

CITY OF CHATTANOOGA  
STORM WATER REGULATIONS BOARD

MINUTES

November 17, 1997, 5:00 p.m.  
Public Works Conference Room  
Second Floor, City Hall

- See 8-1-1997*
- I. Verification of meeting notification was made, and the meeting was called to order by the Chairman at 5:02 p.m.
- II. All members were present as noted below:

Ray Childers, Chairman  
Derek V. Henry, Secretary  
Evelyn Lovelady  
Vicki James (arrived 5:08)  
Mike Poe, Vice Chairman  
Charles Shaw  
Tony Williams (arrived 5:07)

The following staff members were also present:

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

- III. Adoption of minutes from December 9, 1996, meeting was moved by Shaw, seconded by Lovelady, and approved by all present.

IV. Hearing of Appeals

- A. Chattanooga Group, Inc., Adams Road/Cannisita Drive.

*Kanista*  
*1103 B 001*

Tom Scott explained that the Chattanooga Group is exempt from stormwater fee because their runoff flows through drainage on a private street to North Chickamauga Creek. Scott Kosterman, Chattanooga Group, stated that the company paid the 1996 fee and realized they were not applicable to pay the fee. The 1996 fee was returned by Tom Scott, who has only power to return current year. He was asking the return of the fee for years 1993-1995.

Mike McMahan, quoting Section 31-355 of the City Code, says that company must pay under protest to get

a refund and that must be done by December 31 of year following billing.

The Chairman noted that if Board does not have authority to return fees, no further discussion was pertinent.

The motion to deny was made by Charles Shaw, seconded by Mike Poe. The vote was 6 to 1 (with Derek Henry opposed). Mike McMahan explained to Mr. Kosterman that the next appeal option is through the courts.

He replied it might be worthwhile for \$36,000 (\$12,000 per year).

- B. Chattanooga Shooters Supply, Inc. 2600 Walker Road  
Chattanooga Shooters' representative, <sup>139-003,01</sup> David Dodson, explained that his was the same scenario, as they have paid three times as much as they should. When they applied, it was found that the original calculation was in error. They received a refund for the 1996 fees. They are asking for refund of the 1993-1995 \$3,000 overpayment per year.

Tom Scott explained that he charged fee from a re-evaluation of the area, plus gave 25% deduction for detention pond.

Mike McMahan stated that both were charged more than required but did not pay under protest or notify Stormwater prior to 1996.

The Chairman stated that again the Board can only handle changes, refunds, etc., from the current year and future years. He then asked how can a change be made and allow the Board to consider giving refunds where due. Mike McMahan explained that the Council could change ordinance. The Board asked Mr. Marcellis to check for next meeting as to possible Council action.

Motion to deny Chattanooga Shooters' request was made by Mr. Shaw, seconded by Mike Poe. The vote was ~~6~~ to ~~1~~, with Derek Henry opposing.

<sup>2</sup> Evelyn ~~seconded~~ <sup>seconded</sup> ~~and~~  
The Chairman pointed out that the Board has the duty to administer the ordinance to best of knowledge. A secondary duty is to make recommendation where they feel uncomfortable to enforce ordinance.

Mike McMahan stated that he would not recommend changing fee ordinance now as U. S. Court is still out on decision in the original lawsuit.

C. Hamilton Plastics, 2641 Riverport Road

127K A 001.17

No one was present representing Hamilton Plastics.

V. Update on Stormwater Management activities - Tom Scott

Tom Scott explained the recent article in the newspaper saying the new Mayor wanted to put \$12,000,000 in Stormwater to catch up 1,400 jobs with contracts four or five times per year for the next three years. We also will have preventive maintenance activity on each water shed cleaning out ditches and catch basins. Preventive maintenance projects will be eliminated from contract, and we can be caught up and even in three years, hopefully. He had made a presentation to the staff, then to the Mayor, of three-year plan. We are trying to leave crisis management and have a definite policy of where we are going. We left out political boundaries (nine districts) in the proposed contracts. Construction will be at the rate of four \$1 million contracts per year. Our trucks can clean fifty catch basins per day. We will have a second truck ready to be manned in the next few weeks. He distributed a copy of the policy portion of reprint to Board.

The Chairman asked about the landscape ordinance and its claims for help to stormwater. Tom explained that it was primarily a tree planting ordinance and not specifically stormwater oriented.

VI. Briefing - Mike McMahan

Mike McMahan reported the case has been fully tried and is waiting on Judge to rule since presented in April, 1997. No news since then.

VII. Business from last meeting

None

VIII. Other discussion from Board or others present

Discussion concerning the next meeting resulted in a suggested time of December 8, 1997, at 5:00 p.m. (This was changed to December 15, 1997, at request of Administration to have time to recover data needed.)

IX. Adjournment was at 5:53 p.m.

Note: A copy of handouts are filed with minutes as are audio tapes of meeting.