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Apparent jurisdictional feud gets heated on roadside

By Shawn Jarrard
Towns County Herald
Editor

A jurisdictional dispute between local law enforcement agencies came to light last week after body camera footage from a recent traffic stop went public, showcasing a hostile exchange between Towns County Sheriff Ken Henderson and Hiawassee Police Sgt. Tracy James.



Tracy James
HPD Sergeant

At this time, the agencies have chosen not to comment on the specifics of the situation, but several insights can be gleaned from the recorded confrontation and the lawmen arguing and threatening to arrest each other in front of a motorist stopped on the side of the busy US 76 highway.

The confrontation occurred around 5:45 p.m. on Friday, June 24, immediately following the conclusion of a traffic stop conducted by Sgt. James of the Hiawassee Police Department.

James had reportedly been parked in the area of the Valero gas station and NAPA Auto Parts, just inside city limits, when he clocked a speeding motorist passing his position going 65 in a 45-mph zone.

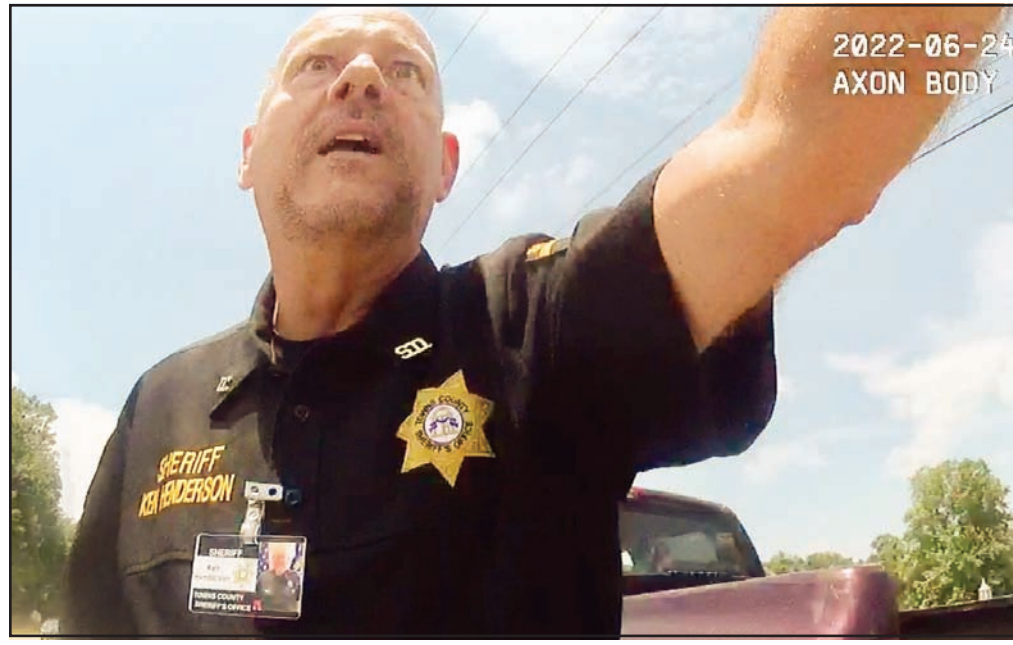
He has contended that he activated his lights and siren at the Valero to begin his pursuit

of the motorist from inside city limits, which end a few hundred feet west of the station just before the Senior Center in Hiawassee.

Where the pursuit began is important because, as local District Attorney Jeff Langley said when reached for general comment on municipal law enforcement jurisdictions, relevant state and case law "specifically limits the arrest powers of city officers to the boundaries of their jurisdiction."

"Furthermore, the Constitution of the State of Georgia expressly prohibits a municipality from using its police power outside its own boundaries except by contract with the affected county," Langley said, and it should be noted that Hiawassee officers are not deputized.

"However, Georgia case law, such as *Poss v. State*, See *Jurisdictional Feud*, Page 3A



Towns County Sheriff Ken Henderson on Hiawassee Police Officer Tracy James' body cam, seen here in an argument with the sergeant and pointing back toward the direction of town. Photo/Screenshots

Cochran and The Cowhands perform every first Friday

By Jeremy Foster
Towns County Herald
Staff Writer

YOUNG HARRIS — Performing on the first Friday of every month, local favorite band John Cochran and The Cowhands held their regular "Young Harris Jamboree" consisting of music and fellowship on July 1 at Stephens Masonic Lodge on 135 Murphy Street.

Each month, the group sets out to entertain the community with the classic "Songs of the Old West," and with admission being free, people also come to enjoy a meal that is cooked and served up fresh for a low fee that goes toward funding local scholarships by the lodge.

The band is comprised of John Cochran as singer and guitar player, Jeri Ann King as singer and guitar player, and



Jeri Ann King and John Cochran share a stage for their live performance at the July 1 Young Harris Jamboree at Stephens Lodge. Photo by Jeremy Foster

Will Potts as singer and stand-up bass player.

A student majoring in bluegrass at East Tennessee State University, Potts was un-

able to come that evening due to exciting opportunities to travel to various areas like Nashville, Arkansas, to perform at huge See *Jamboree*, Page 3A

Patriotic Boat Parade makes waves on Lake Chatuge

By Jeremy Foster
Towns County Herald
Staff Writer

For over 30 years, the Lake Chatuge Chamber of Commerce has been holding the highly anticipated summer Boat Parade in celebration of the nation's most recognized patriotic holiday: the Fourth of July.

Otherwise known as "Independence Day," the holiday is a time-honored tradition and opportunity for reflection on the never-ending quest for freedom kickstarted by the signing of the Declaration of Independence in 1776.

And on Saturday, July 2, many families came to the boat ramp of the Georgia Mountain

Fairgrounds to watch the parade traditions, simultaneously grilling out, shooting fireworks, waving flags, swimming, fishing and enjoying good old-fashioned patriotic togetherness.

The big Fairgrounds Fourth of July Fireworks themselves occurred after press time Monday, but Saturday offered See *Boat Parade*, Page 8A



These Lake Chatuge Boat Parade participants were simply "Too Cool For British Rule" on July 2. Photo by Lowell Nicholson

Hiawassee discusses EPD testing, projects and growth



Members of the Hiawassee City Council in their June regular meeting at City Hall. Photo by Brittany Holbrooks

By Brittany Holbrooks
Towns County Herald
Staff Writer

Hiawassee City Council and Mayor Liz Ordiales made several announcements and recognitions in their monthly work session on Monday, June 27.

The mayor said that the Resources' Environmental Protection Division test concluded

a five-year report on the city's sewer set-up with flying colors.

"Everything came back perfect with the exception of a fence that had broken when a tree fell on it," Ordiales said, noting that the broken stretch would be repaired soon. "We're so fortunate to have (Wastewater Treatment Plant Operator Clint Royce) on our staff. He does everything. Sewer, water treatment, helps (Water Department Manager Carl Grizzle)

— he does everything."

There will be approximately 1,000 daffodils planted at Lloyd's Landing in observance of the Daffodil Project, a tribute to the 1.5 million Jewish children who tragically lost their lives during the Holocaust.

Councilwoman Anne Mitchell is heading up the project and said that, along with a fence being installed for safety See *Hiawassee Meetings*, Page 8A

Farmers Market welcomes guests for produce and more

By Jeremy Foster
Towns County Herald
Staff Writer

On Saturday, July 2, the Towns County Farmers Market opened for its fifth consecutive weekend of the season, which continues every Saturday through October from 9 a.m. to noon at the entrance to the Towns County Beach, directly across from the Georgia Mountain Fairgrounds.

The Farmers Market is all about community coming together for locally grown produce and handmade food items, and this past weekend was particularly special as the holiday Independence Day — the holiday honoring the long-standing traditions of freedom See *Towns Market*, Page 3A



Longtime Farmers Market vendor Sheleila O'Neal discussing fresh produce with patrons on Saturday. Photo by Jeremy Foster

Fugitive parents arrested after daughter dies in April 17 fire

By Shawn Jarrard
Towns County Herald
Editor

A Gwinnett County couple, whose vehicle was recently discovered abandoned just inside the Towns County line near the Appalachian Trail, were arrested in Helen last week, bringing to a close a roughly two-monthlong manhunt, according to authorities.

William Linn McCue, 47, and Carina Wisniewski McCue, 38, both of Loganville, have been charged with cruelty to children after their 15-year-old son allegedly set the family's home on fire April

17, resulting in the death of the couple's 10-year-old daughter.

After the fire, the pair apparently went into hiding, and Gwinnett County law enforcement enlisted the help of the U.S. Marshals Service in tracking down the elusive fugitives, with whom authorities "were playing cat and mouse" based on a series of leads generated in the case.

The McCues were arrested in neighboring White County on June 29 by the Gwinnett County Sheriff's Office Fugitive Unit and transported to the Gwinnett Police Department, and they are currently being

held without bond, according to Gwinnett Police.

Upwards of five children were reportedly staying in the home at the time of the fire, including the girl who tragically lost her life.

"During the arson investigation regarding the fire, given the conditions of the house and the location where the deceased juvenile victim was found, it was determined that the children might be victims of Cruelty to Children," Gwinnett Police said. "Therefore, a separate investigation was initiated against the parents.

"Arthur and (Special Vic-

tims Unit) investigators discovered unsanitary and dangerous living conditions in the home. They located a makeshift bed with bedding in the bathtub in the bathroom where the female victim was found deceased.

"(Investigators) also located improvised camping-style toilet seat buckets and non-usable toilets with septic tanks not working or full. The kitchen sink had been re-plumbed for the water from the bucket to go into a five-gallon bucket sitting on the floor. In addition, the showers and the bathtubs did not appear to be functioning."



Carina Wisniewski McCue



William Linn McCue

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Towns County
Flag Football
Registration

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Happy
BIRTHDAY
Lowell

Jurisdictional Feud...from Page 1A

Georgia Court of Appeals (1983) provides that when an offense occurs inside a city and 'hot pursuit' is initiated, the city officer can execute a stop and arrest outside the city," Langley said.

Somewhat complicating the matter is a 2021 change to state law that seems to have "eliminated jurisdictional limitations on officers," though Langley pointed out that this change appears to be inapplicable "where law provides a limitation."

"And I don't see anything eliminating (the law that restricts) municipal officers to their city limits," Langley said. "But there is still the 'hot pursuit' exception."

The Towns County Sheriff's Office has jurisdiction everywhere in the county, including inside Hiwassee city limits, whereas, based on the above interpretation of the law, it seems that Hiwassee PD's jurisdiction is largely restricted to the city limits unless in "hot pursuit."

Why does all this matter? Because the location where Sgt. James pulled over the motorist was about 1.3 miles outside city limits, which, had he not initiated the pursuit inside city limits, would have potentially been an out-of-jurisdiction traffic stop.

During the stop, James informed the driver that, while he had been clocked going 65 mph in a 45-mph zone, he had been observed traveling 70-plus mph and weaving in and out of traffic without a turn signal; this fact pattern could explain why it took the Hiwassee officer over a mile to catch up to the motorist upon pulling out from the Valero inside city limits.

In the wake of an 11Alive news report on the law enforcement confrontation that aired out of Atlanta on Friday, allegations surfaced on social media that Hiwassee officers may be pulling over motorists outside the city limits for possible violations that do not occur inside city limits.

Towns County Herald has been unable to verify these allegations, but concerns over such complaints could explain why Sheriff Henderson wanted to observe Sgt. James' June 24 stop in the county, which seems at present to have met the jurisdictional requirements outlined above.

The heated exchange between Henderson and James, which lasted about 30 seconds but featured a highly contentious back-and-forth, occurred just after James wrapped up ticketing the speeding motorist.

Having gotten out of a Sheriff's Office vehicle that had pulled over in front of the

stopped motorist, Sheriff Henderson walked up to the driver side window as James was receiving a signed copy of the ticket and releasing the driver to leave.

"Sir, got a question," Henderson said to the driver as soon as James turned to head back to his patrol car. "At what point did his blue lights come on on you? Inside the city or out here?" Henderson asked, pointing to the stretch of US 76 that lies outside the city limits.

"It was just right here," the driver said, gesturing behind him on the roadway.

"That's all I needed to know," Henderson said to the driver, just as Sgt. James began to tell the sheriff to "go pull the video at Valero."

Perhaps tellingly, James did not wait to hear an explanation from the sheriff as to why he decided to pull over and monitor the traffic stop, pointing to an ongoing jurisdictional dispute that has been occurring over a yet-to-be determined period.

"You get on my traffic stop again, I will arrest you," Sgt. James said, talking over the sheriff who was attempting to say something to James that the newspaper was unable to make out.

"I will arrest you right now, boy," Henderson responded, with James replying, "Do it, buddy."

"And we're going to bring charges against your ignorant a--," the sheriff continued.

"Do it. Do it, Ode," James said, referring to the sheriff by his nickname.

"Go for it, boy. Let me tell you," Henderson began, though the two men were talking over each other, and James continued speaking.

"There's cameras at Valero, and there's cameras at NAPA that see who pulled out," James said, attempting to explain that he had been inside city limits when he initiated the traffic stop.

Growing increasingly impatient, Henderson told James to "shut your f---ing mouth and listen to me."

"You don't talk to me like that, I'm not your boy," James answered back, to which the sheriff replied, swearing, "I just did talk to you, f--- boy. You a f--- boy."

At that point, James chose to remove himself from the situation, saying "thank you" and going back to his car, adding, "Thank you, sir, thank you," before getting into his vehicle as Henderson kept talking and approaching, though the sheriff's words could no longer be made out once James closed his door.

Inside his patrol car and

outside the hearing of the sheriff, James, who had refrained thus far from using vulgar language, called Henderson a "motherf---er," and the video, obtained from the police department upon request after the newspaper learned of the incident, came to an end.

Presently, the overall narrative as to why the confrontation occurred in the first place is not clear.

What is clear, however, is that the two men did not appear to be very interested in talking out their differences that day, as James obviously objected to the sheriff getting out on his traffic stop, and Henderson – the duly elected sheriff of the county with a professional and sworn duty to protect and serve all Towns residents – lost his temper after being threatened with arrest.

As part of its reporting, 11Alive "obtained a secret (audio) recording through an open records request to the city" in which Sheriff Henderson seems to be heard telling his deputies, at some point in the past, "to not fraternize with Hiwassee officers because they're 'enemies' of the Sheriff's Office."

Such a development would provide further evidence of ongoing behind-the-scenes hostilities between the two agencies – hostilities that were alluded to by County Attorney Robb Kiker, who spoke on behalf of the Sheriff's Office in the matter.

"My advice to the sheriff at this time is to not make any statements because this will be an ongoing investigation," Kiker told 11Alive. "The frustration exhibited by the sheriff on the video is a result of a broader issue and will be referred for further investigation by the proper authorities."

Hiwassee Police Chief Paul Smith provided the following media statement about the June 24 encounter:

"We regret that this unfortunate event occurred. The Hiwassee Police Department will continue to strive for excellence in safety and service to our citizens and visitors while working with all public agencies to accomplish that goal."

The Towns County Herald has learned that both the Sheriff's Office and the Hiwassee Police Department have turned the incident over to the Georgia Bureau of Investigation.

By press time, neither agency had answered a question by the newspaper concerning what steps might be taken to work out whatever "broader issue" remains unresolved, which would surely be in the best interests of city and county residents alike.

The Georgia Mountain Fair Beauty Pageant

The Georgia Mountain Fair is looking for young ladies 17-24 to participate in this year's Miss GMF Pageant.

The Pageant will be held Thursday, August 18. Entry forms and Pageant rules are available on the Georgia Mountain Fair website. Deadline to enter is August 11. Great experience and cash prizes!

Food Pantry food distribution

The Food Pantry hours are Monday – Thursday 9 a.m. – 12 p.m. with the exception of distribution day. The Distribution is every other Wednesday 11 a.m. – 2 p.m.

Any questions or concerns, please contact Richard Thomas at towns.pantry@ndocsbg.org or (706) 896-4783.



Masonic Meeting

Unicoy Lodge #259 F & AM meets every 2nd Monday, 7:30 PM. Meals @ 6:30 PM. 60 N. Main Street, Hiwassee, GA 30546. All qualified Brothers urged to attend.

Jamboree...from Page 1A

bluegrass festivals.

For his part, Cochran has been playing guitar since he was a teenager, and the group has been playing together now for almost five years.

"Some of my favorite songs ever to play are from one of the original Sons of the Pioneers, Bob Nolan, and the songs are 'Cool Water' and 'Tumbling Tumbleweeds,'" Cochran said. "There are three songs that are deemed national treasures by the Smithsonian Institute, and Nolan has two of them," he continued, noting that the third is "(Ghost) Riders in the Sky" by Stan Jones.

"The reason I love Western music so much is because it always puts me in a peaceful place by reminding me of the beautiful land that God has created," Cochran said. "I love sharing this Western and gospel music with the people here because it is really emotional and always just leaves everyone in a better mood."

Jeri Ann King is the nurse for Union County Middle School as well as the founder and executive director of Heal-

ing Hands Community Clinic in Blairsville. She started playing the piano at 3, and by age 8, she had picked up the guitar and has not put it down since.

"I have always loved singing as well and writing gospel music since high school," King said. "So, I have always added my gospel twist when I play with (The Cowhands) and other musicians."

"I will say, my calling is service. To be able to play music while spreading The Word, and have people stop their busy lives and come out to enjoy everything here is truly a blessing, and I am just always happy to give back to my community any way that I can."

Stephens Lodge Worshipful Master and Head Chef of the evening Jimmy Krokoko made sure to share his feelings on what it means for him to be involved in the community jamboree, as he also spearheads the fundraising portion for the scholarships.

"Every year we help local kids with extra money for college from the upcoming

graduating senior class that may be of lower income and a little short monetarily from grants and other things like that," Krokoko said. "We pick a male and a female student from both Union County High and Towns High.

"It is really great to have a spot for folks to come and feel safe with beautiful gospel music, and to enjoy good fellowship and conversation over warm food. It is just such a nice and peaceful setting, and we thank everyone for always coming out to have some good, clean fun with us."

Healing Hands is a free clinic designed to help those who do not have insurance and cannot afford medical care. For additional clinic information and to see if you or a loved one qualifies for assistance, call 706-994-6768.

For people interested in collecting Cochran's CD of old cowboy cover songs, he is the owner of the Young Harris Pharmacy, where people can come on down and visit him in person. Of course, folks are encouraged to attend the jam session fun every first Friday of each month at 6:30 p.m.

Towns Market...from Page 1A

in this country.

Local vendors and couple Chasity and Scott Brown sold spices, baked goods, brickle, breakfast burritos, handmade jewelry of Job's Tears necklaces made from Cherokee beads originated on the Trail of Tears, squash, zucchini, cucumbers, onions, chai tea, wassail and meat seasonings.

"Our most favorite part of our involvement here at the market is getting to know everyone and having a lot of the same customers each time, because you just grow close to everybody," Chasity said. "I have a passion for making and growing all of these different products."

"It is a great escape to put time and focus into making everything unique and new by adding or changing something, and it fills me with joy how positively the people react to them. The people here are re-

ally the best thing and the reason this all works."

Market spokesperson and woman about town Joan Crothers was there on Saturday, as usual, and she expanded upon just how much she has seen market participation and patronage grow of late.

"So far today we have had nearly 100 people, and last week we had 117 show up," Crothers said. "With our typical crowd that comes here, we are also seeing and meeting a lot of people from out of town as well, whether just visiting on their own or with their families that live here."

"Business has seemed to be really booming this season, and people have found us because the word is out now that there is another option besides Blairsville's (market) to go to."

"The Farmers Market is great because not only do we have constantly changing arts and home crafts to choose

from, the same goes for the selection of fresh produce and other home-grown foods, spices and other specialties."

Craig Pietz has been a vendor for several years now and was on hand with his display of house plants and garden art products.

"My favorite part about being involved here is just the community," he said. "I love meeting and socializing with everyone here, and I always love talking to the travelers also that pass through."

"Everyone is always appreciative of what we do here, and it is just the best to enjoy sharing great food and craft items and other similar interests with everybody in the beautiful mountain weather."

"Everyone here is like a family, and it is great to appreciate the abundance of things in life that God has given us with each other."

People wanting to get involved or to find out more general information may contact Crothers at 706-896-6240.

Boat Parade...from Page 1A

a terrific sneak preview of Independence Day celebrations with the Boat Parade.

This year, over 30 boats participated in the parade, with several entering the chamber-sponsored contest to compete for the titles of "Most Creative" and "Most Red, White and Blue" boat design. A list of contest winners was not available at press time.

Patriotic boat enthusiasts certainly decked themselves out with extremely imaginative and impressive salutations to "Old Glory" that day, with even Uncle Sam making some guest appearances.

Aqua Tiki was the leader of the "water pack," as always, and the action started with the boats setting sail from the Ridges Marina and riding high into the outer skirts of the boat ramp and fishing pier at the Fairgrounds.

Candace Lee is the



This red, white and blue young lady celebrated "catching" her first fish while watching the boat parade from the Georgia Mountain Fairgrounds.
Photo by Jeremy Foster

president of the Lake Chatuge Chamber of Commerce, and she related her excitement for

what transpired Saturday.

"People love this event, from the participants to the pub-

Hiawassee Meetings...from Page 1A

reasons, the memorial garden will be ready sometime later this year after the bulbs are planted in the fall.

On behalf of the Georgia Municipal Association, Mayor Ordiales presented Councilwomen Nancy Noblet and Amy Barrett with a Certificate of Recognition and Certificate of Achievement, respectively, for their completion of training related to their duties.

More classes will be offered near the Brasstown Valley Resort in late September, and each council member is allotted \$1,000 to attend training every fiscal year.

In other training news, City Court Clerk Sheryl Branson graduated with her Municipal Revenue Administration Certificate after completing a series of courses on the nuances of city revenue and customer service.

Economic Development Director Denise McKay revealed a new logo for the Hiawassee Downtown Development Authority, the latest in the organization's efforts to grow its marketing and outreach.

McKay also touched on the goal of acquiring an additional funding source for the popular Hiawassee Night Market, held the first Friday of each month on the Town Square.

"It costs us about \$1,200 per month to produce the Night Market," explained McKay, citing advertisement and live music performances as being the costliest aspects of the event. The budget has been worked around these expenses, and the DDA stands to apply for – and receive – more grants for its various projects.

In furtherance of its goals, the DDA will be applying for 501(c)(3) nonprofit status for the Paris Business Center, which will be able to help new businesses smoothly transition into setting up shop in the city. The center is slated to be a sort of "holding pen" to incubate new businesses before longer term locations can be set up for prospective new enterprises in Hiawassee.

Additionally, a request for a proposal for a Public Art Plan has been published by the DDA and will be available for public input soon.

To close out, McKay offered some perspective similar to that illustrated at the Towns County Civic Associating meeting held earlier in June. Population maps reveal a 19% jump in population in Towns County between 2010 and 2020.

Due to this spike, McKay suggested that, while adopting new ordinances may not always be the most popular solution to certain issues that arise in a community, they help keep out a potential oversaturation of businesses that may not fit with what Hiawassee sees for its future.

"You really have to think about what areas you want to see (growth) in," McKay said, adding that, for areas that value their rural space like Hiawassee, it's important to have strategic planning in place for "quality" enrichment and business opportunities.

June 7 Regular Meeting

The council held a second reading and subsequent adoption of the city's new Jake Brake Ordinance in its regular June 7 business session.

Jake brakes, otherwise known as compression release engine breaks, are devices installed on diesel engines. They're meant to aid semitrucks in slowing down, and while great for coming to quicker stops, the noise produced when the exhaust valves open up can be disruptive.

The ordinance, meant to enhance local quality of life, prohibits the use of Jake brakes on Main Street, US 76, Bell

Creek Road and US 75 in Hiawassee city limits. New signs will direct diesel drivers to tone down the roar of their vehicles.

Council members also voted to approve the resolution increasing the city's water and sewer rates to better account for costs to produce those services. Costs will be going up by 5.9%, following authorizations from the Social Security Administration's Cost of Living Adjustment.

"The City wishes to provide for a reasonable increase without undue burden on the citizens," as proposed in the resolution document. The increase took effect for July bills.

Also on the agenda for the June 7 meeting was the second reading of the 2022-23 City Budget Ordinance. Rising

rates for city maintenance costs – including the new water and sewer adjustment – required edits to reflect higher prices, and those edits were accepted by all present.

Monica McKenna was accepted as part of the Downtown Development Authority Board. Similarly, as a recap, three citizens were sworn into the Ethics Committee: LaJean Turner, Jonathan Wilson, and Pam Greene.

The city holds monthly work sessions each Monday before the week of business sessions, the latter of which occur the first Tuesday of every month. All meetings take place at 6 p.m. at City Hall on 50 River Street and are streamed live on the City of Hiawassee Facebook page.

lic," Lee said. "We had boaters from many areas, including Atlanta, Marietta, Roswell and others. It was a good mix of about 50% out-of-town visitors and 50% local residents."

Beth and Mike McKinnon along with daughter Nicole traveled up from Sarasota County, Florida, having made it a tradition for the last three years to come back to the North Georgia Mountains to see the event and amazing landscapes.

"This is absolutely one

of our favorite events that we look forward to every year," Beth said. "We love the parade and this area in general because it has a very wholesome hometown feel to it."

"This country would be a completely different place, for the worse, if we did not have people fighting for us to be a free nation, and this holiday for me is to remind myself to always remain humble for the life that I get to live every day."

Added Mike, "We love

that you have the lake and the mountain view together here. We have traveled to many states and countries, and out of all of Georgia, this is our absolute favorite area, because everyone is always so nice and accommodating and does not make us feel like outsiders."

"For me, Fourth of July means celebrating the freedoms that we have today and remembering the sacrifices our forefathers and veterans made all those years ago for us."



Uncle Sam made a guest appearance during the patriotic boat parade Saturday, previewing the July 4 Independence Day celebrations.
Photo by Lowell Nicholson

Children's Summer Art Classes Are Back



BRINGING ARTISTS & CRAFTERS TOGETHER SINCE 1990

Mountain Regional Arts and Crafts Guild is excited to announce that the children's summer art program is back!

Classes will be held between June 21 and July 27, 2022. The cost per child, per class is \$10 and includes all supplies.

Classes offered include painting, weaving, Zentangle, decoupage. For a list of classes and to register your child or grandchild, please visit our website mountainartscrafts.org and click on events and classes and up-

coming classes. You can call ArtWorks Artisan Gallery at 706-896-0932 for more information and to register. Classes are small and fill quickly.

Classes will be held at ArtWorks Artisan Gallery at 243 Big Sky Drive, Hiawassee, GA 30546. Mountain Regional Arts and Crafts Guild/Artworks Artisan Gallery is a 501(c)3 nonprofit charitable organization. The children's summer arts program is part of the community outreach program.