



## TOWN OF CUTLER BAY

Mayor Edward P. MacDougall  
Vice Mayor Ernest N. Sochin  
Councilmember Peggy R. Bell  
Councilmember Sue Ellen Loyzelle  
Councilmember Mary Ann L. Mixon

Town Attorney Mitchell Bierman  
Town Attorney Chad Friedman  
Town Manager Steven Alexander  
Town Clerk Esther B. Coulson

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four days prior to the meeting.

### LOCAL PLANNING AGENCY AGENDA

Wednesday, January 19, 2011, 7:00 PM  
South Dade Regional Library  
10750 Southwest W 211<sup>th</sup> Street  
Cutler Bay, Florida 33189

- I. **CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE**
- II. **PUBLIC COMMENTS**
- III. **ADDITIONS, DELETIONS, AND DEFERRALS**
- IV. **CONSENT AGENDA**  
Deferral of Minutes – February 17, 2010
- V. **ACTION ITEMS**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE ADOPTION OF THE ANNUAL UPDATE TO THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FACILITIES WORK PROGRAM; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

- VI. **PUBLIC COMMENTS**
- VII. **ADJOURNMENT**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



## Office of the Town Manager

Steven J. Alexander  
Town Manager

# MEMORANDUM

To: Mayor and Town Council

From: Steven Alexander

Date: November 8, 2010

Re: Growth Management Plan Amendment / Capital Improvement Element

Section 163.3177 of the Florida Statutes requires local governments to update the Capital Improvements Schedule of the Growth Management Plan (GMP) on an annual basis. The attached amendment has been updated (starting on page 11) to reflect planned and programmed project revisions for the five year period beginning 2010 through 2014. The amendment updates project lists from the 2009 schedule in strikethrough and underline formatting to reflect current funding levels, sources, and construction timetables.

The amendment also includes a revision to the Educational Facilities Element Policy EDU-2F to adopt the September, 2010 version of the Miami-Dade County Public Schools District Facilities Work Program. This modification is shown on the bottom of page 15 of the amendment.

The primary purpose of the CIE update is to stay abreast of the facility needs of the community and to ensure that the deficiencies as well as the improvements identified in the other elements of the GMP are programmed and corrected accordingly over time. The Town's Growth Management Plan was determined by the State to be fully in compliance on October 28, 2008.

**RECOMMENDATION:**

Staff recommends adoption of the amendment to the Capital Improvement Element of the Town of Cutler Bay Growth Management Plan in compliance with State requirements to update the capital improvement schedule on an annual basis.



**ORDINANCE NO. 10-**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE ADOPTION OF THE ANNUAL UPDATE TO THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FACILITIES WORK PROGRAM; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, local governments are annually required to update the capital improvements element contained in their comprehensive plans in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes are achieved and maintained over the planning period, and

**WHEREAS**, the Town of Cutler Bay (the "Town") Town Council, sitting in its capacity as the Local Planning Agency, has recommended approval of the proposed amendments to the Capital Improvements Element and Miami-Dade County Public School Facilities Work Program within the Town's Comprehensive Plan ("Comprehensive Plan"), and

**WHEREAS**, the Town Council finds that this ordinance is consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds that adoption of this ordinance is in the best interest and welfare of the residents of the town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA:**

**Section 1. Recitals Adopted.** The recitals set forth above are true and correct and incorporated herein by this reference.

**Section 2. Adoption of the Capital Improvements Element and Miami-Dade County Public Schools Facilities Work Program Update.** The Town Council hereby adopts the annual update to the Capital Improvements Element and Miami-Dade County Public School Facilities Work Program, which is attached to this Ordinance as Exhibit "A."

**Section 3. Conflicts.** All ordinances or code provisions in conflict herewith are hereby repealed.

**Section 4. Severability.** The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any

reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Effective Date.** This ordinance shall be effective immediately upon passage by the Town Council on second reading, except that the effective date of these plan amendments approved by this ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Council finding the plan amendments in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Community Affairs notice of intent to find the plan amendments in compliance shall be deemed to be a final order if no timely petition challenging the plan amendments is filed.

PASSED on first reading this 14<sup>th</sup> day of November, 2010.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
EDWARD P. MACDOUGALL, Mayor

Attest:

\_\_\_\_\_  
ESTHER LEWIN-COULSON  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.L.  
Town Attorney

Moved By:  
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall \_\_\_\_\_

Vice Mayor Ernest N. Sochin \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Mary Ann Mixon \_\_\_\_\_

Councilmember Sue Ellen Loyzelle \_\_\_\_\_