

## MINUTES

### REGULAR COUNCIL MEETING KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 28, 2020

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 6:00 p.m. Present were Councilmembers Luis Lauredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Seguro, Vice Mayor Brett G. Moss and Mayor Michael W. Davey. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney Chad Friedman.
2. **INVOCATION:** Rabbi Avremel Caroline from Key Biscayne Chabad provided an invocation.
3. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
4. **BRIEF COMMENTS BY COUNCIL:** The Mayor acknowledged the victims affected by the magnitude 7.7 earthquake between Cuba and Jamaica and also, reminded the public to take a moment to remember the 75<sup>th</sup> Anniversary of the Auschwitz liberation.
5. **AGENDA:** Mayor Davey requested to pull Item 7C. Councilmember Petros requested to defer Item 9B2 to the February 11, 2020 Regular Council Meeting and also, requested to co-sponsor Item 11A9. Councilmember McCormick requested the addition of a discussion regarding rescheduling the Strategic Planning Session as Item 11A12. The Manager requested to pull Item 8E from the consent agenda and also, requested to revise the Manager's recommendation on Item 9B2 to approval. The Attorney addressed the Council regarding revising Item 8B to reflect the contract termination date and also, requested the Council hear Item 11B1 no earlier than 9:00 p.m. Councilmember Petros requested to hear Item 11A4 together with Item 11B1 no earlier than 9:00 p.m. There were no objections to the agenda changes.

6. **PUBLIC COMMENTS:** The following residents addressed the Council: Cecilia Sanchez, 260 Cypress Drive, addressed the Council regarding code compliance violations.

7. **SPECIAL PRESENTATIONS:** Councilmember Laredo addressed the public and the Council thanking Bibiana Domit for her dedication and generosity to create a beautiful mural at no cost to the Village at the entrance of the community.

At this time, the Mayor recognized Antonio Reategui for reaching an incredible milestone of 100 years of age.

At this time, Councilmember London addressed the Council requesting to pull Item 8C.

At this time, Councilmember Laredo addressed the Council requesting to pull Items 8F and 8H. There were no objections to the additional agenda changes.

8. **CONSENT AGENDA:** Mayor Davey made a motion to approve the following consent agenda. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The approval of the January 28, 2020 minutes of the Regular Council Meeting.

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COST OF THE STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF MULCH FROM EAST COAST MULCH CORP. ON AN AS-NEEDED BASIS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF INFORMATION TECHNOLOGY COMPUTER EQUIPMENT FROM DELL MARKETING L.P.; PROVIDING FOR AUTHORIZATION; DECLARING CERTAIN EQUIPMENT AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR IMPLEMENTATION**

**AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time, Item 8C was heard.

The Clerk read the following resolution, by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF SECURITY EQUIPMENT FROM CONVERGINT TECHNOLOGIES, LLC; APPROVING A MEMORANDUM OF AGREEMENT FOR JOINT COMPLETION OF AN URBAN AREAS SECURITY INITIATIVE PROGRAM WITH THE CITY OF MIAMI FOR THE PURPOSE OF CARRYING OUT URBAN AREAS SECURITY INITIATIVE PROGRAM OBJECTIVES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Davey made a motion to approve this resolution. The motion was seconded by Councilmember McCormick.

Councilmember London addressed the Council regarding this resolution.

At this time, Fire Chief Eric Lang addressed the Council regarding this resolution.

Councilmember Laredo addressed the Council regarding including large agreements as part of the hard copy Regular Council meeting agenda provided to Council.

There was extensive discussion by Council regarding this resolution.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Luis Laredo, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes. Councilmember Edward London voting No.

At this time, Item 8E was heard.

The Clerk read the following resolution, by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AT&T, INC. FOR BUSINESS LOCAL CALLING SERVICES; WAIVING COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Davey made a motion to approve this resolution. The motion was seconded by Councilmember London.

The Manager addressed the Council recommending approval of this resolution.

There was extensive discussion by Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

At this time, Item 8F was heard.

The Clerk read the following resolution, by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING DEMOLITION DISCOUNT, INC. FOR THE DEMOLITION OF PROPERTIES LOCATED AT 571 AND 599 HARBOR DRIVE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Moss made a motion to approve this resolution. The motion was seconded by Mayor Davey.

Councilmember Lauredo addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

The Manager addressed the Council regarding the project timeline and a possible ribbon-cutting in April of 2020.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

At this time, Item 8H was heard.

The Clerk read the following resolution, by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AGREEMENT WITH LIFE EXTENSION CLINICS, INC. D/B/A LIFE SCAN WELLNESS CENTER FOR PHYSICAL EXAMINATION AND DRUG AND ALCOHOL SCREENING SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Davey made a motion to approve this resolution. The motion was seconded by Vice Mayor Moss.

Councilmember Lauredo addressed the Council regarding this resolution.

At this time, Fire Chief Eric Lang addressed the Council regarding the proposals received from Mercy Hospital and Baptist Hospital to provide physical examinations and drug and alcohol screening services.

Councilmember London addressed the Council regarding extending the same benefit to the Village's Police department.

The Manager addressed the Council regarding extending the same benefit to the Village's Police Department.

Councilmember Petros addressed the Council regarding utilizing the Village's employee healthcare provider to provide physical examinations and drug and alcohol screening services to the Village's Fire and Rescue Department.

The Manager and the Fire Chief addressed the Council regarding utilizing the Village's employee healthcare provider to provide physical examinations and drug and alcohol screening services to the Village's Fire and Rescue Department.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

9. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-192 "REQUIRED SIGNS" OF THE VILLAGE CODE OF ORDINANCES, RELATING TO ADDRESS NUMERALS ON WATERFRONT PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember London made a motion to adopt this ordinance on first reading. The motion was seconded by Councilmember Petros.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Councilmember McCormick addressed the Council regarding properly communicating with the waterfront property residents prior to the final adoption of the ordinance.

Councilmember Petros addressed the Council regarding requiring an acknowledgement of receipt from the waterfront property residents receiving the information about the change to require numerals on waterfront properties.

Vice Mayor Moss made a motion to defer the first reading of this ordinance to allow time for public engagement.

The Manager addressed the Council regarding the communications plan to inform the public about the change to require numerals on waterfront properties.

At this time, Vice Mayor Moss withdrew his motion.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Seguro, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

The Clerk announced the second reading of this ordinance at the April 7, 2020 Regular Council Meeting.

At this time, the Attorney addressed the Clerk regarding scheduling a Local Planning Agency meeting prior to the second reading of this ordinance on April 7, 2020.

At this time, the Clerk read the following ordinance on second reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-21 “DEFENSE OF OFFICIALS IN ETHICS MATTERS” TO PROVIDE FOR THE COST OF DEFENSE OF AN ELECTED OFFICIAL AS FURTHER PROVIDED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Mayor made a motion to adopt this ordinance on second reading. The motion was seconded by Vice Mayor Moss.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Councilmember Laredo addressed the Council regarding the definition of reasonable legal fees related to this ordinance.

The Attorney addressed the Council regarding the definition and approval process of reasonable legal fees.

The Mayor addressed the Council regarding revising Section 2-21(a)(1) to include individuals that previously served on Council; also, the Mayor suggested to revise Section 2-21(c)(2) to define “promptly” to state no more than 90 days. There were no objections by Council.

Councilmember Petros addressed the Council regarding the removal of Section 2-21(e)(6)-financial/gift disclosures.

Councilmember Seguro addressed the Council regarding Section 2-21(e)(6).

There was extensive discussion by Council regarding this ordinance.

Vice Mayor Moss addressed the Council regarding the approval process to grant the reimbursement of legal fees.

There was extensive discussion by Council regarding setting a maximum legal rate or fee.

The Attorney addressed the Council regarding setting a maximum/reasonable legal rate or fee.

Councilmember Laredo made a motion to continue the hearing of this ordinance at the next regularly scheduled Council meeting. The motion was seconded by Mayor Davey.

Councilmember Segurola addressed the Council regarding reverting and nullifying the original ordinance allowing common law to rule.

Councilmember Laredo's motion to continue the hearing of this ordinance at the next regularly scheduled Council meeting was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola and Mayor Michael W. Davey voting Yes. Vice Mayor Brett G. Moss voting No.

The Clerk announced the continuance of the second reading of this ordinance at the February 11, 2020 Regular Council Meeting.

At this time, there was extensive discussion by Council regarding reverting and nullifying the original ordinance.

At this time, the Clerk read the following ordinance on second reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 8, "ENVIRONMENT" OF THE VILLAGE CODE OF ORDINANCES BY CREATING ARTICLE IX, "FERTILIZER USE" RELATING TO THE USE OF FERTILIZERS WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Petros made a motion to continue this ordinance on second reading at the next regularly scheduled Council meeting. The motion was seconded by Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

The Clerk announced the continuance of the second reading of this ordinance at the February 11, 2020 Regular Council Meeting.

10. **RESOLUTIONS:** The Clerk read the following resolution, by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING BEEFREE, LLC D/B/A FREEBEE FOR TRANSPORTATION SERVICES; WAIVING COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Mayor made a motion to approve this resolution. The motion was seconded by Councilmember Laredo.

The Manager addressed the Council recommending approval of this resolution.

Councilmember London addressed the Council regarding the need to bid all municipal services.

There was extensive discussion by Council regarding this resolution.

It was the consensus of Council to competitively bid this transportation service.

There was extensive discussion by Council regarding the competitive bid process.

It was the consensus of Council to direct the Manager to provide a list of items that need to be competitively bid to the Council.

It was the consensus of Council to designate the Mayor to gather more information from the Key Biscayne Community Foundation regarding continuing the transportation services with FreeBee on a month-to-month basis.

It was the consensus of Council to table this resolution until further information is gathered from the Key Biscayne Community Foundation regarding continuing the transportation services with FreeBee on a month-to-month basis.

Councilmember Laredo made a motion to direct the Attorney to amend the procurement ordinance to increase the spending limit to \$30,000. The motion was seconded by Mayor Davey. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

At this time, the Manager's Report was heard.

The Manager addressed the Council introducing Dr. Helena Solo-Gabriele from the University of Miami to present the Village's beach water quality test results and Chip from Beach Raker, Village's Beach Maintenance Contractor.

Dr. Solo-Gabriele addressed the Council presenting the results of the beach water quality testing.



There was extensive discussion by Council regarding the primary source affecting the beaches water quality and communicating the test results presented to the public.

Councilmember Laredo addressed the Council regarding inspiring employees to participate during Village Council meetings.

At this time, Chip from Beach Raker addressed the Council regarding the methods of maintaining the Village's beach.

There was extensive discussion by Council regarding the methods of maintaining and cleaning the Village's beach.

Councilmember Laredo addressed the Council regarding the lack of overall Village routine maintenance.

At this time, the Mayor addressed the Council regarding scheduling a presentation by the Village's Beautification Board at the next regularly scheduled Council meeting.

The Manager addressed the Council regarding the status of the Federal Shoreline Protection Feasibility Study.

Councilmember Petros addressed the Council regarding not depending upon the U.S. Army Corp of Engineers data to deliver the Village's independently hired consultant, Moffat & Nichol, report to the Council.

The Manager and Attorney addressed the Council regarding acquiring the U.S. Army Corp of Engineer's data.

At this time, the Manager addressed the Council regarding the total number of homes on septic tanks.

There was extensive discussion by Council regarding the number of homes Villagewide still on septic tanks.

At this time, Item 11D2 was heard.

The Police Chief Charles R. Press addressed the Council providing an update on the number of homeless residing in the Village and the response by Camillus House to aide the homeless in Key Biscayne.

At this time, Item 10B was heard.

The Clerk read the following resolution, by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING CAST DEVELOPMENT, LLC D/B/A HALMAC CONSTRUCTION FOR REPAIRS TO THE MONACO REFLECTING POOLS; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Laredo made a motion to approve this resolution. The motion was seconded by Mayor Davey.

The Manager addressed the Council regarding this resolution.

Councilmember Laredo addressed the Council recommending approval of this resolution.

The Parks and Recreation Director Todd Hofferberth addressed the Council regarding this resolution.

At this time, the Mayor allowed public comments. The following resident addressed the Council: Cecila Sanchez, 260 Cypress Drive, addressed the Council regarding the overall necessary repairs surrounding the Monaco Reflecting Pools.

It was the consensus of Council to table this resolution and direct the Manager to bring back an overall plan to address all necessary repairs to the Monaco Reflecting Pools.

The Clerk read the following resolution, by title:

**A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE OF ADVANCED CPR SOLUTIONS' ELEGARD PATIENT POSITIONING SYSTEMS FROM MED ALLIANCE GROUP, INC.; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Mayor made a motion to approve this resolution. The motion was seconded by Councilmember Petros.

At this time, the Fire Chief presented the Elegard patient positioning system.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

11. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. At this time, Item 11A2 was heard.

Councilmember Laredo addressed the Council regarding the police practices and policies town

hall meeting that took place January 14, 2020.

There was extensive discussion by Council regarding the Village's police policies and practices.

At this time, the Police Chief addressed the Council regarding the Village's police department practices and policies.

There was extensive discussion by Council regarding a domestic violence awareness program.

At this time, Item 11A1 was heard.

Councilmember McCormick addressed the Council regarding the possibilities of a large General Obligation Bond (GOB) to protect Village assets and including the question during this year's August Primary election ballot.

There was extensive discussion by Council regarding the type of projects the GOB would include and the current low interest rates.

Councilmember Laredo made a motion to direct the Manager to work together with Councilmember McCormick to develop a plan for the Asset Protection GOB for Council's consideration. The motion was seconded by Councilmember London and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes. Councilmember Ignacio Segurola voting No.

At this time, Items 11A4 and 11B1 were heard.

The Village Attorney Stephen J. Helfman addressed the Council regarding the request for advisory legal opinion from the Florida Attorney General regarding stormwater.

There was extensive discussion by Council regarding utilizing public funds for private stormwater facilities within private property.

Councilmember Segurola addressed the Council regarding the request for advisory legal opinion from the Florida Attorney General regarding stormwater.

Councilmember Laredo made a motion to not send the request for advisory legal opinion from the Florida Attorney General regarding stormwater. The motion was seconded by Councilmember London and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Allison McCormick, Kathleen Petros, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes. Councilmember Ignacio Segurola voting No.

At this time, Item 11A3 was heard.

Vice Mayor Moss addressed the Council regarding the standard operating procedures to maintain the physical Village assets.

Mayor Davey made a motion to extend the meeting to 11:07 p.m. The motion was seconded by Councilmember McCormick and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Allison McCormick, Kathleen Petros, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey voting Yes.

At this time, Item 11A12 was heard.

Councilmember McCormick addressed the Council requesting to reschedule the Strategic Planning Session.

It was the consensus of Council to reschedule the Strategic Planning Session to Saturday, March 14, 2020.

At this time, Item 11A8 was heard.

The Mayor addressed the public and the Council announcing a Congressional Town Hall by Congresswoman Donna Shalala taking place Thursday, February 13, 2020 at 6:30 p.m. at the Council Chambers.

At this time, the Mayor wished Former Councilmember Raul Llorente a quick recovery.

The remaining agenda items were deferred to the February 11, 2020 Regular Council Meeting.

Village Attorney. The Attorney's report was heard earlier in the meeting.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager's report was heard earlier in the meeting.

12. **OTHER BUSINESS/GENERAL DISCUSSION:** There following business was discussed.

Board Reports to Council. The Council Liaison's did not submit board reports.

13. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

14. **ADJOURNMENT:** The meeting was adjourned at 11:06 p.m.

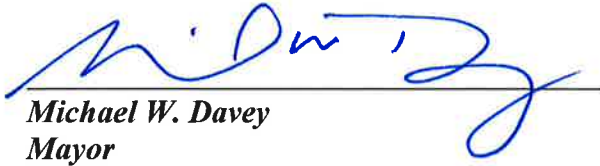
January 28, 2020

Respectfully submitted:

  
Jennifer Medina  
Village Clerk



Approved this 11<sup>th</sup> day of February, 2020:

  
Michael W. Davey  
Mayor

**IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.**