

**CITY OF ANDERSON
COUNCIL AGENDA
July 26, 2010
6:00 PM**

INVOCATION: Council Member Buck Roberts

RESPECTS TO FLAG: Council Member Bea Thompson

Approval of Minutes of July 7, 2010 and July 12, 2010

A. OLD BUSINESS:

1. Request second and third reading of Ordinance 10-05 to amend the language in the NC, GC, LI, and HI sections of the zoning ordinance as it pertains to funeral homes and crematoriums.
2. Request consideration of an ordinance to rezone 502, 506, and 508 Williamston Road from NC, Neighborhood Commercial to GC, General Commercial.

B. NEW BUSINESS:

1. Request consideration of a referral to the Planning Commission a petition to rezone 304 Concord Road from R-10, Single-Family Residential to NP, Neighborhood Professional.

C. ADMINISTRATIVE BRIEFING:

1. Upcoming Events

City of Anderson
Special Meeting
July 7, 2010

The regular meeting of City Council was held this date in City Hall Council Chambers at 12:00 pm. In attendance were Mayor Roberts, Mayor Pro-Tem Thompson, Council Members, Stewart, Dunaway, Kirven, Roberts, Harbin, Laughridge, and Chapman. Also in attendance were City Manager, John Moore; Assistant City Manager, Linda McConnell; Finance Director, Peggy Maxwell; and City Attorney, Frankie McClain. The invocation was given by Councilman Dunaway with respects to the flag by Mayor Roberts.

SWEARING-IN OF MAYOR

Mayor Terence Roberts recognized his family.

City Attorney, J. Franklin McClain swore in Terence V. Roberts – Mayor. The Mayor repeated the Constitutional Oath and Statutory Oath.

Mayor Roberts thanked the citizens of Anderson for putting their faith and trust in the position he holds. He said he will do everything in his power to make sure the City of Anderson moves in the right direction.

SWEARING-IN OF COUNCIL MEMBERS

Councilman Steve Kirven recognized his family.

City Attorney, J. Franklin McClain swore in Steve C. Kirven – Seat 1. Councilman Kirven's wife, Sandra, and granddaughters, Porter, Camille, & Cole, were present.

Councilman A.B. "Buck" Roberts recognized his family.

City Attorney, J. Franklin McClain swore in A.B. "Buck" Roberts – Seat 3. Councilman Roberts' wife, Carol, was present.

Council Member Thompson recognized her family.

City Attorney, J. Franklin McClain swore in Beatrice R. Thompson – Seat 5. Council Member Thompson's husband, Harry, and son, Randy, were present.

Councilman Harbin recognized his family.

City Attorney, J. Franklin McClain swore in Matthew C. Harbin – At Large Seat 7. Councilman Harbin's wife, Summer, and children, Cal and Paige were present.

Council Members repeated the Constitutional Oath and the Statutory Oath.

ELECTION AND SWEARING-IN OF MAYOR PRO TEM

A motion by Councilman Roberts seconded by Council Member Thompson carried unanimously (8-0) to elect Councilman Dunaway as Mayor Pro Tem.

Mayor Roberts welcomed Councilman Harbin to City Council. He said Council looks forward to working with him and being together as a team for the next two years.

ADJOURNMENT

A motion by Councilman Stewart seconded by Councilman Roberts carried unanimously (8-0) to adjourn

ATTEST:

Terence V. Roberts
Mayor

Peggy G. Maxwell
City Clerk Treasurer

City of Anderson
Regular Meeting
July 12, 2010

The regular meeting of City Council was held this date in City Hall Council Chambers at 6:00 pm. In attendance were Mayor Roberts, Mayor Pro-Tem Thompson, Council Members Kirven, Roberts, Laughridge, Harbin, Dunaway Chapman, and Stewart. Also in attendance were City Manager, John Moore; Assistant City Manager, Linda McConnell. The invocation was given by Councilman Kirven with respects to the flag by Councilman Chapman.

Mayor Roberts recognized Boy Scout Matthew Samstag with the First Presbyterian Church Troop 215. He is a 7th grader at McCants Middle School.

SPECIAL RECOGNITION
EMERGING LEADERS

Mr. Moore said the Emerging Leaders program started two years ago. It is designed to identify future leaders of our City. He said Council realized a few years ago the leadership in the City would be changing over and it was a good idea to have some of the younger and newer people being prepared to set up and take those positions.

Mr. Moore recognized the following people:

Lee Boggs, IT	Sergeant James Cantrell, Fire
Sergeant Chris Cauthen, Police	Sergeant David Creamer, Police
Battalion Chief Tom Dunlap, Fire	Lieutenant Ken Ebernickle, Police
Alan Ecklund, Planning	Lieutenant Alan Hammond, Police
Josh Haney, Utilities	Ashley Mullen – Recreation
Lieutenant David Norris, Fire	Captain Jamie Parnell, Fire
Lieutenant Ray Partain, Police	Bryon Purdue, Sanitation
Keith Scott, Transit	Zach Slaughter, Storm Water
Lieutenant Kenneth Vaughn, Fire	Arlene Young, Downtown
Captain Adam Zenoni, Fire	

APPROVAL OF MINUTES

A motion by Councilman Stewart seconded by Laughridge carried unanimously (9-0) to approve the minutes of the June 28, 2010 meeting as presented.

ORDINANCE 10-09

REQUEST SECOND AND THIRD READING OF ORDINANCE 10-09 ADDING ARTICLE 7 TO CHAPTER 42 OF THE CODE OF ORDINANCES OF THE CITY OF ANDERSON, SOUTH CAROLINA PROHIBITING SMOKING ON THE PREMISES AND A REASONABLE DISTANCE THEREFROM, AT THOSE HEALTHCARE FACILITIES THAT HAVE OPTED TO BE SMOKE-FREE PURSUANT TO SOUTH CAROLINA LAW

Councilman Kirven recused himself due to his legal representation of AnMed

Mr. Moore said AnMed Health has requested an ordinance to assist in implementing their decision to declare their entire facility smoke-free and prevent people from smoking within a reasonable distance of the facility. The 25 feet prohibition outside the facility applies to adjacent public property, not adjacent private property.

Section 44-95-20(3) of the South Carolina Code of Laws provides that Healthcare Facilities have the option to declare their premises entirely smoke-free. Primary and secondary tobacco smoke inhalation has been shown to be harmful to health contributing to several different cancer formations, respiratory deterioration, cardiac and circulatory diseases; smoking in certain public places creates a nuisance and a health hazard for those person gathered or occupying health care facilities; in order to promote public health safety and welfare, smoking on the premises of Healthcare Facilities and a reasonable distance therefrom, at their option should be prohibited.

This ordinance would benefit any Healthcare Facility in the City of Anderson which elected to declare their premises smoke free under state law. The ordinance will protect the public health, safety and general welfare; will assure a cleaner and more hygienic environment for the City and its residents and recognize the rights of those seeking medical care and treatment to be free from unwelcomed second-hand smoke.

A motion by Councilman Stewart seconded by Councilman Roberts carried unanimously (8-0) to approve Ordinance 10-09 prohibiting smoking on the premises of Healthcare Facilities that have opted to be smoke-free pursuant to South Carolina Law on Second Reading. Councilman Kirven recused himself and was absent from the discussion and vote.

A motion by Councilman Laughridge seconded by Council Member Thompson carried unanimously (8-0) to approve Ordinance 10-09 as stated above on Third Reading.

REQUEST REFERRAL TO THE PLANNING COMMISSION A PETITION TO REZONE 502, 506, & 508 WILLIAMSTON ROAD FROM NC, NEIGHBORHOOD COMMERCIAL TO GC, GENERAL COMMERCIAL

Mr. Moore said the applicant collects antique cars and is seeking an appropriate location in which to restore them. Since the restoration work includes general repairs, body work and painting, a GC General Commercial zoning classification is needed. Although the site will suit the applicant's needs, a rezoning is necessary in order for it to meet the City's requirements.

A motion by Councilman Roberts seconded by Councilman Stewart carried unanimously (9-0) the rezoning of 502, 506, & 508 Williamston Road from NC, Neighborhood Commercial to GC, General Commercial to the Planning Commission.

ADMINISTRATIVE BRIEFING
MONTHLY PROGRESS REPORT

Mr. Moore told Council the Monthly Progress Reports have been issued and told them if they had any questions to let him know.

UPCOMING EVENTS

Mr. Moore reminded Council of the following dates:

Downtown Block Party – Every Thursday
July 26th – Council Meeting

ADJOURNMENT

A motion by Councilman Roberts seconded by Councilman Stewart carried unanimously (9-0) to adjourn.

ATTEST:

Terence V. Roberts
Mayor

Peggy G. Maxwell
City Clerk Treasurer

City of Anderson
Council Agenda

Title/Description: Old Business

Request: Second and third reading of Ordinance 10-05 to amend the language in the NC, GC, LI, and HI sections of the zoning ordinance as it pertains to funeral homes and crematoriums.

Executive Summary: The Planning staff determined that it was necessary to review language in the Zoning Ordinance after there was a request to install a crematory at a funeral home inside the City limits. Current zoning language allows funeral homes in the NC, GC, and CBD districts, but crematoriums are only allowed as permitted uses in the LI and HI (Industrial) districts. The staff conducted research and found that many communities allow crematoriums in commercial districts and inside funeral homes. Anderson County, the Cities of Clemson, Greenville, Abbeville, Columbia, and Charleston are a few examples. Changing technology in the industry may have made it more commonplace to house crematoriums in traditional funeral homes.

At the May 24th meeting, the Council approved this amendment on first reading. At the meeting, there were several concerns raised by a few residents. While some issues were addressed by the sales representative for the cremation company, public concern was voiced regarding safety and health risks associated with crematoriums. Rather than moving forward at the June council meetings, a public meeting was held on July 8th to allow more public comment and to allow DHEC staff to address technical questions regarding inspections, emissions, etc. Approximately 50 residents attended the meeting, and many spoke to voice their concerns.

City Council may choose to amend the ordinance or not. In amending the ordinance as attached, crematoriums will be allowed as permitted uses with funeral homes in commercially zoned districts. Should City Council vote to approve this ordinance on second and third reading, the staff proposes the following specific changes to the Zoning Ordinance:

- Remove the language regarding crematoriums from the LI and HI district information
- Change the wording of the funeral home section in the NC, GC, and CBD to “Funeral Home, Mortuary-with a crematory being allowed as accessory to an existing funeral home or mortuary
- Add a definition of funeral home to the Zoning Ordinance which will read, “A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation”

Benefit: Refinements to the Zoning Ordinance are considered by City Council from time to time in order to ensure that the City’s guidelines are up-to-date.

Funding: N/A

Prior Action/Recommendation: The Planning Commission recommended approval to amend the Zoning Ordinance at their April 6th meeting and City Council approved it on May 24th.

Action Requested:

_____ Ordinance 1st Reading

_____ Information Only

___X___ Ordinance 2nd Reading

_____ General Approval

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON TO AMEND THE CITY OF ANDERSON ZONING ORDINANCE AS IT PERTAINS TO FUNERAL HOMES AND CREMATORIALS IN ACCORDANCE WITH THE SOUTH CAROLINA COMPREHENSIVE PLANNING ENABLING ACT.

WHEREAS, the City of Anderson Zoning Ordinance requires refinements be made as necessary to maintain its effectiveness and efficiency, and

WHEREAS, the intent of this amendment is to revise language relating to funeral homes and crematoriums, and

WHEREAS, this revision may encourage funeral home owners to utilize technologies and changes to their profession in terms of cremation services, and

WHEREAS, the revised document will be in accordance with the South Carolina Comprehensive Planning Enabling Act.

NOW, THEREFORE, BE IT KNOWN BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT UPON REVIEW OF THE CITY OF ANDERSON ZONING ORDINANCE, AND UPON CONSIDERATION OF PUBLIC INPUT, AMENDMENTS TO THE CITY OF ANDERSON ZONING ORDINANCE AS IT PERTAINS TO FUNERAL HOMES AND CREMATORIALS ARE HEREBY ACCEPTED.

1. The changes are as follows:

In the NC, GC, and CBD permitted use list:

- Funeral Home, Mortuary with a crematorium allowed as accessory to an existing funeral home or mortuary

Other changes:

- Removal of the language pertaining to crematoriums from the LI and HI districts
 - Addition of a definition in the Zoning Ordinance: *Funeral home-A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation*
2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.
3. This ordinance shall take effect immediately upon its adoption by the City Council of the City of Anderson.

City of Anderson
Council Agenda

Title/Description: Old Business

Request: First reading of an ordinance to rezone 502, 506, and 508 Williamston Road from NC, Neighborhood Commercial to GC, General Commercial.

Executive Summary:

Background: The applicant collects antique cars and is seeking an appropriate location in which to restore them. As of now, he has no intentions of utilizing the site as a commercial auto repair facility, but since the restoration work includes general repairs, body work and painting, a GC General Commercial zoning classification is needed. The current zoning of NC, Neighborhood Commercial allows automobile service stations, but does not allow major repairs and other activities that are involved in automobile restoration.

A variety of land uses and zoning are located in this general area. Single-Family Residential, the Anderson University Sports Complex (formerly the fairgrounds), and a towing business surround the site. If rezoned, all operations relating to repairs, body work, or storage of vehicles must be conducted within a fully enclosed building.

Benefit: A vacant commercial building is located on the site. By changing the zoning, the property will be occupied.

Funding: N/A

Recommendation: The Planning Commission unanimously recommended approval at their July 13th meeting.

Action Requested:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Ordinance 1 st Reading | <input type="checkbox"/> Information Only |
| <input type="checkbox"/> Ordinance 2 nd Reading | <input type="checkbox"/> General Approval |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Referral |

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON TO AMEND THE CITY OF ANDERSON ZONING ORDINANCE BY REZONING 502, 506, AND 508 WILLIAMSTON ROAD FROM NC, NEIGHBORHOOD COMMERCIAL TO GC, GENERAL COMMERCIAL.

WHEREAS, the City of Anderson has been petitioned by Don Moorhead to rezone 502, 506, and 508 Williamston Road from NC, Neighborhood Commercial to GC, General Commercial which is more specifically described as follows:

LEGAL DESCRIPTION PENDING

WHEREAS, the City of Anderson Planning Commission has reviewed the petition and recommends approval of the request.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:

1. The Zoning Ordinance of the City of Anderson, dated January 12, 1998, and amendments thereto, be amended by rezoning 502, 506, and 508 Williamston Road from NC, Neighborhood Commercial to GC, General Commercial.
2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.
3. This ordinance shall take effect immediately upon its adoption by the City Council of the City of Anderson.

Anderson University Sports Complex

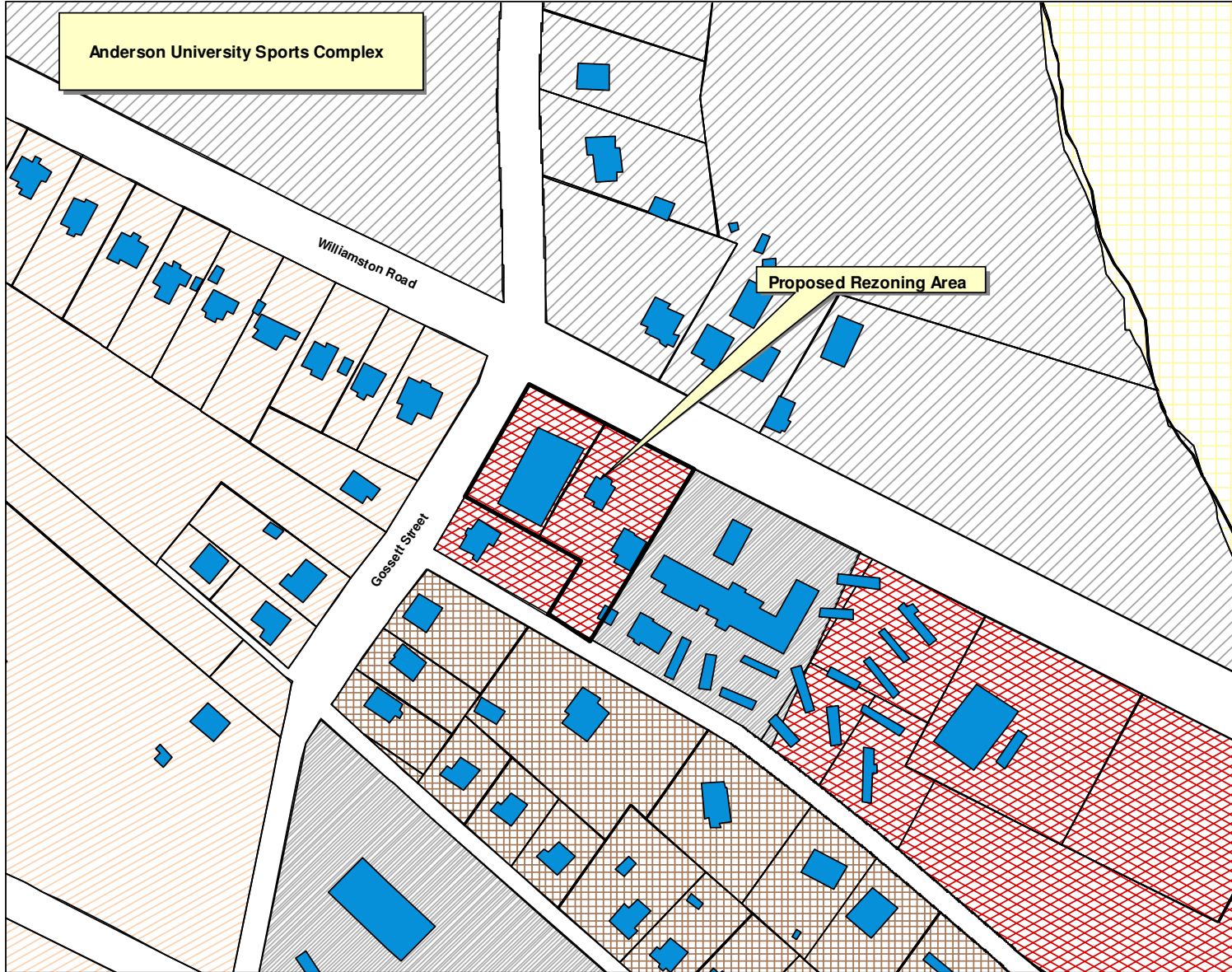
502/506/508 Williamston Road Road

Proposed Rezoning Area

- Buildings
- Parcels
- Zoning
- CBD
- GC
- NC
- LO
- HI
- LI
- PDD
- R-5
- R-10
- R-15
- R-20
- R-40
- RA
- RG
- RM-10
- RM-18
- NP



0 50 100 Feet



City of Anderson
Council Agenda

Title/Description: New Business

Request: Referral to the Planning Commission of a petition to rezone 304 Concord Road from R-10 Single Family to NP Neighborhood Professional.

Executive Summary:

Background: The applicant has attempted to rent or sell the property as a single family residence with no success. The applicant would now like to market the property as a professional office building. The NP Neighborhood Professional designation would allow the property to be utilized as either a single family residence or a professional office building.

Benefit: N/A

Funding: N/A

Recommendation: Referral to the Planning Commission. The Planning Commission will consider this request at their August 3rd meeting.

Action Requested:

___ Ordinance 1st Reading

___ Information Only

___ Ordinance 2nd Reading

___ General Approval

___ Resolution

X Referral

304 Concord Road

- Buildings
- Parcels
- Zoning
 - CBD
 - GC
 - NC
 - LO
 - HI
 - LI
 - PDD
 - R-5
 - R-10
 - R-15
 - R-20
 - R-40
 - RA
 - RG
 - RM-10
 - RM-18
 - NP



0 50 100 Feet

