

COUNTY COUNCIL  
OF  
TALBOT COUNTY

2017 Legislative Session, Legislative Day No. April 25, 2017  
Resolution No 245 \*AS AMENDED\*

Introduced by: Mr. Callahan and Ms. Williams

**A RESOLUTION SUPPORTING THE DESIGNATION OF A PORTION OF CENSUS TRACT 9603 LOCATED IN THE TOWN OF EASTON AS A MARYLAND ENTERPRISE ZONE PURSUANT TO ECONOMIC DEVELOPMENT ARTICLE § 5-701 ET SEQ., MARYLAND ANNOTATED CODE**

By the Council: April 25, 2017

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, May 23, 2017 at 5:15 p.m. in the Bradley Meeting Room, 11 North Washington Street, Easton, Maryland 21601.

By order:   
Susan W. Moran, Secretary

**A RESOLUTION SUPPORTING THE DESIGNATION OF A PORTION OF CENSUS TRACT 9603 LOCATED IN THE TOWN OF EASTON AS A MARYLAND ENTERPRISE ZONE PURSUANT TO ECONOMIC DEVELOPMENT ARTICLE § 5-701 ET SEQ., MARYLAND ANNOTATED CODE**

**WHEREAS**, under the Maryland Enterprise Zone Program, the Maryland Secretary of Commerce is authorized to designate certain qualifying land areas as enterprise zones upon application by the political subdivision(s) in which said areas are located; and,

**WHEREAS**, to promote investment and job creation, the designation of an area as an enterprise zone confers certain real property tax credit, income tax credit, and other financial benefits on qualifying trades or businesses that are located in or which move into the enterprise zone; and,

**WHEREAS**, pursuant to Tax-Property Article § 9-103, eligible trades and businesses in the enterprise zone may claim a 10-year credit against local real property taxes on nonresidential portions of their properties, said credit being 80 percent of the assessment increase during the first five years, then decreasing 10 percent annually to 30 percent in the tenth year; and,

**WHEREAS**, the State of Maryland, as provided in the State budget, will, pursuant to Tax-Property Article §§ 9-103 (h) and (i), reimburse each participating county and municipality in an amount equal to one-half of the funds that would have been collected if the enterprise zone property tax credit had not been granted; and,

**WHEREAS**, Tax-Property Article § 9-103 (c) states that “Unless the county in which a municipal corporation is located agrees to the designation of an enterprise zone in the municipal corporation, qualified property in the municipal corporation may not receive a tax credit against county property tax.”; and,

**WHEREAS**, on or about April 15, 2017, the Town of Easton, Maryland, filed an Enterprise Zone Application with the Maryland Department of Commerce seeking the designation of a portion of Census Tract 9603 as a Maryland Enterprise Zone as shown and described on a map delineating the enterprise zone boundary in orange, which map is attached hereto as Exhibit “A” and incorporated by reference herein; and,

**WHEREAS**, the Maryland Secretary of Commerce may permit amendments to an Enterprise Zone Application at any time before the Secretary acts upon the application; and

**WHEREAS**, the Town of Easton, Maryland requested an amendment to its Enterprise Zone Application that modifies the boundary of the proposed Easton Enterprise Zone as shown and described on a map attached hereto as Exhibit “B” and incorporated by reference herein. The modified Easton Enterprise Zone area shown in Exhibit “B” is labeled “Current App Enterprise Zone” and consists of the orange-shaded parcels; and

**WHEREAS**, the Town of Easton’s Enterprise Zone Application, as amended, specifies certain criteria, in addition to those found in State law, for a trade or business to qualify for the real property tax credits and other enterprise zone financial benefits, *viz.* a capital investment by the business in an amount equal to or greater than \$75,000.00 and the creation of at least two new jobs; and,

**WHEREAS**, the designation of the portion of Census Tract 9603 identified in the Town of Easton's Application, as amended, is an important incentive that the Town and County can offer to retain and attract businesses and to promote local job creation.

**NOW, THEREFORE**, be it resolved by the County Council for Talbot County, Maryland:

1. The above recitals are incorporated as if fully set forth herein.

2. The County hereby supports the designation of the portion of Census Tract 9603 shown on Exhibit "B" and labeled "CurrentApp Enterprise Zone", consisting of the orange-shaded area (the "Area") as an enterprise zone pursuant to the Town of Easton's Enterprise Zone Application of April 15, 2017, as amended, (the "Application") and Economic Development Article § 5-701 *et seq.*

3. Should the Maryland Secretary of Commerce (the "Secretary") lawfully designate the Area as an enterprise zone, the County hereby agrees to grant real property tax credits against County property taxes for qualifying trades and businesses in accordance with Tax-Property Article § 9-103. The County acknowledges that the criteria for a trade or business to qualify for the real property tax credits and other enterprise zone benefits are set forth in the Economic Development Article, the Tax-Property Article, COMAR, and the Application as approved by the Secretary of Commerce.

4. Following adoption of this Resolution, if the Application is amended in a way that materially alters the size or shape of the Area or the criteria for a trade or business to qualify for real property tax credits and other enterprise zone benefits, or if the amendment alters the Application in any other way the County views as material to its decision to support the designation, then the County reserves the right to withdraw or change its support for the designation of the Area as an enterprise zone.

5. If the Secretary does not accept the Application or does not ultimately designate the Area as an enterprise zone, then this Resolution shall automatically be of no further force or effect and shall not be used as evidence of the County's support for any future application. If and when a future enterprise zone application is made, the County will evaluate said application at the appropriate time and determine whether to support the designation or not.

6. If and when the Town seeks an expansion of the Area in the future, for example to include the area shown on Exhibit "B" and labeled "FutureApp Enterprise Zone", consisting of the green-shaded parcels, the County will evaluate such expansion at the appropriate time and determine whether or not to support it or to participate in the real property tax incentive for the expanded area.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon its date of passage.

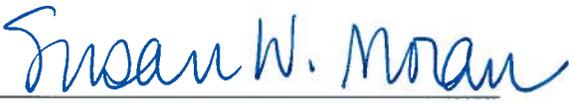
**PUBLIC HEARING**

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 245 having been published, a public hearing was held on Tuesday, May 23, 2017 at 5:15 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

**BY THE COUNCIL**

Read the second time:

Enacted: May 23, 2017 \*AS AMENDED\*

By Order:   
Secretary

Williams - Aye (Via Absentee Ballot)  
Price - Aye  
Bartlett - Aye  
Pack - Aye  
Callahan - Aye

EFFECTIVE: May 23, 2017

EX. "B"

