

## 2018 Catspaw Property Owners' Association Meeting

### MINUTES

October 20, 2018, 10:00 am

Community Meeting Room at the [Albert Carlton-Cashiers Community Library](#)

249 Frank Allen Rd., Cashiers, NC 28717

Access meeting documents at: [www.catspawpoa.com](http://www.catspawpoa.com)

A quorum of 49 of 66 lots or 74% were represented at the meeting either in person or by proxy.

The meeting began at 10:03 am. Sherman Phillips, President, welcomed everyone to the meeting. Each of the board members were introduced except for Vice President Randy Aderhold who did not attend,

The draft agenda was accepted without changes. Due to the broken audio visual system, the agenda could not be projected on the screen

Sherman asked for hands of those individuals who have visited the website where the minutes have been posted since last summer.

**MOTION:** Frank Lee made a motion to approve the minutes of the 2017 Annual Meeting. Jack Lurie seconded the motion. The minutes were approved by voice vote.

Sherman Phillips then invited the newest members of the community to introduce themselves. Rich Castle, a full time resident, said he bought his home on Clayson Drive on July 13, 2018. He is a retired pilot for Continental Airlines and enjoys this area. Our newest residents, Glenn and Gracie Farrow, who bought Sue Aery's home on Clayson Drive, were not able to attend.

#### **Treasurer's Report** - Jack Lurie, Treasurer

For the third year in a row, all receivables were collected. Jack said that the report shows that we have \$52,681 as of September 30, 2018. Today, we have \$51,687.51 in the bank account, a healthy amount, even after paying the insurance premium through October, 2019. The association is substantially under budget, but still needs to do work on the roads. The 2017 financial statements have been posted on the website for some time.

**MOTION:** Chet Mahon made a motion to accept the Treasurer's report as presented. Art Trufelli seconded the motion. Motion approved.

**Dues:** Sherman Phillips said that the board entertained the idea of reducing dues for one year due to the surplus in the reserve account. Dues for a home with a lot would be reduced \$30 from \$330 to \$300. Lot dues would be reduced from \$275 to \$250. There was a discussion about whether dues should be reduced given the possibility of severe weather and the possible need for legal expenses. Art Trufelli said that approval of the budget sets the dues for the next year and recommended that the approval of the budget be the last item on the agenda which was supported by everyone.

#### **Committee Report** – Billy Dasher, Road Officer

**Road Maintenance:** Billy Dasher said that the roads are in extremely good condition. Costs have been reduced due to using our new contractor, Dirt Plus. Cleaning leaves out of the ditches will be the next task which sometimes must be done two times.

#### **Concerns Expressed:**

- Susan Stone expressed concern about individuals driving close to the inside of the turn up Cats Paw Road which causes damage.
- Sid Long commented that individuals drive too fast when passing walkers. She walks Cats Paw Road every day.

### **Road Improvements:**

- **Woodchuck Trail** was graded by Billy Dasher and Jack Lurie's tractors this fall, but still needs bulldozer work to remove organic material remaining on the road and rock added.
- **Rox Lane.** Rich Castle said that Rox Lane is a secondary exit for homes on Clayson Drive and deserves maintenance. Billy Dasher said that Rox is a problem road and has not been treated the same as other roads because there are no homes and it is lined with dead hemlocks. However, Billy said that anyone who pays dues must have access to their lot.

There was discussion about setting priorities for the roads. The Association is responsible for the maintenance of the roads and the right of way and as well as making improvements to existing roads. Sherman Phillips said that we have a road committee to share the responsibility for determining which roads need to be repaired and improvements to existing roadways. Billy Dasher felt that with the possibility of surplus dollars, now is a good time to fix these roads just as we improved Lower Walnut Gap Road for \$4,500. Jack Lurie has proposed that we spend up to \$4,000 on .Woodchuck Trail.

**Planning:** Kice Stone asked if there is a long range planning committee or long range plan for the roads and the costs to implement it such as the five year plan prepared when Bill Watts was Road Chairperson and Kice Stone was President. Kice said that when he was President, we had a retired state highway worker advising and working on the roads. Maintaining the rock was an important priority. The committee needs to develop a long range plan to have the water leave the mountain without causing damage. Kice said that he felt the first priority of the entire board is to have a long range road plan.

Sherman asked if anyone knows how many culverts there are in Catspaw? No one responded. He said that at our last board meeting, the board discussed creating a map of all culverts so that we can address the watershed issue. The higher elevations impact everyone downhill. We will be trying to identify the center of the road to review the easement plus diseased trees and dead hemlocks. Trying to recreate a plan and start at ground zero. Next week, a certified arborist will drive all the roads to assess and mark trees that are identified as needing to be removed. A road maintenance plan is part of the future committee work.

**MOTION:** Kice Stone offered a motion that Catspaw should develop a short term, intermediate and long range road maintenance plan. Bill Kee seconded the motion. Motion passed.

Billy Dasher was thanked for his good work on the roads.

### **Old Business**

**Signs:** Susie Henderson

Signage has been corrected for misspellings, every corner has street signs installed and new exit signs where appropriate. Mahon's received the second sign that they paid for, but never received. The post near Sid Long's house has been moved to the bottom of Rox Lane by Rich Castle. Information to purchase a new name sign is on the website.

Susan Stone inquired where she could purchase a post to put their name sign on it. The posts are pressured treated 6 X 6 posts. The copper tops are available at Lowe's. The Benjamin Moore stain color is posted on the website.

**Little Free Library (LFL)** was designed, built and donated to the community by Ross and Susie Henderson. We have a relationship with the Cashier's Public Library who registered our LFL, purchased a plaque and donated it to us. . Our LFL is 76,044 in the entire world. "Take a book. Leave a book." is the slogan. It is open to anyone to use the LFL which is located at the end of the mailbox kiosk away from the road.

**Managing Dead Hemlocks and Trees in the Easement.** Sherman Phillips said that a certified arborist, Dennis Stamey, Carrion Tree Service, will be guided next week by Rich Castle to assess and mark trees that need to be removed to prevent falling in the roadway. An informational letter, notifying property

owners of problem trees, will be sent out to identified property owners.. We may be able to provide a list of tree removal providers or contract with a service to fell the trees with payment to be made by the property owners or assessed to their lot. Generic letters regarding trees have been sent to property owners on at least two occasions, but nothing was done. Once the arborist has inspected the Catspaw right of way, we need to send a specific letter with a deadline to those property owners with the identified trees. Carol Field said the letter should include a notification of their right to remove the trees themselves and a deadline which will put the project on autopilot and easier to manage. She offered to write the letter.

Michael Sullivan said that the felled trees may have value for pulpwood. Sherman said that his dead hemlock trees about 16 inches in diameter are mushy inside. Sid Long offered their felled, dead hemlocks to Alex Denisoff who lives nearby in Walnut Gap; he owns a saw mill. Alex did not want them because the wood was soft inside.

Carol Field recommended drafting a strong letter to property owners to remove trees that the arborist identifies are in dire need of removal within 180 days. Carol will send the letter to the Board for review and post it to the website before it goes out in the mail.

Mark Holmes asked whether a survey was needed. Sherman said we will not be doing a survey. Owners will be put on notice. Carol said that she can stagger the letter where the arborist has identified a tree on your property in the right of way. Let us know if you want to remove it yourself or have the association do it for you. If you have a question or don't believe it is in the right of way, you have XX number of days to contest. Ross Henderson asked if the letter could ask the owner to present evidence that the tree is not in the right of way. Rich asked if we will only target hazardous trees that are a threat to the road. Sherman said we should target any trees that are diseased, damaged, or major threat to the road. It is the property owners' responsibility to manage the trees on their property that are on the right of way. Sherman said that we are trying to place the liability for the trees onto the property owner.

**MOTION** to have Carol Field draft a letter with the requirements she stated. Motion seconded by Bill Kee. Ayes have it with one opposing vote.

Mark Holmes commented that Forestry Service supports leaving dead hemlocks. Sherman Phillips pointed out that Forestry Service is not dealing with roads. The Association is attempting to remove the liability and place it back onto the homeowner.

**Do Not Spray Signs** - Susan Stone asked where these signs can be purchased. The gentleman who made them has gone out of business. Rich Castle clarified that No Spray signs create responsibility for the property owner to manage side of the road beyond where trimming is done. Kathi Lurie has a few signs left. No one volunteered to locate a new sign provider.

#### **Entrance Sign - Susie Henderson**

Myrna Mahon, Kathi Lurie, Laurie Holmes and Susie Henderson worked on a design. The sign would be located near the green gate on Walnut Gap Road. The dimensions are 40 inches wide x 30 inches high. It would be made of the same material as our current street signs, high density urethane, or HDU, with 3D design.

Sherman asked for the number of votes for the proposed design which is 40 inches wide and 30 inches high. Sid Long said that we have too many signs blocking the scenery already. The cost with a post would be \$840.

**Motion:** Carol Field made a motion to purchase the proposed entrance sign. Seconded by Susie Henderson.

Including the proxy votes, 34 voted for the motion and 15 against. Ayes have it.

Frank Lee asked how we spell our community name? Catspaw is the name of the area in our official documents. Cats Paw is how the United State Postal Service spells the road.

11:05 am New Business -

**New association insurance agency and policy**

- **Wayah Insurance Agency, Franklin, NC -**
- Auto-Owners Insurance policy begins Monday, October 22, 2018 .at 12:01 a.m.
- The board voted to change providers to obtain a specific HOA/POA policy with liability coverage for the board after comparing policies.
- The difference in the cost of the policies was \$75 or \$100.

**New Gun Range off Taylor Creek Road - Should action be taken, if any?**

Sherman Phillips provided an overview of a Commercial Shooting Range to be located off Taylor Creek Road. Letters and affidavit have been submitted to Jackson County about the impact of a firing range to our pristine environment and property values. (Jackson County Property Pin # 7544-03 0715)

- **What are the options for neighbors and neighborhoods living near the gun range and within hearing of gunfire? Hire an attorney.** Richard Hendrix, a summer resident of the Taylor Creek area and an attorney in Atlanta, researched and interviewed attorneys in Jackson County with a goal of identifying an attorney who knows the Jackson County government and courts system and has experience with property issues. He identified Andrew Buckner who previously was a county commission attorney.

Andrew C. Buckner, Attorney  
Coward, Hicks & Siler, PA  
705 West Main Street  
Sylva, North Carolina 28779  
Telephone: (828) 586-2147

Currently, Mr. Buckner is researching options and evidentiary issues for a possible public nuisance injunctive Complaint. Because the public nuisance (i.e. the existence of a functioning gun shop and range with customers currently firing weapons) does not exist at present, we may be limited in our options.

- **How will the attorney be paid?** Concerned residents are asked to support the exploration of legal options with a contribution of \$250. Any funds not spent are intended to be returned. Mr. Hendrix has established an account expressly for this purpose. You may send a check in the amount of \$250 payable to: Taylor Creek Community Fund - **Richard Hendrix, 1710 Winterthur Close NW, Atlanta, GA 30328**
- **Member Discussion:**  
Sherman Phillips asked "Should financial support for the attorney come from concerned individuals and the Board, or, just individuals?"
  - Carol Field asked for additional information such as have gun shots been heard? Bill Kee said that there have been considerable gun shots already heard. Kathi Livingston has been trying to setup a meeting with John Murdock II. There is a Jackson County Noise Ordinance, and once a business license is filed, the business could be considered a "Public Nuisance". Bill said that you can have 20 of your friends over to shoot without a license. Sarena Phillips said that we should be opposing the gun range before it opens. Sherman Phillips said that there have been a number of letters sent to Jackson County Commissioners against the gun range. An affidavit has been filed with regards to the anticipated reduction in property sales price and the need to disclose the gun range to potential buyers.

- Rich Castle said he is a “live and let live kind of guy”, a gun collector and shoots recreationally. The information he has read and heard about the gun range didn’t make sense so he called Murdock and asked to meet him for coffee. Murdock doesn’t work where people said he worked. Rich met him at his property and viewed it, along with discussing his business plans. According to Rich, Murdock is a gunsmith who works on 6 figure rifles used for safaris and said that no one would be paying \$15 to use a gun and a gun range. He will have high end rifle and pistol ranges to test and solve gun problems. Mr. Murdoch has FFL certification and is ATF explosives approved. He believes that Murdoch is a good guy, and a member of a family that you want to have living near you. He advised people to be careful as to who they accuse of shooting and to wait until there is a problem. He added that homeowners are closer to the gun range on Yellow Mountain than John Murdock’s property.
- Kice Stone asked if anyone has heard gunshots? A number of people said that yes, they have heard a significant number of rapid and repeated gunshots. Susie Henderson said she heard rapid fire gunshots last week from 11:30 a.m. to 12:25 p.m. A friend in Walnut Gap was not able to hear the gunshots. Rich Castle said that he measured decibels from gunshots at the Murdock property that were less than the decibels coming from J-brakes on Pine Creek Road. Sid Long pointed out that it is bear hunting season. Susie Henderson and Sarena Phillips said that continuous rapid fire rifle firing is different than an occasional shot to hunt a bear or shoot a snake. Ross Henderson said that we have heard semi-automatic rounds fired that were big 40-60 round clips shooting as fast as they could. That has stopped since the opposition organized.
- Mr. Murdock has not officially opened up his business so there are limited legal options available.
- If concerned, Kice Stone encouraged people to financially support the selected attorney, Andrew Buckner, who he said is highly qualified and has an outstanding background as does Richard Hendrix, a former federal prosecutor.
- Carol Field advised people that attorneys are counselors first and a centralized location to collect information, be a spokesman for the community, meet with the individual and lead to a “Good Neighbor Agreement” to confirm Mr. Murdock’s assurances that he has informally shared with one community member. We need to be acting on facts.
- Susie Henderson related a recent conversation with Richard Hendrix. Mr. Hendrix said that Mr. Murdock originally was telling everyone in the neighborhood what he was going to do and in his opinion was brash. Since forming a community organization, Mr. Murdock’s demeanor has changed and he appears to be more amenable.

**Q&A**

- Does Mr. Murdock have to file for a business license? Yes.
- Can he invite 20 of his friends over to shoot on his property now? Yes.
- Does Jackson County have a [noise ordinance](#)? Yes.

**MOTION** - Bill Kee made a motion that the Catspaw Property Owners’ Association send a letter as an association that we as a community are opposed to a public gun range in the Taylor Creek Area. Ross Henderson seconded the motion.

Carol Field asked for clarification as to who will draft this letter? Sherman Phillips said that the Board will draft the letter, approve it and send it to the attorney.

A voice vote was called for the motion. Ayes have it. One opposed. Motion passed.

Information regarding the gun range and where to send checks to Mr. Hendrix will be made available on the Catspawpoa.com website.

**2019 Budget - Jack Lurie**

Jack Lurie said that we can't just keep increasing the reserves. Ross Henderson pointed out that we are still adding \$1,000 to the reserve account in 2019 even with the one year proposed reduced dues. Sherman Phillips pointed out that as a non-profit we can't keep increasing our reserves without scrutiny from the government.

**MOTION:** Michael Sullivan made a motion to approve the budget. Ross Henderson seconded the motion. 29 votes for the proposed budget. 17 against. Ayes have it.

**Elections:** Art Trufelli, Governance Chairperson, announced that there was one nominee for each office For the 2018-20 term. The nominees are:

- Vice President - Rich Castle
- Treasurer - Jack Lurie
- Governance - Art Trufelli
- Communications - Laurie Holmes

**MOTION;** Frank Lee made a motion to accept the nominations as stated. The motion was seconded by Jack Lurie. All nominees were elected by acclamation.

**2019 Meeting Date:** The 2019 Catspaw Property Owners Association Meeting date was set for the third Saturday in October - October 19.

**MOTION:** Carol Field made a motion to approve October 19, 2019 as the meeting date. Seconded by many and approved by all.

Kice Stone thanked the Executive Board for their good work.

Meeting adjourned at 12:10 p.m.

Frank Lee asked for a moment of silence to remember Debbie Mackie, a member of Catspaw, who died in December, 2017 of pancreatic cancer.

**Executive Board Meeting**

The executive board took a picture to be posted to the website. Meeting adjourned, followed by a potluck lunch in the Cashiers' Library Community Room.

Special thanks to Myrna Mahon and Kathi Lurie for coordinating the lunch.

Respectfully submitted,  
Susie Henderson, Secretary

**Members and Lots In attendance:**

**Quorum Information** (40% of 66 total lots = 27 lots to reach quorum)

Attending in person 29

Represented by proxy 20

**TOTAL Lots Represented 49** (74% of all lots)

**Lots Represented in Person:**

|          |                                |   |                            |
|----------|--------------------------------|---|----------------------------|
| 1        | Sid Long                       | 30,31                                     | Arthur and Nicole Trufelli |
| 2,3      | Paul and Carol Field           | 32  | Michael Sullivan           |
| 7        | Kice and Susan Stone           | 12, 13, 28,<br>33, 35, 36,<br>37, 38, 39, | Bill Kee and Frank Lee     |
| 9,16,    | Mark and Laurel Holmes         | 40  | Billy & Eloise Dasher      |
| 21       | Sherman and Sarena<br>Phillips | 41,48,49, 51                              | Jack & Kathi Lurie         |
| 25,26,27 | Ross & Susie Henderson         | 42  | Chet & Myrna Mahon         |
|          |                                | 58  | Rich Castle                |
|          | <b>Lots Represented = 29</b>   |   |                            |

**Lots Represented by Proxy:**

|          |                        |    |                        |
|----------|------------------------|----|------------------------|
| 5        | Shaun Smith            | 44 | Art Husband            |
| 10, 14B  | Charles & Dianna Davis | 46 | Larry Moss             |
| 14A, 15  | Anne & Randy Aderhold  | 47 | Antonis Katsiyannis    |
| 18       | Mindy Hastie           | 50 | Dennis Graves          |
| 23B, 23C | Helen Geiger           | 54 | John and Sarah Tyrrell |
| 29       | Tom Stone              | 55 | Jodie Meyers           |

|          |                              |    |                         |
|----------|------------------------------|----|-------------------------|
| 34B      | James Allgood                | 56 | Glenn and Gracie Farrow |
| 43,62,64 | Robert & Thelma Garner       |    |                         |
|          | <b>Lots Represented = 20</b> |    |                         |