

Towns County Herald

Legal Organ of Towns County

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Wednesday, November 2, 2011

Local Weather and Lake Levels

| | |
|---------------|-------|
| Thur: Showers | 59 41 |
| Fri: Clouds | 62 39 |
| Sat: Sunny | 64 41 |
| Sun: Clouds | 60 43 |
| Mon: Clouds | 67 44 |
| Tue: Showers | 67 44 |
| Wed: Showers | 65 43 |



| | |
|---------------------------------------|---------|
| Upstream Elevation Predicted 11/02/11 | |
| Lake Chatuge | 1918.86 |
| Lake Nottely | 1763.53 |
| Blue Ridge | 1669.81 |

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Sports Page 10A

Remember to Vote

The Nov. 8 General Election is drawing near. In fact, it's next Tuesday. The Post 3 Seat in Young Harris is up for grabs.

There also is ample opportunity to vote for a tax break.

If you're a resident in Hiwassee or Young Harris, the savings could be significant. County residents can get a break on school taxes.

It's all the more reason to get out and vote in the Nov. 8 General Election.

As if you didn't already have enough reasons to cast ballots, well, you'll be electing a new District 50 State Senator. Remember, you can't complain if you don't vote.

Early voting continues this week. The polls will be open from 7 a.m. to 7 p.m. on Nov. 8.

Fall Back

It's time to turn the clocks back one hour at 2 a.m. Sunday, Nov. 6. Towns County Fire Chief Mitch Floyd also says it's a good time to test the smoke alarms and change the batteries.

Veterans Day

Garrett-Owenby Post 7807 welcomes you to Veterans Day services at Towns County Veterans Park on Nov. 11 at 11 a.m. The park is located in front of Towns County Schools. Please come join us in honoring our past and present service members. Let's show them just how much you care and what they mean to you today.

YHC Basketball

Basketball is renewed at Young Harris College. Come out and enjoy the season. Visit the Young Harris Web site for more details. The season starts Nov. 12.

Lady Indians head to state

By Charles Duncan
Towns County Herald
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The Towns County Lady Indians' cross country team is headed to familiar territory on Saturday.

The Lady Indians will travel to Carrollton to compete for a Class A state championship. The Class A race that includes the Lady Indians begins at 10:30 a.m.

Since 2008, the Lady Indians have finished 9th, 15th and 17th respectively in the Class A State Cross Country meets in Carrollton.

The Lady Indians finished third in the Region 8 meet at Athens Christian last week. Athens Christian took home the Region 8 crown finishing with 23 points. Athens Academy was runner-up with 77 and Towns County finished third with 94.

Led by sophomore Ansley Vardeman, the Lady



The Lady Indians captured third in the Region last week. They're looking for a state title in Carrollton this weekend.

Indians have been a force to be reckoned with in 2011. Vardeman won several meets during the season and broke the Banks County course record for Girls' competition with a time of 22:17.

Together, Vardeman and her teammates that in-

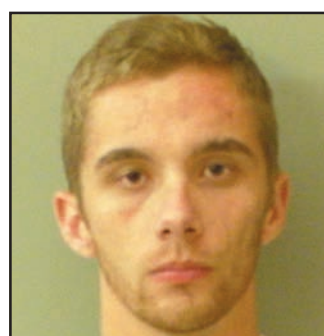
clude her twin sister Taylor Vardeman, Sierra Nichols, Caitlin Sheffield, Carly Albach and Cassie Buck, form a formidable Cross Country team for the Lady Indians.

See Cross Country, page 13A

Student confesses to hoaxes at Young Harris College

Joshua Simmons pleads guilty to making false statements

By Charles Duncan
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Joshua Simmons and the Georgia Bureau of Investigation combed the area, questioned individuals and came to the conclusion that there was no threat.

The threats to the lives of students at Young Harris College in September and an alleged assault of a YHC student last week were all a hoax.

That's according to the Enotah Circuit District Attorney Jeff Langley, Young Harris College President Cathy Cox and the Georgia Bureau of Investigation.

On Sept. 13 a report of an anonymous note threatening the lives of students prompted the evacuation of a student hall, terrorized the college community and closed classes for a portion of the day.

Young Harris Campus Police, sheriff's deputies from Towns and Union counties, the Georgia State Patrol

prompted the evacuation of a student hall, terrorized the college community and closed classes for a portion of the day.

On Oct. 25th, Simmons pleaded guilty in Towns County Superior Court to

See Hoax, page 13A

New Senior Center contract signed

Ground-breaking for new Senior facility set for Wednesday at 1 p.m.

By Charles Duncan
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Groundbreaking for Towns County's new Senior Center is set for 1 p.m. on Wednesday.

Towns County Sole Commissioner Bill Kendall signed the contract to begin construction on Monday with Winkler & Winkler Construction of Blairsville.

The new Senior Center will be located next to the Recreation Department.

The co-founder of Winkler & Winkler, Chad Winkler, is a 1992 graduate of Towns County High School.

The contract for the construction is \$554,236. The project, bid out earlier



Towns County Sole Commissioner Bill Kendall signs the contract that will build a new Senior Center. Photo/Lowell Nicholson

this year, attracted 13 bidders, including Winkler & Winkler. The highest bid, from Civil Works Inc., came in at \$1.647 million, while the lowest bid came in from

Winkler & Winkler. The lowest project bid was over the allotted budget by \$239,420.

The Senior Center See Senior Center, page 13A

Judge Story rules on TCSO lawsuit

Major portion of lawsuit against TCSO dismissed

By Charles Duncan
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Sheriff Chris Clinton

U.S. District Judge Richard Story has dismissed legal claims against Towns County sheriff's deputies and Towns County in a lawsuit filed Feb. 15 in U.S. District Court for the Northern District of Georgia in Gainesville.

Also, claims for damages against Towns County Sheriff Chris Clinton have been deemed abandoned by the plaintiff in the case, Jordan Brannon, a Young Harris College student, according to Judge Story's ruling.

However, motion to dismiss Brannon's pursuit of injunctive relief to "prevent a custom or policy of racial based stops" for all law enforcement officers "acting with Defendants," was denied by Judge Story.

"The Plaintiff alleges that Sheriff Clinton and his deputies 'have a custom of stopping and detaining African-American drivers, particularly black men driving with white women,' Judge Story wrote in his decision. "Taking the above facts as true, as the Court is required to do on a motion to dismiss, the Court finds that Plaintiff has pled sufficient facts to state a claim for (injunctive) relief based on the existence of a racially discriminatory policy or practice."

"At the motion to dismiss stage, these allegations are sufficient to state a plausible claim for (injunctive) relief, as they constitute more than mere legal conclusions, but rather, concrete facts making a plausible showing of a racially-discriminatory policy or practice," Judge Story expressed in his ruling.

Injunctive relief is a court-ordered act or prohibition against an act or condition which has been requested, and sometimes granted, in a petition to the court for an injunction. Such an act is the use of judicial (court) authority to handle a problem, and is not a judgment for money.

The Motion to Dismiss, filed March 8 in Gainesville by attorneys for Towns County, sought to put an end to a lawsuit filed Feb. 15 in U.S. District Court in Gainesville by Brannon.

Brannon, represented by Gerry Weber and Craig Goodmark of Atlanta, alleged that Towns County sheriff's deputies stopped and detained him on

March 19, 2010 without probable cause as he drove westbound toward Young Harris.

Brannon, an African-American, alleged that his Fourth and Fourteenth Amendment rights were violated, that the March 19, 2010 traffic stop was in fact racial profiling and that he was a victim of false imprisonment and battery at the hands of the Towns County sheriff's deputies.

According to the lawsuit, Brannon allegedly was giving a white friend a ride to her place of employment in Blairsville at the time of the traffic stop.

The suit also alleged false imprisonment by officers and battery when officers touched Brannon during a physical search during the traffic stop. Brannon was released and no charges were filed against him. Prior to the suit being filed, attorneys for Brannon filed an anti-litem notice with a \$100,000 for not filing the lawsuit, according to unsolicited documents sent to the Towns County Herald from the plaintiff's attorney.

The Herald also received unsolicited documents detailing the lawsuit from an anonymous source.

The lawsuit also was posted on TOPIX by an anonymous source.

The suit sought damages from each defendant, compensatory and punitive, and asked for reasonable attorney fees, expenses and costs of litigation. Brannon's attorneys had requested a jury trial.

Towns County Sheriff Chris Clinton reserved comment about the legal case. He did say however, that the truth will eventually come out and he'll be more than happy to discuss the case when it is officially closed.

TOWNS COUNTY HERALD

Halloween Towns County style

Community comes together during hard times to make kids happy

By Charles Duncan
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Judging by the Downtown Square in Hiwassee on Saturday, you'd never know times were hard.

A community came together to make sure its children were smiling during their trick-or-treat event, better known as the Annual Halloween on the Square.

This year, local businesses got a boost as the North Georgia Jeepers decked out their vehicles in a ghostly fashion and handed out goodies to the local boys and girls.

It was the second time the Jeepers have turned

See Trick or Treat, page 13A



It was a Happy Halloween for this youngster on Saturday in Downtown Hiwassee. Photo/Lowell Nicholson

Budget for 2012 almost a done deal

Final action for County Budget comes Nov. 17 at Towns County Courthouse

By Charles Duncan
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The process of adopting Towns County's 2012 Fiscal Budget is underway.

Towns County Sole Commissioner Bill Kendall tentatively adopted the budget and the 2012 millage rate of 5.320 mills for maintenance and operation and .470 mills for the Fire & Rescue operations.

The 2012 Fiscal Budget is projected at \$9.38 million, virtually the same amount as the 2011 Fiscal Budget, county records show.

The projected budget includes \$1.12 million for the Towns County Sheriff's Office, \$912,000 for Jail Operations, \$1 million plus for



Towns County Sole Commissioner Bill Kendall goes over the 2012 County Budget last week. Photo/Lowell Nicholson

Towns County Ambulance Services, \$930,700 for the County Road Department, \$294,000 for the Recreation Department and \$370,000 for Fire Services.

Commissioner Kendall said he was able to cut the proposed millage rate by realizing savings in See County Budget, page 13A

