



# 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 25, 2022  
Subject: Status Report for the February 1, 2022 Town Council Meeting

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### **Proposed Upcoming Town Council Meeting Schedule**

February 1<sup>th</sup> – 6:30 PM Regular Town Council Meeting

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

April 12<sup>th</sup> – 6:30 PM Regular Town Council Meeting

May 10<sup>th</sup> – 6:30 PM Regular Town Council Meeting, followed by the CRA Meeting

### **Upcoming Town Events**

Town Movie Night – Cancelled

Great American Clean Up – April 23rd, 8:00 AM LCS Boat Ramp Park

Town BBQ – May 15th, 11:30 AM Town Hall

2022 LCS Fishing Tournament – May 7<sup>th</sup>, dawn start

### **FRED Update**

The Florida Resiliency and Energy District (FRED) was created by Lake Clarke Shores and Fernandina Beach in 2016. FRED is a Property Assessed Clean Energy District (PACE) per Section 163.08, Florida Statutes. FRED utilizes the Florida Development Finance Corporation (FDFC, a Public Agency) to provide the financing and administrative functions for FRED since it has specific legislative authority regarding PACE financing.

Recently, FDFC has been discussing their mission and whether PACE financing will continue to be included in their core business. Further, FDFC is scheduled to sunset on July 1, 2023 without current legislative action. These factors are a concern for the FRED Board, as we currently have no ability to issue properly validated bonds.

Per Florida Statutes, FRED can issue bonds, but it would require amending the Interlocal Agreement that formed FRED and going through a bond validation process. After discussing options with FRED staff and legal counsel regarding the concerns, the FRED Board has agreed to pursue the ability to directly issue bonds and has directed the Executive Director to disclose and discuss this action with the FDFC. The process of amending the Interlocal Agreement and bond validation will likely take a year to complete. We can expect a third amendment to the Interlocal Agreement creating FRED to be presented for Town Council approval on either the May or June 2022 Town Council Meeting Agenda.

## **Legislation Update**

HB 471 – Passed Local Administration and Veterans Affairs Subcommittee; Passed Ways and Means Committee; Now in State Affairs Committee

HB 2001 – Pine Tree Lane Bridge \$600k appropriation request; Now in Appropriations Committee

HB 2161 – Lake Clarke Shores Water Quality Improvement \$1.7M appropriation request; Now in Appropriations Committee

HB 2803 – Aquatic Vegetation Removal \$350k appropriation request; Now in Appropriations Committee

HB 3819 – PBC Blueway Trail Access Project \$250k appropriations request; Now in Appropriations Committee

## **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. 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.