



Town of Lake Clarke Shores

Palm Beach County's Premier Lakeside Community Since 1957

MEMORANDUM

To: Mayor and Town Council
From: Daniel P. Clark, P.E., Town Manager
Date: January 10, 2022
Subject: Status Report for the January 18, 2022 Town Council Meeting

Proposed Upcoming Town Council Meeting Schedule

January 18th - 6:30 PM Regular Town Council Meeting followed by CRA Meeting

February 1th – 6:30 PM Regular Town Council Meeting

March 1st – 6:30 PM Candidates Forum, followed by Regular Town Council Meeting, followed by CRA Meeting

April 12th – 6:30 PM Regular Town Council Meeting

Upcoming Town Events

Town Movie Night – April 1, 6:30 PM Town Hall Park

Town BBQ – April 3, 11:30 AM Town Hall

Great American Clean Up – April 23, 8 AM LCS Boat Ramp Park

FY 2021 Town Audit

We are in the thick of the audit of our FY2021 financials. CRI has probably reached out to you looking for information. CRI staff has been in the office going through records, our consultant Foster & Foster has completed the FY2021 OPEB, and Nolan Holt & Minor has provided many reports requested by the Auditors. We expect a final document in March.

FDEP Alternate Restoration Plan 4e Permit Application

When the Lake is declared impaired, it becomes a FDEP and EPA issue. In short, FDEP and EPA have determined water quality in Lake Clarke does not meet State water quality standards and requires actions to bring the Lake back into compliance with those standards.

The Town now has only two options, negotiate an Alternate Restoration Plan or negotiate a TMDL/BMAP. Either way, FDEP takes us to the same place. We will need to significantly reduce the chlorophyll-a, phosphorus, and biomass in the Lake. The only way to do that is to remove the sources of nutrients and harvest some biomass.

For example, Pine Lake (at the Airport Hilton) is developing their TMDL A draft which is available on the FDEP website. The TMDL requires the removal 45% of 9,749 kg/yr or 9,672 lbs. of nitrogen a year. Lake Clarke is significantly larger so our required removal is likely to be much more. Based on a variety of different studies done by FDEP scientist and University researchers; each septic tank generates about 15 lbs of nitrogen a year. The Town's utility service area contains about 700 properties that are still on septic tanks. Those septic tanks generate 10,500 lbs of nitrogen per

year. When those properties are sewered, that nutrient load will be removed and the Lake will have a chance to rebound, meet water quality standards, and become unimpaired. Nitrogen and phosphorus are linked, so as we remove nitrogen we will also be removing phosphorus.

We are trying to negotiate a seven-year compliance window. That means we hope to have seven years to complete the septic to sewer conversion process. Again, the decision to sewer is the only effective way to improve lake water quality as required by Florida Administrative Code 62-302.531[2] as reference by FDEP. We have submitted a 4e application.

Lake Clarke is also impaired for biomass, We are working with FDEP to determine what that means and what we will be required to do. Some type of mechanical weed removal is likely needed. How, how much, and where within the Lake is still unknown.

Negotiations with the Village of Palm Springs

I was able to meet with the new Village of Palm Springs Manager last week. Michael Bornstein will likely become the permanent Manager at their regular Village Council Meeting on January 13. We will be presenting a new Interlocal Agreement for water service with some key changes in February. The Village has agreed to drop the approximately \$900 monthly charge for each of the three meters that provide us water saving our customers about \$32,000 per year.

They have also agreed to eliminate the \$2,220 Capital Contribution Charge for first time water customers. This allows us the opportunity to add new customers and improve utility operating efficiencies.

Finally, they were made aware of the impaired water quality issues in Lake Clarke. They are currently conducting a sewer study within the Village Utility Service Area and have asked their consultants to prioritize projects with the impairment in mind.

2022 Legislative Session has started

Significant changes are coming if proposed 2022 legislation passes. For example, SB 280 and HB 403 will make it nearly impossible for the Town to adopt an ordinance without significant effort to assess the potential business impacts. Also, the bills require a municipality to suspend enforcement of an ordinance that is the subject of a civil action.

SB1162 and HB 621 will preempt Lake Clarke Shores from getting any State, County, or Water Management District monies as long as we take monies from Utility. Currently, we transfer \$220,000 from Utility to the General Fund to cover undefined services provided by the Town.

SB 974 and HB 985 change the limits on Sovereign Immunity to \$1,000,000 per occurrence or person with regularly schedule increase over time.

SJR 1266 and HJR 923 allow the State Legislature to increase the Homestead Property Exemption whenever they want.

SB 1248 and HB 739 limit local government land development actions, require us to adopt local residential infill regulations, and limit our ability to review and comment on development applications.