

**TERRILL L. HILL**  
MAYOR - COMMISSIONER

**MARY LAWSON BROWN**  
VICE MAYOR - COMMISSIONER

**RUFUS J. BOROM**  
COMMISSIONER

**JUSTIN R. CAMPBELL**  
COMMISSIONER

**JAMES NORWOOD, JR.**  
COMMISSIONER



# CITY of Palatka FLORIDA

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

**TERRY K. SUGGS**  
CITY MANAGER

**BETSY JORDAN DRIGGERS**  
CITY CLERK

**MATTHEW D. REYNOLDS**  
FINANCE DIRECTOR

**JAMES A. GRIFFITH**  
INTERIM CHIEF OF POLICE

**MICHAEL LAMBERT**  
CHIEF FIRE DEPT.

**DONALD E. HOLMES**  
CITY ATTORNEY

## MINUTES CITY OF PALATKA December 10, 2015

Proceedings of a Regular meeting of the City Commission of the City of Palatka, Florida, held on the 10<sup>th</sup> day of December, 2015.

**PRESENT:**

Mayor	Terrill L. Hill
Commissioner	Mary Lawson Brown
Commissioner	Rufus Borom
Commissioner	Justin Campbell
Commissioner	James Norwood, Jr.

Also Present: City Manager Terry Suggs; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Interim Police Chief James Griffith; Fire Chief Mike Lambert; Planning Director Thad Crowe; Grants Administrator Jonathan Griffith

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

**INVOCATION & PLEDGE OF ALLEGIANCE** – Commissioner Justin Campbell

**APPROVAL OF MINUTES** – 11/12/15 – Commissioner Campbell moved to adopt the minutes as read. Commissioner Brown seconded the motion, which passed unopposed.

### 1. PUBLIC RECOGNITION/PRESENTATIONS

**PROCLAMATION** – Mayor E. L. “Punk” Walker Memorial Days – Dec. 3 – 10, 2015 – Mayor Hill read the Proclamation, which was issued and presented to the family at Mayor Walker’s memorial service on December 5, 2015. Vice Mayor Brown spoke about serving with Mayor Walker when she first came on the Commission in the 1980’s, noting he really loved Palatka and worked hard for the welfare of the city.

**VOLUNTEER RECOGNITION** – Herman Mietz – Holiday Christmas Lights – Mr. Mietz was present to receive a Distinguished Community Service Award from Mayor Hill, who said Mr. Mietz goes above and beyond to help out in a pinch wherever he can. Jonathan Griffith said Mr. Mietz volunteered his own time to help City employees put up the Christmas lights on St. Johns Avenue. Mr. Mietz expressed gratitude for the recognition.

**COMMUNITY SERVICE RECOGNITION:** Veteran’s Memorial Fountain Rehabilitation – Mayor Hill presented Certificates of Distinguished Community Service to the following businesses, agencies and individuals in recognition of their contributions, work, time and talent:

**Sponsors:** Pentair Aquatics, Intermatic, Zodiac Pool Systems, Home Depot, Sunrise Rotary  
**Volunteers:** Alex Sharp, Tim Brooks & Germaine Douglas (City of Palatka), Jason Brown (St. Johns Auto Body); Doug, Victoria & Jeff Van Horn (All About Pool Supplies); and Gary Gresham (Preston Electric)

Alex Sharp thanked the Van Horns, saying they obtained all the equipment and who put countless hours into the renovation of these fountains, as did Tim Brooks, an electrician with the City of Palatka. This is what community is all about. Mr. Van Horn said they knew something had to be done about the condition of the fountains and so they worked with Mr. Sharp to put the entire project together.

**EMPLOYEE OF THE QUARTER** – Code Enforcement Officer Laura Jones and PPD Officer Mylinh Reeves – Palatka Pride Events Coordinators – Mayor Hill noted these two employees are instrumental in the success of the Pride of Palatka, which has cleaned up numerous properties in the City of Palatka. Especially noteworthy is their coordination of around 30 agencies and groups for the Hank Bryan Park Fall Festival as well as the recent demolition of five nuisance houses. He presented certificates of recognition to Officer Reeves and Officer Jones. Interim Chief Griffith said they go above and beyond the call of duty, and give up their own time working weekends and nights organizing these clean-up events. Several youth volunteers joined Police Officer Reeves and CE Officer Jones at the podium for recognition.

**EMPLOYEE RECOGNITION:** FGFOA Certificate of Achievement for Excellence in Financial Reporting – City of Palatka Finance Dept.; Matt Reynolds, Finance Director was recognized for his department's recent recognition by the FGFOA. This is the highest form of recognition in governmental accounting, which includes presenting a constructive spirit of full financial disclosure. Mr. Reynolds recognized the employees in the Finance Department and auditors for their assistance in helping the City secure this award each year.

**STUDENT OF THE MONTH – December, 2015** – Commissioner Norwood joined Mayor Hill in presenting Certificates of Achievement to the following students in recognition of academic achievement, leadership, citizenship and attendance at their respective schools:

Caitlyn Mayberry	Browning Pearce Elementary School
Elle Herrington	Browning Pearce Elementary School
Josie Bergen	C. L. Overturf, Jr. 6th Grade Center
Gage White	Children's Reading Center Charter School
Justin Winkle	E. H. Miller School
Joseph Blount	James A. Long Elementary School
I'Monie Sapp	Jenkins Middle School
Rachel Stillword	Kelley Smith Elementary School
Austin Kiste	Mellon Elementary School
Angelo Martinez	Moseley Elementary School
Kennedy Rainge	Palatka High School
Brianna Allender	Peniel Baptist Academy
Elizabeth Cribbs	Putnam Academy of Arts and Sciences
Denae Wells	Putnam Edge High School

## 2. PUBLIC COMMENTS

William (Bill) Stevens, 216 Crystal Cove Drive, said he is not against the Fire Assessment. He asked what kind of legal notification was provided to city of Palatka property owners. He asked how the fee can be fair if it is based upon the property appraisal. He does not believe it to be fair. He said the churches were allowed a 50% reduction on the fee and this is not fair.

Kenneth Andrews, 401 S. 14<sup>th</sup> Street, asked how they expect people to come up with the money to pay the fire assessment fee. He does not recall receiving a notification, but did read about it in the newspaper. He said the water bill is high and he has to replace faucets and fixtures due to the hard water and corrosion caused by the water. He refuses to drink the water. He was advised by Mayor Hill to make an appointment with Mr. Suggs to discuss his water concerns.

### 3. **CONSENT AGENDA**

- a. **Adopt Resolution No. 2015-11-82** authorizing the renewal of the Employee Assistance Program (EAP) benefits contract with Vanessa Townsend & Associates for a one year term beginning 1/1/16
- b. **Adopt Resolution No. 2015-11-83** authorizing the following Nominal Lease renewals eff. 1/1/2016:
  - 1. Palatka Duplicate Bridge Club Lease on a portion of the Cooper Building
  - 2. Heart of Putnam Food Pantry, Inc. Lease on a portion of the Cooper Building
  - 3. Keep Putnam Beautiful Lease on office space at 205 N. 2<sup>nd</sup> Street
  - 4. Palatka Art League Lease on the Tilghman House
- c. **Adopt Resolution No. 2015-11-84** authorizing execution of FEMA 1840-06-R Grant Agreement Modification to amend the Phase II project budget to \$399,973.00 (\$99,993.00 City share)
- d. **Adopt Resolution No. 2015-11-85** authorizing execution of Certificate of Acceptance of Dept. of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Subgrant Contract No. 2016-JAGC-PUTN-2-H3-003 in the amount of \$13,235 for PPD 2016 PUTNAM JAG
- e. **Adopt Resolution No. 2015-11-86** authorizing submission of a SJRWMD Fiscal Year 2016 Cost Share Application for the Booker Park regional storm water pond project
- f. **Adopt Resolution No. 2015-11-87** authorizing submission of a SJRWMD Fiscal Year 2016 Cost Share Application for the South Historic District storm water treatment improvement project
- g. **Adopt Resolution No. 2015-11-88** authorizing the Mayor and City Clerk to execute and attest a Memorandum of Understanding with FDEP for a water taxi dock facility at Dunns Creek State Park.
- h. **Accept resignation of Charlie Douglas** from Palatka Planning Board eff. immediately (with regrets)
- i. **Reappoint Tony "Skip" Harwell and Earl Wallace to the Palatka Planning Board** for three-year terms to expire December 31, 2018 (incumbents; sole applicants)
- j. **Recommend appointment of Commissioner Rufus Borom to the Putnam County Better Place Plan Oversight Committee** for the remainder of a two-year term expiring December 31, 2016
- k. **Adopt 2016 Palatka City Commission Meeting/Event Schedule** for Calendar Year 2016

Mr. Suggs requested the Commission pull Item 3(g) from the consent agenda for further investigation, at Commissioner Brown's request, noting this is not a time sensitive issue. Commissioner Norwood moved to approve all items except Item #3(g) on the Consent Agenda as recommended. Commissioner Brown seconded the motion, which passed unopposed.

- 4. **REQUEST to authorize execution of Palatka Housing Authority's Annual Forms:** Determination of Exemption & Categorical Exclusion, 24CRF 58.34(a) and 58.35(b) on behalf of Palatka Housing Authority's Site Improvements FY 2016-2020 CFP AMP 11, 12 & 15, and certifying its consistency with the City's Comprehensive Plan – John Nelson, Executive Director.

Mr. Suggs said the mediated language for Paragraph 7 has been distributed (filed) and included in the forms, and the Commission can take action on this item. The language was distributed to the Commission yesterday. Mayor Hill asked Mr. Holmes to read the included language into the record, which was distributed as Exhibit A to the amended Paragraph 7 (filed). Mr. Homes said they engaged in a "conciliation" process. Mr. Nelson, his representatives and the City & its representatives discussed resolution of the discrimination complaint filed by the Housing Authority. The City hoped to have home ownership built into the proposal for the single family houses the PHA now plans to build. The language is something everyone is comfortable with. Paragraph 7 was struck from the Plan last year, which had to do with future development of up to

six rental units. The language now reads that the PHA can develop up to two homes under the City's normal regulations and will in good faith place families in these homes that could purchase these homes within 5 years of occupancy. If after 5 years the families cannot purchase the homes, the PHA will relocate those families and move families in that will be able to purchase the homes. If the City finds that PHA has not made its best effort to comply, the City will commence a civil action against the PHA after exhausting provisions of "Section K." This is a supplement to the Plan that was submitted.

Discussion ensued regarding the language allowing a family up to five years to purchase the property. Concerns were raised that if another family is moved in after 5 years, that family would have five years, and so on. It could conceivably be some time before the property is returned to the tax rolls.

Commissioner Brown moved to authorize execution of the PHA's annual forms and certify the 5-year Plan's consistency with the City's comprehensive Plan, per the opinion of the Planning Director (filed) so long as the mediated language is added and Exhibit A is included. Commissioner Borom seconded the motion, which passed unopposed.

5. **PUBLIC HEARING/RESOLUTION** electing to use the Uniform Method of Collection for non-ad valorem assessments for Fire Assessments – Adopt – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED IN ALL OR PART OF THE CITY OF PALATKA, FLORIDA; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE. Commissioner Borom moved to adopt the Resolution as read. Commissioner Campbell seconded the motion.

Allegra Kitchens, 1027 S. 12<sup>th</sup> Street, asked the Commission to not put the Fire Assessment onto the 2016 tax bills, saying as long as the City sends out the bill they can control the method of payments. If the fee can't be separated from the bill, the City won't be able to defer the fire fee and people could lose their homes to tax deed if they can't pay their tax bills. She asked the City to keep sending out the tax bills.

Discussion ensued regarding not being able to waive fees if the fees go on the tax bill. Mr. Reynolds said Florida Statute dictates that in order to use this method next year they have to adopt a resolution before the end of December. Before March the Tax Assessor and Tax Collector have to agree to this. Commissioner Borom and Campbell rescinded their motion and second to adopt. Following discussion Commissioner Campbell moved to table the public hearing on the resolution to a time certain of December 17, 2015 at 5:00 p.m. Commissioner Borom seconded the motion, which passed on a margin of four in favor, opposed by Mayor Hill.

6. **RESOLUTION** setting forth policy regarding Public Notice of Land Use Changes – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ADOPTING POLICY REGARDING NOTICE TO THE PUBLIC OF HEARINGS FOR CONSIDERATION OF LAND USE MATTERS. Mr. Holmes said this Resolution sets out policy for advertising any changes involving the permissible use of land. This came up as a result of the lawsuit filed on behalf of Ms. Kitchens to address concerns the suit raised concerning the method of notification for the public. This requires advertisement by both case number and subject matter. Some of this was implemented by practice but is not in writing. This policy fine-tunes the City's notification requirements. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Campbell seconded the motion. There being no comment or further discussion, a voice vote was taken with the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, yes; Nays, none. The Resolution was declared adopted.

7. **RESOLUTION authorizing** execution of Program Site Use Agreement with The First Tee of North Florida, Inc. to designate the Palatka Golf Club as an official Program Site – Adopt – Commissioner Campbell moved to adopt the Resolution as read. Commissioner Brown seconded the motion. There being no comment or discussion, a voice vote was taken, which yielded the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, yes; Nays, none. The Resolution was declared adopted.

Monty Duncan, 1<sup>st</sup> Tee Program Coordinator and former Florida Gator, was present to provide an overview of the First Tee program, saying this is a youth empowerment program. They teach golf, life skills and values. Primarily they teach empowerment. They will bring this national program into all the elementary schools. They want children to do well.

Jim Roach, Putnam County School District, said the First Tee has purchased the equipment. The program is in all elementary schools now. It will be provided to around 4,500 kids per year. They will track it to see how it affects discipline and attendance as well as other modalities. He has worked with kids who have been in the First Tee program, which promotes confidence in kids. The goal is to build character and introduce the game of golf to minorities and women.

Andy Hertz, Golf Club Manager, said they have been trying to bring the First Tee program to Palatka for four years. This is good for Palatka and the future of the Golf Course. Mayor Hill said he watched the program in action at Mellon Elementary. The kids are taught the nine core values of the program and respect is emphasized. They look forward to great things. At Commissioner Brown's request a photo of the principals was taken to submit to the PDN.

8. **RESOLUTION setting** City of Palatka Community Development & Sustainability Priorities – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, SETTING COMMUNITY DEVELOPMENT & SUSTAINABILITY GOALS/PRIORITIES FOR 2016 AND SUBSEQUENT YEARS, AND DIRECTING THE CITY MANAGER TO FOCUS THE CITY'S RESOURCES TO ACCOMPLISH THE STATED GOALS/PRIORITIES. Commissioner Campbell moved to adopt the resolution as read. Commissioner Borom seconded the motion. No public comment was offered. Mayor Hill said they've gone through a series of meetings over the past year to identify these priorities, which are WWTP upgrades, infrastructure upgrades, clean affordable housing and establishment of a business incubator, in that order. This will stimulate job creation. This will be their overwhelming theme as they speak with different groups. There being no further discussion, Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, yes; Nays, none. The Resolution was declared adopted.

9. **DISCUSSION** – Consultant/lobbyist services – Mr. Suggs said the FY 2015-16 budget contains funds to hire a firm to provide consultant/lobbyist services to help the Commission attain its goals, which were just adopted under Item #8. They would like to develop a scope of work to develop an RFP to advertise for firms that provide these services. Commissioner Brown moved to direct Staff to prepare a scope of work in order to release a Request for Proposals for consultant lobbyist services. Commissioner Borom seconded the motion, which passed unopposed.

10. **COMMISSION DISCUSSION: STATE OF FLORIDA AUDIT**  
Mayor Hill opened the floor for public comment

Roxanne O'Reagan Weeks, 205 Nellie Street, said she has questions about the audit. She said the Mayor had stated publicly they are wasting taxpayer dollars on a certain grant. She noted issues with the golf course finances and police department. She does not want to cast a bad light on Mr. Reynolds; she has never had any problems obtaining information or records from him. She believes there have been problems with other departments and things that were not handled

in a proper or legal manner. She presented the golf course investigation when in Tallahassee; she came before the Commission about that early this year. She'd like it clarified that the City budgeted \$25,000 for an audit. Mayor Hill said they budgeted funds to audit the scope of projects for the three years preceding the current administration. Ms. Weeks asked why the City objects to the City saving that money. She has been coming here for years and bringing up issues, and there has never been any resolution to any of those issues. She hopes not to see any more blasting comments in the media, as everyone is beginning to look guilty.

Mayor Hill said the City is not opposed to an audit; the frustration is with the lack of notice. None of them were contacted about or notified that a meeting would be held in Tallahassee to discuss the City of Palatka. If Palatka is to be discussed, they need to be there. This is just common courtesy. Representative Van Zant called him on the Wednesday following the meeting in Tallahassee to ask him what funding the City needed, after he went on television comparing Palatka to other communities like Hampton, wherein certain officials have been arrested and been sent to jail. The City had budgeted for an audit to address the issues others had brought forward. They are operating with transparency and over-vet. They invite people to come forward with concerns. Certain things won't get taken care of overnight. The lack of notification constitutes a violation of due process. They want to be treated like men and women and to have a place at the table.

#### 11. CITY MANAGER & ADMINISTRATIVE REPORTS

**Police Chief Search Update** – Mr. Suggs said they are narrowing down candidates for Chief of Police. Once the applicant pool was reduced to 17, they sent out questionnaires, vetted resumes and commenced background searches. They are waiting on two questionnaires to come back in. He hopes to begin interviews next Thursday. They hope to finish interviews in one day and make a recommendation for appointment of Police Chief at the special meeting on Thursday, 12/17.

Roxanne O. Weeks, 205 Nelly Street, asked as to the interview and appointment timeline. Mr. Suggs said he has narrowed down the 17 candidates to six candidates. He will make the recommendation on the new hire for the Police Chief. If all goes well on Thursday he will make that recommendation to the Commission that evening at the special meeting on the 17<sup>th</sup>. If not, the recommendation will be made on January 14<sup>th</sup>.

**School Crossing On S. Palm Avenue** - Mr. Suggs said they have been approached about placing a school crossing sign at a new school now situated on Palm Avenue.

Thad Crowe, Planning Director, said this is for Putnam Academy of Arts & Sciences. The school is concerned about kids crossing Palm Avenue. They have had discussions with the County and the Sheriff's Office; this is a county matter as Palm Avenue is a county maintained road. Mr. Roach is working with the County to install school zone signs. They concur on this step. If further measures need to be taken, they will work with the Sheriff's Office on a crossing guard. Mr. Suggs said the school is within the City's jurisdiction and this is an opportunity for the City to create a safe environment. They have worked diligently with the County. Mayor Hill said they have worked with schools to provide kids with a safe route home from all schools.

**Projects Update:** Jonathan Griffith provided a projects update. FDOT has been doing work on 9<sup>th</sup> street to alleviate stormwater flooding on that street. Staff would like direction on contract negotiations for two properties the City owns for which they issued an RFQ last year for renovation of the properties. In negotiations with Mr. Harwell and Eco Covering Group, two of the awarded respondents, they believe they will need a letter of security or cash deposit before the contract can be awarded. Alternatives were distributed. He asked for the Commission's direction. Mr. Suggs said Mr. Harwell has requested a renegotiation of the collateral request, and has

suggested language accepting another piece of property as collateral. They don't recommend that approach. The language was clearly stated in the agreement. They would like to stay with the original agreement. Mr. Holmes said these properties are owned by the City; it is the City's desire to place them back on the tax rolls. The City has agreed to give them away based upon proposals to bring them back up to code, which will take some substantial renovation. This is what the City has agreed to. The City is concerned that if they are deeded away, and in the process of renovation should there be mechanics liens placed on the property, and they remain uncompleted, if the City takes them back with liens on them, that leaves the City in a bad way. They are looking for safeguards and that is where the issue with collateral came up. They need to know how much risk the City Commission is willing to assume.

Mayor Hill suggested they put this on the January 14<sup>th</sup> Agenda for discussion and possible action. Discussion ensued regarding Commissioner Brown's recommendation to give these properties to employees so they can get into homes. She noted the cities of Tampa and St. Pete provide down payments for employees so they could get into homes. City employees have not received regular raises for some time. This is a way to help them prosper. Mayor Hill said these are two separate items. They have had discussions on "live where you work" programs.

Mr. Griffith said they need direction on the Golf Course Restaurant RFP before it is re-advertised, and requested this be scheduled for consideration on an upcoming agenda.

Updates were provided on the hotel progress interior and exterior. Site work should start in January. The owner predicts opening in time for the BassMasters Elite Tournament.

As to the 100 Block/Century Block project, he has no new updates.

Staff visited the riverboats a month ago. Boat #2 is substantially complete. They are working through the boat registration process with the marine architect and Coast Guard.

## 12. **COMMISSIONER COMMENTS**

Commissioner Norwood wished all a Merry Christmas and noted how nice Downtown Palatka looks. He was glad to see the Community come together on the fountain renovations. He hopes they can collaborate with the community on future projects.

Commissioner Borom wished everyone a Merry Christmas and concurred with Commissioner Norwood's comments on the Downtown Palatka Christmas Lights and Fountain renovation, which saved the City a lot of money.

Commissioner Campbell said Putnam County and Palatka have a gray cloud hanging over them with the suspicion of fraud. The City could lose funding until this is resolved. The State has not yet decided when the audit will take place. He asked how they will address loss or hold-up on funding until the audit has been completed. Mayor Hill suggested they continue with the status quo and allow the audit to take place, and whatever it reveals, they will move forward. As to the timing of the audit, they can just continue doing what they do and promote Palatka in a positive light. Staff should treat this audit as any other audit. Mr. Suggs said the information that came out of Tallahassee put the scope as well as the timeline in the hands of the auditor general's office, and as soon as they receive the scope, they will get the information to them in a timely manner. They don't want this cloud hanging over the City.

Commissioner Campbell said Moseley Elementary is coordinating its first ever Career Day. They are looking for individuals who are willing to participate and speak to the students about careers. Anyone who is interested can contact him or Moseley Elementary directly.

Commissioner Brown said as they go forward and acquire buildings, she would like them to consider putting Mayor Walker's name on one of them. They tried to put his name on the Price Martin Center but he declined. He served the community as Mayor for almost 20 years.

Commissioner Brown said the Water Works Environmental Center was featured in the FLC Quality Cities magazine. Commissioner Norwood noted Palatka has taken most of its wastewater effluent discharge out of the St. Johns River. Commissioner Brown said they can apply for a League of Cities award for those improvements. Commissioner Norwood suggested they pull together the timeline on the project, which is a good story to tell. This will help them with grants and promotion.

Commissioner Brown said she has really enjoyed working with the Commission this year. They have held a lot of meetings and heard a lot of public input. She thanked Staff for backing the Commission on what they want to do. She hopes everyone will have a wonderful Christmas.

Mayor Hill said City Hall is closing at 1 pm tomorrow as a reward to staff. He wished everyone a happy holiday. He noted members of BSA Troop 235 were sitting on the front row taking notes and recognized them. The Troop members introduced themselves by name and rank to the Commission at the Mayor's request. Ms. Guidress, a troop leader, said this Troop is working on a Communications Merit Badge and that is the reason for their visit.

13. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:05 p.m. by consensus of the Commission.

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