

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY**

ORDINANCE NUMBER: 1017

AN ORDINANCE AMENDING CHAPTER 21, BUILDING AND HOUSING REGULATIONS, ARTICLE 26. LOCAL HOUSING ASSISTANCE, SECTION 21.256. AFFORDABLE HOUSING ADVISORY COMMITTEE, TO AMEND MEMBERSHIP; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, the Board of County Commissioners (BCC) is authorized pursuant to Chapter 125, Florida Statutes, to adopt Ordinances; and

WHEREAS, Section 420.9076, Florida Statutes, defines the membership of affordable housing advisory committees required of any jurisdiction receiving State Housing Initiative Partnership funds and clearly defines the role of affordable housing advisory committees; and

WHEREAS, the Board has determined that it is necessary to amend Chapter 21, Article 26, Local Housing Assistance, Section 21.256, Affordable Housing Advisory Committee, to appoint at least eight but not more than eleven members to at least six of the eleven required representative categories.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:

PART ONE. CHAPTER 21 – BUILDING AND HOUSING REGULATIONS, ARTICLE 26. LOCAL HOUSING ASSISTANCE, SECTION 21.256, AFFORDABLE HOUSING ADVISORY COMMITTEE is hereby amended as follows:

ARTICLE 26. LOCAL HOUSING ASSISTANCE.

Sec. 21.256. Affordable Housing advisory Committee (AHAC).

21.256A. There is hereby established the Martin County ~~Affordable Housing Advisory Committee~~AHAC, whose members shall be appointed by resolution of the Board of County Commissioners.

21.256B. The committee shall consist of at least eight but not more than eleven members. ~~Six~~ Five members shall constitute a quorum. The committee may not take formal action unless a quorum is present but may meet to hear presentations if duly noticed. ~~The committee shall include the following:~~ The committee shall consist of one representative from at least six of the following categories:

1. ~~One~~ A citizen who is actively engaged in the residential home building industry in connection with affordable housing;
2. ~~One~~ A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing;
3. ~~One~~ A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;
4. ~~One~~ A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing;
5. ~~One~~ A citizen who is actively engaged as a for-profit provider of affordable housing;
6. ~~One~~ A citizen who is actively engaged as a not-for-profit provider of affordable housing;
7. ~~One~~ A citizen who is actively engaged as a real estate professional in connection with affordable housing;
8. ~~One~~ A citizen who actively serves on the local planning agency pursuant to Section 163.3174 Fla. Stat.;
9. ~~One~~ A citizen who resides within Martin County;
10. ~~One~~ A citizen who represents employers within Martin County;
11. ~~One~~ A citizen who represents essential service personnel, as defined the local housing assistance plan.

~~If the Board of County Commissioners, whether due to County's size, presence of a conflict of interest by prospective appointees, or the other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.~~

21.256.C. As of the effective date of this ordinance, up to six (6) members of the ~~Affordable Housing Advisory Committee~~ AHAC shall be appointed for a three (3) year term and up to five (5) members of the ~~Affordable Housing Advisory Committee~~ AHAC shall be appointed for a two (2) year term. Thereafter, at the end of each members term, the member may be reappointed for a two (2) year term or replaced with a member who shall be appointed for a two (2) year term. Appointments to fill a vacancy shall be for the remainder of the unexpired term.

21.256.D. Meetings shall be held quarterly, or more frequently as necessary.

21.256.E. The ~~Affordable Housing Advisory Committee~~ AHAC shall comply with the Government in the Sunshine Law, the public records law and the special provisions regarding notice of plan considerations found in Chapter 420, Fla. Stat.

21.256.F. The ~~committee~~ AHAC shall annually elect a chairman, vice-chairman and such other officers as it deems necessary. The chairman is charged with the duty of conducting the meetings in a manner consistent with law.

21.256.G. Staff, administrative and facility support for the ~~advisory committee~~ AHAC shall be provided by the Board of County Commissioners with State Housing Initiatives Partnership Program (SHIP) administrative funds.

21.256.H. The ~~Advisory committee~~ AHAC shall have the following on-going duties:

1. Recommending specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value;
2. Evaluating the incentives contained in the Martin County Local Housing Incentive Plan and making recommendations for its amendment as needed to encourage or facilitate the creation or maintenance of affordable housing;
3. Reviewing the Martin County Local Housing Assistance Plan (~~SHIP~~ LHAP) before its submission for adoption or amendment to the Board of County Commissioners;
4. Reviewing applications for SHIP funds by community-based organizations or eligible sponsors and providing recommendations for funding of these applications to the Board of County Commissioners;
5. The ~~Local AHAC Advisory Committee~~ will function as the review committee set forth in the LHAP to advise and monitor the SHIP program, evaluate requests for exceptions from the regulations, in accordance with the procedures set forth in the LHAP, and to hear appeals from decisions made by the SHIP program administrator;

21.256.I. Triennially, the ~~advisory committee~~ AHAC shall review the County's established policies and procedures, ordinances, land development regulations, and comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modifications or repeal of existing policies, procedures, ordinances, regulations or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances or plan provisions, including recommendations to amend the County's comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, the ~~advisory committee~~ AHAC shall submit a report to the Board of County Commissioners that includes recommendations on, and triennially thereafter, which evaluates the implementation of affordable housing incentives in the following areas:

1. The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects.
2. The support of development near transportation hubs and major employment centers and mixed-use developments.
3. The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
4. The allowance of flexibility in densities for affordable housing.
5. The reservation of infrastructure capacity for housing of very low income persons, low income persons, and moderate income persons.
6. The allowance of affordable accessory residential units in residential zoning districts.
7. The reduction of parking and setback requirements for affordable housing.
8. The allowance of flexible lot configurations, including zero lot line configurations for affordable housing.

9. The modification of street requirements for affordable housing.
10. The establishment of a process by which the local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
11. The preparation of printed inventory of locally owned public lands suitable for affordable housing. The ~~advisory committee~~ AHAC may also make recommendations on other affordable housing incentives identified by the ~~advisory committee~~ AHAC.

21.256.J. The approval by the ~~advisory committee~~ AHAC of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the ~~advisory committee~~ AHAC conducted at a public hearing. Notice of the time, date and place of the public hearing of the ~~advisory committee~~ AHAC to adopt a final affordable housing incentive recommendation shall be advertised in a newspaper of general circulation in the county before the scheduled hearing. The notice of the public meeting must contain a short, concise summary of the affordable housing initiative recommendations to be considered by the ~~advisory committee~~ AHAC. The notice shall also state the place where a copy of the tentative ~~advisory committee~~ AHAC recommendations can be obtained by interested persons.

21.256.K. The ~~advisory committee~~ AHAC shall make available its recommendations to the public, those entities with whom it has local housing partnerships and the Board of County Commissioners.

PART TWO. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict, except for ordinances concerning either adoption or amendment to the Comprehensive Plan, pursuant to Chapter 1653, Part II, Florida Statutes.

PART THREE. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance of any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART FOUR. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout Martin County's jurisdiction.

PART FIVE. FILING WITH DEPARTMENT OF STATE.

The clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State, via electronic transmission.

PART SIX. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State that this ordinance has been filed in that office.

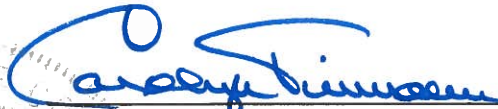
PART SEVEN. CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code of Ordinances and the word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts Two to Seven shall not be codified.

PASSED AND DULY ADOPTED THIS 28 DAY OF MARCH, 2017.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS,
MARTIN COUNTY, FLORIDA**



**CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**



DOUG SMITH, CHAIRMAN

**APPROVED AS TO FORM &
LEGAL SUFFICIENCY:**



SARAH WOODS, COUNTY ATTORNEY



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 6, 2017

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Mary K. Vettel, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1017, which was filed in this office on April 6, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

Army brass gave amorous general a pass

TOM VANDEN BROOK
USA TODAY

WASHINGTON - The Army inspector general was unsparing: The two-star general had an inappropriate relationship with a woman and lied to investigators about it, made his staff buy sexy clothing for her, subjected his underlings to racist and sexist emails and allowed himself to be photographed with another woman licking the medals on his formal dress uniform.

After the report was received and signed by top Army officials in September 2010, Maj. Gen. John Custer, commander of the Army's intelligence school at Fort Huachuca, Arizona, faced public shaming and the loss of rank.

That's when Gen. Martin Dempsey intervened. Dempsey, then the four-star general in charge of the Army's Training and Doctrine Command, struck from the record the substantiated finding of Custer's inappropriate relationship. That left the board of three generals deciding Custer's fate with two relatively minor charges and the letter of reprimand that Dempsey had issued.

Custer's case, and Dempsey's intervention, were kept in the dark by the Army for years. The matter came to light only after a whistleblower complained to USA TODAY, which then obtained the report through a Freedom of Information Act request. The military's lack of transparency in meting out punishment allows favoritism to go unchecked, said Don Christensen, president of Protect Our Defenders.

"The discipline process is opaque. When it comes to generals, it's a blackout," said Christensen, the former top prosecutor for the Air Force. "You have to be lucky. Rarely ever does this sees the light of day. ... At the four-, three-, two-star level, they cover for each other. Dempsey by his actions proved it."

The generals considering Custer's case could have busted their fellow officer down to the last rank in which he had served satisfactorily. Instead, he was treated to the pageantry of his change-of-command ceremony and a glowing story on the Army's website, and he was allowed to keep his two stars in retirement and the six-figure pension attached to it. A two-star officer with his experience would receive about \$162,000 per year in pension payments.

Fighting Congress

Dempsey, a little more than a year later, ascended to the top of the uniformed military: chairman of the Joint Chiefs of Staff. From that post, he would lament the ethical crisis in the military and the scourge of sexual assault and harassment. He and the chiefs vowed to root it out.

However, Dempsey fought attempts by Congress to limit the role of commanders in handling of sexual assault and harassment cases, saying in a June 2013 Senate Armed Services Committee hearing that "our goal should be to hold commanders more accountable, not render them less able to help us correct this crisis. The commander's responsibility to preserve order and discipline is essential to affecting change. They punish criminals and protect victims when and where no other jurisdiction is capable, or lawfully able to do so."

In the case of Custer, it was his commander, Dempsey, who wiped out the substantiated claims of adultery and never disclosed his aid to Custer while the bills were being debated in Congress. If senators had known, that might have altered the course of the legislation.

Stories in the past year by USA TODAY — about "swinging general" Maj. Gen. David Haight, whose serial promiscuity killed his career, the demotion of the three-star adviser to the defense secretary for drunken carousing at "gentleman's clubs," and the firing of another on the Joint Staff for adultery — show that misconduct among senior officers has been anything but eradicated.

Even long-retired generals like Custer can be subject to sanction. Arthur Lichte, who retired in 2010 from the Air Force as a four-star general, lost two stars in February, and \$60,000 a year in pension benefits, after it was determined he had coerced a subordinate into sex.

And it largely remains a dirty secret within the military. The case of Haight, who had the critical job of overseeing operations at European Command, likely would have passed by unnoticed if not for a whistleblower complaint to USA TODAY. The Army had quietly removed him from his post last spring, replaced him without notice and hauled him back to Washington. Even though he had been a candidate for blackmail and espionage, Haight had been allowed to maintain his security clearance until USA TODAY asked about it late in the fall.

Taking care of their own

Custer's story shows how the top brass' public pronouncements of zero tolerance for sexual misconduct don't match the private, preferential treatment they offer to one of their own. The Army inspector general's report, not released until this year and obtained by USA TODAY through the Freedom of Information Act, showed Custer's cavalier responses to investigators' questions. At times, he dismissed their concerns with laughs, and, at others, offered answers about his relationship with women and denials of having sex that investigators deemed "not credible."

Custer, in an interview, called the charges false or overblown.

Dempsey declined to comment for this article.

Advocates for victims of sexual assault in the military were far less charitable toward Dempsey and Custer. "That Dempsey read this report and believes this guy who has violated every Army value that Dempsey claims to believe in?" Christensen asked. "It's 100 percent inappropriate."

Custer's case, like many before it, reveals a culture that looks out for its own and conceals its dirty secrets, said Scott Amey, general counsel for the Project on Government Oversight, a government watchdog group.

"It's troubling that Gen. Dempsey found the alleged affair to be unfounded despite the fact that the Army IG found that Maj. Gen. Custer engaged in an inappropriate relationship," Amey said. "It would have been wiser to let the entire report go to the review board, allow Maj. Gen. Custer to explain the situation, and let the chips fall where they may."



PABLO MARTINEZ MONSIVAIS/AP
Joint Chiefs Chairman Gen. Martin Dempsey leaves the Rose Garden of the White House in 2015.

ALONE TOGETHER

BY LAWRENCE ROMAN

A COMEDY
Directed by: Deanna Fielden

Audition Dates: March 19th, 20th, & 21st, 2017

Audition Time: 7PM at the Barn Theatre

Show Dates: May 12th – May 28th 2017

Casting: 4 Men, 2 Women – Check the website for specific casting requirements

For additional information contact Deanna Fielden @ 772-643-8315

Synopsis of Play: A middle aged couple, whose children have finally left the nest, happily welcome the prospect of an empty house. They are alone together, but not for long. All three sons come charging back home after experiencing some hard knocks in the real world, and mom and dad have quite a time pushing them out again.

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BRIEFLY

Ringling Bros. circus making final appearance in Newark

NEWARK, N.J. - The Greatest Show on Earth has rolled into Newark one last time. The Ringling Bros. and Barnum & Bailey circus is beginning its final four-day run in Newark on Thursday.

Performers from the circus hosted more than 200 local school children at an event at the Prudential Center.

The company is closing the circus in May after 146 years. It cited falling ticket sales, high operating costs and changing public tastes in entertainment.

National Park Service pushes back cherry blossom prediction

WASHINGTON - The predicted peak blooming period for this year's cherry blossom season in Washington is being pushed back.

National Park Service officials announced just last week that the peak bloom was expected between March 14 and March 17. On Wednesday, National Park Service officials in Washington announced on Twitter that due to colder-than-average forecast temperatures this weekend, the peak bloom is now projected to be between March 19 and 22.

Peak bloom means at least 70 percent of trees around Washington, D.C.'s Tidal Basin are blossoming. Once reached, blossoms can remain on trees from four to 10 days.

Connecticut coastal program under federal budget cut threat

GROTON, Conn. - A program that focuses on Connecticut's coastal and marine environments is facing possible elimination under President Donald Trump's proposed budget.


The fiscal year 2018 plan calls for cutting the \$73 million budget for 33 Sea Grant programs across the country, Puerto Rico and Guam. The Day of New London reports Connecticut Sea Grant, based at the University of Connecticut's Avery Point campus in Groton, is on that list. With a staff of 13 marine science experts, Connecticut Sea Grant helps coastal communities become more resilient to rising tides, works with commercial and recreational shell fishermen, and addresses other marine-related issues. The organization receives \$1 million in federal funds, in addition to \$500,000 in state funding and \$2.5 million in grants.

— Associated Press

ART SHOW

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1707 Indian River Dr., Jensen Beach
For membership info call:
772.486.5240
jensenbeachartleague.com



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Martin County will conduct a public hearing on March 28, 2017 to consider adoption of an ordinance amending Chapter 21, Building and Housing Regulations, Article 26.

AN ORDINANCE AMENDING CHAPTER 21, BUILDING AND HOUSING REGULATIONS, ARTICLE 26. LOCAL HOUSING ASSISTANCE, SECTION 21.256. AFFORDABLE HOUSING ADVISORY COMMITTEE, TO AMEND MEMBERSHIP; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE, AND CODIFICATION.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be sent to: Dr. Anita Cocoves, Health & Human Services Manager, 435 S.E. Flagler Avenue, Stuart, FL 34994. Copies of the item will be available from the Health & Human Services Program. For more information, contact the Health & Human Services program at (772) 410-6932.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the County Administrator at (772) 221-2360, or in writing to 2401 S.E. Monterey Road, Sturt, FL 34996, no later than three days before the hearing date. Persons using a TDD device please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meeting or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceeding and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record should include the testimony and evidence upon which the appeal is to be based.