

CITY OF CHATTANOOGA

STORM WATER REGULATIONS BOARD

MINUTES

June 10, 1996, 5:00 p.m.
Public Works Conference Room
Second Floor, City Hall

- I. Verification of meeting notification was made, and the meeting was called to order at 5:00 by Chairman Ray Childers.
- II. The roll call showed the following members were present:

Ray Childers, Chairman
Derek V. Henry, Secretary (arrived 5:10 p.m.)
Evelyn Lovelady
Vicki James
Mike Poe, Vice Chairman
Charles Shaw
Tony Williams

Also present were staff members:

Jack Marcellis, Public Works Administrator
Jack Wilkinson, City Engineer
Tom Scott, Stormwater Manager
Mike McMahan, Special Counsel, City Attorney's Office

In addition, Alan McClure of NA Industries was present.

- III. It was moved by Evelyn Lovelady and seconded by Charles Shaw to adopt the minutes from August 14, 1995, and the canceled March 18, 1996 meetings. This was approved by all present.

IV. Hearing of Appeals

A. NA Industries, Center South River Park

2651 RIVERPORT RD
127 K A 001.09

Chairman Childers gave oath to Mr. Alan McClure, NA Industries, and Tom Scott, Stormwater Management. Mr. McClure distributed handout to Board members (copy filed with minutes of meeting).

Mr. McClure, Safety and Environmental Director, NA Industries, stated he agrees with Tom Scott that drainage from NA Industries flows through an open ditch over County-owned lands and discharges to the Tennessee River. He contends that these are not through City-maintained facilities.

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Mr. McClure said that since Stormwater fee is not a tax but is a fee, no service to NA Industries means no fee. He asked for refund of 1993, 1994, and 1995 fees and to be exempt from future fees.

In answer to question of Ms. Vicki James, Mr. McClure stated that no maintenance has been done in the ditch since constructed.

Tom Scott responded that we are available to maintain all ditches on request that are in City of Chattanooga.

Tom Scott said that fees could be refunded if NA Industries would sign documents assuming maintenance of the ditch.

Mike McMahan noted that possibly neither the Storm Water Regulations Board nor the Storm Water Manager has authority to refund fees, and he must check on this. It was determined that the request for an appeal was in time to consider refund of the 1995 fee.

Tom Scott stated that the City replaces catch basins, opens ditches, cleans pipe, etc., on all platted subdivisions in the City even if owned by the County.

Mr. McClure said that NA Industries is responsible for back-up of drainage if to other properties, not the City.

Charles Shaw asked if future fees can be excused by the Storm Water Board, and Mike McMahan said "Yes." Only refunds are in question.

Mike McMahan determined that the County owns the land on which the drainage ditch is located. If piped, per Tom Scott, no fee is required.

Mike McMahan explained that covenants and conditions between property owners are not binding on the City or do not effect the City's responsibilities.

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Motion by Charles Shaw that 1995 fee be refunded based on determination that NA Industries is not liable for future fees and that letter of acceptance of maintenance responsibilities for the ditch be given by NA Industries. Vicki James seconded. Approved by all.

It was pointed out that the possibility of future development may change the status of the ditch, and if this happens, the question of fee can be addressed again.

- V. Tom Scott distributed the most recent newsletter. There is still trouble with erosion control activities, so he has set up contractor training. Those completing the training get a "green" card. One hundred twenty have completed the training. Now they cannot plead ignorance.

Draft permit is now in approval process, and he should have copy any day.

Our Stormwater Division received the EPA Education Award.

Contracts awarded for stormwater work were as follows:

1994	1	@	2,000,000	City-wide
1995	2	@	500,000	City-wide
1996	1	@	456,000	City-wide and
	1	@	611,000	North Terrace

Each year City-Wide Services work order projects have totaled \$730,000.

The City is using Pure-mat for high velocity grass ditches to reduce erosion.

Chairman Childers asked if there are any success stories as there are mostly problems in the paper. It was discussed that we have to buy ads to get good reports. Although most work is satisfactory, it doesn't make news as no one complains.

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VI. Briefing on lawsuit - Mike McMahan

Buster Vandergriff is the primary leader in suit, and lawyers have agreed to do nothing until he is well, so no progress has been made since the report at the last meeting.

VII. There was no business from last meeting.

VIII. There was no other discussion from Board or others present.

IX. Vicki James made the motion for adjournment, seconded by Evelyn Lovelady, which was approved by all. The meeting adjourned at 6:45 p.m.

Note: A copy of the NA Industries handout and the distributed newsletter are filed with these minutes as are audio tapes of the meeting.

Approved Dec. 10, 1996
J. Williams Jr.