

MINUTES

REGULAR COUNCIL MEETING KEY BISCAWAYNE, FLORIDA

TUESDAY, APRIL 9, 2019

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 Laredo, Edward London (arrived at 6:06 p.m.), Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey. Also present were Village Manager Andrea Agha, Village Clerk Jennifer Medina and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** The Mayor led the Pledge of Allegiance.
3. **BRIEF COMMENTS BY COUNCIL:** The Mayor and Councilmember Laredo acknowledged the Manager, Police Chief Charles R. Press, Fire Chief Eric Lang, the Parks and Recreation Director Todd Hofferberth and staff for their efforts during the Ultra Music Festival (March 29, 30 and 31, 2019).
4. **AGENDA:** Mayor Davey requested to hear Item 11A3 after Item 6C and also requested the addition of a discussion regarding composting as Item 11A9. Councilmember Moss requested the addition of a discussion regarding rescheduling the Budget Workshop date to be heard after Item 10C. Councilmember Laredo requested to hear Item 11A1 prior to Item 7. Vice Mayor McCormick requested the addition of a discussion regarding Agenda Board vacancies and Council Liaison's as Item 11A10 and also the addition of a discussion regarding plastic bags as Item 11A11. The Manager requested to move Item 10B under the consent agenda as Item 7C. Councilmember Petros requested to pull Item 7A from the consent agenda. There were no objections to the agenda changes.

At this time, Councilmember Laredo addressed the Council regarding revising the title of Item 6A to "Presentation by the Woman's Giving Circle".

5. **PUBLIC COMMENTS:** The following residents addressed the Council:
Antonio Camejo, 151 Crandon Boulevard, commented on the proposed undergrounding utility project;
Haim Badash, 177 Ocean Lane Drive, commented on the proposed undergrounding utility project;
Cecile Sanchez, 260 Cypress Drive, commented on providing additional public parking for individuals attending Council Meetings;
H. Frances Reaves, 251 Crandon Boulevard, commented on the proposed undergrounding utility project;
Michele Estevez, 798 Crandon Boulevard, commented on agenda Item 10A;
Rumya Sundaram, 235 Antilla Avenue, commented on the environmental baseline study conducted due to the Ultra Music Festival; and
Carlos Genatios, 151 Crandon Boulevard, commented on the proposed undergrounding utility project.

6. **SPECIAL PRESENTATIONS:** Councilmember Laredo addressed the public and the Council thanking the Woman's Giving Circle for their ongoing community efforts and the need to more frequently acknowledge these types of local community groups. Joanne Goldfarb addressed the Council regarding the Woman's Giving Circle devotion to financially support programs for women and/or children in need throughout Miami-Dade County and thanked the Council for acknowledging their efforts.

At this time, Tatyana Chiocchetti, Executive Director of the Key Biscayne Chamber of Commerce, addressed the Council providing a report from the Chamber of Commerce.

At this time, Michelle Estevez, Chair of Undergrounding Utility Task Force, addressed the Council providing a final report and recommendation from the Undergrounding Utility Task Force.

At this time, Item 11A3 was heard.

Councilmember Moss addressed the Council regarding the Undergrounding Utility Task Force final report.

Councilmember Moss made a motion to accept the final report presented to the Council by the Undergrounding Utility Task Force. The motion was seconded by Councilmember Laredo and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

Councilmember Moss addressed the Council regarding the Manager preparing a proposed undergrounding utility plan of action.

There was extensive discussion by Council regarding a proposed undergrounding utility plan of action.

Councilmember Segurola addressed the Council regarding starting the survey work necessary for the proposed undergrounding utility project in an amount of approximately \$98,000 to be completed by June 2019 and FPL's binding cost of the proposed undergrounding utility project to be completed by the end of 2020.

Councilmember Moss made a motion to direct the Manager to prepare a plan of action for the proposed undergrounding utility project for the Council to consider. The motion was seconded by Councilmember Lauredo and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Item 11A1 was heard.

The Mayor addressed the public and the Council regarding the Ultra Music Festival in Virginia Key that took place on March 29, 30 and 31, 2019.

There was extensive discussion by Council regarding the traffic during the Ultra Music Festival and the opposition to the Ultra Music Festival in Virginia Key.

Councilmember Lauredo made a motion to authorize the Manager to send a request for reimbursement to the City of Miami, Miami-Dade County and Ultra for Village expenses related to Ultra. The motion was seconded by Mayor Davey and approved by 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

The Manager addressed the Council regarding a request from Ultra to meet with staff.

It was the consensus of Council to allow the Manager to meet with Ultra representatives regarding a recap of the Ultra Music Festival in Virginia that occurred on March 29, 30 and 31, 2019.

It was the consensus of Council to encourage Village and City of Miami residents to attend the City of Miami Commission Meeting taking place on Thursday, April 11, 2019 at 9:00 a.m. to express the strong opposition of allowing the Ultra Music Festival next year in Virginia Key.

Councilmember Lauredo made a motion to reaffirm Resolution 2018-49 regarding the Council's opposition to Ultra. The motion was seconded by Mayor Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Item 7A was heard.

The Clerk announced the approval of the March 19, 2019 Regular Council Meeting minutes.

Councilmember Laredo made a motion to approve the minutes of the March 19, 2019 Regular Council Meeting minutes. The motion was seconded by Councilmember Petros.

Councilmember Petros addressed the Council regarding revising the language on page 2 and 3 of the meeting minutes regarding the final report by Raftelis to be scheduled during a scheduled Regular Council Meeting and not to take place at a workshop. There were no objections by Council to the changes.

Councilmember Laredo addressed the Manager and the Council regarding the Village not incurring any additional expenses for consultants, inclusive of Raftelis, for the proposed undergrounding utility project.

The Manager and Councilmember Petros addressed the Council regarding the Village not incurring any additional expenses for consultants from this point forward unless otherwise approved by the Council for the proposed undergrounding utility project.

The March 19, 2019 Regular Council Meeting minutes was approved, as amended, by 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, the Clerk addressed the Council regarding the agenda changes approved by Council earlier in the meeting specifically relating to moving Item 10B to the consent agenda.

7. **CONSENT AGENDA:** Councilmember Laredo made a motion to approve the following consent agenda inclusive of Item 10B. 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.

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH AGUA, LLC FOR SITE REHABILITATION SERVICES, WELL TESTING, AND A SITE REHABILITATION COMPLETION REPORT RELATED TO 530 CRANDON BOULEVARD; 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 AND MAINTENANCE OF FIRE RESCUE EQUIPMENT FROM PHYSIO-CONTROL, INC.; PROVIDING FOR AUTHORIZATION; DECLARING CERTAIN FIRE RESCUE 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 10B was heard together with Items 7A and 7B.

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE PURCHASE AND MAINTENANCE OF FIRE RESCUE EQUIPMENT FROM PHYSIO-CONTROL, INC.; PROVIDING FOR AUTHORIZATION; DECLARING CERTAIN FIRE RESCUE EQUIPMENT AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

8. Public Hearing Number. P19-01. The Applicant, Delphia Enterprises NV, 220 Island Drive, Key Biscayne, FL 33149, is requesting to subdivide the property into two properties.

At this time, the Mayor announced commencing the quasi-judicial public hearing.

All witnesses given testimony in the public hearing were sworn in by the Clerk.

At this time, the Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A WAIVER OF PLAT FOR PROPERTY LOCATED AT 220 ISLAND DRIVE; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE.

The Interim Director of Building, Zoning and Planning Joseph M. Corradino addressed the Council regarding the request to subdivide 220 Island Drive into two properties.

At this time, Mario Serra-Garcia, 600 Brickell Avenue, representing the applicant, Delphia Enterprises NV, addressed the Council regarding the request to subdivide 220 Island Drive into two properties.

At this time, the applicant's representative, Mario Serra-Garcia addressed the Interim Director of Building, Zoning and Planning regarding staff's recommendation to deny the request to subdivide the property located at 220 Island Drive.

At this time, the Interim Director of Building, Zoning and Planning addressed Mario Serra-Garcia regarding denying the request to subdivide the property located at 220 Island Drive.

The Mayor opened the public hearing. The following residents addressed the Council: Bridget Nachtigall, 931 Harbor Drive, commented in support of the request to subdivide the property located at 220 Island Drive; Stefanny Sommers, 241 Knollwood Drive, commented in opposition of the request to subdivide the property located at 220 Island Drive.

At this time, the Clerk swore in the following resident giving testimony in the public hearing: Fernando Del Corral, 1045 Mariner Drive.

Fernando Del Corral on behalf of his parents Michel and Sonia Daccach, 1045 Mariner Drive, also addressed the Council in support of the request to subdivide the property located at 220 Island Drive. The Mayor closed the public hearing.

At this time, the applicant's representative, Mario Serra-Garcia, addressed the Council regarding the request to subdivide the property located at 220 Island Drive.

There was extensive discussion by Council regarding the request to subdivide the property located at 220 Island Drive.

Councilmember London made a motion to approve the resolution. The motion was seconded by Mayor Davey and approved by a 4-3 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, and Mayor Michael W. Davey voting Yes. Councilmembers Kathleen Petros, Ignacio Segurola and Vice Mayor McCormick voting No.

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

The Manager and Police Chief Charles R Press addressed the Council regarding the public safety concerns due to the lack of visual address numerals on the waterside of various waterfront properties.

There was extensive discussion by Council regarding the address numerals on the waterfront properties.

Councilmember London made a motion to direct the Attorney to draft the necessary legislation to require address numerals on the waterside of all waterfront properties. The motion was seconded by Councilmember Laredo and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Laredo, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Item 11D2 was heard.

The Manager addressed the Council regarding the proposed Rickenbacker Causeway Request for Qualifications.

The Mayor addressed the Council regarding the proposed Rickenbacker Causeway Request for Qualifications.

There was extensive discussion by Council regarding the future improvements to the Rickenbacker Causeway.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA, CREATING A VILLAGE BEAUTIFICATION BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Lauredo made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Petros and approved by 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-10, "ADVISORY BOARDS" OF CHAPTER 2, "ADMINISTRATION," ARTICLE I "IN GENERAL" OF THE VILLAGE CODE OF ORDINANCES TO PROVIDE FOR BOARD MEMBERSHIP AND TERM LIMITS; RENAMING EXISTING COMMITTEES TO BOARDS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember London made a motion to adopt the ordinance on first reading. The motion was seconded by Vice Mayor McCormick.

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

The Attorney addressed the Council regarding this ordinance.

There was extensive discussion by Council regarding this ordinance.

It was the consensus of Council to add language to this ordinance to provide only a 2-year limit to the exception of more than 7 Board members on the 2040 Strategic Vision Plan Board.

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

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

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, INDICATING THE VILLAGE'S OFFICIAL INTENT TO ISSUE TAX-EXEMPT BONDS, SUBJECT TO APPROVAL BY REFERENDUM IF REQUIRED BY THE VILLAGE CHARTER OR FLORIDA LAW, IN AN AMOUNT NOT TO EXCEED \$50,000,000 TO FINANCE THE COSTS OF RELOCATING EXISTING OVERHEAD UTILITY INFRASTRUCTURE (ELECTRIC, TELEPHONE, AND CABLE) TO AN UNDERGROUND LOCATION, INCLUDING ALL RELATED COSTS SUCH AS ROADWAY AND STORMWATER IMPROVEMENTS, WATER MAIN REPLACEMENTS, AND LANDSCAPING UPGRADES, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember London made a motion to approve the resolution. The motion was seconded by Councilmember Petros.

The Manager addressed the Council recommending approval of this resolution.

At this time, Interim Chief Financial Officer Christopher Wallace addressed the Council regarding the purpose of this resolution. First, the resolution preserves an option available to the Village but does not require the Village to issue any indebtedness and secondly, should the Village issue debt for the underground utility project and should the Village choose to be reimbursed for some expenditures related to the project that were incurred prior to any bonds being issued, then the adoption of this resolution will have met requirements by the Internal Revenue Code to issue debt to repay the Village for its initial outlays.

There was extensive discussion by Council regarding this resolution.

It was the consensus of Council to direct the Manager and Attorney to bring forth an intent resolution for the proposed beach improvements.

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

Item 10B was heard earlier in the meeting.

The Clerk read the following resolution, by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING RESOLUTION 2016-27, AS AMENDED, BY INCLUDING PROCEDURES RELATING TO THE CREATION OF COMMITTEES OF COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Attorney addressed the Council regarding this resolution.

There was extensive discussion by Council regarding this resolution.

It was the consensus of Council to replace language within section 2 of this resolution requiring 7 days' notice to the public instead of at least 48 hours and also, correct resolution number 2016-17 within section 2 of this resolution to 2016-27.

The resolution, as amended, was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Luis Laredo, Edward London, Kathleen Petros, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes. Councilmembers Ignacio Seguro and

Brett Moss voting No.

At this time, the Mayor addressed the Attorney requesting a legal opinion regarding section 2.02 of the Village Charter specifically relating to the Mayor's creation of committees of the Village Council. There were no objections to the request.

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

Mayor and Councilmembers. Councilmember Moss addressed the Council regarding rescheduling the June 25, 2019 Budget Workshop to June 18, 2019. There were no objections by Council to the change of date.

At this time, Item 11A2 was heard.

Councilmember Moss addressed the Council regarding strategic planning and the budgeting process.

There was extensive discussion by Council regarding strategic planning and the budgeting process.

It was the consensus of Council to direct the Clerk to coordinate a date with Council during the month of April or May to schedule a strategic planning session to be held at a facility off-island.

Item 11A3 was heard earlier in the meeting.

At this time, Item 11A4 was heard.

The Mayor addressed the Council regarding the appointment to the Pension Board and Council's formal ratification of the 5th Trustee to the Pension Board.

The Mayor announced the following Pension Board nominees: Wesley Pritchett, Eduardo Michelsen Delgado and Alberto Pontonio.

There was extensive discussion by Council regarding appointing the Pension Board Trustee.

At this time, the Mayor recommended Councilmembers rank the three nominees; thereby, number one being the most highly ranked. There were no objections to proceed to rank the nominees.

The Council ranked as follows: Councilmember Segurola ranked: 1. Wesley Pritchett; 2. Alberto Pontonio; and 3. Eduardo Michelsen Delgado.

Mayor Davey ranked: 1. Wesley Pritchett; 2. Eduardo Michelsen Delgado; and 3. Alberto Pontonio.

Councilmember London ranked: 1. Wesley Pritchett; 2. Alberto Pontonio; and 3. Eduardo Michelsen Delgado.

Councilmember Moss ranked: 1. Wesley Pritchett; 2. Alberto Pontonio; and 3. Eduardo Michelsen Delgado.

Councilmember Petros ranked: 1. Wesley Pritchett; 2. Alberto Pontonio; and 3. Eduardo Michelsen Delgado.

Councilmember Lauredo ranked: 1. Eduardo Michelsen Delgado; 2. Wesley Pritchett; and 3. Alberto Pontonio.

Vice Mayor McCormick ranked: 1. Alberto Pontonio; 2. Wesley Pritchett; and 3. Eduardo Michelsen Delgado.

The Clerk announced Wesley Pritchett to be the most frequently top ranked nominee by Council.

Wesley Pritchett was appointed the Pension Board's Resident Trustee by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

Councilmember London made a motion to formally ratify Ed Easton as the 5th Pension Board Trustee. The motion was seconded by Councilmember Petros and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Luis Lauredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Segurola, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, the Mayor addressed the Council regarding the appointment to the Education Advisory Board.

The Mayor, with the consensus of Council, appointed Paloma Ferreyros to the Education Advisory Board.

At this time, the Mayor addressed the Council regarding assigning a Council Liaison to the Village's Athletic Advisory Board.

It was the consensus of Council to appoint the Mayor as the Council Liaison.

At this time, Councilmember Petros addressed the Council providing an update on Legislative Bill 107 and Senate Bill 76 after attending the legislative session in Tallahassee. The Bills passed banning texting while driving instead of banning handheld devices while driving.

At this time, Councilmember Moss addressed the Council regarding creating a Youth Council.

There was extensive discussion by Council regarding the process of selecting the Youth Council members.

It was the consensus of Council to create a Youth Council.

At this time, Vice Mayor McCormick addressed the Council regarding the Agenda Board vacancies and Council Liaisons.

It was the consensus of Council to direct the Clerk to create a standing agenda item to be heard after public comments regarding Board vacancies and Council Liaison Board reports to

Council.

Councilmember Petros made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Vice Mayor McCormick and approved by a 7-0 voice vote. The vote was as follows: The vote was as follows: Councilmembers Luis Laredo, Edward London, Brett G. Moss, Kathleen Petros, Ignacio Seguro, Vice Mayor Allison McCormick and Mayor Michael W. Davey voting Yes.

At this time, Vice Mayor McCormick addressed the Council regarding a community petition to ban plastic bags.

The Attorney addressed the Council regarding an update on municipal litigation cases relating to banning plastic bags.

At this time, the Mayor addressed the Council regarding Winn Dixie representatives request to meet with individual Councilmembers relating to the use of plastic bags.

Village Attorney. The Attorney did not submit a report.

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.

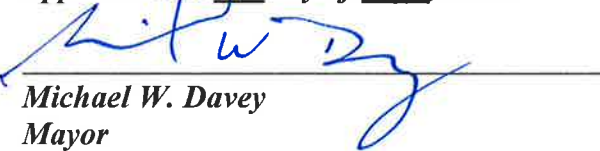
14. **ADJOURNMENT:** The meeting was adjourned at 11:04 p.m.

Respectfully submitted:


Jennifer Medina
Village Clerk



Approved this 30th day of April, 2019:


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.