

**TOWN OF CLOUD LAKE
TOWN COUNCIL MEETING
TOWN COUNCIL CHAMBERS
AUGUST 10, 2023**

The Cloud Lake Council meeting was called to order by Mayor Russ Nidy at 7:05 p.m. on Thursday, August 10, 2023.

Attending:	Russ Nidy	Mayor
	Marion Chateau-Flagg	Vice Mayor/Council Seat #1
	Kathleen Hock	Council Member Seat #2
	Dorothy Gravelin	Town Clerk
	William P. Doney	Town Attorney
	Deputy Kayla Schnell	PBSO
Absent:	Cory Dolling	Council Member Seat #3
	Beatriz Wallace	Council Member Seat #4

Also attending: Cloud Lake residents Martin Wehnau, 108 Shannondale Road and Mike Ranger, 107 Wilson Road; Glen Ridge residents Tom Lisi and Santiago Cadavid, 1365 Churchill Road; and Outfront Media representatives Stacey Jenkins and Jeff Legg

2. ADDITIONS, DELETIONS, OR MODIFICATIONS TO THE AGENDA: None

3. APPROVAL OF THE CONSENT AGENDA: Motion by Vice Mayor Chateau-Flagg, seconded by Council member Hock approving the July 13, 2023 meeting minutes, Clerk's Report, and Financial Reports passed unanimously on a 3-0 vote with Council Members Dolling and Wallace absent.

4. MONTHLY ACTIVITY REPORTS:

A. PALM BEACH COUNTY SHERIFF'S OFFICE: D/S Schnell reported no property crime, couple of traffic accidents on Southern Boulevard, and PBSO received a call about a disturbance on East Chandler Road, had no address or any other information and no case number was generated. Notified Kayla Town Christmas Party will be December 9th. She is trying to get the horses to come this year.

B. PALM BEACH COUNTY FIRE RESCUE: Not in attendance

C. BUILDING OFFICIAL: Permit issued Monday for re-roof on house at 106 E Chandler Road

D. CODE ENFORCEMENT: (1) Code Enforcement sending Violation Notice to owner of **1400 Southern Boulevard** about property overgrown, mow the lot and remove vegetation growing on FDOT railing at NE corner which is hampering view of oncoming traffic on Southern Boulevard. (2) Martin Wehnau, owner of **108 Shanondale Road**, present asking for a reduction in the code enforcement lien so he can sell his house. As of today the lien is \$941,000 (\$500 per day from June 2018). In addition, the Town costs for legal, Special Magistrate and partial Code Enforcement fees is \$5,425.81. The latest invoice from the Code Enforcement Officer has not been received so that will add to the cost. Mayor Nidy added, basically the whole premise is to achieve compliance not to make money and Town willing to work with him. Town Attorney Doney advised typically towns will ask for compliance then reduce the fine. It could be paid at the time of closing. Mr. Wehnau does not think he can clean it up because of his step-daughter, plans to sell it and have the buyer clean it up. His potential buyer will clean it up, renovate it and sell it. Council agreed to reduce the lien to \$6,000 if a sales agreement is provided, commitment from the buyer and agreement between seller, buyer and Town to clean the property.

5. AGREEMENTS, CONTRACTS, ORDINANCES AND/OR RESOLUTIONS:

A. RECOMMENDATION FROM THE LOCAL PLANNING AGENCY TO CONSIDER THE LPA RECOMMENDATIONS AND ACTION BY THE TOWN COUNCIL TO CONSIDER FIRST READING OF ORDINANCE NO. 160: The Town Council Public Hearing to consider the recommendation of the Local Planning Agency concerning proposed Ordinance No. 160 shown below by title only to be considered for first

reading and for the purpose of the Local Planning Agency determining the ordinance is consistent with the Town Comprehensive Plan. This is not changing the zoning but merely to regulate vacation rentals.

Town Attorney Doney read Ordinance No. 160 by title only, an ordinance of the Town Council of the Town of Cloud Lake, Florida amending its code of ordinance by amending Chapter 28 Zoning in order to create a new Article ii. in order to adopt regulations pertaining to vacation rentals; providing for applicability, registration and permitting of vacation rental units; providing standards for the operation of such units; providing for grounds for violations, remedies and enforcement; providing authority to codify; providing a conflicts clause, a severability clause and an effective date; and for other purposes.

There were no comments from the public

Motion by Council Member Hoock, seconded by Vice Mayor Chateau-Flagg finding Ordinance No. 160 to be consistent with the Town Comprehensive Plan and moves to approve on first reading Ordinance No. 160 to regulate vacation rentals by requiring registration and permitting and other standards, passed unanimously on a 3-0 vote with Council Members Dolling and Wallace absent.

B. FIRST READING ORD 159: Ordinance No. 159 read by title only by Town Attorney Doney who added the Haverhill ordinance, which is very similar, has been challenged and is pending in the State Circuit Court. One of the issues is the vagueness in the ordinance. **Motion** by Council Member Hoock, seconded by Vice Mayor Chateau-Flagg to approve first reading of Ordinance No. 159 to adopt a Cloud Lake Noise Ordinance, passed unanimously 3-0 with Council Members Dolling and Wallace absent.

C. RES. NO 2023-01 SIGN LOCATION LEASE AND RECONSTRUCTION AGREEMENT WITH OUTFRONT MEDIA LLC: Lease for 20 years for 2 LED sides and 1 fixed side on the tri-face billboard with minimum guaranteed rent of \$120,000 a year (\$10,000 per month) or 28% of the annual revenue, an escalation clause and either party can cancel at the end of 20 years. Also, a \$50,000 one-time signing bonus. **Reconstruction Agreement** outlining the current sign is to be torn down and new one erected in its place, Florida Statutes allows an annual \$15,000 per LED side (total \$30,000) Neighborhood Enhancement payment. There are permitting and approval requirements still needed. The Resolution will be approving the Sign Location Agreement and Reconstruction Agreement. Jeff Legg representing Outfront Media reported that a survey will be available in the next 30-60 days along with drawings to be submitted to the Town, steel ordering could take up to 15-16 weeks, airport approval needed, current sign not to be removed until couple of weeks before new one ready to be erected probably early part of 2024. **Motion** by Council Member Hoock, seconded by Vice Mayor Chateau-Flagg to approve Resolution No. 2023-01 approving a Sign Location Agreement and separate Reconstruction Agreement with Outfront Media LLC, passed unanimously on a 3-0 vote with Council Members Dolling and Wallace absent.

6. UNFINISHED BUSINESS:

A. UPDATE ON OUTFRONT MEDIA PROPOSED BILLBOARD LEASE, ADDENDUM A1, AND DIGITAL SIGN AGREEMENT PER FS70.20: See above for approval of Sign Location and Reconstruction Agreements

B. FINANCIAL DISCLOSURE FORM 1 SUBMITTAL PAST DUE AND FORM 6 REQUIREMENTS OF ELECTED OFFICIALS EFFECTIVE JANUARY 1, 2024: The Form 1 Statement of Financial Interests must be submitted by the end of August to avoid incurring a fine and penalty. Form 6 (replacing Form 1) will be required to file with the State Commission of Ethics by all elected officials effective January 1, 2024. This is a major change from Form 1. Form 6 requires the disclosure of the name of each source of income with the address and amount received over \$1,000, specific identification and value of each asset exceeding \$1,000, name and address of the creditor for each liability exceeding \$1,000 and its amount, and submittal of a statement of the value of net worth as of December 31st of the preceding year or a more current date. This will also affect candidates qualifying to run for local elected office after January 1, 2024. At the PBC Municipal Clerks Association meeting last month there was a presentation on Form 6 at which time some of the Clerks mentioned they will be having some if not all of their elected officials resign prior to January 1, 2024, especially the coastal communities. Because this information is available to the public, it is felt it is an invasion of their privacy, opens them up to identity theft, kidnapping of themselves or family members, etc. The problem then is how does the municipality govern without a quorum or full compliment of elected officials. The Mayor and Council said it would make a difference if they received a salary but they are volunteering their services. Mayor and Council need to decide prior to December 31st if they will remain in office after that date and be

subject to Form 6. There is no inclination that the state legislators will call a special session prior to January 1st to change this requirement.

C. UPDATE ON TOWN HALL RENOVATION PROJECT: The proposed plans were shown which included a complete set of construction drawings including everything needed to submit a permit. Bid Specifications are attached. **Motion** by Council Member Hoock, seconded by Vice Mayor Chateau-Flagg to accept the plan drawings and move forward to go to bid for the project, passed unanimously on a 3-0 voter with Council Members Dolling and Wallace absent. It was decided to keep the Bahama shutters, the contractor will remove, refurbish and replace them.

7. NEW BUSINESS:

A. NOTIFICATION FROM PALM BEACH COUNTY AIRPORTS REMOVING CLOUD LAKE NOISE MONITOR: Letter received from the Department of Airports (DOA) notifying the Town that the noise monitoring terminal located at Town Hall has been decommissioned since a new unit has been placed at Glen Ridge Town Hall. The DOA would like permission from the Town to remove this unit. The Cloud Lake unit was too close to Southern Boulevard and I-95 and was picking up more noise from the highways than the airport which is why it was located further away from the roadways. **Council had no objections** to the Department of Airports removing the noise monitor with all components located at the Cloud Lake Town Hall..

B. NOTIFICATION FROM PBC INSPECTOR GENERAL OF COMPLIANCE REVIEW AND RISK ASSESSMENT: Letter from PBC Inspector General John Cary notifying all municipalities his team will visit each municipality to share information about his office on their responsibilities and offer training, receive/solicit information where risks or obstacles exist to most effectively accomplish peak government operations, and measure compliance of municipal management.

C. LETTER SUPPORTING PBC OFFICE OF RESILIENCE AS PROJECT LEAD FOR GRANT PROGRAM VULNERABILITY ASSESSMENT APPLICATION: Letter received from Natalie Freundberg, LEED Green Associate/Resilience & Sustainability Analyst, of the PBC Office of Resilience reaching out to smaller municipalities in PBC with no in-house planning staff to partner with the County to apply for a grant from the FL DEP Resilient Florida Grant Program to complete Vulnerability Assessments for each municipality. This planning project will identify or address the risks of flooding and sea level rise on critical and regionally-significant assets owned or maintained by the 10 municipalities (Atlantis, Cloud Lake, Glen Ridge, Golf, Gulfstream, Haverhill, Hypoluxo, Lake Park, Manalapan and Palm Springs) and ensure each has a standardized vulnerability assessment that is compliant with the Resilient Florida Grant Program to be included in the Comprehensive Statewide Vulnerability and Sea Level Rise Data Set and Assessment. **Motion** by Council Member Hoock, seconded by Vice Mayor Chateau-Flagg authorizing Mayor Nidy send a letter of support and inclusion to the PBC Office of Resilience as Project Lead for Resilient Florida Grant Program Vulnerability Assessment application, and passed unanimously on a 3-0 vote with Council Members Dolling and Wallace absent.

D. BUDGET PRESENTATION BY THE TOWN CLERK: The Town Clerk presented the proposed Town FY2023-2024 Budget in the amount of \$260,815 for the General Fund, \$76,215 for the Surtax Fund, \$73,400 for the ARPA Fund totaling \$410,430 overall. The increase in payments from Outfront Media for the billboard contributed tremendously to the revenue available enabling the Town to do more. We need to change the \$180,000 allocated to Rental & Lease Fees to \$100,000 and place the \$80,000 (\$50,000 one-time bonus for enacting the billboard agreement and \$30,000 annual Neighborhood Enhancement Fee for the billboard) in Other Miscellaneous Revenue since they are not lease payments. We will use the surtax and ARPA funds and general revenue funds for the renovation project and money taken from the general revenue will be reimbursed in the future payments from the surtax fund until it pays off the renovation cost or the fund is sunset. The Comprehensive Plan budget increased from \$3,000 to \$6,000 since new mandates from the state added, the NPDES can be reduced from \$21,000 to \$15,000, and the Insurance expenditure not known at this time so is a guesstimate and may possibly increase when the renovation is completed because of the metal roof.

8. COMMENTS FROM THE PUBLIC: (1) Tom Lisi glad money in budget to purchase more trees for The Preserve, has done quite a bit already installing new trees and plants, all native species. He will present a proposal in the near future for landscaping at Town Hall moving more toward shade rather than Palm trees. He would like to place 3 American Elm trees along the south side on Shannondale Road. Since we are over budget on landscaping at The Preserve, **Motion** by Council Member Hoock, seconded by Vice Mayor Chateau-Flagg authorizing the Clerk to look at current budget to see where we can transfer \$5,000 to cover this item, and passed unanimously on a 3-0 vote with Council Member Dolling and Wallace absent. (2) Tom Lisi would like the Town to consider a different vendor for mowing at The Preserve since many of the trees and plants have been damaged or destroyed by the weedwhacker. He and the Mayor have been trying to contact the owner and their calls have not been returned. The Clerk will contact him to call the Mayor. (3) Mike Ranger glad to hear the property at 108 Shannondale Road is to be sold and cleaned up.

9. MAYOR, COUNCIL, and STAFF COMMENTS: (1) Mayor Nidy reported the Town website has been started and pictures needed, www.CloudLakeFl.us It contains a Home page, Town Directory listing Town Officials and their new email address, Calendar, Contact information, Find It Fast, and Links to other services and attractions. (2) The Vice Mayor would like the contact information for the person maintaining the FDOT pond to remove trash, Clerk to provide information. (3) Mayor Nidy reported still working on septic-to-sewer grant information, will meet with PBC Utilities to see what they need for us to begin the process. We know that permission is needed from the residents once we gather all the information to be presented to them, ultimate goal is to have grant money to pay for it entirely including removal of the septic system.

10. ADJOURNMENT: Motion by Vice Mayor Chateau-Flagg and seconded by Council Member Hoock to adjourn the meeting at 8:22pm. Passed unanimously on a 3-0 vote with Council Members Dolling and Wallace absent.

Approved by Council on _____

Dorothy Gravelin, Town Clerk

1. SPECIFICATIONS

- 1.1 The Town is seeking to have exterior renovations made to its Town Hall in general conformity with the attached architectural plans. These renovations shall include:
- A. New standing seam metal roof, including truss work, in accordance with the attached structural plans prepared by Lynn McColl, LLC. and sealed by Raudel Pola, PE dated September 1, 2023 to be installed over and without removing the existing flat roof except as indicated on the attached structural plans.
 - B. Front porch addition as per Architectural plans dated September 1, 2023.
 - C. Waterproof the entire exterior of the building, stucco and paint with a color to be selected by the Town.
 - D. Remove window air conditioning unit and one (1) window at front east side of building; properly seal, stucco and paint along with rest of exterior of the building.
 - E. Provide electrical work as follows: 1) Remove and relocate all visible wires from the exterior of the building and reconnect so that wires are no longer visible; 2) remove overhead utility wires (electric, telephone and cable) and reconnect underground from current pole location; 3) provide wiring and install security lights at the four (4) corners of the building (Town to provide lighting fixtures).
 - F. Remove existing interior panel and meter can and relocate as per architectural plans dated September 1, 2023.
 - G. Town shall be responsible for removal and installation of security cameras and related equipment mounted on the building.