

# LAKE VIEW PARK NEWS

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

FALL 2015

## ANNUAL MEETING

**Monday, October 19, 2015**  
**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  
New Business  
Elections

If anyone is interested in joining the commission in any position please send your nominations prior to the meeting to [mnerly.nam@att.net](mailto:mnerly.nam@att.net). You may see what each position entails on the website at [thelakeviewpark.org](http://thelakeviewpark.org).

## CHAIRMAN'S LETTER

By Mike Nery

In addition to our standard business, we focused our efforts this year on three long-term projects: further limiting our dam risk, dredging the lake, and opening up a trail on the south side of the lake for residents.

### DAM

Our largest risk as a community resides in our dam. Fortunately, it is in good condition

-- a fact verified annually through state required inspections. This year we also began commissioning periodic independent inspections to further ensure its safety. Finally, although the dam appears safe, any dam is a potential source of risk. To help mitigate the risk, we increased our liability insurance from \$200,000 to \$1 million last year, and then to \$6 million this year through Webb Insurance. We also updated our Emergency Action Plan and will review it in detail annually. The dam is of serious importance and we will do everything necessary to properly maintain it.

### DREDGING

The lake periodically needs to be dredged. Several years ago, the commission made the unpopular but necessary decision to increase dues to the level that these periodic dredges could be paid for out of saved funds instead of requiring special assessments. We now have money earmarked for the next dredge, have met with contractors, reviewed disposal sites, and are currently waiting on the permitting process to be revised by the government. Our current plan is to complete a dredge out of saved funds sometime in the next few years.

## 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.



Nextdoor is a private social network for neighborhoods. Keith Pandres is set up as a "Neighborhood Lead" and recently corrected the neighborhood boundary so that everyone in the community can join. Unlike other social networks this one is private and only verified residents of Lake View Park can join. We encourage everyone to sign up and claim your residence. It's a great way to get to know who your neighbors are. If you have questions please contact [keith.pandres@gmail.com](mailto:keith.pandres@gmail.com).

### SOUTH TRAIL LAWSUIT

The decision to allow temporary fences blocking access to the common property on the south side of the lake was controversial when it was made way back in 1995. Since then, residents have repeatedly asked for the fences to be removed and to be allowed to walk around that side of the lake on

the property that they own. Our previous chairwoman, Amanda Bissett, did a tremendous amount of work verifying our property interests and meeting with homeowners. This year, we developed a trail plan and held an official vote. Overwhelmingly, 83% of you asked us to have the fences removed and to build a trail.

When we revoked the temporary fence permission granted in 1995, five nearby LVP residents – Jim and Kendall Oliver, Peter and Jennifer Pinholster, and John Mascari – sued the Commission and three prior LVP Commissioners: Anne Robinson, Amanda Bissett, and Rob Fabrey. Thankfully, due to excellent work by our attorney, Bob Deutsch, the suit against us was promptly dismissed by Judge Pope. One of the interesting things our attorney discovered was a \$40,000 litigation fund created by the Olivers when they bought their new Lake View Park home back in 2013. That litigation fund was set aside at closing, to be used ***“for the purpose of preventing the installation of a walking trail, or for minimizing the privacy impact on the Property by using the Funds for the construction of a visual screen...”***

I knew the Olivers were well aware of the South Trail project prior to buying their home, but I did not know that they had set up a special \$40,000 fund to try to block it! Judge Pope’s dismissal is

currently being appealed by the plaintiffs.

Please note, although we disagree with what these plaintiffs are doing, they are residents and our neighbors. We will continue to treat them with all due consideration and respect and ask that you do as well.

As a commission, we believe you have the legal right to walk on the common area bordering the south side of the lake. We also believe that the Olivers, Pinholsters, and Mr. Mascari have no legal or just basis to stop you. Accordingly, we have permanently removed all fences blocking that area. We are still evaluating the best “path” forward to improve the trail. In terms of the lawsuit against us, while it is never fun to be sued for anything (let alone as a volunteer!), we are all happy to be doing what we can to help perpetuate and improve this great community as so many have done before us.

**Please come to the annual meeting Oct 19<sup>th</sup> at 7pm at the Newbridge Baptist Church in Woodfin. Our attorneys will be present at the meeting to answer questions about the lawsuit and its ramifications for LVP.**

## FISHING & BOATING

By Gary Ross

The annual NC Department of Environmental and Natural Resources (NCDENR) did their annual Beaver Lake dam inspection in January, 2015. Their report was unchanged from 2012-2014. The dam remains categorized as a “high hazard dam”.

Our independent dam inspector, Russell Bendel, made some recommendations for brush removal on the spillway and brush and tree removal of approximately 22 trees on the downslope of the dam. He applied for the necessary permit from NCDENR and we are waiting for approval.

We are currently working on permits for our next dredge, possibly in 2016. However, Billy and I took multiple depth measurements in June, 2015, and found that the depth levels were virtually unchanged from June, 2014.

In April, 2015, we purchased and released 150 grass carp to help control the invasive grass in the lake. So far we are pleased with the results. Unlike other carp, they only eat the grass. We will continue to monitor their effectiveness and will add more carp next spring, if needed.

We have added six more boat racks this year and each rack holds 6 boats. The labor for two racks was

provided as an Eagle Scout project.

Commissioners approved a non-resident boat slip rental of \$300 a year. Resident boat slip rental remains at \$100 a year.

The fishing, boating and dog permit revenue this year is about the same as last year, at around \$22,000.

Billy Jenkins, our lake warden, continues to do an excellent job and we greatly appreciate him.

## GROUNDS UPDATE

By Kevin Saum

Hello to all who live in Lake View Park and use our beautiful lake and facilities



We have lots of acreage that we use and thus must

be taken care of on a daily basis. As far as we know we are doing a good job of trying to balance our workload with the needs and wants of the neighborhood, but I'm sure we can do better. So, this is an open letter to ask for suggestions on better upkeep, new needs and ideas on what we should be doing better. Please give this some thought



and let me know. Examples include: better tree maintenance, additional benches, a dedicated picnic



area, Lake View Park fireworks for July 4<sup>th</sup>, and the list goes on. We want to deliver a fantastic experience for all our residents and ensure we are spending our money to support all who use our great resources! You can send your suggestions to me [kraum@yahoo.com](mailto:kraum@yahoo.com) and also watch for placement of a Suggestion Box at the lake.

## FINANCE

By Barbara Hart

Thanks so much to the vast majority of our residents who pay their assessments on time. This significantly reduces our Association's administrative time and costs and is really appreciated. Unfortunately, over the years, there have been a few homeowners who have simply ignored our request for payment. Filing liens has proved costly and time consuming, so we have reluctantly decided to refer delinquent accounts to collection. Please see our new Collections Policy on the back page, and note the fees

## WELCOME NEW PROPERTY OWNERS

New Owners	Address
Gary and Emily Tuerack	120 W Euclid Pkwy
Frances and Deborah Dibona	348 Lakeshore Dr
James and Laura Moyer	88 Marlborough Rd
Penny Padley	285 Midland Dr
Mathew and Carriedelle Fusco	28 Edgelawn Rd
Marie Bauer	100 Wembley Rd
Linda Hilborn	6 Red Oak Rd
Jeannette Melo-Pelletier	117 Glen Falls Rd
Katherine Johnstone	258 Stratford Rd
Philip and Kristy Pollick	9 Red Oak Rd
William and Jill Gottenstrater	7 Westwood Rd
Stephen and Marie Owens	36 Edgelawn Rd
Theodore and Margaret Bryant	40 Martindale Rd
Jill and Robert Harper	3 Pine Acre Blvd
Taveta Grant	318 Midland Dr
Gregg Polubinsky and Bruce Mowery	15 Kingwood Pl
Robert and Jennifer Reynolds	180 Marlborough Rd
James and Erin Secretarski	366 Lakeshore Dr
Robert and Christine Pokorski	83 E Euclid Pkwy
Edie Dooley	151 Stratford Rd

attached.

A review of our Income and Expenses shows, that while there are changes within accounts, our expected year-end surplus is on budget.

While our income has remained the same, we've had increases in certain expenses. Legal fees and permitting fees associated with the South Trail were \$9000. We paid an additional \$4000 to increase our General Liability Insurance. We added carp to our lake at a cost of \$2,010. On the reverse side, thanks to the efforts of our Warden, Billy Jenkins, we have seen reductions in our Grounds and Maintenance expenses. We also received a \$3000 refund on our Workers Comp insurance.

Looking forward to 2016, since we've added six new boat racks, and are now charging non-residents \$300 yearly, we're hoping for a big increase in docking fees.

Lastly, we should be starting the year with an estimated \$115,000 in our reserve fund.

	<u>Jan - Aug 15</u>
<b>Income</b>	
4000 · Resident Assessments	98,345.50
4100 · Resident Fishing Fees	170.00
4110 · Resident Boating Fees	200.00
4120 · Resident Docking Fees	7,950.00
4200 · Non-resident Fishing Fees	1,190.00
4210 · Non-resident Boating Fees	4,992.00
4220 · Non-resident Docking Fees	2,825.00
4250 · Daily Fishing Permits	553.12
4290 · Dog Tag Income	7,675.00
4300 · Donations Received	350.00
4400 · Interest Income	25.48
4900 · Other Income	270.00
<b>Total Income</b>	<b>124,546.10</b>
<b>Expense</b>	
8010 · Bank Service Charges	12.00
6130 · G&M Contract Labor	12,410.83
6140 · G&M Dog Supplies	1,430.94
6150 · G&M Equipment maintenance	154.02
6170 · G&M Gas & oil	188.48
6185 · G&M Supplies	546.32
6190 · G&M Utilities	1,580.73
6195 · G&M Miscellaneous expense	1,052.29
6310 · F&B Warden wages	21,576.91
6315 · F&B Payroll taxes	1,791.03
6316 · F&B Payroll processing	27.20
6345 · F&B Carp expense	2,010.00
6380 · F&B Warden cell phone	240.00
6385 · F&B Supplies	353.73
6390 · F&B Miscellaneous	133.47
7000 · Secretary - Printing	14.95
7010 · Postage - first class	596.35
7020 · Photocopies	179.12
7040 · Treasurer supplies	262.24
7045 · Tax return preparation (Software)	139.09
7070 · Insurance	13,870.85
7090 · Web Site	185.00
7095 · Legal and Professional Fees	9,652.50
8000 · Federal Income Tax Expense	1,805.00
<b>Total Expense</b>	<b>70,213.05</b>

### New Collections Policy

1. Invoices are mailed by December 31, for the following year.
2. First past due notice mailed March 31.
3. Notice of intent to refer for collection mailed June 1.
4. Assign to collection agency July 1.

We have retained [McGuire, Wood, & Bisette](#) to handle collections. **Their fees are payable by the delinquent property owner**, as summarized below:

- \$125.00 for a 15-day demand letter, a pre-requisite for filing a claim of lien.
- \$156.00 for preparing and filing lien.
- \$210.00 per hour, should a small claims complaint be necessary.