



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.b

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Mario Diaz, Village Manager

DATE: May 04, 2021

TITLE: Ordinance 2021-05 – Amending Code of Ordinances Garbage
Containers – First Reading

Recommendation

Approve Ordinance 2021-05 on First Reading

Background

Currently, Section 6.3.2 of the Village's Code provides that each residential unit shall have a sufficient number of garbage cans or approved containers, not to exceed forty (40) gallons in capacity.

The industry standard with respect to the maximum capacity for garbage cans has evolved overtime and a maximum capacity of forty (40) gallons is no longer standard.

Resource Impact

Advertisement

Attachment(s)

- Ordinance 2021-05

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ORDINANCE NO. 2021-05

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 6.3.2 “CONTAINERS” OF SECTION 6.3 “SOLID WASTE” OF CHAPTER 6 “PUBLIC FACILITIES AND SERVICES” OF THE LAND DEVELOPMENT CODE OF THE VILLAGE OF BISCAYNE PARK, TO ELIMINATE THE MAXIMUM CAPACITY REQUIREMENTS FOR GARBAGE CANS AND APPROVED CONTAINERS; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER’S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Chapter 6 of the Land Development Code (the “Code”) of the Village of Biscayne Park (the “Village”) governs public facilities and services; and

WHEREAS, Section 6.3.2 of the Village’s Code provides that each residential unit shall have a sufficient number of garbage cans or approved containers, not to exceed forty (40) gallons in capacity, to accommodate all garbage, leaves and grass cuttings; and

WHEREAS, the industry standard with respect to the maximum capacity for garbage cans has evolved overtime and a maximum capacity of forty (40) gallons is no longer standard; and

WHEREAS, the Village Commission wishes to amend the Code to eliminate the maximum capacity requirements for garbage cans and approved containers within the Village, to provide flexibility and allow for the use of higher capacity cans or containers consistent with industry standards.

WHEREAS, on April ____, 2021, the Village Planning & Zoning Board, as the local planning agency for the Village, held its hearing on this proposed Ordinance with due public notice and input; and

WHEREAS, on May ____, 2021 the Village Commission held a first reading and public hearing of this proposed Ordinance; and

WHEREAS, on June ____, 2021 the Village Commission held a second reading and public hearing of this proposed Ordinance with due public notice and input.

NOW, THEREFORE, BE ORDAINED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

1 **Section 2. Amendments to the Code of Ordinances.** Chapter VI of the Code of Ordinances
2 of the Village of Biscayne Park, Florida is hereby amended as follows¹:

3
4 **CHAPTER VI. – PUBLIC FACILITIES AND SERVICES**

5
6 ***

7
8 **Sec. 6.3 – Solid waste.**

9
10 ***

11 6.3.2. *Containers.*

12
13 (a) Each residential unit shall have a sufficient number of garbage cans or approved containers,
14 ~~not to exceed forty (40) gallons in capacity,~~ to accommodate all garbage, leaves and grass
15 cuttings. Garbage cans shall be kept tightly-closed at all times and easily accessible to collectors.
16 Collection service may be discontinued where the garbage cans or containers are determined to
17 be unfit for receptacles by the public works department. Failure of the property owner to provide
18 proper garbage cans or containers which results in discontinuance of service shall subject the
19 property owner to the penalty provisions of this code.

20
21 ***

22
23 **Section 3. Inclusion in the Code & Scrivener's Errors.** The Village Commission intends
24 that the provisions of this Ordinance be made a part of the Village of Biscayne Park Code of Ordinances,
25 and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed
26 to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with
27 notice to and authorization of the Village Manager without further process.

28
29 **Section 4. Conflicts.** Whenever the requirements or provisions of this Ordinance are in
30 conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most
31 restrictive shall apply.

32
33 **Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this
34 Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid,
35 such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the
36 part so declared.

37
38 **Section 6. Effective Date.** This Ordinance shall become effective upon adoption by the
39 Village Commission.

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41 PASSED AND ADOPTED upon first reading this 4th day of May, 2021.

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43 PASSED AND ADOPTED upon second reading this ____ day of _____, 2021.

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47 _____
48 ¹ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline,
49 and deletions are shown as ~~strike through~~.

1 The foregoing Ordinance was offered by _____, who moved its
2 adoption. The motion was seconded by _____, and upon being put to a vote
3 the vote was as follows:

4
5 Virginia O’Halpin, Mayor _____
6 MacDonal Kennedy, Vice Mayor _____
7 Arturo Jose Gonzalez, Commissioner _____
8 Judi Hamelburg, Commissioner _____
9 Dan Samaria, Commissioner _____

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11
12 VILLAGE OF BISCAYNE PARK

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15 _____
16 Virginia O’Halpin, Mayor

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19 ATTEST:

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22 _____
23 Roseann Prado, Village Clerk

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25
26 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
27 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

28
29
30 _____
31 Edward A. Dion, Village Attorney



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 11.a

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Maureen Pentland, EBS Advisors, Inc.

THROUGH: Mario Diaz, Village Manager

DATE: May 4, 2021

TITLE: Employee Health Insurance 2021 Plan Year
Resolution 2021-22 - A RESOLUTION OF THE
VILLAGE COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA APPROVING THE
SELECTION OF AVMED AS THE CONTINUATION
OF VILLAGE'S HEALTH PLAN AND OTHER
BENEFITS PROVIDERS; PROVIDING FOR AN
EFFECTIVE DATE.

Recommendation

I recommend approval of this resolution. After careful consideration and reviewing plan costs, benefit comparisons, employee payroll deductions, and overall impact when moving carriers, it is recommended that the Village of Biscayne Park move the health insurance carrier to AvMed, effective June 1, 2021.

Background

The Village's current health and welfare plan include the following insurance carriers: Humana Health Plan, Solstice Dental and Vision, and Unum Life Insurance. After receiving the renewal plan from Humana with a .41% decrease the Village administration asked that EBS Advisors, Inc (the Village benefits consultant), seek a plan that could reduce the overall premium cost while maintaining a comparable benefit level.

To accomplish these goals, EBS Advisors sought out rates from all potential insurance carriers serving South Florida.

Cigna, Aetna and Florida League, declined to quote.