

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
AUGUST 15, 1994

The Henderson County Board of Commissioners held a Public Hearing concerning public access to Lake Summit on August 15, 1994 at 7:00 p.m. at Tuxedo Alternative School.

Those present were: Chairman Vollie Good; Vice-Chair Renee Kumor; Commissioner William McKay; Commissioner J. Michael Edney; David F. Thompson, County Manager; David E. Nicholson, Assistant County Manager; and Matt Matteson, Planning Director.

Chairman Good called the meeting to order and stated that the public hearing was being held to discuss access to Lake Summit rather than the proposed zoning of the Lake Summit Area. Commissioner Good requested that Sam Neill, President of the Lake Summit Property Owners Association, report to the Board the actions taken to allow public access to Lake Summit. Mr. Neill informed the Board that during the Summer 1992 the Lake Summit Property Owners began developing an Access Plan for Lake Summit. During 1992 and 1993, Mr. Neill met with the Green River Steering Committee to develop methods of allowing access to Lake Summit. Both the Property Owners and Steering Committee agreed that all parties should adhere to the same standards when developing access methods. Mr. Neill stated that the Green River Steering Committee and Lake Summit Property Owners had recorded the agreement in the Register of Deeds' Office in 1993 and had filed an amendment later that year to clarify several issues. This agreement has been effective for the past two summers and appears to be working well. The Lake Summit Property Owners Association has also taken an option on three additional parcels of land adjacent to the public beach to expand that area. Commissioner Edney asked Mr. Neill if, in his opinion, this was a legal, binding easement. Mr. Neill responded yes. Mr. Neill stated if the County viewed the document as not meeting all legal requirements, he would be glad to make amendments as appropriate. Mr. Neill expressed his opinion that currently all residents of the Green River Township are treated equally concerning access to Lake Summit.

Gerald Owens, a resident of the Green River Township, asked why the restroom and dressing area, originally proposed, are not planned for construction. Mr. Neill indicated that the Health Department had performed perk tests ten (10) times, and had determined that the land comprising the public access area is not suitable for septic tank installation. Portable restrooms have been stationed on the property for use by the public. Mr. Owens questioned the possibility of replacing the dirt in order to make it suitable for septic tank installation. Mr. Owens requested that the County consider constructing a fishing pier.

Byron Owens, a resident of Green River Township, stated that Lake Summit is the only

lake owned by Duke Power on which Duke Power does not provide boat ramps for use by the public. Mr. Owens expressed concern that along many of the properties owners have planted trees and bushes to prevent access by the public.

Rosco Green, a resident of Green River Township, expressed concern regarding the "No Parking" signs, which have been installed along the roadways surrounding Lake Summit. Initially, twelve (12) signs had been erected, and five (5) signs remain standing. Mr. Green informed the Board that both Mr. Neill and the Green River Steering Committee had requested that the North Carolina Department of Transportation remove these signs. Mr. Green expressed his opinion that Green River Residents do not have full access to Lake Summit, and that the residents would not support any type of zoning in the area. Mr. Green questioned whether or not jet skis are approved for use on Lake Summit by either the Green River Residents and/or the Lake Summit Property Owners. Mr. Neill responded that an annual permit must be obtained for gasoline purchase on Lake Summit, and both the Property Owners and Green River Residents have equal access. Mr. Green stated that many times the attendant at the beach area, who is responsible for opening the gate, is not at the site, and local residents cannot get in to use the facility. Sam Neill responded that local residents can obtain a key to unlock the gate themselves. Gerald Owens questioned whether or not a sign such as "Attendant on Duty" could be posted on the attendant's booth. Mr. Neill agreed to purchase such a sign. Commissioner Edney questioned whether or not the agreement outlawed jet skis. Mr. Neill responded that they are not allowed in the beach area but are allowed on the lake. The use of jet skis is discouraged, but jet skis are allowed with the purchase of a permit.

Mr. Neill informed the Board that the Property Owners Association sent a letter to the Green River Steering Committee opposing the expansion of the zoning map as proposed unless the Community supports the expansion.

Vira Wise, a resident of Green River Township, asked the Board to consider establishing a County-owned park on Lake Summit. Chairman Good informed the Commissioners that a parcel of land had been offered by Rosco Green near Lake Summit for this purpose. Recreation Staff Members have viewed the site and report that a large community park cannot be constructed on the site due to its size, and access to the site is difficult.

Robert Coggins, a resident of Tuxedo, questioned whether or not the zoning at Lake Summit included property owned by Pete Green. Chairman Good reminded those in attendance that the purpose of tonight's public hearing is access to the lake rather than zoning.

Argie Taylor, who is a resident of Hendersonville, informed the Board that when he was young there was public access to Lake Summit. Mr. Taylor asked the Board several questions concerning Duke Power's role in developing the lake. Mr. Taylor

inquired concerning the price paid by Duke Power for the Lake Summit and surrounding property; whether or not Duke Power pays taxes on this property; and whether or not the Board has worked with Duke Power to encourage public access. Mr. Taylor stated that Lake Summit is a valuable natural resource in Henderson County, which should be used for recreation and tourism. Chairman Good informed the Board that he has communicated with Duke Power representatives concerning Lake Summit, and Duke Power owns no property around the lake.

Charles Jane, a resident of Green River Township and member of the Green River Steering Committee, requested that the Community receive information on the zoning around Lake Summit prior to the public hearing. Sam Neill indicated that the Property Owners Association would provide any information concerning their zoning request.

Douglas Coggins, a resident of Green River Township, asked if the purpose of tonight's public hearing was to discuss zoning or lake access. Chairman Good responded that the purpose was to discuss public access only. Mr. Coggins requested that all citizens of Green River have the right to use Lake Summit.

David Thompson, County Manager, reviewed the request for zoning around the lake made by the Lake Summit Property Owners Association. The request was first presented to the Planning Board and was recommended to the Board of Commissioners in 1991. The Board at that time questioned public access to the lake, and the zoning request was deferred. Mr. Thompson stated that at the Board Meeting scheduled for next Wednesday, the Board will receive the request again from the Planning Board to review zoning in the Lake Summit Area. The Board at that time may set a public hearing on the zoning issue. As part of this process, all adjacent property owners will be notified. Tonight's public hearing is on public access only.

Douglas Coggins spoke again concerning the persons who signed the agreement representing the Green River Steering Committee and stated that he is satisfied with access now allowed.

Gary Owens, a resident of Green River Township, inquired concerning what will happen at such time as Sam Neill no longer serves as President of the Lake Summit Property Owners Association. Mr. Neill indicated that he had drawn the contract making it binding upon both parties and recorded the contract in the Register of Deeds' Office. Mr. Neill stated he was concerned about protecting the rights of the people of the Green River Township.

Commissioner Edney requested that Staff research whether or not the document is a legal, binding document. Mr. Neill indicated that if County Staff wishes to make suggestions, he will be glad to incorporate those into the document.

Ralph Ingle, a resident of Green River Township, asked the Board who they were representing, the local registered voters or the out-of-state property owners. Mr. Ingle voiced questions concerning Sheriff's Deputies patrolling around the park and being paid by the Lake Summit Property Owners Association. Chairman Good informed Mr. Ingle that the Property Owners Association pays the deputies \$10 per hour.

Gordan Smith, a resident of the Green River Township, stated his concern regarding the water quality of Lake Summit. Mr. Smith reported his children had used the lake and had become sick. Mr. Smith stated any zoning should restrict and protect the water quality. Sam Neill indicated that the lake was tested for water quality at the public access area and the test revealed that the water quality is satisfactory.

Joe Gordon stated that the Commissioners work for the County, and the Commissioners should be working with Duke Power to establish public access on the lake.

Billy Wise indicated he felt public access should be across the entire County, just not the property owners. Sam Neill stated the gate is open for all persons in Henderson County sometime each day. During the summer, there are restricted access hours because of safety concerns and use by local camps.

Douglas Coggins questioned the use of the land next to US 25 and the lake. Discussion concerning several parcels of property next to the lake and their owners was held.

Chairman Good summed up the public hearing and stated the Board would consider the various issues raised during the meeting. Mr. Good appreciated the public's input and their questions and requested that Sam Neill write him a letter concerning the no parking signs posted around the lake. Douglas Coggins stated his appreciation for the Board's interest in the area but did request that the Board determine the legality of the document. At 9:15 p.m. the meeting was adjourned.

ATTEST:


Elizabeth W. Corn, Clerk


Vollie G. Good, Chairman