



CITRUS COUNTY
BOARD OF COUNTY COMMISSIONERS
MINUTES • FEBRUARY 23, 2021

Special Meeting Attorney/Client Session Citrus County Courthouse

9:15 AM

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

A. CALL TO ORDER

February 23, 2021 Citrus County Courthouse

The meeting was called to order at 9:27 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	
Beth Antrim	Assistant 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 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
Rebecca Foster from Prestige 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 WILLIAM OWENS, PLAINTIFF VS. CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, *(CASE NO. 2020 AP 0011).**E. CLOSE ATTORNEY/CLIENT SESSION/REOPEN MEETING****F. UPCOMING MEETING- REGULAR MEETING: FEBRUARY 23, 2021 AT 1:00 PM, CITRUS COUNTY COURTHOUSE, ROOM 100, 110 N. APOPKA AVENUE, INVERNESS, FL 34450****G. ADJOURN**

The meeting was adjourned at 9:32 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,

1359-0214 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, February 23, 2021, at 9:15 AM at the Citrus County Courthouse

was published in said newspaper in the issues of
February 14th, 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 15th day of February 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.

Notary Public

Maria A Parks



1359-0214 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, February 23, 2021, at 9:15 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:

William Owens v. Citrus County, Florida (Case No: 2020 AP 0011).

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
Rebecca Foster or Jennifer Ouellette from Prestige Court Reporting

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

Published February 14, 2021

Communication: Proof of Publication (Adjourn)

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

Citrus County Courthouse, Room 100
110 N. Apopka Avenue, Inverness, FL 34450

ATTORNEY/CLIENT SESSION
AGENDA

February 23, 2021 at 9:15 AM

REPORTER: Rebecca D. Foster
Stenographic Court Reporter
Notary Public, State of Florida

1 APPEARANCES:

2 SCOTT CARNAHAN, CHAIRMAN DISTRICT 4
 3 RONALD E. KITCHEN, JR., 1ST VICE CHAIRMAN DISTRICT 2
 4 RUTHIE DAVIS SCHLABACH, 2ND VICE CHAIRMAN DISTRICT 3
 5 JEFF KINNARD D.C., COMMISSIONER DISTRICT 1
 6 HOLLY L. DAVIS, COMMISSIONER DISTRICT 5
 7 CHARLES R. OLIVER, COUNTY ADMINISTRATOR
 8 DENISE A. DYMOND LYN, COUNTY ATTORNEY
 9 BETH ANTRIM, ASSISTANT COUNTY ATTORNEY

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1 P R O C E E D I N G S

2 ATTORNEY DYMOND LYN: Commissioners, now we
3 will be begin -- commence the attorney/client
4 session in the case styled William Owens,
5 Plaintiff, versus Citrus County, Florida, a
6 Political Subdivision in the State of Florida. It
7 is case number 2020-AP-001.

8 Commissioners, this case also started out --

9 MR. KITCHEN: Excuse me. You said 001; the
10 agenda says 0011.

11 ATTORNEY DYMOND LYN: I appreciate that. I'm
12 going to read the case number again. Case number
13 2020-AP-0011. Commissioners, this case started out
14 in a code compliance matter.

15 It was determined that Mr. Owens who owns
16 five separate lots north of All Stokes Ferry -- he
17 actually owns five lots and then he also has two
18 other lots which are adjacent to this, but it was
19 determined that Mr. Owens had cleared five lots of
20 trees. It looks like from the records they were
21 pine trees that were cleared. No specimen trees
22 were cleared. And those lots, those five lots,
23 were cleared without a permit.

24 The matter was investigated and brought
25 before the special master. The special master

1 determined on October 26th of 2020 that indeed
2 Mr. Owens had cleared the property and, because of
3 the irreparable nature of tree-clearing, fined --
4 entered a fine order against Mr. Owens of \$2,000
5 per lot for a total of \$10,000 for clearing the
6 properties. Because it was irreparable, there was
7 no opportunity to cure it because the trees were
8 gone.

9 The matter was then appealed by Mr. Owens.
10 He hired Mr. Kevin Dixon to represent him. And Mr.
11 Dixon was preparing to file his initial brief and
12 sent a letter on February 2nd to me with an offer.
13 And because we have to bring offers to you, I'm
14 obliged to bring this to you.

15 So Mr. Dixon has sent a letter and has made
16 some arguments on behalf of his client. But
17 basically what it comes down to is he believes that
18 the fine of \$10,000 is extreme. And he has asked
19 if the board would -- they missed their time period
20 to appeal the fine. I'm sorry. I forgot that
21 fact. I don't know what Mr. Owens' situation was,
22 but he did not appeal the fine amount within
23 30 days.

24 So now we find ourselves -- and Mr. Dixon
25 acknowledges my client missed the deadline to file

1 to ask for -- a reduction of the fine. So he's
2 asking the board of county commissioners to
3 determine whether or not the board would accept a
4 \$2,000 payment instead of the \$10,000 payment for
5 the fine.

6 I bring this to you A; because I have to
7 because it's a valid offer. And B; to get your
8 thoughts on it.

9 I would remind the board that we have had
10 many of these types of cases that have come
11 through, codes compliance, and in each one of them
12 the special master has enforced the fine that y'all
13 set. Previously, if you remember, we did some
14 clean-up to our code compliance ordinances. We
15 created the civil citation order back when
16 Commissioner Coleman was on the board, and one of
17 the things that you did was institute these tree
18 fines.

19 So we're asking that you consider this. I
20 don't believe that the \$2,000 offer is reasonable
21 considering the \$10,000 fine levied and being
22 consistent with other cases that we have had where
23 they have been assessed the full amount of the
24 fine.

25 MR. CARNAHAN: And I agree, that if others

1 have been fined this, we must treat everybody
2 equal. So, therefore, I don't accept the offer and
3 we treat everybody equal and we fine him as we do
4 others.

5 MR. KITCHEN: I would agree. Short answer,
6 no. Don't accept it. I just talked to a person
7 that went through the process and paid \$1,600 and
8 had one tree taken down. So to pay \$2,000 to clear
9 five lots, I think, you know, that is unreasonable.

10 Plus, the fact that, like you said, we take
11 this very seriously. Did we not change it so you
12 could not even get an after the fact permit for
13 tree clearing? So we take down the taking down of
14 trees very seriously.

15 And I think it sends a bad message. And some
16 people, you know, we hold to the law and some
17 people we don't. So I'm with the chairman and we
18 say no.

19 MR. CARNAHAN: Any other comments?

20 MS. DAVIS: I agree. No.

21 MR. CARNAHAN: Commissioner Schlabach?

22 MS. SCHLABACH: I agree.

23 MR. CARNAHAN: Commissioner Kinnard?

24 MR. KINNARD: No.

25 MR. CARNAHAN: We reject the offer.

1 ATTORNEY DYMOND LYN: All right. Thank you
2 very much. We will continue with awaiting their
3 initial brief and then we'll file our response
4 brief accordingly. At this time, we will close the
5 attorney/client session and I will get the staff.

6 (Whereupon, the attorney/client session was
7 concluded at 9:33 a.m.)
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REPORTER'S CERTIFICATE

STATE OF FLORIDA

COUNTY OF CITRUS

I, REBECCA D. FOSTER, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

WITNESS my hand and official seal this 10th day of March, 2021.

REBECCA D. FOSTER, Notary Public
State of Florida at Large

