

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

Islamorada, FL
Thursday, May 7, 2020
5:30 PM

**MEETING OCCURED 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 7, 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 5:34 p.m. Village Clerk Kelly Toth called the role and 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 Village Manager Seth Lawless, Village Attorney Roget Bryan, Village Clerk Kelly Toth and other relevant personnel.

PLEDGE OF ALLEGIANCE

Jim Lupino led the Pledge of Allegiance.

REPORTS AND ANNOUNCEMENTS

Virtual Meeting Procedures- Village Attorney

Village Attorney Roget Bryan provided the virtual meeting procedures advising the public of the options for viewing the meeting and the different methods for providing public comment.

PUBLIC COMMENT

Mayor Mike Forster provided detailed information for individuals to be recognized by the meeting monitor when calling in for public comment or participating through the Zoom application.

Mayor Forster opened public comment.

David Webb , participating through Zoom, expressed gratitude for the Council's actions related to the COVID-19 pandemic. He inquired as to whether the Village had prepared tax revenue projections to determine the impact of the pandemic and whether budget adjustments would be needed during the current fiscal year. Finance Director and Deputy Village Manager Maria Bassett stated the information was provided to the Council at the last meeting. She explained that she projected for most of the revenue sources the Village would not receive anymore than had been received to date; sales tax revenues substantially decreased April through July and showed slight increases thereafter. She determined that, based on the projections, the Village was at 50% of the budgeted General Fund expenses half-way through the fiscal year. She noted that the Village was not dependent upon sales tax-based revenues. Ms. Bassett explained that the primary revenue source for the General Fund was ad valorem taxes and that the Village had already received 90% of these revenues. She stated that the Village would likely meet the fiscal year budget and noted that if

the Village received the outstanding \$1.5 million in Hurricane Irma reimbursement from the State of Florida Department of Emergency Management the Village would actually be adding to the General Fund fund balance.

Robert Moser, participating through Zoom, provided comments related to Tab 5, regarding the unintended consequences related to increasing the number of vacation rentals in residential areas.

Village Clerk Kelly Toth read the public comments that were submitted via email. Mary Hall submitted comments requesting the Council reopen the Levy Aquatic Center at Founders Park noting the great physical and mental benefits it provided for the pool's users. Cale Smith submitted comments requesting the Council consider an immediate, limited reopening of Founders Park pool for lap swimmers and local swim teams. Gary Hall submitted comments requesting the aquatic center be opened to the public.

Mayor Forster closed public comment.

AGENDA: Requests for Deletion / Emergency Additions

A discussion regarding Founders Park and a discussion regarding COVID-19 testing was added to Mayor/Council Communications by Mayor Mike Forster. Finance Director and Deputy Village Manager Maria Bassett added a discussion regarding resuming the Freebee program to the Village Attorney/Village Manager section of the agenda.

CONSENT AGENDA

TAB 1: Minutes for the March 5, 2020 Regular Village Council Meeting and April 16, 2020 Regular Village Council Meeting

TAB 2: Resolution Approving a New Turf and Landscape Maintenance Agreement with the Florida Department of Transportation

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A NEW TURF AND LANDSCAPE MAINTENANCE DEPARTMENT FUNDED AGREEMENT, BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE NEW AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO TAKE NECESSARY ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

TAB 3: Resolution Approving the Purchase of a T770 T4 Bobcat Compact Track Loader for the Public Works Department

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA19-VEH17.0 AND APPROVING THE PURCHASE OF A T770 T4 BOBCAT COMPACT TRACK LOADER FROM BOBCAT COMPANY FOR THE VILLAGE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE NECESSARY DOCUMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE

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

ORDINANCES

TAB 4: First Reading: Ordinance Amending the Village Comprehensive Plan to Adopt the Water Supply Facilities Work Plan Update

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING THE VILLAGE'S COMPREHENSIVE PLAN TO ADOPT THE WATER SUPPLY PLAN AS MANDATED BY FLORIDA STATUTES 163.3177(6)(C)3; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 5:46. Village Attorney Roget Bryan read the title of the ordinance. Scarlett Hammon presented the staff report recommending approval.

Councilman Sante inquired about the 149 gallons per capita changing to 171 gallons per capita and asked if the Village had increased its usage or if the original number deficient. Ms. Hammons responded that usage had gone up. Councilman Sante suggested releasing a water conservation public service announcement.

Mayor Forster opened public comment.

Robert Moser, participating through Zoom, asked if the increase in usage could be from the additional vacation rental licenses that were issued. Mayor Forster opined that the increase could be due to more people staying home. Councilwoman Deb Gillis stated the Village had planned for additional units when planning for the sewer system occurred.

Mayor Forster closed public comment.

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

TAB 5: First Reading: Ordinance Amending Section 30-32 "Specific Definitions" and Division 12 Transfer of Development Rights (TDRS) of the Land Development Regulations, to Allow Village Center (VC), Tourist Commercial (TC), Commercial Fishing (CF), Marine Use (MR), Highway Commercial (HC) and Neighborhood Commercial (NC) as Eligible Districts for Receiving Transfers of Residential Density from Residential Sender Sites

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30, "LAND DEVELOPMENT REGULATIONS," ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS" AND ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 12 TRANSFERS OF DEVELOPMENT RIGHTS" OF THE VILLAGE CODE OF ORDINANCES RELATED TO TRANSFER OF RESIDENTIAL DENSITY WITHIN THE VILLAGE; AMENDING SECTION 30-32 "SPECIFIC DEFINITIONS"; SECTION 30-502 "SPECIFIC DEFINITIONS"; SECTION 30-503(1); "TRANSFER OF DEVELOPMENT RIGHTS (TDR); TO SPECIFICALLY AMEND DEFINITIONS RELATED TO TRANSFER OF RESIDENTIAL DENSITY: SECTION 30-506(1)(D) AND SECTION 30-506(3) "TRANSFER OF DEVELOPMENT RIGHTS (TDR) FOR RESIDENTIAL DWELLING UNITS AND DENSITY"; SPECIFICALLY ADDING VILLAGE CENTER (VC), TOURIST COMMERCIAL (TC), COMMERCIAL FISHING (CF), MARINE USE (MR), HIGHWAY COMMERCIAL (HC) AND NEIGHBORHOOD COMMERCIAL (NC) AS ELIGIBLE ZONING DISTRICTS FOR RECEIVING

TRANSFERS OF RESIDENTIAL DENSITY FROM RESIDENTIAL SENDER SITES WITHIN ZONING DISTRICTS ELIGIBLE FOR TRANSFER OF RESIDENTIAL DENSITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

This item was heard at 5:54. Village Attorney Roget Bryan read the title of the ordinance. Senior Planner Craig Southern presented the staff report recommending approval. Prior to beginning his report, he explained that there were three types of transfer of development rights with the most common one being transferring residential dwelling units and the second being transferring non-residential commercial floor area. He explained the agenda item pertained to the third type which was the transfer of offsite residential density.

Councilman Chris Sante abstained from discussing and voting on the item because he had a pending project that would be affected.

Councilman Jim Mooney confirmed that submerged lands did not count toward the gross acreage of the development. Mr. Southern stated that submerged land could not be used towards buildable area.

Mayor Forster opened public comment.

Jim Bellizzi commented regarding the density specific requirements and the required minimum lot size and confirmed with Mr. Southern that Section 30-506(1)(d) was strictly for the transfer of landmass density. Mr. Bellizzi noted the minimum lot sizes required to be able to build for properties that were zoned Native Residential (NR) and Residential Estate (RE); and that in order for Native Residential and Residential Estate zoned properties to receive a transfer of density from conservation land they must meet minimum lot size requirements. He stated every other zoning district listed in the table did not have a land mass density requirement but instead had a lot size requirement which meant the proposed TDR process was not applicable to them. Mr. Bellizzi opined that another table should be created to be more definitive and suggested the ordinance go back before the Local Planning Agency because changes were made that had not been vetted by the committee. Senior Planner Craig Southern replied to Mr. Bellizzi noting the purpose of the amendment was to provide additional definitions for clarity; that all the zoning districts in 30-206(1)(d) were already permitted and provided an example of how the section of the code would be beneficial to someone wanting to develop.

The meeting was suspended momentarily due to Mayor Forster experiencing connectivity issues.

Mayor Mike Forster asked LPA member Mark Gregg if there had been substantial changes since the LPA reviewed the item. Mr. Gregg said most of what the LPA agreed to was included in the proposed ordinance. He stated the LPA spoke about the definitions but did not specifically agree to them.

Councilwoman Deb Gillis stated she spoke with LPA member Lesley Rhyne and that she had expressed that she was okay with the added definitions.

Village Clerk Kelly Toth read a comment submitted by Sue Miller. Ms. Miller suggested the Council not eliminate the “vacant” requirement for receiver sites; not allow residential dwelling TDRs to be transferred to Mixed Use properties; and not allow the area of submerged land and tidally inundated mangroves to be included in calculation of maximum pre-existing lot area of the receiver site.

Robert Moser, participating through Zoom, suggested that if Mr. Bellizzi was correct in his interpretation, then it would be helpful if the Code were clearer. He stated he did not want that type of increased development on Lower Matecumbe Key noting the island was almost entirely residential. He asked that the Council consider making these types of transfers ineligible for vacation rental licenses.

Mayor Mike Forster closed public comment.

Councilman Mooney confirmed that the changes were not relevant to a particular property or development. He commented that TDRs were valuable and were not inexpensive to purchase. Mr. Southern noted that the transfer of dwelling units was common, however the transfer of density had only occurred one time in the Village. Councilwoman Deb Gillis suggested renaming the three categories to eliminate the confusion. Mr. Southern stated Section 30-503 separated the development rights into three separate items and separate tables. He suggested adding underlined verbiage that would help clarify the categories such as: Dwelling Units, FAR, Residential Density and Commercial Intensity. He suggested making the changes before the second reading. Vice Mayor Ken Davis suggested Mr. Southern speak with Mr. Bellizzi and Mr. Moser to address their concerns. Vice Mayor Davis made a motion to approve. Councilwoman Deb Gillis seconded the motion. Council voted and the motion passed 4-0 with Councilman Sante abstaining.

RESOLUTIONS

TAB 6: Proposed Resolution Amending the Schedule of Fees and Deposits for Planning and Development Services Applications

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AMENDING THE SCHEDULE OF FEES AND DEPOSITS FOR PLANNING AND DEVELOPMENT SERVICES APPLICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:44 pm. Village Attorney Roget Bryan read the title of the resolution. Senior Planner Craig Southern presented the staff report recommending approval.

Mayor Forster opened public comment.

Village Clerk Kelly Toth read a comment submitted by Sue Miller who suggested not allowing the division of land if one or more sections of the divided parcel would be vacant after the division, as it might present an opportunity for a takings claim.

Mayor Forster closed public comment.

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

TAB 7: Resolution Approving an Agreement between Islamorada, Village of Islands and Wood Environment & Infrastructure Solutions, Inc. for Updating of the Villages Canal Restoration Plan

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A PROJECT AGREEMENT WITH WOOD ENVIRONMENTAL & INFRASTRUCTURE SOLUTIONS, INC. FOR UPDATING OF THE VILLAGE CANAL RESTORATION PLAN TO MEET STATE REQUIREMENTS FOR WATER QUALITY IMPROVEMENTS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:48 pm. Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Peter Frezza presented the staff report recommending approval. The project agreement contained a not to exceed of \$50,200.

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.

TAB 8: Resolution Approving a Project Agreement between Islamorada, Village of Islands and Wood Environment & Infrastructure Solutions, Inc. for Grant Close Out Services for Additional Sediment Removal Canals in the Village of Islamorada

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A PROJECT AGREEMENT WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS INC. FOR NRCS GRANT CLOSE OUT SERVICES FOR ADDITIONAL SEDIMENT REMOVAL FROM CANALS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:54 pm. Village Attorney Roget Bryan read the title of the resolution. Environmental Resources Manager Peter Frezza presented the staff report recommending approval. The project agreement contained a not to exceed of \$5,000.

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

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

TAB 9: Resolution Approving Amendment One to Agreement with Ferreira Construction Southern Division Co., Inc. and Final Change Order for Construction of Venetian Shores Stormwater Management System

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO AGREEMENT BETWEEN FERREIRA CONSTRUCTION SOUTHERN DIVISION CO., INC. AND ISLAMORADA, VILLAGE OF ISLANDS FOR CONSTRUCTION OF A VENETIAN SHORES STORMWATER MANAGEMENT SYSTEM; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE

FIRST AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 6:48 pm. Village Attorney Roget Bryan read the title of the resolution. Public Works Director A.J. Engelmeyer presented the staff report noting that the construction project was completed in February; the original construction agreement had a not to exceed amount of \$1.6 million; that five change orders were approved during the construction to avoid delays totaling \$37,576.00; that there was a net increase in quantities attributed in part to the asphalt work totaling \$88,210.84 over the contract price noting the quantities were difficult to estimate due to the wavy nature of the roads; and that an increase in quantities associated with the paver driveways resulted in a project increase of \$222,937. Mr. Engelmeyer explained that to obtain the proper slope a few of the driveways had to be extended beyond the right-of-way to ensure proper drainage; that the original estimates of the number and size of the paver driveways affected, provided by the Village's design engineer, were inaccurate and were the quantities used by Ferreira Construction to provide the original cost proposal. Mr. Engelmeyer stated the amendment would approve a final payment of \$311,197.32.

Vice Mayor Ken Davis noted the contractor was awarded the bid based on the \$1.6 million dollar proposal. He expressed his dissatisfaction with the cost overrun and the mistake in calculations made by Weiler Engineering. He suggested the Council consider barring future contracts with Ferreira Construction for the next ten years and severing the contract with Weiler Engineering. Councilman Jim Mooney expressed his dissatisfaction with the \$222,937 cost overrun and suggested a Design-Build approach to the next project. Councilman Sante expressed agreement with Councilman Mooney and Vice Mayor Davis.

Mr. Engelmeyer stated that after the Council agenda books were delivered, he made an adjustment to the total price due to an error on the part of the contractor. He stated the contractor listed the removal quantity and should have instead listed the installation quantity; that he notified the contractor of the error and the need to make the billing correction; and that it reduced the paver cost by just under \$60,000. Mr. Engelmeyer explained that the project was calculated using the unit price method and that if the number of pavers needed had been calculated correctly from the beginning the project cost would have been \$200,000 higher; and stated that Weiler Engineering provided a lower number than what was actually needed. Mayor Forster asked the Village Attorney for input. Village Attorney Roget Bryan explained what would be involved should a pay dispute occur; and that the Council could discuss terminating Weiler Engineering's contract under their existing Continuing Services Agreement and whether the Council wanted to use Ferreira in the future. Finance Director and Deputy Village Manager Maria Bassett commented that there were provisions in Ferreira's contract for this occurrence, which included addressing the issue with Council when it arose as opposed to when the project was completed.

Mayor Mike Forster opened public comment.

Jim Bellizzi commented that Ferreira had done a good job and that the error was on the part of Weiler Engineering. He noted that some of the elevations were different which required additional provisions for drainage that had to be mitigated; that there were issues with the depth of the water and sewer pipes that had to be rectified; and noted that the wavy roads had to do with the prior

sewer installation. He suggested when stormwater was addressed for the remainder of the subdivision the Council should consider removal of the asphalt and application of a new sub-base with a one inch to one-and-a-half-inch overlay.

Mayor Mike Forster closed public comment.

Councilman Chris Sante asked the Public Works Director to clarify an earlier statement about Weiler Engineering having submitted the correct price, but that the Village approved the lower price. Mr. Engelmeyer explained that during the bid addendum process a contractor submitted a question asking for clarification and a double-check of the paver quantity. He stated Weiler Engineering responded to the question and at that time the quantity was changed to what was identified on the final construction plans. Councilman Sante opined that the contractor seeking clarification had bid on the correct number needed and that the contractor that was selected bid using the lower number of pavers needed. Mr. Engelmeyer stated that finding errors in bids was a bidding strategy, however he could not confirm that was what had occurred. He confirmed that all bidders received the addendums and noted that the company that made the inquiry did not bid on the project. Discussion ensued regarding unit price proposals and bidding strategies. Councilman Jim Mooney asked if the Village would receive the approximate \$60,000 credit that the Public Works Director had referenced earlier. Mr. Engelmeyer stated the final pay application would not be paid until it had been revised and resubmitted by the contractor. Vice Mayor Ken Davis asked if in future Requests for Proposals (RFPs) if the Village could request that the submitter provide information pertaining to past projects that had cost overruns. The Village Attorney confirmed that project history was included with proposal submittal but that it could be redefined to include cost overruns. Finance Director and Deputy Village Manager Maria Bassett commented that when the Village checked a contractor's references staff inquired as to whether there were any cost overruns / change orders. Vice Mayor Davis opined that it appeared the contractor placed the low bid knowing he would make more money on the contract. Mr. Engelmeyer noted that the contractor that was selected had the lower unit price out of the two bids. He explained what he thought caused the need for additional pavers. Councilman Chris Sante stated that when the Village hired an engineer that provided inaccurate specifications the Village should have some sort of recourse against them in future contracts. The Public Works Director clarified that the payment reduction was \$58,569.78. Ms. Bassett stated that the final payment being requested to Ferreira Construction was \$252,627.59.

Councilwoman Deb Gillis made a motion to approve with the reduction of \$58,569.78. Vice Mayor Ken Davis seconded the motion. Council voted and the motion passed 4-1 with Councilman Sante voting in opposition.

Vice Mayor Ken Davis requested to amend the motion to bar Ferreira Construction from future work with the Village for the next ten years and that the Weiler Engineering contract be severed as soon as their contract with the Key Tree Cactus project was finished. Councilwoman Gillis did not agree to the suggested amended motion. The Village Attorney suggested the Vice Mayor bifurcate his suggestions from the motion to approve the pay application.

After the motion passed approving the pay application, Vice Mayor Davis made a motion that after Ferreira's acceptance of final payment the Village bar the company from contracting with the Village for ten years and that the Village cancel the contract with Weiler Engineering as soon as they were finished with the Key Tree Cactus project. The Village Attorney commented that the Village had a

Continuing Services Agreement (CSA) with Weiler Engineering and that engineering firm was working on a couple of Village projects. He stated staff could provide the Council with details regarding the progress on the projects, stage of completion and contract termination dates and noted that staff understood the direction from the Vice Mayor's request. The Public Works Director and Village Attorney noted that the CSAs would be expiring soon; that staff was currently reviewing bid submittals; and that the new CSA would be coming to Council for approval later during the year. Councilman Sante stated he wanted to discuss the matter further noting that Ferreira had done a good job on the project and opined that the Village had a poor contract. He stated he would like to see the contracts "tightened up"; and that the Village should speak with Weiler Engineering about not having completed the job correctly. Vice Mayor Davis expressed agreement with Councilman Sante's suggestion.

TAB 10: Resolution Approving Work Authorization No. 2 between Eckler Engineering, Inc. and Islamorada, Village of Islands to Provide Design Engineering Services for Projects at the North Plantation Key (NPK) Pump Station

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING WORK AUTHORIZATION NO. 2 BETWEEN ECKLER ENGINEERING, INC. AND ISLAMORADA, VILLAGE OF ISLANDS FOR DESIGN ENGINEERING SERVICES FOR PROJECTS AT THE NORTH PLANTATION KEY (NPK) PUMP STATION; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF WORK AUTHORIZATION #2; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:35 p.m. Village Attorney Roget Bryan read the title of the resolution. Public Works Director A.J. Engelmeyer reported the preliminary approval for engineering services was \$84,278 for design/permitting/bidding services and \$61,545 for engineering services during the project's construction phase. He stated the updated work authorization brought the total to \$170,030. Mr. Engelmeyer explained the following changes that were made: addition of a pump-out basin; pump upgrade for the jockey pump; removal of old components that remained from the site conversion; addition of a bar screen; upgrading the current generator; creation of emergency storage for influent; and the ability to transfer the vacuum pump exhaust to mulch beds to eliminate the odor issue. Discussion ensued about the generator upgrade and the electrical engineering involved.

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

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

TAB 11: Resolution Approving Agreement No. LPA0087 between the Florida Department of Environmental Protection and the Village Relating to Funding Through the Florida Keys Stewardship Act for Capital Projects at North Plantation Key (NPK) Pump Station

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AGREEMENT NO. LPA0087 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE VILLAGE RELATED TO FLORIDA KEYS STEWARDSHIP ACT FUNDING; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS

NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:45 p.m. Village Attorney Roget Bryan read the title of the resolution. Finance Director and Deputy Village Manager Maria Bassett presented the staff report recommending approval. The total grant agreement amount was \$708,333.

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

Vice Mayor Ken Davis made a motion to approve. Councilman Chris Sante seconded the motion. Council voted and the motion passed 5-0.

TAB 12: Resolution Approving the Selection of Transportation Solutions & Lighting Inc. for Design and Installation of Lighting System at the Arts and Cultural District

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE SELECTION OF TRANSPORTATION SOLUTIONS & LIGHTING, INC. FOR DESIGN AND INSTALLATION OF LIGHTING SYSTEM AT THE ARTS AND CULTURAL DISTRICT; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR THE REQUESTED SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:49. Village Attorney Roget Bryan read the title of the resolution. Finance Director and Deputy Village Manager Maria Bassett presented the staff report noting the cost of the project was \$381,945. She stated \$300,000 had been budgeted for in the FY 19-20 Public Works Capital Projects Fund budget but an amendment to the budget would be needed for the additional \$81,945. She noted that an application to the Tourist Development Council (TDC) would delay the project and that due to the current COVID-19 situation, the TDC was less likely to have the amount of funding needed for the project. Ms. Bassett reported that on September 30, 2019 there was \$5 million in the Capital Projects Fund Balance and noted these funds were restricted to capital projects only. She explained that there were no responses to the Request for Proposals which prompted staff to reach out to two companies for quotes. The only company to provide a response was Transportation Solutions and Lighting, Inc.

Vice Mayor Davis stated he had spoken with two individuals in the Arts District who were happy to see the project moving forward. He stated Barnaby Rich had asked that the lighting plan not create light pollution and requested the lights be pointed downward with coverings. Mr. Rich had suggested using brass ship lanterns, as they would create a uniqueness for the Arts District. Councilman Jim Mooney commented about the high cost of brass lanterns. Councilwoman Deb Gillis commented that she did not believe the lighting would interfere. Public Works Director A.J. Engelmeyer reported the lights would face toward the road and onto the bike path. He noted solar lights were considered but were not practical because of the trees. Discussion ensued regarding being able to adjust the brightness of the LED lights. The Public Works Director stated he would check the adjustment capabilities and would provide that information to Council.

Mayor Mike Forster opened public comment.

Village Clerk Kelly Toth read a comment submitted by Mr. Armando Gonzalez, owner of Blue Marlin Jewelry. Mr. Gonzalez expressed his excitement and gratitude for the project; noted that the area from the Hurricane Monument to the Green Turtle was very dark and dangerous for pedestrian traffic; and that the lighting project addressed safety and aesthetics and was a win-win for all.

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

TAB 13: Resolution Approving the Agreement with Advanced Modular Structures, Inc. for a Modular Office Space for the Plantation Yacht Harbor Marina

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AGREEMENT BETWEEN ADVANCED MODULAR STRUCTURES, INC., AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE AND INSTALL A NEW MODULAR MARINA OFFICE BUILDING; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

This item was heard at 7:59 p.m. Village Attorney Roget Bryan read the title of the resolution. Finance Director and Deputy Village Manager Maria Bassett presented the staff report explaining that the Council had previously approved, in 2019, a project cost of \$120,000 for the purchase and installation of the modular office. She stated that the Village engaged consultants for survey and site plan services and noted that due to Village's requirements to elevate the structure to six-feet above sea level it created additional design considerations for the modular, foundation and ramp. She reported that staff had waited to finalize the agreement until the survey and site plan were completed. She explained that staff anticipated project costs not-to-exceed \$160,000 which included site work and purchase and installation of the modular. Ms. Bassett noted that at September 30, 2019, Marina revenues exceeded expenses by approximately \$290,000. Council expressed support for moving forward with the project.

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

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

MAYOR / COUNCIL COMMUNICATIONS

Agenda Addition: Discussion Regarding Opening Founders Park Pool- Mayor Forster

This item was heard at 8:05 p.m. Mayor Forster invited Founders Park Director Maria Bagiotti to provide details on opening the pool. Ms. Bagiotti reported staff was recommending opening the pool for fitness only such as lap swimming, water aerobics and water jogging beginning May 18, 2020. Council expressed support for the reopening plan.

Agenda Addition: Discussion Regarding COVID-19 Testing- Mayor Forster

This item was heard at 8:09 p.m. Mayor Forster explained that on April 20th, with Council consensus, the Village was to have moved forward with COVID-19 testing but that had not occurred. He stated all the other municipalities in Monroe County were conducting testing and commented regarding the importance of making data related decisions. Maria Bassett stated Chief Able was instrumental in the discussion and had to step away to respond to a Fire Rescue call.

Mayor Forster stated the City of Marathon was participating in a study with the University of Miami and was discussing staff testing with CHI. Village Attorney Roget Bryan stated he had spoken with his counterparts with Monroe County and the other municipalities and that their plans were fluid; they were focusing on protocols for staff; and were considering broader partnerships. Mr. Bryan stated the substance of staff conversations was: who are we going to test, what are we going to test for, and what do we expect that data to show and noted this was a discussion for the policy makers. Mr. Bryan stated that if the Village was going to lend support to the testing effort, it needed to understand what we were doing, and how we were doing it and what tests we wanted to employ. He stated staff recommended exploring a more comprehensive testing program going forward and noted that the Fire Department was going to begin testing their staff regularly.

Mayor Forster commented that the City of Marathon and the City of Key West were testing their EMTs and firefighters first. He recommended that be the policy direction from Council and invited Dr. Miguel Diaz to speak about the COVID-19 testing.

Dr. Diaz explained that there were two types of tests: (1) reverse transcriptase-polymerase chain reaction (RT-PCR) which was the nasal swab test and (2) the antibody test. He reported he provided both tests in his office and had several people test positive for the RT-PCR which was the test he recommended. He reported every test had a margin of error none were 100 percent specific. He explained the results of one of his patients that tested positive. He stated at two days the results presented as very, very sensitive and that at days four through fourteen the sensitivity decreased. Dr. Diaz said positive results could also be due to past or present infection with non-SARS COVID-19 virus strains. He said as a physician, the antibody test would simply tell him that the patient had been exposed to some type of coronavirus. Dr. Diaz stated that if a patient tested positive with an antibody test it meant nothing to him because there would be no way for him to correlate it with COVID-19. Dr. Diaz opined that antibody testing would be a waste of taxpayer money.

Councilwoman Deb Gillis stated she understood that there were antibody tests that were more reliable than others that would identify whether a person had COVID-19. Dr. Diaz referenced his experience as an admitting physician at Mariner's Hospital and said that if a patient tested positive with the antibody test the test would not identify the strain. He stated currently, the FDA did not have a good test for antibodies. Councilwoman Gillis asked if Dr. Diaz was familiar with the Roche antibody test. He was not.

Chief Terry Abel stated the firefighters would be receiving the antibody test through a research project with the University of Miami (UM) which was county-wide for all fire departments. He noted that the tests had not begun as staff was waiting for UM to arrive.

Mayor Forster expressed his dissatisfaction regarding the Village not currently testing and stated everyone had agreed three weeks ago to begin testing. Mayor Forster stated that there was a consensus to have the tests done. Councilwoman Gillis stated there was not a Council vote on the matter. Councilman Chris Sante stated he wanted to know the cost of the test and suggested it could be set up at the park. Mayor Forster stated Dr. Diaz's office would conduct the testing at his office. Councilman Sante asked why the Council was having the discussion because they could not recommend one doctor over another. Mayor Forster stated the suggestion was to test staff first. Village Attorney Roget Bryan stated Dr. Diaz could and has been performing test out of his office and that if the Village wanted to augment testing efforts by allocating additional resources for

testing that could be done. Mr. Bryan stated that if someone wanted testing now, they could go to Dr. Diaz and he would bill their insurance or receive payment for the services. He stated the Village could direct people that wanted to be tested to Dr. Diaz. He noted other providers such as the Department of Health required individuals to be symptomatic in order to receive the test. Mr. Bryan stated the question was whether the Village wanted to augment Dr. Diaz's testing capabilities in the Village. Dr. Diaz stated the costs for the test was \$105 per test which included collection, PPE, data collection and sharing the information with the patient and FDOH. He commented that he had discussed PPE with the Fire Chief because his office went through PPE rather quickly and the costs fluctuated from reasonable to expensive.

Councilwoman Gillis asked Dr. Diaz about the antibody test. Dr. Diaz stated he could offer the test. He stated LabCorp picked up daily and processed the tests with the turnaround time for a RT-PCR test being approximately one to two days and 5-7 days for an antibody test. He stated he thought the cost of the antibody test was \$70.00 or \$73.00. Dr. Diaz stated he could get 1,000 RT-PCR tests right now but did not know how many antibody tests he could procure. Dr. Diaz noted that demand caused fluctuations in availability.

Mayor Forster opined that there was not enough testing taking place in Monroe County. He suggested the Village allocate \$50,000 for testing. Vice Mayor Davis asked who would be tested. Mayor Forster stated that what had been discussed was first testing firefighters / EMTs followed by Village staff and those that were 65 years of age or older. Vice Mayor Davis stated the population that would be critical in Islamorada was hospitality staff and that this group would need the most assistance from the Village and suggested supplementing 50% of the cost of the tests. Mayor Forster suggested that all workers that interacted with the public needed to be tested. Vice Mayor Davis agreed with testing Village staff first followed by the 65 and older population then testing hospitality workers and committing \$50,000 to the project.

Dr. Diaz stated his office could begin testing firefighters tomorrow noting that his office accepted the Village's health insurance plan. He said that he had not had an insurance company decline a request to test a patient. Councilwoman Gillis stated it was her understanding that all insurance companies covered the testing costs.

Vice Mayor Davis noted the number of hospitality workers that were uninsured. Councilman Chris Sante stated that while he thought it was a good idea, he also thought it was a waste of money because you could test negative today but contract the virus the tomorrow. Councilman Jim Mooney stated he did not want to spend money on the antibody test until there was a guarantee that the results could show positive for COVID-19. He liked the idea of testing staff and agreed with Vice Mayor Davis' suggestion. He said that while he agreed with Councilman Sante he would support the project. Councilman Mooney suggested the testing effort would make the community feel better because of the fears associated with the virus.

Councilman Sante asked what the testing was going to accomplish noting the results were only good for the day the sample was collected. Dr. Diaz suggested that what the testing would provide would be a lower number of infected prior to opening-up the County border to tourists. Councilman Sante stated that he could support testing anyone with symptoms and opined that with all the safety measures, the Village and County had done a good job of controlling the spread of the virus.

Dr. Diaz reported that the symptoms his patients had experienced were all mild and none of them were hospitalized. Mayor Forster commented about individuals with the virus being asymptomatic. Dr. Diaz said because of the tests he conducted that yielded positive results, he was able to quarantine the individuals and test others that were exposed.

Councilwoman Deb Gillis asked to allow the Village's Human Resources Manager to speak on the topic. HR Manager Evie Engelmeyer reported Village employees were covered by the Village's health plan.

Village Attorney Roget Bryan noted that Village staff that resided in Dade County, but were tested in Monroe County, would have test results reported to FDOH under the Dade County totals. He clarified that staff testing would be offered but not mandated and that it could begin tomorrow. He commented that phase two would be contracting with Dr. Diaz to provide expanded testing services. He explained that there were two parts reflected in the draft agreement with Dr. Diaz: one was for the purchase of the test and the second addressed a nominal fee for testing services. Mr. Bryan noted that the Fire Chief had volunteered to provide additional PPE to decrease the cost associated with testing.

Vice Mayor Davis suggested the following phased approach: (1) test Village staff, (2) test those that are 65 and older (3) the hospitality staff with the Village paying 50% of the cost for the uninsured and the employer paying the remaining 50%, and (4) other workers that interacted with the public that were uninsured. Councilman Sante opined that the idea of testing appeared to be a knee-jerk reaction. He stated that he had an issue with testing employees that went home every single night (outside of Islamorada) and were exposed to people wherever they lived and returned the next day because it did not benefit Islamorada's data collection effort. He said the tests results would benefit the city where the employee lived. Councilman Sante stated that he supported testing of Village staff. He opined that it was wasting money.

Councilwoman Gillis stated that she wanted to spend the money wisely noting that testing had not happened yet because it was the first time the Council had had the discussion. In reference to the Vice Mayor's previous phased approach, Mayor Forster stated that as an employer of hospitality workers he could not afford to pay for half of the testing costs. Councilwoman Gillis commented that the Village needed to identify which employers had coverage. Councilman Jim Mooney suggested the following phased approach: (1) Village staff, (2) those that are 65 and older, and (3) Village residents that wanted to be tested. Dr. Diaz stated that when a patient made an appointment to be tested his office verified the insurance prior to testing and suggested the Village pay for those that did not have insurance. Dr. Diaz opined that the Village may not need to spend \$50,000; that the Village could operate on a week-to-week basis; and suggested that the Village could start with 10 tests. Dr. Diaz stated he could order tests weekly. Mayor Forster expressed concern regarding pricing fluctuations for tests.

Village Attorney Roget Bryan said staff could announce a plan to start testing Village employees as early as Monday. He commented that the difference in testing with Dr. Diaz is that he did not require you to have symptoms in order to take the test and noted that HR confirmed the Village's health plan would pay for staff testing. Mr. Bryan confirmed that the first phase would include voluntary testing of Village employees starting with firefighters/ EMS staff and that the second phase would be testing of Village residents. He stated that if the Council authorized a not-to-exceed

amount, such as \$50,000, staff could breakout a schedule based on Dr. Diaz's availability and the demand created by Village staff, and determine how soon to roll out the program. Mr. Bryan explained that Dr. Diaz was provided a draft contract which could be brought to Council for approval at the next meeting; and in the meantime, staff could roll out a plan for staff testing. Mayor Mike Forster asked the Village Attorney to obtain the contract between Monroe County and Dr. Borris and suggested their contract might be simpler than the Village's. Mr. Bryan asked Dr. Diaz how many tests he could do in the next week. Dr. Diaz said he could do 50 tests tomorrow and could obtain as many tests as he needed Friday evening.

Mayor Mike Forster opened public comment.

Jim Bellizzi expressed his agreement with Councilman Sante. He stated it was a waste of time, money and energy to test people that were asymptomatic.

Mayor Mike Forster closed public comment.

Discussion ensued regarding testing Village staff first then discussing whether to test others in the Village; the possibility that the entire \$50,000 would not be needed due to people having insurance; and effectively communicating the availability of the testing.

The Village Attorney confirmed the Council's direction and provided the language for a motion which was to move forward with a testing protocol that would begin with staff testing; and supplementing with a contract for services with Islamorada Medical Center with a not-to-exceed amount of \$50,000.

Vice Mayor Ken Davis made a motion to approve. Mayor Mike Forster seconded the motion. Council voted and the motion passed 4-1 with Councilman Sante voting in opposition.

VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

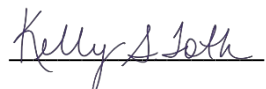
Agenda Addition: Discussion Regarding the Freebee Program- Finance Director/Deputy Village Manager Maria Bassett

This item was heard at 9:13 p.m. Finance Director / Deputy Village Manager Maria Bassett stated Freebee had suggested resuming services, as they had been doing in other communities in Dade County. They would do one trip at a time, sanitize in between trips, and would wear PPE. Councilwoman Gillis asked if the drivers were local. Ms. Bassett replied that some would come from Dade County. Council expressed allowing them to resume using one vehicle and local drivers. Ms. Bassett said the Village could possibly prorate the monthly amount, but the Village did ask them to obtain the larger vehicles.

ADJOURNMENT

Councilman Chris Sante made a motion to adjourn. The meeting adjourned at 9:17 p.m.

Approved by the Village Council June 18, 2020.



Kelly S. Toth, CMC
Village Clerk