

**HARBOUR WATERWAY**  
**SPECIAL DISTRICT**  
*Agenda*

Tuesday  
February 10, 2015  
7:00 pm

Resurrection Episcopal Church  
12355 Fort Caroline Rd.  
Jacksonville, FL. 32225

- I. Introduction**
  - a. Call to Order
  - b. Roll Call / Quorum
  
- II. Administrative**
  - a. Approval of Minutes
    - i. Minutes from January 13, 2015*
  
- III. District Business**
  - a. Appointment of vacant Board Seat 1 to finish out term for William Hibbard
  - b. Election of Officers
  - c. Ordinance 2010-725-E Amendment - Status
  - d. Form 1 – Supervisor of Elections \_ Due July 1st
  - e. Spoil Site Procurement – Reed Island
  
- IV. Financial**
  - a. 2014 Non-Ad Valorem Assessment
  - b. Principal & Interest Due May 1 on 2012 & 2013 Series Bonds
  - c. Resolution 2015-04 – Approval of Roy Miller Contract
  - d. Annual Budget Due to City Council – March 31
  - e. Approval to disburse funds
  
- V. District Schedule**
  - a. Next Scheduled Board Meeting
    - i. March 10, 2015 – Resurrection Episcopal Church*
  
- VI. Other Business**
  - a. Legal and Compliance Issues
  
- VII. Comments and Questions from Audience**
  
- VIII. Adjournment of HWSD Meeting**

# HARBOUR WATERWAY SPECIAL DISTRICT

TUESDAY, FEBRUARY 10, 2015

MEETING MINUTES

## **Introduction**

The Harbour Waterway Special District (HWSD) meeting of the Board of Supervisors was held at the Resurrection Episcopal Church on February 10, 2015. The meeting was called to order at 7:00 PM by Stanley Pipes. In attendance were Paul Stroup, Robert Schleef and Stanley Pipes. It was noted that there was a quorum present. HWSD Attorney Wayne Flowers was present. Kathryn Boucher was present as recording secretary.

## **Administrative**

Approval of Minutes from January 13, 2014 – Motion made to approve the minutes as written; motion passed.

## **District Business**

Appointment of vacant Board Seat 1 to finish out term for William Hibbard – Lindsey Brock is interested in joining the board and will attend the next meeting. A notice announcing the election of board members needs to be published at least 10 days before the election at the meeting next month.

Election of Officers – Officers are elected for 2 year terms. Motion made to nominate Robert Birtalan as Chairman of the Board of Supervisors; motion passed. Resolution 2015-01 to elect Robert Birtalan as Chairman of the Board of Supervisors passed unanimously. Motion made to nominate Robert Schleef as Vice Chairman of the Board of Supervisors; motion passed. Resolution 2015-02 to elect Robert Schleef as Vice Chairman of the Board of Supervisors passed unanimously. Motion made to nominate Stanley Pipes as Secretary/Treasurer of the Board of Supervisors; motion passed. Resolution 2015-03 to elect Stanley Pipes as Secretary/Treasurer of the Board of Supervisors passed unanimously.

Ordinance 2010-725-E Amendment – The board received the final version from Jodie Brooks. The bill will be introduced to the City Council on February 11<sup>th</sup>. A vote should come before July. Once passed, the rules and regulations for the waterway will need to be set by the HWSD Board, as the ordinance delegates this responsibility to the district. The HWA responsibilities will also be assigned to the District. Wayne Flowers will stay in touch with Clay Yarborough's office.

Form 1 – Supervisor of Elections – Due July 1<sup>st</sup>

Spoil Site Procurement – Reed Island – This issue remains on the table.

**Financial**

2014 Non-Ad Valorem Assessment – 89.8% of the funds due has been collected so far, for a total of \$193,164.08. 11 households have not yet paid. There is one bankruptcy outstanding.

Principal & Interest Due May 1 on 2012 & 2013 Series Bonds

Resolution 2015-04 – Approval of Roy Miller Contract – Motion made to approve the 3 year contract with Roy Miller & Associates to provide auditing services to HWSD; motion passed.

Annual Budget Due to City Council – March 31 – This must be approved in the next meeting.

Approval to disburse funds – Motion made to approve disbursements for legal, administrative and liability insurance for \$4,726.00; motion passed. The projected ending balance after disbursements and debt service is \$55,930.50.

**District Schedule**

Next Scheduled Board Meeting – The next meeting will be March 10, 2015 at Resurrection Episcopal Church.

**Other Business**

Legal and Compliance Issues – Nothing at this time.


**Comments and Questions from the Audience**

No comments.

**Adjournment**

The meeting was adjourned at 7:18 PM. The next monthly Board of Supervisors meeting is scheduled for March 10, 2015.

Respectfully submitted,



Kathryn Boucher  
Recording Secretary



Stanley H Pipes, Jr.  
Secretary / Treasurer

**RESOLUTION 2015-01**

**A RESOLUTION OF THE HARBOUR WATERWAY SPECIAL DISTRICT, DUVAL COUNTY, FLORIDA, TO ELECT THE CHAIRMAN OF THE BOARD OF SUPERVISORS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Harbour Waterway Special District (the "District") was established per City of Jacksonville Ordinance 2010-725 E and Section 189.4041, Florida Statutes; a dependent special district for the purpose of maintaining the system of canals located in the Harbour, Harbour North, Harbour Cay, and Harbour Island neighborhoods; and

**WHEREAS**, the Board of Supervisors (the "Board"), the governing body of the District, is required to elect a Chairman of the Board of Supervisors to perform the duties of the office.

**NOW THEREFORE BE IT RESOLVED** by the Board of the District as follows:


**Section 1. Robert Birtalan** is elected Chairman of the Board of Supervisors and shall perform the duties of the office as assigned; and

**Section 2.** The term shall commence on the Effective Date and terminate on December 31, 2016; and

**Section 3. Effective Date.** This Resolution shall become effective upon the adoption by the Board.

**DULY ADOPTED AND APPROVED** this 10th day of February, 2015, by the Board of the District.

BOARD OF SUPERVISORS FOR THE  
HARBOUR WATERWAY SPECIAL DISTRICT

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF THE BOARD

**RESOLUTION 2015-02**

**A RESOLUTION OF THE HARBOUR WATERWAY SPECIAL DISTRICT, DUVAL COUNTY, FLORIDA, TO ELECT THE VICE - CHAIRMAN OF THE BOARD OF SUPERVISORS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Harbour Waterway Special District (the "District") was established per City of Jacksonville Ordinance 2010-725 E and Section 189.4041, Florida Statutes; a dependent special district for the purpose of maintaining the system of canals located in the Harbour, Harbour North, Harbour Cay, and Harbour Island neighborhoods; and

**WHEREAS**, the Board of Supervisors (the "Board"), the governing body of the District, is required to elect a Vice-Chairman of the Board of Supervisors to perform the duties of the office.

**NOW THEREFORE BE IT RESOLVED** by the Board of the District as follows:

**Section 1.** Robert Schreff is elected Vice-Chairman of the Board of Supervisors and shall perform the duties of the office as assigned; and

**Section 2.** The term shall commence on the Effective Date and terminate on December 31, 2016; and

**Section 3.** Effective Date. This Resolution shall become effective upon the adoption by the Board.

**DULY ADOPTED AND APPROVED** this 10th day of February 10, 2015, by the Board of the District.

BOARD OF SUPERVISORS FOR THE  
HARBOUR WATERWAY SPECIAL DISTRICT

  
CHAIRMAN

ATTEST:

  
SECRETARY OF THE BOARD

**RESOLUTION 2015-03**

**A RESOLUTION OF THE HARBOUR WATERWAY SPECIAL DISTRICT, DUVAL COUNTY, FLORIDA, TO ELECT THE SECRETARY / TREASURER OF THE BOARD OF SUPERVISORS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Harbour Waterway Special District (the "District") was established per City of Jacksonville Ordinance 2010-725 E and Section 189.4041, Florida Statutes; a dependent special district for the purpose of maintaining the system of canals located in the Harbour, Harbour North, Harbour Cay, and Harbour Island neighborhoods; and

**WHEREAS**, the Board of Supervisors (the "Board"), the governing body of the District, is required to elect a Secretary / Treasurer of the Board of Supervisors to perform the duties of the office.

**NOW THEREFORE BE IT RESOLVED** by the Board of the District as follows:

**Section 1.** Stanley H. Pipes, Jr. is elected Secretary / Treasurer of the Board of Supervisors and shall perform the duties of the office as assigned; and

**Section 2.** The term shall commence on the Effective Date and terminate on December 31, 2016; and

**Section 3.** Effective Date. This Resolution shall become effective upon the adoption by the Board.

**DULY ADOPTED AND APPROVED** this 10th day of February 10, 2015 by the Board of the District.

BOARD OF SUPERVISORS FOR THE  
HARBOUR WATERWAY SPECIAL DISTRICT

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF THE BOARD

**RESOLUTION NO. 2015-04**

**A RESOLUTION OF THE HARBOUR WATERWAY SPECIAL DISTRICT, DUVAL COUNTY, FLORIDA, APPROVING EXECUTION OF A CONTRACT WITH ROY MILLER & ASSOCIATES, TO PROVIDE AUDITING SERVICES; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Harbour Waterway Special District (“HWSD”), was established through City of Jacksonville Ordinance No. 2010-725-E (“Ordinance”) and given responsibility therein for maintenance of the system of canals located within the boundaries of the HWSD ; and

WHEREAS, Section 6 of the Ordinance requires that an audit of the HWSD’s finances be conducted annually; and

WHEREAS, Roy Miller & Associates (“Miller”) is a Certified Public Accounting firm experienced in conducting audits of local governmental bodies and is familiar with the reporting requirements for such audits as specified by federal and state law ; and

WHEREAS, Miller has presented a proposal, attached as Exhibit “A” hereto, to the HWSD to perform the annual audit work required by the HWSD to comply with the Ordinance.

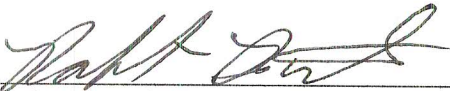
NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the HWSD:

Section 1. The Miller proposal attached as Exhibit “A” is accepted by the Board.


Section 2. The Chairman of the Board is hereby authorized to execute a contract with Miller for the services described in Miller’s proposal on the terms specified in Miller’s proposal.

Section 3. This Resolution shall become effective upon adoption.

Passed and Adopted this 10th day of February, 2015.

  
\_\_\_\_\_  
Robert P. Birtalan  
Board Chair

Attest:

  
\_\_\_\_\_  
Board Secretary

1 Introduced by Council President Yarborough:  
2  
3

4 **ORDINANCE 2015-**

5 AN ORDINANCE AMENDING ORDINANCE 2010-725-E  
6 THAT ESTABLISHED AND EMPOWERED THE HARBOUR  
7 WATERWAY SPECIAL DISTRICT (THE "DISTRICT") BY  
8 AMENDING THE STATED PURPOSE OF THE DISTRICT;  
9 PROVIDING FOR THE ADOPTION OF DISTRICT RULES  
10 PROVIDING AN EFFECTIVE DATE.  
11

12 **WHEREAS**, Ordinance 2010-725-E created and empowered the  
13 Harbour Waterway Special District in accordance with Section  
14 189.4041, Florida Statutes; and

15 **WHEREAS**, the City Council would like to continue maintenance  
16 of the system of canals located in The Harbour neighborhood,  
17 Harbour North neighborhood, Harbour Cay neighborhood and Harbour  
18 Island neighborhood; now therefore

19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Ordinance 2010-725-E amended.** Ordinance 2010-  
21 725-E, Sections 2, 4 and 5, is amended in part, and as amended  
22 shall read as follows:

23 **"Section 2. Purpose.** The purpose of the District shall  
24 be continuing maintenance of the system of canals located in  
25 The Harbour neighborhood, Harbour North neighborhood, Harbour  
26 Cay neighborhood, and Harbour Island neighborhood. The  
27 District shall fulfill its purpose by dredging the canals,  
28 dredging the channel that provides the canals with access to  
29 the St. Johns River, maintaining a jetty, and maintaining  
30 navigational aids. To facilitate dredging the canals, the  
31 District may also enforce standards for docks and other



1 structures located in the canals, and activities in the canals  
2 when dredging is ongoing."

3 \* \* \*

4 **Section 4. Powers.** The District is authorized and  
5 empowered:

6 (A) To sue and be sued;

7 (B) To contract;

8 (C) To purchase, hold, lease, sell, or otherwise  
9 acquire and convey such real property and personal property  
10 and interest therein as may be necessary or proper to carry  
11 out the purpose of this Charter;

12 (D) To employ engineers, attorneys, accountants,  
13 financial or other consultants, and such other agents and  
14 employees as the Board of Supervisors may require or deem  
15 necessary to accomplish the purpose of this Charter, or to  
16 contract for any such services;

17 (E) To acquire, construct, maintain, equip,  
18 improve, extend and enlarge capital projects for the purposes  
19 of enabling the District to perform public functions or  
20 services as herein provided;

21 (F) To borrow money for the purposes of enabling  
22 the District to perform public functions or services as herein  
23 provided;

24 (G) To assess for each year of its operation against  
25 each residential lot and each parcel with a canal access  
26 easement in the District a special assessment not to exceed  
27 \$2,000, and each parcel used for a marina a special assessment  
28 not to exceed \$4,000, to be billed and collected as provided  
29 by state and local law, and to be a lien on the assessed  
30 property, coequal with the lien of all state, county, district

1 and municipal taxes, and superior in dignity to all other  
2 liens, titles and claims, until paid in full;

3 (H) To fix and collect rates, fees, and other  
4 charges for the specialized public functions or services  
5 authorized by this act;

6 (I) To restrain, enjoin, or otherwise prevent the  
7 violation of this act or any resolution or rule adopted  
8 pursuant to the powers granted by this act;

9 (J) To join with any other district, municipality,  
10 county or political subdivision, public agency or authority in  
11 the exercise of common powers;

12 (K) To enter into contracts with government of the  
13 United States or any agency or instrumentality thereof, or  
14 with any state, county, municipality, district, authority or  
15 political subdivision, private corporation, partnership,  
16 association, or individual to effect the purpose of this act,  
17 and to receive and accept from any federal agency, grants or  
18 loans for or in aid of the specialized public functions or  
19 services authorized herein.

20 (L) To adopt rules, as further described in  
21 Section 5 below, regarding control over structures and  
22 activities within the canals that affect the ability of the  
23 District to dredge and otherwise maintain the canals."

24 \* \* \*

25 "Section 5. (1) To facilitate and implement the  
26 District's authority to dredge and maintain the canals within  
27 the District, the District is authorized to adopt rules  
28 regulating and controlling structures and activities within  
29 and adjacent to the canals including the following:

1           (A) Establishing standards for dimensions of docks,  
2 including floating docks and any other structures proposed for  
3 location adjacent, in on or over the canals;

4           (B) Establishing standards for location of docks  
5 and any other structures, including fixed docks, floating  
6 docks and bulkheads proposed for location adjacent, in on, or  
7 over the canals, relative to the shoreline or relative to  
8 existing bulkheads;

9           (C) Establishing a process for review of and  
10 approval of construction plans for docks, and any other  
11 structures, including fixed docks, floating docks and  
12 bulkheads proposed for location adjacent, in on or over the  
13 canals;

14           (D) Providing for removal of sunken vessels or  
15 debris from damaged docks, bulkheads or other debris from the  
16 canals;

17           (E) Prohibiting encroachment into the canals by  
18 fill or other construction activities;

19           (2) The District may accept delegation of  
20 responsibility for enforcement of any existing, recorded  
21 restrictive covenants establishing restrictions on  
22 construction in or use of the canals that are now administered  
23 by the Harbour Waterway Association, Inc. and other homeowner  
24 associations within the District.

25           (3) The District may perform modifications,  
26 repairs, maintenance and/or demolition of docks or other  
27 structures built in, on or over the canals when such  
28 structures are determined by the District to be non-compliant  
29 with the regulations adopted under this Section. Where the  
30 District performs such activities, the owner of the non-  
31 compliant structure(s) shall bear the cost of the activity."

1        Sections 6, 7 and 8 will be renumbered as Sections 7, 8, and  
2        9.

3                **Section 2.        Retroactive applicability.**        This ordinance  
4 shall be retroactive in application so that the amendment adopted  
5 herein shall be effective as if it were contained in the original  
6 enabling Ordinance 2010-725-E.

7                **Section 3.        All other aspects of Ordinance 2010-725-E**  
8 **unchanged.** With the exception of Section 1 of this ordinance, in  
9 all other respects Ordinance 2010-725-E shall remain unchanged and  
10 in full force and effect.

11                **Section 4.        Effective Date.**        This ordinance shall  
12 become effective upon signature by the Mayor, or upon becoming  
13 effective without the Mayor's signature.

14  
15 Form Approved:

16  
17 \_\_\_\_\_  
18 Office of General Counsel

19 Legislation prepared by: Jody L. Brooks

20 G:\Gov't Operations\JBrooks\Harbour Waterway Special District - Amend 2010-725-E.doc

# HARBOUR WATERWAY SPECIAL DISTRICT

Motion to Disburse Funds:

Tuesday, February 10, 2015

Date	Num	Description	Memo	Amount
<b>CURRENT ASSETS</b>				
12/31/2014		<b>BB&amp;T CHECKING ACCOUNT</b>	<b>BEGINNING BALANCE</b>	<b>\$ 192,953.44</b>
		TOTAL DEPOSITS	January 1 - 31	15,992.86
<b>TOTAL CURRENT ASSETS</b>				<b>\$ 208,946.30</b>
<b>DISBURSEMENTS</b>				
1/13/2015		Resurrection Episcopal Church	HWSD - Meeting Place	(150.00)
1/13/2015		Kathyrn Boucher	HWSD - Administrative Services	(150.00)
1/13/2015		Lewis Longman & Walker	HWSD - Legal Services (Nov & Dec)	(475.00)
1/31/2015		Bank Charge		-
<b>DISBURSEMENTS - SubTotal</b>				<b>(775.00)</b>
<b>1/31/2015</b>				<b>TOTAL ENDING BALANCE \$ 208,171.30</b>
<b>REQUESTED DISBURSEMENTS</b>				
2/10/2015		Resurrection Episcopal Church	HWSD - Meeting Place	(75.00)
2/10/2015		Kathyrn Boucher	HWSD - Administrative Services	(100.00)
2/10/2015		Lewis Longman & Walker	HWSD - Legal Services (January)	(425.00)
2/10/2015		Florida Municipal Insurance Trust	HWSD- Liability Insurance	(4,126.00)
<b>TOTAL REQUESTED DISBURSEMENT:</b>				<b>\$ (4,726.00)</b>
<b>PROJECTED DEBT SERVICE</b>				
5/1/2015		Revenue Notes - Interest Payment	Series 2012 & 2013	(9,757.40)
5/1/2015		Revenue Notes - Principal Payment	Series 2012 & 2013	(128,000.00)
11/1/2015		Revenue Notes - Interest Payment	Series 2012 & 2013	(9,757.40)
<b>PROJECTED DEBT SERVICE EXPENSE:</b>				<b>\$ (147,514.80)</b>
<b>TOTAL HWSD DISPOSABLE FUNDS</b>				
<b>BB&amp;T CHECKING ACCOUNT</b>		<b>ENDING BALANCE after DISBURSEMENTS &amp; DEBT SERVICE</b>		<b>\$ 55,930.50</b>