

**MINUTES OF MEETING
CITY COUNCIL OF THE
CITY OF LAKE BUENA VISTA
November 14, 2018
9:00 A.M.**

A regular meeting of the City Council for the City of Lake Buena Vista was called to order on Wednesday, November 14, 2018 at 9:00 A.M., at 1900 Hotel Plaza Boulevard, Lake Buena Vista, Florida.

Those present were Mayor Pro Tem Renee Raper, and Council Members Tom Nedorost, Charlie Reed, and Mike Sheehan constituting a quorum. Others present were Mike Crikis, Assistant City Manager; Tina Graham, City Clerk; Susan Higginbotham, City Auditor; and Lee Pulham, Senior Planner for Planning & Engineering.

Absent: Angie Sola with notice.

The Clerk presented proof of publication of the meeting notice. (*Exhibit A*)

A motion for approval of the Minutes of the September 24, 2018 & November 7, 2018 meetings was made by Charlie Reed and duly seconded by Mike Sheehan. The minutes were approved as presented.

Mayor Pro Tem Raper called the Public Hearing to order at 9:02 A.M. to consider request for adoption of proposed Ordinance No. 131 on first reading, adopting EAR (Evaluation and Appraisal Report) Based amendments amending and updating the RCID Comprehensive Plan 2020.

Ms. Lee Pulham requested the Council adoption of **Ordinance No. 131** amending the RCID 2020 Comprehensive Plan and Future Land Use Map (FLUM) to adopt Evaluation and Appraisal Report amendments to the Future Land Use, Transportation, Housing, Infrastructure (Potable Water Sub-element), Conservation, Intergovernmental Coordination, and Capital Improvements Elements and to the FLUM to reflect changes in state requirements and to update statute and code references since the last update; to revise dates for various policies; and to update the FLUM to reflect the de-annexation of two parcels totaling 154.08 acres to Orange County. Ms. Pulham advised that changes in statutes apply to RCID's Comprehensive Plan (Comp Plan). In 2011, growth management legislation changed considerably with administrative code requirements eliminated and restated in the statutes. The RCID Comp Plan has been revised to reflect these changes. Ms. Pulham advised that various dates have been revised due to periods of slower growth affecting affordable housing and the need to convert potable irrigation to reclaimed. Ms. Pulham presented a future land use map removing 154 acres that were de-annexed to Orange County at Flamingo Crossings for the development of employee (college program) housing. Ms. Pulham advised that we will be amending the Comp Plan to bring it to 2030 during 2019. Mayor Pro Tem Raper asked if there were any public comments on this request and there were none. Public hearing portion of the meeting was closed. Upon motion by Tom Nedorost, duly seconded by Charlie Reed and approved by all attending Council members. (*Exhibit B*)

ORDINANCE NO. 131

AN ORDINANCE OF THE CITY OF LAKE BUENA VISTA, FLORIDA, ADOPTING EAR BASED AMENDMENTS AMENDING AND UPDATING THE RCID COMPREHENSIVE PLAN 2020

WHEREAS, Section 163.3167, Florida Statutes provides that the governing body of each local government shall prepare and enforce a comprehensive plan for development within their jurisdiction; and

WHEREAS, the City Council of the City of Lake Buena Vista finds that the Charter of the City of Lake Buena Vista (Chapter 67-1104, Laws of Florida, Special Acts of 1967) empowers the City to prepare and enforce a comprehensive plan and amendments thereto; and

WHEREAS, the City Council of the City of Lake Buena Vista finds that the Cities of Bay Lake and Lake Buena Vista and the Reedy Creek Improvement District have entered into Interlocal Agreements pursuant to the requirements of Chapter 163, Part I, Florida Statutes to prepare a single comprehensive plan for all three jurisdictions; and

WHEREAS, on November 15, 1991, by Ordinance No. 62, the City Council of the City of Lake Buena Vista adopted a comprehensive plan known as the "1991 Reedy Creek Improvement District Comprehensive Plan" hereinafter referred to as the "Plan" pursuant to Sections 163.3161-163-3215 known as the "Local Government Comprehensive Planning and Land Development Act" which sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendment to a comprehensive plan; and

WHEREAS, the City of Lake Buena Vista, upon recommendation by the Reedy Creek Improvement District Planning Board, has adopted amendments to said Comprehensive Plan all of which have been duly processed and found to be in compliance by the Florida Department of Community Affairs or the Department of Economic Opportunity; and

WHEREAS, on October 12, 2018, after public notice, the Reedy Creek Improvement District Planning Board held a public hearing to consider the proposed EAR Based Amendments to the Plan and recommended adoption of the proposed Amendments to the Reedy Creek Improvement District, City of Lake Buena Vista and City of Bay Lake; and

WHEREAS, the Reedy Creek Improvement District further considered all oral and written comments received prior to and during public hearings; and

WHEREAS, in exercise of its authority, the City Council of the City of Lake Buena Vista has determined it necessary and desirable to adopt EAR Based Amendments to the RCID Comprehensive Plan 2020 and transmit to the Department of Economic Opportunity, Community Planning and Development.

NOW, THEREFORE, BE IT ENACTED by the people of the City of Lake Buena Vista, this November 14, 2018, as follows:

SECTION ONE: Purpose and Intent. This Ordinance is necessary to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163-3161 through 163.3215, Florida Statutes as amended and Chapter 67-764, Florida Statutes.

SECTION TWO: Title of Amendment. This Amendment shall be entitled "EAR Based Amendments" amending and updating the Reedy Creek Improvement District Comprehensive Plan.

SECTION THREE: Amendment. EAR Based Amendments, amends the Future Land Use Map (FLUM), Future Land Use Element, Transportation Element, Housing Element, Infrastructure Element, Conservation Element, Intergovernmental Coordination Element, and Capital Improvements Element as shown on "Exhibit A." Text shown with strike through lines is hereby deleted and text shown with underlines is hereby added.

SECTION FOUR: Applicability and Effect. The applicability and effect of the EAR Based Amendments is to amend the Reedy Creek Improvement District 2020 Comprehensive Plan to reflect changes in state requirements and to update statute and code references since the last update; to revise dates for various policies; and to update the Future Land Use Map (FLUM) to reflect the de-annexation of two parcels totaling 154.08 acres to Orange County for the construction of employee housing.

SECTION FIVE: Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION SIX: Copy Availability.

- a. A certified copy of this enacting Ordinance, as well as certified copies of the Amendment shall be filed with the Clerk of the Reedy Creek Improvement District and the City of Lake Buena Vista.
- b. To make the plan available to the public, a certified copy of this enacting Ordinance, as well as certified copies of the Amendments shall be located in the office of Planning and Engineering of the Reedy Creek Improvement District and shall be provided to the Orlando and Kissimmee Public Libraries. The District shall also make copies available to the public at a reasonable reproduction charge.

SECTION SEVEN: Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

A consideration to adopt **Resolution No. 168**, amending Ordinance No. 52 regulating the hours during which alcoholic beverages may be sold, consumed or served, or permitted to be sold, consumed or served on December 31, 2018/January 1, 2019 was made by Charlie Reed, duly seconded by Mike Sheehan, and approved by all attending Council members.

**RESOLUTION NUMBER 168
OF THE CITY OF LAKE BUENA VISTA, FLORIDA**

WHEREAS, Section 562.14, Florida Statutes, provides that an incorporated municipality may independently, by ordinance, regulate the hours of sale of alcoholic beverages within its incorporated boundaries;

WHEREAS, the City of Lake Buena Vista (the "**City**") passed Ordinance Number 63 (the "**Ordinance**"), with an effective date of January 3, 1994, regulating the hours during which alcoholic beverages may be sold, consumed or served, or permitted to be sold, consumed or served, in any establishment within the boundaries of the City which is licensed by the Division of Alcoholic Beverages and Tobacco of the State of Florida (the "**Division**") to permit such establishment (the "**Licensee**") to sell and/or to serve alcoholic beverages within the boundaries of its licensed premises (the "**Licensed Premises**");

WHEREAS, the Ordinance provides that (except as provided in subsections (b) and (c) thereof) alcoholic beverages may be sold, consumed, served or permitted to be sold, consumed and served, within the Licensed Premises of any Licensee holding a valid license to serve alcoholic beverages issued by the Division (the "**License**") every day of the week between the hours of 6:00 A.M. and 2:00 A.M. of the following day (the "**Normal Hours of Service**"), except that alcoholic beverages may be sold, consumed, served or permitted to be sold, consumed and served within the Licensed Premises of any establishment holding a valid License between the hours of 6:00 A.M. on December thirty-first and such extended time of the following day each year as may be established by resolution of the City Council of the City (the "**City Council**"); and

WHEREAS, pursuant to the Ordinance, the City Council desires to extend the Normal Hours of Service to the period of time between the hours of 6:00 A.M. on December 31, 2018, and 3:00 A.M. on January 1, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, that:

- Section 1. Incorporation.** All findings and statements set forth in the preamble to this Resolution, including the definition of all terms therein, are incorporated herein by reference, as if fully set forth herein.
- Section 2. Authority.** This Resolution is adopted pursuant to the Ordinance and to the applicable provisions of Florida law.
- Section 3. Extended Hours.** Pursuant to the Ordinance, the City Council hereby extends the Normal Hours of Service for all establishments located within the boundaries of the City which hold valid Licenses issued by the Division to the period of time between the hours of 6:00 A.M. on December 31, 2018 until 3:00 A.M. on January 1, 2019 (the "**Extended Hours**").

Page 5

Section 4. Severability. If any one or more of the covenants, agreements or provisions of this Resolution shall be held invalid, then such covenants, agreements or provisions

shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Resolution, which remaining provisions shall remain in full force and effect.

Section 5. Repeal of Inconsistent Resolutions. All resolutions (or portions thereof) previously adopted by the City Council which are inconsistent with the provisions of this Resolution are hereby repealed to the extent of such inconsistency.

Section 6. Effective Date. The provisions of this Resolution shall become effective immediately upon the date of its adoption by the City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE BUENA VISTA,
FLORIDA THIS 14 DAY OF NOVEMBER, 2018.

A consideration to approve and set a proposed 2019 meeting calendar for the City of Lake Buena Vista was made by Mike Sheehan, duly seconded by Tom Nedorost, and approved by all attending Council members. (*Exhibit C*)

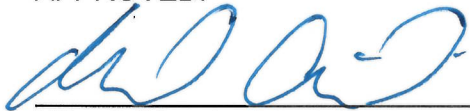
There being no further business to come before the Council, a motion was made by Mike Sheehan to adjourn the meeting; duly seconded by Tom Nedorost, the meeting was adjourn.

CITY OF LAKE BUENA VISTA

BY:


Tina Graham, City Clerk

APPROVED:



Mike Crikis., Assistant City Manager