renewal. Thankfully for most residents now they're probably better off putting up with me through the mail. Nonetheless, I thank you for the opportunity to serve as your Treasurer this year and hope everyone will get a chance to enjoy our beautiful lake in the fall.

*Cordially yours,*  
Alistair G. Hoehne, Treasurer

## SOUTH TRAIL UPDATE

The South Trail is the piece of land behind several homes on the south side of the lake (as shown below). Many times over the years there have been initiatives to create a trail on the south side of the lake in an effort to complete a lake view trail. For the past several years there has been renewed interest by the residents of LVP to complete this project. If you have come to a meeting in the past 5 years you have likely heard for yourself. Although there has been an overwhelming support of the proposed trail we've also heard strong feedback opposing the plan.



Based on overwhelming support for the project, we feel that the South Trail is an enhancement our community wants. We are in process of gathering bids and ideas from several sources. Our aim is a tastefully designed trail with a construction cost that can be balanced with equally important dredging projects and other updates our shared land requires. From a maintenance perspective we want the end result to be a financially sustainable trail so future generations are not burdened.

This year we've spent a small amount of time maintaining the shared property to maintain control of the invasive species in that area. We also sent a letter revoking the permission of individual property owners to install fences to the lake's edge that was granted in 1995. The Commission was presented by the attorney of several property owners a list of concerns and asked to reply before moving forward with any plans. We are presently working on a formal reply with our legal counsel. We hope to have an update at the annual meeting and some design proposals for that area.

***If you are interested in this project we would VERY MUCH like to see you at the annual meeting this year. We WANT to hear from the community, in support and/or opposition.***

---

### Think Trees!

*by Mike Nery, Grounds*

We are truly fortunate to have such wonderful, old trees lining our roads in Lake View Park. Sometimes though, those old trees give out and need to be removed. What should be done then? A new tree should be planted of course! Fortunately, we have many great native trees to pick from. Here are just a few ideas that are native and easy to find (a complete list of trees & shrubs is on our website):

Small (15-40'): **Dogwoods, redbuds, sourwoods** are all great. Also consider:

**Serviceberry** *Amelanchier arborea* (15-25'). Blooms white/pink flowers in early spring before dogwoods. The best parts are the berries which are delicious – if you can get them before the birds do!

Large (>40' don't plant under power lines): **American Yellowwood, most maples (except Norway), and most oaks (except pin)** do well here and look great. Also consider:

**American Beech** *Fagus grandifolia* (50-70'): A beautiful spreading crown above smooth, silvery-gray bark. The tree has small nuts loved by some of our local birds and it keeps some leaves into early winter like an oak. A very nice, native tree.

**When's the best time to plant?** October-March. The trees are often cheaper and they need less water to get established than summer plantings.

**How hard are they to plant?** Easy -- especially if you get 5-10 gallon buckets like I do. Just make sure that you cut slashes into the outside of the root ball or otherwise break up the outside of the roots -- not the center of the ball right under the tree. Then, when you plant the tree in your nice big 2x as wide as the root ball-hole, you can point the straggly roots out and down in the hole. If you leave the roots in the twisted mass that comes with most potted trees, they will keep winding around in a circle eventually strangling the tree. Also, make sure to mulch around the top and water the tree until it is established.

**Any other questions?** Just ask us. We're in favor of nearly anything that helps our neighborhood continue to look great!

---

## Researching Your Deed & Why It is Important

by Amanda Bissett, Chair

I have been honored to live in LVP and serve as the LVP Chairperson this year. I have never researched so many deeds! In doing so I learned a lot about our neighborhood. This year's Commission has been approached with several building plans, lot modifications and variance requests. We were presented with instances where previously issued variances were and/or are not supported by current neighbors. On the whole, we have leaned towards honoring original deed restrictions. I can't speak to whether the decisions were right or wrong, but these cases hit home the fact that a decision made today can affect the future property owners and Commissions and their ability to make decisions. I want to share some tips and websites for researching deeds and share a few interesting points found in most of our deeds.

It is wise to research your own property restrictions BEFORE planning new construction or proposing a variance request to the Commission. LVP properties were set in deeds dating back to the 1920s. Most deeds will reference the previous deed at least until the 1940s; after that you may have to search on the Grantor's name. You can save PDF versions of your property's deed(s) on your own computer for future reference.

Websites and directions for researching deeds are as follows:

1. [https://www.buncombecounty.org/Governing/Depts/GIS/Disclaimer\\_ParcelLookup.aspx](https://www.buncombecounty.org/Governing/Depts/GIS/Disclaimer_ParcelLookup.aspx)  
Click on *I Agree*  
Then you will see:

Search for Parcel by: \_\_\_\_\_  
 PINNUM  
 Owner (Last Name First Name)  
 Address

When you find the property you are looking for, look on the left side of the page. It gives a quick link to the DEEDBOOK/DEEDPAGE at the Buncombe County, NC Register of Deeds web page (same as the webpage noted below). Click on the quick link to view the current deed.

2. <https://www.buncombecounty.org/Governing/Depts/RegisterDeeds/>

Click on Online Document Search

Search by Name and/or Book/Page number (the deed will reference the deed book/page that came before it)

On the Book/Page Search screen the Book/Page will be a hyperlink (##/ ##). Click on it.

On the Document Search screen under Images, click on the underlined page (2 pages).

On the View Images screen you should see a copy of the Deed or Plat.

Select Save Document as PDF to save on your computer.

The deed language is not easy to understand. Newer plats will add City of Asheville setbacks which can be more lax than the original LVP deed restrictions which can be confusing. You may need to consult with a real estate attorney if you have questions before considering a project.

Some houses which are surrounded entirely by LVP homes and even have a LAKE VIEW PARK designation are *not* LVP properties! It is hard to believe. Inclusion is found in the deed of the property. Here are a few interesting points typically found in LVP deeds:

*Structures: A house or building CANNOT "...be used as an apartment house, tenement house, boarding house, two family dwelling house, sanitarium, sanatorium, or hospital of any kind, or at any time use...any building...for any such purposes."*

*Setbacks: "...building on said land they will build on the building line as shown and indicated on the plat hereinbefore referred." [You should be able to find your plat on the websites listed in this article.]*

*Construction/renovations: "...in the construction of said house said plans and specifications, as so submitted and approved" and "...they will not build more than one residence on any one lot, as shown and designed on said plat." [You can submit drawings meeting setback requirements to the LVP Commission via email. Contact information is available at our neighborhood website [www.thelakeviewpark.org](http://www.thelakeviewpark.org).]*

*Annual assessments and Liens: "That they will pay annually on or before the first day of January of each year hereafter to the Park Commission...as a fund for beautifying preservation, improvement and repairs of the public parks, public sidewalks, public parkways running with the sidewalks, public streets...each and every year, a first lien on the above described lot in favor of said Park Commission."*

There are more interesting tidbits both positive and negative. If you have not investigated your own deed, I think you will find it interesting. Best of luck.

Amanda

Financial Recap as of 9/1/14

**Income**

4000 · Resident Assessments	103,236.00
4100 · Resident Fishing Fees	140.00
4110 · Resident Boating Fees	235.00
4120 · Resident Docking Fees	8,325.00
4200 · Non-resident Fishing Fees	1,455.75
4210 · Non-resident Boating Fees	4,305.00
4220 · Non-resident Docking Fees	1,500.00
4250 · Daily Fishing Permits	44.00
4260 · Daily Boating Permits	10.00
4290 · Dog Tag Income	5,598.00
4300 · Donations Received	100.00
4400 · Interest Income	13.99
4900 · Other Income	<u>100.00</u>
Total Income	125,062.74

**Expense**

6130 · Contract Labor	12,645.49
6150 · Equipment maintenance	238.70
6160 · Small Equipment	71.67
6170 · Gas & oil	136.27
6185 · Supplies	1,701.30
6190 · Utilities	1,492.76
6200 · Major Repairs / Maintenance	728.82
6310 · Warden wages	21,576.91
6315 · Payroll taxes	1,825.82
6316 · Payroll processing	23.20
6380 · Warden cell phone	160.00
7005 · Secretary - Miscellaneous	126.82
7010 · Postage - first class	57.51
7028 · Donations & memorials	200.00
7038 · Treasurer miscellaneous exp.	60.50
7040 · Treasurer supplies	128.52
7042 · Lien Fees	60.00
7045 · Tax return preparation (Software)	149.77
7060 · Bank Charges	49.05
7070 · Insurance	
D&O	2,300.00
General Liability	7,084.05
Workers Comp	4,899.00
7070 · Insurance - Other	311.00
Total 7070 · Insurance	<u>14,594.05</u>
7090 · Web Site	200.00
Other	<u>572.00</u>
Total Expense	<u>56,799.16</u>

After anticipated expenses through 12/31/14, there will be about \$30,000 going to savings for lake and dam purposes.