

**Minutes**  
**Lake View Park Annual Meeting**  
**Monday, October 20, 2014**

The Annual Meeting of the Lake View Park property owners was held Monday, October 20, 2014 at Newbridge Baptist Church. The meeting was called to order at 7 pm by LVP Commission Chair Amanda Bissett. The attendance roster was signed by 82 property owners representing 62 households, each household being entitled to one vote. Other commissioners present were Debra Cooper (Secretary), Mike Nery (Grounds), Gary Ross (Fishing & Boating) and Alistair Hoehne (Treasurer). An agenda, Financial Report of Profit and Loss Previous Year Comparison, and 2015 Budget were distributed, as well as minutes of the October 21, 2013 annual meeting.

**Chairman – Amanda Bissett**

Amanda welcomed and thanked everyone for attending. Commissioners were introduced. Minutes of the October 21, 2013 annual meeting were reviewed and corrected (misspelling of “Brendan” on page 3). Seeing no additions or other corrections, the minutes were approved as corrected by voice vote with none opposing.

**Grounds – Mike Nery**

Mike thanked residents for taking care of our community property: Tom Harrison is working with MSD to replace 6 dogwoods that were killed as a result of MSD work; the Men’s Garden Club maintains the Glen Falls/Merrimon triangle and parts of warden shed grounds; Lewis Lamb helped with purchase of trees; there was a donation of new bird houses for the lake property; 20 volunteers joined commissioners to spread mulch last spring. Also, Barbara Hart has helped by assisting the Treasurer.

Billy Jenkins was thanked (applause) and commended for maintaining the grounds and landscaping around lake, as well as performing the difficult job of warden. Andrew Strepp of Premium Organic Landscaping Co. has been doing the parkways & triangles. Mike recommends his work to homeowners.

About 20 trees around the park and parkways were recently removed by John Parmenter of ProTreeCare. Nine trees were planted around the lake, and about 20 conifers will be planted in the parkways. It is hoped the conifers will decrease future maintenance costs by shading out the weeds and undergrowth. This has been funded by the cut in parkway maintenance costs this year (less mowing).

Membership questions, comments, discussion:

An interest in eliminating the car parking on Midland Circle (the Country Club of Asheville owns this property); Mike Zuckerman has forms to submit if members would like to have a street light removed; placing wire guards around young trees near the lake to prevent damage by beavers; sycamores along Merrimon make it exceedingly difficult to see oncoming traffic, and now the leaf build up is making it worse; would like to have sidewalks and additional bus stops on both sides of Lakeshore Drive; improper location of the crosswalk on Merrimon.

**Lake & Dam – Gary Ross**

Gary introduced himself and his background as a general contractor. State inspection reports for the past 3 years were passed around. Lake measurements indicate the depth to be the same as before the 2012 dredge. The overflow gate has been opened several times this year in anticipation of heavy rains.

The Commission hopes to dredge 2015/2016. Barbara Wiggins, an environmental engineer, has again been engaged to help us, and is pursuing a 10yr permit from the Army Corp of Engineers. Mr. Russell Bendel, an independent engineer, performed a recent dam inspection. His preliminary report is attached in the packet being passed around. The rationale for having an independent inspection: we are a high hazard dam; the State doesn't give recommendations; it may help contain our insurance costs; it may help minimize liability in the case of a dam failure; an annual independent inspection can catch problems early and repairs can be made before problems become serious. Mr. Bendel recommends removing trees – as brought up in past State inspections. However, the State is OK with leaving any trees greater than 6" in diameter. We need to keep new trees and brush from growing on the dam. He also reports that there is a 5' tunnel under the dam that needs to be inspected regularly.

Membership questions, comments, discussion:

Can the City help with the cost of dredging? What can be done regarding the culvert breach from the library? Have we contacted the country club to see if they can help with dam maintenance/expenses? Can you look into stocking grass carp to control the hydrilla? What are the pros and cons of letting the lake silt in? Have we ever considered giving it to the City of Asheville? A cost analysis should be done in consideration of the impact of the homeowners if there is catastrophic failure of the dam.

Gary: If there are volunteers that would be willing to look into some of these issues, we welcome the information/analysis.

#### **Treasurer – Alistair Hoehne**

Alistair defined his duties as per his experience and as reflected in the by-laws, including compensation, which he has elected not to take. He has striven to cut other operating expenses where possible, including a large discount on pet waste bags. We increased our liability insurance from \$500,000 to \$1M. The 2015 Budget was reviewed, highlighting the allocation of \$80,000 for dredging and \$40,000 for the south trail expansion. It reflects conservative estimates/worse case scenarios. We will not have a special assessment, and do not plan to raise assessments. Alistair moved the accounting system to QuickBooks and thanked Barbara Hart, whose work was instrumental in improving the issues that we tackled this year.

Questions, comments, discussion from membership included:

What is cash balance projected for 2014/2015? Why are projected assessments for 2015 less than for 2014? There were no other questions or comments about the Report of Profit and Loss Previous Year Comparison or 2015 Budget.

#### **General Business – Amanda**

New waivers were created for fishing and boating. Everyone participating in these activities will need to sign a copy for the files. A copy is on the website.

We are working on cloud filing of documents and policy decisions so they are more accessible to new commissions.

A Community Watch meeting was spearheaded by Becky Dosier. Our Community Resource Officer is Todd Brigman, who we thank for being with us tonight. The next step is to install more Community Watch signs. We need a volunteer to get this done.

Amada is working on updating the signage around the property. Signs would amplify that the dam/lake/park is private property managed by LVP; park use rules and regulations/restrictions; website address; donation info; and watershed issues.

### **South Trail Presentation – Amanda**

Amanda spoke about the development of the concept and current status of the south trail. A digital copy of her Power Point presentation is available, and the hard copy is on file. There was applause at the conclusion of the presentation.

The membership then voted (with none opposed) to allow Kendal Wright, owner of one of the four lots bordering the proposed trail, 10 minutes to make a presentation of why the trail should not be pursued. A digital copy of her Power Point presentation is available, and the hard copy is on file.

Membership Comments: -If a law suit is served, the owners of the 4 properties would, in effect, be suing themselves. -The path needs to be opened on the lots abutting the Olivers. -Parking should be limited. We create more concerns by allowing facilities for more non-residents to use.

Bob Deutsch (not direct quote): All the points raised in the Oliver/Wright presentation are part of our due diligence in planning the project, and we will answer all these concerns before putting the plan to the membership. Professional engineers will be able to address the planning/design/construction issues. This volunteer board has heard people over years saying they want the trail. As their attorney, I have advised the Commission that under 47F of the NC Statutes, it has broad authority to manage the lake and common properties. The 1972 document cited by the property owners will be a major point of contention if we have litigation. I believe the legitimacy of the document is very shaky; the Commission can draft a new document to revoke that document. I have lived here since 1985. I think we are entitled to use the land. I don't want to see anyone harmed by it. It will get done one way or another because that's what the people of this community want.

Membership Comments:

Walt McGuire reviewed reasons for the fences (past crimes, drugs and sex), his position regarding whether the Commission can adequately police the area; the expectations of the people who bought those properties and the chance of loss of value, loss of security; his opinion about what LVPC is chartered to do; his opinion that if pursued, the path should be a benefit ONLY to LVP residents.

Others: Point out that this is a huge safety issue as the roads are not safe to walk on with general traffic, landscapers, construction and other vehicles on the road; hopes we can come to some solution without litigation and really improve our safety in that area for walking; thanks to legal counsel and Board for responding to the residents in this pursuit; the Oliver/Wrights have brought up really good points, however, as long as fences are up, you are trespassing and curtailing our ability to enjoy our property; Take down the fences, and quit using the property as private domain; the private dock should also be removed; use the process to convince the neighborhood, and we will decide what is best for the community; feels there is benefit

from all the activity at the lake by the non-resident community; property values would be diminished by a lock/key fob/fee arrangements for the public to use.

Resident Peter Pinholster (property owner of the lot with the fences/gate down to the water) says the gate is there because the people using the path would be trespassing on his property....There is not enough land to get past.

Member Comments: The path is an engineering problem that can be solved; if residents are very concerned about security, they can put up a fence on their property; my children have had to be yanked out of the road out of the way of traffic, and the path is necessary; if there is a continuous loop path, people will keep moving through, and not loiter.

Bob Deutsch: I move we close the discussion. Amanda allows Jim Oliver a last comment.

### **Nominations – Amanda**

Thank you to Alistair and Debbie for serving. We are sorry to see them go! Amanda has enjoyed serving as Commission Chair this year, but really finds her interest lies in working on the grounds. She would like to be considered for Grounds Commissioner.

The following were elected to the 2015 Commission with none opposed:

Chair, Mike Nery, 263 Stratford Road  
Treasurer, Barbara Hart, 2 Windsor Road  
Fishing and Boating, Gary Ross, 193 Stratford Road  
Grounds, Amanda Bissett, 7 Red Oak Road  
Secretary – Keith Pandres, 155 Marlborough Road

### **New Business from the Floor:**

Walt McGuire asks for signage along Edgewater Drive notifying that it is not a through path to Glen Falls Road; Brendan Ross requests that the Commission hold open meetings in a public space. Mike's response: According to the LVP bylaws, the meeting place can be determined by the chair. If you have an issue to be brought before the Commission, we will give you time at the meeting. There are issues about having the entire meeting open....We will take it under advisement.

Bob Deutsch moved that we be adjourned. Bella Frishman seconded the motion. All in favor. The meeting adjourned at 8:55 pm.

Respectfully submitted,

*Debra L. Cooper, Secretary*