THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: November 10, 2020

Subject: Bear-Resistant Trash Cart Pilot Project Fee Proposal

Staff Resource(s): Greg Shuler, Public Works Director, and Jes Foster, Sanitation Division Manager

Action Requested: Adoption of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2020-21 to establish a fee of a $10 per month upcharge for the rental of a bear-resistant trash cart.

Background:

- More than a third of the calls that the NC Wildlife Resources (NCWRC) receives about bears statewide come from Buncombe County.
- Asheville residents are experiencing an increase in human-bear interactions and there are safety risks associated with these increasing issues.
- City residents file numerous complaints with the City regarding bears getting into their trash. One Buncombe County resident was injured in 2018 in a bear interaction involving a trash cart.
- Residents have frequently requested that the City provide bear-resistant trash carts.
- Securing garbage is identified as one of the top ways to reduce human-bear interactions and resulting problems.
- Fully-automated bear resistant carts that stay locked until the collection truck empties them are very expensive to order individually, so a bulk purchase is more economical.
- It is also important that bear resistant carts are compatible with City of Asheville (COA) collection vehicles.
- Sanitation staff recommends that the City provide uniform, tested carts to residents to limit problems. If the City owns the carts, Sanitation can handle any cart damage through its warranty with the vendor.
- The City cannot be liable for damage to bear carts that individuals have purchased.
- BearWise research shows more success in bear cart programs when residents financially invest in some way.
- BearWise is a program developed by bear experts in the southeastern United States that shares ways to prevent conflicts, provides resources to resolve problems, and encourages community initiatives to keep bears wild.
- A one-year rental commitment prevents residents from requesting cart swaps during down times for bears.
- Staff recommends offering bear carts at the recommended rental fee for the pilot program.
- If the program is successful, staff recommends that Council consider using future revenues from the rental program to support provision of bear carts for lower-income residents through a rebate program.

Vendor Outreach Efforts:

- Bear-resistant carts are a new technology and are specialized products with limited options.
- NCWRC and Sanitation staff tested numerous varieties and have chosen to purchase the cart that is most consistently effective with Sanitation collection trucks, most effective at keeping bears out, and most user friendly.
- The cart is available for purchase on the Omnia cooperative contract.

Council Goal(s):
- Clean & Healthy Environment

Committee(s):
- None

Pro(s):
- Provides a solution to residents who are experiencing negative bear interactions and incidents with their trash.
- Protects human life and wildlife, and prevents waste management and litter issues for residents and the community.
- Residents will have access to bear resistant carts at a reasonable cost and that function with COA waste collection equipment.
- Residents will not experience their trash being scattered over the neighborhood by bears regularly, and potentially dangerous human-bear interactions may be prevented.

Con(s):
- Residents will have to pay the $10 monthly upcharge for a bear-resistant trash cart.
- Availability of carts will be on a first-come, first-served basis for the duration of the pilot program.
- The pilot order of bear-resistant trash carts is limited to the number of carts that can be purchased from available funding in the Sanitation Division's FY 2020-21 operating budget.

Fiscal Impact:
- The pilot order of bear-resistant trash carts will be funded from the Sanitation Division's FY 2020-21 operating budget.
- This funding allows for a purchase of 340 bear-resistant carts for $220 each plus shipping and tax for a total of $81,052.50.
- The proposed monthly fee is $10/month upcharge (one year minimum) for a bear-resistant cart.
- With full participation, the program could generate revenue of $3,400/month, resulting in a return on investment within approximately two years.

Suggested Motion:
- Motion to adopt an ordinance amending the fees and charges manual for Fiscal Year 2020-21 to establish a fee of $10 per month upcharge for the rental of a bear-resistant trash cart.

Attachment(s)0
- Ordinance
- Proposed change to Sanitation Cart page in City Fees & Charges Manual
- Questions & Answers Sheet
- Letter of Support

ORDINANCE NO. _____

ORDINANCE AMENDING THE FISCAL YEAR 2020-21 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached changes to the Fiscal Year 2020-21 fees and charges, attached hereto and made a part hereof, be adopted.

That this ordinance shall be in full force and effect upon adoption.

Read, approved, and adopted this 10th day of November 2020.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney

DEPARTMENT Public Works
DIVISION Sanitation

Revenue Name Solid Waste Fee

Account Code See below

Description of Revenue

Charges assessed for solid waste and recycling collection services in the City of Asheville.

Fee Schedule

Fee	Rate	Account
Standard municipal solid waste fee	$14 per household per month	11000311:450122
Rental fee for each additional 95 gallon trash cart	$14 per cart per month	11000311:450110
Upcharge for bear-resistant trash cart	$10 per cart per month	11000311:450110

Revised 11/11/2020

QUESTIONS & ANSWERS

1. What process will be used to ensure that the first carts go where there is the most need?
Due to rules regarding general fund use and provision of utilities, this program will be rolled out City-wide and the available stock of carts provided on a first-come, first-served basis, at no more than two carts per household for trash only, for the duration of the pilot program. That being said, we expect those who have a great need to be early adopters. We have already started an 'interest list' based on phone calls and emails from concerned residents. The NC Wildlife Resources Commission has identified and worked with some of the most impacted areas through their BearWise program and can help to promote use of bear carts in those areas. Areas that NCWRC has already identified as critical include Sondley Estates, parts of Town Mountain, Haw Creek, and parts of N. Asheville and Reynolds Mountain.

2. Can a resident pay the full cost of a cart rather than the monthly fee?
We propose to not offer a purchase option at this time. One reason for rental instead of purchase, as detailed above, is to maintain clear ownership for damages, liability, and warranty purposes. If the City maintains ownership, we can easily repair and replace carts via our warranty with the vendor. This is the same process we have for our regular carts. Additionally, if a cart is damaged or falls in the truck while emptying (a not-infrequent occurrence), then the City's liability is clear and we will bear the cost of replacement. If the resident owns the cart, responsibility for damages and liability become a grayer line that is more difficult to manage.

Additionally, since this is a pilot program, we would consider this a testing period for carts and would not want to encourage residents to make a large investment purchase until we have more data on the efficacy of the cart and program.

3. Is the monthly fee a service charge that continues as long as the resident has a cart or does it end after the 12 month period?
The monthly charge would continue. 12 months is the minimum in order to avoid people only renting during 'bear season' and then requesting swap out when the bears are quiet. We could set a 'max' rental period of 3 - 5 years to fully cover costs of purchase, delivery, and maintenance. Alternatively, we can continue the rental period and use revenues generated after ROI is met to further support expansion of the program or to support bear cart service for low-income residents (see below).

4. What can be done to assist low income residents who may have difficulty paying the monthly fee?
The City's current solid waste fee of $14/month is among the lowest in the state and does not fully cover operational costs. The City does not offer discounted service or differential rates for waste collection fees at this time per general fund rules. The Sanitation Division currently does not have the capacity to review applications for discounted bear-cart service. Our recommendation at this time is to offer bear carts at the recommended rental fee for the pilot program. The City may recommend a different/lower rental fee, with the understanding that ROI will be longer and revenue generation slower. If the program is successful, future revenues from the rental program could be reinvested and used to support provision of bear carts to lower-income residents through a rebate program. North Carolina law does not permit the waiver of fees for a utility or enterprise fund. However, rebates are permissible if the reimbursement program is funded from the General fund, but an additional legally recognized "public purpose" must also be present.