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## Public hearing is delayed by county

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Posted: Wednesday, September 23, 2015 2:00 pm  
 By Quintin Ellison

Late last week, commissioners canceled a Sept. 22 public hearing on proposed changes to the county's steep-slope ordinance, saying they need to do a better job publicizing the event.

The development follows an apparent self-directed decision by Permitting and Code Enforcement Director Tony Elders to query a public-notice expert about county advertising requirements. On Monday, county Manager Chuck Wooten praised Elders' initiative, saying that in the absence of a planning director, he welcomes the assistance of a seasoned administrator.

School of Government lawyer David Owens wrote Elders: "it may well be prudent" for Jackson County to adhere to more rigorous public-notice rules for zoning ordinances and not just publish two public notices, the standard for routine hearings, as done in this case.

"I think the potential risk would be if someone later challenged the validity of the new amendments since we did not follow the notice requirements associated with a zoning ordinance," Wooten wrote in a Sept. 11 email to Chairman Brian McMahan.

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Commissioners will schedule a hearing date during their next regular meeting, on Oct. 1. They will then publish the event's date and time in The Herald, post notices along Jackson's major corridors, and mail information to property owners "whose status would be changed" if amendments were adopted.

The Planning Board, a commissioners' advisory group, has recommended a series of amendments to the 2007-adopted Mountain and Hillside Development Ordinance. These include: replacing the homemade slope-calculation formula used now with a more standard method of determining rise over run; raising the slope threshold from 30 percent to 35 percent; and clarifying who is responsible for enforcing the ordinance -- the planning department or Elders' department.

In June, commissioners hired Benchmark Planning, a consultant group with offices in Charlotte, to audit the Permitting and Code Enforcement department to determine whether inspectors are following state rules and regulations. The report is expected next month.

A Benchmark representative suggested the county delay filling the planning director position. It opened in May when former Planner Gerald Green resigned, citing a lack of teamwork and support. County leaders last week decided to submit to Benchmark their three final candidate picks for review, saying they want to move forward with hiring someone as soon as possible.

Benchmark's audit review includes making recommendations, if needed, about the organizational structure of the Permitting department. The Permitting department's duties are closely tied to the Planning department, and any changes would likely include the new director.

In an email, Wooten said: "You are correct that (Elders) was not involved in the MHDO amendments; however, he does have a lot of experience in planning related activities and he does possess a good knowledge of policies and procedures.

"In my opinion, we are better served to clarify exactly how we are obligated to advertise these amendments now rather than have to answer to a legal challenge in the future. This situation is a good example of why we need to move forward with the search for a new planning director."

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 November 14 4-9pm

McGuire Gardens 533 West Main St. Downtown Locations

City Lights Cafe • Mad Batter Food And Film • Lulus on Main  
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 Harris Regional Hospital • Cosmic Carry-Out • Papou's Wine Shop

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Sylva, NC

### Current Conditions

Clear Humidity: 34%  
**68°** Winds: WNW at 7mph  
 Feels Like: 68°

### Your Extended Forecast

Today	High 68°/Low 45° Clear	Tomorrow	High 70°/Low 50° Sunny
Friday	High 68°/Low 39° Mix of sun and clouds	Saturday	High 62°/Low 36° Sunshine

7 Day Forecast

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**CHRISTIAN BASE HOUSE**  
 Updated: 2:00 pm

**CULLOWHEE - 3 BEDROOM, 2-1/2**  
 posted: October 14

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 Updated: 2:00 pm

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LATEST E-EDITION

**THE SYLVA HERALD**  
 Volume 116 Number 40 October 14, 2015

**Cherokee man indicted for murder in Park stabbing**  
 A 34-year-old man was indicted Tuesday for the murder of a 17-year-old girl in a park in Sylva last month. The man, who was charged with first-degree murder, is being held in the Cherokee County Jail.

**Former Sylva merchant faces more firearm, drug charges**  
 A former Sylva merchant faces more charges related to a shooting in the town. The man, who was charged with possession of a firearm and possession of a controlled substance, is being held in the Cherokee County Jail.

**Smoky Mountain's homecoming parade**  
 The Smoky Mountain homecoming parade was held in Sylva last week. The parade featured a variety of floats and bands, and was a great success.

**Judge denies town's motion to end suit filed by fired policeman**  
 A judge has denied a town's motion to end a lawsuit filed by a fired policeman. The lawsuit was filed by the town of Sylva against the policeman, who was fired for alleged misconduct.

**Lead worries mount at SCC shooting range**  
 Concerns are mounting about lead contamination at the Sylva County Shooting Center. The center has been closed for several days, and the county is working to address the issue.

**High school homecoming court**  
 The homecoming court for the high school was announced last week. The court members will be responsible for organizing the homecoming activities.

We're Behind You Too!

UPCOMING EVENTS

**Wednesday 14 Events**

**MFA Thesis Exhibits**  
 Wed, Oct 14, 10:00 am EDT  
 Western Carolina University, Cullowhee

**Connections: Diane Fox & Beauvais Lyons**  
 Wed, Oct 14, 10:00 am EDT  
 Western Carolina University Fine Art Museum, Cullowhee

**Volleyball vs. ETSU**  
 Wed, Oct 14, 7:00 pm EDT  
 RAMSEY CENTER MAIN ARENA

**Celebrate Recovery**  
 Wed, Oct 14, 7:00 pm EDT  
 Webster Baptist Church, Sylva

**Thursday 15 Events**

**MFA Thesis Exhibits**  
 Thu, Oct 15, 10:00 am EDT  
 Western Carolina University, Cullowhee

**Connections: Diane Fox & Beauvais Lyons**  
 Thu, Oct 15, 10:00 am EDT  
 Western Carolina University Fine Art Museum, Cullowhee

**Friday 16 Events**

**MFA Thesis Exhibits**  
 Fri, Oct 16, 10:00 am EDT  
 Western Carolina University, Cullowhee

**Connections: Diane Fox & Beauvais Lyons**  
 Fri, Oct 16, 10:00 am EDT  
 Western Carolina University Fine Art Museum, Cullowhee

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