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Weekend sweep in Carrollton basketball

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TIMES-GEORGIAN

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Jessica Gallagher/Times-Georgian

Jason Swindle, standing, talks to a witness Friday while his client, Jacky Junior Cline, sits next to him. Due to medical issues Cline had to be hooked up to an IV for his Magistrate Court session.

Defense says Thanksgiving shooting was not murder

BY ERIN MCSWAIN-DAVIS
THE TIMES-GEORGIAN

The attorney for a man accused of murder in the shooting of his nephew said during a preliminary hearing Friday the charge should be reduced to involuntary or voluntary manslaughter.

Defense attorney Jason Swindle, who is representing Jacky Junior Cline, 52, of Roopville, said evidence shows that it was not murder when Nicholas Madden, 29, of Bowdon was

fatally shot during an argument at a family Thanksgiving gathering on Nov. 24.

Assistant District Attorney Jeff Hunt said that malice could still be formed in a matter of seconds and does not mean motive, but the action of pulling a gun and shooting a gun ended up killing a person.

"Overall, I am very satisfied with the evidence

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CARROLLTON CITY COUNCIL

Housing for seniors back on agenda

Developers to present traffic study

BY ARTHIA NIXON
THE TIMES-GEORGIAN

The Carrollton City Council on Monday will consider a rezoning request to turn 9.93 acres at 170 Highway 113 from general commercial to neighborhood commercial, with a senior housing floating zone.

The issue was tabled during the council's December meeting.

CRN Development, the applicant behind the proposed senior housing complex, has since submitted a traffic study, referred to as a "trip generation" study, that includes trips taken by motorists during the morning and evening peak hours. The consultant concluded that the development will have

little impact on both Highways 27 and 113.

The applicant also submitted a landscape plan showing the installation of additional hardwood trees in the dedicated greenspace for the development. An evergreen buffer is also proposed adjacent to the single-family residence south of the development.

During the December meeting of the council, several residents of the area said they were opposed to the project. Diane Albright, whose property is adjacent to the proposed development, said the proposed three-story complex does not mesh with the landscape of the area.

She also said that she had heard discussions of an acceleration lane that would take half of their property's front yard.

Steven Albright said the house in which he

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MAYOR

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the meeting will be a vote on whether the council should override last month's veto of the city's entire budget by Mayor Harmon.

On Dec. 8, Harmon vetoed each of the three parts of the \$6.1 million budget that had been passed the week before, following months of hearings by the council and work by city staff.

In his veto statements, Harmon was critical of the council's authorization of SPLOST revenues to pay

down the general revenue bond that paid for the city's wastewater treatment plant. Harmon maintained that use of those funds for debt service was not legal, and on Dec. 28 — two days before the end of his term — Harmon refused to authorize the transfer of funds from city accounts to make the annual bond payment.

Ward 5 Councilman Richard Bracknell, as mayor pro tem, authorized the payment instead, saving the city from being in default on its debt. Since Harmon's budget veto, the city has been operating on the budget that the council approved in 2017, in accord with the city charter.

Longtime observers of the city's sometimes fractious council meetings will get an early indication of how the political dynamics of the new council will play out this year, when the council members vote during Monday's meeting whether to override the mayor's budget veto.

The city charter allows the Temple mayor to veto only ordinances, which he must do within 10 days of their adoption by the council. Overriding a veto takes a "super majority" of votes from the five-member council; that is four votes instead of the usual three-vote majority needed for other actions.

If that "super majority" overrides the veto, then the ordinance — in this case, the ordinance adopting the budget — stands as approved. If the vote to override fails to gain four votes, then the mayor's veto stands.

The three parts of the budget cover the city's water and sewer fund, its capital budget and its general fund budget. Because Harmon vetoed each of the council's ordinances adopting each part of the budget, the new council must override each of those vetoes or the budget will have to be re-worked.

Use of SPLOST funds to make up losses in the city's

water-sewer fund was a critical part of the 2018 budget. Water and sewer fees are supposed to make the city's water sewer fund self-sustaining, but not only have those revenues failed to pay for the system, the revenues also fall short of meeting the bond payment requirements.

The situation will reach a crisis in January 2021, when the city must make a \$4.6 million balloon payment on the debt. The council's rationale for using SPLOST revenue for debt service was to improve the financial position of the water-sewer fund and to be more in line with the expectations of the bondholder.

HOUSING

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lives has been in his family for 70 years and he was worried about the increased traffic as a result of the development. As the father of young children, he said he would be more concerned about their safety.

Mayor Walt Hollingsworth said he was concerned about the traffic increase on Highway 113, which he said is already overloaded now. He said that traffic is already backing up in the

mornings to Carroll EMC and to Brandy Chase in the evenings.

City Manager Tim Grizzard estimated the cost of traffic signals to be about \$200,000 and said if they were approved, the developer would assume the cost.

Councilman Rory Wojcik said he is in favor of senior housing and affordable living. But, he said, he wants to make sure it is the best place for those residents to have connections to town and he wants to make sure that the city would not have to bear any costs later.

"It is designed for the security of the senior community with activities indoors," said Thomas Ward of CRN Development. "One thing about a traffic study is that most elderly complexes have less single trips than even a single-family house, so they go at different times. They don't go at eight o'clock in the morning, they don't go at five o'clock or come home at that time. The majority of them, probably 40 percent of them, work. The rest of them are disabled or older or whatever. So they're going to the doctor's office and they're going somewhere at 10 or 11 or 1 or 2 and they're not out there in the traffic."

CASE

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presented at the hearing because it established that even though an unfortunate and tragic shooting took place, there was no murder," Swindle said.

Investigator Barry Buchanan of the Carroll County Sheriff's Office, the only person to testify at the hearing, told Chief Magistrate Alton Johnson the details of the investigation and what is known so far.

According to the Sheriff's Office report, Cline and Madden were in a physical altercation after consuming alcohol at a home in Whitesburg where the family Thanksgiving was held.

Johnson asked if the reason for the fight was known. Buchanan said that according to those present at the family gathering that, although there were no witnesses to the event that led to the death of the victim, there was a rumor

involving a family member.

Buchanan said Madden confronted Cline about the rumor, which Cline denied, and that a fight then started. There were no witnesses to the fight, but Cline told officers that he was headbutted by Madden. Cline told investigators he retreated toward his vehicle at the front of the house but that Madden grabbed him and pulled him out of the car.

Buchanan testified that Cline told officers that during that struggle his gun was accidentally fired, though he was not sure if it was fired by him or by Madden during the struggle. The Sheriff's Office is looking in to see how the gun was set off.

Swindle presented photos of Cline with multiple injuries two days after the shooting as evidence that Madden had struck Cline multiple times, not receiving just one single headbutt from Madden.

Johnson said he did see probable cause to move forward to see whether a grand jury could find reason to indict Cline.

PUZZLE SOLUTIONS

C	L	E	A	N	G	A	P	E	D	I	N	T	E	L	M	A	G	I	C
R	A	M	B	O	A	F	I	R	E	M	E	R	L	E	A	R	O	M	A
A	D	I	E	U	D	R	A	G	S	P	A	U	L	S	S	N	O	R	S