

CURLEW LANDINGS

Dock Owners' Association

2020 Annual Members Meeting Minutes

Meeting: January 28, 2020

Directors Present: Jim Beaty, David Newman, Dana Windhorst

Dock Owners Present: 15 of 50 (30%)

Document Date: January 29, 2020

Author: Jim Beaty – Secretary / Treasurer

The meeting was called to order at 7:04 pm.

For the sake of brevity, all “Approvals” noted in this document in **red color** and included a “motion”, at least one “second”, and an “approval of motion”.

Proof of Notice of Meeting

David provided proof of meeting notice.

Certify Proxies and Establish Quorum

With members in attendance and proxies, a quorum was certified.

Approval of Prior Annual Members Meeting Minutes

The 2019 Annual Members Meeting Minutes were distributed to all Members present. **After review, and with no questions or objections, the 2019 Annual Meeting Minutes were “Approved.”**

Guest Speaker: David Siperek, Statewide Condominium Insurance

Mr. Siperek is the Agent who handles CLDA Liability Insurance. He detailed what the Association is and is not covered for with its existing policies.

Current coverage includes:

- Liability Insurance, for the common dock area, for the use of Members and Member’s Guests. Personal Injury Limit: \$1,000,000 per occurrence, \$2,000,000 aggregate.
 - This would typically relate to “negligence.” For instance, someone trips on a broken or missing dock board which the Association had been advised was broken or missing.
 - There was some discussion if coverage would also extend to:

- Other Curlew Landings Homeowners who are not Dock Association Members. Mr Siperek suggested it would.
 - Renters of Boat Slips. As Renters may be considered “Guests” of the Slip Owner, the Association would be covered. However, Mr Siperek cautioned that the Slip Owners may be personally liable for their Renters’ injuries.
 - Non-Homeowners of Curlew Landings. For example, the kids who sneak onto the dock to fish. Mr Siperek suggested we would not be covered for that. There was discussion among the members that this means the Association needs to re-emphasize that dock access must be strictly limited to members and their guests, and specifically that Curlew Landings owners/residents who are not CLDA members are NOT authorized access to the dock unless they are guests (on each visit, not open-ended) of CLDA members.
- Mr Siperek suggested POSTING clearly signs stating who is and who is not allowed on the docks as an effective way of reducing liability concerns.
 - Mr Siperek suggested an “Umbrella Policy” which could increase the amount of existing coverage to \$5,000,000. He will provide a quote.
- Damage to someone’s property by fire (not to common dock). \$100,000.
 - This would typically relate to “negligence”. For instance, a Dock Owners boat (or lift) is damaged by fire caused by the faulty Dock Association wiring.

Current coverage does not include:

- Hazard coverage. For instance, storm damage or fire damage to the common dock. Mr Siperek noted that this very expensive and therefore uncommonly carried by marinas.
 - The CLDA Declarations call for fire insurance for the common dock at replacement value. This wording should be removed from the Declarations. In case we cannot accomplish such an amendment (which requires a $\frac{3}{4}$ vote of the membership), we asked Mr. Siperek to provide a quote for replacement value fire coverage (we will provide an estimate of replacement cost to him).

For Individual Dock Members, Mr Siperek suggested:

1. All Dock Members having boats in the CLDA marina should carry adequate insurance for those boats.
2. Since boat insurance likely does not include coverage of member-owned lifts and electrical service, investigate if their Home Owners Insurance can be extended to cover their slip and their property (lift/wiring/etc). “Coverage B” may be available for “detached property,” especially since the slips are noted on the unit’s property deed. This coverage typically allows for up to 10% of the value of the home.

Election of Directors

The terms for David Newman and Dana Windhorst expired as of the 2020 Annual Meeting, while Jim Beaty’s position continues for one more year, creating a total of 4 open Director positions as of this meeting.

A call-for-nominations was included with the meeting notices, though none were received. Nominations were taken from the floor and Dana Windhorst, David Newman, Robert Megiel, and Ed Land were elected IAW Article V of the By-Laws. These 2-year terms cover 2020 and 2021.

Dock Maintenance Officer

The creation of a new position, “Dock Maintenance Officer,” was discussed. Dana explained the purpose of this position as having a “point-person” to determine what CLDA maintenance is needed, in order to better accomplish preventive maintenance and prompt repair and avoid the development of major and more-costly issues. Creation of a DMO position is anticipated at the 1st quarterly Board of Directors meeting immediately following this meeting.

Steve Schuller (not present) was nominated in advance for the anticipated DMO position. Robert Megiel volunteered to work closely with the new DMO, possibly as a Dock Maintenance Committee member.

Financial Update and 2020 Budget

Jim presented a financial review of 2019 and proposed a budget for 2020. Both are presented in Appendix A

In 2019:

- \$11,600 was added to “Reserves for Future Maintenance”, leaving a bank balance of \$45,772 (almost 2x annual income).
- Primary Repair expenses included dock piling installation and wrapping as well as fire prevention.

The 2020 budget proposal included spending for:

- Gate security, common dock electrical repairs to achieve consistency with current codes, and improved dock lighting.
- Legal expenses for anticipated revision of Bylaws and Declarations.

The proposed 2020 budget was “Approved”.

Annual Corporate Affairs Statement

The Bylaws call for an Annual Corporate Affairs Statement to be presented at the Annual Members Meeting.

This document is presented in Appendix B.

OLD BUSINESS

Gate Repair

Securing entry to the Docks for only Members and their Guests is critical to CLDA liability.

Steve Schuller has already reinforced the gate frames, enabling the gates to close in the correct positions. The atuo-closing spring mechanism on the east gate remains inadequately operable and needs to be fixed. Steve has also proposed:

- New locking handles on the outside
- Emergency “crash bars” in the inside
- And either new keys or digital keypads.

As the 2020 budget was approved with this in mind, gate repair is expected to commence soon.

This agenda item remains Open.

Finger Pier Pilings

Completed in 2019. This item was Closed.

By-Laws & Declaration Revision

The Board of Directors have solicited the counsel of Cianfrone, Nikoloff, Grant & Greenberg PA for review and revision as necessary of these corporate documents. Email and face-to-face communication with Tiffany Grant, Esq., of this firm has help identify several needs. These include, but are not limited to:

- Language to address “MRTA” legislation, which must be done before year end to avoid potential conflicts. Florida’s Marketable Record Title Act (Chapter 712 of the Florida Statutes was enacted in order to free real property from older title defects by creating a 30-year limitations period to certain matters of title. If this applies to the CLDA, then our Declaration of Covenants might expire in 2021 unless certain actions are taken (Dana Windhorst will check with our counsel).
- Insurance requirements for all boats
- Electrical code requirements
- Condition of boats & lifts

This item remains Open.

Concrete Sidewalk Leading to East Gate

Still a safety hazard. Because this sidewalk belongs to the Curlew Landings HOA, this was addressed today by personal communication with Ameritech (the Curlew Landings HOA management company) by Dana Windhorst.

This item remains Open.

Sediment Issues and Dredging Options

Jim presented a history of sediment levels, over time from the 2016 dredging to present. This is presented in Appendix C. While all Dock Slips have lost available water to sediment build-up, Slips 1-10 lost over 80% of after only 4 months. Now, 2 ½ years after dredging, Docks 11-20 are equally as bad and all Docks 1-10. There is little reason to believe that the situation would be any different after the next dredging, although some of this might have been due to rain/runoff density which might vary from year to year.

The Board has sought a legal opinion, which is that our Declaration of Covenants document requires the Dock Board to maintain all slips for use. It is a “shall”, not a “should.”

Current annual dues are insufficient to cover the frequency of dredging that would fulfill the Declaration of Covenants requirement. The optimum solution would provide usability of all 50 slips.

The Board will prepare options for dredging in an upcoming quarterly 2020 Board of Directors meeting, and expects to conduct a member vote during a members meeting to decide the path forward.

This item remains Open.

NEW BUSINESS

New Tie Poles

Requests were made for new “tie poles” between Slips 4/5, 28/29, and 32/33.

Motion was “Approved” for JIM to survey other potential tie pole needs.

This item remains Open.

Missing Finger Pier Boards

There are 8 missing finger pier boards, representing about 2 full size 12’ planks.

12 such planks were last purchased in January 2017 but were either used up in dock maintenance or otherwise have disappeared. Manufacturing has been discontinued, but still available for purchase at present.

Motion was “Approved” for JIM to purchase up to 12 more 12’ planks for current and future use.

This item remains Open.

Dock Electrical Survey

The Board hired Sunrise Electrical Company to survey the dock for electrical issues.

Sunrise accomplished a complete survey on 23 Jan 2020 and on 24 Jan provided a full report on code violations and recommendations and quotations for:

- The common dock area
 - Motion was “Approved” to accept Sunrise’s quotation for the common dock area and commence as quickly as possible. The approved 2020 budget included this expense.
- All 50 individual Dock Slips
 - Discussion included the intent of the Board of Directors to promulgate a rule requiring the electrical service of all slips to meet current electrical code. This will be addressed in a future quarterly Board of Directors meeting. A motion was “Approved” to advise individual Dock Slip Owners of this plan so that those who wish to get out in front of this anticipated requirement may begin to plan for it

This item remains Open.

The meeting was adjourned at 9:40 pm.

APPENDIX A

CURLEW LANDINGS DOCK ASSOCIATION	2019 BUDGET	2019 ACTUAL	2020 BUDGET	
INCOME:				
Dues	\$ 25,000.00	\$ 24,500.00	\$ 25,000.00	1 unpaid
Dredging Assessment				
Submerged Land Lease Fee (from non-homestead Sellers)	\$ 600.00	\$ 750.00	\$ 802.50	5 sales @ \$160.50
Interest Income	\$ 20.00	\$ 22.51	\$ 20.00	
Late Fees	\$ -	\$ 50.00	\$ 50.00	2 late fees due
TOTAL INCOME	\$ 25,620.00	\$ 25,322.51	\$ 25,872.50	
EXPENSES:				
Insurance				
Statewide Condo. (general liability / E&O)	\$ 3,245.00	\$ 3,401.09	\$ 3,401.00	
Prosure Group (Board Member Bond)	\$ 138.00	\$ 138.00	\$ 138.00	
Repairs & Maintenance				
Dock Repairs	\$ 5,000.00	\$ 6,528.80	\$ 13,000.00	electric / gates / lighting
Fire Safety (extinguishers / fire hose)	\$ 500.00	\$ 1,661.45	\$ 500.00	
Professional Fees				
Legal Fees	\$ 3,500.00	\$ (510.00)	\$ 5,000.00	bylaws / covenants
Accounting & Tax Prep	\$ 300.00	\$ 414.99	\$ 415.00	
Taxes				
Fla. Dept. Env. Prot. (submerged land lease fee)	\$ 600.00	\$ 801.00	\$ 802.50	5 sales @ \$160.50
Florida Dept. of State (corporation dues)	\$ 61.25	\$ 70.00	\$ 70.00	
Office Expenses	\$ 150.00	\$ 105.26	\$ 150.00	
Utilities (Electric)	\$ 800.00	\$ 1,112.98	\$ 1,100.00	
Fees / Misc	\$ 10.00		\$ -	
TOTAL OPERATING EXPENSES	\$ 14,304.25	\$ 13,723.57	\$ 24,576.50	
TO RESERVES	\$ 11,315.75	\$ 11,598.94	\$ 1,296.00	
BALANCES				
BANK ACCOUNT BALANCE		\$ 45,771.91		

APPENDIX B

Steve Schuller did work on the entry gates to brace them and keep them locked; he was reimbursed for his expenses.

Gibson Marine Construction completed the finger pier repair project, setting and wrapping 5 piles.

CLDA President Scott Peterson announced that he was moving from Curlew Landings and will therefore resign from the Board of Directors, effective September 17, 2019. David Newman, as Vice President, assumed the duties of President, serving out the remainder of his 1-year term. Jim Beaty was nominated to fill the remainder of Scott's 1-year Treasurer term.

In November 2019, at BoD request, Piper Fire Protection re-hung the large fire suppression water pipe under the main dock in several places where it was detached from the dock and hanging down in the water, as well as securing 3 of the 4 vertical fire hose attachment valves which had come loose from the dock to varying degrees.

The Board hired Sunrise Electric to do a comprehensive survey of the electrical systems on the dock, both the components owned by the association as a whole, as well as slip-by-slip inspections and reports. The project was completed on 23 Jan 2020 with the reports made available on 24 Jan. Individual slip reports are available with estimates of cost to repair each slip where there are current code violations. 23 of 50 slips are in violation of current electrical code.

APPENDIX C

AVAILABLE WATER LEVEL AT MEAN-LOW-TIDE (feet)

	<u>DREDGE</u> <u>MAY 2016</u>	<u>+ 4 mon.</u> <u>SEPT 2016</u>	<u>+ 10 mon.</u> <u>MAR 2017</u>	<u>+ 2 yr, 1</u> <u>mon.</u> <u>JUN 2018</u>	<u>+ 2 yr, 6 mon.</u> <u>NOV 2019</u>
<u>DOCKS</u>					
1 - 10	3.0	0.5	0.5	0.5	0.4
11 - 20	3.0	1.5	1.5	1.0	0.4
21 - 30	3.0	2.0	2.0	1.7	1.2
31 - 40	3.0	2.5	2.5	2.3	2.1
41 - 50	3.0	2.5	2.5	2.3	1.9