

# Lawsuit...from Page 1A

dated March 2019 alerting the city of the plaintiffs' intent to sue.

Named as defendants in the lawsuit are the City of Blairsville, Mayor Jim Conley, Council Members Rhonda Mahan, Betty Easter, Buddy

Moore, Tony Dyer and Mary Ruth Cook, as well as John Hamler, who was serving as airport manager at the time.

Investigation of the crash by the National Transportation Safety Board concluded with the publication of an Aviation

Accident Final Report in July 2020, listing the probable cause of the accident as being:

"The pilot's failure to maintain clearance from trees during a visual approach for landing in night visual meteorological conditions. Contributing to the accident was the pilot's lack of recent

experience flying at night."

On that evening, Whitener and her friends had decided to go up in Atkinson's plane to see area Christmas lights from above.

As the Piper PA28 plane was approaching Runway 8 for landing, it "impacted 60 to 70-foot-tall trees about 1/2 mile from the end of the runway," per the NTSB report.

"Although the runway lights were illuminated at the time of the accident," the report continued, "the runway was not equipped with a precision approach path indicator (PAPI) or visual approach slope indicator (VASI) light system."

"Examination of the airplane and the engine did not reveal any pre-accident mechanical discrepancies that would have precluded normal operation. A review of the pilot's logbook revealed that the pilot had not flown at night in just over four months preceding the accident."

"It is likely that, in the absence of a PAPI or VASI system by which to judge the airplane's approach path, the sparsely lit terrain off the approach end of the runway may have created an illusion that resulted in the pilot's descent into terrain short of the runway."

At issue in the lawsuit are the city's alleged failure to maintain safe airspace due to uncleared obstructions, namely the "unreasonably tall trees" that Atkinson's plane collided

with that night, and a lack of a visual guidance system to enhance safety with night flying.

The Blairsville Airport reportedly once had visual approach slope indicator lights many years ago, before their removal during the last runway extension in the early 1990s.

Wiring and conduit for a PAPI system has apparently been present in the airport's electrical vault for years, but the system was never installed, which, according to the lawsuit, is a matter of negligence regarding the city's "mandatory, nondelegable, ministerial duty under Georgia law."

"The absence of a PAPI or VASI system by which to judge the Piper's approach path resulted in the Piper impacting trees," according to the lawsuit.

It has been a goal of the city and the Georgia Department of Transportation to install PAPIs at the airport, included on the city's capital improvement projects list since 2016, "but

installation was delayed due to trees, buildings and land acquisition," according to the NTSB report.

A project is currently underway to install PAPIs on the airport's runways as soon as the supplier can get them to the city's contractor.

Additionally, Blairsville has undertaken recent rejuvenation improvements at the airport, including crack sealing and runway resurfacing, paint remarking, and moving lighting to improve approach safety from either direction by aircraft in relation to obstacles near the airport.

Projects conducted at the airport utilize federal grant funds that are disbursed over time, according to City Hall, which also contributes to the staggered timeline on completing projects.

The airport is subject to annual GDOT inspections that are then turned over to the Federal Aviation Administration.

# Explosion...from Page 1A

reported hearing the explosion all over the county, in neighboring Towns County, and across the state line in Cherokee County, North Carolina.

Responding to the scene were Union County Fire Stations 1, 2, 3 and 4, the local Emergency Management Agency, Union General EMS, the Sheriff's Office, Coroner's Office and an investigator with the State Fire Marshal's Office.

Firefighters quickly extinguished the blaze that resulted from the explosion and moved on to checking the other homes that received damage. No one else was injured in the blast.

According to state and local officials, this was one of

the biggest home explosions in recent memory, both here in Union County and around the state. Propane and other gases are among the potential causes being investigated as the source of the explosion.

One of the Woods' neighbors, Philippe Freitag, reported the explosion on Facebook Sunday morning, posting photos of the incident before first responders arrived on the scene and asking people to pray for those involved.

"A giant boom just happened, knocked stuff off my walls," Freitag said. "A house on my road exploded and is gone in flames in minutes. You could hear the bullets going off in the

flames. "I couldn't get near to try and help. I can pray they maybe weren't home, prayers for the family and them. Love on your loved ones."

Atlanta TV news media quickly picked up on the explosion and sent crews to cover the story, and curious residents began driving by the scene of the blast after first responders cleared out Sunday, though the property remained cordoned off with police tape.

The last building explosion in Union County occurred on Sept. 22, 2020, in a camper propane accident at River's Edge RV Park off Old Bald Mountain Road. That explosion killed longtime park resident Frances Rollins, 79, and injured four others.

# Heaton/Gowder...from Page 1A

granted to Heaton by Judge Story.

Heaton was sentenced last summer and originally given until Jan. 2, 2021, to report to prison to allow for development and distribution of the COVID-19 vaccine.

In December 2020, however, Story granted Heaton and his codefendant in the case, former Union General Hospital CEO Mike Gowder, extensions to at least May 1, 2021, to enable them to get vaccinated before beginning their prison terms.

The Blairsville men were convicted of multiple counts of prescription fraud in an October 2019 federal trial. Their initial sentencing hearing was delayed until June 2020 due to the coronavirus, and for the same reason, they were allowed an extended time to report to jail.

Heaton filed his latest request for an additional two-month delay just 10 days prior to his May reporting date, saying in an April 22 motion to the court that the vaccine was in short supply in Union County.

The motion also asked that he be allowed to begin his sentence in home confinement if the delay could not be granted, and that he be permitted to serve his sentence at Maxwell Air Force Base in Montgomery, Alabama, rather than in Atlanta as he had previously requested.

In a response dated April 26, Judge Story wrote that "the Court does not find this to be a compelling basis for delay because the vaccine has been in supply within a reasonable travel distance from Dr. Heaton's home."

However, the judge granted a "brief delay (until June 8) to allow for vaccination if Dr. Heaton makes this a priority."

Story denied Heaton's request to serve at the Alabama prison but amended his original order to remove the Atlanta-specific designation, and he did not address the request for home confinement.

As previously reported, Gowder filed a motion last month to have his sentence and conviction thrown out, arguing

that the judge had erred in the case by denying his original request to be tried separately from Heaton.

Additionally, Gowder said in the motion that his lawyer was ineffective. The court had not ruled on that motion by press time.

Gowder was under order to report to the federal correctional institution at Jesup in South Georgia by May 1. According to the Bureau of Prisons, he is now in custody. Mike's brother David Gowder, former Emergency Room Director at Union General, is also serving his sentence there.

The Gowders and Heaton were arrested in Union County in February 2016, with a federal indictment unsealed in April 2018 charging each with multiple counts of prescription fraud.

David Gowder entered a guilty plea in early 2019 and was subsequently sentenced to 18 months in prison. He began his sentence in July 2020 and is set to be released Nov. 1, 2021.

# LOCAL BUSINESS SPOTLIGHT

**MONTGOMERY CONCRETE**  
~ FOR ALL YOUR CONCRETE NEEDS ~  
Forming through Finishing, House Slabs, Driveways, Sidewalks, Stamped Colored Concrete. Top Quality Work! Big Jobs and Small Jobs! • Insured  
See photos on Facebook under Lee Montgomery  
**Call 706-781-1806**

**SHAWN'S HOME FURNISHINGS**  
Mattresses, Porch Rockers & More!  
"From the Front Porch to the Back Door We've Got You Covered!"  
568 Blue Ridge St. • Blairsville, GA  
FREE DELIVERY! 706-835-1209  
Mon-Fri 9am-6pm • Sat 9am-4pm • Closed Sun

**MEDICARE**  
12 Years Experience with Medicare!  
Are you turning 65... or moved recently?  
Medicare Supplements and Medicare Advantage Plans  
Contact me to review your benefits to see if other options are available.  
Susanne Johnson: 706-897-3551

**ACS GRADING & EXCAVATING**  
Grading, Dump Truck, Gravel, Dirt, Driveways, Underbrushing, Lot Clearing, Water Lines, Basements  
No Job Too Small - FREE Estimates  
Locally Owned & Operated  
**706-897-0411**

**TOTAL RECOVERY**  
PAINT & BODY  
(706) 745-9703  
391 BLUE RIDGE HWY  
ALL INSURANCE ACCEPTED

**A CUT ABOVE CARPENTRY**  
Paul Bryan 706-897-7135

**Southeast Geothermal & Spray Foam**  
706-745-8685  
1442 Blue Ridge Hwy.  
www.segeothermal.com  
www.sesprayfoam.com

**Thomas Tire, Inc.**  
Auto & Big Truck Service  
Oscar Thomas - Owner (706) 745-0264  
76 Shoe Factory Road  
Blairsville, Georgia 30512  
Specializing In:  
Alignment • Computer Balancing  
Brakes • Auto Repair  
Industrial Foam Fill  
Oil Changes

**SUGAR MAGNOLIA GIFTS & INTERIORS**  
Mon.-Fri. 9am to 5pm  
Sat. 10am to 3pm.  
(706) 230-9100  
267 B Cleveland St.  
Blairsville, GA. 30512  
Mother's Day is Coming... Be Prepared!

LICENSED INSURED  
**GIBSON LAND SERVICE**  
706-897-8564

**VISIT DOWNTOWN BLAIRSVILLE**  
www.visitdowntownblairsville.com/shop

**KELLEY HOME IMPROVEMENTS**  
"May you have joy in the work of the LORD"  
Remodeling • Painting  
Yard Maintenance & Much More  
Mark A. Kelley, Owner  
706-897-9485  
FREE ESTIMATES

**RidgeRunner TAKEOUT**  
706-528-6792

**Shook AUTOMOTIVE**  
2307 Murphy Hwy.  
Blairsville, GA  
706-745-9596

**General Supply**  
Enchanted Forest Gift Shop  
Welcome Spring  
706-363-1000  
gsfarmandfeed.com  
764 Gainesville Hwy.  
Blairsville, Georgia 30512

**Melissa's Salon & Spa**  
Where you always get the best seat in the house!  
~Master Cosmetologist~  
386-559-1089  
Located in Blairsville, GA.  
Specializing in: Cuts ~ Color ~ Curls  
Other Services: Mani's & Pedi's  
Bring this ad in for 10% off ANY service  
\*Please call for Appointment

**JACKY JONES AUTOMOTIVE GROUP**  
We Make Buying Easy!  
Ford • Hayesville, NC • 888.342.2282 • Chevrolet • Murphy, NC • 888.614.8960  
Chrysler, Dodge, Jeep, Ram • Hayesville, NC • 888.384.3145 & Franklin, NC • 828.369.5003  
**JACKYJONES.NET**