

5-19-98/3

CITY OF CHATTANOOGA

STORM WATER REGULATIONS BOARD

MINUTES

January 15, 1998, 5:00 p.m.
Public Works Conference Room
Second Floor, City Hall

- I. The Chairman verified the meeting notification and that a quorum was present and called meeting to order at 5:05 p.m.
- II. Roll Call
 - Members present were:
Ray Childers, Chairman
Evelyn Lovelady
Mike Poe, Vice Chairman
Charles Shaw
 - Absent were:
Derek V. Henry, Secretary
Vicki James (note of conflict received earlier in day)
Tony Williams
 - Staff present were:
Jack Marcellis, Public Works Administrator
Jack Wilkinson, City Engineer
Tom Scott, Stormwater Manager
Mike McMahan, Special Counsel, City Attorney's Office
Carol Putnam, Assistant Stormwater Manager
 - Others present were:
Bettye Eubanks, Citizen
Martha Conner, Citizen
Brian Hall, Representative, Chattanooga Shooters
David S. Dodson, Representative, Chattanooga Shooters
- III. The minutes from November 17, 1997, and December 15, 1997, meetings were reviewed and approved by those present after a motion by Mike Poe and second by Evelyn Lovelady.
- IV. Hearing of Appeals
 - A. NA Industries, Tim Spires
Representatives were not present per letter of Tom Scott to NA Industries dated January 15, 1998, saying present ordinance does not specifically require permit for addition to industries, so permit is not requested.

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Tom Scott explained that ordinance needs to be expanded to require additions have permit from Stormwater.

Mike McMahan suggested that staff prepare a recommended ordinance change to present to Board and Council. He explained that Stormwater Regulations Board does have variance powers, but the ordinance is not specific enough to do this.

V. Discussion on recommendation for ordinance change on Stormwater fee refund policy

Chairman Childers explained the Board was not comfortable with the one-year refund and asked for consideration of a longer period. Jack Marcellis distributed a chart showing parcels eligible for reimbursement over the four-year period the ordinance has been in effect giving total refunds. He explained that staff and Mayor Kinsey are recommending an extra year payback to be funded out of this year's fee. Motion for recommendation to Council made by Charles Shaw, Mike Poe seconded, motion passed by all present.

There was a question from David Dodson, Chattanooga Shooters, as to the possibility of giving a credit for earlier overpayments on future fees. Mike McMahan explained that the computer is not able to make such changes. Mike Poe explained that Chattanooga Shooters could attend the Council meeting and present the case for more years to be included in the refund period. Jack Marcellis said staff would notify David Dodson of the meeting time.

VI. Discussion of filling in residential areas

Jack Marcellis distributed copies of the minutes of the Council Committee meeting where Councilwoman Hurley asked that residential fill permits be limited to those obtaining building permits only. He also distributed a list of suggested parts of an ordinance. He explained that those needing to dump construction debris must now

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make the 1 1/2 hour round trip to Summit Landfill so dumpers are trying to find alternate sites, thus the dumping in vacant property. This ordinance will keep this dumping out of the R-1 and R-2 residential areas, per Mike McMahan, as will be drafted. Tom Scott explained the Stormwater ordinance does require that completed fills be stabilized in two weeks.

VII. Other discussion from Board or others present

Chairman Childers asked about landscape ordinance and stormwater fee offsets. It was explained that no additional offsets would result, but that there would be savings because of less impervious areas as the result of development.

VIII. Adjournment at 6:55 p.m.

CHATTANOOGA CITY CLERK
3-24-98
3-24-98

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ORDINANCE NO. 10670

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-351 AND 31-355(b), RELATIVE TO STORM WATER FEES AND CORRECTION OF ERRORS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 31, Section 31-351, be and the same is hereby amended by adding thereto the following:

The owner of record as determined by the records of the Assessor of Property for Hamilton County as of October 1 shall be liable for payment of the storm water fees for that calendar year; providing nothing herein shall preclude the proration of fees between property owners.

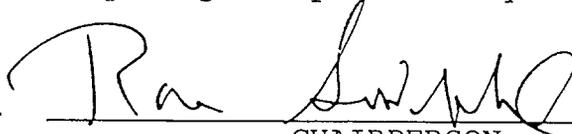
SECTION 2. That Chattanooga City Code, Part II, Chapter 31, Section 31-355(b), be and the same is hereby amended by striking the word "agreement" and substituting in lieu thereof "this article". This section shall be further amended by adding thereto the following:

The manager shall refund any erroneous billing for the year involved in the protest and when the conditions in the previous years also warrant an adjustment, the manager shall adjust the previous two (2) years' fees for a total of three (3) years of adjustment of erroneous fees.

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SECTION 3. That this Ordinance shall become effective two (2) weeks from and after its passage as provided by law.

PASSED on Third and Final
Reading February 24, 1998.



CHAIRPERSON

APPROVED: DISAPPROVED: _____

DATE: 2/26, 1998.



MAYOR

:cjc