

Continuation of Board Meeting 8-28-02

Present- Garland Shepard
Marian Hyatt
Stuart Nottingham
Roy Batton
Bob Winters
Thomas Puetz
Tom Nichols
Jim Hales
Richard Farrow

Meeting brought to order at 7:06pm by Bob Winters

- Committee Members(see attached for list of committee members)
Garland Shepard wanted to know if all the members of the Building Committee were active members.

Tom Nichols stated the goal was to set the committee into 2 teams and meet four Tuesdays a month.

Garland then wanted to know what the T means beside some of the members.
Stuart stated that it means there was a tie.

Garland then asked why there are now six members of the finance committee and there have always been five in the past.

Bob stated that was due to the tie.

Garland thinks it is the duty of the board to select one of the tie members and make that member primary.

Garland then asked to see the minutes from the Board Meeting on 8-17-02 where we excluded the building committee from the five-member rule.

Paul then stated that the minutes were not complete due to the fact that the meeting was never adjourned it was just recessed until a later date.

Tom Nichols made a motion to vote between the two tie members of the finance committee.

Garland Shepard seconds the motion.

No discussion

Voting Results—James Chura active member of the finance committee.

Bob then asked if the finance committee letters could not be mailed out until the correction was made.

Paul stated he was not sure if they has already been mailed out but would check on that.

Bob Winters wanted to talk about what was discussed at the last workshop about the county foreclosing on many Lake Royale properties. Bob stated that it was going to cost us a lot of money because once the county forecloses all of our receivables are gone. Bob Winters and Paul Hershey have meet with Mr. Richard Self and Mr. Self stated that he would try to hold the process so we could take a look at the properties.

Garland Shepard wanted to know if we could buy the properties if only the taxes were due on them.

Bob stated that we could buy the properties for the taxes.

Garland then asked if we pay the taxes is the property then ours.

Bob said that we would only have to pay some additional fees and it would.

We would owe Pete Tomlinson(attorney) five hundred dollars for the transferring of the titles.

Garland then wanted to know how much we would have to pay to get all of these properties.

Bob stated that we would have to pay fifty thousand dollars and the property was only probably worth about ten thousand.

Paul Hershey stated that there were a couple of good lots and a couple of bad.

Garland Shepard asked how much does the county own inside the gate.

Paul stated somewhere between ten and twenty lots.

Paul said he was not sure why the tax office was saying that Resort Land owned the lots because other people are paying the dues here at the Lake. Also some of these lots were set up as deeds of trust and the deed was never sent.

Stuart Nottingham suggested that we buy only lot C47 because of its location.

Bob stated that the lots were sold as a group and not individual.

Garland Shepard than asked of the lots couldn't be sold as a group could they be sold individually?

It was stated that they could.

Garland thinks we should call the people who have been paying dues on the lots and let them know about the sale.

Motion to adjourn

Motion second

Meeting adjourned at 7:34pm

Ref: "Introduction to Zoning" by David W. Owens professor of public law and government at NC Institute of Government.

Page 6 Board of adjustment. This board interprets and applies the standards that have **been placed in the zoning ordinance** (*POA bylaws and covenants*) **by the governing board**

Page 29 **The zoning ordinance itself must set out the standards (or conditions) under which each conditional use will be allowed.** The city or county is not allowed to make a case by case discretionary review of each project; the ordinance itself must spell out the standards for obtaining such a permit and a specific list of allowable uses. When someone wants to apply for a condition use permit, a town or county board holds a hearing to take evidence on whether the project meets these standards. The governing board, the planning board or the **board of adjustment** is responsible for holding a hearing and making a decision

Page 60 The decision **making standards must be included in the text of the ordinance.** They cannot be developed on a case by case basis, as that would be leaving these decisions to the unfettered discretion of the board making the decision.

Page 60 **The decisions to grant or deny the permit, or to impose conditions on an approval , must be based on the standards that are actually in the ordinance** and are clearly indicated as the standards to be applied to this decision.

Page 164 Conditional use permit—A permit required for a use that is allowed in a particular zoning district only if conditions specified in the zoning ordinance are met. A formal evidentiary hearing is required to determine if the conditions are met. This is synonymous with a special use permit or special exception permit.

August 14, 2003