

Charges...from Page 1

They were badly beaten – allegedly by Moody – and in need of immediate medical attention, according to sheriff's reports.

A deputy transported them to an ambulance staged nearby and they were then transported to Chatuge Regional Hospital in Hiwassee, according to sheriff's reports.

Two small children were still in the house with Moody. As deputies approached, Moody was smashing the window out of a vehicle with a large machete. After a brief standoff, Moody released the two small children and ultimately charged at the deputies. A deputy used a Taser to stop him, according

to sheriff's reports.

Moody was transported by ambulance to a local medical facility due to a potential drug overdose. The two smaller children who had been in the residence with him were also transported by ambulance to be evaluated, but were not seriously injured.

Stevens...from Page 1

Preston of the Yukon to use in the song."

Stevens moved on to another song that he wrote and recorded soon after in 1961, a song that he called a small hit – something the audience surely disagreed with by its reaction to Stevens' performance energy – *Jeremiah Peabody's Poly-unsaturated Quick-Dissolving Fast-Acting Pleasant-Tasting Green and Purple Pills*.

"I figure we went to 35 on the national chart," said Stevens. "And boy, I was walking in tall cotton. But in 1962, I wrote and recorded the song that became my very first big hit record. It's sort of politically incorrect these days – I don't know why – but I want to sing it for you."

Ahab the Arab brought back memories for many in the audience, and Stevens spoke on tales of American tanks blasting the tune during Operation Desert Storm in the early 1990s.

All told, the 76-year-old Stevens hit every note that Saturday, had every fan laughing with joke after joke, and kept the high-energy performance going straight through his best



known songs of yesteryears and today – *Guitarzan, The Streak, Taylor Swift Is Stalkin' Me, It's Me Again Margaret*, many more and a creative encore, featuring the Top 5 encores of all time.

After the show, the more than 2,000 in attendance emptied out with smiles on their faces and plenty to look back on fondly from the evening.

"We had a good time," said Mike and Cathy Smith of Ellijay. "It was fun to hear all the old things that we grew up

on. We don't have a favorite where he's concerned, but he covered most of it."

And Marie Fremin of Canton got to hear her favorite song – *The Mississippi Squirrel Revival* – certainly a crowd favorite, as most songs seemed, judging by how many people sang along to the words.

"You've been a wonderful audience," said Stevens in closing out the show, expressing a sentiment that was surely reciprocated by his fans that night. "God bless you. Thank you."

Dehler...from Page 1

can go to the website and get a complaint form, or people just oftentimes call to say, does this rise to the level of judicial complaint?"

"There's an incredibly important distinction between complaining about a judge who made a decision that was simply the right decision for the case but may have worked against somebody, and a judge who violates the code of judicial conduct."

If a judge makes a legal mistake in handing down a decision, or if the overwhelming facts of a case support one conclusion over another and a judge makes a decision unfavorable to parties in the case, this then lands within the realm of the appeals process.

"We don't get into appeals," said Dehler of the JQC. "We are there only when the judge does something that's improper – judicial misconduct."

Judicial misconduct can lay the grounds for disciplining or removing judges, or even cause them to be retired from office, all provided for in the Georgia Constitution, according to the JQC website.

Examples of judicial misconduct as outlined by the JQC include: "willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, conduct prejudicial to the administration of justice which brings the judicial office into disrepute, and disability seriously interfering with the performance of duties, which is, or is likely to become, of a permanent character."

Further, Dehler will be responsible for screening complaints, make sure that the complaints are appropriately within JQC jurisdiction, then decide before proceeding whether complaints are frivolous or in need of further investigation.

"And sometimes that investigation may simply be writing the judge a letter and asking him or her for their side of the story," said Dehler. "Sometimes, that may be having our investigator – and we have an investigator – go out and interview witnesses. And then, I would marshal that process with the outcome ultimately to be decided by the seven members of the JQC. I don't make those decisions. That is something that the commission members would meet and collectively talk about, discuss, debate and vote on."

As a non-voting member of the JQC, Dehler will gather and present all the information the seven members will need in order to make an informed decision as to allegations of judicial misconduct.

Aside from his law practice in Hiwassee, Dehler has been an active member of the Towns County community for years. He does pro bono legal work for the Towns County Food Pantry, serves on the Towns County Board of Elections and is chairman of the board of the Towns County Chamber of Commerce.

Unless Dehler personally decides at a later date that these civic duties put an undue strain on his new full-time job with

the state, he has been cleared to and plans to continue his civic activities within the county.

"The good news for me is that I don't have to move anywhere to do this job," said Dehler. "I can do this job from here in Towns County – I don't have to move to Atlanta, I don't have to be in Atlanta any number of days in the week."

Dehler has been practicing law for the past 31 years, and said that he applied for the executive director job to embrace new career challenges.

Young Harris College President Cathy Cox, who is married to Dehler, is excited about this unique opportunity for her husband – there is no other job quite like it in the state – and Dehler also plans to continue teaching one course per semester at the college, simply because he enjoys teaching so much.

Georgia State Bar President Robert Kauffman believes that all Georgians will benefit from Dehler's statewide leadership role in his upcoming service to the JQC, and that his acceptance of the position "demonstrates his commitment to serving the public and the justice system."

"On behalf of the State Bar of Georgia, I would like to congratulate Hiwassee attorney Mark F. Dehler on his selection as the new executive director of the Georgia Judicial Qualifications Commission," wrote Kauffman in a letter of support to the Herald.

Wright proud to have new vests

By Mason Mitcham
Towns County Herald
Staff Writer



Chief Jimmy Wright

The Hiwassee Police Department recently received a grant for four ballistic "bulletproof" vests from the Fraternal Order of Police.

The vests were provided by the Georgia FOP's "Protect our Protectors" ballistic vest program, which aims to donate police vests to police departments across Georgia, specifically smaller municipal departments.

"Up here, we live in a great community," Hiwassee Police Chief Jimmy Wright said. "But you never know."

The Georgia FOP works to improve communities across the state in a number of ways, including providing vests for officers and running the "Cops and Kids" program, in which officers take kids shopping.

The organization represents 4,000 law enforcement members across the state and is part of the largest law enforcement organization in the nation. It is committed to achieving better working conditions and benefits to its members and providing quality service to the public.

The group recognizes that officer safety is an important issue, and ballistic vests have been proven to save lives and reduce injuries. As such, the FOP is working to ensure that every officer in the state of Georgia has the extra layer of security proved by a ballistic vest.

Chief Wright said that although Hiwassee is a lawful and neighborly community, nothing makes a community completely immune to potentially dangerous or violent criminal activity.

"We don't have a lot of stuff go on, but as you know, nationwide, police are targets," he said. "You never know what's going to be passing through or what's in somebody's mind out here. You just don't know."

"There's, as I say, no such thing as a routine traffic stop," he went on. "You don't know what you're pulling over, who you're pulling over, or anything else. You don't know what's happened prior to that."

This is the second time that the Hiwassee Police Department has received vests. The first was in 2004.

"They actually expire every five years, so we were in need of vests," Chief Wright explained. "Officer James and Sgt. Smith, they worked on it as far as getting us signed off on paperwork. But I talked to them and the Fraternal Order of Police spoke to them on the phone, and they said we were approved."

All four of the full-time police officers have the vests. Chief Wright said that they were of good quality and probably cost between \$600-\$800 apiece.

"I can't think people enough for supporting the police department," Chief Wright said. "And that's not just the Fraternal Order of Police, but all the citizens of Hiwassee and Towns County. We live in a great community."

Back to School...from Page 1

excited for that," said Dr. Berrong. "I'm excited about all the new teachers we've hired. I think the new principals are doing a fantastic job so far. I feel like we're actually going to come out and be stronger than we've ever been, so I'm excited to see how this school year goes."

Enrollment totals will not be available until after the first week, but Dr. Berrong anticipates a loss of between 10 to 20 students in the overall population of the schools, which has been a trend for several years now.

And the superintendent stated that the school's portion of property taxes will not

increase this year.

"We will not be increasing the millage rate, I already know that," said Dr. Berrong. "From our budget coming out, this will be the first year – and we don't have the final numbers – but the first year in many years that we will actually end with a fund balance larger than when we started."

"We're looking at gaining about \$200,000 from where we started last year, which is huge, because we've been losing several hundred thousand dollars a year because we haven't raised the millage rate."

The Towns County Board of Education did raise

the millage rate during the 2014-2015 school year by 1.5 mills to 7.995, bringing in nearly \$1.1 million more in tax revenue than the previous school year. Initially, the board sought to increase the millage rate by 2 mills, but decided on the 1.5 mill increase after several public hearings and community feedback.

"That is what gave us the increase in funds to where we actually are going to end in the positive this year, and we're no longer going backward," said Dr. Berrong. "If we can continue to maintain that and not go backward, then there's no reason to raise the millage rate."

RV...from Page 1

home/RV pads on 0.64 acres of a lot adjacent to the Waites' home, just past McDonald's on Bell Creek Road in Hiwassee, that was under construction.

This, however, would have been in violation of the County Ordinances, which would require at least five acres for a mobile home/RV park, according to the lawsuit.

Stines approached Stancil, according to the lawsuit, and instead of honoring County Ordinances, the city granted water and sewer services for "four sites for trailer/recreational vehicles/manufactured/mobile units to be sited on the real property you recently purchased" in exchange for an exorbitant fee of \$12,500.

On the witness stand that Thursday, Stancil rebutted the claim that the city was still under obligation to the county's subdivision regulations, saying that proper public notice had been given prior to adoption of the city's 2010 Comprehensive Planning Ordinance.

Furthermore, Stancil said that Towns County Sole Commissioner Bill Kendall himself had received the proposed ordinance, both by email and in person, and been present for the first public reading of the 2010 Comprehensive Planning Ordinance.

This is important, because according to the 2000 intergovernmental agreement, the city would have had to submit its intent to withdraw from the agreement in writing, 30 days in advance of withdrawing, in order to separate from the county's subdivision regulations.

Stancil contended that everything the city did in 2009 leading up to the adoption of its own planning ordinance equated to providing the proper notice of withdrawal from the intergovernmental agreement, a point that the Waites refute and seek to clarify in their lawsuit.

According to Stancil, the city did nothing wrong in granting Stines four water/

sewer hookups, as the City of Hiwassee owns its own water and sewer facilities – facilities the county does not own, the services of which it must purchase from the city in a separate intergovernmental agreement.

Stancil contended during the hearing that the county government has never had the authority to control or regulate water and sewer services, and, quite separately, that the city's 2010 Comprehensive Planning Ordinance was currently in effect.

Legal counsel for the county asked that the county be dismissed from the lawsuit, as there were no complaints against the county listed in the suit, and that it had been brought as a defendant solely to guarantee presence and cooperation.

Further, the county's attorney stated that the county had not previously received what it perceived as proper expressly written notice of the city's intent to withdraw from the 2000 intergovernmental agreement, but that it would comply if the court decided that the city's 2010 Comprehensive Planning Ordinance had supplanted the 2000 agreement.

Judge Brantley excused the county from the hearing that Thursday, but said that it should remain part of the suit because he did not know where the suit might lead in the future.

The question of whether or not the city properly withdrew from its intergovernmental agreement with the county in 2000, thereby granting the city the authority to implement its own planning ordinance, is a question that could be answered in a future hearing in the case.

On the stand, lot owner Stines affirmed that it was his intention initially, and that he had made his intentions known to the city last year, to build an RV park of at least four pads within the 0.64 usable acres

of his lot of land, and that he may or may not decide to use the property commercially – all of which would be considered okay under the city's 2010 Comprehensive Planning Ordinance.

Stines said that he owns a commercial RV park in North Carolina.

In closing that Thursday, Judge Brantley decided that the city of Hiwassee had not overstepped its legal boundaries by granting water and sewer services to Stines, and that the city should not be required to stop Stines from building on the land.

As for Stines, Judge Brantley found that the burden of further development rested with Stines' ability to acquire the proper permitting for his property, hence the injunction until further notice.

"I find that there is sufficient and adequate evidence that carries a burden for me that the city has the authority to issue water and sewer tap permits, that they have never delegated that by contract to any other entity; and if they had done so, it correctly took it back in 2010 or whenever it was; and therefore, there's no standing against them, no relief against the city," said Judge Brantley.

Judge Brantley added: "I believe that there is evidence that Mr. Stines needs authority to prepare the pads from other governmental agencies, and that he does not have any such permits."

The injunction decree will be lifted at such a time that Judge Brantley decides Stines has obtained the appropriate governmental permits to continue building on the property.

Further hearings in the case, which will likely be concerned with planning ordinance authority within the City of Hiwassee, alleged violations of the Georgia Open Records Act by the city, as well as legal fees, have yet to be scheduled as of press time Monday.

Cruiz-In...from Page 1

region, and a parade. On the last day, a small, non-competitive contest was held for the best moonshine car. Small prizes were awarded for the top 25, with special consideration given to the top "Fantastic Five."

Jeannie Ostrowski secured a place in the top five cars with a refurbished Chevy. She and her husband Peter have been going to car shows for 20 years.

"We finished in it 2013. We completely refurbished the

whole car. We built it, and it was a running car for about three years, then we just tore it all apart and designed it the way we wanted to," she explained.

The car has about 4,000 miles on it and is painted suede green and a color named Cadillac champagne.

"It's plain. I wanted it as a lady's car, because it's mine. This one is plain and simple. It's clean," said Jeannie.

The Ostrowskis are no

strangers to winning. Last year, Jeannie won a contest in Pigeon Forge.

"I got myself in a lady's magazine. Little local shows. I wouldn't say I come back because I won something, I say I come back because I enjoy the people," she said.

"Will we come back to this one? Absolutely," her husband Peter added. "Not because we won, not because we got Top Five. We just like the atmosphere. We like the people."

Kokaly updates recent Washington actions

By Mason Mitcham
Towns County Herald
Staff Writer

The Mountain Movers and Shakers got a political update from Washington D.C. Congressional Field Rep. Bill Kokaly recently.

Kokaly represents U.S. Rep. Doug Collins, who will be here to report from Washington in person on Aug. 21.

This is not the first time Kokaly has come to speak to the Movers and Shakers, but following recent Supreme Court rulings, and with a presidential election looming next year, he had a lot to say.

"It's been a rather interesting few weeks in the news lately," he said. "The Constitution's taken a beating in the last few weeks. How in God's green earth did the Supreme Court rule that black letter law doesn't mean what it says it means? The Obamacare legislation, the ruling on Obamacare, it just stunned us."

He was talking about the recent King versus Burwell Supreme Court case in which the Supreme Court ruled that health insurance subsidies provided by Obamacare will continue to be available regardless of whether states establish their own health-care exchanges or rely on the federal government to do so. "Congressman Collins



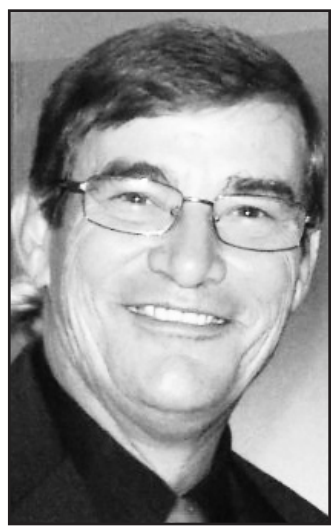
U.S. Rep. Doug Collins

came out and said basically that it appears as though the Supreme Court has decided that they are now the legislative branch," Kokaly said.

Next, Kokaly turned his attention to the matter of government spending. Republicans in Washington D.C. are trying to pass 12 appropriations bills.

"Our goal is to get all 12 of the appropriations bills through the Senate and set on President Obama's desk so he can make a decision. The Democrats are fighting us tooth and nail on it," he said.

Kokaly told the Movers and Shakers that 84 to 85



Bill Kokaly

percent of government spending never goes through the appropriations process but is instead classified as discretionary mandatory spending. By law, this money must be spent, Kokaly said.

Therefore, cuts to government spending can only really be done in the remaining 15 or 20 percent.

"In order to do any real, long, sustainable cuts in actual government spending, we have got to get into the mandatory spending side of the House, and the only way to do that is to change the underlying laws that drive government spending," Kokaly said.