

**Summary Minutes of the:
ISLAMORADA, VILLAGE OF ISLANDS
VIRTUAL REGULAR VILLAGE COUNCIL MEETING**

Islamorada, FL 33036

Thursday, May 21, 2020

5:30 PM

**MEETING TO OCCUR VIA
COMMUNICATIONS MEDIA TECHNOLOGY (CMT)**

Pursuant to Executive Order No. 20-69 and the Centers for Disease Control (CDC) social distancing guidelines established to contain the spread of the COVID-19 virus, the May 21, 2020 Regular Village Council Meeting will be conducted utilizing Communication Media Technology (CMT) via a Zoom video conferencing application. Additional information regarding options for viewing the meeting and participation through public comment can be found on the last page of this agenda.

CALL TO ORDER / ROLL CALL

Mayor Mike Forster called the virtual meeting to order at 5:30 p.m. Village Clerk Kelly Toth called the role. The following Councilmembers responded on roll call: Mayor Mike Forster, Vice Mayor Ken Davis, Councilman Jim Mooney, Councilwoman Deb Gillis and Councilman Chris Sante. Also, appearing virtually were Deputy Village Manager/Finance Director Maria Bassett, Village Attorney Roget Bryan, Village Clerk Kelly Toth and other relevant personnel.

PLEDGE OF ALLEGIANCE

Councilman Chris Sante led the Pledge of Allegiance.

REPORTS AND ANNOUNCEMENTS

Village Attorney Roget Bryan provided the virtual meeting procedures. Mayor Mike Forster reminded the public of the procedures for providing public comment when phoning the phone or using the Zoom platform.

PUBLIC COMMENT

Mayor Mike Forster opened public comment.

David Webb inquired as to what the Council's reaction would be should there be a significant increase in COVID-19 infections after the checkpoint was removed. Mayor Forster reported on the discussions that occurred during Mayor's weekly virtual meetings with Monroe County. He stated that if a spike occurred, restrictions would increase. Vice Mayor Ken Davis asked the Village Attorney what would be considered a spike. The Village Attorney did not opine but offered that it would be data driven. Mayor Forster stated that it was also dependent upon the healthcare facilities and whether they became inundated.

Village Clerk Kelly Toth read a public comment provided by Frank Lavin. His comments expressed support for the Peaceful Water organizers and noted his personal observations of the issues at the White Marlin/ Porta Antigua beach.

Mayor Forster closed public comment.

CONSENT AGENDA

TAB 1: Resolution Approving the Lease Agreement with the Florida Department of Transportation for Right-of-Way Property Bayside, Mile Marker 84, Parcel No. 489

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING ADDENDUM #2 TO LEASE AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND ISLAMORADA, VILLAGE OF ISLANDS, FOR RIGHT-OF-WAY PROPERTY LOCATED AT APPROXIMATELY MILE MARKER 84, BAYSIDE, AND IDENTIFIED AS FDOT PARCEL NO. 489; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE AGREEMENT AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Mike Forster opened public comment; seeing none, public comment was closed.

Councilwoman Deb Gillis made a motion to approve. Councilman Chris Sante seconded the motion. Council voted and the motion passed 5-0.

ORDINANCES

TAB 2: First Reading: Proposed Ordinance to Amend Chapter 50, Article III of the Village Code Titled "Traffic and Vehicle Speed Zones," Establishing Maximum Speed Zones for Vehicles Operated on North Carroll Street

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 50, ARTICLE III OF THE VILLAGE CODE TITLED "TRAFFIC AND VEHICLE SPEED ZONES," ESTABLISHING MAXIMUM SPEED ZONES FOR VEHICLES OPERATED ON NORTH CARROLL STREET; PROVIDING PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 5:40 p.m. Village Attorney Roget Bryan read the title of the ordinance and stated it was first reading. Public Works Director A.J. Engelmeyer presented the staff report recommending approval. Councilman Jim Mooney recollected having requested the speed limit be changed to 15 mph and asked for Council support for 15 mph. Councilwoman Gillis recalled agreeing to 20 mph. Village Attorney Roget Bryan explained that data was collected and analyzed prior to changing the speed limits on the existing streets to 20 mph and to reduce the speed limit further might require additional data collection and analysis. Discussion ensued with Council agreeing to 20 mph.

Mayor Mike Forster opened public comment; seeing none, public comment as closed.

Councilman Jim Mooney made a motion to approve. Councilman Chris Sante seconded the motion. Council voted and the motion passed 5-0.

MOTIONS

TAB 3: Annual Review and Appointments to Citizens' Advisory Committees, the Historic Preservation Commission and the Local Planning Agency

Village Clerk Kelly Toth presented the staff report. Each Councilmember reappointed their committee members. Councilman Chris Sante requested the Village Clerk contact Buddy Collins to see if he still had an interest in serving on the committee due to his limited attendance.

Village Clerk Kelly Toth explained the process for the reappointments of Pete Bacheler, Cheryl Culberson and Tony Hammon and noted that they would require a super majority vote for approval.

Councilwoman Deb Gillis made a motion to reappoint Pete Bacheler to the Local Planning Agency (LPA). Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 5-0.

Councilman Jim Mooney announced that he was reappointing Cheryl Culberson to the LPA. Councilman Mooney made a motion to approve Cheryl Culberson's appointment to the LPA. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 5-0.

Mayor Mike Forster announced he was reappointing Tony Hammon to the LPA. Mayor Forster made a motion to approve Tony Hammons' appointment to the LPA. Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 5-0.

Councilwoman Deb Gillis made a motion to appoint Lori LaLonde to the LPA. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 5-0.

The Village Council did not make any changes to the status of the various committees.

MAYOR / COUNCIL COMMUNICATIONS

Discussion Regarding Demolition of Structure at 292 Gardenia Street- Village Manager

Deputy Village Manager/Finance Director Maria Bassett provided background information regarding the 292 Gardenia Street property and the adjacent Village-owned parcels. She reported that the Village was not awarded a grant for the construction of affordable housing at the 292 Gardenia Street location. She requested approval to proceed with demolition of the existing structure noting that staff had received three bids ranging from \$21,500 to \$23,000 with J.A. La Rocco having the lowest bid. Vice Mayor Ken Davis asked if there was an opportunity for the fire department to use the structure for training prior to demolition. Chief Terry Abel reported training at the structure was currently being arranged by staff. Council approved demolition of the structure.

Discussion Regarding the Pedestrian Bridge at Founders Park- Councilman Sante

This item was heard at 6:05 p.m. Councilman Chris Sante provided background information regarding the future construction of the pedestrian bridge at Founders Park. He opined that the Coral Shores area was more dangerous than the area located in front of Founders Park. He asked if the Council would reconsider the project and ask for a referendum. Council discussion ensued regarding the Village's relationship with FDOT; money spent to date on the project; an opinion that the elevator would require a lot of maintenance; the complaints being the same today as previously expressed; FKEC's financial capability to pay for the relocation of utilities; the added safety the bridge would provide; that the project was an FDOT funded project; and that a referendum should have occurred months ago.

Discussion Regarding COVID-19 Testing- Councilman Sante

This item was heard at 6:15 p.m. Councilman Chris Sante stated that he felt blindsided by the testing discussion that occurred at the last meeting. He asked if a person received a test then wanted to be

retested a month later would it be free. He inquired as to the best test to use in order to create a baseline; he opined that a person should be able go to any doctor for testing rather than the Village paying for tests with a specific physician or facility. Councilman Sante stated Dr. Zuba was available to answer questions. Councilwoman Deb Gillis noted there was a lot of controversy over which test should be used.

Dr. Zuba stated that he and the health department recommended antibody testing. He explained that there were two types of antibody tests: I.G.G. which would identify whether someone had the virus in the past, and I.G.M. would identify whether someone had the virus recently. Dr. Zuba explained that the PCR test, which the Village had previously discussed, would identify whether someone currently had the virus. He noted the antibody test would identify statistically how many people were still susceptible. He reported that the prior evening he had performed 26 antibody tests all of which came back negative. He stated they were having less than 2 percent of the population test positive for the antibody. Dr. Zuba reported that the Department of Health and Human Services had contracted with United Health Care to get uninsured patients tested and cared for and provided information about the program, claims submittals, and reimbursement to providers for uninsured patients. He stated that the Department of Health and Human Services would pay for testing of the uninsured, so it was not necessary for Islamorada to spend money testing the uninsured.

He commented that he was going to try to work with the Community Health of Florida (CHI) clinic to staff it with volunteers, such as himself and nurses from his practice, to conduct the testing. He explained that the specimens would be sent to Quest Labs for processing and the patients would not be charged. He stated they would do antibody testing first then PCR testing if it was necessary.

Deputy Village Manager/Finance Director Maria Bassett explained that an agreement was drafted for testing services to be provided by Dr. Diaz which was later revised to address the doctor's concerns; Dr. Diaz had executed the agreement but the Village had not pending the outcome of the current discussion; the agreement contained a not-to-exceed amount of \$50,000; the first payment would be for \$8,500 for 100 diagnostic tests; Dr. Diaz would bill the Village approximately \$30 for each test administered and billing would occur on a weekly basis. She recalled from the previous Council discussion that Dr. Diaz was not recommending the antibody test but instead recommended the PCR diagnostic test. She noted that the antibody tests were still a work in progress. Ms. Bassett reported staff had contacted the Department of Health, CHI and the Good Health Clinic in the hopes of establishing an antibody test program and could refer the positive cases to Dr. Diaz for the PCR test. Ms. Bassett stated staff was recommending executing the agreement with Dr. Diaz, encouraging insured staff members to be tested and followed by providing an opportunity for the elderly and vulnerable residents to receive the PCR test with the Village covering the testing costs. She suggested while PCR testing was occurring staff could work on an antibody testing program for the Village. Ms. Bassett stated staff was requesting authorization to stay within the \$50,000. Village Attorney Roget Bryan summarized Ms. Bassett's report noting that some of the \$50,000 could be used to provide financial resources, if needed, to CHI or the Good Health Clinic for testing. He noted that the \$50,000 would cover between 400-500 PCR diagnostic tests.

Fire Chief Terry Abel asked that, in light of the information provided by Dr. Zuba, was there a need right now to do the testing or should the Village educate the healthcare providers regarding the option available to them to administer the tests and get paid for the testing, office visit and any subsequent follow-up care for the uninsured patient. He noted the reimbursement for the uninsured patient was at the Medicare rate which was often similar to the amounts paid by an insurance plan.

Chief Abel reported that he had multiple conversations with Florida Department of Health-Monroe County Administrator Bob Eadie who wanted to utilize Fire Rescue staff for contact tracing; once contact tracing leads were met, identification of individuals that should be tested would occur and that staff would need an avenue to bring that project forward.

Mayor Mike Forster commented that he had begun requesting testing on March 24th during the weekly Mayor's calls with Monroe County. He said that Mr. Eadie had apologized during the last call for the lack of testing. Mayor Forster expressed frustration for the lack of testing and the uncertainty of when the tests would be available. He suggested the Village begin testing with Dr. Diaz and when Dr. Zuba was ready to begin the additional testing the Village could transition to antibody testing. Mayor Forster noted that the City of Marathon had begun testing their employees.

Dr. Zuba asked if the City of Marathon was spending money to procure tests. Mayor Forster stated that only the insured employees were being tested. Mayor Forster explained the Village's criteria for testing which began with (1) testing staff, (2) testing the uninsured elderly and at risk, and (3) testing the uninsured essential services workers. He explained that the Village would begin with the first 100 tests and would readjust as the taskforce was able to provide testing at no cost and would transition into antibody testing. Dr. Zuba asked where Dr. Diaz was getting his tests from. Mayor Forster stated that Dr. Diaz had the tests at his office but did not know the name of his supplier. Dr. Zuba opined that using the PCR test for asymptomatic patients was not a cost-effective approach. He stated that he received the results of antibody tests in two days and that if a person tested negative there was no reason for them to have the PCR test. He said the antibody tests would tell us how susceptible we were, not the PCR test.

Councilwoman Deb Gillis noted that individuals with insurance could be tested and those without insurance could be tested and the provider would be reimbursed through Medicare. She opined that there was no need for the Village to spend money on testing. She suggested the Village's role was public relations and communication. She spoke in support of antibody testing.

Vice Mayor Ken Davis opined that it was important for Islamorada residents and employees who felt they had been exposed or were experiencing symptoms to be able to be tested. Vice Mayor Davis asked if the uninsured had to pay up front then get reimbursed. Councilwoman Gillis said no, they did not need to pay up front. Mayor Forster suggested other providers may be in short supply of the PCR test because of Dr. Zuba's earlier inquiry. He stated that this concerned him noting people could have the test done if they could find a provider that had the tests available.

Dr. Zuba stated the antibody test he was recommending was not the rapid test that had not yet been approved by the FDA. He stated that his office, Dr. Mahoney, and Dr. May were administering the FDA approved antibody test which involved a blood draw that was sent to the lab for processing. He stated the CDC was planning a study of 325,000 people to track the antibody. He

highly recommended the Village test for the antibody followed by the PCR test if someone tested positive.

Councilman Jim Mooney stated that Dr. Diaz has stated that there was no antibody test available that could confirm a patient had COVID-19. Dr. Zuba disagreed. Councilman Mooney asked Dr. Zuba if he felt comfortable that an antibody test would reveal a person had COVID-19. Dr. Zuba replied yes and provided an example of a recent patient that had a different strain of coronavirus and had tested negative for COVID-19. He pointed out that the test results specifically said "COVID-19". Councilman Mooney opined that if the testing was paid for by insurance and Medicare, he did not understand why the Village needed to spend money on testing. He suggested perhaps the providers needed the Village to pay for the tests. Councilwoman Gillis noted that the provider got reimbursed for the tests. Councilman Mooney suggested that if the provider was reimbursed then the Village should be reimbursed for any tests it provided to the physician. Councilman Mooney opined that the antibody test was more valuable.

Mayor Forster expressed concern that testing was not available. Councilwoman Gillis asked the Village Attorney why staff had not been advised of the voluntary testing. Village Attorney Roget Bryan stated a communication had been sent out last week and that he was aware of Village employees that had been tested by Dr. Diaz. Councilman Mooney suggested it may be beneficial to postpone the testing until two weeks after the removal of the checkpoint as it would identify whether there was a rise in the number of infected. Dr. Zuba concurred with Councilman Mooney noting things would change once the checkpoint was removed. Dr. Zuba stated a PCR test would be performed on anyone testing positive for the antibody. He stated using the PCR test on asymptomatic people would yield a near zero result for positive infections. Dr. Zuba suggested holding on to the PCR tests and noted the difficulty he had in trying to procure them.

Dr. Zuba invited people to have the antibody test at his office. He said that once the Village decided how they wanted to conduct the antibody testing, he and his nurses would volunteer to administer the antibody test. He said the Village would need to advise him of the location and would need to identify the staff members and the uninsured.

Vice Mayor Davis expressed his concern for those that wanted to be tested but could not afford to. He asked if a list could be put together of places where the uninsured could be tested without having to pay for the test. Dr. Zuba asked for his name to be placed at the top of that list. Vice Mayor Davis, with support from Councilwoman Gillis, said the Village may need Dr. Zuba's assistance in compiling the list. Dr. Zuba said he could compile the list and that he was sure Dr. May would participate. Village Attorney Roget Bryan said he would coordinate with the Village's Public Information Officer and Deputy Village Manager/Finance Director if it was the Council's direction to make the list available to the public. Councilman Mooney opined that it seemed more logical to conduct testing after the checkpoint came down and noted the benefits of using the antibody test over the PCR test. Dr. Zuba suggested the Village move forward with the first 100 test and also proceed with antibody testing.

Mayor Forster noted that at the last meeting the Council agreed to move forward with the PCR testing with Dr. Diaz but suggested the Village did not have to sign the contract. Councilman Mooney expressed support for conducting the 100 PCR tests as they would be statistically

beneficial. Councilwoman Gillis stated she too supported the 100 PCR tests. She stated the Village did not need to pay for test when the doctor was paid by the insurance company or Medicare. Deputy Village Manager/Finance Director Maria Bassett stated the 100 tests would be used on individuals that did not have insurance or did not qualify for Medicare. She explained that in an earlier conversation with the Mayor he suggested that persons interested in testing with Dr. Diaz should contact the Village and the Village would provide a voucher that would be given to Dr. Diaz's office for testing. She explained that Village staff would prescreen the individual to determine if they were a resident of Islamorada and whether they had insurance. Councilwoman Gillis stated verifying insurance was the responsibility of the doctor's office. Mayor Forster clarified that staff was going to verify the person did not have insurance. Councilwoman Gillis stated Dr. Zuba had reported that Medicare would pay for the uninsured. Ms. Bassett stated that not all uninsured individuals qualified for Medicare. Dr. Zuba stated that if a person was uninsured the doctor would get paid.

Vice Mayor Ken Davis asked for assurance that doctors would not seek payment from the patients if the federal government ran out of program funding. Dr. Zuba commented that it stated in the CARES Act that the physician could not seek payment from the patient.

Mayor Forster asked the Deputy Village Manager if she had a sense of the Council's direction based on the conversation. Ms. Bassett stated that she understood that staff did not need to pursue a contract with Dr. Diaz to provide testing for 100 individuals; that people could be tested at Dr. Zuba's office who could provide the antibody or diagnostic test and would seek reimbursement if insurance was not applicable. Councilman Sante stated Dr. Zuba would also help compile a list of participating doctors in Islamorada and the Village could publish the information. He stated that if there was a problem with payment the Village could offer to help but that he did not want to publicize the financial assistance. He stated doctors would have their own screening process for payment. Councilman Sante stated it was a matter of moving forward and publicizing the availability of testing. Vice Mayor Davis expressed concern for individuals that worked in Islamorada but lived elsewhere. Councilman Mooney confirmed with Dr. Zuba that an individual could go to any doctor for testing as the federal reimbursement was available to all doctors. Dr. Zuba stated that he only had about 20 PCR tests that he received from the Department of Health but could do the antibody testing. He said he was not sure whether the other doctors would be able to do PCR testing but could find out. Dr. Zuba noted he was working with Bob Eadie in trying to centralize the testing effort at the CHI clinic. Fire Chief Terry Abel stated he would work with Dr. Zuba on compiling the list, would reach out to other doctors to educate them about the reimbursement program for the uninsured, and the Village's Public Information Officer would publicize the information. He stated that if there was a payment issue the Village could assist in the matter, as the doctors were not allowed to balance bill.

Jill Miranda Baker, incoming President of the Upper Keys Rotary, asked if the Village would consider a fall event that included fireworks and food if the Village decided to cancel the Fourth of July celebration. She noted that Fourth of July was also a fundraising event for the rotary. Councilwoman Gillis asked if the rotary could get a refund for the fireworks. Ms. Baker stated that they could reach out to the supplier and ask.

Deputy Village Manager/Finance Director Maria Bassett stated staff had discussed the Fourth of July celebration and based on the current guidelines and the timeline, it did not appear feasible. She stated staff was going to recommend not having the holiday festivities. She opined that Ms. Baker was requesting that the Village reserve the \$15,000 that would be contributed to the Rotary for the fireworks and apply it to a fall event for the community, noting it would also be dependent upon the current CDC guidelines. Mayor Forster asked to pause the meeting for a moment while Councilman Sante reconnected. Council expressed support for reserving the funding and a future event.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

Update on Port Antigua / White Marlin Beach- Village Attorney

This item was heard at 7:13 p.m. Village Attorney Roget Bryan reported that he had been in communication with three groups that wanted additional regulations for the White Marlin Beach area. He stated they were proposing the implementation of a swim area as the most expedient way to achieve positive results. Mr. Bryan stated he had circulated the map with some of the groups and would like to prepare an ordinance for Council consideration at the June 18th meeting. He reported that he had gotten feedback on the enforcement components from the FWC and the MCSO.

Council expressed support for moving forward with the ordinance. Vice Mayor Davis thanked the Village Attorney for all his efforts. Mayor Mike Forster requested staff consider the possibility of hybrid meetings in the future.

Councilwoman Gillis asked if the area could be roped off with buoys and ropes. Mr. Bryan explained that a buoy and rope system was customary for a swim zone; that the waterway markers would require a regulatory permit and review by FWC, US Army Corps of Engineers and DEP; and noted that the FWC and the MCSO wanted to make it as easy as possible for enforcement.

Mayor Mike Forster opened public comment.

David Webb commented that the swim zone proposal did not address some of the issues that the homeowners in Port Antigua had hoped for and encouraged the Council to move forward as quickly as possible.

Robert Moser commented that the Lower Matecumbe Beach Property Owners Association board of directors had agreed unanimously in favor of a swim zone and were deeply concerned about what would happen at their beach once the swim zone was put into place at the Port Antigua/White Marlin Beach.

Vice Mayor Ken Davis announced that Eric Carlson would like to be considered for the Achievable Housing Committee vacancy.

Deputy Village Manager / Finance Director Maria Bassett reported staffing at the Village would remain status quo; enhancements were needed in the building in planning departments to comply with social distancing requirements; Founders Park would continue to be limited to Islamorada residents; hotel guests in Islamorada would be permitted to use Founders Park; summer camp was not a possibility due to COVID-19; and that park staff were developing virtual park programs to help parents keep kids busy during the summer.

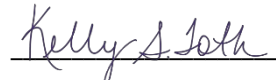
Ms. Bassett stated Mayor Forster had inquired about a dedication for Pascal Weisberger. She noted that there was a suggestion for a plaque with an alternate suggestion by staff for a park bench. She stated concern was expressed that dedication of a park bench would set a precedent in the park. Staff discussed the idea and felt that at some point they would like to have the availability of dedications in the park and suggested future benches would be paid for by family or friends. Another means of dedication would be the use of memorial pavers. Ms. Bassett stated the cost of the bench would be approximately \$1,000. Councilman Mooney noted that the Village also had the Plantation Tropical Preserve which functioned as a memorial park. Council expressed agreement for purchasing a bench for placement at the dog park.

Council commented about the importance of continuing to follow the rules associated with COVID-19; encouraged social distancing; and suggested that restaurant owners consider purchasing head thermometers to take the temperatures of their staff and guests.

ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. Councilman Jim Mooney seconded the motion. The meeting adjourned at 7:34 p.m.

Approved by the Village Council June 18, 2020.

A handwritten signature in blue ink, reading "Kelly S. Toth", is written over a horizontal line.

Kelly S. Toth, CMC
Village Clerk