

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
October 24, 2013

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 24th day of October, 2013.

PRESENT: Commissioner Mary Lawson Brown
Commissioner Allegra Kitchens
Commissioner Phil Leary
Commissioner James Norwood, Jr.

ABSENT: Mayor Vernon Myers

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; Planning Director Thad Crowe, Airport Manager John Youell; Grants/Projects Manager Jonathan Griffith and Main Street Manager Charles Rudd

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

INVOCATION - The Reverend Chad Perry, Pastor; The River Community Church

PLEDGE OF ALLEGIANCE – Commissioner Leary

APPROVAL OF MINUTES – 10/10/13 Regular Meeting – Commissioner Kitchens moved to adopt the minutes as read. Commissioner Leary seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION/PRESENTATIONS:

PROCLAMATION – Pancreatic Cancer Awareness Month – November, 2013 – Alison Strother, Pancreatic Cancer Action Network, was present to receive the proclamation, which was read and presented by Commissioner Kitchens. Ms. Strother said her father died of pancreatic cancer at the age of 61. This disease goes undetected in most cases until it is too late to treat it; if caught early it can be treated. She advocates for more and better ways of detection.

PROCLAMATION – National Hospice & Palliative Care Month – November, 2013 – Jamie Watts, Hospice of the Nature Coast Board of Directors, was present to receive the Proclamation, which was read and presented by Commissioner Norwood and requested by Rodney Phillips, Hospice of the Nature Coast. Mr. Watts said the Hospice allows people to stay in their homes and die with dignity if they so desire. When people see a hospice volunteer they should thank him/her for their compassionate service.

PROCLAMATION - Children's Grief Awareness Day – November 12, 2013 – Jamie Watts, Hospice Board of Directors, was present to receive the proclamation, which was read and presented by Commissioner Leary. Mr. Watts said adults deal with grief differently than children do and it's good to acknowledge that they do. They process grief differently. They hold various grief programs at Hospice of the Nature Coast, which is located next to Winn Dixie Plaza.

Vice Mayor Brown acknowledged the presence of former Mayor Karl Flagg and his wife, Terri.

K-9 OFFICER RETIREMENT – RESOLUTION No. 2013-10-8 recognizing the retirement of K-9 Lucky from Police Service and providing for his adoption by Cpl Chris Ashley – Adopt – Chief Getchell and Cpl. Ashley accompanied K-9 Lucky to the podium. Chief Getchell said Lucky has developed arthritis in his hip and was recently unable to recertify for service. They wish to honor his service and wish him a good retirement. He has served for seven years and is nine years old. He has served various agencies throughout Putnam County. He has many career highlights, having been deployed a total of 384 times. He was utilized mostly in tracking and drug detection.

Mr. Czymbor presented a dog bed to Lucky, saying he is a dog lover, and owns two German shepherds himself.

The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, RECOGNIZING THE RETIREMENT OF K-9 POLICE OFFICER "LUCKY;" DECLARING K-9 LUCKY AS SURPLUS AND AUTHORIZING HIS ADOPTION BY AND TRANSFERRING OWNERSHIP OF K-9 LUCKY TO CORPORAL CHRIS ASHLEY, HIS HANDLER. Commissioner Leary moved to adopt the resolution as read. Commissioner Kitchens seconded the motion, which passed unopposed.

STUDENT OF THE MONTH – Commissioner Kitchens and PCSD Superintendent Phyllis Criswell joined Vice Mayor Brown in presenting certificates of achievement to the following students for academic achievement, leadership, citizenship and attendance at their respective schools:

Landrum Watts	Browning Pearce Elementary School
Casi Counts	C.L. Overturf, Jr. 6 th Grade Center
Savieon Rose-Page	Children's Reading Center Charter School
Brian Palmatier	E. H. Miller School
Mara McQuaig	James A. Long Elementary School
Justin Jenkins	Jenkins Middle School
Caleb Waters	Kelley Smith Elementary School
Eian Elkins	Mellon Elementary School
Tiana Harris	Moseley Elementary School
Kandyce Flagg	Palatka High School
Carlee Coburn	Peniel Baptist Academy
Raymond Harmer	Putnam Academy of Arts & Sciences
Jakob Johnson	Putnam EDGE High School

2. PUBLIC COMMENTS -

W. G. "Doc" Sweeny, P.O. Box 35, San Mateo, said this year the submarine veterans will be hosting the Veteran's Day event. They are firm about having the event on 11/11 at 11 am. In the past elected officials have not been part of the service, but they'd like the elected officials to participate this year. The speaker will be a member of Congress. He has invited Mayor Myers to join him on the dais. The Memorial Walk on the bridge will follow the service. The parade starts at 10:00 a.m. on 11th Street and goes east on St. Johns Avenue to the Amphitheater; the service should begin around 11 am. All are invited to attend.

3. CONSENT AGENDA:

- a. **Adopt Resolution No. 2013-10-9** amending the FY 2012-13 Budget through 9/30/2013
- b. **Adopt Resolution No. 2013-10-10** authorizing the City Manager and City Clerk to execute and test a Joint Participation Agreement with the FDOT for design and construction of T-hangars, drainage, permitting, survey, testing & project management at the Palatka Municipal Airport (100% REDI funded)
- c. **Adopt Resolution No. 2013-10-11** authorizing the expenditure of Law Enforcement Trust Funds in the amount of \$4,476.00 to purchase the two-year Leads Online "Totaltrack" Subscription package and authorizing the City Manger's execution of the Agency Agreement.
- d. **Adopt Resolution No. 2013-10-12** declaring certain city-owned vehicles and Police Department equipment as surplus and providing for disposal and/or donation
- e. **Adopt Resolution No. 2013-10-13** authorizing execution of a proposal with Custard Ins. Adjusters (Robert Bird) for periodic inspections, review of payments and certification of work on water taxis
- f. **Approve request items for Special Events Permit #13-45** – St. Johns River Blues Festival – Nov. 16 from 10:00 a.m. to 10:00 p.m. and Nov. 17 from 1:00p.m. to 8:00 p.m. – William Ennis, applicant
 - 1. Grant permission to exceed allowable noise levels throughout the duration of the event
 - 2. Allow closure of the 500, 600 and 700 blocks of St. Johns Avenue for duration of event
- g. **Grant permission to exceed allowable noise levels** established by Chapter 30, Palatka Code of Ordinances to John Lyon, Steamboat Willie's, 309 St. Johns Avenue, on October 26, 2013 from 10:00 p.m. to 1:00 a.m. for live outside patio entertainment, per Staff recommendation

Items 3(g) and (d) were pulled for discussion. Commissioner Norwood moved to adopt all remaining items on the Consent Agenda as recommended. Commissioner Kitchens seconded the motion, which passed unopposed.

- 3c. **Adopt Resolution No. 2013-10-11** authorizing the expenditure of Law Enforcement Trust Funds in the amount of \$4,476.00 to purchase the two-year Leads Online "TotalTrack" Subscription package and authorizing the City Manger's execution of the Agency Agreement – Vice Mayor Brown asked if they can use those cameras for the waterfront. Chief Getchell said the digital cameras are digital hand-held and not for use with surveillance. The pole cameras are for surveillance and they are asking they be donated to FDLE as the City will still be using them, but FDLE will cover the cost. There is a much cheaper alternative for City Dock surveillance. It costs around \$700 every time someone puts these cameras up or takes them down. Commissioner Leary moved to pass the item on consent as recommended. Commissioner Kitchens seconded the motion, which passed unopposed.
- 3g. **Grant permission to exceed allowable noise levels** established by Chapter 30, Palatka Code of Ordinances to John Lyon, Steamboat Willie's, 309 St. Johns Avenue, on October 26, 2013 from 10:00 p.m. to 1:00 a.m. for live outside patio entertainment, per Staff recommendation – Commissioner Leary noted the request states this goes until 1:00 p.m. He moved to approve this request but modify it to end at midnight. Commissioner Kitchens seconded the motion, which passed unopposed.

- 4. **COMMUNITY REDEVELOPMENT AGENCY** – 10/24/13 meeting items for approval:
RESOLUTION No. 2013-10-14 adopting revisions to the Building Improvement Grant (BIG) Program – Adopt – *tabled on October 10, 2013 for revisions* – Mr. Czymbor said the CRA board directed staff to complete the final document at the next CRA meeting; this document has not been approved so no action is being taken on this item tonight.

PUBLIC HEARINGS:

5. **BUDGET SUMMARY REPORT – F/Y 2012-2013 Review –** Matt Reynolds, Finance Director said this report encompasses all of the last fiscal year which ended September 30. They built the current year's budget by looking at estimated ending balances versus proposed or expected expenditures for the coming year. A majority of the funds ended very close to what they anticipated; the general fund did better than expected, but the Airport Fund did not due to the airport millings and sand sales not being what they'd expected. That is expected to occur this year and that will be very beneficial. All other Sanitation did better than expected; water fund did worse than expected. This concluded his report.

6. **ORDINANCE** amending the Fire Pension Plan Benefit Amount – Chapter 175 Extra Multiplier – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 2-240(b), FIREFIGHTER BENEFIT GROUP PENSION AMOUNT FORMULA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on 2nd reading. Commissioner Leary seconded the motion. There being no comment or discussion a roll-call vote was taken with the following results: Commissioners Brown, Kitchens, Leary and Norwood, Yes. Nays, none. The Ordinance was declared adopted.

7. **ORDINANCE** amending the Police Officer Pension Plan Benefit Amount – Chapter 185 Extra Multiplier – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 2-250.185(b), POLICE OFFICER BENEFIT GROUP PENSION AMOUNT FORMULA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance on 2nd reading. Commissioner Norwood seconded the motion. There being no comment or discussion, a roll-call vote was taken with the following results: Commissioners Brown, Kitchens, Leary and Norwood, Yes. Nays, none. The Ordinance was declared adopted.

8. **ORDINANCE** amending the Code of Ordinances to revise Chapter 2, Article V, Division 1, entitled Code Enforcement Board, to allow for the utilization of a uniform method to impose and collect costs associated with the abatement of nuisance properties – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA TO REVISE CHAPTER 2, ARTICLE V, DIVISION 1, CODE ENFORCEMENT, BY AMENDING 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, APPEAL AND OTHER ENFORCEMENT METHODS; ADDING PROVISIONS FOR AUTHORIZING THE IMPOSITION AND LEVY OF SPECIAL ASSESSMENTS FOR ADMINISTRATIVE COSTS INCURRED BY THE CITY AND NOT REIMBURSED BY THE PROPERTY OWNER; REQUIRING NOTICES OF ASSESSMENT; ESTABLISHING THE CITY AS A SPECIAL ASSESSMENT DISTRICT; AUTHORIZING THE LEVY OF NON-AD VALOREM ASSESSMENTS IN CONNECTION WITH VIOLATIONS; INSERTING PROVISIONS FOR THE COLLECTION OF NON-AD VALOREM ASSESSMENTS; AUTHORIZING AN AGREEMENT WITH THE PUTNAM COUNTY TAX COLLECTOR REGARDING THE CITY'S USE OF THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS; PROVIDING FOR ANNUAL NON-AD VALOREM ASSESSMENT ROLLS; PROVIDING TRANSITION PROVISIONS AND RATIFYING ASSESSMENTS TO RECOVER COSTS INCURRED BY THE CITY TO REMEDY VIOLATIONS PRIOR TO THE ORDINANCE'S ENACTMENT; PROVIDING FOR THE RENUMBERING OF CHAPTER 2, ARTICLE V, DIVISION 1 IF NECESSARY; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN

EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Leary seconded the motion. Mayor Myers opened the public hearing.

Marcia Lane, 210 Forest Park Drive, asked if this will include homesteaded properties. She said this is a total change from how they've done things in the past and is an imposition on citizens. She asked why they are making this change.

Mr. Czymbor said this will allow an additional tool to collect fines that would be levied on the ad valorem tax roll, but the Code Enforcement can also use the process now in use, which is to establish a lien on the property. This is an additional tool to be used for collection.

Commissioner Kitchens said currently they don't place Code Enforcement liens on property and have it billed through the tax collector's office. This will put a fee on the tax bill similar to the County's garbage fee. In 1988 the County combined the ad valorem tax bill with the garbage fee. Many properties have been lost due to the garbage fee. If taxpayers don't pay this bill, someone could pay the tax and make a tax deed application. This is an undue burden and not good for citizens. Currently the City puts a Code lien on properties, but homestead properties are exempt from a tax lien. It adds money to tax bills and harms low-income citizens.

Commissioner Norwood said they have to clean up properties. This is a drastic shift from where the commission has been in the past. If they are going to do this they need to hold an advertised workshop and give citizens a chance to come and speak.

Gary Getchell, Police Chief, said the PD took over CE a little over a year ago. They looked at streamlining practices and looked at best practices used by other cities. This came to their attention. They don't do enough nuisance abatement on properties because there isn't enough money in the budget to do so and the problem only gets worse. This mechanism will provide the City with a tool to recuperate those fees to abate nuisances. In some circumstances, even with the current system they can lien against homesteaded properties. This is just another tool and it would be used for those lesser cases for junk in the yard, grass, vermin and public health issues. Instead of going through the lien process, which can be expensive and costs even more money, they can just abate the nuisance and recoup those costs through the tax bill. In many cases the City never recoups the cost; the liens sit on the property and drop off after 20 years. Not everyone will pay with this system, but it encourages people to pay. The money they do get can be used to abate other nuisance properties. They will still abate nuisances, but this way they can recoup some of those costs. Staff will not be assessing these liens; the elected body will assess them. They will send the list of abatements to be assessed to the Commission by a certain date; those with costs assessed can come and argue their case before the Commission. Chief Getchell provided figures from Palm Coast's roll of assessments as an example, and noted most of the liens are under \$200.00. Part of their abatement process is to remove the fire hazards in accordance with their fire control program.

Chief Getchell said they have to follow the statute on this. This would affect the next tax year, but this has to be passed and in place by the end of this calendar year. If they want to table this, there are other provisions in the ordinance that can be taken up separately so they can clean up language and legal issues that are secondary to the non-ad valorem tax. They have brought in two subject matter experts that have been deeply involved in this process.

Assistant Chief Griffith distributed photos of properties they deal with on a regular basis showing overgrown properties and junk properties (filed). He said the intent is to clean up properties. Many times they can't find owners or have uncooperative owners. The City can clean it up themselves at a cost. They need a way of recouping the money. They lien properties now for fines and fees for abatement of costs, including cost of prosecution. That is already in place.

Mr. Czymbor said the goal is always voluntary compliance. They put the violator on notice and there is more than enough opportunity to comply. That has not changed. What will change is the ability to collect. This is an additional method to collect fines and fees. Asst. Chief Griffith said the assessment costs are abatement costs; they do not include fines and fees. This is money the City has actually expended. Mr. Czymbor said this is a special assessment process. Every person who has this fee assessment against them has an opportunity to be heard before the Commission.

Vice Mayor Brown said Palatka is one of the poorest cities in the State. They have a lot of senior citizens and people on fixed incomes and many who are struggling to pay mortgages. Code Enforcement is not a punishment or burden. If this is passed, people will see this as an additional burden, as they see the Red Light cameras. They need to look further. They are not here to overburden people. Perhaps they can get other groups to help abate these nuisances. People may wind up losing properties they need to live in.

Commissioner Leary said he rides by one of these properties every day; it is two blocks from his house. They are trying to revitalize their neighborhoods and clean up derelict and vacant properties. If they don't do that, people won't want to live here. This is a tool to accomplish that. He is very familiar with this process and has seen many of these ordinances. Many of these property owners simply won't respond or can't be found. They are not going to get professionals to live in the community unless they clean it up. This is not to create a problem for low income people, but people can mow their grass and move junk out of the yard. They need to do this.

Commissioner Norwood said he agrees they need to clean up nuisance properties, but the direction this takes them to goes where they've never gone before. They have an obligation to have the public hear what they are proposing to do. There may be other alternatives. They need to give property owners an opportunity to speak. He'd like to see a workshop on this.

Commissioner Kitchens said currently the City liens a property; if a person tries to sell a property the lien has to be cleared up before the property can be sold. This puts the lien on a tax bill; a property owner could lose their property. This happened to a neighbor of hers; they took up a collection to pay the bill for garbage. This has a potential to be very damaging. If this is on properties on which taxes aren't being paid, they won't collect them anyway. Palm Coast is a wealthy community. Those owners pay their taxes. She knows the intent of the City is not to take property but this will cause people to lose their property. They can pass it, deny it or get rid of Section 8 and pass the rest of it. She would never vote to put any non-ad valorem fee on a tax bill. Commissioner Norwood said the City doesn't need to own any more property. This is a burden on the City. They aren't in a position to take possession of properties.

Commissioner Leary said when Code Enforcement was transferred to the PD he wanted to know what other options were available to clean up properties. These property owners should be no different than him or anyone else who maintains their property. He rides by this every day; it's disgusting. Commissioner Kitchens said they are punishing everyone with this. A homesteaded person could be fined for weeds and lose their property.

Mr. Holmes said he applauds the work put into this document and for bringing this to everyone's attention. He is in favor of looking for innovative ways to address these issues. He also has an obligation to keep the commission informed on issues that could impact the city. It sounds like this could be headed for a workshop. He wants to disclose that there could be a legal issue with this; a mechanical or technical or legal issue. If they do pass this mechanism, the next step will require a Memorandum of Agreement with the tax collector, who has to put this on the tax bill. In looking into this he spoke with the attorney who stated she authored the Palm Coast version of this. She was very candid in telling him this is a controversial issue in the State. She referred

him to a gentleman in Tallahassee who represents the State Association of Tax Collectors and is the author of the statute being used as the enabling statute used upon which to base this lien. He is adamantly against cities using that statute to put code Enforcement liens on tax liens; you can't single out tax liens on CE properties; it has to be a lien on every property in the district. He doubts these liens are going to survive as there is a movement in the works to outlaw this. The attorney who wrote this said it's not the tax collector's decision to put this on the bill; it's his job to enforce the law. She's dealt with other tax collectors who have refused to put this on the tax bill. There are a number of cities who are doing this. He's not saying they can't do it; right now by virtue of the fact that others have done it, it seems they can, until someone challenges it. Palm Coast has not yet been challenged. They can be progressive and do this, but they need to know that this is an issue that is being debated. Maybe a workshop would give them an opportunity to look further into this. Possibly Commissioner Leary can speak to his contacts in Tallahassee to determine if there is a move to ban this practice. He's not being critical of the practice, but wants them to know the issue is out there. Commissioner Leary said the final decision to assess a property comes to the Commission. Mr. Holmes said the question is, "does the tax collector have the legal authority to put this assessment on the tax bill." Commissioner Kitchens asked if they can delete section 8 and pass the rest of it, or would they have to come back to the next meeting with changes? Mr. Holmes said this is first reading and they can make amendments. He thought this was going to a workshop. They need to either vote this up or down, or move away from assessments.

Commissioner Leary said they are not trying to put this on all citizens, just those who don't clean up their properties. If a showdown happens between the Tax Collector's Association and the League of Cities, the League will win. Mayor Myers needs to be here for this vote; it is his opinion that this should be tabled until the next meeting. Commissioner Norwood said they need to give citizens complaining about nuisance properties a chance to speak, also. Commissioner Brown said they need to start thinking outside the box. Not everyone thinks the way law enforcement does. They need to look at solutions that don't involve fines. They need to look for ways to clean up properties. People have to do court ordered work, and if they can lawfully go on properties, they can be used for that. They can use church groups. They can find other ways to motivate properties. People would clean up their properties if they could or had the funds to do it.

Commissioner Leary moved to table first reading and set a public workshop on the ordinance prior to the November 14 meeting. Commissioner Norwood seconded the motion.

Marcia Lane, 210 E. Forest Park Drive, said she appreciates their consideration. She believes they can work out other ways to do this. She is concerned with special assessment districts; Mowing grass can be expensive. Some people just don't have the money.

There being no further discussion or comment, the question was called upon the motion to table; a vote was taken and the motion passed unopposed.

9. CITY MANAGER & ADMINISTRATIVE REPORTS

Mr. Czymbor said they retired their only K-9 officer today. They want to hold a community fundraiser to purchase two K-9 units. They already have some commitments. It will cost around \$18,000 to purchase and train these units.

10. COMMISSIONER COMMENTS

Commissioner Leary said there is broken glass, weeds and litter on the portion of the Trail that comes off Main Street going northwest. They will be connecting that to the Florahome Trail. That needs to be kept up. He's also concerned about security. They need to think about this as this Trail is a showcase.

Commissioner Leary congratulated Charles Rudd and the Main Street Board on the excellent band and beer stroll at the block party last week.

Commissioner Norwood said they've talked about the issues with the trail. He asked if they've ever identified who takes care of what on that Trail. Mr. Czymbor said the City needs to take care of the Trail in the City. They are going to take care of their portion of the Trail; they can't control what's not in the corporate limits. They can speak to Keep Putnam Beautiful regarding a partnership. Commissioner Norwood said they can't count on volunteers; it should be done by City crews and be a part of scheduled maintenance.

Vice Mayor Brown said last weekend some motorcycle people came through town. It had rained and Hwy 20 was flooded. A car splashed water in a motorcyclists' face and it caused him to wreck. The rider was ok but his bike was not. She asked that the City ask the Legislative Delegation to have FDOT to do something about the drainage on Hwy 20. Commissioner Norwood said the individuals in charge of this and who can do this attend the LOGIC meetings. He mentioned this at the last LOGIC meeting. Commissioner Brown said the engineers who redid that road promised they would come back and take care of this. They aren't doing anything about it. They need to speak to their Legislative Delegation about this. Commissioner Leary said they also have a local businessman who is on the Transportation Committee and he should be approached.

11. **ADJOURN** - There being no further business to discuss, the meeting was adjourned at 7:55 p.m. upon a motion 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