



SPECIAL CALLED MEETING

Ken Wright, Mayor

Denis Shortal – District 1, Post 1 Robert Wittenstein – At Large, Post 4
Adrian Bonser – District 2, Post 2 Danny Ross – At Large, Post 5
Doug Thompson – District 3, Post 3 John Heneghan – At Large, Post 6

AGENDA

February 15, 2011

7:00 PM

A. CALL TO ORDER

B. ROLL CALL AND GENERAL ANNOUNCEMENTS

C. INVOCATION

D. PLEDGE OF ALLEGIANCE

E. APPROVAL OF MEETING AGENDA (add or remove items from agenda)

F. PUBLIC COMMENT

G. MAYOR AND COUNCIL COMMENT

H. CONSENT AGENDA

I. UNFINISHED BUSINESS

1. SECOND READ: Ordinance to Amend Chapter 28, Taxation, Article III re Hotel Motel Tax Increase. (ORDINANCE 2011-02-06). (Danny Ross)

J. NEW BUSINESS

1. Resolution to Authorize an Increased Excise Tax Upon the Furnishing for Value to the Public of Rooms, Lodgings, or Accommodations to 6 Percent. (RESOLUTION 2011-02-05) (Danny Ross)

K. OTHER BUSINESS

L. PUBLIC COMMENT

M. EXECUTIVE SESSION

1. For the Purposes of Legal, Real Estate, and Personnel Discussions.

N. ADJOURN

INVOCATION

“At this Council Meeting, help us to make decisions which keep us faithful to our mission and reflect our values. Give us strength to hold to our purpose; wisdom to guide us; and a keen perception to lead us. And above all, keep charitable as we deliberate.”

**AN ORDINANCE TO AMEND CHAPTER 28 TAXATION TO LEVY AN INCREASED
EXCISE TAX UPON THE FURNISHING FOR VALUE TO THE PUBLIC OF ROOMS,
LODGINGS, OR ACCOMMODATIONS**

WHEREAS: Chapter 28, Taxation, currently levies a 5% excise tax upon the furnishing for value to the public of rooms, lodgings or accommodations; and,

WHEREAS: O.C.G.A. § 48-13-51(b) authorizes the governing authority of each municipality to levy an excise tax at a rate not to exceed 8 percent of the charge for the furnishing for value to the public of any room or rooms, lodgings, or accommodation; and

WHEREAS: The Convention and Visitors Bureau of Dunwoody has requested the governing authority of the City of Dunwoody to raise said excise tax; and

WHEREAS: The change of the rate of the excise tax pursuant to this Ordinance shall be conditioned upon the municipality adopting a resolution which specifies the tax rate, identifies the projects or tourism product development purposes, and specifies the allocation of proceeds and, subsequent to such resolution, the enactment of a local Act by the General Assembly; and

WHEREAS: Any change in the tax rate shall become effective on the date specified by a local Act of the General Assembly passed during the 2011 legislative session.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF DUNWOODY
HEREBY ORDAINS as follows:**

Section 1: Chapter 28 of the City of Dunwoody Code of Ordinances shall be amended conditioned upon a local Act of the General Assembly being passed during the 2011 legislative session authorizing certain changes in Article 3, Hotel and Motel Tax, specifically Section 28-56 as follows:

**ADDITIONS – UNDERLINED
DELETIONS - ~~STRIKETHROUGHS~~**

Sec. 28-56. Tax imposed; exceptions

- (a) There is imposed, assessed, and levied, and there shall be paid an excise tax ~~of five percent pursuant to O.C.G.A. § 48-13-51(b)~~ on the rent for every occupancy of a guest room in a hotel in the City. ~~The tax shall be paid on any occupancy after December 1, 2008 within the city limits.~~

(b) The Governing Authority of the City shall pass a Resolution specifying the tax rate, identifying the projects or tourism product development purposes, and specifying the allocation of proceeds.

~~(b)~~(c) The tax imposed by this Article shall not apply to:

- (1) Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty;
- (2) The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge;
- (3) Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this paragraph. For purpose of the exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; or
- (4) Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy.

Section 2: This Amendment shall be effective and incorporated into the Code of the City of Dunwoody, Georgia on the date as specified by a local Act of the General Assembly passed during the 2011 legislative session authorizing the City of Dunwoody to levy an excise tax pursuant to O.C.G.A. § 48-13-51(b) for the furnishing for value to the public of any room or rooms, lodgings, or accommodation. If no local Act of the General Assembly is passed during the 2011 legislative session authorizing the City of Dunwoody to levy said excise tax, this Amendment shall become null and void Section 28-56 of the Code of the City of Dunwoody shall remain as it exists currently.

SO ORDAINED this the _____ day of January, 2011.

Approved:

Ken Wright, Mayor

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-02-06

Attest:

Sharon, Lowery, City Clerk

(Seal)

Approved as to Form and Content:

Brian Anderson, City Attorney

A RESOLUTION TO AUTHORIZE AN INCREASED EXCISE TAX UPON THE FURNISHING FOR VALUE TO THE PUBLIC OF ROOMS, LODGINGS, OR ACCOMMODATIONS TO 6 PERCENT

WHEREAS: the City of Dunwoody has passed an ordinance authorizing the City to increase the excise tax upon the furnishing for value to the public of rooms, lodging or accommodations (hereinafter "hotel/motel tax") pursuant to O.C.G.A. § 48-13-51(b); and,

WHEREAS: the City desires to now approve a hotel/motel excise tax of 6% pursuant to the authority of O.C.G.A. § 48-13-51(b); and

WHEREAS: pursuant to O.C.G.A. § 48-13-51(b), the Georgia Legislature is required to pass local legislation in order to authorize the City to raise said hotel/motel excise tax and this Resolution shall serve as a formal request to the Georgia Legislature to pass said local legislation pursuant to the terms thereof; and

WHEREAS: the City desires for a portion of the sixth (6th) percentage of the new hotel/motel excise tax, pursuant to O.C.G.A. § 48-13-51(b), to be utilized for the purpose of promoting the location of the Georgia Music Hall of Fame in the City of Dunwoody; and

WHEREAS: the City desires for this 6% excise tax to be effective from the date of passage of the Georgia Legislature until three (3) years therefrom, at which point the City desires to reduce the hotel/motel excise tax to the current rate of 5% with the current division of percentages.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DUNWOODY HEREBY RESOLVES that, subject to the passage of a local legislation by the Georgia Legislature at the 2011 Legislative Session, the City's hotel/motel excise tax shall be 6% pursuant to the authority and requirements of O.C.G.A. § 48-13-51(b) and shall be split as follows:

Section 1: The first 5% of the hotel/motel excise tax shall be disbursed as it is currently pursuant to O.C.G.A. § 48-13-51(a)(3): the first 3% shall be disbursed into the City General Fund and the remaining 2% shall be disbursed to promote tourism, conventions, and trade shows pursuant to an existing contract with the Dunwoody Convention and Visitors Bureau. The remaining 1% shall be split as follows: One-half shall go to the Dunwoody Convention and Visitors Bureau for the promotion of tourism, conventions, and trade shows and one-half shall go towards the Georgia Music Hall of Fame.

Section 2: Upon passage of this Resolution, the City Manager and the City Attorney are authorized and requested to transmit same to the City's delegation in the Georgia Legislature for the purpose of enactment of the Local Legislation required pursuant to O.C.G.A. § 48-13-51(b) in order to effect the changed hotel/motel excise tax rate.

#J.1.

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2011-02-05

Section 3: The rate enacted by this Resolution shall become effective immediately upon the authorizing Local Legislation pursuant to O.C.G.A. § 48-13-51(b) being signed by the Governor of the State of Georgia.

SO RESOLVED this the _____ day of February, 2011.

Approved:

Ken Wright, Mayor

Attest:

Sharon, Lowery, City Clerk

(Seal)