

CITY OF CHATTANOOGA

STORM WATER REGULATIONS BOARD

MINUTES

December 9, 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 by the Chairman at 5:07 p.m.
- II. The roll call showed the following members were present:

Ray Childers, Chairman
Derek V. Henry, Secretary
Evelyn Lovelady
Mike Poe, Vice Chairman
Tony Williams

Those absent were Vicki James and Charles Shaw.

The following staff members were present:

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

Also present were Linda Lowe Gardner and Peter Yakimowich, President, Comquest NA.

- III. It was moved by Evelyn Lovelady and seconded by Mike Poe to adopt the minutes from June 10, 1996. This was approved by all present.
- IV. Hearing of Appeals
- A. Linda Lowe Gardner (property at 4820 Hixson Pike).
1104 D 047
- Ms. Gardner said property is zoned commercial, but most is not covered with building or parking lot. Not 85 percent as is done for commercial property. She paid all of rent of \$600.00 for taxes and stormwater fee. She said she did not protest but had a total of \$6,000.00 per year with taxes. She wants back the \$462.00 per year, less new assessment of \$18.00, or a total of \$1,332.00 (see letter in correspondence).

CITY OF CHATTANOOGA

STORM WATER REGULATIONS BOARD

MINUTES

December 9, 1996, Public Works Conference Room
Page 2

Tom Scott said that at the time of fee setting, the property was commercial with building. Later check shows that 40 percent in front was parking lot. Computer figured fee based on active commercial using 85 percent. He stated it has changed from active commercial to vacant commercial, so the fee was adjusted down. Has some impervious area now.

Chairman Ray Childers asked if the fee was properly calculated for initial fee as charged, and was the appeal timely.

Mike McMahan pointed out that if the fee is improperly classified by the Tax Assessor, a change can be made at any time.

Chairman Ray Childers asked Tom Scott if the fee could be calculated now to tell what it should have been.

Mike McMahan said that if timely appeal is given, the Board could change the 1995 fee.

In answer to question of Mike Poe, Ms. Garner stated that commercial use of the building ended about two years ago, and the building was torn down a year ago.

Chairman Childers asked if the \$482.00 fee was properly calculated under the ordinance, and Tom Scott said "Yes."

Motion by Tony Williams, seconded by Mike Poe, to refund to Ms. Gardner \$451.21 of the fee for 1995. This is calculated by reducing the \$482.08 fee paid by the \$10.87 fee that would be charged because the building was removed from the land.

Because of Ms. Gardner's comment of not understanding when an appeal had to be made, the discussion of the time allowed for appeal was done at this time.

Chairman Childers commented that we should say in plain language.

CITY OF CHATTANOOGA

STORM WATER REGULATIONS BOARD

MINUTES

December 9, 1996, Public Works Conference Room
Page 3

A motion was made by Derek Henry, seconded by Tony Williams, to require that appeal be made within twelve months from delinquency date.

Ordinance change is to be written by Mike McMahan.

- V. Tom Scott stated that the State MS4 permit was received October 4, 1996, and the City was well into first two years of requirements. The big cost in the future will be sampling. The State has decided parameters and where. An example is Red Bank and especially where flows come from other jurisdictions. Pretty much pollution comes from Georgia and East Ridge. Phase II will pull in County, Red Bank, and East Ridge in 2001, and this will coincide with our five-year program. All surrounding areas will be required to follow Chattanooga guidelines.

Mike Poe asked about the cost of monitoring, and Tom Scott replied that it has not been decided yet. At the next meeting he will have graphics showing which areas give the most pollution.

Tom Scott reported to discourage people changing oil over catch basins, they have had help in stenciling the words "Flows to River" on catch basins.

A leaf bag program has been initiated to keep leaves out of ditches, pipes, etc.

- VI. Update - Mike McMahan

The court case has been put off to September 1997 because of death of Mr. Vandergriff. Ms. Lovelady asked the purpose of the lawsuit. Mike explained the method of collecting the fee and the City's operating without permit were the primary contentions.

- VII. Discussion of Time Allowed for Appeal

See earlier motion.

CITY OF CHATTANOOGA
STORM WATER REGULATIONS BOARD

MINUTES

December 9, 1996, Public Works Conference Room
Page 4

- VIII. Business from last meeting - none.
- IX. There was no other discussion from Board or others present except Pete Yakimowich, who participated in the original fee study as a consultant, commented that tax records were relied on for determining if a property was vacant and that you could not measure every property.
- X. The meeting adjourned at 6:14 p.m.