



CITRUS COUNTY
BOARD OF COUNTY COMMISSIONERS
MINUTES • SEPTEMBER 28, 2021

Special Meeting Attorney/Client Session Citrus County Courthouse

10:00 AM

Room 100, 110 N. Apopka Avenue, Inverness, FL 34450

A. CALL TO ORDER

September 28, 2021 Citrus County Courthouse

The meeting was called to order at 10:00 AM

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Roll Call**

Attendee Name	Title	Status	Arrived
Scott Carnahan	Chair, District 4	Present	
Ronald E. Kitchen Jr.	1st Vice Chair, District 2	Present	
Ruthie Davis Schlabach	2nd Vice Chair, District 3	Present	
Jeff Kinnard D.C.	Commissioner District 1	Present	
Holly L. Davis	Commissioner, District 5	Present	
Denise A. Dymond Lyn	County Attorney	Present	
Charles R. Oliver	County Administrator	Present	
Amy Charley	Deputy Clerk	Present	

B. OPEN TO THE PUBLIC

There were no public comments.

C. ANNOUNCE PURPOSE OF MEETING. THOSE PERSONS TO BE IN ATTENDANCE AT THE ATTORNEY/CLIENT SESSION ARE AS FOLLOWS:

Commissioner Scott E. Carnahan
Commissioner Ronald E. Kitchen, Jr.
Commissioner Ruthie Davis Schlabach
Commissioner Jeff Kinnard D.C.
Commissioner Holly L. Davis
Charles R. Oliver, County Administrator
Denise A. Dymond Lyn, County Attorney
Beth E. Antrim, Assistant County Attorney
Trudy McClellan from Joy Hayes Court Reporting

County Attorney Denise A. Dymond Lyn announced the purpose of the meeting and introduced those individuals who would be present for the meeting.

D. COMMENCE ATTORNEY/CLIENT SESSION IN CASE STYLED SCOTT ADAMS V. CITRUS COUNTY, FLORIDA (CASE NO. 5D21-1895).**E. CLOSE ATTORNEY/CLIENT SESSION/REOPEN MEETING****F. ADJOURN**

The meeting was adjourned at 10:35 AM

Proof of Publication

from the
CITRUS COUNTY CHRONICLE
Crystal River, Citrus County, Florida
PUBLISHED DAILY

STATE OF FLORIDA
COUNTY OF CITRUS

Before the undersigned authority personally appeared

Theresa Holland and/or Mary Ann Naczi and/or Tonya Knight and/or Jeanne Ethridge

Of the Citrus County Chronicle, a newspaper published daily at Crystal River, in Citrus County, Florida, that the attached copy of advertisement being a public notice in the matter of the Court,

1622-0919 SUCRN PUBLIC NOTICE NOTICE IS HEREBY GIVEN that the Citrus County Board of County Commissioners will meet for the purpose of conducting an ATTORNEY/CLIENT SESSION on Tuesday, September 28, 2021, at 10:00 AM at the Citrus County Courthouse,

was published in said newspaper in the issues of
September 19th, 2021,

Affiant further says that the Citrus County Chronicle is a Newspaper published at Crystal River in said Citrus County, Florida, and that the said newspaper has heretofore been continuously published in Citrus County, Marion County and Levy County, Florida, each week and has been entered as second class mail matter at the post office in Inverness in said Citrus County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Jeanne Ethridge

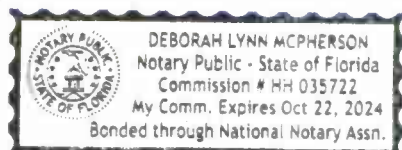
The forgoing instrument was acknowledged before me.

This 20th day of Sept 2021

By: Theresa Holland and/or Mary Ann Naczi and/or Tonya Knight and/or Jeanne Ethridge

who appeared by (X) means of physical presence or () via online notarization.

Deborah L. McPherson
Notary Public



1622-0919 SUCRN

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Citrus County Board of County Commissioners will meet for the purpose of conducting an **ATTORNEY/CLIENT SESSION** on Tuesday, September 28, 2021, at 10:00 AM at the Citrus County Courthouse, Room 100, 110 North Apopka Avenue, Inverness, Florida 34450, for the purpose of commencing an attorney/client session pursuant to Section 286.011(8), Florida Statutes. The purpose of the **ATTORNEY/CLIENT SESSION** will be to discuss pending litigation in the case styled:

Scott Adams v. Citrus County, Florida (Case No: 5D21-1895).

Pursuant to the statute, the Board will meet in open session and subsequently commence the attorney/client session which is estimated to be approximately (15) fifteen minutes in duration. At the conclusion of the **ATTORNEY/CLIENT SESSION** the meeting shall be reopened.

Those persons to be in attendance at this **ATTORNEY/CLIENT SESSION** are as follows:

Commissioner Scott Carnahan
Commissioner Ronald E. Kitchen, Jr.
Commissioner Ruthie Davis Schlabach
Commissioner Jeff Kinnard, D.C.
Commissioner Holly L. Davis
Charles R. Oliver, County Administrator
Denise A. Dymond Lyn, County Attorney
Beth Antrim, Assistant County Attorney
Shannon Massingill or Trudy McClellan from Joy Hayes Court Reporting

Scott Carnahan, Chairman
Board of County Commissioners of Citrus County, Florida

Published September 19, 2021

Communication: Proof of Publication (Adjourn)

SEP-29-21 10:49*

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1
2 BOARD OF COUNTY COMMISSIONERS
3 OF CITRUS COUNTY, FLORIDA
4 110 North Apopka Avenue
5 Inverness, Florida 34450
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11 ATTORNEY/CLIENT SESSION
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24 DATE: SEPTEMBER 28, 2021

25 TIME: 10:00 - 10:31 A.M.

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IN ATTENDANCE:

Scott Carnahan, Chairman District 4

Ronald E. Kitchen, Jr., 1st Vice Chairman
District 2Ruthie Davis Schlabach, 2nd Vice Chairman
District 3

Jeff Kinnard, D.C. Commissioner District 1

Holly L. Davis, Commissioner District 5

Denise A. Dymond Lyn, County Attorney

Charles R. Oliver, County Administrator

Trudy McClellan, Court Reporter

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1 MR. CARNAHAN: Madam Attorney, the room is
2 cleared.

3 MS. LYN: Thank you. Commissioners, we
4 are here today to begin an attorney/client
5 session in the case filed Scott Adams versus
6 Citrus County, Florida. It's Case Number
7 5D21-1895. And what that tells us, just
8 simply by the case number, is that we are at
9 the 5th DCA with this case.

10 Just by way of background, you all will
11 recall that there was a code compliance case
12 that was started and prosecuted before the
13 special master wherein the county
14 co-compliance staff found that Scott Adams
15 has erected two billboards at his property in
16 Floral City without the required permits. At
17 the special master hearing, the county
18 prevailed and he was found to be in
19 violation.

20 Mr. Adams took an appeal of that case to
21 the circuit court, which is the first level
22 of appellate review. We did prosecute that
23 case with the appellate court. The appellate
24 court found in favor of the county against
25 Mr. Adams, finding that the special master

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1 had complied with the law in entering the
2 order. So we stood with two court --
3 different courts, if you will; the special
4 master and the circuit court. Judge Falvey
5 finding that the -- Mr. Adams had incorrectly
6 constructed those billboards.

7 Following that second level of review,
8 Mr. Adams took an appeal to the 5th District
9 Court of Appeals, which was the appellate
10 court over in Daytona. And we are at the
11 very, very early stages of that case. In
12 fact, the case has been filed, the filing fee
13 has been paid and the Court has asked for us
14 to file confidential mediation statements.
15 That's the totality of where we are at with
16 the 5th DCA, so no briefing or anything like
17 that.

18 And then what happened was we received an
19 email from Mr. Adams' lawyer, asking if the
20 county had any interest in resolving the
21 matter before briefs were filed. Again, you
22 know, early stages. So we corresponded back,
23 saying, Did you have something that you
24 wanted us to bring to the commissioners by
25 way of an offer? And we received the

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1 following; this is Mr. Adams' proposal. This
2 is from his lawyer: It says, "He will keep
3 the sign that advertises his farm activity
4 and since the BOCC is apparently offended by
5 the, quote, "Historic Floral City," God bless
6 Ameri -- excuse me -- "God bless USA," quote,
7 sign, he will change that to, "Hay for sale."
8 Hay is being grown on the property.

9 So we bring this to you today because it
10 is an offer and it's our duty to bring offers
11 before you and, basically, try to get your
12 thoughts and feelings on it. We have
13 prevailed before two different courts and now
14 we're at the third court and they're offering
15 to take down the -- the face of one of the
16 signs, the, "Historical Floral City, God
17 bless USA" and replace it with hay.

18 So I'm here to get some feeling from
19 y'all. Just so you know, I think it's
20 important for you to know that on this second
21 tier review, because we've gone through the
22 first tier review and now we're in the second
23 tier review, and as you work your way up in
24 the court system, the lower judges are given
25 more deference by the appellate courts. In

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1 other words, they will only be overturned if
2 it is shown by the appellant, which in this
3 case would be Mr. Adams, that Judge Falvey
4 failed to provide due process in his appeal
5 and whether the essential requirements of the
6 law were not filed.

7 So it's a very narrow basis of review.
8 And it is less likely, as you move up the
9 courts, to have the opinions reversed.

10 MR. CARNAHAN: Commissioners?

11 MR. KINNARD: Well, I may be out here on
12 an island by myself, but if he changes the
13 message on the board, does that not bring it
14 into compliance?

15 MS. LYN: Basically, he doesn't have any
16 permits for the -- the signs; the -- the
17 billboards. Not -- not the -- he's -- he's
18 changing the message, --

19 MR. KINNARD: Right.

20 MS. LYN: -- but he's not doing anything
21 with the billboards.

22 MR. KINNARD: Okay.

23 MS. LYN: They're still there, and
24 they're still up without permits.

25 MR. KINNARD: And here's my --

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1 (Simultaneous cross-talk.)

2 MR. CARNAHAN: I'm sorry. You have the
3 floor. Yes, sir.

4 MR. KINNARD: So if the message has
5 changed, would he not be able to go back and
6 get after-the-fact permits?

7 MS. LYN: Perhaps.

8 MR. KINNARD: Because, you know, if
9 he's -- if he's advertising -- and I
10 understand, I get it. But if he's
11 advertising an agricultural product on
12 agricultural property, regardless of who the
13 individual is or the different messages,
14 whether or not we agree with the messages
15 that have been up there in the past, we allow
16 these things on agricultural property. So
17 that would be my only thought.

18 MR. CARNAHAN: Well, my -- Mrs.
19 Schlabach.

20 MS. SCHLABACH: Just one question. When
21 it's agricultural, you have to still get a
22 permit for signs? Because I know you don't
23 have to for outbuildings, pole barns.

24 MS. LYN: In this case, the special
25 master found that he should have gotten

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1 permits. Because the special master found
2 that the Right to Farm Act didn't apply, and
3 that that's what Judge Falvey affirmed.

4 MS. SCHLABACH: But on normal
5 agricultural, do they have to pull permits?

6 MR. CARNAHAN: On certain things. Like,
7 you -- you can do -- you can put a pole barn
8 up. But if you had to put electricity and
9 things like that in, you have to have a
10 permit.

11 MS. DAVIS: So this --

12 MR. CARNAHAN: Commissioner Davis.

13 MS. DAVIS: -- so all this happened
14 because he put up signs that were not
15 agricultural to begin with, which put him in
16 non-compliance and he flipped one into
17 campaign signs, I believe. And then he
18 flipped one of them to be an agricultural
19 sign and to be, Welcome to Floral City,
20 hoping to avoid this whole mess. But if he
21 had originally put up the billboard as
22 agricultural, hay for sale signs, would those
23 have been under the ag exemption, basically?

24 MS. LYN: So long as they were
25 advertising farm products that were created

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1 on the farm. I think one of the other issues
2 was whether or not --

3 MS. DAVIS: -- he's actually selling hay?
4 Has anybody checked on that?

5 MS. LYN: At the time, that -- we got to
6 that after the fact. Because when we
7 actually had it heard by the special master,
8 the defense was Right to Farm Act.

9 MS. DAVIS: Right.

10 MS. LYN: And that's what we argued. And
11 then it was later changed to -- I can't
12 remember what we -- the one that says Floral
13 City has always said Floral City.

14 After -- first they started out as
15 campaign signs, --

16 MR. CARNAHAN: That's right.

17 MS. LYN: -- I think, both of them. And
18 then the Floral City one got changed to
19 Floral City, but then the other one got
20 changed to -- I can't remember what it was.
21 Was it bulls or --

22 MR. CARNAHAN: No, he's advertising
23 hay -- I mean, he's advertising cattle, --

24 MS. LYN: Fill dirt.

25 MR. CARNAHAN: -- fill dirt, and black

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1 soil or something like that.

2 MS. LYN: Right. So it would depend if
3 he's allowed to do fill dirt and allowed
4 to --

5 MR. CARNAHAN: Go ahead.

6 MS. LYN: -- allowed to do the things
7 that he's saying he's doing and if they're
8 actually done on the farm. That's what
9 his -- and we haven't looked at that at this
10 point in time, because we haven't had to.
11 Like, that's not been the issue. The issue
12 has been Right to Farm Act.

13 MS. DAVIS: Everybody knows I'm a pretty
14 easygoing, non-retribution kind of person,
15 but I just find this entire thing annoying as
16 can be that he's sucked up so many resources
17 trying to skirt the rules.

18 MR. CARNAHAN: All I'm going to say is I
19 go --

20 (Simultaneous cross-talk.)

21 MR. CARNAHAN: -- I go by there all the
22 time. Okay? The one sign's on a little
23 piece of property that he might get one roll
24 of hay a year out of. Okay? The other piece
25 of property, he's out there with a loader,

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1 digging on it, pushing dirt around. It's not
2 being pro -- you know, it's not producing
3 anything. I'm not offended by the Floral
4 City sign, but the problem is we've got
5 ordinances in place that everybody else has
6 to follow, so it would be my -- my position
7 is that we continue to -- we've already had
8 two rulings in our favor, and everybody else
9 has to adhere to what we -- the ordinance
10 that we've put in place, and so should he.

11 MR. KITCHEN: Mr. Chairman, I would say I
12 would concur with you that it seems to me,
13 also, that maybe we went back to when this
14 began and it got into the -- I believe our
15 position was, as the chairman said, we just
16 want you to follow the law like everybody
17 else. And I think the response was, "I'll do
18 what I want." And then I think that lead to
19 the second go 'round, which lead to, "Well,
20 I'll change it." And then our concern was,
21 well, then once the spec -- once it was in
22 compliance, it would change back. And that's
23 why we said, you know, we have no assurance
24 that this isn't going to become a habitual
25 kind of thing, based on what he's done. So I

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1 would say the same thing. I mean, if we
2 would require anybody else in Citrus County
3 to follow the same rules, then we should
4 stick with it. And especially since, you
5 know, we've stuck with it to this point and
6 both -- both courts have ruled in our favor.
7 I don't see a reason to change.

8 I mean, if they said, God bless USA, or
9 Welcome to Floral City, or whatever, they
10 would still need to have, you know, proper
11 permitting, which they don't have. So it's
12 not -- I don't think it's the language or the
13 content of the sign. So again, I'm not --
14 I'm not offended by America or Floral City or
15 anybody else. It's just, you know, the law
16 is the law and people need to follow it,
17 so...

18 MS. LYN: Okay. One -- Mr. Chairman, one
19 thing I -- we have had a shade meeting on
20 this before, because we did make an offer --

21 MR. CARNAHAN: Uh-huh.

22 MS. LYN: -- previously. And remember,
23 the response to that offer was, no, and you
24 have to pay my attorneys' fees.

25 MS. SCHLABACH: What was the offer?

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1 MS. LYN: I think it was leave the one
2 sign the way it was and take the other sign
3 down.

4 MR. CARNAHAN: That's right.

5 MS. LYN: And now he wants to leave the
6 sign the way it is and change the faceplate
7 of the other sign.

8 MR. CARNAHAN: Mr. Kinnard?

9 MR. KINNARD: Yeah, the judge ruled in
10 our favor on their argument of the Right to
11 Farm Act. But at that time, the judge was
12 ruling on -- that that did not apply because
13 of the message; is that accurate? Because
14 the message said, God bless whoever and
15 historic Floral City. Now, had -- had the
16 message been -- been an agricultural sign,
17 then would the judge have ruled that maybe
18 Right to Farm Act did apply? Because it was
19 a different message up there, --

20 MS. LYN: No.

21 MR. KINNARD: -- and in this case,
22 they're offering to change the message. I
23 understand we've still got a permitting
24 issue, but we do after-the-fact permits all
25 the time. And I agree with Commissioner

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1 Davis when she said it's a shame that all the
2 resources have been spent on this. But at
3 some point, if we can stop spending the
4 resources and focus elsewhere, is that the
5 right thing to do? And not saying give
6 anybody a pass. But if there's a way to move
7 past these things, then I'm all about that.

8 MR. CARNAHAN: Ms. Schlabach?

9 MS. SCHLABACH: What do you want to
10 accomplish? What's the final thing that we
11 want done?

12 MS. LYN: Well, --

13 MS. SCHLABACH: What --

14 MS. LYN: Code com -- code compliance, as
15 a -- as a general rule, the end result is
16 always to bring about compliance. So
17 that's --

18 MS. SCHLABACH: So that --

19 MS. LYN: -- what the county wants.

20 MS. SCHLABACH: -- permitting?

21 Permitting?

22 MS. LYN: Yes.

23 MS. SCHABACH: So we just want him to
24 permit the signs?

25 MS. LYN: Correct.

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1 MR. KINNARD: Bringing it into compliance
2 would be changing the message and get
3 permitting. And then it's in compliance,
4 right?

5 MS. LYN: We don't ever --

6 MR. CARNAHAN: -- election season.

7 MS. LYN: We don't ever look at the
8 message, because that's a First Amendment
9 issue.

10 MR. KINNARD: But the -- the only way --
11 the only way it's in compliance with the
12 Right to Farm is by the message; is that --

13 MR. CARNAHAN: That's right.

14 MS. LYN: I -- no. Respectfully, no.
15 The Right to Farm Act is not applicable at
16 all in this case. Because the Right to --

17 (Simultaneous cross-talk.)

18 MS. LYN: -- the Right to Farm Act is
19 only applicable to certain regulations that
20 come into effect after a certain date of the
21 Right to Farm Act. However, I think what
22 you're referring to is just the agricultural
23 structure statute, which is different from
24 the Right to Farm Act.

25 MR. KINNARD: Oh, okay. All right.

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1 MS. LYN: And so unfortunately, you know,
2 the mess -- when we started, the message,
3 which we don't look at the message --

4 MR. KINNARD: Yeah.

5 MS. LYN: -- was about the campaigns.
6 But that wasn't the grounds that that was
7 cited under. I was cited under the fact that
8 he didn't get permits for it.

9 MR. KINNARD: Okay.

10 MS. LYN: So that's what the special
11 master said; "No, the Right to Farm Act
12 doesn't apply. The county's land development
13 regulations and permitting requirements do
14 apply and you need to follow those."

15 MR. KINNARD: Okay. So if -- if the
16 message on there is advertising an
17 agricultural product, and after-the-fact
18 permits are applied for and received, then
19 he's in compliance, right?

20 MS. LYN: Right.

21 MR. KINNARD: Then if that's our goal,
22 then, I mean, I understand that we've gotten
23 rulings in our favor, but if the stated goal
24 of code compliance is to bring somebody into
25 compliance, then let's figure out a way to

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1 get them into compliance and move on.

2 MR. KITCHEN: Mr. Chair, I would just --
3 I mean, who -- who would disagree with that
4 except if you're being unreasonable? In
5 Sugar Mill Woods, right now, we have a code
6 compliance case that they wait until they're
7 cited, then they go out and they fix it and
8 they do it the day before the expiration and
9 then the cycle starts all over again.

10 MR. KINNARD: Uh-huh.

11 MR. KITCHEN: And so what we have is a
12 habitual offender.

13 MR. KINNARD: Yeah.

14 MR. KITCHEN: And I think what we have in
15 this case, and I think this is what we talked
16 about the last time, is that maybe it will
17 work -- compliance might be today, but we
18 don't know because we've been down this road
19 before. The compliance is going to hold one
20 day after, you know, it's established and
21 start -- the clock starts ticking.

22 I think that's why we made the offer, as
23 I recall, the last time, to say it's kind of
24 a 50/50. Okay? You know, we'll -- one comes
25 down, one changes. You do the permit. And

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1 we were told, no, we'll take it to the
2 supreme court, I think, is what -- what
3 usually happens. So I think that's my
4 concern. If somebody said, oh gee, I made a
5 mistake, I'm not, you know, I wasn't aware of
6 this, I want to come into compliance. But
7 that hasn't been the case all through this
8 whole process.

9 MS. DAVIS: I thought I was clear on
10 this, but now it's gotten a little muddy in
11 the back and forth. If he was starting with
12 a clean slate and there were no billboards
13 there, could he apply for and get a permit to
14 put those billboards up in that location?
15 And then -- that's part A. And if -- if that
16 is true, yes, is it dependent on the message
17 that he could get that permit?

18 MS. LYN: Yes. Because if it was -- yes
19 to A.

20 MS. DAVIS: Uh-huh.

21 MS. LYN: He could -- he could properly
22 permit it. If it's -- the only caveat there
23 is if it's allowed in that land use category,
24 which that part, I'm not -- I don't know that
25 his land use category allows for billboards.

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1 MS. DAVIS: And what's the second answer?
2 If --

3 MS. LYN: So if --

4 MS. DAVIS: -- if yes --

5 MS. LYN: -- if yes, then yes, it would
6 depend on the message if it's a farm. It has
7 to be advertising something raised on that
8 farm.

9 MS. DAVIS: Okay. 'Cause that's --

10 MS. LYN: Or raised or built or grown --

11 MS. DAVIS: Because he could have -- the
12 habitual offender argument, if he could have
13 done all of -- he could have just gone and
14 gotten permitting after the fact to begin
15 with, tried to do that, versus trying to
16 stick it to the county, basically.

17 MR. CARNAHAN: There you go.

18 MS. LYN: He wanted -- I believe he
19 wanted to do what he wanted to do, --

20 MS. DAVIS: Right.

21 MS. LYN: -- is the issue. And I
22 don't -- I think the land use category might
23 be at issue here.

24 MS. DAVIS: And one final point is that
25 the psychology that is in play here, one does

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1 not negotiate with people that are trying to
2 stick it to you. I'm not going to -- it's
3 very -- it's a very watered-down version of
4 you don't negotiate with terrorists. So you
5 teach them a lesson. And yes, I realize that
6 that's going to come out in public. I said
7 it's a very, very, very, very, very
8 watered-down version of it. But people who
9 are trying to threaten us, you know, it's --
10 if we cave now, it's just going to get worse
11 later.

12 MR. KITCHEN: Again, not to drag this on,
13 but you just said something and I know you
14 deal with a lot of these and so do we, but I
15 thought that this came down to the fact that
16 due to his land use, a permit would not be an
17 issue. I thought that's what happened at --

18 MS. SCHLABACH: Is that --

19 MR. KITCHEN: I thought that's what the
20 discussion was the last time. And the only
21 way he would get around that is if it was a
22 sign on his agricultural property advertising
23 what he sold on his agricultural property.
24 And I thought that's what the offer was, the
25 counteroffer was.

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1 But as I do recall, the issue came down
2 to that -- 'cause we said, can't he just get
3 an after-the-fact permit and I thought that
4 came back to say no, that that land use does
5 not require it. And I know we don't have all
6 that in front of us now, but that was -- that
7 was my recollection.

8 MS. DAVIS: And given the wince that I
9 just saw on our attorney's face, and I know
10 that this will go public, I will also state
11 that I have absolutely no bone to pick with
12 Scott Adams. He's always been very pleasant
13 to me. I have no dealings with him
14 whatsoever. It simply goes back to what the
15 Chair said, that these rules apply to all of
16 us.

17 I think Commissioner Kinnard can -- will
18 be talking about that this afternoon, as a
19 matter of fact.

20 MS. LYN: I apologize for not remember
21 exactly what happened at the mass -- that's
22 my bad.

23 MR. CARNAHAN: Okay. So commissioners,
24 where are we at? What road are we headed
25 down?

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1 MS. SCHABACH: Well, I -- it would have
2 been helpful to have something to look at.
3 Really. I don't know -- do we not get
4 anything during these shade meetings?

5 MS. LYN: No.

6 MS. SCHLABACH: Okay. So that doesn't
7 help me. But exactly what Commissioner
8 Kitchen just said is what I was trying to
9 say, and I don't know why I can't get that
10 out. But it's agricultural, and I thought
11 they didn't have to have permits. So if he
12 changes the sign, we can't make him get a
13 permit, if I understand correctly, because
14 it's agricultural and he's then in
15 compliance.

16 MR. OLIVER: I don't know --

17 (Simultaneous cross-talk.)

18 MR. OLIVER: -- put up as political
19 signs.

20 MS. SCHLABACH: What?

21 MR. OLIVER: They were put up as
22 political signs and then they were recast
23 because of the issues that arose.

24 MR. CARNAHAN: And again, I -- what is
25 his zone? What is the property zone? Is it

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1 agricultural or is it not?

2 MS. LYN: Well, especially not that
3 little piece.

4 MR. CARNAHAN: Exactly.

5 MS. LYN: There's a little piece --
6 and -- but -- and remember, people can make
7 agricultural use of property that's not zoned
8 agricultural. So I don't want you guys to
9 get hung up on that. Because sometimes --
10 peop -- there's oftentimes properties that
11 are in residentially zoned areas that people
12 plant trees or they'll make agricultural use
13 of it. So -- and it may be the case that he
14 could do it tomorrow. But that's not what
15 you have before you. Because what you have
16 before you is the "Welcome to Floral City."

17 MS. SCHLABACH: Okay. Can I ask --

18 MR. CARNAHAN: Yeah, absolutely.

19 MS. SCHLABACH: Okay. So there's two
20 pieces of property. The first property, I
21 don't care what the sign says, is it
22 agricultural? Is it zoned agricultural?

23 MS. LYN: I can't answer that.

24 MS. SCHLABACH: Well, I can't give a
25 good...

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1 MR. KINNARD: Do we know the address?
2 Can we look it up?

3 MS. LYN: No, we can't look at anything
4 outside of the meeting. I mean, not to --
5 the shade meeting, we can't -- I mean, and we
6 can convene another shade meeting and I can
7 have those answers for you.

8 MR. KITCHEN: I -- Mr. Chair, I thought
9 all these questions were asked and answered
10 at the last shade meeting. I thought that's
11 how we proceeded down the road that we're at.
12 Okay? So the question about could
13 after-the-fact permits apply was asked and
14 answered, that's why, you know, I
15 decompartmentalized it and put it out of the
16 way. Because as far as I was concerned, it
17 was a resolved issue and we were moving
18 along. So I mean, we can go back and have
19 another shade meeting and go back, but I
20 think that's what it will show, is that this
21 got in front of us and, you know, because
22 that was the thing that we focused on, as I
23 recall, was that -- can you just get an
24 after-the-fact permit and this goes away?
25 And the answer, at that time, I thought,

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1 was not necessarily yes, because they
2 couldn't have been permitted in the first
3 place. That's what I recall the discussion
4 being. But I -- I could be wrong. I've been
5 wrong before.

6 MS. LYN: And I apologize. I was focused
7 just on simply the new question, the new
8 offer. And if we need to have another shade
9 meeting, where I can be better prepared, I'm
10 happy to do that.

11 MS. SCHALBACH: Chair, first of all, very
12 impressed with your memory. I have no memory
13 of the meeting. Do you remember if both
14 pieces didn't have to get a permit, if that
15 was one of our questions?

16 MR. KITCHEN: My recollection, if I may,
17 Mr. Chair, my recollection was the -- the
18 question was, if it's about compliance, can
19 he just get the permits and that would bring
20 him into compliance, and the answer was no
21 because you can't get a permit for those
22 signs in that location. That's the way I
23 remember it. But again, I'm -- it's a little
24 muddy now, due to the fact of -- is there two
25 pieces, is the message -- it's not the

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1 message; it's what was being advertised at
2 the time, on, you know.

3 MR. CARNAHAN: It's definitely two --
4 definitely two different pieces of property.

5 MS. LYN: And I don't know that we made a
6 distinction between the two pieces the last
7 time. Because the piece in the front is just
8 a real tiny piece. And I --

9 MR. CARNAHAN: And the question would be,
10 is -- because I know we redid our sign
11 ordinance -- is if he applied for a permit,
12 would they have been permitted or would they
13 not have been permitted? And I think -- Mr.
14 Oliver, tell me if I'm right or wrong -- but
15 we went away from billboards here in the
16 county; is that correct?

17 MS. LYN: There's very few land use
18 categories where you can put billboards.

19 MR. CARNAHAN: There you go.

20 MS. LYN: There's very few. Very few.
21 But as I'm sitting here, I can't tell you
22 exactly which ones --

23 MR. CARNAHAN: Right. I understand.

24 MS. LYN: -- are here.

25 MS. SCHLABACH: So you're saying that he

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1 probably couldn't even put a billboard on
2 that --

3 MR. CARNAHAN: I don't -- if there's
4 very, very few pieces of property can you get
5 billboard permitting on.

6 MS. LYN: Most likely.

7 MR. CARNAHAN: And I'm not saying it to
8 be -- I don't know whether it's zoned. But
9 the bottom line -- my whole thing is this:
10 What you do for one, you have to do for the
11 others. We have ordinances in place for a
12 reason. And so we must follow them for each
13 and every person here in the county.

14 MR. KITCHEN: And Mr. Chair, the more
15 we've talked about this, my recollection of
16 this seems to be that was the issue.

17 MR. CARNAHAN: That was.

18 MR. KITCHEN: That you can't -- that the
19 land use does not allow billboards. And
20 it -- and it wouldn't be called a sign
21 because it wasn't on the property that, you
22 know, and that's where the Right to Farm Act
23 issue came in or the agricultural use or
24 whatever. And -- and that -- and that didn't
25 apply, evidently not, since the other judges

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1 agreed that that --

2 (Simultaneous cross-talk.)

3 MR. KITCHEN: -- didn't apply, so you
4 know, I think that that's where we got to,
5 was that the -- that the original issue was
6 that they could not be permitted.

7 Now, if that's changed or if our
8 ordinance has changed or something is
9 different -- but I thought the response back
10 from Mr. Adams was, "I don't need a permit
11 because it's agricultural land and I'm
12 selling a product." And maybe that's why
13 that's what their defense was, but our whole
14 issue was about permitting for billboards.

15 MR. CARNAHAN: And again, we -- two
16 judges have ruled in our favor, so -- they're
17 the ones reading the law. So that would be
18 my point. All right.

19 MS. DAVIS: I would say go forward.

20 MR. CARNAHAN: Ms. Davis, go forward.

21 MR. KITCHEN: Go forward.

22 MR. CARNAHAN: Commissioner Kitchen, go
23 forward.

24 MS. SCHLABACH: And go forward being
25 pursue the lawsuit?

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1 MS. LYN: At this point, we're defending;
2 defending it.

3 MS. SCHLABACH: I would say continue to
4 defend.

5 MR. CARNAHAN: Continue to defend.
6 Commissioner Kinnard?

7 MR. KINNARD: I'm going to say no. Just
8 because with -- quite frankly, we don't --
9 we're proceeding based on just memory of
10 whether or not these billboards or this
11 particular billboard would be permitted with
12 the agricultural message on it.

13 I was trying -- I don't know -- I don't
14 know if I'm allowed to, but I was just trying
15 to get on our GIS system. Don't worry, my
16 computer is froze up again, so I wasn't able
17 to go anywhere, yet again.

18 But, you know, we just -- we don't know.
19 So going forward, spending more resources
20 based on our recollection, and all good
21 arguments, but we don't know for sure whether
22 or not this billboard with this particular
23 proposed message would be allowed to be
24 permitted. We think maybe not, but we
25 don't -- we don't know.

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1 MR. CARNAHAN: And I can appreciate that.
2 I'm just going by what the judges ruled on.
3 They're the ones that looked at the law,
4 they're the ones that interpreted the law and
5 they're the ones that ruled in our favor.
6 That's what I'm going by. So with that, I --
7 I agree we move forward.

8 MR. KITCHEN: And just for the record, if
9 I might say, you know, what I'm going on is
10 the fact that we've had this discussion
11 before; that we've had another -- that we've
12 had a shade meeting. And as I recall, we
13 spent quite a bit of time discussing this
14 issue and that's how we got to where we got
15 to was based on what we discovered at that
16 time.

17 So like I said, if this was an ongoing
18 thing and there was a lot of open questions,
19 I don't believe we would have taken the
20 direction we took if there was a lot of
21 hanging out questions out there. Seemed to
22 me that it was probably pretty, you know,
23 direct as to what our options were and that's
24 why we did it. So that -- again, I might be
25 making an assumption, but I'm making an

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1 assumption that I made a good vote the first
2 time around. So I guess that's what my
3 assumption is.

4 MR. CARNAHAN: And again, that suggests
5 -- I guarantee you could go look at the
6 judges that ruled on this and I guarantee a
7 very -- if -- probably not, an appeals court
8 has overturned them. So again, they
9 interpret the law, they interpret our
10 ordinances, they ruled in our favor, so
11 that's what I'm standing by.

12 All right. Any other discussion?
13 So it's the majority of -- that we move
14 forward, correct?

15 MS. SCHLABACH: Yes.

16 MR. CARNAHAN: Okay.

17 MS. LYN: So that's -- we're -- I'm
18 basically going to be corresponding back to
19 the appellant that the board rejects the
20 offer.

21 MR. CARNAHAN: I would say correct.

22 MS. LYN: Simply that -- that
23 complicated. It's just reject the offer.

24 MR. KITCHEN: Mr. Chair, can I -- can I
25 ask where we go from here, then? If the DCA

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1 says they rule in our favor, is it the
2 supreme court? Is that the next step? I
3 mean...

4 MS. LYN: Yeah. It would be very
5 unlikely that the supreme court would hear
6 this case because the supreme court has very
7 limited jurisdiction. And this case does not
8 fall within any of those recognized areas for
9 their jurisdiction. Everybody gets one bite
10 at the appellate apple, so to speak.

11 MR. KITCHEN: So this should be it then.

12 MS. LYN: This is the "by right" last
13 appeal. The next one, it would have -- he'd
14 have to make a request of the supreme court.
15 And the supreme court would have to take the
16 jurisdiction and -- and I don't know if --
17 the grounds that the supreme court has would
18 not apply to this case. Those are things
19 like, you know, constitutional officers,
20 disagreeing, you know, conflicts in different
21 DCAs coming to different conclusions on the
22 same point of law. None of that is here,
23 so...

24 This next step in this case will be for
25 the parties to file briefs. And I'm sure Ms.

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1 Antrim is really excited about getting that.

2 MR. KITCHEN: Or -- or he can say, okay,
3 we're done. And that would be the end of it.
4 So it's up to him; the ball's in his court,
5 basically.

6 MS. LYN: Right.

7 MR. KITCHEN: Okay.

8 MS. LYN: And it -- you know, you all may
9 consider, you know, if he's asked, you may
10 reconsider your previous offer. So...

11 MR. CARNAHAN: Okay. With that, we can
12 bring everybody back in.

13 MS. LYN: Yes, thank you. This concludes
14 the attorney/client session.

15 (Proceedings concluded at 10:31 a.m.)
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1 THE STATE OF FLORIDA)

2 COUNTY OF CITRUS)

3
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