

**VERNON MYERS**  
MAYOR - COMMISSIONER

**MARY LAWSON BROWN**  
VICE MAYOR - COMMISSIONER

**ALLEGRA KITCHENS**  
COMMISSIONER

**PHIL LEARY**  
COMMISSIONER

**JAMES NORWOOD, JR.**  
COMMISSIONER



**ELWIN C. "WOODY" BOYNTON, JR.**  
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**

April 14, 2011

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 14<sup>th</sup> day of April, 2011.

**PRESENT:**

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

**Also Present:** City Manager Elwin C. Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matthew Reynolds; Planning Director Thad Crowe, Fire Marshal Mark Lynady; Police Chief Gary Getchell, WTP Supt. Melvin Register, Streets & Sanitation Supt. Ed Chandler; Parks & Cemeteries Director Jeff Norton, Airport Manager John Youell

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

**INVOCATION** – The Reverend J. C. Tooks, Pastor, Mt. Zion Primitive Baptist Church

**PLEDGE OF ALLEGIANCE** – City Manager Woody Boynton

**APPROVAL OF MINUTES** – 03/24/11 – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

**1. PUBLIC RECOGNITION/PRESENTATIONS:**

**PROCLAMATION:** Safe Digging Month – April, 2011 - Sam Willis with the Putnam County Underground Utilities Association, City Streets & Sanitation Superintendent Ed Chandler, Palatka Gas Authority Manager Don Kitner, and FP&L Manager Jeff Womble were present to accept the proclamation. Mr. Willis, on behalf of Sunshine State One-Call, presented a banner to Don Kitner of the Palatka Gas Authority and asked him to display it on the Gas Authority fence in a public place. Mr. Willis said the message for the public is "Call 811 Before You Dig." A utility representative will come out to the site and locate any underground utilities. Anytime you see a colored mark or flag on the ground, it's there for a reason.

**RETIREMENT:** Eula White, Manager, Palatka Gas Authority – 45 years – Jud Neufeld, Palatka Gas Authority, joined Mayor Myers in presenting a plaque to Eula White in grateful recognition of 45 years of outstanding service to the citizens of Palatka at Palatka Gas Authority. She began as a bookkeeper and ended her service as Manager. Mrs. White thanked all she worked with, and all the citizens as they made her job very enjoyable. She enjoyed all forty-five years.

Mr. Neufeld said on behalf of the Gas Authority Board they thank Eula for her outstanding job. 45 years is quite an accomplishment. She's handled a lot of tough times for the Gas Authority, including indebtedness and FP&L issues, and ran a very tight ship as manager. They are indebted to her for service.

**HOME REPAIR PROGRAM** – Jim Melfi, Putnam Habitat for Humanity, executive director formally announced they are now processing home repair loans and grants through a federal program. There are millions of federal dollars in this program. The problem is a 14-page application mailed to the homeowner, who must fill that out and return it with about six attachments. The director of that program said she receives less than 5% of those applications that she mails out back. Habitat for Humanity is stepping into the process. If applicants seem to qualify, they come in to the office to fill out the application, which takes about 35 minutes. Three of four applications are approved by the Ocala office, and they are able to put a contractor on the project. They offer their services at no cost to the homeowners. These are grants for people 62 years of age and older; for those under the age of 62, they are 1% loans that span 20 years. Contact Putnam Habitat for Humanity office with questions.

**STUDENT OF THE MONTH** – April, 2011 – Commissioner Leary joined Mayor Myers in honoring the following students with certificates of recognition for academic excellence, attendance, citizenship and attendance at their respective schools:

Acacia Johnson	Beasley Middle School
Amaya Allen	Browning Pearce Elementary School
Shar'ray Johnson	Children's Reading Center Charter School
Cashmere Yarbart	E.H. Miller School
Kallee Wilkinson	James A. Long Elementary School
Shain Daley	Jenkins Middle School
Von'tiece Cohens	Kelley Smith Elementary School
Gavyn Manzo	Mellon Elementary School – March Student
Maria-Fernanda Aleman	Mellon Elementary School – April Student
Joseph Wright	Moseley Elementary School
Akela Hendrieth	Palatka High School
Roliyah Passmore	Peniel Baptist Academy

## 2. **PUBLIC COMMENTS -**

Askew Vickers, 207 N. 18<sup>th</sup> Street, said the law states there's nothing wrong with owning a pit bull, but pit bull ownership comes with certain responsibilities. The law also says you don't have to fence a retention pond, but retention pond owners need to do what's right. Everyone has gone to someone's house and their living room is clean, but when you go further the other rooms are a mess. The Northside is a mess with the retention pond situation. It's a breeding ground for mosquitoes. Also, on every corner there's a stop sign. People can't afford to be stopping every block with gas prices the way they are. He'd like to know why there is a stop sign on every corner going east and west, north and south. Open ditches are not present on the South Side, but on the North side there are plenty of them. The City doesn't take care of them. Someone has to make the Commission aware of the community's needs on both sides of the fence. The taxpayers on the Northside aren't getting their money's worth. Both sides of Reid Street need to be taken care of equally.

3. **CONSENT AGENDA:**

a. **Issue Festival Permit for 2011 Blue Crab Festival Kick-off Party** (see staff recommendations)

1. **Issue Special Event Permit #11-23** – Friday, May 27, 2011 5:00 p.m. – 12:00 p.m.
2. **Approve Alcohol Ordinance Variance** – 5:30 p.m. – 12:00 midnight. – Staff Recommendation same as 2011- Festival – Beer & Entertainment Tents, Hospitality Tent and buffer zones.
3. **Approve Noise Ordinance Variance** - 5:30 p.m. – 12:00 midnight.
4. **Set Fees** – Class A Permit Fee (1 day @ \$100.00/day) and police security fees @ \$18.00/hour. Estimated fees to be determined and paid prior to festival. Actual fees to be determined after close of festival.
5. **Approve street closures as noted.**

b. **Issue Festival Permit for 2011 Blue Crab Festival** (see staff recomm. & appl. attached) as follows:

1. **Issue Special Event Permit #11-24** May 28, 29 & 30, 2011
2. **Approve Noise Ordinance Variance** May 28, 2011, 10:00 a.m. – 12:00 midnight  
May 29, 2011, 1:00 p.m. – 12:00 midnight  
May 30, 2011, 10:00 a.m. – 5:00 p.m.
3. **Approve Alcohol Ordinance Variance** – Staff recommendation same as for 2011 – times to coincide with noise ordinance waiver. Sales/Consumption area to include Beer & Entertainment Tents, Hospitality Tent and buffer zones. Applicant to provide signage clearly warning people not to take alcoholic beverages outside of approved area, and will enforce. **No Alcohol sales on Sunday before 1:00 p.m.**
4. **Designate City Hall & Annex parking lot** for handicapped parking
5. **Issue Festival Control of all vendors and activities** falling between Main Street & Oak Street (north/south) and between the St. Johns River and 19<sup>th</sup> Street (east/west)
6. **Close boat ramp to public** beginning at 5:00 p.m. Friday through Saturday & Sunday, and reopen at 5:00 p.m. on Monday.
7. **Approve street closures as noted up to 8<sup>th</sup> Street.**
8. **Set Fees** – Class A Permit Fees (3 days @ \$200.00/day); Police Security Fees @\$18.00/hr. per officer for both required and requested security, Green roll-out bins @ \$15.00, Deodorizer @ \$15.00/gallon, and festival to pay all Putnam County Tipping Fees. Estimated fees to be determined and paid prior to festival. Actual fees to be determined after close of Festival.

**STAFF RECOMMENDS APPROVAL OF ALL ITEMS AS SUBMITTED**

c. **Issue and Approve special request items for Class B Special Events Permit #11-10, 2011 Wolfson's Children's Bass Tournament, May – 18 thru 21, 2011, per staff recommendation:**

1. **Approve Noise Ordinance variance** for Saturday, May 21 from 6:00 a.m. to 7:00 a.m.
  2. **Close boat ramp to public** from 6:00 p.m. Friday, 5/20 until 6:00 p.m. Saturday, 5/21
- d. **Authorize one-year extension of debris removal contract with A & H Excavation** effective July 1, 2011 @ \$12.75 per cubic yard, per City Manager's recommendation.
- e. **Authorize execution of Exhibit A to FDOT Traffic Signal Maintenance & Compensation Agreement #AM781** for contract year July 1, 2011 through June 30, 2012, per Contract agreement.
- f. **Award bid for Police Dept. Wrecker Service to St. Johns Auto Body** for towing and storage of PD vehicles, evidence vehicles and vehicles subject to forfeiture per results of RFP – per Chief Getchell's recommendation
- g. **Authorize execution of Amendment #1 to FECC Energy Grant #ARS027 changing the Agreement # to ARE049** and other administrative changes, per City Manager's recommendation.
- h. **Authorize execution of Amendment #1 to T-Mobile Water Tower Lease 9JK0274A** extending the date to 1/31/17, providing three 5-yr. rights of renewal, modifying the amt. of rent to \$13,701/yr, providing a rent lock-in period & other items as shown on Schedules I and II, per City Manager's and City Attorney's recommendation.

Commissioner Norwood moved to pass all items on the Consent Agenda as presented. Commissioner Leary seconded the motion, which passed unopposed.

4. **ACCEPT CRA RECOMMENDATIONS** for CBD TIF Expenditures/Business as follows:
1. Authorize execution of contract with Lara Dietrich, Planning Consultant, to evaluate extending the Community Redevelopment Area Program – Woody Boynton
  2. Request to expend \$3,900.00 to recondition murals on City Hall – John Alexander, Conlee-Snyder Mural Committee
  3. Request to light two murals in the amount of \$2,720, dependent upon receipt of signed agreements with building owners – Cattle Drive @ Badcock's, and Night Passage @ N. 4<sup>th</sup> Street – John Alexander, Conlee-Snyder Mural Committee
  4. Approve Palatka Main Street Wayfinding & Signage Committee Request to move forward with recommendations with exception of the Putnam House and Maltby Oak kiosks - Jerry Hafner, Committee Chair
  5. Concur on recommendation to deny BIG Grant funding for 627 St. Johns Avenue in the amount of \$63,850.00 – David Church, owner.
  6. Concur on recommendation to ask Main Street to consider reinstatement of BIG grant program and bring recommendations for restructuring the program back to the CRA/City Commission for final approval.

Mr. Boynton stated the CRA approved items 1 through 4 and noted during discussion on Item 5, the CRA recommended asking the Main Street Board to reinstate the BIG program in order to consider Mr. Church's application, and bring a recommendation for restructuring the program back to the CRA/City Commission for final approval.

Commissioner Kitchens requested Item 1 be pulled for a separate vote. Commissioner Brown moved to approve all other items as presented. Commissioner Kitchens seconded the motion, which passed unopposed.

Commissioner Norwood moved to approve to authorize execution of contract with Lara Dietrich, Planning Consultant, to evaluate extending the Community Redevelopment Area Program. Commissioner Leary seconded the motion, which passed by majority vote, opposed by Commissioner Kitchens.

5. **PUBLIC HEARING** on Planning Board Recommendation to transmit the draft Comprehensive Plan Evaluation and Appraisal Report (EAR) to the Florida Department of Community Affairs for its review of sufficiency pursuant to the requirements of Chapter 163.3191, FS - **STAFF RECOMMENDATION TO CONTINUE PUBLIC HEARING TO DATE CERTAIN OF APRIL 28, 2011.** Commissioner Kitchens moved to continue the public hearing to April 28, 2011 at 6:00 p.m., or as soon as it can be heard thereafter. Commissioner Brown seconded the motion. Mayor Myers opened the Public Hearing.

**PUBLIC COMMENT:** There was none.

Thad Crow, Planning Director, said the Planning Board held a public hearing on April 5, which was continued to Monday, April 11. There was a recommendation for an approval from the Planning Board to transmit the EAR with amendments to the City Commission and to approve it for transmittal to DCA. In the Commission's April 28 agenda packet they will reintroduce the Element Assessment and Issues sections. They will provide some background on the Planning Board's recommended revisions. There were no substantial changes other than what was discussed at the April 5/11th workshop/public hearing. The Planning Board had concerns about unfunded mandates and providing the City some flexibility on not having to take action on some of these changes. They were fine with adopting a Historic Preservation Element, but were concerned that this may force the City to have a "stepped up" program with regards to Historic Preservation. His response was no, it is what you make it. The City will have flexibility there.

Regarding Commissioner Leary's written suggestion for a Historic Board staff review process, Mr. Crow said they will discuss that at the next meeting. There being no further discussion, the motion to continue the Public Hearing to April 28, 2011 at 6:00 p.m. (or as soon thereafter as it can be heard) passed unopposed.

6. **REQUEST to Issue Permission** to exceed noise levels established by Chapter 30, Palatka Code of Ordinances to John Lyon, owner, Steamboat Willies, from 10:00 p.m. until 1:00 a.m., for the following dates: April 22; April 29, May 13, May 27, and May 28; and from 10:00 p.m. to 12:00 midnight on May 29 (May 27 – 29 fall during Blue Crab Festival) – Commissioner Leary moved to approve the request as made. Commissioner Norwood seconded the motion, which passed unopposed.
7. **RESOLUTION** authorizing the Mayor and City Clerk to execute and attest a Supplemental Joint Participation agreement with FDOT to reduce FDOT, Local and FAA Funds and remove scope of work for design and construction of an equipment building from Taxiway B Drainage, Apron Rehab Contract #FP42754919411 at Palatka Municipal Airport – Adopt – The Clerk read a Resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A 'SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT' WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REDUCING FDOT, LOCAL, AND FAA FUNDS AND REMOVING THE SCOPE OF WORK FOR DESIGN AND CONSTRUCTION OF AN EQUIPMENT BUILDING FROM THE TAXIWAY B DRAINAGE, APRON REHAB AND RELATED CONSTRUCTION SERVICES CONTRACT AT THE PALATKA MUNICIPAL AIRPORT (KAY LARKIN FIELD). Commissioner Brown moved to adopt the Resolution as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll call vote was taken, with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The Resolution was declared adopted.
8. **RESOLUTION** authorizing the Mayor and City Clerk to execute and attest a Joint Participation Agreement with FDOT for the design & Construction of an equipment building at Palatka Municipal Airport – Adopt – The Clerk read a Resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A 'JOINT PARTICIPATION AGREEMENT' WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND CONSTRUCTION OF AN EQUIPMENT BUILDING, PROJECT MANAGEMENT AND ADMINISTRATION AT PALATKA'S KAY LARKIN MUNICIPAL AIRPORT. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll call vote was taken with the following results: Commissioners Norwood, Kitchens, Leary, Brown and Mayor Myers; yes. Nays; none. The Resolution was declared adopted.
9. **RESOLUTION** authorizing the Mayor and City Clerk to execute and attest a Joint Participation Agreement with FDOT for the design and construction of a security fence/access control and related project management in connection with the REDI program at Palatka Municipal Airport – Adopt – The Clerk read a Resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A 'JOINT PARTICIPATION AGREEMENT' WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND CONSTRUCTION OF SECURITY FENCE AND ACCESS CONTROL, PROJECT MANAGEMENT AND ADMINISTRATION AT PALATKA'S KAY LARKIN MUNICIPAL AIRPORT. Commissioner Brown moved to adopt the Resolution as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The Resolution was declared adopted.

10. **RESOLUTION** authorizing the Mayor and City Clerk to execute and attest a Joint Participation Agreement with FDOT for the design and upgrade to Building "B-2" and related project management in connection the REDI program at Palatka Municipal Airport – The Clerk read a Resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A 'JOINT PARTICIPATION AGREEMENT' WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND UPGRADES TO BUILDING "B-2", PROJECT MANAGEMENT AND ADMINISTRATION AT PALATKA'S KAY LARKIN MUNICIPAL AIRPORT. Commissioner Brown moved to adopt the Resolution as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll call vote was taken with the following results: Commissioners Brown, Kitchens, Norwood, Leary and Mayor Myers; yes. Nays; none. The Resolution was declared adopted.
11. **ORDINANCE** amending Chapter 50 of the Palatka Municipal Code of Ordinances to amend the deadline for submission of a Special Events Application – 2<sup>nd</sup> Reading, Adopt – The Clerk read an Ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF PALATKA, ENTITLED SPECIAL EVENTS, BY AMENDING SECTION 50-201, APPLICATION FOR SPECIAL EVENTS, TO REVISE THE TIME FOR SUBMISSION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to adopt the Ordinance as read. Commissioner Norwood seconded the motion. There being no discussion, a roll call vote was taken with the following results: Commissioners Leary, Norwood, Brown, Kitchens and Mayor Myers; yes. Nays; none. The Ordinance was declared adopted.
12. **ORDINANCE** rescinding and repealing Palatka Ordinance No. 62-6 requiring the City Water Department to inject sodium fluoride into the City water system – 2<sup>nd</sup> Reading, Adopt – The Clerk read an Ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REPEALING AND RESCINDING ORDINANCE NO. 62-6, WHICH REQUIRED AND DIRECTED THE CITY WATER DEPARTMENT TO INJECT SODIUM FLOURIDE INTO THE CITY WATER SYSTEM; PROVIDING FOR THE RENUMBERING OF CHAPTER 86, ARTICLE II ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the Ordinance as read. Commissioner Norwood seconded the motion. There being no discussion, a roll call vote was taken with the following results: Commissioners Kitchens, Norwood, Leary, Brown and Mayor Myers; yes. Nays; none. The Ordinance was declared adopted.
13. **ORDINANCE** extending the 2008 Economic Recovery and Incentive Program suspending the City's collection of certain impact fees until December 31, 2012 – 2<sup>nd</sup> Reading, Adopt – The Clerk read an Ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CITY OF PALATKA ORDINANCE NO. 08-20, THE CITY OF PALATKA 2008 ECONOMIC RECOVERY AND INCENTIVE PROGRAM; PROVIDING FOR AN EXTENSION OF THE SUSPENSION OF COLLECTION OF THE CITY'S PARKS AND RECREATION FACILITIES IMPACT FEES, FIRE RESCUE IMPACT FEES, ROAD IMPACT FEES AND LAW ENFORCEMENT IMPACT FEES FOR A PERIOD NOT TO EXCEED TWO YEARS; PROVIDING FOR PERIODIC REPORTS TO THE CITY COMMISSION ON THE STATUS OF THE ECONOMY AND LOCAL BUILDING INDUSTRY DURING THE SUSPENSION PERIOD; REQUIRING REVIEW OF THE IMPACT FEE STUDIES; PROVIDING FOR NOTICE OF IMPACT FEE RATES UON EXPIRATION OF THE SUSPENSION PERIOD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the Ordinance as read. Commissioner Leary seconded the motion. There being no discussion, a roll call vote was taken with the following results: Commissioners Norwood, Leary, Brown, Kitchens and Mayor Myers; yes. Nays; none. The Ordinance was declared adopted.

#### 14. ADMINISTRATIVE REPORTS

Mr. Boynton thanked Assistant City Clerk Karen Venables for filling in for Mike Lassiter and doing the videography tonight.

Mr. Boynton thanked Finance Director Matt Reynolds and his staff for their perseverance during the merging of the old and new accounting systems, as it's been a grueling process.

Mr. Boynton said just prior to the CRA meeting today he received a call from Karin Charron with FDOT, advising him that the railroad crossing at US 17 upgrades may be completed by the end of the year. The design is now being reviewed by CSX. They are hoping construction will start in June.

Mr. Boynton requested all to keep Fire Chief Mike Lambert and his family in his/her prayers, as his mother was taken to the hospital Monday with a heart attack.

City Clerk Betsy Driggers reported the City of Palatka's March of Dimes Fundraising Drive results. The Fire Dept. received the First Place Award and a plaque for the "Light Weights" Division, and award for Order of the Golden Boot, \$5,000+, and City Hall received the First Place Award and plaque for the "Middle Weights" Division and an award for Order of the Golden Boot, \$10,000+. Mayor Myers stated accolades go to Ms. Driggers for all the work she did, and said she represented the City well. Ms. Driggers noted the credit goes to the employees, who really stepped up to the plate.

Mr. Boynton said two stores, Goody's and Shoe Show, opened at the Palatka Mall last weekend. He read a thank you letter he received from J. R. McNeal with Shoe Show, complimenting the City on its pro-business stance, and for the City's assistance in orchestrating a pleasant outcome on the permitting process for his new business. He also complimented the professionalism shown by Building & Zoning Personnel. The letter was addressed to Joff Fillion, Chief Building Official, copied to him, and signed "with sincere appreciation, J. R. McNeal." He said thanks and accolades go to Mr. Fillion and the team at the Building & Zoning.

Mayor Myers said he recently received a call from someone interested in coming to Palatka and building a new store.

#### 15. COMMISSIONER COMMENTS

Commissioner Leary said they all received a letter from homeowners in the downtown area in support of Downtown events that create some noise, and in support of events that build up the Downtown. It's comforting to him to know they have the support of those residents in the South Historic District.

Commissioner Norwood said G-P is proceeding with its pipeline to the St. Johns River. The City should announce they support that project. They are awaiting final approval from the State and are moving forward with it.

#### 16. ADJOURN – There being no further business to discuss, the meeting was adjourned at 7:00 p.m. upon a motion by Commissioner Brown, seconded by Commissioner Kitchens.

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