



CITY of NOVI CITY COUNCIL

Agenda Item D
August 10, 2015

SUBJECT: Approval of Ordinance No. 15-184, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 16, "Garbage and Refuse," to add Article IV, "Collection, Recycling and Disposal," to provide for future collection of solid waste from residential premises pursuant to a contract with a designated waste hauler, to provide standards and specifications for the services to be provided, to provide for the administration of a solid waste program, and to provide penalties for failure to comply. **SECOND READING**

SUBMITTING DEPARTMENT:

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

At its May 11, 2015, regular meeting, the City Council unanimously passed a motion "to direct Administration to work with the City Attorney to draft an ordinance that would move the City to a single hauler system, and send it to the Ordinance Review Committee for review." The Administration and City Attorney's Office prepared a draft ordinance for review by ORC similar to ordinances passed in other communities that have transitioned to a single hauler system and away from privately-contracted haulers. The Committee considered the draft ordinance initially at its June 22, 2015, meeting, and again, with minor revisions, at its July 14, 2015, meeting, following which the Committee unanimously recommended moving the ordinance forward to the full City Council for review and adoption.

The key provisions of the ordinance include:

- The requirement that all refuse and solid waste be collected and removed by a single waste hauler, with whom the City is responsible to contract.
This requirement applies to residential premises only, which include single family homes, duplexes, and certain condominium developments to be designated by the City Manager where refuse is collected in a manner similar to single family homes.
- The ordinance will honor any contracts with private waste haulers currently in effect, but does not contemplate or permit renewals or extensions of those contracts. The existence of such contracts would be subject to verification by the City.
- The selected hauler will be subject to rules and regulations established by the City, consistent with the contract that would be entered into. The waste hauler is required to be licensed and to pay all disposal fees.
- Rates will be determined by the City through the contract with the hauler. The ordinance contemplates that the City will develop specifications and solicit requests for proposals through a bid process.
- Billing will be semi-annual, with the bill transmitted with or accompanying the tax bill and sent by the City, with unpaid charges to be a lien against the property.
- Violations of the ordinance would be a municipal civil infraction.

The Administration also prepared a draft or sample Request for Proposals (RFP) document, so that the Committee could see how the bid process would work and what the specific elements of the contract would be. The Committee had several suggestions as to that document, which is still in the process of being finalized.

The only change to the draft ordinance as reviewed by ORC has to do with the effective date of the requirement that waste collection and recycling services must be by the single hauler. Instead of a date certain (which has not yet been established), the date is indicated as the date on which the City's chosen contractor commences providing those services.

Novi is one of the larger communities in the area that does not utilize the single hauler system. As a "home rule" city, Novi does have the ability to transition to such a system. The collection and removal of garbage and refuse has been recognized as a core subject of police power authority vested in local governments, and that power includes a city's ability to determine to undertake that obligation itself, either through its own municipal employees or through an independent contractor such as this ordinance proposes.

RECOMMENDED ACTION: Approval of **SECOND READING** of Ordinance No. 15-184, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 16, "Garbage and Refuse," to add Article IV, "Collection, Recycling and Disposal," to provide for future collection of solid waste from residential premises pursuant to a contract with a designated waste hauler, to provide standards and specifications for the services to be provided, to provide for the administration of a solid waste program, and to provide penalties for failure to comply.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15-184

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 16, "GARBAGE AND REFUSE," TO ADD ARTICLE IV, "COLLECTION, RECYCLING AND DISPOSAL," TO PROVIDE FOR FUTURE COLLECTION OF SOLID WASTE FROM RESIDENTIAL PREMISES PURSUANT TO A CONTRACT WITH A DESIGNATED WASTE HAULER, TO PROVIDE STANDARDS AND SPECIFICATIONS FOR THE SERVICES TO BE PROVIDED, TO PROVIDE FOR THE ADMINISTRATION OF A SOLID WASTE PROGRAM, AND TO PROVIDE PENALTIES FOR FAILURE TO COMPLY

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 16, "Garbage and Refuse," of the City of Novi Code of Ordinances is hereby amended to include Article IV, "Collection, Recycling and Disposal," which shall read as follows:

ARTICLE IV. COLLECTION, RECYCLING AND DISPOSAL

Section 16-60. Intent and Purpose.

- (1) Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.) provides that a municipality shall assure that all solid waste is removed from sites of generation frequently enough to protect the public health, and delivered to solid waste disposal areas authorized to operate pursuant to such act. The city council has determined that the collection of solid waste from certain residential properties would most appropriately be undertaken at this time by the city, acting by and through contract with the private sector. Because solid waste collection directly affects the public health, safety and general welfare and due to the fact that multiple waste haulers result in excessive wear and tear on city roads, the city shall contract with a single waste hauler in order to facilitate city governance and control of the solid waste program for certain residential properties. In addition, the city council has determined that it would be in the public interest if the private waste hauler were selected on a bid basis, requiring demonstration of the waste hauler's capability and strength to provide a high level of service to sites of generation within the city, and to promote and protect the public health, safety and welfare.

- (2) The city council has further determined that its solid waste program should include recycling and composting, consistent with the county solid waste plan.
- (3) For purposes of establishing and carrying out a program of solid waste collection, recycling and disposal, the city council has adopted this article to provide standards and specifications for services to be provided, provide for administration of the program and operational specifications, and provide penalties for failure to comply with the provisions of this article.

Section 16-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction and demolition debris mean nonhazardous wastes generated from construction and demolition activities, including but not limited to concrete, asphalt, wood, metal and plaster.

Hazardous waste means any material or substance which by reason of its composition or characteristics is:

- (1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 USC 6907 et seq., as amended, replaced or superseded, and the regulations implementing the same;
- (2) Material the disposal of which is regulated by the Toxic Substance Control Act, 15 USC 2601 et seq., as amended, replaced or superseded, and the regulations implementing the same;
- (3) Special nuclear or byproduct materials within the meaning of the Atomic Energy Act of 1954, 42 USC 2011 et seq.; or,
- (4) Hazardous waste as defined in part III of Public Act No. 451 of 1994 (MCL 324. 11101 et seq., as amended), and as identified in administrative rules and regulations adopted by published resolution of the city council from time to time and/or by regulations adopted by the state department of environmental quality.

Household hazardous waste shall mean any household waste material customarily generated by a single-family home that may be described as ignitable, reactive, corrosive, or toxic, or other such materials as defined by the Hazardous Waste Management Act, MCL 229.501 et seq., as amended, including both wet and dry cell batteries.

Person means any individual, firm, public or private corporation, limited liability company, partnership, trust, public or private agency or any other entity, or any group of such persons.

Premises means any area used for residential purposes to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned or is in use by a person having control of the area.

Recyclable materials means the following commingled and/or presorted materials that are separated from solid waste prior to the collection of solid waste from a site of generation: paper, glass, metal, plastic, aluminum, newspaper, corrugated paper and yard clippings. Recyclable materials shall not include hazardous waste. More detailed specification of the items deemed to be recyclable materials shall be provided from time to time by duly published resolution.

Residential premises means, except as otherwise provided herein, any area used for residential purposes, separately or in combination to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned or is in use by a person having control of the area. Residential premises includes, but is not limited to, single-family residences, residential duplexes, and certain residential condominium units as designated by the city manager. Residential premises shall not include apartment complexes, mobile homes and those residential condominium units not designated by the city manager.

Single-family residence means a separate residential structure.

Site of generation means any residential premises in or on which solid waste or recyclable materials is generated by any person.

Solid waste means garbage, trash, refuse, rubbish, ashes and animal waste generated at residential premises. Solid waste shall include animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods and all other organic matter subject to rapid decomposition, as well as paper, cartons, boxes, crockery, and ordinary wastes from residential premises. Solid waste shall also include bulk items, Christmas trees, rubbish, and small quantities of construction and demolition debris as defined herein. Tree, plant and/or vegetation trimmings and/or branches, greater than two inches in diameter and not exceeding six inches in diameter, no longer than four feet in length, bundled and tied, with each bundle not exceeding 50 pounds in weight, will also be collected as solid waste. Solid waste does not include the following:

- (1) Human body waste.

- (2) Medical waste as it is defined in part 138 of the Public Health Code, Public Act No. 368 of 1978 (MCL 333.13801 et seq.), and regulated under that part and part 55 (MCL 333.5501 et seq.).
- (3) Organic waste generated in the production of livestock and poultry
- (4) Liquid waste.
- (5) Ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products.
- (6) Slag or slag products directed to a slag processor or to a re-user of slag or slag products.
- (7) Sludge and ashes managed as recycled or non-detrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the department. Food processing residuals; wood ashes resulting solely from a source that burns only wood that is untreated and inert; lime from Kraft pulping processes generated prior to bleaching; or aquatic plants may be applied on, or composted and applied on, farmland or forestland for an agricultural or silvicultural purpose, or used as animal feed, as appropriate, and such an application or use does not require a plan described in this subsection or a permit or license under this part. In addition, source separated materials approved by the department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subsection or permit or license under this part. Land application authorized under this subsection for an agricultural or silvicultural purpose, or use as animal feed, as provided for in this subsection shall occur in a manner that prevents losses from runoff and leaching, and if applied to land, the land application shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).
- (8) Materials approved for emergency disposal by the state department of environmental quality.
- (9) Source separated materials.
- (10) Site separated material.
- (11) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:

- A. With a maximum of six percent of unburned carbon as a component of concrete, grout, mortar, or casting molds.
- B. With a maximum of 12 percent unburned carbon passing MDOT test method MTM 101 when used as a raw material in asphalt for road construction.
- C. As aggregate, road, or building material which in ultimate use will be stabilized or bonded by cement, limes, or asphalt.
- D. As a road base or construction fill that is covered with asphalt, concrete, or other material approved by the state department of environmental quality and which is placed at least four feet above the seasonal groundwater table.
- E. As the sole material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the state department of environmental quality. In evaluating the site the department shall consider the physical and chemical properties of the ash including leachability, and the engineering of the depository, including, but not limited to, the compaction, control of surface water and groundwater that may threaten to infiltrate the site, and evidence that the depository is designed to prevent water percolation through the material.

(12) Hazardous waste.

(13) Motor vehicle parts and motor vehicle batteries.

(14) Whole tires.

(15) Other wastes regulated by statute.

Solid waste management plan means the Oakland County Solid Waste Management Plan approved by the county board of commissioners, by two-thirds of the cities, villages and townships in the county and by the director of the state department of environmental quality pursuant to the requirements and provisions of state law, and any updates thereof and any amendments thereto.

Waste hauler means any person other than the city, awarded a contract by the city for, and engaged in the business of, collecting and transporting, delivering and disposing of solid waste and recyclable materials generated within the city.

Yard clippings and yard waste means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than four feet in length and two inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.

Section 16-62. Collection of solid waste and recyclable materials.

All solid waste and recyclable materials from any site of generation intended for collection and/or disposal shall be stored and placed for pick-up and collection at the times and in the manner provided in rules and regulations adopted by duly published city council resolution.

Section 16-63. Recyclables.

- (1) Commencing on the date that the designated waste hauler begins providing solid waste collection, recycling, and disposal services under the contract contemplated in Section 16-76, all persons who are owners, lessees or occupants of any site of generation are encouraged to separate recyclable materials from solid waste and prepare the recyclable materials for pick-up, collection and delivery in the manner provided by the rules and regulations adopted by the city by duly published resolution.
- (2) Yard wastes shall either be disposed of at the site of generation in a manner which will not create a nuisance and/or be injurious to the public health, or shall be placed at the curb side or other designated location for pick-up, collection and delivery by the waste hauler in the manner provided by rules and regulations adopted by duly published resolution. This provision shall not prohibit a person engaged in the business of providing landscaping services from removing yard wastes from a site of generation, provided, however, such a person shall be obligated to dispose of such yard wastes by composting, direct delivery to the waste hauler and/or delivery to a premises outside of the city in a lawful manner.
- (3) Any recyclable materials authorized for collection by or at the direction of the city in accordance with the terms of this article shall become the property of the waste hauler at the time the material is placed at the curb side or other designated location. It shall be a violation of this article for any person not authorized by the city to collect or pick-up or cause to be collected or picked up any such recyclable materials.

Section 16-64. Collection and disposal of solid waste and recyclable materials.

No person shall dispose of any solid waste or recyclable materials generated from residential premises within the city other than by means of the designated waste hauler awarded a contract by the city for such purpose.

Section 16-65. Delivery of solid waste and recyclable materials to waste hauler.

Commencing on the date that the designated waste hauler begins providing solid waste collection, recycling, and disposal services under the contract contemplated in Section 16-76, all solid waste and recyclable materials (including yard waste, subject to the exclusions noted above) generated from residential premises within the city shall be

collected and delivered to the designated waste hauler. If a contract with a company other than the designated waste hauler was in existence on or before such date for the collection and disposal of solid waste from a site of generation, delivery of solid waste from such site of generation to the company specified in such contract may be continued for the duration of the contract with no renewals or extensions; provided, however, such contract shall be subject to verification by the city and/or its designee.

Section 16-66. Publication of rules and regulations.

The city shall, by resolution duly published, establish rules and regulations governing procedures for collection. Such procedures shall include the pick-up schedule, items which are deemed to be recyclable materials, and the manner, location and containers for storage and collection. Such rules and regulations shall be consistent with this article and consistent with the contract entered into between the city and the waste hauler. A failure to comply with such rules and regulations shall be a violation of this article.

Section 16-67. Waste hauler -- payment of disposal fees.

The waste hauler shall deliver solid waste to a facility authorized to operate pursuant to state law for disposal, and the waste hauler shall pay all disposal fees established for the particular licensed facility for any delivery of solid waste or recyclable materials to such facility. The obligation to pay the disposal fee pursuant to this article shall be absolute and unconditional.

Section 16-68. Waste hauling without a contract prohibited.

No person shall engage in the business of collecting, transporting, delivering, or disposing of solid waste or recyclable materials generated from residential premises within the city without first being authorized to do so by contract with the city as provided in this article. In addition, said person shall obtain and pay for all required licenses and permits.

Section 16-69. Compliance with solid waste management plan.

The waste hauler shall comply with the solid waste management plan and all applicable federal, state, county and city laws, statutes, rules, regulations and ordinances in the collection, transportation and delivery of solid waste and recyclable materials.

Section 16-70. Hazardous waste not to be placed at curbside.

A person shall not knowingly place hazardous waste at curb side or other designated location for collection, and a waste hauler shall not knowingly collect or deliver hazardous waste to a processing or disposal site.

Section 16-71. Rates and payment to waste hauler.

Rates for solid waste collection, recycling and disposal services for residential premises shall be determined and established by the city based upon competitive bids in accordance with this article.

Section 16-72. Rate to be adopted by resolution.

Following such bidding, the city shall adopt resolutions from time to time specifying the rates. Such resolution shall be published in order to provide notice to the public.

Section 16-73. Semi-annual billing.

(1) The city shall send a semi-annual billing, in advance, to each site of generation for which services are provided in the city. Such billing shall represent charges for services to be rendered in the following six month period.

(2) The billing shall be transmitted by regular mail at least thirty (30) days prior to the beginning of the period for which charges are imposed, the billing may be transmitted with or accompany a tax bill sent by the City.

(3) The due date for payment shall be the last business day prior to the beginning of the period for which the charges are imposed.

Section 16-74. Nonpayment or late payments.

Such charges shall constitute a lien upon the property which is the site of generation. If a payment is not made on or before the due date, a penalty in the amount of one percent per month shall be added for each month or portion of a month payment has not been made in full. Moreover, if there is an outstanding balance owing to the contractor with respect to any property as of October 1 in any year, such outstanding balance, together with all accrued penalties, shall be placed upon the delinquent tax roll of the city, and shall accrue further interest and penalties, and shall be collected, in the manner made and provided for delinquent real property taxes in the city. There shall also be an applicable transfer fee, as outlined in the city council fee resolution, added by the city treasurer to process each lien.

Section 16-75. Waiver of collection fees.

Property owners meeting the following criteria shall be eligible to receive a waiver of collection fees:

- (1) An individual that has an annual gross household income less than or equal to the Poverty Guidelines for the 48 Contiguous States and the District of Columbia as established by the U.S. Department of Health and Human Services for that calendar year and who timely files with the city treasurer's office an application for waiver of solid waste collection fees along with proof of annual gross household income from the previous year shall receive a waiver of all of the solid waste collection fees required by this article for the year for which the application for waiver of solid waste collection fees was filed.
- (2) An individual filing an application for waiver of solid waste collection fees pursuant to subsection (1) shall file said application for waiver of solid waste collection fees each year on or before July 1 to be eligible for the waiver of solid waste collection fees for the following 12 month period.
- (3) All applications for waiver of solid waste collection fees will be considered by the solid waste review commission. The solid waste review commission shall be comprised of three members who shall be the city assessor, city treasurer and an individual designated by the city manager. The solid waste review commission shall have the authority to waive the solid waste collection fees or any part thereof for a period of up to 12 months if it finds that a hardship as defined in subsection (1) exists.

Section 16-76. Contract for solid waste collection, recycling and disposal.

The city manager shall develop contract specifications and a public bid procedure for the award of a contract for solid waste collection, recycling and disposal for residential premises in the city. A waste hauler shall be selected by the city council to provide for the collection, disposal, resource recovery, recycling and composting of solid waste in the city with respect to all existing and future residential premises in the city in accordance with this article, in accordance with the contract to be awarded, and in accordance with all applicable laws, ordinances, codes and regulations.

Section 16-77. Bid specifications.

The city manager is authorized to include in bid specifications for the contract to be awarded those requirements and specifications determined by the manager to be reasonably related to:

- (1) Promoting and protecting the public health, safety and welfare.
- (2) Providing appropriate services to residential premises within the city.
- (3) Promoting the general understanding of and need for resource recovery, recycling and composting.

Section 16-78. Contract; minimum provisions.

The contract to be awarded by the city council to the waste hauler shall, at a minimum, provide for:

- (1) The collection of mixed wastes and recyclables from residential premises.
- (2) A program for recycling and composting.
- (3) Other miscellaneous services to be specified by the manager as part of the bid process, including, without limitations, dumpster service at municipal buildings and facilities, and a drop-off center.
- (4) Insurance and bonding requirements, including liability insurance, workers' compensation insurance, motor vehicle insurance, and a performance bond.
- (5) The preparation and submission of reports by the waste hauler describing the volume and location of solid waste generated in the city, as well as other reports required by the city to determine the efficiency and effectiveness of the solid waste program, including the effectiveness and efficiency of recycling and composting in the city.
- (6) A provision for the rights of the city in the event of a failure to perform on the part of the waste hauler.
- (7) The rights and obligations of the city for termination of the contract.
- (8) Operational specifications, including specifications for collection trucks and equipment, employees, waste hauler maintenance facility, waste container handling and condition, schedules and routes, addressing citizen complaints, and other matters deemed necessary or appropriate by the city manager.
- (9) Right and authorization of the city to inspect records and operations of the waste hauler.
- (10) Provision for a multi-media informational program with respect to resource recovery, recycling and composting.

Section 16-79. Waste hauler – Compliance.

The contract shall require the waste hauler to comply with all applicable laws, codes, ordinances, rules and regulations.

Section 16-80. Waste hauler – Permits and licenses.

The contract shall require the waste hauler to secure and maintain in good standing all permits and licenses required by law, ordinance, code, rule or regulation.

Section 16-81. Penalties.

(1) Any person who shall violate the provisions of this article shall be responsible for a municipal civil infraction, subject to the following penalties:

(A) First offense. The civil fine for a first offense violation shall be in an amount of \$200.00, plus costs and other sanctions for each offense.

(B) Repeat offense. The civil fine for any offense which is a repeat offense shall be in an amount of \$500.00, plus costs and other sanctions for each offense.

(2) Enforcement. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin further violation of this article.

(3) Continuing offense. Each act of violation, and each day upon which any such violation shall occur, shall constitute a separate offense.

(4) Remedies not exclusive. In addition to any remedies provided for by this article, any equitable or other remedies available may be sought.

(A) The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.

(B) A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

Sections 16-82 – 16-100 - reserved.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Made, Passed and Adopted by the Novi City Council this 10th day of August, 2015.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 10th day of August, 2015.

Maryanne Cornelius, City Clerk

Adopted: 08/10/2015
Published: 08/20/2015
Effective: 08/25/2015

ORDINANCE REVIEW COMMITTEE
June 22, 2015 | 5:30 p.m.
Council Chambers | Novi Civic Center | 45175 Ten Mile Road

Mayor Gatt called the meeting to order at 5:30 p.m.

ROLL CALL: Mayor Gatt, Council Member Mutch, Council Member Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Rob Hayes, Director of Public Services
Thomas Schultz, City Attorney
David Gillam, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Approval of minutes from May 11, 2015

ORCM 15-06-05 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Ordinance Review Committee meeting minutes from May 11, 2015.

2. Discussion of the proposed Solid Waste, Recycling & Yard Waste Hauler Ordinance

Mayor Gatt began the discussion by explaining Council had given direction to the City Manager to research moving to a single-hauler for refuse, recycling and yard waste collection. The issue came about when a new company began operating in Novi and the residents were upset by the poor service. The new company failed to provide the service that the residents expect, and as a result, the City has decided to move in the direction of hiring one company to handle the whole City. The current ordinance does not stipulate that the garbage should be picked up by a single hauler, and as a result there are several companies offering different services at different prices.

The Mayor listed the things he wanted to see with the new process. He said service was the most important thing as well as what times garbage can be picked up and hopefully keeping the same pickup day that people currently have. He wanted to have curbside trash, yard waste and recycling. He said residents that have contacted him want large recycling carts with lids that should be provided to every homeowner by the Contractor. Yard waste should be picked weekly and there should be no limit or a reasonable limit on the number of bags that can be picked up. He also requested the City look into vacuum leaf pickup.

The Mayor said that they need to define what a "homeowner" is in the ordinance. He questioned if the current definition included condominiums, gated subdivisions, etc. He

said the ordinance will create a contract. The contract would have all of the stipulations within it. The ordinance would just allow them to create the contract. The contract will change over time but the ordinance shouldn't. He said the cost will be important, he was hoping we could reduce the amount the residents are currently paying. If the price isn't reduced, then the services should be much more than people currently have. He thought the billing should be made on the tax bill. He wanted to see "a la carte" items, such as the option of having a larger garbage bin or a refrigerator. He said some communities are moving to an automated system where the truck actually lifts the garbage bin instead of a person having to do it. He wanted to see pricing on that also. He commented that some residents are currently bound by contract to their current hauler and wanted to see the ordinance go into effect but allow those residents to stay with their contract until it expired.

Member Wrobel agreed with Mayor Gatt's comments. He said he would like to see collection times be from 7:00 am to 6:00 pm instead of going until 7:00 pm. He said it was imperative that the contractor pick up the refuse, yard waste and recycling all on the same day. He said the collector should be able to take the refuse to a legal location to be dumped. He emphasized that the quality of service needs to be there, so we have to have standards in place to adhere to. Mayor Gatt said that this conversation is happening because of poor service, so he asked if administration had looked at having a designated person to resolve any issues quickly and efficiently.

Member Mutch asked what the impact would be on City resources and staff to manage the contract, perform billing, and to enforce the terms of the contract. Mr. Cardenas explained that the Contractor would have a representative on site at the beginning of the process as well as a liaison that would stay on for the length of the contract. The City of Novi staff would have very little involvement in the day to day operations. He added that Finance would handle the billing, which brought up another topic regarding how to handle the customers with existing contracts. That would have to be addressed. Member Mutch asked about the current contracts and if there was an idea as to how many residents had contracts. Mr. Cardenas said that was still being looked at being it seems many residents have a subscription that can be canceled at any time instead of a real contract. Member Mutch asked if there was going to be something in the ordinance about a date when contracts would not be honored. Mr. Gillam said the City has to honor those contracts for their remainder, so hypothetically it could be a few years before the entire community was using the single hauler.

Member Mutch asked what the process would be if the liaison wasn't responsive and didn't take care of day to day problems that arose. Mr. Cardenas said that it would come back to the City Hall or DPS. Member Mutch asked who would enforce if the Contractor didn't meet the standards that were set. Mr. Schultz said those standards would be in the contract so they would be able to be enforced through the contract.

Member Mutch asked if the City would maintain RRRASOC. Mr. Cardenas said they would continue to maintain that. Member Mutch asked what the benefit of having just residential or residential and commercial. Mike Csapo, RRRASOC, said most communities do not include commercial collection because their needs are very

different from the residential side. Regarding defining what a "homeowner" was, he said they were typically single-family and "like" single-family, such as condos and duplexes. He said sometimes it extended to whether they were on private or public streets. Some communities extend into multi-family, but it is rare and harder to tackle. Regarding the contracts currently in place, there is one large contract between Duncan and the City of Novi Homeowners Association which runs through June 30, 2017. It covers more than 2,000 units. There contract has the same standards and pricing control that you would see in smaller communities. He next touched on the recycling carts, which he felt should be built into the system as well as trash carts. Member Mutch asked what the price difference was on those options. Mr. Csapo said carts were more expensive than homeowner provided trash cans because they have the capital costs of the carts and the trucks have to be automated in order to pick them up. Over time, it becomes more efficient because there is only one person driving the truck and a person isn't actually lifting every bin to dump it into the truck. He added that the time frame of the contract also affected pricing.

Member Mutch asked about vacuum leaf pickup. Mr. Csapo said typically the communities that offer that did it with city-owned trucks and then contracted with a company to take the yard waste away. He said you don't usually see vacuum leaf pickup in a community like Novi; it is typically in much smaller communities. He said it is problematic in an area like Novi because of open ditches and not having curbs.

Member Mutch asked what terms should be in the ordinance versus the RFP, and are there things that should be considered to be included in the ordinance that currently are not in the draft. Mr. Schultz said there may be a handful of things that can be considered. He referred to the proposed timeline and said the ORC would meet one more time so staff would take the comments made tonight and incorporate them. He felt the ordinance was solid.

Mayor Gatt said they need to define what a "homeowner" was. Mr. Schultz said the draft defined it as single-family residences, residential duplexes, and certain residential condominium units as designated by the city manager. It does not include apartment complexes or mobile homes. The Mayor questioned what "certain residential condominium units" meant. Mr. Schultz said that probably meant gated communities or private streets. Mr. Cardenas said that definition was taken from the Zoning Ordinance and referred to those condos that had a curb cut and basically resemble a single-family home. The Mayor said he thought gated communities should be included. In general as many units as can be included, should be. Member Wrobel agreed.

Mayor Gatt said he still wanted to see more information and pricing on the vacuum leaf pickup. Member Mutch agreed it should be explored. He doesn't believe the City should buy trucks for that sole purpose, but if those services could be provided it is worth exploring. He said it would also be helpful for Council to have a better sense of who exactly would be included in this by defining the homeowner definition. He pointed out that the RFP had language regarding private roads and that the hauler could require a contract with the homeowner if they wished to be included. He felt that should be researched and then provide the ORC and Council that background information. He

felt it was important to make sure all of the bases were covered before attempting to implement.

Member Wrobel said some people are happy with the services they currently receive and questioned what would happen if this all goes through and the price is higher with a single hauler than what a person is currently paying. The Mayor said the ordinance is all-inclusive. Not everyone will be happy, but it will be an ordinance and affect the entire City. It was pointed out that with a single hauler; residents would get better service at a lower price.

Mr. Cardenas asked the Committee to review the proposed timeline and asked for their feedback. He said it was a very aggressive timeframe. Mayor Gatt said he was comfortable with the timeline and wanted the ordinance to be in place by the first of the year. He hoped that would prevent people from renewing a contract or extending their subscription if they didn't need to. Mr. Csapo commented that deploying a new system, like new trash carts, is problematic in January/February just because of snow alone so it could cause problems. The Mayor said this was a top priority. Member Wrobel said he agreed it was priority one and asked if administration was good with the timeline. Mr. Cardenas said yes. Mr. Auger said the challenge would be the contractor getting the trucks, labor, and preparing in general.

The meeting was adjourned at 6:17 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk

ORDINANCE REVIEW COMMITTEE
July 13, 2015 | 5:30 p.m.
Council Conference Room | Novi Civic Center | 45175 Ten Mile Road

Mayor Gatt called the meeting to order at 5:30 p.m.

ROLL CALL: Mayor Gatt, Council Member Mutch, Council Member Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Rob Hayes, Director of Public Services
Thomas Schultz, City Attorney
David Gillam, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Approval of minutes from June 22, 2015

ORCM 15-07-06 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

**To approve the Ordinance Review Committee meeting minutes
from June 22, 2015.**

2. Solid Waste, Recycling, & Yard Waste Hauler Ordinance

- a. Discussion of the proposed Solid Waste, Recycling, & Yard Waste Hauler Ordinance.**
- b. Discussion of the draft Request for Proposals (RFP).**
- c. Potential Leaf Collection and Disposal Program.**

3. Discussion of the proposed ordinance amendment to the current Refuse Collection Ordinance.

Mr. Gillam explained some of the items that were addressed since the last meeting. The Committee had requested an expansion of the definition of "Residential Premises". He said they looked at comparable communities, like Auburn Hills, and decided the definition provided best fit the intent of what the ORC was looking for. They decided to keep it the same as last proposed.

Mayor Gatt asked if staff had an estimate on the number of units that would qualify under the residential premises definition. Staff said they were still researching what condominiums would be included, so no final number yet. Mr. Schultz added that they would probably include single family site condos. Mayor Gatt asked what would happen in a condominium association was included according to staff, but they actually didn't want to participate. Mr. Schultz said the ordinance was clear that they

would be included if the City Manager indicated they would be part of the residential premises definition.

Mayor Gatt asked what would happen regarding private roads. For instance, what would happen if a subdivision has not yet had their streets dedicated, or if they were never to be dedicated? Mr. Schultz said they would be included for service.

Mayor Gatt said the proposed information showed the bill would be included with the tax bill. He had been under the impression that residents would be able to write it off as a tax deduction. Mr. Johnson explained that since they have decided to move forward with the cost being a fee instead of a mill, it was not tax deductible.

Mayor Gatt said the ordinance proposed making an infraction a civil offense, not a criminal offense. He asked who would enforce that. Mr. Schultz said it would be ordinance enforcement and then the Police Department if necessary.

Mayor Gatt said he has spoken with many members of the community and many are happy with the proposed changes, but some are satisfied with their current trash pickup. He added that the current licensed haulers are aware of what they are trying to accomplish, and some are against it. They may even try to challenge the ordinance moving forward. Member Wrobel asked if they had grounds to challenge it. Mr. Schultz said since the plan is to honor all current contracts, there may not be grounds for the companies to argue against the new ordinance.

Member Wrobel said Bloomfield Hills offered a senior discount, would they be interested in having that also? Mr. Schultz said that it would be difficult to make those types of distinctions. Mr. Auger pointed out that the draft Request for Proposals included a section on Handicap/Back-Door pick-up that would provide special accommodations where necessary.

Member Mutch asked if we were going to have the option to stop pick-up for a specified length of time and discount the price. Mr. Schultz said the RFP did not have a provision like that. Mike Csapo, RRRASOC, explained that would be difficult to manage on the city's end because typically the haulers directly bill the homeowner. Since the City will be handling the billing, it would be very difficult to make those distinctions. Member Mutch agreed it would be a nice perk, but wasn't practical due to the way billing would happen.

Member Wrobel discussed the bulk leaf pick-up and vacuum leaf pick-up options that were outlined in the packet material. He asked if it was realistic to have the contractor do that. Mr. Csapo said the companies do not offer those types of services, but they would transport the leaves once picked up, at a cost. He added that in his opinion, those were not options the City should even be considering. Mayor Gatt said he was alright with not including that option right now because they cost would be enormous.

Mr. Cardenas discussed the proposed timeline. He said after meeting with the currently licensed haulers, the timeframe was not entirely feasible. He proposed bringing the

contract award to Council in November instead of October. Mayor Gatt understood and said he expected the contractor to possibly begin in the first quarter of 2016.

Mayor Gatt asked if there was any idea on what pricing may look like when proposals start to come in. The goal was to ensure everyone would be paying less under a city-wide contract price than what they are currently paying. Mr. Csapo said the pricing for a city-wide contract was always better than subscription pricing. He added that they may want to consider allowing proposals to come in with 8-year pricing.

Mr. Csapo also discussed the option for the City to enter into a MRF Services Agreement with RRRASOC. There are additional administrative fees to RRRASOC (currently \$.35/capita), but it provides the City with the opportunity to receive revenue sharing from the sale of the material, ensures that the vendor will not incur any processing tip fees that they'll have to build into their cost, and ensures that the material from Novi is processed locally at a facility that engages in best practices.

ORCM 15-07-07 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed Solid Waste, Recycling, & Yard Waste Hauler Ordinance, and the proposed ordinance amendment to Chapter 21, "Nuisances" regarding the penalties for Refuse Collection.

The meeting was adjourned at 6:09 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk