

**HARBOUR WATERWAY
SPECIAL DISTRICT
Agenda**

Tuesday
July 13, 2021
6:00 pm

Watson Realty
2490 Monument Road
Jacksonville, FL. 32225

- I. FY 2021-22 non-Ad Valorem Public Hearing**
- II. Introduction**
 - a. Call to Order
 - b. Roll Call / Quorum
- III. Administrative**
 - a. Approval of Minutes
 - i. Minutes from June 8, 2021*
- IV. District Business**
 - a. Reed Island Spoil Site
 - i. Minor Change to PUD*
 - b. Spoil Site Disposal Activity
 - i. Isle of Palms – Dredging Project*
 - c. HNPA Marina
 - d. Waterway Rules & Regulations
 - i. Robert Bailey – pilings placed over the riparian line in canal.*
 - ii. Dock Approval – Jeff Trevaskis, 11257 Portside Dr.*
 - iii. Dock Approval – Dana Kane, 11528 Starboard Dr.*
 - iv. Resolution 2021-06 approving Waterway Rules & Regulations Update*
- V. Financial**
 - a. Resolution 2021-07 approving 2021 non-Ad Valorem Tax Assessment
 - b. Approval to disburse funds
- VI. District Schedule**
 - a. Next Scheduled Board Meeting
 - i. August 10, 2021*
- VII. Other Business**
 - a. Legal and Compliance Issues
- VIII. Comments and Questions from Audience**
- IX. Adjournment of HWSD Meeting**

HARBOUR WATERWAY SPECIAL DISTRICT

Meeting Minutes

Tuesday, July 13, 2021

I. Public Hearing FY 2021-22 non-Ad Valorem Tax Assessment Public Hearing was opened for comments at 6:03 pm. As there were no comments from the public, the Public Hearing was continued until the next Board meeting on August 10, 2021.

II. Introduction

The Harbour Waterway Special District (HSWD) meeting of the Board of supervisors was held on July 13, 2021. The meeting was called to order at 6:05pm. In attendance were Robert Birtalan, Mark Todd, David Prysock, Walley Lovely and District Manager Stanley Pipes. It was noted that there was a quorum present. Caroline Birtalan was present as recording secretary.

III. Administrative

Approval of minutes from June 8, 2021 – Motion made to approve the meeting minutes; Motion Carried.

IV. District Business

Reed Island Spoil Site - A minor change to the PUD has been submitted to COJ for approval.

HNPA Marina- The boat slip licenses and the marina ramp agreement have been completed. The HNPA board is reviewing the boat slip licenses ramp agreement.

Waterway Rules and Regulations-

After review, a motion was made to have the Wayne Flowers, HWSD's attorney, send a letter asking Dan Tye to remove the pilings placed over the riparian line at Robert Bailey's house; Motion Carried. Jeff Trevaskis', 11257 Portside Dr., dock plan was submitted and reviewed by the Board. A motion was made to approve the dock plan; Motion Carried. Dana Kane's, 11528 Starboard Dr., dock plan was submitted and reviewed by the Board. A motion was made to approve the dock plan; Motion Carried. An additional dock plan was presented by Arthur Burt, 4628 Harbour North Ct., to the Board and a motion was made to approve the dock plan; Motion Carried.

Resolution 2021-06 the Waterway Rules & Regulations Update was presented to the board for review. A motion was made to approve the updated rules and regulations as amended; Motion Carried.

Financial

Resolution 2021-07 approving 2021 Non-Ad Valorem Tax Assessment – delayed until the August 10, 2021 Board meeting.

Approval to disburse funds- A motion was made to approve the disbursements for Administrative services, Legal services, District Manager, Laser scan, Vehicle Tax, Purchase of an attachment for the Bobcat -Extenda Teleboom, Marina Insurance, and Payroll & withholding taxes totaling \$18,689.77; Motion Carried.

Total Available Funds in the HWSD general fund as of June 30, 2021 is \$1,092,523.48. Projected total available funds in the HWSD general fund account as of December 30, 2021, is \$1,270,070.31.

V. District Schedule

Next scheduled Board Meeting- The next meeting is scheduled for August 10, 2021.

VI. Other Business

Legal and compliance issues- Nothing new to report.

VII. Comments and Questions

VIII. Adjournment

The meeting was adjourned at 7:53 PM. The next monthly Board of Supervisors meeting is scheduled for August 10, 2021.

Respectfully Submitted,



Caroline B. Birtalan
Recording Secretary



Robert P. Birtalan
Secretary / Treasurer

RESOLUTION NO. 2021 - 06

A RESOLUTION OF THE HARBOUR WATERWAY SPECIAL DISTRICT, DUVAL COUNTY, FLORIDA, ADOPTING THE HARBOUR WATERWAY SPECIAL DISTRICT WATERWAY REGULATIONS; 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, the Ordinance was amended through City of Jacksonville Ordinance No. 2015-233-E and given responsibility therein for creating rules and regulations governing activities on the Waterway; and the construction, maintenance or repair of bulkheads, docks, wharfs, boat lifts, and other structures located on and adjacent to the system of canals located within the boundaries of the HWSD; and

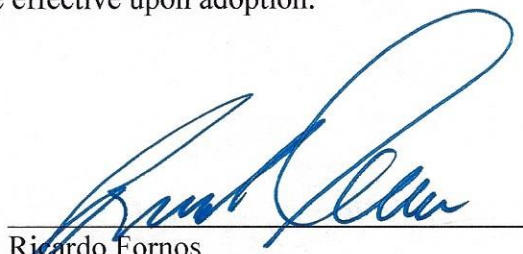
WHEREAS, the Board of Supervisors (“Board”) of the HWSD has determined that adoption of the Waterway Regulations will provide direction and standardization for residents in the District regarding bulkheads, docks, wharfs, boat slips and other structures on and adjacent to the waterway.

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

Section 1. The Board hereby adopts the Waterway Regulations attached hereto as Exhibit “A” to be utilized by the Board to review and approve requests for dock and bulkhead construction and maintenance.

Section 3. This Resolution shall become effective upon adoption.

Passed and Adopted this 13th day of July, 2021.



Ricardo Fornos
Board Chair

Attest:



Robert P. Birtalan
Board Secretary

HARBOUR WATERWAY SPECIAL DISTRICT WATERWAY REGULATIONS

1. PURPOSE

The purpose of the Harbour Waterway Special District "District" shall be continuing maintenance of the system of canals located in the Harbour neighborhood, Harbour North neighborhood, Harbour Cay neighborhood, and Harbour Island neighborhood. The District shall fulfill its purpose by dredging the canals, dredging the channel that provides the canals with access to the St. Johns River, maintaining a jetty, and maintaining navigational aids collectively the "Waterway." To facilitate dredging the Waterway, the District may also enforce standards for docks and other structures located in the canals, and activities in the canals when dredging is ongoing. Commercial use or operating a commercial enterprise in the Waterway from a residential parcel within the District is strictly prohibited.

2. DOCKS & BULKHEADS

2.1 General

- a. The District fulfills its responsibility of maintaining the canal system by dredging a channel a minimum of 50 feet wide to a minimum depth of 5.0 Mean Low Water "MLW" with a 1.0 foot over-dredge, (*the "Clear Channel"*), with a 3 / 1 slope on either side of the Clear Channel extending 15 feet on each side, (*the "Side Channel"*) for a total dredge profile of 80 feet wide throughout the canal system. Refer to Exhibit A
 - i. To facilitate dredging and set standards for the Waterway, the District enacts these regulations that may be amended from time to time by a majority of the members of the Board of Supervisors, "Board"; and
 - ii. To minimize the cost of dredging and to allow for safe navigation in the Waterway, docks and /or pilings as a rule may not obstruct the path delineated by the dredge profile, unless otherwise provided for herein.
- b. Bulkheads / seawalls are required for all parcels along the Waterway and shall be maintained in sound condition in order to prevent sediment from entering the Waterway.
- c. No docks, wharves, boat lifts, boat slips, seawalls, bulkheads or any other constructions shall be erected on the Waterway without prior approval from the District.
- d. All dock & bulkhead construction and repair shall be conducted in a manner which minimizes adverse impacts to the canal system.
- e. No dock shall be constructed or repaired in a manner which adversely affects the rights of other persons to use or access the canal system.

- f. Property owners shall maintain overhanging trees as not to encroach or interfere with the Waterway, including but not limited to low hanging branches that are less than 30 feet above High Mean Water as measured 11 feet from the bulkhead into the canal.
- g. Boat mooring may occur at the terminus of any dock and up to 5.0 feet from the adjacent homeowner's parcel or projected side yard property line.
- h. To protect the health and safety of persons living along and using the HWSD Waterway, it is not permitted for any person to Live Aboard any vessel in the HWSD channel designated by channel markers 1 through 20.
 - i. A Live Aboard vessel is any vessel used as a residence or any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence.

2.2 Dock & Bulkhead Building Application and Procedures.

- a. No dock construction or repair shall occur unless permitted by the District.
- b. All permit applications shall include the following:
 - i. The original signature of the property owner of the upland parcel to which the dock and/or bulkhead shall be attached;
 - ii.
- c. A site plan depicting the following:
 - i. The property owner's name and address where the dock is to be located;
 - ii. The location and dimensions of the dock;
 - iii. The location of all bulkheads, seawalls, boat lifts, hoists, floating docks, and pilings for the dock;
 - iv. The distance between the existing bulkhead and the outer most piling attached to the fixed dock;
 - v. The distance between the dock and all adjacent property lines;
 - vi. Location of any existing docks and/or bulkheads attached to upland property abutting the upland property to which the proposed dock is to be attached;
 - vii. The location of any easement areas within twenty feet of any portion of the dock; and
 - viii. An arrow indicating north.
- d. Dock and bulkhead plans shall be submitted a minimum of 21 days prior to the commencement of construction at the address listed below or by email:
 - i. Harbour Waterway Special District
c/o Stanley H Pipes
11554 Starboard Drive
Jacksonville, FL. 32225
(904) 642-0097
 - ii. Plans scanned in a PDF format may be submitted by email
s.pipes.hwsd@att.net

- e. A permit to proceed may be issued by the District Manager or a Supervisor designated by the Board of Supervisors, by Resolution to review and approve applications which fully meet the specifications herein. A report will be made on all applications received and acted on to the full Board at the next scheduled Board of Supervisors Meeting.

2.3 Dock Construction – *minimum standards*

- a. Private boat slips, wharves, docks, and boat lifts may be constructed by the property owner, but shall be of neat appearance and of good and substantial construction.
- b. Per Florida Statute 403.813 for non-designated Outstanding Florida Waters, the over-water surface area for a dock shall not exceed 1,000 square feet without special permitting from the State of Florida.
- c. All docks and wharves shall comply with Florida Department of Environmental Protection dock regulations.
- d. Fixed docks and/or pilings may not extend greater than 11 feet from the bulkhead into the Waterway, and under no circumstances shall the fixed dock and/or pilings extend into the Clear Channel. Boat lifts and pilings to support boat lift equipment may extend up to 12.0 feet into the Side Channel as measured from Side Channel boundary line closest to the bulkhead then waterward towards the Clear Channel. Refer to Exhibit B
- e. Floating docks may not extend from the fixed dock greater than 8.0 feet, except special consideration for floating docks extending greater than 8.0 feet may be granted provided homeowner agrees to remove the floating dock during dredging operations and is approved by the Board.
- f. The combined length from the bulkhead of the fixed dock and the floating dock or a boat lift may not extend greater than 22 feet from the bulkhead into the Waterway unless otherwise restricted by the Clear & Side Channel regulations or as provided in paragraph 2.3 (e).
- g. Docks, wharves, boat lifts, and boat slips shall have a minimum side setback of 5.0 feet from the actual or projected property line equivalent to the side yard setback required of a residential structure, exceptions shall be granted if the adjacent property owner(s) grants permission to build the dock up to the property line.
- h. No fixed dock floor elevation shall be less than one (1) foot above the Mean High Water (MHW).
- i. No portion of any fixed dock or floating dock may be completely or partially enclosed or allowed to have a screened in enclosure. Commercially manufactured storage lockers and fish cleaning stations are allowed subject to Section 2.3j and i, and approval from the Board.
 - i. Two storage lockers or a single storage locker and a fish cleaning stations of less than 100 cubic feet combined are allowed on private docks; and
 - ii. No storage locker shall be used to store fuel, fueling equipment, hazardous materials or hazardous wastes.

- j. To prevent structures on or adjacent to the Waterway from blocking the views of other property owners, docks or wharves including railings may not be constructed greater than 5.0 feet above the top of the bulkhead or 6.0 feet above Mean High Water (MHW) whichever is less.
 - i. Pergolas, gazebos, screened in enclosures, or boat houses may not be constructed on or adjacent to the Waterway; and
 - ii. Excluded from these provisions are boat lifts without roofs or covers.
- k. Docks, wharves, and boat lifts shall be placed parallel to the bulkhead.
- l. Residential parcels shall have a maximum of two (2) boat lifts per parcel for vessels greater than 14 feet in length, plus a lift for personal water crafts (PWC) is permitted.

2.4 Bulkhead Construction

- a. All waterfront lots must have a seawall or bulkhead the entire length of the water frontage and shall be maintained in sound condition. Any bulkhead that has failed, collapsed, or fallen into the waterway shall be repaired within 90 days of notification from the Board the seawall or bulkhead has become a hazard to navigation in the waterway.
- b. In the event a new bulkhead is constructed to replace the existing bulkhead, shoreline contours above or below the water may not encroach upon the Waterway by greater than 2.0 feet from the existing bulkhead.
- c. Bulkheads may not extend above the current elevation of the existing bulkhead, and the bulkhead elevation shall not be greater than one (1) foot above the Mean High Water (MHW), whichever is the highest elevation.
- d. Bulkheads shall be constructed of sound and substantial material rated for marine applications including: concrete, pressure treated marine grade lumber, and/or corrugated vinyl sheet pilings.
- e. Bulkhead - *Suggested Minimum Standards:*
(Harbour Waterway Special District does not represent or warrant the suggested minimum standards are adequate to resist lateral soil and hydrostatic pressures at a homeowners' property. Homeowners should always consult with a licensed engineer to determine if the suggested minimum standards are adequate for the homeowners' property.)
 - i. Pilings for wood and vinyl bulkheads shall be set a maximum of 5.0 feet apart along the bulkhead and have a minimum length of 20 feet.
 - ii. Whalers (horizontal support for the cribbing) for wood and vinyl bulkheads shall be set a maximum of 4 feet apart on center with a

minimum of two walers the entire length of the bulkhead.

- iii. Cribbing (vertical sheeting) may be composed of marine grade wood, concrete, and/or vinyl bulkheads and shall be a minimum of 12 feet in length.
- iv. All bulkheads shall have a sediment filter screen installed the entire length of the bulkheads and down a minimum of 8.0 feet from the top of the bulkhead. Sediment filter screens shall be maintained in good condition at all times.
- v. All bulkhead pilings shall have corrosion resistance steel tiebacks attached and anchored a minimum of 10 feet from the bulkhead to a deadman adequate to resist lateral soil and hydrostatic pressures.

2.5 Variances

The Board of Supervisors ("Board") may grant variances from the specifications set forth in Section 2.3 above for dock construction or Section 2.4 above for bulkhead only under the following circumstances:

- a. The requesting party must provide written notice of the request to property owners on either side of the lot where the construction is proposed.
- b. Any request for variance must be set forth in writing and filed with the Board at least 15 days before the next regularly scheduled Board meeting, including proof of notification to adjacent property owners.
- c. The request must demonstrate and the Board must find, in order to grant the variance request that the request is not contrary to the public interest, and owing to special conditions, a literal enforcement of the applicable specifications will result in an undue hardship on the requesting property owner.
- d. The Board may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of these regulations.
- e. Approval of any variance request will require the affirmative vote of at least four (4) members of the Board.
- f. No construction may start on any project for which the owner has made application for a variance until the request is approved as provided herein.

3. RESTRICTIONS DURING DREDGING OPERATIONS

- 3.1 The District shall notify all property owners of proposed dredging operations a minimum of 45 days in advance.

- 3.2 Property owners shall relocate boats, vessels, and floating docks as directed by the District to a safe location during dredging operations.
- 3.3 In the event the property owner(s) does not relocate their boat, vessel, or floating dock as directed, the District shall have the right to relocate a boat, vessel, or floating dock to a safe location during dredging operations at the sole expense of the property owner.
- 3.4 The District shall have exclusive use of the Waterway during dredging / maintenance operations.
 - a. No maintenance on docks, boat lifts, bulkheads, seawalls or pilings shall be performed by property owners during dredging operations.
 - b. Dredging operations shall be performed 7 days a week from dawn to dusk until dredging is complete. On average the District conducts dredging operations every 7 to 8 years. The last dredging operation was completed in July, 2013.
 - c. The Waterway shall be closed to all boat traffic during dredging operations for the safety of the boaters and to prevent damage to dredging equipment and the dredge discharge pipe.

4. REMEDIES

- 4.1 After the effective date, all new construction, repairs, maintenance, or modifications to docks, wharves, boat lifts, and/or boat slips shall comply with these regulations, except existing docks, wharves, boat lifts, and/or boat slips constructed prior to August 11, 2015 are granted a variance as to the distance from the bulkhead and general design layout. In the event new construction or repairs are performed out of compliance, the District shall have the right to perform modifications, repairs, maintenance and/or demolition to docks, wharves, boat lifts, boat slips, pilings, seawalls, and/or bulkheads at the property owners' expense. This shall include removal of any obstruction located in the Waterway, including but not limited to pilings, fixed docks, boat lifts, and/or submerged vessels.
- 4.2 The District shall have the right at the property owner's expense to remove any submerged vessel or submerged dock after written notification from the District to the property owner, and provided the property owner has not taken corrective action within 30 days.
- 4.3 All costs incurred by the District shall constitute an assessment against the property owner. The District shall the right to enforce the assessment in the matter provided for in Ordinance 2010-725 and Ordinance 2015-233.

HARBOUR WATERWAY SPECIAL DISTRICT

2020 NON-AD VALOREM ASSESSMENT - DISTRIBUTION REPORT

6/30/2021

DATE	GROSS TAX	EARLY PAYMENT DISCOUNT	NET TAX	TC FEE	PA FEE	DISTRIBUTION
OCTOBER						
16 - 31	2,500.00	(100.00)	2,400.00	(48.00)	(36.00)	2,316.00
NOVEMBER						
01 - 06	4,505.94	(175.18)	4,330.76	(86.62)	(64.96)	4,179.18
07 - 16	22,000.00	(880.00)	21,120.00	(422.40)	(316.80)	20,380.80
17 - 23	19,000.00	(760.00)	18,240.00	(364.80)	(273.60)	17,601.60
24 - 30	110,000.00	(4,400.00)	105,600.00	(2,112.00)	(1,584.00)	101,904.00
DECEMBER						
1 - 8	14,000.00	(560.00)	13,440.00	(268.80)	(201.60)	12,969.60
09 - 17	9,848.91	(367.85)	9,481.06	(189.62)	(142.22)	9,149.22
18 - 31	12,503.70	(375.11)	12,128.59	(242.57)	(181.93)	11,704.09
JANUARY						
1 - 14	4,000.00	(140.00)	3,860.00	(77.20)	(57.90)	3,724.90
15 - 31	2,505.94	(40.00)	2,465.94	(49.32)	(36.99)	2,379.63
February						
1 - 29	4,000.00	(40.00)	3,960.00	(79.20)	(59.40)	3,821.40
March						
1 - 15	2,000.00	(20.00)	1,980.00	(39.60)	(29.70)	1,910.70
16 - 31	2,629.88	-	2,629.88	(52.60)	(39.45)	2,537.83
April						
1 - 15	4,000.00	120.00	4,120.00	(82.40)	(61.80)	3,975.80
16 - 30	-	-	-	-	-	-
May						
1 - 31	2,000.00	60.00	2,060.00	(41.20)	(30.90)	1,987.90
June						
1 - 30	3,505.63	105.17	3,610.80	(72.22)	(54.16)	3,484.42
July - August						
1 - 31	-	-	-	-	-	-
September						
1 - 30	-	-	-	-	-	-
<i>Unpaid Assessments</i>						
-						
TOTAL DISTRIBUTION:	219,000.00	(7,572.97)	211,427.03	(4,228.54)	(3,171.41)	\$ 204,027.08
% Collected	100.0%	-3.46%		-2.0%	-1.5%	93.16%
TOTAL TAX BILLED	219,000.00					

HARBOUR WATERWAY SPECIAL DISTRICT

Motion to Disburse Funds:

Tuesday, July 13, 2021

Date	Num	Description	Memo	Amount
CURRENT ASSETS				
5/31/2021		BB&T CHECKING ACCOUNT	BEGINNING BALANCE	\$ 1,097,681.46
		TAX DEPOSITS	June 1 - 30	3,484.42
TOTAL CHECKING ACCOUNT BALANCE				\$ 1,101,165.88
CLEARED DISBURSEMENTS				
5/31/2021		Stanley Pipes	District Manager 18.5 hrs. - (May Billing - Reed)	(1,536.48)
5/31/2021		Stanley Pipes	District Manager 19.5 hrs. - (May Billing - Gov't)	(1,616.82)
		Caroline Birtalan	Administrative Services (June 8)	(150.00)
	Epay	Lewis Longman & Walker	Legal Services up to: (June Billing)	(875.00)
6/8/2021	Debit	USA IRS - Tax Payment	Payroll & Withholding Taxes - May	(1,704.52)
		Stanley Pipes	Diesel Fuel - 27.0 gallons; cinch pin & 2 cycle oil	(92.58)
		2019 Tax Rebate Project	Rebate Check	(1,000.00)
		Duval Tax Collector	Minor Change to PUD	(1,667.00)
DISBURSEMENTS - SubTotal				(8,642.40)
6/30/2021		BB&T CHECKING ACCOUNT	TOTAL ENDING BALANCE	\$ 1,092,523.48
OUTSTANDING DISBURSEMENTS / DEPOSITS				
6/30/2021		2019 Tax Rebate Project	Outstanding Rebate Checks	(3,000.00)
6/30/2021		Stanley Pipes	District Manager 52.75 hrs. - (June Billing)	(5,275.00)
SubTotal				(8,275.00)
REQUESTED DISBURSEMENTS				
7/13/2021		Caroline Birtalan	Administrative Services (May 11)	(150.00)
7/13/2021	Debit	Stanley Pipes	District Manager up to 55.00 hrs. - (July Billing)	(5,500.00)
7/13/2021	Epay	Lewis Longman & Walker	Legal Services up to: (June Billing)	(2,400.00)
7/13/2021		Arc Surveying	Spoil site laser scan	(3,200.00)
7/13/2021	Debit	USA IRS - Tax Payment	Payroll & Withholding Taxes - June	(937.40)
7/13/2021		Stanley Pipes - District Expenses	Public Notices; Web Hosting; IRS Form 2290 filing;	(198.49)
7/15/2021		IRS Tax Payment	2021 Heavy Vehicle Tax_Form 2290	(550.00)
7/13/2021		Bobcat - Quick Attach Attachments	Xtenda-Reach Teleboom	(2,753.88)
9/1/2021		Kelly White & Associates Insurance	Insurance for Marina	(3,000.00)
SubTotal				(18,689.77)
TOTAL AVAILABLE FUNDS AFTER REQUESTED DISBURSEMENTS				\$ 1,065,558.71
PLANNED PROJECT EXPENSES				
Ongoing		Parcel Owners	Marsh parcels adjacent to HWSD canals	(45,000.00)
Ongoing		Equipment Rentals / Labor/ Supplies	COJ Park Development: up to	(25,000.00)
Ongoing		Marina Development Project	Repair floating docks, upgrade security and replace gate, replace electr	(50,000.00)
TOTAL PLANNED PROJECTS:				\$ (120,000.00)
FORECAST NET REVENUE FROM 2020 ASSESSMENT				\$ 182,885.00
2020 Assessment Collected		\$	209,759	
BUDGETED OPERATING EXPENSES - July 1, 2021 thru December 31, 2021				(56,290.07)
2018 REVENUE NOTE - DEBT SERVICE				
5/1/2022		Interest Payment	Series 2018 Revenue Note	
5/1/2022		Principal Payment	Series 2018 Revenue Note	
OPERATING EXPENSES & DEBT SERVICE EXPENSE:				\$ (56,290.07)
TOTAL HWSD PROJECTED DISPOSABLE FUNDS				
ISLE OF PALMS		License Payment #2 - Due December 31, 2021		197,916.67
REED ISLAND MANAGEMENT		License Payment #3 - Due May 1, 2022		
TOTAL PROJECTED AVAILABLE FUNDS as of December 31, 2021				\$ 1,270,070.31