

MINUTES of a **Special Rochester Hills City Council Work Session** held at 1700 W. Hamlin Road, Rochester Hills, Michigan, on Wednesday, August 13, 2003 at 7:30 p.m.

1. CALL TO ORDER

President Dalton called the Special Rochester Hills City Council Work Session to order at 7:39 p.m. Michigan Time.

2. ROLL CALL

Present: President John Dalton; Members Bryan Barnett, Jim Duistermars, Lois Golden, Melinda Hill, Barbara Holder

Absent: Member Gerald Robbins

QUORUM PRESENT

Others Present: Jane Leslie, Deputy Clerk
Ed Anzek, Director of Planning/Zoning
Scott Cope, Director of Building Department/Ordinance Enforcement

President Dalton stated Member Robbins provided previous notice that he would be absent and asked to be excused.

3. PUBLIC COMMENTS

None

5. DISCUSSION - Solid Waste Issue (A0648)

STAFF COMMENT:

Mr. Scott Cope, Director of Building Department/Ordinance Enforcement, introduced the results of a Household Refuse Collection Study conducted through the Center for Local, State and Urban Policy at the Gerald R. Ford School of Public Policy at the University of Michigan, in conjunction with Resource Recycling Systems, Inc. (RRSI) of Ann Arbor, Michigan. The study examined levels of satisfaction with Individual Subscription Service, Public Agency and Contracted Hauler systems of solid waste removal. Mr. Cope noted that, although the survey of Rochester Hills and its neighboring communities was small in scope (171 respondents), its results were reflective of the larger Oakland County survey results (734 respondents). Both surveys showed greater satisfaction with the Contracted Hauler form of solid waste removal as opposed to the Individual Subscription or Public Agency systems.

He also addressed the issue of the effect of garbage trucks on local roadways, noting that, according to the City's Engineering Department and Geotechnical Consultant, a garbage truck is equivalent to 8,000 to 12,000 normal vehicles on the road. Through Internet research, he found

an estimate of a 15,000 vehicle equivalent.

RESIDENT COMMENT:

Mr. Tom Stevenson, 708 River Bend Drive, stated that he was on the ad hoc committee that originally examined the solid waste issue and felt that the consultant report, which followed the report of the ad hoc committee, “muddies the water.”

Mr. Lee Zendel, 1575 Dutton Road, questioned why the government of Rochester Hills should be involved in city residents’ garbage removal. He noted that the city would be encouraging a monopoly to save only pennies per household. He cited single hauler complaint statistics from surrounding communities. He suggested that the real problem with road damage was winter weather rather than garbage trucks. He noted that City Staff approved the bid from Waste Management although it did not meet the established criteria.

Rea Siffring, 971 Dutton Road, indicated that she did not want the City to take away her choice of trash hauler. She asked Council to clarify their individual positions on the single hauler issue.

Judy Daggett, 6600 Orion, stated she is very satisfied with her garbage service and if she were not, she would change haulers. In addition, she has the option of opting out of service for reasons of travel, etc. She also noted that there are many other trucks on the road in addition to garbage trucks causing road damage.

Mary Jo Dinha, 851 Dressler, Chairperson Zero New Taxes, comparing the single hauler issue to the utility companies, indicated that a single hauler system would create a monopoly and eliminate competition, thus increasing prices.

Council Member Golden read into the record an email from residents **Ms. Susan Marino** and **Mr. Michael Marino**, 500 Allston, stating they are multiple property owners as well as business owners who oppose the single hauler system of solid waste removal noting it would increase their taxes, require them to pay for the service for all of their properties as well as pay for removal separately for their business.

COUNCIL DISCUSSION:

Ms. Golden voiced her disagreement with the prohibition on discussing the financial aspects of the single hauler issue at this Work Session, noting that not all residents may be able to attend the next Work Session. She noted that the City’s survey taken in 1997 showed that many residents were interested in a single trash hauler, but were opposed to a new tax to fund it. She requested that Staff provide Council with the pertinent pages from that 1997 survey. Ms. Golden also requested the “last minute” information the Consultant provided at the February 6, 2002 Work Session.

President Dalton emphasized that the format for the evening’s Work Session eschewing discussion of the financial aspect of the single hauler issue was announced at previous Council meetings.

Ms. Hill reviewed the ad hoc committee, consultant and Community Development and Viability Committee (CDV) goals as established in the original study: a) save residents money, b) increase services, c) reduce wear and tear on road system, d) improve public safety, and e) minimize impact on government size. She asked her fellow Council Members to voice any problems they have with these goals and what the bidders offered to provide the city.

Ms. Golden noted that, similar to the Community Center idea, residents like the idea of a single hauler, but do not want to pay for it.

Ms. Hill questioned why, aside from the financial issue, do residents resist this plan.

Ms. Golden listed the creation of a monopoly and a lack of competition as reasons other than money for resident opposition to the plan. She then asked President Dalton if she could break from the established format and ask Mr. Cope a question regarding money. Ms. Golden inquired as to why the plan does not include a base amount or flat rate, rather than a percentage rate. In addition, she questioned some of the requirements in the consultants study, specifically noting the need for a transfer station within a certain radius and certain colored bins for recycling.

Mr. Cope noted that the purpose for the colored recycling bins was to differentiate the different materials to be placed in them (i.e. newspapers, cans, etc.). He then asked for clarification of her question regarding a flat rate fee for services.

Ms. Golden noted that under the percentage plan, some residents will pay more for trash hauling services than other residents. She asked why a flat rate for everyone in the city was not considered.

Mr. Cope explained that, as one of the stated goals of the study was to save residents money, a millage would spread the cost out among all City residents. Billing all residents will require hiring a new employee and adapting this billing to the water and sewer billing system. He noted it would be a more complicated process.

Ms. Golden, noting that the Mayor has stated she will not hire any new employees to administer this new trash hauling system, asked how many people will be required to handle billing and complaints.

President Dalton cautioned that the discussion was “drifting” back to the issue of finances, reiterating that that subject would be covered during a future meeting.

Ms. Hill suggested that Council Members “pretend it’s free” and discuss all other issues of opposition not related to money.

Ms. Golden reiterated that the elimination of competition and freedom of choice were primary fears of residents. She also noted that when using a private hauler, residents can choose to discontinue service temporarily during absences from home due to vacation or travel.

Mr. Cope clarified that he was merely presenting pertinent information and was not attempting to sway any Council Member's opinion on the subject under discussion.

(Recess 8:39 p.m. to 8: 57 p.m.)

Mr. Duistermars stated that he has spoken to several residents on this particular subject and many have expressed the same concerns as voiced earlier in the discussion such as lack of choice, lack of competition. He voiced his doubt that, other than placing the issue on a ballot, an option that may not be possible, it is unlikely an accurate assessment of residents' opinions can be garnered. Mr. Duistermars also voiced his concern regarding how much power the City would have to deal with complaints and compliance, were a single hauler plan put in effect.

Mr. Cope, citing his detailed investigation as to the City's ability to currently deal with waste disposal complaints and compliance, noted that, according to the City Attorney, there is nothing the City can do by Ordinance to enforce the separation of recyclable materials and garbage. There are no State or Federal mandates that dictate this separation.

Mr. Duistermars voiced his concern that the City can issue fines of up to \$500 per resident complaint, but if the contracted hauler disagrees, they can then take the City to court over the matter. He hypothesized a situation wherein the City would be unable to pursue complaints due to excessive legal fees.

Mr. Cope noted that the contract with a single hauler had not yet been negotiated and that the City would negotiate the contract in a manner favorable to the City.

Mr. Barnett cautioned that the previously described situation was a "worst-case scenario" with regards to complaints. He stated that a waste management company is unlikely to fight multiple complaints in court, noting that this would cost the hauler a great deal of money as well. After expressing his opinion that contracting with a single hauler did not constitute a monopoly situation, he suggested that Council members need to determine whether residents value their freedom of choice over the other stated goals of contracting with a single hauler.

Ms. Holder questioned Mr. Anzek as to whether the single hauler issue had been included in the recent citywide survey.

Mr. Anzek, Director of Planning/Zoning, noted that while the survey did not ask a specific question regarding the single hauler issue, many residents wrote in their opinions and they were included in the results. He stated that of forty-five (45) responses, thirty (30) were in favor of a single hauler.

Ms. Holder expressed her assessment that there is one solid waste hauler in particular that receives a high volume of complaints. She questioned how complaints would be handled in a single hauler situation.

Mr. Cope noted that there are currently four (4) haulers working in the city, and his office has received complaints about all of them, particularly regarding the mixing of recyclable materials

with the regular garbage.

Ms. Holder stressed her concern for the amount of trucks traveling on subdivision streets and the inherent damage they cause, noting that this could be reduced by homeowner associations contracting with a single hauler for their subdivision. She expressed her support for including this issue on a ballot and noted that most of her emails from residents express opposition to the single hauler issue.

Ms. Hill questioned Ms. Holder as to whether she had concerns with the present proposal and the services offered and why, as a resident, she opposes a single solid waste hauler.

Ms. Holder stated that, although the single hauler proposal “seems to be a good plan,” she does not want to lose her freedom of choice.

Ms. Hill expressed her belief that the purpose of government is to provide the best service for the least cost to the most people and that, while a single hauler will not satisfy everyone in the city, it will reduce the amount of truck-damage to local roads. Further, it will give the city the responsibility to handle complaints or problems, thus relieving residents of individually battling separate waste haulers.

Ms. Golden expressed concern with the small number of contractors who participated in the bid process. Then, returning to the monopoly argument, Ms. Golden stated, “you don’t inspire good price, good service when you don’t have choice.” She then suggested that the on-going discussion of switching to a single hauler has caused harm to small-business haulers. She referred to a conversation with her hauler who noted that he has reluctant to hire more employees or invest further in his company fearing that a single hauler in Rochester Hills would be detrimental to his business. She questioned whether the city would actually have the influence to solve problems with a single hauler, or would simply be a “billing agent.” She suggested, rather than placing the issue on the ballot, that a city-wide survey specific to this issue be conducted.

Mr. Cope, in response to concerns about the small number of haulers providing proposals, indicated that, because this issue has been raised repeatedly for several years without resolution, solid waste businesses are no longer motivated to participate in the bidding process.

Mr. Barnett suggested that the solution is to create a detailed contract between the City and the chosen single hauler that would encompass and address all of residents’ and Council Members’ concerns.

Ms. Holder questioned who will “make the decision to scrap this whole thing?” She noted that, in her dealings with residents, the majority are opposed to this issue and again suggested that it should be put to a vote.

President Dalton praised the ad hoc committee for accomplishing the goals as mandated at the beginning of the process. He expressed concern for the ever-dwindling local landfills and stressed the environmental concerns associated with this issue. He also noted that with regard to freedom of choice, living in a city always results in some loss of rights (i.e. hunting, speeding,

blaring loud music). In conclusion, he praised and thanked residents and Council Members for their comments.

5. ANY OTHER BUSINESS

None.

6. ADJOURNMENT

There being no further business to discuss before Council, President Dalton adjourned the meeting at 9:53 p.m.

JOHN L. DALTON, President
Rochester Hills City Council

MARGARET STRATE
Administrative Secretary
City of Rochester Hills

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills