

# North Georgia News

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## County nearing completion on double gym site work, Meeks Park pavilion

By Mark Smith  
North Georgia News  
Staff Writer

Union County Sole Commissioner Lamar Paris announced in his March 21 regular meeting that site work for the upcoming double gym and construction of the Meeks Park pavilion are both nearing completion.

The double gym will be the first facility of its kind owned by the county, said County Manager Larry Garrett the following day.

It will house two hardwood floored gyms where county residents can play basketball, volleyball and other court games. The double gym will also feature an indoor jogging track that will run around the interior of the building.

Garrett said the site work is being done by the County Road Department

rather than being made a part of the construction bids, which is saving the county a great deal of money. The site work includes drainage and grading of the building pad and is near completion now.

The bid process for construction of the double gym has just been implemented, so the cost of the project is not yet known.

One of the major variables in this kind of project, said Garrett, is the cost and availability of steel. Another variable is the proximity of the contractor to Union County.

Union County officials hope to complete the double gym by the end of 2019 or early 2020.

Paris also discussed the new Meeks Park pavilion in the March county meeting, noting that the building was designed along the lines of the Byron Herbert Reece Pavilion, with

the architect's permission, and will likely be completed by the end of April.

The new pavilion will feature an outdoor fireplace, bathrooms, a public address system and a large deck overlooking the Nottely River. The pavilion will be available for county residents to rent for weddings, anniversaries, parties and similar events.

In other county news, Paris proclaimed April 2019 as Child Abuse Prevention Month. Enotah CASA Executive Director Linda D'Angelo came forth to accept the proclamation.

"If you're not familiar with Enotah CASA, we are a nonprofit organization," said D'Angelo. "We're part of a nationwide network whose mission is to be able to recruit, screen and train volunteers who are called Court-Appointed

See County Meeting, Page 3A



The county is currently grading the future site of the new double rec gym to be located next to the Health Department on the Glenn Gooch Bypass. Photo by Mark Smith

## 'HB 324 to pave way for legalized recreational marijuana'

By Shawn Jarrard  
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Union County Sheriff Mack Mason has read the writing on the wall. He knows it's just a matter of time before recreational marijuana use becomes legal in Georgia.

And he doesn't like it. Paving the way for legalized recreational marijuana use, said Mason, is what state lawmakers are calling "Georgia's Hope Act," or House Bill 324.



Sheriff Mack Mason

The bill has already passed the state House with a margin of 123-40, and Mason fully expects it to pass the state Senate by the end of the current legislative session on April 2.

If the bill passes out of the Georgia General Assembly and Gov. Brian Kemp signs it into law later this year, it will allow for the regulated cultivation of marijuana – the feasibility of which Sheriff Mason is highly skeptical – for the production of low THC oil for use by patients in the Low THC Oil Registry, including

children. "Ask yourself these simple questions," said Sheriff Mason. "Do I want marijuana grow houses that will surely see the product going out the back door to the black market?"

"Then, when it's legalized for recreational use, do I want myself, my family and my friends sharing the road with people who can legally smoke this mind-altering drug? Right now, there is no test to determine to what degree a person is impaired on marijuana.

"Do I want to work

with someone who operates machinery or heavy equipment who has gotten high last night, or maybe even smoked a joint on their lunch break? In other words, wake up, people. This is where we're headed if something isn't done. We've got such a major enforcement problem ahead of us, and I don't know what we can do with it."

Proponents of HB 324 claim it will solve a major problem facing registered low THC oil patients who rely on the oil for various

medical purposes, including seizures, Parkinson's disease, autism spectrum disorder, post-traumatic stress disorder and more.

It's currently legal to possess low THC oil, but it's not legal to make it, buy it or ship it across state lines, and that's what "Georgia's Hope Act" aims to correct.

But critics of the bill have been asking why Georgia lawmakers find it necessary to authorize in-state marijuana

See Marijuana, Page 2A

## Participation soars for Third Annual Duncan Dash 5K at Meeks Park



The starting line for the Third Annual Duncan Dash 5K to benefit the March of Dimes on Saturday, March 23, at Meeks Park. Photo by Todd Forrest

By Todd Forrest  
North Georgia News  
Staff Writer

More than 135 runners braved the near-freezing temperatures to take on the Third Annual Duncan Dash 5K race to benefit the March of Dimes at Meeks Park on the morning of Saturday, March 23.

Entrants in the

challenging 5K race named after Duncan Lawrence was grown in each of the three years since its inception in 2017.

Last year's Duncan Dash featured approximately 65 runners, while this year's event saw more than 100 pre-registered participants with 35 people showing up to register the day of the race.

When the dust settled,

Thomas Mellendorf was the first to cross the finish line with a time of 19 minutes and 43 seconds.

The overall female winner was Brienne Merry, who clocked in at 27:54.

Be sure to check out this week's Sports Section for more information on the March 23 race.

## Mike Gowder requests nonjury trial ahead of April 8 court date

By Shawn Jarrard  
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In an interesting legal maneuver, former hospital CEO Mike Gowder has requested that his April 8 specially set jury trial be conducted as a nonjury trial instead, to run concurrently with co-defendant Dr. James Heaton's jury trial.

Gowder is facing 150 criminal charges in his federal prescription drug case. Should his request for a nonjury trial be granted, he would be placing his fate in the hands of U.S. District Judge Richard W. Story, the presiding judge in the case.

Currently, Gowder is set to be tried by a jury of his peers alongside co-defendant Heaton, with whom he was closely associated leading up to their initial arrests in February 2016.

Representing Gowder is the highly regarded criminal defense attorney Steven Sadow of Atlanta, who filed the "Defendant's Request for a Nonjury Trial" on Friday, March 22.

In May 2018, Sadow asked the court to sever the defendants in the case so that Gowder and Heaton could be tried separately, though the judge has yet to rule on that motion.



Mike Gowder

Sadow argued at the time that trying the two separately would put Heaton in a better position to testify in Gowder's defense, given exculpatory statements previously made by Heaton.

However, with just two weeks remaining before the April 8 trial and no severance forthcoming, Gowder and Sadow's defense strategy has seemingly shifted.

"He is not seeking a severance," Sadow said of his client in the March 22 filing. "The court can conduct both trials simultaneously. The jury would be instructed they are only there to decide Dr. Heaton's guilt."

Now, they are apparently hoping to capitalize on Story's more nuanced understanding

of the case and its proceedings rather than 12 of Gowder's peers.

"In a jury trial, the ultimate decision-maker is the jury," according to the American Bar Association. "Jurors generally have no knowledge of the parties' pretrial positions, theories or actions."

"Conversely, in a bench trial, the ultimate decision-maker is the judge. Unlike jury trials where a juror may learn little to nothing about a case before trial, cases tried from the bench present unique opportunities to shape the judge's opinion of the case prior to trial."

Story had not issued a decision regarding the nonjury trial request by press time.

Gowder's request for a nonjury trial, aka bench trial, comes on the heels of other developments in the case, most recently a second superseding criminal indictment handed up on March 19 by a federal grand jury.

The main reason for the issuance of a second superseding indictment appears to have been the severance of David Gowder, Mike's brother, as a defendant in the case following his March 15 guilty plea to one of 53 charges against him.

See Gowder, Page 3A

## Fixed charge, TVA rate hike and fiber expansion highlight EMC meeting

By Shawn Jarrard  
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YOUNG HARRIS – Blue Ridge Mountain EMC General Manager Jeremy Nelms sought to clarify some of the issues surrounding recent discussions regarding potential upcoming adjustments to the co-op's fixed charge in the monthly EMC Board meeting on Monday, March 18.

As previously reported, Nelms told the board in January that, based on an updated cost of service study by the EMC's

rate consultant, the fixed charge portion of each customer's bill should actually be in the \$38 to \$40 a month range.

Currently, the customer charge is \$21.37, though Nelms explained at the time that any increase in the fixed charge would occur incrementally over several years and would likely include offsetting adjustments to the energy charge resulting in revenue neutral rate adjustments for the average consumer.

Furthermore, Nelms said that adjusting the fixed charge would correct for the modern

problem of energy efficient homes providing too little revenue to cover fixed costs moving forward due to the high level of fixed costs historically built into the variable portion of the power bill, i.e. the energy charge shown as kWh.

That bit of discussion from the January board meeting prompted several members to voice their concerns publicly and in letters to the editor, mainly regarding potentially detrimental effects on low and fixed-income households.

In the March 18 board



Jeremy Nelms

meeting, Nelms signaled his desire to step back from the

public debate for now, stating that no recommendation had been made regarding a fixed-charge increase and no formal plan was in place to increase the fixed charge.

He reiterated that any significant adjustment to the fixed charge would occur incrementally over a period of years, and that, unless additional operating revenues became necessary, the plan would be to reduce the energy charge to offset increases in the fixed charge.

Doing so would result in

a series of revenue neutral rate adjustments, said Nelms, which would help to flatten electric costs throughout the year for most EMC members.

Should any member wish to discuss the matter further, Nelms said all they would need to do is pick up the phone and call him at the EMC Headquarters in Young Harris.

In other business, Nelms warned the board that another wholesale power rate increase was expected from

See EMC, Page 2A

Vol. 110 No. 13 Inside

4 Sections 28 Pages Arrests 7A

Weather Church 3D

Thurs: Sunny Hi 67 Lo 39 Classifieds 4C

Fri: Cloudy Hi 69 Lo 48 Opinion 4A

Sat: Cloudy Hi 71 Lo 47 Legals 5D

Obits 6C

Sports 2B

**SPORTS**

**BASEBALL**

Mar 29 vs. Putnam (DH) 5 & 7 PM

**SOCCER**

Mar 26 vs. Towns County 5 & 7 PM

See page 6A

Volunteer Orientation for Gardeners April 1st

See page 6A

Blairsville Cruisers Season Opener April 6th

See page 4B

Georgia Mountains Regional Commission

Regional Plan Update

See page 8C