TOWN OF COHUTTA
Council Meeting Minutes
October 13, 2026

Present: Mayor Brian Johnson

Members of the Council: Andy Lopez, Shane Kornberg, Sandy Clayborne, and Randy Stanton

The meeting was opened at 6:03 p.m. with a prayer led by Rob Chase.
The Pledge of Allegiance was led by Andy Lopez.

Mayor Brian Johnson presented the minutes from the September Town Council meeting and asked for a motion to accept. *Andy Lopez made a motion to accept the minutes of the September Town Council meeting. Sandy Clayborne seconded the motion. All in favor.*

Mayor Brian Johnson presented the financial report from September and asked for a motion to accept. *Shane Kornberg made a motion to accept the financial report from September. Andy Lopez seconded the motion. All in favor.*

Public Safety Report was given by Mayor Brian Johnson; In September, the Cohutta PD issued 215 citations, and with the assistance of the GBI destroyed dynamite that had been recovered.

Cohutta Municipal Court Report was given by Bill Morgan. In the month of September, Cohutta Municipal Court issued the Town of Cohutta $15,073.01 post adjudicated citations.

Zoning and Appeals Board Report was given by Mayor Brian Johnson.

Mayor Brian Johnson presented Resolution number 2026-10-13 for Second Reading, a resolution approving the transition of building permit, plan review, building inspection, and related state minimum standard code administration services within the Town of Cohutta to Whitfield County. *Shane Kornberg made a motion to approve Resolution number 2026-10-13 on Second Reading. Sandy Clayborne seconded the motion. All in favor.*

Mayor Brian Johnson presented for Second Reading an ordinance to amend chapter four, Cohutta Nuisance Code, by adding sections 4.11 through 4.17 regulating outdoor entertainment sound levels and hours. *Shane Kornberg made a motion to approve on Second Reading an ordinance to amend chapter four, Cohutta Nuisance Code, by adding sections 4.11 through 4.17 regulating outdoor entertainment sound levels and hours. Randy Stanton seconded the motion. All in favor.*

Mayor Brian Johnson presented for Second Reading an ordinance to amend section 2-9 of the Cohutta Alcoholic Beverages Code; To eliminate the restricted public-area alcohol provisions commonly referred to as the "Solo or Red Cup Ordinance. *Andy Lopes made a motion to approve on second reading an ordinance to amend section 2-9 of the Cohutta Alcoholic Beverages Code; To eliminate the restricted public-area alcohol provisions commonly referred to as the "Solo or Red Cup Ordinance. Sandy Clayborne seconded the motion. All in favor.*

Mayor Brian Johnson presented for Second Reading an ordinance to add Chapter Fifteen, "Town Property," to the Cohutta Municipal Code; to establish a commercial vehicle parking permit program on designated town-owned or town-controlled property. *Shane Kornberg made a motion to approve on second reading an ordinance to add Chapter Fifteen, "Town Property," to the Cohutta Municipal Code; to establish a commercial vehicle parking permit program on designated town-owned or town-controlled property. Andy Lopez seconded the motion. All in favor.*

Matters of Discussion/Information

- Welcome letters from the Mayor sent to annexed properties
- Alcohol Permit Applications for 2027 were sent out and are due October 30
- Trash Truck Delivery is scheduled for Tuesday, October 20th.
- Stars, Stripes, and Harvest Night - October 31 from 6:00-9:00 pm.
- Decorate the Town – Saturday, November 14th at 10:00 am
- Christmas Caroling – Date TBD
- Christmas Parade – Saturday, December 12th
- Christmas Trees – Ruritan Fundraiser – Katie Farmer presented information regarding the Ruritan sponsored fundraiser.
- The Town received a $6000 safety grant

Mayor Brian Johnson accepted comments and questions from the public.

Mayor Brian Johnson asked for a motion to enter executive session to discuss the retirement of the Town of Cohutta's Police Chief. *Andy Lopez made a motion to enter executive session to discuss the retirement of the Town of Cohutta's Police Chief. Shane Kornberg seconded the motion. All in favor.*

Mayor Brian Johnson asked for a motion to exit executive session. *Shane Kornberg made a motion to exit executive session. Andy Lopez seconded the motion. All in favor.*

Being no further business, Mayor Brian Johnson asked for a motion to adjourn. *Andy Lopez made a motion to adjourn. Sandy Clayborne seconded the motion. All in favor.*

Meeting adjourned at 7:24 pm.

Next ~~Meeting~~ **November 10, 2026**

Mayor Brian Johnson

Melissa Warner, Assistant Town Clerk

EXECUTIVE SESSION AFFIDAVIT

COHUTTA TOWN COUNCIL MEETING: OCTOBER 13, 2026

Before an officer duly authorized to administer oaths appeared Sandy Clayborne, who, after being duly sworn, deposes and on oath states the following:

(1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein.

(2) Pursuant to my duties as , I was the presiding officer of a meeting of the City Council held on the day of , . A portion of said meeting was closed to the public.

(3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

(4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows:

> Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50- 14-3(b)(2).

This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 50- 14-4(b) and is to be filed with the official minutes for the aforementioned meeting.

State of Georgia

County of Whitfield

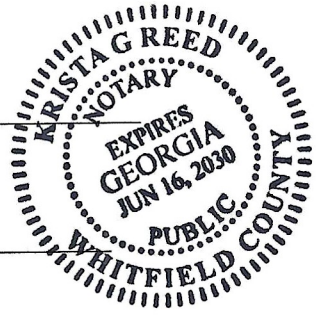
On this 14th day of October, 2026, before me, the undersigned notary public, personally appeared Sandy Clayborne, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

Witness my hand and official seal.

Krista G. Reed

Notary Public Signature

My Commission Expires: 6/16/30



TOWN OF COHUTTA, GEORGIA

RESOLUTION NO. 2026-10-13

A RESOLUTION APPROVING THE TRANSITION OF BUILDING PERMIT, PLAN REVIEW, BUILDING INSPECTION, AND RELATED STATE MINIMUM STANDARD CODE ADMINISTRATION SERVICES WITHIN THE TOWN OF COHUTTA TO WHITFIELD COUNTY; AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT; RETAINING MUNICIPAL ZONING AUTHORITY; AUTHORIZING AMENDMENT OF THE APPLICABLE SERVICE DELIVERY STRATEGY; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Cohutta is a municipal corporation of the State of Georgia located within Whitfield County; and

WHEREAS, O.C.G.A. § 8-2-26 authorizes municipalities and counties to contract with one another for the administration and enforcement of state minimum standard codes and for inspection and enforcement personnel and services; and

WHEREAS, the October 20, 2022 Service Delivery Agreement concerning Building Inspection, Code Enforcement, Planning, Zoning and Related Land-Use Development Services provides that Whitfield County furnishes building inspection services in the participating jurisdictions except the Town of Cohutta, which presently provides such services within the Town; and

WHEREAS, the Mayor and Council have determined that the public interest will be served by transitioning building permit administration, plan review, inspections, and related state minimum standard code functions to Whitfield County while retaining the Town's legislative and administrative authority over zoning and local land-use decisions;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Cohutta, Georgia, as follows:

Section 1. Approval of Transition.

The Mayor and Council approve the transition to Whitfield County of the administration of building permits, construction plan review, building inspections, electrical inspections, plumbing inspections, mechanical inspections, and other inspection and enforcement services associated with the Georgia state minimum standard codes within the corporate limits of the Town of Cohutta, subject to the terms of an intergovernmental agreement approved by both governing authorities.

Section 2. Retention of Zoning Authority.

The Town of Cohutta shall retain its zoning authority and responsibility for administration and enforcement of the Town's zoning ordinance, including zoning classifications, rezonings, variances, conditional or special uses, local land-use approvals, and other zoning determinations, except to the extent the Town expressly delegates a ministerial function in writing. Nothing in this Resolution transfers legislative zoning authority to Whitfield County.

Section 3. Zoning Clearance Before Building Permit.

The proposed intergovernmental agreement shall provide that, when Town zoning approval or zoning clearance is required, Whitfield County will not issue the applicable building permit until the Town or its authorized zoning official confirms that the proposed work complies with applicable Town zoning requirements or has otherwise received required Town zoning approval.

Section 4. Intergovernmental Agreement.

The Mayor is authorized to execute, on behalf of the Town and after approval as to form by the Town Attorney, an intergovernmental agreement with Whitfield County substantially consistent with the agreement presented with this Resolution, together with nonmaterial administrative revisions necessary to implement the transition.

Section 5. Fees and Applicant Administration.

The intergovernmental agreement may provide for applicants to submit building permit applications directly to Whitfield County and to pay the County's lawfully adopted building permit, plan review, inspection, and related regulatory fees directly to the County, with the County retaining such fees in consideration of the services provided. Any Town zoning or other municipal fee shall remain payable to the Town unless otherwise agreed in writing.

Section 6. Service Delivery Strategy.

The Mayor, Town Clerk, and other appropriate Town officials are authorized to execute and submit such documents as may be necessary to amend, update, or otherwise conform the applicable Whitfield County Service Delivery Strategy and related service delivery agreements to reflect that Whitfield County will provide building inspection services within the Town of Cohutta.

Section 7. Transition of Pending Matters.

Town staff are authorized to coordinate with Whitfield County regarding the orderly transfer or completion of pending building permit applications, open permits, inspection records, plans, and related files. The effective operational transition date shall be established by the intergovernmental agreement or by written implementation notice agreed upon by the Town and County.

Section 8. Effective Date.

This Resolution shall become effective immediately upon adoption; provided, however, that Whitfield County shall assume the transferred duties only upon the effective date established in the executed intergovernmental agreement.

RESOLVED AND ADOPTED this 13 **day of** October **, 2026.**

Mayor, Town of Cohutta

ATTEST:

Town Clerk

KRISTA G REED
NOTARY
EXPIRES
GEORGIA
JUN 16, 2030
PUBLIC
WHITFIELD COUNTY

TOWN OF COHUTTA, GEORGIA

AN ORDINANCE TO ADD CHAPTER FIFTEEN, "TOWN PROPERTY," TO THE COHUTTA MUNICIPAL CODE; TO ESTABLISH A COMMERCIAL VEHICLE PARKING PERMIT PROGRAM ON DESIGNATED TOWN-OWNED OR TOWN-CONTROLLED PROPERTY; TO ESTABLISH A PERMIT FEE AND TERMS; TO PROVIDE FOR ENFORCEMENT, SEVERABILITY, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Town of Cohutta owns or controls property that may, from time to time, be suitable for limited parking of commercial vehicles without interfering with municipal operations or public use; and

WHEREAS, the Mayor and Council desire to ensure that private use of Town property is authorized, documented, compensated, and administered on uniform terms; and

WHEREAS, the Mayor and Council further desire that no person receive free or preferential long-term commercial vehicle parking on Town property except as expressly authorized for a governmental purpose;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Cohutta, Georgia, as follows:

Sec. 15-1. Purpose.

This Ordinance establishes a Commercial Vehicle Parking Permit Program for designated Town-owned or Town-controlled property. The program is intended to authorize limited parking privileges while preserving the Town's possession, control, access, and right to use the property for municipal purposes.

Sec. 15-2. Definitions.

Commercial Vehicle: A truck tractor, semi-trailer, tractor-trailer combination, commercial truck, or other comparable vehicle or equipment used primarily for commercial purposes.

Designated Parking Area: Town-owned or Town-controlled property specifically approved by the Mayor and Council, or by an authorized Town official acting pursuant to Council policy, for participation in the Commercial Vehicle Parking Permit Program.

Permit: A written, revocable authorization issued by the Town allowing a specified Commercial Vehicle to be parked in a Designated Parking Area for the period stated in the Permit. A Permit does not convey exclusive possession of real property and does not create a lease, tenancy, easement, or other property interest.

Sec. 15-3. Commercial Vehicle Parking Permit Required.

No person shall park or store a Commercial Vehicle on Town-owned or Town-controlled property unless: (1) the vehicle is present in connection with an official Town purpose; or (2) the owner or operator holds a valid Commercial Vehicle Parking Permit issued pursuant to this Ordinance.

Sec. 15-4. Permit Fee, Calendar-Year Term, and Renewal.

(a) The fee for a Commercial Vehicle Parking Permit shall be One Thousand Dollars ($1,000.00) per month, per Commercial Vehicle or tractor-trailer combination.

(b) The initial monthly permit fee shall be paid in full before a Permit is issued. Thereafter, timely payment of the monthly permit fee shall constitute renewal of the parking privilege for the following month, subject at all times to the Town's right of revocation.

(c) Each Permit shall be issued for a calendar year beginning January 1 and ending December 31. A new Permit application and form shall be completed for each calendar year. A Permit first issued after January 1 shall be valid for the remainder of that calendar year, provided all monthly fees are timely paid.

(d) During the calendar year, no new Permit form shall be required each month. Timely payment of the $1,000.00 monthly fee shall constitute continuation and renewal of the parking privilege for that month. Failure to timely pay the monthly fee shall terminate the parking privilege unless otherwise authorized in writing by the Town.

(e) A Permit and the parking privilege granted by it may be revoked by the Town at any time. Issuance or renewal of a Permit does not guarantee continued use of Town property or issuance of a Permit for any subsequent calendar year.

Sec. 15-5. Nature of Permission; Town Control.

A Permit grants only a temporary, revocable privilege to park the identified Commercial Vehicle in the area designated by the Town. The Town retains possession and control of the property at all times. The Town may enter, inspect, maintain, repair, improve, close, redesignate, or use the property at any time. The Town may revoke a Permit and require removal of the vehicle when reasonably necessary for municipal operations, public safety, maintenance, construction, violation of Permit conditions, or other lawful Town purposes.

Sec. 15-6. Conditions of Parking.

As a condition of each Permit: (a) the permitted vehicle must be legally registered, insured, and maintained in a condition that does not create a nuisance or hazard; (b) no habitation, dumping, discharge, fueling, major repair, hazardous-material storage, or other commercial operation shall occur on Town property unless separately authorized in writing by the Town; (c) the permit holder shall keep the permitted area free of trash, fluids, parts, and debris associated with the vehicle; (d) the permit holder shall be responsible for damage to Town property caused by the vehicle or the permit holder's use; and (e) the permit holder shall comply with all applicable federal, state, and local laws.

Sec. 15-7. Insurance; Assumption of Risk; Indemnification.

The permit holder shall maintain liability insurance applicable to the permitted vehicle in amounts required by law and shall provide proof of insurance upon request. To the extent permitted by law, the permit holder assumes the risk of loss, theft, vandalism, weather damage, or other damage to the vehicle or its contents and agrees to indemnify and hold harmless the Town, its elected officials, officers, and employees from claims arising from the permit holder's use of the property, except to the extent prohibited by law.

Sec. 15-8. Uniform Application; No Preferential Parking.

No private person shall be entitled to free or preferential long-term Commercial Vehicle parking on Town property because of employment, volunteer service, contractual relationship, family relationship, association with a Town department, or other affiliation with the Town. This section does not prohibit temporary parking that is necessary for an official governmental purpose or otherwise specifically authorized by law.

Sec. 15-9. Existing Commercial Vehicles.

Any Commercial Vehicle being parked or stored on Town-owned or Town-controlled property on the effective date of this Ordinance shall, within thirty (30) days after the effective date, either be removed from Town property or become subject to a valid Permit issued under this Ordinance. No prior informal permission, practice, or course of conduct shall create a continuing right to use Town property without compliance with this Ordinance.

Sec. 15-10. Enforcement and Removal.

A vehicle remaining on Town property without a valid Permit after the time allowed by this Ordinance or after expiration or revocation of a Permit may be required to be removed. The Town may pursue any lawful enforcement or removal remedy available under the Town Code or Georgia law. Any costs lawfully incurred by the Town because of an unauthorized vehicle may be assessed as permitted by law.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions.

Section 3. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date.

This Ordinance shall become effective upon its adoption by the Mayor and Council of the Town of Cohutta, Georgia.

SO ORDAINED this 13 **day of** October **, 2026.**

Mayor, Town of Cohutta

ATTEST:

Town Clerk

KRISTA G REED NOTARY PUBLIC WHITFIELD COUNTY GEORGIA EXPIRES JUN 16, 2030

TOWN OF COHUTTA, GEORGIA

COMMERCIAL VEHICLE PARKING PERMIT

CALENDAR-YEAR REVOCABLE PARKING AUTHORIZATION

Permit No.: _____ **Calendar Year:** _____

Permit Holder: _____

Address: _____

Phone: _____ Email: _____

Vehicle/Tractor Description: _____

Trailer Description (if applicable): _____

License Plate(s): _____ VIN(s): _____

Designated Parking Area/Space: _____

Permit Term and Fee.

This Permit is valid from January 1 through December 31 of the calendar year stated above, or from the date issued through December 31 if issued after January 1. The permit fee is $1,000.00 per month, per permitted Commercial Vehicle or tractor-trailer combination. The initial monthly fee must be paid before the parking privilege begins. Thereafter, timely payment of the $1,000.00 monthly fee constitutes renewal and continuation of the parking privilege for the following month. A new Permit form must be completed for each calendar year.

Nature of Permit and Revocation.

This Permit grants only a temporary, revocable privilege to park the vehicle identified above in the area designated by the Town. It does not create a lease, tenancy, easement, exclusive possessory right, or other interest in Town property. The Town retains possession and control of the property at all times. This Permit and the parking privilege granted by it may be revoked by the Town at any time. Payment or acceptance of a monthly fee does not create a right to continued use of Town property.

Terms and Conditions.

1. The Permit Holder may park only the Commercial Vehicle or tractor-trailer combination identified above and only in the area designated by the Town.

2. The vehicle must remain legally registered, insured, operable, and in a condition that does not create a nuisance, leak, obstruction, or safety hazard.

3. No habitation, dumping, discharge, fueling, major repair, hazardous-material storage, or other commercial operation may occur on Town property unless separately authorized in writing by the Town.

4. The Permit Holder is responsible for damage to Town property caused by the vehicle or the Permit Holder's use.

5. The Town may enter, inspect, maintain, repair, improve, close, redesignate, or use the property at any time.

6. Failure to timely pay the monthly permit fee terminates the parking privilege unless otherwise authorized in writing by the Town.

7. Upon expiration or revocation of this Permit, or termination of the parking privilege for nonpayment, the Permit Holder shall promptly remove the vehicle from Town property.

8. The Permit Holder assumes the risk of loss, theft, vandalism, weather damage, or other damage to the vehicle or its contents. To the extent permitted by law, the Permit Holder agrees to indemnify and hold harmless the Town of Cohutta, its elected officials, officers, and employees from claims arising from the Permit Holder's use of the property, except to the extent prohibited by law.

Acknowledgment.

By signing below, the Permit Holder acknowledges receipt of this Permit, agrees to comply with the Town of Cohutta Commercial Vehicle Parking Permit Ordinance and all conditions stated above, and understands that the parking privilege is temporary, conditional, and revocable at any time.

Permit Holder Signature: _____ Date: _____

Town Authorized Official: _____ Date: _____

Initial Monthly Payment Received: $_____ Receipt No.: _____

TOWN OF COHUTTA, GEORGIA

AN ORDINANCE TO AMEND CHAPTER FOUR, COHUTTA NUISANCE CODE, BY ADDING SECTIONS 4.11 THROUGH 4.17 REGULATING OUTDOOR ENTERTAINMENT SOUND LEVELS AND HOURS; TO PROVIDE FOR MEASUREMENT, EXEMPTIONS, ENFORCEMENT, SEVERABILITY, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the Town of Cohutta desire to protect the peace and quiet of residents while allowing reasonable outdoor entertainment during permitted hours; and

WHEREAS, the Mayor and Council desire to establish objective, content-neutral standards governing the volume and hours of outdoor entertainment within the corporate limits of the Town;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Cohutta, Georgia, as follows:

Sec. 4.11. Purpose.

The purpose of this Ordinance is to establish reasonable and objective limits on outdoor entertainment based solely upon sound level, time, and location, without regard to the content or type of entertainment.

Sec. 4.12. Definitions.

Outdoor Entertainment: Any live, recorded, amplified, or reproduced entertainment conducted or presented outdoors that produces sound, including but not limited to live or recorded music, musical performances, disc jockeys, stand-up comedy, spoken-word performances, public-address presentations, and similar entertainment. Entertainment originating indoors shall also be considered outdoor entertainment when speakers or other sound-producing devices are placed or directed outdoors.

dBA: A-weighted decibels measured by a sound-level meter.

Property Line: The boundary of the property on which the outdoor entertainment is being conducted or from which the sound originates.

Sec. 4.13. Outdoor Entertainment Sound Limits and Hours.

(a) Outdoor entertainment shall not begin before 8:00 a.m. on any day.

(b) From 8:00 a.m. until 9:30 p.m., outdoor entertainment shall not exceed eighty-five (85) dBA when measured in accordance with Sec. 4.15 of this Chapter.

(c) Beginning at 9:30 p.m. and continuing until the applicable cessation time established in subsection (d), outdoor entertainment shall not exceed sixty-five (65) dBA when measured in accordance with Sec. 4.15 of this Chapter.

(d) Outdoor entertainment shall cease at 10:00 p.m. Sunday through Thursday and at 11:00 p.m. Friday and Saturday.

(e) No outdoor entertainment shall be conducted between the applicable cessation time stated in subsection (d) and 8:00 a.m. the following day.

Sec. 4.14. Responsibility.

It shall be unlawful for any person, business, property owner, occupant, tenant, event organizer, performer, or other person responsible for or in control of outdoor entertainment to produce, cause, allow, or permit outdoor entertainment in violation of this Ordinance.

Sec. 4.15. Measurement.

Sound levels shall be measured at the property line of the property on which the outdoor entertainment is being conducted or from which the sound originates, using a sound-level meter set to the A-weighted decibel scale (dBA). The measurement shall be taken from a location on the property line reasonably accessible to the enforcing officer.

Sec. 4.16. Exemptions.

The provisions of this Ordinance shall not apply to emergency warning devices; emergency activities of law enforcement, fire, emergency medical, or other public-safety personnel; or outdoor entertainment specifically authorized by the Town as part of a Town-sponsored or Town-approved special event, to the extent authorized by such approval.

Sec. 4.17. Enforcement and Penalties.

This Ordinance may be enforced by the Cohutta Police Department or other authorized Town official. Any person found in violation shall be subject to the penalties generally applicable to violations of the Town of Cohutta Municipal Code, as provided by law. Each separate occurrence may constitute a separate violation.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions.

Section 3. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date.

This Ordinance shall become effective upon its adoption by the Mayor and Council of the Town of Cohutta, Georgia.

SO ORDAINED this 13 **day of** October **, 2026.**

_____

Mayor, Town of Cohutta

ATTEST:

Krista G. Reed

_____

Town Clerk



TOWN OF COHUTTA, GEORGIA

AN ORDINANCE TO AMEND SECTION 2-9 OF THE COHUTTA ALCOHOLIC BEVERAGES CODE; TO REPEAL SUBSECTIONS (b) AND (c), INCLUDING SUBSECTIONS (c)(1) THROUGH (c)(5); TO AMEND SUBSECTION (a) TO REMOVE THE REFERENCE TO SUBSECTION (b); TO ELIMINATE THE RESTRICTED PUBLIC-AREA ALCOHOL PROVISIONS COMMONLY REFERRED TO AS THE "SOLO OR RED CUP ORDINANCE"; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on May 4, 2021, the Mayor presented to the Town Council for first reading an amendment to Ordinance 2 commonly referred to in the Council minutes as the "Solo or Red Cup Ordinance," concerning alcohol consumption within a restricted area; and

WHEREAS, on June 1, 2021, the Town Council approved the second reading of the "Solo or Red Cup Ordinance," described in the Council minutes as an amendment of Ordinance 2 with consumption within a restricted area; and

WHEREAS, Section 2-9(b) and (c) of the Cohutta Alcoholic Beverages Code provide the exception allowing beer and wine to be carried in a designated outdoor public area and establish the boundaries and regulations applicable to that area; and

WHEREAS, the Mayor and Council now desire to eliminate that restricted public-area alcohol exception while preserving the general prohibition contained in Section 2-9(a) and the separate exception contained in Section 2-10;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Cohutta, Georgia, as follows:

Section 1. Amendment of Section 2-9(a).

Section 2-9(a) of the Cohutta Alcoholic Beverages Code is hereby amended by deleting the words "Except as provided in subsection (b) of this section and section 2-10," and substituting in lieu thereof the words "Except as provided in section 2-10,". Except for this amendment, subsection (a) shall remain unchanged.

Section 2. Repeal of Section 2-9(b) and (c).

Section 2-9(b) and Section 2-9(c), including subsections (c)(1) through (c)(5), are hereby repealed in their entirety.

Section 3. Legislative Intent.

It is the intent of the Mayor and Council that this Ordinance eliminate the restricted public-area alcohol provisions associated with the amendment commonly referred to in the Town Council minutes as the "Solo or Red Cup Ordinance." This Ordinance does not repeal Section 2-9(a), except for the conforming amendment stated above, and does not repeal or amend Section 2-10.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Ordinance shall become effective upon its adoption by the Mayor and Council of the Town of Cohutta, Georgia.

SO ORDAINED this 13 **day of** October **, 2026.**

Mayor, Town of Cohutta

ATTEST:

Town Clerk

