



The Town of Hilton Head Island Intergovernmental Relations Committee Regular Meeting

Tuesday, April 19, 2011
2:30 p.m. – Conference Room 3

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting

1. Call to Order
2. Freedom of Information Act Compliance
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
3. Approval of Minutes
 - a. Regular Intergovernmental Relations Committee Meeting of February 22, 2011
4. Chairman's Report
5. Unfinished Business
 - a. Status of 2011 General Assembly Issues
6. New Business
 - a. Proposed Collaboration Between the Town and USC-Beaufort
 - b. Verbal Staff Report on Town/Beaufort County Storm Water Utility Intergovernmental Agreement – Jeff Buckalew, Town Engineer, Public Projects & Facilities
 - c. H.4033 Widening and Dredging Waterways/Municipal Improvement Districts
7. Adjournment

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
INTERGOVERNMENTAL RELATIONS COMMITTEE

Minutes of the Tuesday, February 22, 2011

Regular Meeting

Members Present: George Williams, *Chairman*; Ken Heitzke. *Council Member*

Members Absent: None

Others Present: Bill Ferguson, Kim Likins, *Council Members*; Jim Hess, *Member of Hilton Head Island-Bluffton Chamber of Commerce Leadership Group*

Staff Present: Greg DeLoach, Esq., *Assistant Town Manager*; Faidra Smith, *Administrative Manager/Public Information*; Scott Liggett, *Director, Public Projects & Facilities*; Kimberly Kominski, *Administrative Assistant*

Media Present: Tom Barton, *Island Packet*

1. Call to Order

The meeting was called to order at 10:00 a.m.

2. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Minutes

January 18, 2011 Regular Meeting

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 2-0.

4. Chairman's Report

Mr. Williams reported that he and several Town Council members attended the MASC meeting in Columbia last week and were told that due to the economic climate of the state and budget issues, bills before the Ways and Means Committee, with the exception of budget items, will probably be carried over to next year for action.

Ms. Likins stated that the sessions in Columbia were informative and the representatives she met with were interested in, and aware of, the Town's needs.

5. Unfinished Business

- Mr. DeLoach provided the committee with results of the survey of property transfer fees charged by PUDs.
- Mr. DeLoach informed the committee that the Mayor has sent a letter to the Ways and Means Committee members and the Town's delegation, expressing opposition to H.3516, which allows the General Assembly to reduce the Local Government Fund.
- Mr. DeLoach stated the proposed Voter Identification legislation now has numerous proposed amendments and staff will continue to monitor.

6. New Business

a. Discussion of Intergovernmental Relations Committee Meeting Times

Mr. Williams explained that this Committee meets on the same day as Town Council and if the time is changed to 2:30 p.m., there will be less down time between meetings. Members in attendance agreed to hold the remaining 2011 Intergovernmental Relations Committee meetings at 2:30 p.m., with the exception of March 15, 2011, which will remain at 2:00 p.m.

b. Discussion of 2011 General Assembly Issues

- Senate Bill 20 – This bill requires law enforcement to check immigration status of a person stopped, detained or arrested, and includes a provision which allows any citizen to bring a law suit if this is not done. Mr. Williams is concerned with the potential costs associated with such citizen law suits and prefers the Municipal Association’s proposal which allows the Office of the Attorney General to initiate litigation. Mr. DeLoach stated he will discuss the matter with the Sheriff’s Office and staff will continue to monitor.
- Smoking Bills – Most are extensions of existing legislation.
- S.C. Truth in Spending Act - Post Online Expenditures – Mr. Williams stated he has no problem with posting online, other than it is an additional expense to do so.

c. H.3587: Dredging canals

Mr. Williams stated that upon review, he learned this legislation was written due to a specific issue wherein Horry County has received a permit for dredging from the Army Corps of Engineers but not from the State. He related that the Town may be in a similar situation in the future with respect to Sea Pines.

7. Adjournment

At 10:27 a.m., Mr. Heitzke moved to adjourn. Mr. Williams seconded. The motion was approved by a vote of 2-0.

Respectfully submitted:

Approved:

George Williams, Chairman

Kimberly A. Kominski,
Administrative Assistant

2011 General Assembly – Legislation Priority Guide

Priority Legislation			
Introduced Legislation			
Bill Number (s)	POS	Bill Number (s)	POS
• Local Government Fund Cut (H. 3516-Joint Resolution)	O	•	
•		•	
•		•	
Potential Legislation			
	POS		POS
•		•	
•		•	

2011 General Assembly – Legislation Priority Guide

Legislation to Monitor			
Introduced Legislation			
Bill Number (s)	POS	Bill Number (s)	POS
• TRAC Recommendations-Property Taxes and Tourism Fees (uniform form)	M	• S.C. Truth in Spending Acts-post expenditures online (S. 100, S. 153, H. 3067)	M
• Smoking Bills (S. 219, H. 3015, H. 3022, H. 3033, H. 3109.)	M	• S.C. Homeowners' Association Act (S. 218)	M
• Annexation Bills (S. 313, H. 3247)	M	• Eliminate Point of Sale Provision in Act 388 (H. 3713, S. 229 and S. 647)	M
• Immigration (S. 20)	M	• Dredging Canals/permits and exemptions (H. 3587 and S. 497)	M
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Potential Legislation			
	POS		POS
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•		•	

MEMORANDUM

TO: Intergovernmental Relations Committee

FROM: Stephen G. Riley, Town Manager

DATE: April 13, 2011

RE: **Proposed Collaboration between the Town and USC-Beaufort**

Recommendation

That the Intergovernmental Relations Committee recommend to the full Town Council that we enter into an agreement, based on the attached outline, between the Town and USC-Beaufort to enhance hospitality and tourism training and special events management on the Island.

Summary

Conversations have been going on for several months with representatives of USC-B and the Town Staff to find a way to create greater cooperation and to enhance our special events and festivals while also improving training opportunities for the hospitality industry. The attached proposal is the result of those conversations.

Money to implement this proposal would come from both the University and the Town. Town Funding would come from the festival and event fund that is a part of our 1% local ATAX ordinance. These funds had been flowing to the Hospitality Association to assist with festivals and training, but that organization, no longer meets the criteria for continued funding. Staff believes a collaboration with USC-B is our best solution for the long-term and addresses several of the issues identified in Council's goals and from the Mayor's Task Force.

Background

The attached is a proposal from USC-B's Hospitality Management program to begin a collaboration with the Town that would support special events on the Island as well as offer hospitality training programs. Staff and University officials see this as a first step in a more ambitious effort to bring a university presence back to the Island.

The source of funding would be the "Festival and Island Ambassador Program Fund" that was created back in the late 1990s and funded with local Accommodations Taxes (Sec 4-10-100 of the Town Code). This program was originally targeted to aid the Hospitality Association and the Town Code includes a number of conditions that the Association no longer meets; the chief requirement being the employment of a full-time executive director. They no longer have such a position.

Rather than try to massage the Town Code to meet their new circumstances, Staff approached the University about their ability to provide these services. Initially, the Hospitality Association was onboard with this approach and USC-B was going to provide staffing services to the Association under a separate agreement. The Hospitality Association is currently exploring other options for their future.

The University, through its College of Hospitality Management, is well positioned to engage students and event managers such as the Heritage Classic Foundation, the Concours, the Gullah Celebration organizers, the Island Rec Center, a retooled Hospitality Association and any other groups with event management support. They are also a logical source for a variety of training initiatives the industry.

The potential to grow this collaboration into something bigger that brings more educational and cultural opportunities to the Island is perhaps the greatest benefit of this collaboration.

Whether this approach fully meets the intent of the allowable uses for local Accommodations Taxes is still a question. If it does not, I would recommend shifting local ATAX to other clearly allowable uses and shift general revenues to this effort.

The Town's Accommodations Tax Advisory Committee has previously been charged with annually reviewing the Hospitality Association budget as part of the festival event fund. Whether the ATAX Committee continues with that role is a matter for discussion.

**Vision for the Future:
A collaboration between USC Beaufort and the
Town of Hilton Head Island**

Summary:

Since the inception of the Hospitality Management education program at the University of South Carolina Beaufort (USCB), the University's vision has encompassed delivery of world-class education to the Hospitality and Tourism industry. Hilton Head Island is an internationally known and recognized hospitality destination and the natural partner for the University in this vision. As the USCB program grows, there are natural synergies that would occur between the Island and a USCB College of Hospitality Management located on the island.

A successful hospitality industry is key to the future of Hilton Head Island. USCB proposes to collaborate with the Town to improve and enhance the hospitality industry through the establishment of the Center for Event Management and Hospitality Training. The Center will focus on two areas: Special Events Production and Volunteerism, and Hospitality Education. The Special Events component will assist in the establishment of new festivals attracting new tourists to Hilton Head Island and support special events and festivals that are currently held on the Island. The Education and Training component will provide training to employees, students and hospitality professionals, attracting tourists, professionals and students to the area to receive specialty training.

Vision 2025, as presented by the Mayor's Task Force on the Island's Future, set forth thirteen Stretch Goals for the community. The work of the Center will support five of those goals, namely

- Become the #1 hospitality and family-friendly, beach destination in the Southeast
- Become the #1 Cultural/Arts destination of choice in the Southeast
- Become the #1 ecotourism destination in the Southeast
- Broaden and Deepen the Economy
- Become a great learning Center destination.

Each component of the Center will result in a significant, positive economic impact to the community. Special event productions will help deepen the economy through their positive economic impact in the hospitality industry, estimated at \$5 million (budget attached). This will help to achieve vision element #4 economic diversification, tactic # 1 (page 17): to increase the economic impact of Hospitality by \$500,000,000 over 5 years. With events in the areas of arts, culture, ecotourism and sports, the Center will support the Island's goal of becoming the #1 destination in the Southeast. The learning opportunities available through the Center will help to make Hilton Head Island a learning center destination. Combined, the activities of the Center will help to bring about sustained growth in the hospitality industry of the Town of Hilton Head Island. As the

Center grows areas relating to Ecotourism and Sustainability will be natural areas of expansion.

Introduction:

The Department of Hospitality Management at USCB has a long established history of offering teaching, research and service to the Hilton Head Island community. The department has conducted survey research and provided student volunteers to assist at ATAX sponsored events since 1997. Since the University's move from the Hilton Head location to Bluffton in 2004, with the concomitant establishment of baccalaureate degree programs, the Hospitality Management Program has grown to become one of the largest degree programs at USCB, with 165 majors out of a total enrollment of approximately 1750 students. Students from the United States as well as international locations are choosing to study Hospitality Management in the Lowcountry at USCB. Many of the students who decide to study at USCB vacationed on Hilton Head Island while growing up. We expect that the extraordinary growth of enrollment in the Hospitality Management program will continue, given that the department has recently expanded academic offerings by adding certificates in Events Management, Hotel Management, Food and Beverage Management and Private Club Management.

Many of the Hospitality Management students currently work in Hilton Head Island businesses. They have also provided volunteer services at many of the area's local festivals and events. Students past and present have been involved in everything on the Island from The Heritage Golf Tournament to a reception for Governors' Conference attendees. The student volunteers majoring in hospitality provide a degree of professionalism, competence, and enthusiasm that assists Hilton Head Island by providing visitors, residents and future retiree residents with outstanding experiences at these local venues and events. In addition, past USCB graduates continue to be a part of the fabric of the island through their employment in hospitality operations or support services.

The Hospitality Management department would like to expand its presence on Hilton Head Island through the establishment of the USCB-Hilton Head Island Center for Events Management and Hospitality Training. As our program grows, we will offer students from around the globe the chance to study and participate in events that will give them valuable experience in a world-class destination. In addition, the center will enable Hilton Head Island to develop necessary support for current events and festivals as well as to source, expand, and develop other destination events.

Mission:

To provide specialized education and training that will enable Hilton Head Island to become known as an international destination for Events Management and Hospitality Training. The center will work to expand destination events and assist in the management of current local events through student volunteers and management when appropriate. In addition, the center will provide training to island workers, and individuals who are both degree seeking and non-degree seeking individuals, and be a hub for supporting the hospitality industry on Hilton Head Island. Programs will be developed for markets that include tourists, USCB students, local residents, local industry employees, community college students, and individuals who are interested in bettering themselves through education and training. The two components of the Center are explained below.

1) Special Events Management and Staffing

EVENT PRODUCTION: People want to celebrate! Whether licking their fingers at WingFest or shivering at Snow Day – people love a party. The special events industry is experiencing a growth phase as communities and companies learn of the positive economic impact these events can have. An Event Management Certificate Program was recently approved by USCB for its Hospitality Management Department, and one function of the Center would be to promote Hilton Head Island as an Event Destination.

Hilton Head Island has many successful special events; however, there is plenty of room for growth. In the Event Center, we envision the addition of at least three new special events that are currently being offered in other locations. The events would be marketed to attract new visitors to the Island and entice former visitor to come on back. The economic impact on Hilton Head Island of adding three additional special events could easily reach in excess of \$5 million. Attached is simple economic impact model for the proposed special events. The estimates used are conservative. In addition, a sample economic impact analysis for a Certification Course in Events is also included.

Examples of Special Events:

- **ARTS ALIVE!** : Arts Alive is just that – a festival bringing the arts alive to all of its attendees. The event would feature several staged areas for live performances including music, dance and drama, an expo for individuals displaying their art forms including sculpture, glass blowing, pottery, painting, sketching, jewelry making and photography, as well as exhibits for the culinary arts.
- **Distance Sporting Event:** Hilton Head is the prime location for a distance sporting event either a Marathon or a half iron distance triathlon. Kiawah Island currently offers an event weekend including a half marathon and marathon race. The marathon event almost always sells out early in the year, capping entrants at 2500 runners. If each runner stays the weekend, the economic impact for such an

event is over 1.2 million for just the marathon runners, not including those registered in the half marathon event. Hilton Head is also a perfect venue for a half distance ironman event. The sport of triathlon is one of the fastest growing sports in the nation. USA Triathlon reports that 67% of their members are business and community leaders between the ages of 30 and 50. Members have a median household income of \$126,000, and spent \$3.4 billion on goods and services in 2010. Again, an event of this nature can easily attract in excess of 2500 community leaders with income to spend. Hilton Head is currently under consideration by one major triathlon production group and is willing to work with this community.

- **GO GREEN –GO HHI:** The ecotourism festival would feature just that – ecotourism activities – kayak paddles, trail runs, beach sweeps, kite surfing, paddle surfing and oyster roasts. The history and culture of Hilton Head Island would be celebrated as well with information sessions and the performing arts.

All special events would be green events, practicing responsible festival production. Cans, bottle, glass and cardboard would be recycled, and land usage would be careful and protective. Hilton Head Island is a beautiful location for a festival and it needs to remain protected for future celebrations.

VOLUNTEER MANAGEMENT:

Special events cannot be successful without volunteers and USCB students have helped to make Island special events successful for years, including The Heritage Classic of Golf, the Concours d'Elegance, Hilton Head Wine and Food Festival, Wing Fest, Snow Day, Seafood Jazz and Brew and the Play Hard Sports Duathlon.

In addition, the Center stands ready to formally partner with key groups such as the Gullah Festival, Hilton Head Hospitality Association, and the Public Art Festival to deliver quality events.

The Center will enable the University to expand its volunteer program to allow more and more extensive student volunteer opportunities including but not limited to a practicum course in Events. This will benefit the students as they learn with a hands on approach, and will also benefit the event managers who will be assured a pool of qualified volunteers that will help ensure the success of the event.

Examples of Volunteer Positions:

- **Island Recreation Center:** The Island Recreation Center builds community and does so by its successful production of community events such as the Turkey Trot, the Oyster Roast, Wing Fest and Cajun Festival to name a few. Students will be placed as interns with Island Recreation to help with the production, marketing, budgeting, and promotion of such events.

- The Heritage Classic of Golf: USCB currently provides over 60 student volunteers during this prestigious PGA event. The Center will be able to allow the University to increase its volunteers and also develop an internship position with the Heritage Classic Foundation.
- Concours D'Elegance, Seafood Jazz and Brew, Hilton Head Wine and Food Festival: Students can assist with research and various volunteer positions.

2) Hospitality Training:

The Center will offer education opportunities in credit courses, non-credit courses, certificates, and training. Programs will be developed for markets that include: Tourists, USCB students, local residents, local industry employees, community college students, and individuals who are interested in bettering themselves through education and training.

Examples of programs could include:

- Island Knowledge and Island Customer Service Training: Non-credit certificates.
 - Target Market: Local hospitality industry employees who are in need of specific Hilton Head Island knowledge training, certifications, service training.
- USCB can partner with organizations such as the National Restaurant Association and the American Hotel and Lodging Association, to provide service training and skills training. Examples include certificates in areas such as Customer Service, Food Sanitation, and Alcohol Service Training.
 - Target Markets:
 - Local hospitality industry employees who are in need of specific certifications, service training, or Island knowledge training.
 - Managers and Industry leaders who will come to Hilton Head Island in order to become certified.
 - High School students who are currently working in or thinking of working in the hospitality industry in part-time positions.
- Two 3-Day Specialized Certification Courses offered to industry leaders, managers and business owners from international locations and the United States.
 - Target Market: Managers and Professional in the field of Hospitality.
 - Two 3-day schools, each related to a specific topic such as Event Planning and Management, Destination Wedding Management, Event Research. Participants would come to Hilton Head Island for a specific course of study at the Center and participate in Festivals and Events, stay in local hotels for 2-

3 nights, eat in local restaurants, and receive a USCB continuing education certificate or other national certifications in the area of Events Management.

- Continuing Education for Retirees and Island Residents. The Center for Events Management and Hospitality Training, in partnership with the Osher Lifelong Learning Center at USCB, will offer seminars and classes in the area of Food and Wine.
- Appropriate University Courses in Events Management
 - Target Market: Students enrolled in a baccalaureate degree. Students will assist at festivals and events on Hilton Head Island through such activities as volunteering, planning, marketing, conducting research, and other aspects of festival and event management that will allow current events to thrive and allow for the possibility of creating or attracting new events.
- 2-3 Day Culinary Programs.
 - Target Market: Tourists and Retirees
 - 1-3 day Cooking schools related to a specific topic. Tourists and residents would take a courses taught at local restaurants.
 - 1-3 day Wine and/or Spirits programs. Tourists and residents would participate in programs

Impact on Tourism

The Center will provide a platform for addressing training issues and challenges in the hospitality industry. More importantly, the programs will become a viable means of professional growth and career advancement for all local hospitality industry employees. This educational opportunity will have far reaching effects for the Island by increasing the visibility of our area while educating hospitality executives from all over the world. The following population segments will be impacted by the center: 1) tourists will benefit through better service in Hilton Head Island hotels, resorts, restaurants, and hospitality businesses, 2) hospitality employees will benefit through better education, 3) hospitality employees will benefit by understanding the Hilton Head environment and history, 4) employers will benefit through better educated employees, and 5) Hilton Head Island will benefit through national exposure as a destination for education and certificates, which will increase the number of visitors.

Benefit to the Community

Travel and tourism is one of the largest industries in the world, and is the largest industry on Hilton Head Island. However, Hilton Head Island and its tourism-related businesses are competing with high quality destinations throughout the world. This intense global competition for tourism dollars can be counteracted by maintaining and enhancing the

superior quality of service provided on Hilton Head Island as well expanding and supporting local events. By entering into this collaboration, the Accommodation tax funds will be reinvested by the Center to ensure that all who live here and visit here will an exceptional experience on Hilton Head Island. This seed money will allow USCB to re-establish a presence on the Island and grow programs that are integral to the continued success of Hilton Head Island as a world-class destination and community.

Special Event Economic Impact

Lodging 2 nights @ \$100	\$200
Food and Beverage 3 Days @ \$50	150
Shopping, Snacks, Misc. 3 Days at \$25	\$75
Total Per Guest	\$425

Attendees

2000	\$850,000
2500	\$1,062,500
3000	\$1,275,000
3500	\$1,487,500
4000	\$1,700,000
4500	\$1,912,500
5000	\$2,125,000

Special Event Education Certification Course Economic Impact

Lodging 2 nights @ \$100	\$200
Food and Beverage 3 days @ \$50	\$150
Shopping, Snacks, Misc. 3 days @ \$25	\$75
Total per Student	\$425
Students Annually 25 per quarter	100
Total	\$42,500

Proposed Budget:	Center for Events Proposed Budget	& Training USCB
Directors Salary and Benefits		
Rent- Center for Events	\$32,000	\$25,000
Special Events Coordinator	\$12,000	
Marketing of Center Presence and Capabilities	\$10,000	
	\$7,000	
Coordinator of Training Certifications and Training Programs	\$10,000	
Curriculum Development for the Training Seminars	\$6,500	
Island specific Training and Customer Service		
Eight Workshops focusing on Service Training to Island Employees	\$6,400	
Non-Credit Certificate Courses-Island Knowledge		
Eight Seminars: Introductory Island Knowledge to Island Employees	\$6,400	
Four Seminars: Higher Level Island Knowledge to Island Employees	\$3,200	
Printed participant materials for Island Specific Training	\$10,000	
Marketing Services Salary: Content, Layout	\$103,500	
Sub Total		\$7,500

*No seminars in April, June July and August

South Carolina General Assembly
119th Session, 2011-2012

H. 4033

STATUS INFORMATION

General Bill

Sponsors: Reps. Patrick and Loftis

Document Path: I:\council\billsggs\22074zw11.docx

Introduced in the House on April 6, 2011

Currently residing in the House

Summary: Widening and dredging waterways

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
4/6/2011	House	Introduced, read first time, placed on calendar without reference (House Journal-page 10)
4/7/2011	House	Member(s) request name added as sponsor: Loftis

View the latest [legislative information](#) at the LPITS web site

VERSIONS OF THIS BILL

[4/6/2011](#)

[4/6/2011-A](#)

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 INTRODUCED

5 April 6, 2011

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H. 4033

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Introduced by Rep. Patrick

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11 S. Printed 4/6/11--H.

12 Read the first time April 6, 2011.

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A BILL

TO AMEND SECTIONS 5-37-40, 5-37-50, AND 5-37-100, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT ACT, SO AS TO PROVIDE THAT THE WIDENING AND DREDGING OF CERTAIN WATERWAYS MAY BE INCLUDED WITHIN A MUNICIPAL IMPROVEMENT DISTRICT WHEN THE OWNER GIVES THE GOVERNING BODY WRITTEN PERMISSION TO INCLUDE THE PROPERTY AT THE TIME THE IMPROVEMENT DISTRICT IS CREATED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 5-37-40 of the 1976 Code, as last amended by Act 290 of 2010, is further amended to read:

- “Section 5-37-40. (A) If the governing body finds that:
- (1) improvements would be beneficial within a designated improvement district;
 - (2) the improvements would preserve or increase property values within the district;
 - (3) in the absence of the improvements, property values within the area would be likely to depreciate, or that the proposed improvements would be likely to encourage development in the improvement district;
 - (4) the general welfare and tax base of the city would be maintained or likely improved by creation of an improvement district in the city; and
 - (5) it would be fair and equitable to finance all or part of the cost of the improvements by an assessment upon the real property within the district, the governing body may establish the area as an

1 improvement district and implement and finance, in whole or in
2 part, an improvement plan in the district in accordance with the
3 provisions of this chapter. However, except in the case of an
4 improvement district in which the sole improvements are the
5 widening and dredging of canals or waterways, owner-occupied
6 residential property ~~which~~ that is taxed, or will be taxed pursuant
7 to Section 12-43-220(c), must not be included within an
8 improvement district unless the owner, at the time the
9 improvement district is created, gives the governing body written
10 permission to include the property within the improvement district.

11 (B) If an improvement district is located in a redevelopment
12 project area created pursuant to Chapter 6, Title 31, the
13 improvement district being created under the provisions of this
14 chapter must be considered to satisfy items (1) through (5) of
15 subsection (A). The ordinance creating an improvement district
16 may be adopted by a majority of council after a public hearing at
17 which the plan is presented, including the proposed basis and
18 amount of assessment, or upon written petition signed by a
19 majority in number of the owners of real property within the
20 district ~~which~~ that is not exempt from ad valorem taxation as
21 provided by law. However, except in the case of an improvement
22 district in which the sole improvements are the widening and
23 dredging of canals or waterways, owner-occupied residential
24 property ~~which~~ that is taxed, or will be taxed pursuant to Section
25 12-43-220(c), must not be included within an improvement district
26 unless the owner, at the time the improvement district is created,
27 gives the governing body written permission to include the
28 property within the improvement district.”

29

30 SECTION 2. Section 5-37-50 of the 1976 Code, as last amended
31 by Act 290 of 2010, is further amended to read:

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33 “Section 5-37-50. The governing body, by resolution adopted,
34 shall describe the improvement district and the improvement plan
35 to be effected, including a property within the improvement district
36 to be acquired and improved, the projected time schedule for the
37 accomplishment of the improvement plan, the estimated cost and
38 the amount of the cost to be derived from assessments, bonds, or
39 other general funds, together with the proposed basis and rates of
40 assessments to be imposed within the improvement district.
41 However, except in the case of an improvement district in which
42 the sole improvements are the widening and dredging of canals or
43 waterways, owner-occupied residential property ~~which~~ that is

1 taxed, or will be taxed pursuant to Section 12-43-220(c), must not
2 be included within an improvement district unless the owner, at the
3 time the improvement district is created, gives the governing body
4 written permission to include the property within the improvement
5 district. The resolution also shall establish the time and place of a
6 public hearing to be held within the municipality not sooner than
7 twenty days nor more than forty days following the adoption of the
8 resolution, at which an interested person may attend and be heard,
9 either in person or by attorney, on a matter in connection with the
10 improvement district.”

11

12 SECTION 3. Section 5-37-100 of the 1976 Code, as last amended
13 by Act 290 of 2010, is further amended to read:

14

15 “Section 5-37-100. ~~Not~~ No sooner than ten days nor more than
16 one hundred twenty days following the conclusion of the public
17 hearing provided in Section 5-37-50, the governing body, by
18 ordinance, may provide for the creation of the improvement
19 district as originally proposed or with the changes and
20 modifications in it as the governing body may determine, and
21 provide for the financing by assessment, bonds, or other revenues
22 as provided in this chapter. However, except in the case of an
23 improvement district in which the sole improvements are the
24 widening and dredging of canals or waterways, owner-occupied
25 residential property ~~which~~ that is taxed pursuant to Section
26 12-43-220(c), must not be included within an improvement district
27 unless the owner gives the governing body written permission to
28 include the property within the improvement district. The
29 ordinance may not become effective until at least seven days after
30 it has been published in a newspaper of general circulation in the
31 municipality. The ordinance may incorporate by reference plats
32 and engineering reports and other data on file in the offices of the
33 municipality. The place of filing and reasonable hours for
34 inspection must be made available to all interested persons.”

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36 SECTION 4. This act takes effect upon approval by the Governor.

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