

REC'D MAY 03 2005

May 2, 2005



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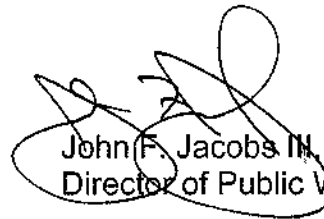
Memorandum for City Administrator

Subject: Proposed Resolution on establishing a Transition Policy on the Comprehensive Connection Charges

The attached proposed resolution establishes a transition policy for the Comprehensive Connection Charges in accordance with §13.02.070.A.12 of the City Code.

Unless you or the Mayor, have further questions, please forward this memorandum to the City Council. For any additional questions you may have, I can be reached at (410) 548-3170 or by e-mail at jjacobs@ci.salisbury.md.us.

Sincerely,



John F. Jacobs III, P.E.
Director of Public Works

Enclosure: as

JOHN F. JACOBS III, P.E.
DIRECTOR

NEWELL W. MESSICK III, P.E.
DEPUTY DIRECTOR

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RESOLUTION No. 1237

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SALISBURY, MARYLAND TO ESTABLISH A TRANSITION POLICY
FOR THE COMPREHENSIVE CONNECTION CHARGES IN
ACCORDANCE WITH CHAPTER 13.02 OF THE CITY CODE.

WHEREAS the City of Salisbury established the Comprehensive Connection Charges in Chapter 13.02 of the City Code by passage of Ordinance 1918 on December 20, 2004;

WHEREAS one of the goals of the Comprehensive Connection Charges in Ordinance # 1918 stated in §13.02.020.B.10 is to ensure a balanced and smooth transition of water and sewer connection costs from the previous policy;

WHEREAS Ordinance # 1918 provides guidance to accomplish a balanced and smooth transition in §13.02.070.A.12 by stating the Mayor and City Council, by resolution, may adopt a policy for discounting the total Comprehensive Connection Charge;

WHEREAS the City recognizes a property owner or developer has numerous challenges, which include technical engineering and zoning complexities, significant financial requirements, and long lead times for successful installation of water and sewer infrastructure required;

WHEREAS the City, as of December 21, 2004, established objective criteria and a specific date to include properties under the old policy and not require the Capacity Fee if the developer or property owner had a signed Public Works Agreement and an approved site plan for one or more development phases, or an approved Water and Sewer Application for the lot(s) to be served with water and sewer;

WHEREAS any property owner or developer that submitted a preliminary site plan to the City of Salisbury Department of Public Works and was in the final stage of site plan and Public Works Agreement approval prior to December 21, 2004 had the right to appeal the Capacity Fee payment requirement to the Mayor by 4 PM on January 20, 2005; and

WHEREAS any property owner or developer that was on the verge of satisfying the objective criteria on December 20, 2004 consisting of a signed Public Works Agreement and an approved site plan for one or more development phases, or an approved Water and Sewer Application for the lot(s) to be served with water and sewer will be considered by the City for waiver of the Comprehensive Connection Charge's Capacity Fee based on any mitigating evidence provided by the developer and property owner.

NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council approves the

Comprehensive Connection Charge Transition Policy in accordance with §13.02.070.A.12 of the City Code for application to any property owner or developer that:

- 1). Has submitted a preliminary site plan to the City of Salisbury Department of Public Works and is in the final stage of site plan and Public Works Agreement approval prior to December 21, 2004, and appealed the Capacity Fee payment requirement to the Mayor by 4 PM on January 20, 2005; and
- 2). Was on the verge of satisfying the objective criteria on December 20, 2004 consisting of a signed Public Works Agreement and an approved site plan for one or more development phases, or an approved Water and Sewer Application for the lot(s) to be served with water and sewer, will be considered by the City for waiver of the Comprehensive Connection Charge's Capacity Fee based on mitigating evidence presented by the developer or property owner of substantial compliance on/or before December 20, 2004..

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on _____, 2005, and is to become effective immediately upon adoption.

ATTEST:

Brenda J. Colegrove
City Clerk

Michael P. Dunn
President of the City Council of the
City of Salisbury

Approved by me this _____
day of _____, 2005.

Barrie P. Tilghman
Mayor of the City of Salisbury