

MINUTES
REGULAR COUNCIL MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, APRIL 22, 2003

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the Mayor at 7:00 p.m. Present were Councilmembers Carol Diaz-Castro, Mortimer Fried, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Councilmember Martha F. Broucek was absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. PLEDGE OF ALLEGIANCE: Ms. Donna Powell led the Pledge of Allegiance.

3. AGENDA: Mayor Oldakowski requested the addition of a draft letter to the voters as Item 7A1; Councilmember Fried requested the addition of a discussion regarding the use of Channel 16 as Item 7A2 and Councilmember Peters requested to hear Item 7A1 together with Item 7D4. There was no objection to the agenda changes.

4. APPROVAL OF MINUTES: Councilmember Peters made a motion to approve the minutes of the April 1, 2003 911 Workshop and the minutes of the April 8, 2003 Regular Council Meeting. The motion was seconded by Vice Mayor Mendia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAWAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE ACQUISITION OF FIRE TRUCKS FOR THE VILLAGE FIRE RESCUE DEPARTMENT; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO PURCHASE FIRE FIGHTING EQUIPMENT, TO-WIT: ONE (1) NEW PIERCE SKYBOOM AND ONE (1) NEW PIERCE PUMPER; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING AND APPROVING MASTER LEASE AGREEMENT AND RELATED DOCUMENTS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fried made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Vernon.

John C. Gilbert, Chief of Fire Rescue addressed the Council regarding this ordinance.

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

The ordinance was adopted, on first reading, by a 6-0 roll call vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk announced the second reading of this ordinance on May 13, 2003.

The Clerk read the following ordinance, by title, on first reading:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING CHAPTER 23 "RETIREMENT" OF THE VILLAGE CODE BY AMENDING SECTION 23-32 "MEMBERSHIP," TO PROVIDE FOR AN IRREVOCABLE OPTION FOR ANY POLICE OFFICER OR FIREFIGHTER IN FULL-TIME EMPLOYMENT WITH THE VILLAGE AT THE TIME OF THE EFFECTIVE DATE OF THIS ORDINANCE, WHO FAILED TO ELECT TO BECOME A MEMBER OF THE VILLAGE'S POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN, AS REQUIRED BY SECTION 23-32 OF THE VILLAGE CODE, TO ELECT TO BECOME A MEMBER OF THE RETIREMENT PLAN, WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE OF THIS ORDINANCE, AND SUCH MEMBERSHIP SHALL BECOME EFFECTIVE ONLY UPON SUCH ELECTION, COMPLETION OF THE FORM PRESCRIBED BY THE BOARD PURSUANT TO SECTION 23-32 (b) AND THE COMPLETION OF A PENSION BOARD PHYSICAL EXAMINATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fried made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Peters.

The Manager addressed the Council regarding this ordinance.

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

The ordinance was adopted, on first reading, by a 6-0 roll call vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk announced the second reading of this ordinance on May 13, 2003.

6. RESOLUTIONS: The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; APPROVING VILLAGE OF KEY BISCAYNE EMPLOYMENT AGREEMENT WITH VILLAGE MANAGER, JACQUELINE R. MENENDEZ; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Vernon and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CONCERNING THE VILLAGE OF KEY BISCAYNE CIVIC CENTER PROJECT; AUTHORIZING CONSTRUCTION OF A FULLY ENCLOSED STRUCTURE TO PROTECT AN EMERGENCY GENERATOR AT VILLAGE HALL/POLICE STATION; AUTHORIZING AMENDMENT TO AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER CONCERNING THE POLICE/ADMINISTRATION EMERGENCY GENERATOR BUILDING; PROVIDING FOR USE OF FDLE GRANT FUNDS; PROVIDING FOR EFFECTIVE DATE.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Vernon.

Jud Kurlancheek, Director of Building, Zoning and Planning, Mr. Robert Maphis, Vice President of Operations, James A. Cummings, Inc. and Michael J. Flaherty, Chief of Police addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

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

Mayor and Councilmembers. As instructed by Council, the Manager presented the following draft - fact sheet on the Community Center for Council's review and comments.

The following residents addressed the Council: Mabel Miller, 210 Seaview Drive; Michael Kahn, 881 Ocean Drive; Shirley Feldman, 1121 Crandon Boulevard; Camile Guething, 260 Seaview Drive; Michael Kelly, 395 Gulf Road, Jim Leavitt, Chairman of the Community Center Committee and Marivi Walker, 545 Fernwood Road.

Todd Hofferberth, Recreation Director and Director Kurlancheek addressed the Council regarding the fact sheet.

After a lengthy discussion from Council the fact sheet was amended as follows:

Just the Facts 2
Community Center Update
May, 2003

"A successful community center would be one which (a) offers activities which the citizens want; (b) is financially viable; and (c) acts as a source of pride and community to the residents of Key Biscayne."
Community Center Review Committee, 2002

In order to meet its responsibility of informing the community on the facts relating to the upcoming Tuesday, May 20th election on the Community Center, this document was approved by a majority of the Village of Key Biscayne Council. The following are facts responding to the most commonly asked questions and formed the basis of support of the past two Councils for this project.

The above changes were approved by a unanimous vote.

Public Opinion: How has the public been included in the Community Center project? From its inception, the community center project has been driven by the public. Since incorporation in 1992, and at the behest of this community, every elected Village Council has placed the Community Center on its Goals & Objectives list. From the original 1997 design workshop to Village Council approval of this design, the Village has placed a premium on public input. Numerous public meetings, including seven community workshops dedicated exclusively to gathering public input and discussing the project in detail, have been undertaken. Most recently, a Community Center Review Committee was formed to review the project and a scientific survey was conducted to further assess public opinion.

The above paragraph was approved, as written, by a unanimous vote.

Community Center Review Committee: In 2002, the Council appointed 18 residents to serve on a committee to publicly review the Community Center project. The committee was composed of residents who were opposed to the project as planned designed at that time, as well as residents who favored it. The committee had the opportunity to review all pertinent information, to listen to the public, and to interview the architects, consultants, and other recreation professionals. They discussed the size, site, cost, and programming options for the center. In order to validate assumptions of need and desire for the center and proposed activities, they recommended that a statistically significant survey of the community be undertaken. They then made a number of recommendations to the Council and the community. After obtaining the survey results, the proposed center meets all the recommendations of the Committee and the Village's consultants, including appropriate size, and programming needs, and, ultimately, cost. The Community Center Review Committee report is available at www.vkb.key-biscayne.fl.us and the Key Biscayne Public Library.

The above changes were approved by a unanimous vote.

The Design: How has the building changed over the last year?

- Setbacks were increased from the original 10 ft. to 24 ft. or greater.
- Height of the towers was lowered not to exceed to 35 ft.
- Interior air conditioned space of the building was reduced by 4,000 square feet from 42,000 to 38,000 square feet.
- A second pool designed for water aerobics, senior and toddler programs was eliminated and the size of the pool deck was reduced.
- Number of underground parking spaces was decreased by 25 from 105 to 80 spaces.
- Climbing wall was eliminated.
- Retrofitted Changed design of multipurpose room to allow for theater productions.
- Eliminated eleven parking spaces on Fernwood Road.

The above changes were approved by a unanimous vote.

Survey: Why and how was the Community Center survey conducted?

As a means of assessing the need of the Center and, if so, what would residents use, how often, and how much would they be willing to pay, the Community Center Review Committee interviewed prominent, nationally recognized firms and

recommended that Leisure Vision be hired. The Center currently being built meets the minimum requirements identified by the survey's results. The following are excerpts the summary points, as presented by Leisure Vision's from the survey:

1. The Village of Key Biscayne has a very significant and immediate need for the following major recreational facilities:

- Ø Multi-purpose indoor gymnasiums
- Ø Outdoor swimming pool with lap lanes
- Ø Indoor activity areas for youth and teens

· The Village of Key Biscayne should incorporate the following programming spaces into the design of a community center to generate revenue to help cover some, but not necessarily all, of the costs of operating the center:

- Ø Indoor fitness and wellness center
- Ø Family-oriented concessions/eating area
- Ø Area for dance and aerobics

· The Village of Key Biscayne should ensure that user fees and memberships are priced to be affordable to the vast majority of residents.

· If funding and space are available, the Village of Key Biscayne should consider including some or all of the programming areas into the design of the community center. More than 1,000 households in the Village of Key Biscayne currently have unmet needs for each of the facilities listed below. In addition, each of the programming areas listed has the potential of generating more than 100 visits per day to the center based on the results of the survey.

- Ø Studio for arts and crafts
- Ø Large community meeting rooms
- Ø A wellness center
- Ø Warm water therapy pool
- Ø Space for educational and recreation programs
- Ø Indoor play areas for children

· The Village of Key Biscayne should begin developing a plan to address the community's need for outdoor athletic fields. The Village should also regularly assess how well the recreational needs of the community are being met over time. This will help ensure that the priorities for the Village remain aligned with the changing needs of the community.

The complete survey and conclusions can be reviewed in the Recreation Department segment of the Village of Key Biscayne web site at www.vkb.key-biscayne.fl.us and the Key Biscayne Public Library.

The above changes were approved by a unanimous vote.

Floor Plan: What does the building include? Please refer to the current floor plan for details. Why are these facilities important? For a center to be financially viable, it needs to have a number of elements that will drive user fees. Specifically, a

wellness/fitness center, a dance/aerobics studio, and a pool are indispensable parts of a financially viable center. A gymnasium, teen room, and senior services, although an essential part of any center are intended to meet the overall needs of the community, and are not income producing profit centers. Other elements of the center are intended to meet the overall needs of the community. For example, the multipurpose rooms in the second floor will be able to accommodate a myriad of activities, such as meetings, lectures, recitals, drama, and art exhibits which will be "a source of pride and community to the residents of Key Biscayne."

The above changes were approved by a 5-1 voice vote. The vote was as follows: Councilmembers Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmember Diaz-Castro voting No.

Site Plan Review: Is the center in the best possible location?

The Community Center Review Committee reviewed all options recommended two alternatives for the site plan: a North-South alignment and an East-West alignment. The Village Council selected the North-South option and rejected the East-West option deeming it to have significant disadvantages, and this is one of their recommendations. Other options, such as the East-West option, (which would run parallel to W. McIntyre Street from Crandon Blvd. to Fernwood Rd.) were deemed to have significant disadvantages which made them undesirable.

The above changes were approved by a unanimous vote.

Operating Costs: With the assistance of Ballard & King, a nationally recognized consultant in the development and operation of community/recreation centers, a budget outlining projected operating costs, including expenditure and revenues has been created. The expenditure budget accounts for personnel, commodities, contractual, and capital expenses. The annual expenditures operating costs are estimated to be \$1,031,267. The greatest component of that budget is for staffing the center. Keeping all programmable areas in one center helps to keep this most important item down, reducing the center's operating costs indefinitely. Revenue projections are based on user fees and other income sources such as concessions, babysitting, and other services. Annual revenue projections range from \$758,101 to \$1,027,688. Any deficit will be subsidized by the general fund tax revenues.

The above changes were approved by a unanimous vote.

Resident Privilege: Who will use the Community Center? Use of the Community Center will be limited to Key Biscayne residents and their guests only. That includes the center proper and the pool. This will be enforced through security access points. All residents will ultimately have I.D. cards for access.

The above paragraph was approved, as written, by a unanimous vote.

Will there be a charge?

The Village Council has approved an Ordinance allowing for the establishment of user fees. These fees have not been established, but as an example, a yearly membership for a family of four is projected to range between \$350 - \$425. There will be no charge for senior services or participation in community sponsored events. All residents will have access to the center for individual events, programs or general

use without membership by paying specific user fees. User fees will be discounted or eliminated for any resident who shows financial hardship.

The above paragraph was approved, as written, by a unanimous vote.

Size of the Community Center: According to the Consultants Ballard and King, a nationally recognized community center planner, has given a professional opinion that the "center is modestly sized for Key Biscayne." Removing elements from the center would under serve portions of the community and/or decrease the financial viability of the center.

The above changes were approved by a unanimous vote.

Underground Parking Garage: The 80 space Community Center parking garage has been placed below grade to preserve as much green space as possible. Originally a three story parking garage was planned next to the Village Hall. This plan was rejected due to public input of neighbors. Although an expensive option, the underground garage is the best way to preserve green space and to decrease the bulk of the center. Using current technology, the underground garage will function extremely well.

The above paragraph was approved, as written, by a unanimous vote.

Village's Financial Standing: Recently, the Village of Key Biscayne was awarded an A+ rating from Standard and Poor and an Aa3 rating from Moody's. These independent financial ratings reflect the highest scores possible for a barrier island. Both these ratings included the debt service on the Community Center.

The above paragraph, as written, was approved by a unanimous vote.

Projected Cost of the Community Center: The project will cost 9.87 million dollars, approximately \$600,000 to furnish and equip and \$200,000 for the project manager.

The above changes were approved by a unanimous vote.

Community Center and Taxes: Financing, totaling 9 million dollars, for the Community Center's construction has been obtained at very affordable rates. Operating costs of a well designed, financially viable center such as this are substantially are projected to be recovered through user fees. The Village's budget has the ability to absorb any necessary subsidy of the operating costs that user fees do not meet cover. Again, there will be no need for a tax increase. No tax increase will be necessary is anticipated.

The above changes were approved by a 4-2 voice vote. The vote was as follows: Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro and Peters voting No.

Community Center and Fire Department: The Village has hired a consultant to analyze the Fire Department's current level of service, and to make recommendations. If it is determined that additional staffing or other expenses are

required to ensure that the Department functions at optimal capacity, the anticipated budget projections will be able to meet those requirements without need for any tax increase. The consultant's report will be available prior to the budgetary process in June. Budgeting for the Fire Department is a priority to the Village and is independent of the Community Center.

The above change was approved by unanimous consent.

Michael Lanciault, James A. Cummings, Inc. addressed the Council regarding the estimated costs on the possible cancellation of the Community Center Project.

Paul Abbot, Principal, Skyline Management Group, Inc., also addressed the Council.

The Attorney addressed the Council regarding the estimated costs presented by Cummings.

Financial Expenditures to Date for Design of Community Center

- *Architectural Fees – Robert G. Currie Partnership: \$ 733,155.00
- Consultant Fees – Ballard and King: \$ 25,456.9100
- Community Survey – Leisure Vision: \$ 24, 920.00

- Total: \$ 783,531.9100

Financial Impact to the Village if Construction is stopped by the Referendum:

- Total from above: \$ 783,531.9100
- **James A. Cummings Estimate to stop project 5/21/03 \$ 3,997,217.00

- Total: \$ 4,780,748.9100

* This fee includes \$233,655 paid to have the Community Center redesigned
**Estimated Costs to stop construction provided by James A. Cummings on 3/28/2003

Councilmember Peters made a motion requesting more detail on the cost estimate provided by James A. Cummings, Inc. for stopping the project. The motion was seconded by Councilmember Diaz-Castro and failed by a 2-4 voice vote. The vote was as follows: Councilmembers Diaz-Castro and Peters voting Yes. Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting No.

Vice Mayor Mendia made a motion to use the cost estimate to stop the project, as presented by James A. Cummings, Inc. The motion was seconded by Councilmember Fried and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro and Peters voting No.

Councilmember Fried made a motion to include the money already spent for the architect and surveyors. The motion was seconded by Councilmember Vernon and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

At this time the cover page, presented by Vice Mayor Mendia was discussed:

IF YOU VOTE NO:

- The Community Center will be completed in the summer of 2004 at a cost of 9.87 millions.
- It is not anticipated to result in an increase in property taxes to build or operate.
- It will be restricted to residents and their guests only.

IF YOU VOTE YES:

- The construction of the Community Center will stop immediately and the project will be cancelled.
- Our contractor projects costs to the Village of approximately 4 million dollars to stop the project and we have already spent \$783,000 to date.
- Completion of a community center would be delayed for the foreseeable future.

The above language was approved by a 4-2 voice vote. The vote was as follows: Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro and Peters voting No.

Councilmember Fried made a motion to approve the fact sheet, as amended and mailing it to the voters. The motion was seconded by Vice Mayor Mendia and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro and Peters voting No.

Councilmember Fried made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Vernon and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Mayor Oldakowski addressed the Council regarding a draft letter to be sent to the voters regarding the May 20, 2003 Special Election.

Vice Mayor Mendia made a motion to amend the letter by making reference to the fact sheet, delete the word "small" from the third paragraph and eliminate the second paragraph. The motion was seconded by Councilmember Fried and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro and Peters voting No.

Mayor Oldakowski made a motion to approved the letter to the voters, as amended. The motion was seconded by Councilmember Fried and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Fried, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro and Peters voting No.

Vice Mayor Mendia made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Councilmember Diaz-Castro and approved by a 6-0 voice vote. The

vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Attorney address the Council regarding the use of Channel 16.

It was the consensus of Council not to sponsor a debate or panel discussion, and directed the Attorney to look into the use of Channel 16 for a debate or panel discussion between the Petitioners' Committee and the Islanders for our Community Center.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk submitted to the Council a copy of the following proclamation issued by the Office of the Mayor during the month of April 2003: proclaiming the month of May as "Civility Month".

Village Manager. The Manager addressed the Council recommending that Council approve the proposal from William Hatfield and Stoner for traffic calming on Grapetree Drive.

Armando Nunez, Public Works Supervisor addressed the Council regarding the proposal.

Michele Padovan, 425 Grapetree Drive and Miguel Triay, 600 Grapetree Drive addressed the Council.

Vice Mayor Mendia made a motion to approve traffic calming on Grapetree Drive. The motion was seconded by Councilmember Fried and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

It was the consensus of Council to direct staff to bring the cost for street lighting on Grapetree Drive to the next Council Meeting.

The Manager deferred the item on the permit process for the use of the Mashta Bridge for fishing activities.

Vice Mayor Mendia made a motion to extend the meeting to 11:35 p.m. The motion was seconded by Councilmember Peters and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Manager addressed the Council recommending that the Council approve the addition of a new position to the Fire Department. This position will serve as both a Quality Assurance Officer and Paramedic Instructor.

Chief Gilbert and Dr. Kathy Schrank, Medical Director for the Fire Department, addressed the Council regarding the need for this position.

Councilmember Peters made a motion to approve the addition of a position to the Fire Department to serve as Quality Assurance Officer and Paramedic Instructor. The

motion was seconded by Councilmember Vernon and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Diaz-Castro, Fried, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

8. OTHER BUSINESS/GENERAL DISCUSSION: The Clerk reminded all Councilmembers that a Police Workshop has been scheduled for tomorrow at 6:00 p.m. in the Council Chamber.

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

10. ADJOURNMENT: The meeting was adjourned at 11:40 p.m.

Respectfully submitted:

Conchita H. Alvarez, CMC
Village Clerk

Approved this 13th day of May , 2003:

Robert Oldakowski
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.