

RESOLUTION NO. 35-08-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 17-1998 WHICH ESTABLISHED THE COMMUNITY BEAUTIFICATION IMPROVEMENT FUND (CBIF); MODIFYING THE CBIF GRANT PROGRAM; AND TRANSFERRING ALL BUT \$10,000 OF THE FUNDS REMAINING IN THE CBIF TO THE GENERAL FUND UNDESIGNATED FUND BALANCE ACCOUNT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission established a Community Beautification Improvement Fund (CBIF) in 1998 to set aside monies which would be provided to eligible property owners who were cited for code violations to assist these owners in improving their properties; and

WHEREAS, the CBIF was also to be made available to eligible property owners to make improvements to the facades of buildings in the Park Avenue Downtown District (PADD); and

WHEREAS, since 1998 20% of all code violation fines collected were deposited into the CBIF account and there is now a surplus in the CBIF; and

WHEREAS, the Town Commission of the Town of Lake Park, Florida has determined that is in the best interest of the public health, safety and general welfare to repeal Resolution 17-1998, and transfer the remaining funds to the Town's General Fund Undesignated Fund Balance Account; and

WHEREAS, the Town will no longer allocate code violation fines collected to the CBIF, but will retain \$10,000 in it to be allocated to eligible parties until such time as the CBIF account is exhausted.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct and represent the legislative findings of the Town Commission.

Section 2. The Town Commission hereby amends Resolution No. 17-1998 establishing the CBIF grant program to provide for an annual allocation not to exceed \$10,000.

Section 3. The existing fund balance in the CBIF reserve account shall be distributed as follows:

1. \$10,000 shall be retained in the CBIF reserve account.
2. The remainder of the funds as shall be transferred to the General Fund Undesignated Fund Balance account.

Section 4. The Town Commission directs that the funds allocated annually to the CBIF reserve account shall be utilized as follows:

1. To assist residential property owners or "small" business owners who have been determined to be in violation of an applicable Town Code to bring a property into compliance. The Grants shall be made upon the determination of the Community Development Director or Special Magistrate.
2. The CBIF grant program shall be funded by depositing 20% of all collected code fines in a separate reserve account.
3. Award of grant monies shall be on a first come first serve basis.

4. Awards shall also be subject to the following rules and regulations:

a. Grant awards shall be distributed as reimbursement only.

b. The grant recipient shall be responsible for at least 25% of the total cost of the improvements unless the Director of Community Development or the Special Magistrate determines that an extreme financial hardship exists.

A financial hardship is evident when the applicant is financially unable to pay some or all of the cost of the repair. The applicant shall provide tax returns and other supporting financial documents that show they are unable to secure the necessary funds to effect the improvement.

c. The grant recipient may be required to enter into a second mortgage or provide a promissory note to repay the grant to guarantee the continued tenancy of the grantee.

5. Should the funds in the reserve account exceed \$10,000 at the end of the fiscal year, this amount thereof shall be transferred to the General Fund Undesignated Fund Balance.

Section 5. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Vice-Mayor Carey, who moved its adoption. The motion was seconded by Commissioner Rumsey and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	___
VICE-MAYOR JEFF CAREY	<u>/</u>	___
COMMISSIONER ED DALY	<u>/</u>	___
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	___
COMMISSIONER KENDALL RUMSEY	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 35-08-09 duly passed and adopted this 19 day of August, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian M. Lemley
VIVIAN M. LEMLEY
TOWN CLERK

TOWN OF LAKE PARK
(TOWN SEAL)
SEAL
FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY