

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

MINUTES

CITY OF PALATKA

July 10, 2014

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 10TH day of July, 2014.

PRESENT:

Mayor	Vernon Myers
Commissioner	Mary Lawson Brown
Commissioner	Allegra Kitchens
Commissioner	Phil Leary
Commissioner	James Norwood, Jr.

Also Present: City Manager Michael J. Czymbor; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Main Street Manager Charles Rudd

CALL TO ORDER: Mayor Myers called the meeting to order at 6:00 p.m.

INVOCATION - The Reverend Dan Phillips, Pastor, Lemon Heights Baptist Church

PLEDGE OF ALLEGIANCE – Michael J. Czymbor

APPROVAL OF MINUTES – 06/12/14 Regular Meeting – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

- PUBLIC RECOGNITION/PRESENTATIONS:**
CITIZEN RECOGNITION – 2014 4th of July Fireworks Contributors – the following contributors were present for recognition: Mike Garman, FP&L, \$2,500 contribution; Anne Atkins, Palatka Gas Authority, and Charles "Corky" Bell, Corky Bell's Seafood Restaurant; \$500.00 contributions; Greg Bacon & Steve Peacock, City Shippers, Inc. & Papa Johns Pizza, and Vernon & Linda Myers. Other contributors not present were also recognized.
- PUBLIC COMMENTS** – There were none.
- CONSENT AGENDA** - Mayor Myers read the items on the Consent Agenda into the record:
 - Adopt Resolution No. 2014-10-92** authorizing execution of a Supplemental Joint Participation Agreement with FDOT for the design and construction of T-Hangars, drainage, permitting, surveying, testing, project management & administration at the Palatka Municipal Airport, bringing the total project cost to \$650,000 (100% REDI Program Funding)

- b. **Adopt Resolution No. 2014-10-93** accepting the proposal for cellular phone services from Sprint and authorizing the City Manager to execute all documents facilitating acceptance of said proposal
- c. **Reappoint Gilbert Evans, Esquire**, to the Palatka Historic Preservation Board as member with legal experience for a three-year term to expire June, 2017 (Incumbent)
- d. **Approve request items for Special Events Permit No. 14-41** -- Palatka Main Street 3rd Friday Street Party - July 18, 2014; August 15, 2014; and September 19, 2014 from 6:00 p.m. until 10:00 p.m.- Palatka Main Street, Inc./Charles Rudd, Applicant
 - 1. Grant permission to exceed allowable noise levels throughout the duration of the event;
 - 2. Grant permission for sales and consumption of alcoholic beverages throughout the duration of the event;
 - 3. Allow the closure of the 200, 300, and 400 block of St. Johns Avenue for the duration of the July 18, August 15, and September 19 events.
- e. **Approve request items for Special Events Permit No. 14-42** – Palatka Main Street 4th Saturday Cruise-In, July 26, 2014; August 23, 2014; and September 27, 2014 from 6:00 p.m. to 9:00 p.m. – Palatka Main Street, Inc./Charles Rudd, applicant
 - 1. Grant permission to exceed allowable noise levels throughout the duration of events;
 - 2. Allow closure of 900 block of St. Johns Avenue for events

Commissioner Leary moved to approve all items on consent as read and recommended. Commissioner Norwood seconded the motion, which passed unopposed.

PUBLIC HEARINGS:

- 4. **ORDINANCE** amending the Palatka Municipal Code, Chapter 22, Cemeteries, adding services in addition to lot sales, adding restrictions and adopting maintenance and preservation standards for historic cemeteries – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 22 OF THE PALATKA MUNICIPAL CODE ENTITLED CEMETERIES; AMENDING SECTION 22-4, LOT PRICES, TO ADD SERVICES; AMENDING SECTION 22-8 TO ADD RULES AND RESTRICTIONS FOR GRAVE MARKERS AND GRAVE SITES, ORNAMENTATION AND VEGETATION; HOURS WHEN PUBLIC IS PERMITTED IN CEMETERIES, PERMITTING PROCESSES, AND TO ADOPT STANDARDS FOR PRESERVATION AND CLEANING OF HISTORIC MONUMENTS AND GRAVESITES; AND AMENDING “APPENDIX A – FEE SCHEDULE” TO ADD PROVISIONS FOR THE SALE OF CREMAINS-ONLY LOTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on second reading. Commissioner Leary seconded the motion. Commissioner Kitchens said she’s heard information recently that dogs are going into the cemetery and doing their “business.” She asked if they can prohibit dogs from being in the cemetery or require them to be on leashes and to require owners to clean up after their dogs. It was noted that the City has a leash law and “pooper scooper” law in existence that also apply to cemetery property. Mr. Czymbor noted the Clerk has distributed minor proposed revisions to the ordinance. The Clerk said they clarified that Oak Hill East Cemetery is “Oak Hill Cemetery, also known as Oak Hill East Cemetery” in two places, and under the changes to Section 8, clarified that the grave marker cleaning standards do not apply if you own the grave marker you are cleaning. Commissioner Brown said she sat in on a meeting held with all cemetery directors, and commended Mr. Czymbor and Ms. Driggers for meeting with all the cemetery directors and including them in this process, and thanked them for not raising fees. Commissioner Norwood moved to amend the ordinance as noted and distributed (filed). Commissioner Kitchens seconded the motion, which passed unopposed. There being no comment or further discussion, a roll-call vote was taken on the adoption of the ordinances as amended, which yielded the followings results: Commissioners Brown, Kitchens, Leary,

Norwood, and Mayor Myers, Yes; Nays, none. The ordinance was declared adopted as amended on second reading.

5. **ORDINANCE** amending the Palatka Code of Ordinances to restate Chapter 2, Article V, Division 1, Code Enforcement Board, Sections 2-281 through 2-291 - 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 2, ARTICLE V, DIVISION 1, CODE ENFORCEMENT BOARD, BY AMENDING ARTICLE V, SECTION 2-281, DEFINITIONS; SECTION 2-283, JURISDICTION; 2-285, ENFORCEMENT PROCEDURES; SECTION 2-286, CONDUCT OF HEARINGS; SECTION 2-288, FINES; SECTION 2-289 APPEALS AND SECTION 2-290 NOTICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to adopt the ordinance on 2nd reading as read. Commissioner Norwood seconded the motion. There being no comment or discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood, and Mayor Myers, Yes; Nays, none. The ordinance was declared adopted on second reading.
6. **ORDINANCE** amending the City of Palatka Code of Ordinances to restate Chapter 30, Environment, Article II, Nuisances, Section 30-31 through 30-39 - 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 30, ENVIRONMENT, ARTICLE II, ENTITLED “NUISANCES” BY RESTATING THE ARTICLE IN ITS ENTIRETY; REVISING PROHIBITED CONDITIONS AND PUBLIC NUISANCES; ENFORCEMENT; PROVISIONS REGARDING NOTICES, APPEALS, COSTS AND RECORDING OF ASSESSMENTS TO ABATE NUISANCES; DELETING SECTION 30-40, FORM OF ASSESSMENT NOTICE IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on 2nd reading as read. Commissioner Leary seconded the motion. Commissioner Brown said they need to clarify what constitutes a “junk” automobile. There being no comment or discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood, and Mayor Myers, Yes; Nays, none. The ordinance was declared adopted on second reading.
7. **ORDINANCE** amending the City of Palatka Code of Ordinances to restate Chapter 30, Article III, Junked Automobiles and Abandoned Property, Sections 30-61 through 30-77 - 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 30, ENVIRONMENT, ARTICLE II, ENTITLED “JUNKED AUTOMOBILES AND ABANDONED PROPERTY” BY REVISING DEFINITIONS, PENALTY, SERVICE OF NOTICE TO REMOVE JUNKED VEHICLES AND ABANDONED PROPERTY FROM PUBLIC OR PRIVATE PROPERTY, AND REQUEST FOR, CONDUCT OF AND DECISION OF HEARING; BY DELETING SECTION 30-63, ENFORCEMENT, IMMUNITY OF ENFORCEMENT OFFICERS FROM PROSECUTION FOR TRESPASS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance on 2nd reading as read. Commissioner Leary seconded the motion. Commissioner Brown asked if the ordinance includes a definition for junked vehicles. Chief Getchell said this is on page 2 of the ordinance and read it into the record. These are vehicles that are inoperable, no tag or an expired tag; wrecked or partially dismantled, and inoperable for a continuous period of more than 180 days, and visible from the street or another piece of property. If a neighbor invites them onto their property and they can see it, they can cite the owner. If the car is tagged, it is not considered a junk automobile. Commissioner Brown said they need to notify people that their car is in

violation of code before they cite them. Chief Getchell said there are other ways to validate whether or not a vehicle is tagged. Commissioner Kitchens said this applies to any vehicle that can be tagged under Florida law like RVs and motorcycles. Mr. Holmes said boats are not covered under this, but are covered under personal property. Chief Getchell said if a vehicle is removed under this ordinance, a tow service will be called to remove the vehicle. The tow service is under contract and they adopt the rate that is provided to the City. There would be additional storage charges depending upon how long the vehicle is in storage. The owner of the vehicle pays all fees. There being no further discussion or comment, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood, and Mayor Myers, Yes; Nays, none. The ordinance was declared adopted on second reading.

8. **ORDINANCE** amending the Code of Ordinances to restate Chapter 30, Environment, Article VI, Minimum Standards for Maintenance, Sections 30-166 through 30-191 - 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA REVSING CHAPTER 30, ENVIRONMENT, BY RESTATING ARTICLE VI, ENTITLED “MINIMUM STANDARDS FOR MAINTENANCE” IN ITS ENTIRETY; REVISING DEFINITIONS; OTHER REPAIRS; TIME PERIOD OF COMPLIANCE; RECORDING OF VIOLATION NOTICE; NOTICES AND ORDERS BINDING; UNLAWFUL TO FAIL TO COMPLY WITH ORDER; ENFORCEMENT; AND PENALTIES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on 2nd reading as read. Commissioner Leary seconded the motion. Mayor Myers opened the floor for public comment.

Sharon Buck, 610 S. 14th Street, said the commission used her home as an example of code violations, in their presentation at the first reading of this ordinance. She opposes the passage of this ordinance as it violates her civil rights and she does not believe they can tell her what to do with her home.

Commissioner Brown said she was not at the meeting when the first vote was taken on this ordinance. She did view the photos of the properties used as examples in the PowerPoint presentation. She drove through town and looked at those homes. Some of those homes were owned by deceased people and their families don't live there. For others, their income has changed and they don't have the money to repair their homes. She has asked for the creation of a volunteer workforce for the purpose of handling this issue without putting another ordinance in place. Chief Getchell assured her they are looking for other resources to address these repairs. Commissioner Brown said she'd like to see if they can make a turn-around before putting this ordinance in place. If someone buys up a lot of property and it sits vacant for 20 – 30 years, something should be done about that. She doesn't believe they need to add homestead property to the minimum maintenance standards regulations.

Commissioner Kitchens said Section 30-166 says the purpose of the article is to promote public health and safety by putting in minimum standards for maintenance. They are now proposing to make this apply to homesteaded property as well as non-homesteaded property. Section 30-167 was put into this ordinance to protect homesteaded property. The Florida Constitution doesn't allow them to foreclose on homesteaded property. They should not punish homesteaded home owners; this constitutes an undue burden. It costs a lot of money to paint a house and put on a new roof. She agrees that non-homesteaded or rental property should be kept up. Homesteaded property is special. This is going to hurt older people. If a home presents a health or welfare problem, they can be cited. She asked Mr. Holmes to explain the penalty under a civil citation, how many a person can get, saying it appears that if you don't go to court when you receive a civil citation, you can be held in contempt of court. If someone can't pay one citation, they can't pay several citations.

Mr. Holmes said under Section 30-191, violations are punishable by civil penalties set forth in Section 2-314, the City's enforcement fine schedule. The fines are by class; the maximum fine is \$157; the minimum is \$32. The section also provides for an increased fine in the event of repeat violations. If someone gets a violation and doesn't correct the violation, a repeat fine can carry a penalty of up to \$500 at the discretion of the court. As to contempt, the next section, 2-315, states if a person fails to pay a civil penalty or appear in court, the court can issue an Order to Show Cause as to why the person did not appear or pay the fine, and that person could be held in contempt of court, which could be punishable by fine or imprisonment, and is up to the judge's discretion. This is if a person doesn't respond or pay the fine.

Commissioner Kitchens said she understands they all want to do what's best for the City. She wants to protect the homesteaded property. This fine could end up being \$500, and if someone can't pay it, they could have to go to court or be charged with contempt. She does not believe they need to put the threat of this penalty on those who sign homestead. This means that is their permanent, legal residence. Many of these homes were passed down to family members by a deceased relative. They can't afford to do any better. This can be damaging to people.

Commissioner Leary said they debated this item at the last meeting. He believes they need to adopt this ordinance, as what they have now is not working. There should not be two standards on how property is to be maintained; that is capricious. All candidates with one exception at the last political forum said they want to retain and attract white collar workers; passing this ordinance is one of the ways they can do this. Property that is not being maintained is driving neighborhoods down and people out by not having minimum maintenance standards. They can work with people and help them find resources to get done what they need to get done. Some people may be spending their money on other things besides their homes. This is not overly punitive. They don't want to create problems for homesteaded property owners, but they have to turn things around in their neighborhoods. They have the 4th highest millage rate in the State. People don't want to come here, pay that rate and live next door to dilapidated homes. They have to adopt this ordinance in order to revitalize their neighborhoods.

Commissioner Norwood said he wants to see voluntary compliance. He doesn't want to put anyone out of their home. They've put together a list of opportunities for different groups to help those in need to meet minimum standards. This is a low minimum maintenance standard. When people just blatantly say they aren't going to maintain their homes because they don't want to, they need to realize what affect they have on the homes and neighbors around them. Individuals come to him saying they have made a large investment in their home, but there are maintenance standard issues right across the street. It affects property values. He understands some people can't afford to make those improvements. This community can help. He asked Mr. Holmes how much time a homeowner has to bring a property into compliance once a citation is issued. Mr. Holmes said this ordinance provides the power for Code Enforcement officers to issue citations. They used to issue notices of violations and provide for a period of time to correct the violation and an appearance before the CE Board. Sections 31-80 and 83 provide for times of compliance. There is a time for compliance built into the ordinance. There is discretion given to the Code Enforcement officer to work with the owner of the property before they issue a citation. These offices are trusted to use good judgment in issuing citations. The City's ordinances does not provide for jail time for a violator. Someone would receive jail time only if a judge, after issuing an order to show cause, determines it is appropriate. If someone doesn't respond or pay, the judge wants to know why they didn't pay or show up. The judge should take into account reasons why the person did not pay or show up. Judges can make allowances for someone who doesn't have the money. Those are the potentials, but in real life, he has a hard time imagining a judge putting anyone in jail because they can't pay the fine; they have done so if a person shows

disrespect to the court or just doesn't show up or respond. Commissioner Norwood said when a Code Enforcement officer cites a homeowner, he has requested that that homeowner be provided with a list of resources to rectify the situation. He wants to do everything they can do to encourage voluntary compliance.

Commissioner Brown said she knows the residents of one of the homes provided as an example. They are two older ladies. They have lived in these houses for a long time. It would be a traumatic experience if one of these ladies received a citation. These people need to be "taken by the hand" and walked through the process on how to get help. They may not know what a court order is. They are here to take care of people. They need to work together. She expects the community and its businesses to come together to help rectify this problem.

Commissioner Kitchens said this is a current city ordinance that's been on the books since before 1998. The ordinance as it is exempts homesteaded property. This is specifically geared towards making homesteaded property subject to minimum maintenance standards. She knows that Habitat for Humanity and SHIP have housing rehabilitation programs. She's knows of a woman who has been on a waiting list for over a year for both programs. The SHIP program has a very long waiting list. They should not remove the protection for homestead exemption. There are many people in the community who can't read or write and can't read a citation. She doesn't object to minimum maintenance, but believes homesteaded properties should not be subject to minimum maintenance. Peeling paint is cosmetic.

Commissioner Leary said Palatka is a dying city; they have an out-migration that exceeds the in-migration. Neighborhoods are falling apart. Churches outside of Palatka and Putnam County are sending people into Palatka to help.

There being no further discussion or comment, a roll-call vote was taken, which yielded the following results: Commissioners Leary, Norwood, and Mayor Myers, Yes; Commissioners Brown and Kitchens, No. The ordinance was declared adopted on second reading by a margin of three in favor, and opposed by Commissioners Brown and Kitchens.

9. **VOLUNTEER PALATKA WORKFORCE** initial meeting date – Vice Mayor Brown said she's talked to people in the community and believes they have a good chance of recruiting people and resources to help with the minimum maintenance issue. She'd like the Commission to check their calendars and determine a date they can call a community meeting. She'd like to put resources together to not only clean up houses, but also provide landscaping so they can instill a sense of pride in the people of Palatka. She'd like to do this on a Monday at Price Martin Center. Mayor Myers said there are a lot of resources in the Community and they need to be pulled together. Habitat for Humanity had an extensive work force and they can be pulled back together. There are other programs. Jim Melfi can provide information on those resources. He's obtained USDA grants and loans for over 300 homes in the community. Commissioner Leary said they need to work on this through Keep Putnam Beautiful; KPB can facilitate these requests and work with the different groups. Commissioner Brown said the executive director informed her they can't take on the full load of doing this due to their by-laws. Commissioner Kitchens said they need to enlist the help of hardware, paint and lumber businesses to provide the supplies. Commissioner Brown said they need to open this up to citizens and catalogue individual expertise. There was consensus of the Commission to advertise a community meeting on the matter for August 18 at 6:00 p.m. at Price Martin Center.
10. **CITY MANAGER & ADMINISTRATIVE REPORTS**
Mr. Czymbor said on July 24 at 4:00 p.m. the City will hold its 2nd budget workshop. At the next Commission meeting Mr. Griffith will provide a report on what has been uncovered during the

Southern Riverfront Improvements project excavations. They will be able to use some of the resources they've uncovered. Mr. Rudd will provide a brief presentation on 2014 Blue Crab Festival and what he proposes for the 2015 festival.

Chief Getchell said the changes to the minimum maintenance standards ordinance has nothing to do with paint. They aren't going to go out and start issuing citations. They will be concentrating their efforts on drug corridors and hot spots, and it will be complaint driven. They don't have the staff to do proactive code enforcement. There will be many resources available. The Weed & Seed program was very successful on the "weeding" side. They need to bring some of those components back. As part of the Program they held open houses to help people fill out applications and forms. Sometimes the cost to improve a house is more than the cost of a new house. They have houses that are about to fall down. There are many good programs available to improve housing. As they move forward they will provide the commission with a list of what other communities are doing. Whatever resources they have available that they can provide, they will provide. Neither groups nor home improvements stores are going to just give stuff away; there have to be some qualifications in place. This will give residents that live next to drug houses some relief; this will give them tools to provide recourse.

Commissioner Kitchens said people will get mad at their neighbors and will turn people in for peeling paint.

11. **COMMISSIONER COMMENTS**

Commissioner Kitchens said between 1975 and 1984 the City received CDGB money for home improvements. When the Citizens Advisory Task Force met recently they made community housing the number one priority. When the recommendation came to the Commission, the Commission chose infrastructure upgrades for water mains as its priority. This was effective in 1975 for either grants or low-interest loans. They need to apply for this type of CDBG grant.

Commissioner Kitchens said she didn't say at the last forum that she wasn't in favor of bringing jobs into the community. She did say she was against citing homesteaded property.

Commissioner Brown said the City received grant CDBG grant funds for as much as \$2 million for housing upgrades. Some of that money went away because people weren't applying for it.

Commissioner Norwood asked Fire Chief Lambert how many houses have caught fire in the last few weeks. Chief Lambert replied they've had one major structure fire and one kitchen fire. Commissioner Norwood said vacant houses become nuisances and fire hazards. They need to look at Codes programs wherein they partner with the County in the demolition of vacant houses as they used to do.

Commissioner Norwood said they had a wonderful 4th of July celebration. They didn't have enough restrooms at the riverfront. They anticipated a large crowd. They also allowed individuals to block entrances and exits from parking lots; individuals were frustrated because they couldn't get out of parking lots. They need law enforcement to keep ingress and egress open.

Commissioner Norwood asked if there is an opportunity for the City to go in on overgrown properties and clean them up and charge it back to property owners. Mr. Holmes said the City can cite the home, start a fine, and if the fine isn't paid and the condition isn't remedied, the City can put a lien on the property. They hope the property owner will comply under the threat of lien. They can use the nuisance abatement process. They have a process that if compliance isn't achieved, he doesn't believe that the City can just go in, clean up a property and charge that back to the homeowner. There is always a risk when city crews go in on private property. If you cut

something down that someone considers valuable, that could be a problem. You may never recoup your cost. This is driven by your budget, same as demolition of houses. They can get orders to demolish derelict houses, but there is a cost associated with that. You have to decide how much money you want to put into it. A property has to have sufficient value in order to justify spending money on it to clean it up. If you have enough money you can do a lot.

Mayor Myers said he believes the decisions they have made are the right decisions; they are working to make neighborhoods safe for children and residents.

12. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:30 p.m. upon a motion by Commissioner Brown.

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105