



Mt. Royal
Airpark

MT. ROYAL AIRPARK PROPERTY OWNERS' ASSOCIATION (MRAP POA)

Board of Directors

109 Airport Drive

Crescent City, FL 32112

Mount Royal Airpark Pavilion

March 6, 2024

6:00 PM

Meeting Minutes

APPROVED 3/20/2024

BOARD MEMBERS:

Tom Cacek, President

Jeff Sager, Vice-President

Monique Glaize, Secretary/Treasurer

Rebecca Poston, Assistant Secretary

BOARD MEMBERS AT LARGE:

David Johnston

Jeff Levine

Bob Welsh

Dave Zawistowski

I. Call to Order- Tom Cacek

President Cacek called the Mount Royal Airpark Property Owners' Association Board of Directors meeting to order at 6:05 p.m. All board members were in attendance.

II. Approval of the Meeting Minutes Tom Cacek

A. There was a motion by **ZAWISTOWSKI** and second by **WELSH** to approve the November 8, 2023, Board of Directors meeting minutes. The motion carried unanimously.

B. There was a motion by **SAGER** and second by **WELSH** to approve the January 23, 2024, Board of Directors meeting minutes. The motion carried unanimously.

III. Old Business

A. East Dock Repair Quote- Dave Zawistowski

Dave Kiser from Georgetown has submitted a bid of \$3,600.00 to repair the east dock, as mentioned in the quote. The minutes from the November 8, 2023, board meeting confirm that both associations have approved repair and maintenance costs of up to \$2,500. On March 6, Mr. Kiser met with President Kleinsmith, Lou Kleinsmith, and Bob Welsh to discuss the east dock repairs. During the meeting, he explained that 12 pylons would need to be driven at least six to ten inches, and additional work not included in the original bid would be necessary. He said he

would provide a revised quote to the board in several days, including a scope of work, 15 pylons, cross bracing, and replacement of portions of the deck board. Mr. Kiser is fully insured.

MRE HOA and MRAP POA are requesting additional quotes.

IV. New Business

A. President Report of Board Activities- Tom Cacek

The Board has recently received several complaints regarding unsafe helicopter use in the community. As a result, the President requested the Aviation Committee to meet and discuss rules and regulations, research other airpark operations, update existing Aviation Guidelines, and provide recommendations to the Board for approval regarding any and all aspects of aviation affecting the community. The Aviation Committee met on February 3 and proposed changes to the MRAP Aviation Guidelines for the board's consideration. The Board was provided copies of the Aviation Committee meeting minutes and suggested Guidelines for review. Due to safety concerns, on February 11, the Board unanimously voted via electronic mail to mandate all helicopter takeoff and landing operations be conducted using the runway. In addition, hovering taxiing is now prohibited on paved roadways and taxiways. Furthermore, on March 6, 2024, the Board unanimously approved the revised Aviation Guidelines proposed by the Aviation Committee. It designated the runup area at the approach end of runway 8 for helicopter take-offs and landings.

Several Covenant and Restriction violation letters have been sent to owners. Some actions have been taken; others have not responded.

The seal coat on the roadway and taxiway will be applied beginning Thursday, March 7. Please exercise caution while workers are present.

A. Treasurer's Report- Monique Glaize, Treasurer

Treasurer Glaize provided the following update regarding the operating budget.

1. Calendar Year (CY) 2023 Operating Budget.

The operating budget includes \$109,135.80 in revenue through dues collection and interest and \$66,460 in expenses. The money market account has \$25,030.13, and the Statutory Reserve Account has \$242,271.09.

2. CY2024 Operating Budget.

The proposed operating budget for 2024 plans to collect \$116,655 in revenue from the 2024 Annual Dues. Expenses are budgeted at \$78,662, with a requested 15% increase due to inflation. Additionally, \$94,490 will be transferred from the operating account to the statutory reserve account for the \$859 per lot assessment. The \$8,000 fixed cost for MR Common Property has been removed from the 2024 Operating Budget as their reserve threshold has already been met. An additional \$300 is included in the subscriptions for MRWeather.com. There was no motion to approve the budget or a 15 percent expense increase. The January 2024 checking account balance is \$211,075.72. This does not include the \$94,490 transfer into the statutory reserve account.

B. Architectural Review Board Update- Karen Sager

Chair Sager reported that the Architectural Review Board (ARB) has met three times since the last Board of Directors meeting and that 11 active accounts are being tracked. Tim Wing has transferred his old files to her possession and provided a status update on existing accounts. A Certificate of Compliance form was developed and will be provided prior to the occupancy of any improvement constructed or erected on any Lot, certifying that the improvements comply with the ARB requirements. Files are being reviewed for completeness.

The following projects are under further consideration by the ARB for review and approval.

1. Lot 99- The ARB denied the revised plans and is awaiting the Owner's response.
2. Utility Lot 0006 Hangar- The ARB approved documentation as submitted.
3. Lot 57- The ARB requested additional information and is awaiting the Owner's response.
4. Lot 33—The Owner believes the fence is approved because an ARB member verbally approved his plan.

Ms. Sager reminded the Board that the Owners have misunderstood the hardscape/landscape requirements and the approval process. Landscaping must be completed within 90 days after the certificate of occupancy is issued. Although not required at the time of application, landscaping plans should be submitted to the ARB as soon as possible.

C. Covenants and Restrictions Committee Update- Jeff Sager

During the meeting, Chairman Sager provided an update on the progress made by the Covenants and Restrictions (C&R) Committee over the last few months. The committee has put forth several recommendations that need to be considered by the board. Chairman Sager stressed the importance of getting feedback from the membership and will present the recommendations at the annual meeting on March 23 to initiate the discussion. Once the recommendations are received from the members and approved by the board, the packet will be finalized and sent to the attorney for review. Amending the C&Rs will require an affirmative vote of two-thirds (2/3) of the members of the Association who are eligible to vote. As there are multiple changes, the committee suggests that the changes be taken by line item instead of the entire packet.

Additionally, Chairman Sager shared a spreadsheet of the recommended changes with the board for consideration. However, the board requested more time to review the document and scheduled another meeting on March 20, 2024, at 6:00 p.m.

D. Covenants and Restrictions Violations- Tom Cacek

There has been an increase in reports of individuals allegedly violating C&Rs in the community. Mr. Cacek wants to ensure that the process is straightforward and that the owner knows the consequences of violating the C&Rs.

E. Nominations Committee Update- David Johnston

On December 6, 2023, an electronic notification was sent to all members, informing them of the *Call for Nominations*. On February 1, a letter was sent to the Secretary, notifying her of the two candidates who submitted their names for consideration. The Nominations Committee held a meeting on February 6, 2024, to review the election process, proxy forms, and the election ballot. On February 16, the membership received an invitation to the meeting, a proxy form, and an election ballot to complete if they were not attending the meeting. Unlike last year, members must return their proxy and ballot by March 22 at 10:00 a.m., 24 hours before the meeting.

F. Aviation Committee Update- Kevin Poston

The Aviation Committee met on February 3 and proposed changes to the MRAP Aviation Guidelines for the board's consideration. As per the current C&R, the Board of Directors can impose new rules without the vote of the general membership if they pertain to community safety and are passed unanimously.

Chair Cacek noted: On February 11, 2024, the Board received the minutes from the Aviation Safety Committee and MRAP Aviation Guidelines. During the meeting, all Board members expressed their concerns about community safety. We discovered that using "Maximum Performance Takeoffs" puts the helicopter outside the aircraft's "height/velocity" diagram during the initial takeoff phase, which is unique to each helicopter. Staying within the height/velocity diagram ensures that in the event of an engine failure, the helicopter will have sufficient forward speed and altitude to execute an autorotation landing safely. Although the FAA has no regulations prohibiting a pilot from landing "safely in relation" to their property, a City, County, or Association can impose regulations.

On February 11, 2024, CACEK moved that all helicopter takeoff and landing operations will be conducted using the runway. Hover taxiing is prohibited on paved roadways and taxiways. SAGER seconded the motion. There was no further discussion. The motion passed unanimously.

SAGER proposed, and JOHNSTON seconded, the adoption of the revised Aviation Guidelines as proposed by the Aviation Committee. The proposal includes the changes to paragraph 9, as approved by the board on February 11. It designates the runup area at the approach end of runway 8 for helicopter take-offs and landings. There was no further discussion, and the motion was passed unanimously.

Mr. Poston also suggested replacing the timer and coax cable for the runway lighting system so the lights can be turned on at night. The photocell must also be replaced—many pilots mic up during daylight hours to announce their arrival.

F. Legislative Update- Becki Poston

1. The board reviewed the Beneficial Owners—Corporate Transparency Act and will do more research to determine whether the POA is exempt from responding.
2. Ms. Poston reported that HB59, CS/HB293, HB1203, and HB1645 were passed during the 2024 Florida Legislative Session and are making their way to the Governor's desk for

signature. She will work with Jeff Sager to see if any of the C&Rs need to be updated to reflect the changes in law (see attached).

V. Open Discussion

A. What is the status of the front entrance repair to the barrier wall at the keypad? Chair Cacek spoke with Jim Passwater about replacing the posts by the guard house with a block wall for keypad protection. Owners in the community can complete the work. The guard house has been prepared, and the gate code operations software needs an update costing approximately \$2,000. Other technologies, such as RFI, are also being considered.

B. Mr. Cacek provided an update on a recent meeting with Dave Worrell.

Chair Cacek advised the board he had a meeting at 10:30 a.m. on March 5 at the request of Mr. Worrell to clear up some of the misconceptions in the neighborhood. Mr. Worrell owns lot 105, Mary Wykowski owns lot 47, and a utility lot (Lot C). Mr. Worrell initially purchased Lot 105 but quickly realized it would be several years before the contractor could start his project. Jason Sheffield approached and offered to sell him one of the subdivided lots from his utility lot. He said he planned to build three hangars and a hangar on the lot he bought so he would have a place to store his belongings. Mr. Worrell asked, "Why could the Association not change the C&R to allow him to live in his hangar, and who really cares what we do in our hangars." Mr. Cacek replied we have C&Rs in place that prohibit Owners from living in hangars on utility lots that are not zoned residential. According to Mr. Cacek, Mr. Worrell misrepresented his intention indicating the project included a "pilots lounge," which, in turn, morphed into a residence. The hangers were represented to the Board by Jason Sheffield as aircraft hangers and were submitted to both the ARB and Putnam County for approval as the same. There was never an update to the ARB or County to include "mancave"/living improvements.

On January 29, 2024, Ms. Wykowski and Mr. Worrell were sent a letter certified mail return receipt (7021 1970 0002 2290 5885), and the letter in part stated, "After careful consideration and consultation with Putnam County authorities, the Mount Royal Airpark Property Owners' Association has concluded that the hangar located at 114 Airport Drive (a.k.a. Utility Lot C) cannot be used as a permanent residence. Doing so violates the Mount Royal Airpark Planned Unit Development Agreement with the county (Utility Lots may not be used as residences). It is also a violation of the Mount Royal Airpark Covenants and Restrictions dated August 25, 2014 (only Lots 71-88 may consist of apartments as a part of a hangar). The letter goes on to say, "We are aware that you own other lots in the Mount Royal community and are actively developing a home on Lot 47. When completed, we assume you will make that home a permanent residence and will no longer use the Utility Lot hangar as permanent living quarters. If this assumption is correct, then no further action will be required on your part. But please ensure that should you ever decide to market "Lot C" for sale, it is not advertised as a residence and that any subsequent owner is made aware of these restrictions."

Mr. Worrell was also concerned that he is now unable to use his helicopter due to the recent restrictions imposed by the board. Mr. Cacek assured him he could use Lot 47 for take-offs and landings; however, in the meantime, he will need to use a dolly and tug to Lot 47's concrete pad constructed along runway 26/08 for take-offs and landings. Lot 47 is closer to his hanger than the Runway 8 area. Mr. Cacek indicated that before the board decided to restrict helicopter use to the runway lots and the end of runway 8, the board considered Spruce Creek and Leeward Airport's Aviation Guidelines.

Mr. Worrell was agitated, closed his folder, and said he was going to sell Lot 47, which is under construction and built on a lot on the north side of the runway. He verbally threatened the board with a lawsuit.

In the board's opinion, the letter, sent in good faith, allowing him to continue living in his hangar, is null and void if he sells lot 47. Mr. Johnston felt that the C&Rs should be adhered to protect our property values. The letter is off the table if he sells his lot. He did not do his due diligence. Others pointed out he has no egress on the second floor, nor does it meet square footage requirements. He did not change the zoning from utility to residential. There is a shared septic with limited use. The owners are responsible for familiarizing themselves with the rules, regulations, and Covenants and Restrictions regarding our community.

There was a motion by ZAWISTOWSKI and a second by SAGER to have an attorney review the facts and determine the course of action. The motion carried unanimously.

V. Adjournment

Having no further business, there was a motion by **WELSH** and second by **ZAWISTOWSKI** to adjourn the meeting at 7:56 p.m.