

## OTTER CREEK LANDING YACHT CLUB

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### SUMMARY OF OCLYC ANNUAL MEETING BY BALLOT - JANUARY 9, 2021

#### THE MEMBERSHIP WAS NOTIFIED IN THE DECEMBER 2020 NEWSLETTER THAT:

- There would be NO formal Annual Meeting this year due to the Covid escalations and restrictions;
- The required business (the approval of the January 2020 Annual Meeting Minutes, the approval of the 2021 Budget, and the election of 3 Board Members) would be conducted by email ballot;
- A 2021 Annual Meeting Packet would be emailed – containing all info for the “Ballot Meeting”;
- A 2021 Board of Directors Candidate form was attached with the Newsletter for those who might want to run for one of the 3 Board positions.

#### THE 2021 ANNUAL MEETING PACKET:

- Was emailed to the Membership at the end of December 2020.
- It contained: a Cover Letter (explaining the voting process), the 2020 Annual Meeting Minutes; Profit & Loss overview (Budget for 2020 & 2021); the 2021 Board of Directors Candidate sheets for Sue Berwald, Mark George, and Jason Mauldin (no others were submitted); AND A BALLOT - listing the business that needed to be conducted (i.e. approval of 2020 Minutes; approval of 2021 Budget, and voting for 3 candidates).
- Directions for the ballot completion and return to the YC office were included on the ballot.

#### QUORUM RULES:

- Just as a quorum of eligible Members is needed for an in-person Annual Meeting, the same quorum requirements governed the actions taken for this “Ballot Meeting”.
- 51% of eligible members (as of January 8, 2021) needed to return their ballots by January 9, 2021 so a quorum could be established. The ballots received were tallied for the quorum count. Once the quorum was met, the ballots were tallied for completing the required business listed above.
- **Quorum Information:**
  - 100 - YC Memberships
  - 86 - Eligible members (members who are current on their YC financial obligations)
  - 44 - The Quorum (51%) needed to conduct business
  - 50 -Eligible Ballots received - (Thank you for your cooperation)**

#### BALLOT RESULTS:

- **2020 Annual Meeting Minutes were approved;**
- **Budget for 2021 was approved. There will be no increase in dues for 2021.**  
Outer docks dues will be \$330 per quarter and Inner docks will be \$302 per quarter.  
First Quarter due date is Feb. 28. A \$25 late fee will be charged if dues are not received by 3/30/21.
- **The Board Members that were elected are - Sue Berwald, Mark George, and Jason Mauldin.**

**THERE WERE 7 COMMENTS/CONCERNS WRITTEN ON THE BALLOT** - Each is listed and followed by the Board’s response.

1. **“When are we going to add rock to the fenced boat yard to stop the rutting and getting stuck when using this area?”** (This is the trailer lot at 305 Lewis Drive)

#### **Board’s Response –**

We will be looking into completing this project this year.

## 2. “Bird nuisance on the outer docks”

### Board’s Response:

There is definitely a problem. We are considering putting piling caps on the pilings that are connected to the finger piers and floating docks to see if that will help deter some of the bird perching and resultant debris.

- Other than that: We know you can put up fishing line from piling to piling as the HOA condos do around their pool. However, that will interfere with persons entering their boats with fishing rods and those who want to cast and fish off their finger pier or the gazebo pier walkway.
- Falcon decoy does not work - that’s already been tried.
- We need something that is sturdy, reflective, moves, is easy to install, will hold up in the constant wind and won’t hinder access or placement of fishing rods on boats? Any ideas?
- Maybe you have experienced or seen a system or something that REALLY works.
- There is the thought that when, the slips on the south end become occupied the problem will vanish.
- **Please notify the office with thoughts, pictures, contact info etc. to help us with our research.**

## 3. “What is the long range planning for the replacement of the walk boards at the outer docks?”

### Board’s Response –

We were in the process of moving in that direction. The piling structure under the pier walkway and gazebo was inspected and replaced where needed. The plan was then to rebuild/replace the upper deck and railings on the pier walkway. Unfortunately, Hurricane Florence hit, then Hurricane Isaias; then came the paving of the Teakwood Road extension/cul-de-sac and the YC outer docks parking lot. All of these things put the pier walkway project on hold.

- Once the Isaias work is finished the following items need completed: the main drive area in the Lewis trailer lot needs stabilized. On the inner docks: some safety related dock work, some plumbing improvements for freeze protection and shoring up some erosion problems around the board walkway need completed. On the outer docks: the installation of piling cones on the top of the pilings connected to the main floating dock & finger piers needs investigated and a decision made.
- After that, the financial situation will be reviewed (as we have been spending a lot of money out of the Scheduled expenditures accounts during the last 2 years) and all of the above items and the pier walkway project will come out of that account.

## 4. “My concerns about fines have already been ignored” –

### Board’s Response:

- The concern about the fines is that there have been requests to forgive or eliminate the \$500 hurricane fine. The Board has DENIED ALL of these requests.
- After Hurricane Fran, the following was in the *OCLYC NEWS* – December, 1996- Issue No. 1. ***“Let us assure all the members that the reason for the hefty fine is that we hope never to collect it. The Yacht Club does not want your \$500 – we want to get the boats away from our docks during hurricanes.”***
- Recently (December 6, 2019), the Board added the following as an incentive for boat removal, since boats were not being removed as required: ***#1.(c) FINING PROCEDURE FOR ANY MEMBER who does NOT abide by the Hurricane Rule will be: First offense: \$500. Second: offense: \$1000; \$2500 for each additional offense.***
- When a rule is made, then it must be enforced. The Board can NOT have an “offending” boat towed away if it is not removed. Sea Tow and Tow Boat US will not tow a boat unless it has the owner’s permission, payment is in advance and there is a destination spot where the boat will be delivered. The boat yards will not take any boat unless it is Ok’d by the owner and paid for in advance.
- There is no advantage to the YC to leave any boat in a slip. The damage is greater when boats are there; and the start of repairs is delayed when going through an insurance company (Hurricane Isaias is a prime example of that).
- **THE HURRICANE RULE IS IN PLACE FOR THE BENEFIT OF THE WHOLE YACHT CLUB AND TO ENSURE THAT ALL BOATS ARE REMOVED FROM THE SLIPS WHEN A HURRICANE IS IMMINENT.**
- **THE ONLY OPTION FOR THE YC IS TO FINE THOSE WHO DO NOT COMPLY.**

5. **“Thanks for your work on our behalf”**
6. **“Doing a fantastic job, much appreciated! Thank you!”**
7. **“Keep up the great work!”**

**Board’s Response to 5, 6, &7:**

*Thank you for taking the time to let the Board know this. It’s nice to hear something positive. We appreciate it! THANK YOU!!*

**OLD BUSINESS:**

The following Old Business would have been covered had there been an in-person meeting.

1. **Hurricane Florence** – All Hurricane Florence related repairs were completed this past year.
2. **Teakwood Drive Extension and Cul-de-sac Project** – That project was completed and the cost was shared (with agreed upon percentages) between the Otter Creek Landing HOA condos, the Otter Creek Estates section 2 homeowners, and Otter Creek Landing Yacht Club.
3. **Teakwood Drive Car Parking Lot** – was repaved and re-stripped. The YC paid the cost since we owned the property. However, since the YC shared in the road paving costs, the HOA agreed to following concerning the use of this parking lot:
  - The Yacht Club has priority rights to park in these parking spaces;
  - All parking in this lot is temporary;
  - There is no overnight or continuous parking, unless the vehicle owner is out on his/her boat.
  - In an unusual parking circumstance, HOA members should contact The OCL Yacht Club at 910-541-3431 to notify the yacht club of the need to use a space for overnight parking.
4. **YC storage trailer in Lewis Trailer Lot** –was moved to the northeast end of the lot near the road to give more room for larger trailers to park.
5. **Tow 2 Tow** – Is the towing company that removed two unmarked trailers from the Lewis Trailer Lot.

**NEW BUSINESS:**

The following New Business would have been covered had there been an in-person meeting.

**WELCOME TO THE FOLLOWING 2020 NEW YC MEMBERS:**

<b><u>INNER DOCKS</u></b>	<b><u>(13 sales)</u></b>	<b><u>OUTER DOCKS</u></b>	<b><u>(9 sales)</u></b>
005	Greg Jordan	072	Robert Dorosko
007	James and Margaret Butts	074	Marker 39 LLC
008	Patricia and Christopher Kane	075	Sean and Mark McAuliffe
013	Jeff and Carol Plautz	076	John and Tara Klein
018	Mike Shepherd	078	John Brechisci, Jr
026	David and Milagros Moore	082	Bruce Ecklund
028	Dennis Barry and Adam Clark	086	Dave Keck
030	Robert Diseker	094	Pamela Hicks and Cory Patrick Hicks
055	Craig Garrison	097	Daniel Jeeves
066	Bill Wells		
068	Ray and Kathie Heath <i>(first sale)</i>		
068	Robert Williams <i>(second sale)</i>		
069	Paul Best		

**FYI:**

In **2016** there were 9 new members; **2017** = 10; **2018** = 10; **2019** = 14; and **2020 there were 22.**

**Due to the turn-over of numerous memberships in the last few years,  
the following needs to re-emphasized so there are NO misunderstandings.**

**1. CONCERNS/REQUESTS/APPEALS TO THE BOARD:**

- Send the YC office a letter or email stating your concern/request/appeal, along with any collaborating information (background details, explanations, contracts, monetary info, etc.).
- Do NOT assume that the Board is familiar with your concern/request/appeal or knows your specific reason or circumstances for making it. This procedure insures that all Board members reviewing your concern/request/appeal will have all the details from your point of view.
- Your concern/request/appeal should be emailed to the Board (along with your collaborating information)
- After Board review, you will be emailed a response.

**2. TENANT or SOMEONE USING YOUR SLIP:**

- a. **TENANT USER/INFORMATION PACKET** -MUST be completed and **ALL paperwork RECEIVED** in the YC office **BEFORE** the boat is put in slip. (*see R&R #5 below*)
  - Call, text or email the office to request that a packet be emailed to you.
- b. **Please Note:** The YC does not manage your tenant/user. That is your responsibility.
  - If there is a concern related to a tenant/user or the tenant/users' insurance company, the member will be contacted and expected to handle the situation.

**RULES & REGULATIONS # 5: LEASING or USER USE OF A BOAT SLIP:**

**No Member shall lease or allow another use of a slip unless the following conditions are met:**

- Use of slip shall be for mooring purposes;
- Member's account must be current AND stay current (i.e. dues, assessments, fines, late fees, etc.)
- Member is responsible for notifying ANYONE renting/using his/her slip about the current Rules and Regulations, Operations Information, and any additional applicable information concerning the Yacht Club
- Member AND tenant/user are responsible for keeping up with the insurance policy's renewal date AND for making sure that a current copy of the policy is received in the YC Office
- **Member is responsible for fines/reparations resulting from infractions by slip tenant or user.**
- Yacht Club Office must receive - "Tenant/User Information Form", copy of boat registration or documentation, current copy of Liability Insurance Declarations AND the Board of Directors approval BEFORE the tenant/non-member user/boat/vessel may occupy the slip

**3. INSURANCE CLAIMS - for damage to the YC property or slips**

**a. The YC has had the following responses from different insurance companies:**

- In one instance the insurance company paid the full amount
- In another instance, the insurance company paid for damages to the boat, but refused to pay for the damages caused by the boat to the docks. (As a result, the renter told the member he would have to sue him if he wanted to get any money from him).
- In another instance, the insurance company didn't accept the original estimate, came back for negotiations, and then came back for negotiations again. A very long and drawn out process. The result was that the final settlement was less than the original estimate and the process was very time consuming and took a long time to get resolved.

**b. Some insurance companies will not cover if there is a mandatory evacuation policy**

- The YC requires evacuation if a hurricane warning is issued.
- Be sure to read your/your tenant's insurance policy and check with the company to verify that they will be covered.
- The member may want to consider charging a rental deposit for protection should the tenant leave a boat in your slip after a hurricane warning is issued and in case it causes damage.

**RULES & REGULATIONS # 1 - HURRICANE RULE:**

(a) **HURRICANE WARNING:** In the event of the issuance of a **HURRICANE WARNING** for the immediate area **ALL BOATS/VESSELS MUST BE REMOVED FROM ALL BOAT SLIPS WITHIN 24 HOURS FROM THE TIME THE WARNING IS FIRST ISSUED.**

(b) **FAILURE TO REMOVE** before the **24 hour** deadline will result in a fine of five hundred dollars (\$500) to the Member whose boat slip has not been vacated. In addition, the Member will be held responsible for any damages to the docks determined to have been caused by the boat/vessel that was left in the Member's slip.

**The above was re-affirmed per majority vote of the Membership on July 10, 2013.**

(c) **FINING PROCEDURE FOR ANY MEMBER** who does **NOT** abide by the Hurricane Rule will be:

- First offense: \$500. Second: offense: \$1000. \$2500 for each additional offense.

(d) **BOAT LIFTS:**

- Will be treated the same as boats/vessels with respect to the Hurricane Rule (e.g. removal, fining, damages, etc).

(e) **FINING PROCEDURE FOR MEMBER** whose **tenant/authorized user** does **NOT** abide by the Hurricane Rule will be:

- Member is responsible for all fines and assessments.
- The boat/vessel (and lift if it is the tenant's/authorized user's) must be removed from the slip
- Tenant/authorized user may be denied any future usage of the docks and Yacht Club properties.

c. **When damage is caused to the slip or property by a boat left in a slip after a hurricane warning was issued :**

- The YC will notify the Member that arrangements must be made with the tenant/user and the insurance company covering the boat.
- The parties to the insurance claim will be the boat owner's insurance company and the slip member. The YC is not a named party with the claim.
- The YC will contact the contractor that will be used for YC repairs. That contractor will determine the amount of damage done by the boat and write an estimate of repairs necessary to rectify the situation; the estimate for repairs will be sent to the Member for filing the insurance claim.
- The insurance claim check will be sent to the Member and the Member will pay the YC.
- The Member's account will be charged the amount of the estimate for the repairs, which will be due 60 days thereafter.

**4. NON-PAYMENT OF FINANCIAL OBLIGATIONS:**

- a. As of Jan. 8, 2021 there were 14 members who were not current on their YC financial obligations.
- b. We run a tight budget and have not raised dues in years. However, to operate this way **EVERYONE NEEDS TO PAY ON TIME.**
- c. In addition, some members are renting their slip, AND are not up to date on their YC financial obligations. This is unacceptable!
- d. Therefore, if you are not up-to date on your financial obligations, **please take care of that immediately.**
  - If there are special circumstances concerning your delinquency, please email the YC office with an explanation and your plan to correct the situation. We want to work with you, rather than take legal action against you/your tenant.

**5. SELLING OR RENTING YOUR SLIP?**

**a. PLEASE NOTE:**

- **Board must approve any sale, rental (lease) or use of a slip**
- **Board must approve boat/vessel which will occupy the slip**
- **No commercial business can be conducted from the slip**
- **Renting or allowing someone to use your slip is a privilege which is overseen by the Board**

**b. Two Packets were prepared** – to make interactions easier for all persons involved with selling or renting situations AND to help protect the YC and you against any misunderstandings or misrepresentations.

- **Membership Sale/Transfer Packet**
- **Tenant/User Information Packet**
- **Contact the YC office to request that one be emailed to you.**

**b. If you have a tenant/user who has been using your slip since before 2020,**

- Please request the Tenant Packet, complete the new forms and return to the YC office.

Respectfully submitted,  
Sue Berwald, President

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**Note:**

**YC BOARD OFFICERS:** The Board decided to keep the officers the same as last year.  
Sue Berwald, President; Jason Mauldin, Vice-President; Mark George, Treasurer;  
Linda Coulson, Secretary; Johnny Gurkin, member.

**ATTACHMENT titled – “2021 Documents-Annual Meeting” contains the following:**

- Budget Overview (Jan-Dec 2020 & Jan-Dec 2021), which was approved
- OCLYC Balance Sheet (January 31, 2021)
- 2021 Scheduled Expenditures Report (January 2021)
- Member List (February 2021)