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ORDINANCE NO. 2023-010

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, AMENDING ORDINANCE NO. 2014-0011; WHICH CREATED THE WILTON DRIVE IMPROVEMENT DISTRICT, A DEPENDENT SPECIAL DISTRICT AUTHORIZED BY SECTION 189.02, FLORIDA STATUTES; AMENDING MEMBERSHIP, OF THE GOVERNING BOARD OF THE DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUNSET; AND PROVIDING FOR AN EFFECTIVE DATE.

13 **WHEREAS**, on December 9, 2014, the City Commission of the City of Wilton Manors
14 adopted Ordinance No. 2014-0011 which created the Wilton Drive Improvement District, a
15 Dependent Special District, providing for the purpose, powers, functions and duties of the
16 District, among other things; and

17 **WHEREAS**, at the August 22, 2023 City Commission Meeting, the Wilton Drive
18 Improvement District Board submitted its recommendations to the City Commission to extend
19 the duration of the District's tenure and other modifications to Ordinance No. 2014-0011; and

20 **WHEREAS**, the City Commission of the City of Wilton Manors, Florida deems it to be
21 in the best interests of the citizens and residents of the City to amend Ordinance 2014-0011 as
22 set forth herein; and

23 **WHEREAS**, the City Commission desires to ratify the legislative findings set forth in
24 Ordinance 2014-0011 including but not limited to forming the Wilton Drive Improvement
25 District for the purpose of creating a cleaner, safer, and more attractive district; ensuring a stable
26 and predictable resource base to fund supplemental services and programs; to respond quickly to
27 market changes and community needs; assisting in improving the sales and occupancy rates;
28 funding physical improvements; providing for pedestrian safety; marketing the district;

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1 increasing parking opportunities for visitors and shoppers; fielding special events and street
2 celebrations; and including paying the costs necessary and incidental thereto through non-ad
3 valorem assessments; and

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
5 **CITY OF WILTON MANORS, FLORIDA, AS FOLLOWS:**

6
7 **Section 1.** The foregoing recitals are hereby ratified and confirmed as being true and
8 correct and are hereby made a specific part of this Ordinance upon adoption hereof.

9 **Section 2. Establishment of District.** The City does hereby establish the Wilton Drive
10 Improvement District, hereinafter the "District" as a dependent special district within the
11 meaning of Chapter 189, Florida Statutes, for all purposes consistent with, and as authorized by
12 Chapter 189, Florida Statutes and all other applicable laws.

13 **Section 3. Establishment of District Boundaries.** The geographic boundaries for the
14 District shall include and incorporate all property described in Exhibit "A", a copy of which is
15 attached hereto and incorporated herein by reference, all lands of which are located within the
16 municipal boundaries of the City.

17 **Section 4. Purpose, Powers, Functions, Duties and Authority of District.** The District
18 shall have all powers as authorized by Law, to effectuate its purpose to include but not limited
19 to: improve, maintain, and fund physical improvements; provide for pedestrian safety; market
20 the District; increase parking opportunities for visitors and shoppers; field special events and
21 street celebrations; provide for the construction, reconstruction, repair, paving, repaving, hard
22 surfacing, rehard surfacing, widening, guttering, and draining of streets, boulevards, and alleys;
23 grading, regrading, leveling, laying, relaying, paving, repaving, hard surfacing, and rehard
24 surfacing of sidewalks; for constructing or reconstructing permanent pedestrian canopies over

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1 public sidewalks; and in connection with any of the foregoing, provide related lighting,
2 landscaping, street furniture, signage, and other amenities as determined by the City Commission
3 of the City of Wilton Manors; order the construction, reconstruction, repair, renovation,
4 excavation, grading, stabilization, and upgrading of greenbelts, swales, culverts, sanitary sewers,
5 storm sewers, outfalls, canals, primary, secondary, and tertiary drains, water bodies, marshlands,
6 and natural areas, all or part of a comprehensive storm water management system, including the
7 necessary appurtenances and structures thereto and including, but not limited to, dams, weirs,
8 and pumps; order the construction or reconstruction of water mains, water laterals, alternative
9 water supply systems, including, but not limited to, reclaimed water, aquifer storage and
10 recovery, and desalination systems, and other water distribution facilities, including the
11 necessary appurtenances thereto; pay for the relocation of utilities, including the placement
12 underground of electrical, telephone, and cable television services, pursuant to voluntary
13 agreement with the utility, but nothing contained in this paragraph shall affect a utility's right to
14 locate or relocate its facilities on its own initiative at its own expense; provide for the construction
15 or reconstruction of parks and other public recreational facilities and improvements, including
16 appurtenances thereto; provide for the construction or reconstruction of seawalls; provide for the
17 drainage and reclamation of wet, low, or overflowed lands; provide for offstreet parking facilities,
18 parking garages, or similar facilities; provide for mass transportation systems; provide for
19 improvements to permit the passage and navigation of watercraft; and provide for the payment
20 of all or any part of the costs of any such improvements by levying and collecting special
21 assessments on the abutting, adjoining, contiguous, or other specially benefited property; and to
22 provide access to the businesses located within the boundaries of the District, and such other

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Words in underlined type are additions.

1 improvements and appurtenances within the District as may be necessary for the improvement,
2 maintenance, monitoring and providing of access to such businesses. However, offstreet parking
3 facilities, parking garages, or other similar facilities and mass transportation systems must be
4 approved by vote of a majority of the affected property owners.

5 In addition, as necessary to effectuate its purposes as set forth herein, the District shall
6 have the following powers:

- 7 a. The right to exercise any and all provision or powers granted to the District by
8 applicable law;
- 9 b. The full and complete right to contract, subject to the limitations set forth herein;
- 10 c. The authority to prescribe, fix, maintain and regulate fees, charges or rents for the
11 use of any District facilities or services;
- 12 d. With the prior approval of the City by a resolution of the City Commission, to
13 borrow money, issue bonds and other types of securities, pledge or otherwise encumber any
14 of the District's property or assets upon terms and conditions to be determined by the District
15 Board, subject to approval by resolution of the City Commission;
- 16 e. The right to adopt and enforce reasonable rules and regulations or procedures
17 pertaining to the use, acquisition, maintenance, development, operation or disposal of any of
18 the properties, services, facilities, or projects of the District;
- 19 f. The right to do, and to perform all such things separately or in conjunction with a
20 county, municipality, other special districts or other political subdivision of the state whether the
21 same is within or without the territorial limits of the District, subject to approval by the City
22 Commission;

1 g. The authority to employ a staff and such other technical assistants and other
2 employees as the District Board shall determine to be necessary;

3 h. The right to conduct and pay for studies, plans and designs to effectuate the
4 purpose of the District, which action may include, but is not limited to, work plans for expansion,
5 staffing plans and financing plans;

6 i. The right to enter into interlocal agreements or other contracts with the City, if
7 necessary, for the purpose of accomplishing the purposes of the District;

8 j. The right to enter into contracts with public or private entities for the provision of
9 assistance in planning, financing and constructing any and all facilities and services as
10 determined to be appropriate and desirable by the District Board;

11 k. The right to contract for appropriate engineering and financial feasibility studies;

12 l. The right to maintain an office at such place or places within the territorial
13 boundary of the District as the District Board may designate;

14 m. The right to employ and compensate such personnel, consultants and technical
15 and professional assistants as the District Board shall deem necessary to the exercise of the
16 District powers and to the performance of the duties set forth in this Section;

17 n. The right to accept and receive, utilize or expend, in furtherance of its functions,
18 funds, grants and services from the federal government or its agencies, from departments,
19 agencies and instrumentalities of state, municipal, county or other local governments, or from
20 private or civic sources;

21 o. The right to invest in accordance with applicable Florida law any surplus money,
22 including such money in any sinking fund or other fund established for the purpose of providing

1 for the payment of the principal or interest of any bonded or other indebtedness or for any other
2 purpose;

3 p. The right, subject to the approval of the City Commission, to assess and impose
4 upon real property in the District non-ad valorem assessments; and to charge, collect, and enforce
5 fees and other user charges pursuant to Chapter 197, Florida Statutes. The District's non-ad
6 valorem assessment authority shall be limited to the sum of \$100,000.00 per year.
7 Notwithstanding the foregoing, the District shall not assess or charge, collect or enforce fees or
8 other charges upon real property owned by any Federal, State or local governmental entity;

9 q. The right to hold, control, and acquire by donation or purchase, or dispose of, any
10 easements, dedications, platted reservations, or any reservations for those purposes authorized
11 by this Ordinance and to make use of such easements, dedications, or reservations for any of the
12 purposes authorized by this Ordinance;

13 r. The right to hold, control and acquire by donation or purchase, or dispose of, any
14 District property for those purposes authorized by this Ordinance and to make use of such
15 property for any of the purposes authorized by this Ordinance.

16 s. The right to have and exercise such powers as are reasonably implied in or not
17 inconsistent with this Ordinance and which the District Board determines are necessary and
18 proper to carry out the objectives and purposes of the District.

19 **Section 5. Governing Board of District.** The governing body of the District, shall be
20 designated as the Board of Supervisors (the "District Board"), and shall be appointed by the City
21 Commission. There shall be staggered terms for members of the District Board. At the City
22 Commission Meeting at which initial District Board appointments are made, three (3) board

1 members shall be appointed for an initial two (2) year term, and four (4) board members shall be
2 appointed for an initial three (3) year term. Appointments to the District Board shall serve at the
3 pleasure of the City Commission but unless otherwise stated in the appointment, the members of
4 the District Board shall, after the initial terms, serve for a term of three (3) years from the date of
5 appointment. Any vacancy in the District Board shall be filled by an appointment made by the
6 City Commission for the balance of the unexpired term within sixty (60) days of the occurrence
7 of such vacancy. The District Board shall exercise the powers granted to the District. Effective
8 October 6, 2024 tThe District Board shall consist of ~~seven-five (57)~~ members, ~~two~~three (23) of
9 which are the owners of real property within the District, ~~two~~three (23) of which are tenants
10 having their business located within the District and one (1) resident of the City of Wilton Manors
11 that owns and resides within a homestead property within the geographic boundary of the City
12 created by Andrews Ave., Dixie Highway, the Middle River and 26th St. Each member shall
13 hold office until a successor is chosen. A property owner appointed to the District Board may
14 designate in writing a tenant occupying the owner's property to serve on the District Board in the
15 place and stead of the property owner member. In the event a property owner or business owner
16 (or a property owner's designated tenant member) within the District is a corporation or a Limited
17 Liability Company, the Board member shall be ~~an~~ registered agent or officer of the corporation
18 or a registered agent, ~~or a member,~~ or manager of the Limited Liability Company. No District
19 Board member shall be affiliated with another. Although the District has multiple property
20 owners and business owners working in the same building or area and may on occasion engage
21 in collaborative activities for the welfare of the District, no District Board member shall have an

1 ownership interest, business interest, employment relationship or landlord tenant relationship
2 with any other District Board member or principal of any other board member.

3 A majority of the members of the District Board shall constitute a quorum for the
4 purposes of conducting its business and exercising its powers and for all other purposes. The
5 procedures of the District Board shall be governed by the latest revised version of Robert's Rules
6 of Order. Action taken by the District Board shall be upon a vote of a majority of the members
7 present unless general law or a rule of the District requires a greater number. The District Board
8 shall keep a permanent digital record ~~book~~ in which shall be recorded minutes of all meetings,
9 resolutions, proceedings, certificates, bonds, and any and all corporate acts. The record ~~book~~
10 shall at reasonable times be opened to inspection in the same manner as state, county, and
11 municipal records pursuant to Chapter 119, Florida Statutes. The record ~~book~~ shall be kept at
12 the office or other regular place of business maintained by the District Board.

13 The District Board shall elect one member as chairperson and one member as vice-
14 chairperson. The chairperson shall preside at Board meetings and execute all contracts and other
15 legal documents on behalf of the District. The chairperson shall be elected for the term of one
16 (1) year. If the chairperson shall cease to be a member or shall for any reason be unable to serve
17 as chairperson, a successor shall be elected by the District Board for the unexpired portion of the
18 term. The vice-chairperson shall be elected for a term of one (1) year and shall have all of the
19 duties of the chairperson in his/her absence. If neither the chairperson nor vice chairperson is in
20 attendance and willing to chair a meeting at which a quorum is present, the District Board may
21 elect a chairperson pro-tem for the duration of that meeting.

1 All powers, privileges and duties vested in or upon the District shall be exercised and
2 performed by and through the District Board; provided, however, the exercise of any and all
3 executive, administrative and ministerial powers may be delegated by the District Board to any
4 of its officers, staff, employees, agents or designees, which delegation may be re- delegated or
5 withdrawn by the District Board. The District Board shall fix and publish the time and place or
6 places at which its regular meetings shall be held, and shall provide for the calling and holding
7 of special meetings at the request of any supervisor upon appropriate notice. The District Board
8 shall adopt rules, regulations, resolutions, and orders for conducting its business.

9 District Board Members shall be subject to all ethics requirements in the City Code,
10 including but not limited to the code of silence and lobbyist registration and reporting
11 requirements set forth in Sections ~~2-58268, and 2-61, and 352~~ 2-62358 of the City Code, as
12 amended. District Board members shall serve without compensation, but shall be reimbursed for
13 per diem and travel in accordance with Section 112.061 Florida Statutes, as amended, or other
14 applicable Florida law.

15 **Section 6. Financing of the District.** Subject to the provisions of Section 4 hereof, the
16 District, in order to finance the purposes and operations of the District, shall have the power to
17 borrow money and issue bonds, revenue anticipation notes, or certificates payable from and
18 secured by a pledge of funds, revenues, and assessments, warrants, notes, or other evidence of
19 indebtedness; and to cooperate or contract with other persons or entities, including other
20 governmental agencies as necessary, convenient, incidental, or proper in connection with
21 furthering any power, duty, or purpose authorized by applicable law and to take any other action
22 not inconsistent with applicable law.

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Words in underlined type are additions.

1 **Section 7. Non-ad valorem assessments.** Pursuant to Chapter 197, Fla. Stat., non-ad
2 valorem assessments levied pursuant to this Ordinance shall remain liens, coequal with the lien
3 of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and
4 claims until paid.

5 **Section 8. Consistent with Comprehensive Plan and District as the Best Alternative.** The
6 creation of the District is consistent with the City of Wilton Manors' Comprehensive Plan and
7 all other applicable growth management rules, regulations, ordinances, and laws. The District is
8 the most efficient and effective method by which to achieve the purposes set forth above (as
9 opposed to private alternatives such as a property owner's association, private partnership,
10 neighborhood association, or public alternatives such as MSTU, MSBU, special independent
11 district, etc.).

12 **Section 9. Applicable Financial Disclosure, Noticing, and Reporting Requirements.** The
13 District will provide all financial disclosures required by Florida law relating to dependent special
14 districts, including but not limited to, all financial disclosures relating to bonds, financing, non-
15 ad valorem special assessments, and the like. Any and all meetings of the District Board shall
16 be noticed in accordance with Chapter 286, Florida Statutes, as amended. Any and all notices
17 that are required to be provided to the landowners within the District shall be provided by U.S.
18 Mail delivery or by posting public notice in a designated area within the District, which area shall
19 be specified by the District Board. The District will comply with all reporting requirements
20 required by Florida law relating to dependent special districts.

21 **Section 10. Budget and Approval Thereof.** On or before each ~~August 15~~ August 15, the District
22 Board shall prepare or have prepared under its direction a proposed budget for the ensuing fiscal

1 year. The proposed budget shall include an estimate of all necessary expenditures of the District
2 for the ensuing fiscal year and an estimate of income to be received by the District for such
3 ensuing fiscal year. The budget shall be balanced; that is the total of the estimated receipts
4 including any balances brought forward shall at least equal the estimated expenditures. No later
5 than each May 1, such proposed budget shall be delivered to the City Manager of the City. The
6 budget for the District shall be subject to review and approval by the City Commission. If the
7 City Commission approves the District's budget, it shall approve and adopt the budget no later
8 than September 30.

9 **Section 11. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
10 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

11 **Section 12. Severability.** Should any section, provision, paragraph, sentence, clause of
12 word of this Ordinance or portion hereof be held or declared by any court of competent
13 jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as
14 eliminated and shall not affect the validity of the remaining portions or applications of this
15 Ordinance.

16 **Section 13. Sunset Provision.** This Ordinance shall automatically sunset ~~ten-five (105)~~
17 years from the effective date hereof, unless otherwise extended.

18 **Section 14. Effective Date.** Except as otherwise provided for herein, This Ordinance
19 shall become effective upon passage and adoption.

20
21 **[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

1 PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF
2 WILTON MANORS, FLORIDA, THIS 28th DAY OF November, 2023.

3
4 PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY
5 COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 12th DAY OF
6 December, 2023.

7
8 CITY OF WILTON MANORS, FLORIDA

9
10
11 By: [Signature]
12 SCOTT NEWTON, MAYOR

13
14 ATTEST:

RECORD OF COMMISSION VOTE: 1ST Reading

15
16 [Signature]
17 FAITH LOMBARDO, J.D., CMC
18 CITY CLERK

19 MAYOR NEWTON [Signature]
20 VICE MAYOR BRACCHI [Signature]
21 COMMISSIONER CAPUTO [Signature]
22 COMMISSIONER D'ARMINIO [Signature]
23 COMMISSIONER ROLLI [Signature]

24 I HEREBY CERTIFY that I have
25 approved the form of this Ordinance.

26 /s/ Kerry L. Ezrol
27 KERRY L. EZROL, ESQ.
28 CITY ATTORNEY

29 RECORD OF COMMISSION VOTE: 2ND
30 Reading

31
32 MAYOR NEWTON [Signature]
33 VICE MAYOR BRACCHI [Signature]
34 COMMISSIONER CAPUTO [Signature]
35 COMMISSIONER D'ARMINIO [Signature]
36 COMMISSIONER ROLLI [Signature]
37
38

EXHIBIT "A"

PROPERTY INCLUDED IN THE WILTON MANORS IMPROVEMENT DISTRICT

<u>Folio #</u>	<u>Address</u>
494 226 630 010	2525 N. Dixie Highway
494 226 051 050	2500 Wilton Drive
494 226 050 980	2468 Wilton Drive
494 226 050 981	2450 Wilton Drive
494 226 050 970	2440 Wilton Drive
494 226 050 951	2412 Wilton Drive
494 226 050 950	2400-2410 Wilton Drive
494 226 050 290	2390 Wilton Drive
494 226 050 261	2348 Wilton Drive
494 226 050 260	2340 Wilton Drive
494 226 050 249	2330 Wilton Drive
494 226 050 250	2312 Wilton Drive
494 226 050 120	2200-2292 Wilton Drive
494 226 070 010	1150 NE 26 th Street
494 227 600 010	513 NE 21 Court
494 227 080 040	2010 Wilton Drive
494 227 080 030	2008 Wilton Drive
494 227 080 050	1950 Wilton Drive
494 227 080 060	1946 Wilton Drive
494 227 050 050	2031 Wilton Drive
494 227 050 040	2033-2043 Wilton Drive
494 227 050 020	2045 Wilton Drive
494 227 050 030	2055 Wilton Drive
494 227 030 070	2105 NE 5 Avenue
494 227 040 531	2151-2171 Wilton Drive
494 227 040 530	2199 Wilton Drive
494 226 051 210	2201 Wilton Drive

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494 226 060 030	2205 Wilton Drive
494 226 052 120	2300 NE 6 Avenue
494 226 052 121	2255 Wilton Drive
494 226 052 100	2287 Wilton Drive
494 226 CE0 010	2301 Wilton Drive C1
494 226 CE0 020	2301 Wilton Drive C1A
494 226 CE0 030	2301 Wilton Drive C2
494 226 CE0 040	2301 Wilton Drive C3
494 226 CE0 050	2301 Wilton Drive C4
494 226 CE0 060	2301 Wilton Drive C5
494 226 052 530	2400 NE 8 Avenue
494 226 052 510	2339 Wilton Drive
494 226 052 500	2343 Wilton Drive
494 226 052 660	2361 Wilton Drive
494 226 052 651	2389 Wilton Drive
494 226 052 700	2425 Wilton Drive
494 226 052 691	2449 Wilton Drive
494 226 052 701	2465 Wilton Drive
494 226 052 710	2501 Wilton Drive
494 226 550 150	2378 Wilton Drive
494 226 550 160	2376 Wilton Drive
494 226 550 170	2374 Wilton Drive
494 226 550 180	2372 Wilton Drive
494 226 550 190	2370 Wilton Drive
494 226 550 200	2366 Wilton Drive
494 226 550 210	2364 Wilton Drive
494 226 550 220	2362 Wilton Drive
494 226 550 230	2360 Wilton Drive
494 227 050 010	2097 Wilton Drive



City of Wilton Manors
Business Impact Estimate

Note: The business impact estimate must be posted on the City's website no later than the date the notice of proposed enactment is published per Section 166.041(4) Florida Statutes. This business impact estimate may be revised following its initial posting.

Ordinance title/reference:

2023-010 An ordinance of the City of Wilton Manors, FL amending ordinance 2014-011 which created the Wilton Drive Improvement District, a dependent special district authorized by Section 189.02 FS; amending membership of the governing body, providing for conflicts; providing for severability and providing for an effective date.

Does any of the following exceptions to the Business Impact Estimate requirement apply? If so, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the County;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

Business Impact:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Modifying the membership of the governing body.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Wilton Manors (each is required):

None

- 2.1 An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted

None

- 2.2 Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible

None

- 2.3 An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

None

3. A good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None

4. Additional information (if any):