

ORDINANCE NO. 2003-01

ORDINANCE TO AMEND SECTION 24-4.1, DISTRICT BOUNDARIES AND MAPS OF THE CODE OF ORDINANCES OF THE CITY OF ORANGEBURG AND THE ZONING MAP OF THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE PURPOSE OF CHANGING FROM "D-1 INDUSTRIAL DISTRICT" TO "A-2 RESIDENTIAL MULTI-UNIT DISTRICT" THE PROPERTY OF JAMES A. AND TINA IRICK (TAX MAP # 0173-18-15-006).

WHEREAS, James A. and Tina Irick, pursuant to Section 24-12.1(b)(a) of the Zoning Ordinance of the City of Orangeburg, South Carolina has petitioned for an amendment of said Ordinance and Map; and,

WHEREAS, proper notice of the Public Hearing for proposed Zoning Map Amendment has been duly published in accordance with Section 24-12.5 and the property has been duly posted in accordance with Section 24-12.6 of said Zoning Ordinance; and,

WHEREAS, the City Council of the City of Orangeburg has reviewed said petition and the recommendation of the Planning Commission and finds that it is in the best interest of the City of Orangeburg to grant the petition.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in Council duly assembled and by the authority of same that the Zoning Map of the City of Orangeburg is hereby amended by changing the classification of the below described property from "D-1 Industrial District" to "A-2 Residential Multi-Unit".

BE IT FURTHER ORDAINED that this Amendment shall be effective as of the date of this ordinance and the Zoning Administrator is hereby directed to amend the Zoning Map of the City of Orangeburg to reflect the above within seven (7) days of the adoption of this ordinance.

Description of property:

On the northeast property of Barbara & Leroy Calhoun, Edisto Habitat for Humanity and Edward F. Anderson measuring one-hundred and forty-four and ninety-five hundredths (144.95) feet, more or less; on the southwest by property of Stella M. & Tribu Boronka measuring sixty-two and zero hundredths (62.00) feet more or less; on the southeast by property of Living Victory Church measuring one-hundred and forty-two and four hundredths (142.04) feet more or less; and on the northwest by Brunson Court measuring sixty-two and zero hundredths (62.00) feet more or less. This rezoning is requested by the owners of the property James A. & Tina B. Irick (Tax Map # 0173-18-15-006-000).

ADOPTED AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 18th DAY OF March 2003.



Paul G. Miller
Mayor
James Haire
Jonathan Strout
Charles B. Bennett
Travis A. Miller Sr.
Chuck Deane
Jason Cheney
Members of Council

ATTEST Sharon A. Fanning
City Clerk



ORDINANCE NO. 2003-02

**AN ORDINANCE TO REPEAL ORDINANCE No. 1990-32,
ESTABLISHING THE DEPRECIATION FUND FOR THE CITY OF
ORANGEBURG, SOUTH CAROLINA**

WHEREAS, by Ordinance No. 1990-32 enacted on December 4, 1990, the City of Orangeburg established a Depreciation Fund for the purpose of vehicle and equipment replacements; and,

WHEREAS, the City of Orangeburg now adequately funds the replacement of vehicles and equipment through lease purchasing and other financial arrangements, thus eliminating the need for a Depreciation Fund.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL DULY ASSEMBLE, that Ordinance No. 1990-32 enacted December 4, 1990, establishing a Depreciation Fund is hereby repealed in its entirety and funds remaining in said Depreciation Fund shall be transferred to the Reserve Fund for fire equipment for the City of Orangeburg.

DONE AND RATIFIED BY CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, THIS 13th **Day of** April, 2003.

Laura Miller
MAYOR

Barbara Haire
Sandra P. Krutts

Thelma A. Miller Sr.

Chuck Dungan
Jagell Roney

MEMBERS OF COUNCIL



ATTEST:

Carrie Johnson
CITY CLERK

ORDINANCE TO AMEND SECTION 24-4.1, DISTRICT BOUNDARIES AND MAPS OF THE CODE OF ORDINANCES OF THE CITY OF ORANGEBURG AND THE ZONING MAP OF THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE PURPOSE OF CHANGING FROM “A-2 RESIDENTIAL MULTI-UNIT DISTRICT” TO “O-I OFFICE INSTITUTIONAL RESIDENTIAL DISTRICT” THE PROPERTY OF CLAFLIN UNIVERSITY.

WHEREAS, Claflin University, pursuant to section 24-12.1(b)(a) of the Zoning Ordinance of the City of Orangeburg, South Carolina has petitioned for an amendment of said Ordinance and Map; and

WHEREAS, proper notice of the public hearing for proposed zoning map amendment has been duly published in accordance with Section 24-12.5 and the property has been duly posted in accordance with Section 24-12.6 of said zoning ordinance; and

WHEREAS, the City Council of the City of Orangeburg has reviewed said petition and the recommendation of the Planning Commission and finds that it is in the best interest of the City of Orangeburg to grant the petition.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in council duly assembled and by the authority of same that the Zoning Map of the City of Orangeburg is hereby amended by changing the classification of the below described property from “A-2 Residential Multi-Unit District” to “O-I Office Institutional Residential District”.

BE IT FURTHER ORDAINED that this amendment shall be effective as of the date of this ordinance and the Zoning Administrator is hereby directed to amend the zoning map of the City of Orangeburg to reflect the above within seven (7) days of the adoption of this ordinance.

DESCRIPTION OF PROPERTY:

Tax Map # 0173-11-01-012

On the Northeast by property of Gregory Tyrone Nell and other property of Claflin University measuring two hundred fifty and sixty three hundreds (250.63) feet more or less; on the Southeast by Goff Avenue measuring forty and zero hundreds (40.00) feet, more or less; on the Southwest by other property of Claflin University measuring two hundred fifty and fifty seven hundreds (250.57) feet, more or less; and on the Northwest by other property of Claflin University measuring forty and zero hundreds (40.00) feet, more or less.

Tax Map # 0173-10-07-03

All that certain lot, piece or parcel of land with improvements thereon, situate, lying and being in the City of Orangeburg, State of South Carolina, bounded and described as follows; bounded on the Northeast by lands now or formerly of Sylvia Gissentaner and measuring on said lands two hundred twenty eight (228) feet, more or less; on the Northwest by lands now or formerly of L.M.Dunton, and measuring on that line eighty (80) feet; on the Southeast by Goff Avenue and measuring on said street eighty (80) feet; on the Southwest by Lot # 15 and measuring on said lot two hundred twenty one and one-half (221.1/2) feet, on a said lot being known and distinguished by the number seventeen (17) on a certain plat made by William A. Mellichamp, Surveyor, dated April 27, 1888 and recorded in the Office of the Recorder of Deeds for Orangeburg County in Deed Book 26 at Page 712.

Tax Map # 0173-11-01-011

All that certain lot, piece or parcel of land, situate lying and being in Orange Township, Orangeburg County, State of South Carolina, and measuring and bounded as follows, to wit: on the Northeast by lands now and formerly of the Freedmen’s Aid Southern Education Society of the Methodist Episcopal Church and measuring on said lands two hundred and fifty four (254) feet, more or less; on the Northwest by lands now or formerly of L. M. Dunton and measuring thereon forty (40) feet; on the Southeast by a street fifty feet (50) wide, known as Goff Avenue and measuring thereon forty (40) feet; on the Southwest by lands now or formerly of J. M. Wright, and measuring thereon two hundred fifty two (252) feet, being the same lot of land conveyed to Tommie Morrissey by S.R. Youngblood by deed dated February 12, 1907, and recorded the 13th the day of February, 1907 in the office of the Clerk of the Circuit Court, now Register of Deeds for Orangeburg County, South Carolina in Deed Book 48 at Page 423.

Tax Map # 0173-10-14-001

All the certain, piece, parcel or lot of land, situate, lying and being in Orange Township, School District # 5 (outside), County and State aforesaid, the same being more fully described on a plat of property of Robert O. and Miriam M. Abernathy by C.C. Ferris, RLS, dated December 6, 1972, to be recorded herewith in Plat Book 37 at page 14; the same being bound and measuring as follows; Southeast by road S-38-94 and measuring thereon one hundred seventy six and six-tenths (176.6) feet; Northeast by other lands of the grantor and measuring thereon one hundred twenty six and one-tenth (126.1)feet; Northeast by lands this date conveyed to Harlowe E. and Rossie B. Caldwell and measuring thereon on one hundred eighty five and three-tenths (185.3) feet; Southwest by a fifty (50) foot Street and measuring thereon one hundred twenty five (125) feet. This conveyance is made subject to those covenants restrictions as recorded in Deed Book 374 at Page 109.

Tax Map # 0173-11-01-015

All that certain piece, parcel or lot of land situated in the County of Orangeburg, State of South Carolina and bounded as follows; Northeast by 1/2 of Lot No. 29 and measuring on that lot 244 feet, 4 inches more or less, on the Northwest by lands formerly of Col. Paul S. Felder, and now owned by L.M. Dunton, and measuring thereon 40 feet; Southeast by Goff Avenue and measuring thereon 40 feet; and on the Southwest by 1/2 of Lot No. 25 and measuring on that lot 241 feet, more or less. Being 1/2 of Lot 29 as shown on a plat made by William A. Mellichamp, surveyor, dated April 27, 1888, and recorded November 23, 1888, in County book 26 at page 712.

Tax Map # 0173-11-01-014

All that certain, piece, parcel or lot of land, with improvements thereon, situate, lying and being in Orange Township, Orangeburg County, State of South Carolina, known as Lot 27, and being bound and measuring thereon as follows: Northeast by lot of Capers C. Robinson and measuring thereon 244.0 feet and 4 inches; Southeast by Goff Avenue and measuring thereon 68.0 feet; Southwest by lot of Thomas J. Robinson and measuring thereon 241.0 feet; Northwest by Claflin College and measuring thereon 68.0 feet; be all measurements a little more or less.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 15th DAY OF July 2003.



Paul Miller

Mayor

Joseph W. Rhoney

Charles J. ...

Helene A. Miller

John H. Hair

Members of Council

ATTEST: *Sharon N. Lanning*

City Clerk

ORDINANCE TO AMEND THE LAND USE MAP OF THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA, FOR THE PURPOSE OF CHANGING FROM "SINGLE FAMILY RESIDENTIAL DISTRICT" TO "BUSINESS/COMMERCIAL DISTRICT" THE PROPERTY OF MARION/DANNY SYFRETT AND HAYWARD/ROBERTA SEEGARS.

WHEREAS, Marion/Danny Syfrett and Hayward/Roberta Seegars are petitioning to amend the Land Use Plan and Land Use Map of the City of Orangeburg by changing the properties described herein below from "Single Family Residential District" to Business/Commercial District"; and,

WHEREAS, the City Council of the City of Orangeburg has considered the petition and finds to grant the Amendment would be in the best interest of the City and in the furtherance of its planning program promoting public health, safety, morals, convenience, prosperity and the general welfare, as well as, the efficiency and economy of those areas located within its corporate limits.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in Council duly assembled and by the authority of same, that the Land Use Map is hereby amended and after amendment the area described herein below shall be changed from "Single Family Residential District" to "Business/Commercial District"; said amendment to be effective upon the adoption of this Ordinance.

BE IT FURTHER ORDAINED that the Zoning Administrator is hereby directed to make the necessary changes and amendments to the official Land Use Map to reflect this Amendment.

DESCRIPTION OF PROPERTY:

All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina, near the city limits of the City of Orangeburg and being more particularly described as Lots Nos. 1 and 2 of Block K, as shown on a subdivision plat of Pecanway Terrace Addition, recorded in Plat Book 11, page 254, property of Mrs. Emma Dantzler estate, of June 10, 1955, by John K. Davis, L.S., and measuring and being bounded as follows: On the Northeast by Lot No. 16 in said Block and measuring thereon One Hundred Seventy-five (175) feet; on the Southeast by Mahan Avenue and measuring thereon One Hundred Ninety-five and one-tenth (195.1) feet; on the Southwest by Chestnut Street and measuring thereon One Hundred Fifty (150) feet; and on the Northwest by Lot No. 3 in said Block and measuring thereon One Hundred Ninety-two and nine-tenths (192.9) feet. Being a part of that same tract of land which was the property of Emmie C. Dantzler, deceased, and which was devised to the grantors herein by will probated April 22, 1948, recorded in Apartment 299, Package 2, in the office of the Probate Judge for Orangeburg County. Tax Map # 0174-18-13-008 (Lots 1 and 2)

All that certain piece, parcel or lot of land, situate, lying and being in Orange Township, Orangeburg County, South Carolina, near the Northeastern corporate limits of the City of Orangeburg, located on the Northwesterly side of Mahan Avenue, measuring Seventy-five (75) feet on Mahan Avenue, measuring One Hundred Seventy-five (175) feet on the respective side lines, and measuring Seventy-five (75) feet on the near line, and designated as Lot No 16, in Block "K", on a plat thereof recorded in the office of the Clerk of Court for Orangeburg County, SC, in Plat Book 11 at Page 254. Tax Map # 0174-18-13-007 (Lot 16)

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS
5th DAY OF August 2003.



Sharon A. Hanning
City Clerk

Laura Miller
Mayor
Sam Haire
Dandra P. Knotts
Trelmis A. Miller
Chad Dugan
Joyell Shreeve
Members of Council

ORDINANCE NO. 2003-5

AN ORDINANCE AMENDING THE BUDGET FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003

THE CITY COUNCIL OF THE CITY OF ORANGEBURG HEREBY ORDAINS AND RATIFIES:

Section 1. That the Budget of the City of Orangeburg for the Fiscal Year beginning October 1, 2002 and ending September 30, 2003, designated as Ordinance No. 2002-07, shall be and hereby is amended so to levy a tax to cover the period from the first day of January 2002 to the thirty-first day of December 2002, both inclusive, for the sums and in the manner hereinafter mentioned and shall be levied, collected and paid into the Treasury of the City of Orangeburg, South Carolina, for the use and service thereof; i.e., a tax of seventy-two (72) mills and the same is hereby assessed on each dollar of the assessed value of all real estate and personal property within the City of Orangeburg, South Carolina, except as such which is exempt from taxation by law.

Section 2. That in all other respects, except as hereby and heretofore amended, the budget for the City of Orangeburg for the Fiscal Year beginning October 1, 2002 and ending September 30, 2003 shall remain in full force and effect.

Section 3. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Adopted by the Council of the City of Orangeburg on this 2nd day of September, 2003, at which a quorum was present and voting.



ATTEST:

Sharon M. Lanning
CITY CLERK

Laura J. Min
MAYOR

James Haire

Donda P. Farris

Charles B. Conley

Frederick A. Miller

George W. Shenev

Chris Deane
MEMBERS OF COUNCIL

ORDINANCE NO. 2003- 6

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004

BE IT ORDAINED by the Mayor and Council Members of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same:

SECTION 1. In accordance with Section 5-7-260 of the 1976 Code of Laws of South Carolina, and Council shall act by Ordinance to adopt budgets, levy taxes, and collect all other income sources available to the City pursuant to public notice.

SECTION 2. That the prepared budget for the fiscal year October 1, 2003-September 30, 2004, and the estimated revenue for payment of same is hereby adopted.

SECTION 3. That a tax to cover the period from the first day of January, 2003, to the thirty-first day of December, 2003, both inclusive, for the sums and in the manner hereinafter mentioned, is and shall be levied, collected and paid into the Treasury of the City of Orangeburg for the use and service thereof; i.e., a tax of 73 mills be and the same is hereby assessed on each dollar of the assessed value of all real estate and personal property within the City of Orangeburg, South Carolina, except as such which is exempt from taxation by law.

SECTION 4. Tax levied under this Ordinance shall be due and payable at the office of the City Clerk and Treasurer, in the Municipal Building of the City of Orangeburg, South Carolina, from the first day of November, 2003, until the fifteenth day of January 2004, from the hours of 8:00 A.M. until 5:00 P.M., Monday through Friday, Saturdays and Sundays excepted.

SECTION 5. On January 16, 2004, a penalty of fifteen (15) percent shall be added on all unpaid taxes. The City Clerk and Treasurer shall on March 17, 2004, place all delinquent properties in execution in accordance with and adding an additional execution cost of \$45.00 by Section 6-1-10, as amended, of the Code of Ordinances of the City of Orangeburg, South Carolina.

SECTION 6. If for any reason, any sentence, clause or provisions of this Ordinance shall be declared invalid, such shall not affect the remaining provisions thereof.

DONE AND RATIFIED BY THE CITY COUNCIL OF ORANGEBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED THIS 2nd DAY OF September, 2003.



Laura Miller

MAYOR

Sam J. Haire
Donna P. Smith
Charles E. Boudry
Frederick A. Miller
Joseph W. Chesney
Paul J. ...

MEMBERS OF COUNCIL

ATTEST:

Sharon L. Lanning
CITY CLERK



ORDINANCE No. 2003 - 7

AN ORDINANCE TO ADOPT A BUDGET FOR THE OPERATION OF
DEPARTMENT OF PUBLIC UTILITIES FOR THE
CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA
FOR THE FISCAL YEAR
OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004

BE IT ORDAINED by City Council duly assembled that the attached budget consisting of seven (7) pages is hereby adopted as the operating budget for the Department of Public Utilities for the City of Orangeburg for the fiscal year October 1, 2003 through September 30, 2004.

BE IT FURTHER ORDAINED that the Manager of the Department of Public Utilities is authorized to transfer budgeted amounts between line items and/or divisions or between approved capital projects in accordance with the duties and responsibilities of said Manager.

DONE AND RATIFIED by Council duly assembled this 2nd day of September, 2003.



Paula A. Minin
Mayor

Bernard Hane
Andrea V. Smith

Charles B. Bennett

Helmer A. Miller

Joyce W. Kenealy

Chris [Signature]
Members of Council

ATTEST:
Theron Manning
City Clerk

ORDINANCE NO. 2003 8

AN ORDINANCE AUTHORIZING THE LEASE OF 2.69 ACRES, WITH BUILDINGS AND OTHER IMPROVEMENTS THEREON AND TO BE CONSTRUCTED THEREON, TO THE ORANGEBURG COUNTY CHAMBER OF COMMERCE FOR A TERM OF FIFTEEN (15) YEARS COMMENCING ON THE FIRST DAY OF AUGUST, 2003 FOR THE ANNUAL RENTAL OF THREE (3%) PERCENT OF THE ANNUAL MEMBERSHIP DUES OF THE ORANGEBURG COUNTY CHAMBER OF COMMERCE OR \$3,500.00 PER YEAR, WHICHEVER IS GREATER.

WHEREAS, the City of Orangeburg owns the below described premises on which the present " Chamber Building" is located, and;

WHEREAS, the Orangeburg County Chamber of Commerce wishes to renovate the existing structure as set forth and shown on Exhibit "A" identified herein below, and;

WHEREAS, the City of Orangeburg deems it is in the best interest of the membership of the Orangeburg County Chamber of Commerce and the citizens of the City of Orangeburg, that the City of Orangeburg permit the renovation of said building and the lease of the newly constructed building to the Orangeburg County Chamber of Commerce.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in Council duly assembled that the City of Orangeburg lease 2.69 acres, with building and other improvements thereon, as set forth and shown on Exhibit "A" attached to the Lease Agreement to the Orangeburg County Chamber of Commerce in accordance with the attached Lease Agreement consisting of three (3) pages and Exhibits "A" and "B".

BE IT FURTHER ORDAINED, that John H. Yow, City Administrator, is hereby authorized and directed to execute said Lease Agreement in accordance with this Ordinance.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA, THIS 16th DAY OF September 2003.



Paul G. Miller

Mayor

Bernard Harris
Dandia P. Knotts
Charles B. Brantley
Helmer A. Miller
Joyell W. Lewis
Charles J. ...

Members of Council

ATTEST *Carruth Johnson*
City Clerk

ORDINANCE TO AMEND SECTION 24-4.1, DISTRICT BOUNDARIES AND MAPS OF THE CODE OF ORDINANCES OF THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE PURPOSE OF CHANGING ZONING FROM "A-1 RESIDENTIAL, SINGLE -UNIT DISTRICT" TO "B-1 GENERAL BUSINESS DISTRICT" THE PROPERTY OWNED BY MARION AND DANNY SYFRET LOCATED AT THE INTERSECTION OF CHESTNUT AND MAHAN STREET (TAX MAP# 0174-18-13-008/LOTS 1 AND 2), AND THE PROPERTY OF HEYWARD AND ROBERTA SEEGARS LOCATED ON MAHAN STREET (TAX MAP# 0174-18-13-007/LOT 16); AND AMENDING SECTION 24-9.1 BUFFER AREAS TO PROHIBIT INGRESS AND EGRESS THROUGH CERTAIN BUFFER AREAS

WHEREAS, Marion and Danny Syphrett and Heyward and Roberta Seegars, pursuant to section 24-12 1(b)(a) of the Zoning Ordinance of the City of Orangeburg, South Carolina has petitioned for an amendment of said Ordinance and Map; and

WHEREAS, proper notice of the public hearing for proposed zoning map amendment has been duly published in accordance with Section 24-12.5 and the property has been duly posted in accordance with Section 24-12.6 of said zoning ordinance; and

WHEREAS, the City Council of the City of Orangeburg has reviewed said petition and the recommendations of the Planning Commission and finds that it is in the best interest of the City of Orangeburg to grant the petition and accept the recommendations of the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, State of South Carolina, in council duly assembled and by the authority of same that the Zoning Map of the City of Orangeburg is hereby amended by changing the classification of the below described property from "A-1 Residential District" to "B-1 General Business District".

BE IT FURTHER ORDAINED that this amendment shall be effective as of the date of this ordinance and the Zoning Administrator is hereby directed to amend the zoning map of the City of Orangeburg to reflect the above within seven (7) days if the adoption of this ordinance.

BE IT FURTHER RESOLVED, that § 24-9.1 Buffer Areas. § e (1.) is hereby amended and after amendment shall read as follows:

- "1. Type A Buffer Area Required. Wherever a multi-unit complex, mobile home park or non-residential use is proposed, a Type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and visibility angles. Provided, that if there is only two (2) non-residential "Buildable areas" contiguous to a street providing ingress and egress to only residential, buildable areas, with other means of ingress and egress to a "Street, major", no portion of a Type A buffer area required along the street providing ingress and egress to the residential, buildable areas shall be used for ingress and egress to the non-residential "Buildable area".

Description of property:

All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina, near the city limits of the City of Orangeburg and being more particularly described as Lots Nos. 1 and 2 of Block K, as shown on a subdivision plat of Pecanway Terrace Addition, recorded in Plat Book 11, page 254, property of Mrs. Emma Dantzer estate, of June 10, 1955, by John K. Davis, L.S., and measuring and being bounded as follows: On the Northeast by Lot No. 16 in said Block and measuring thereon One Hundred Seventy-five (175) feet; on the Southeast by Mahan Avenue and measuring thereon One Hundred Ninety-five and one-tenth (195.1) feet; on the Southwest by Chestnut Street and measuring thereon One Hundred Fifty (150) feet; and on the Northwest by Lot No. 3 in said Block and measuring thereon One Hundred Ninety-two and nine-tenths (192.9) feet. Being a part of that same tract of land which was the property of Emmie C. Dantzer, deceased, and which was devised to the grantors herein by will probated April 22, 1948, recorded in Apartment 299, Package 2, in the office of the Probate Judge for Orangeburg County. Tax Map # 0174-18-13-008 (Lots 1 and 2)

All that certain piece, parcel or lot of land, situate, lying and being in Orange Township, Orangeburg County, South Carolina, near the Northeastern corporate limits of the City of Orangeburg, located on the Northwesterly side of Mahan Avenue, measuring Seventy-five (75) feet on Mahan Avenue, measuring One Hundred Seventy-five (175) feet on the respective side lines, and measuring Seventy-five (75) feet on the near line, and designated as Lot No 16, in Block "K", on a plat thereof recorded in the office of the Clerk of Court for Orangeburg County, SC, in Plat Book 11 at Page 254. Tax Map # 0174-18-13-007 (Lot 16)

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 7th DAY OF October 2003.



Paul G. Miller
 Mayor
Jessie K. ...
...
...
...

Members of Council

ATTEST: *Carroll Johnson*
City Clerk

ORDINANCE NO. 2003- 11

AN ORDINANCE AUTHORIZING THE REIMBURSEMENT OF EXPENSES INCURRED BY THE MAYOR OF THE CITY OF ORANGEBURG IN THE PERFORMANCE OF HIS OFFICIAL DUTIES

WHEREAS, § 5-7-170 of the 1976 Code of Laws for the State of South Carolina authorizes the reimbursement of actual expenses incurred by the mayor and council members in the performance of their official duties, and;

WHEREAS, previously the mayoral maximum amount for said reimbursement was established at Fifty and No/100 (\$50.00) Dollars per month, and;

WHEREAS, the official duties and expenses of the mayor have increased;

NOW THEREFORE BE IT ORDAINED BY COUNCIL DULY ASSEMBLED, that the Mayor of the City of Orangeburg is hereby authorized to receive a maximum of Two Hundred and No/100 (\$200.00) Dollars per month for reimbursement of actual expenses incurred in the performance of the official duties of the office.

BE IF FURTHER ORDAINED, that said expense shall be paid equally by the Executive Department of the City of Orangeburg and the City's Department of Public Utilities in the amount of One Hundred and No/100 (\$100.00) Dollars per month each.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 21st DAY OF OCTOBER , 2003.



Mayor

James H. Hines

Dandon P. Krotts

Charles B. Bance

Trelmus A. Miller

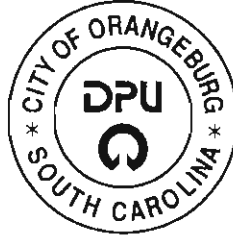
Chad D. Jones

Joseph W. Cheney

Members of Council

ATTEST:

Carrie H. Johnson
City Clerk



**AN ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELFARE
OF THE CITIZENS OF THE CITY OF ORANGEBURG AND WATER
CUSTOMERS OF ITS DEPARTMENT OF PUBLIC UTILITIES BY
AMENDING CHAPTER XXIII, ARTICLE VII, SECTION 23-85, ENTITLED
DROUGHT OR WATER SUPPLY RESPONSE PLAN**

Whereas, it is determined that measures must be taken to insure that an adequate water supply is available for uses for human consumption, sanitation, fire protection, and other essential needs; and,

Whereas, South Carolina Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) requires the development of a local response plan in the event that drought conditions occur; and

Whereas, it is possible due to natural or manmade catastrophes that all or any part of the water supply system of the Department of Public Utilities may not be capable of supplying adequate volume and pressure of water to maintain the integrity of the system under normal demand situations and,

Whereas, a Drought Management Plan has been developed by the Department of Public Utilities.

Now Therefore Be It Ordained by City Council duly assembled that Chapter XXIII, Article VII, Section 23-85, entitled Drought or Water Supply Response Plan is hereby amended and after amendment shall read as follows:

23-85 DROUGHT MANAGEMENT PLAN.

23-85.1 Declaration of Policy and Authority. The objective of this Drought Response Ordinance is to establish authority, policy and procedure by which the Department of Public Utilities, hereinafter referred to as "DPU" will take the proper actions to manage water demand during a drought-related shortage. This Ordinance satisfies the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This Ordinance outlines the actions to be taken for the conservation of water supplied by DPU. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

If it becomes necessary to conserve water in its service area and service areas of its wholesale customers due to drought, DPU is authorized to issue a proclamation that existing conditions prevent fulfillment of the usual water-use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water supply shortage has ended and the Proclamation rescinded.

Water uses that are regulated or prohibited under this Ordinance are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The Drought Management Plan may be amended from time to time by the Manager of DPU as necessary, provided that any changes are compatible with the State Water Use Policy and shall be on file with DPU.

The administration and enforcement of the Drought Management Plan shall be the responsibility of the Manager of DPU or his designee acting for City Council.

23-85.2 Definitions of Terms. For the purposes of this plan and accompanying Ordinance, the following definitions will apply:

- A. **“Aesthetic Water Use”** – Water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls.
- B. **“Commercial and Industrial Water Use”** – Water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.
- C. **“Conservation”** – Reduction in water use to prevent depletion or waste of the resource.
- D. **“Customer”** – Any person, company, political subdivision or organization using water supplied by DPU, or by its wholesale customers.
- E. **“Department”** – South Carolina Department of Natural Resources.
- F. **“Domestic Water Use”** – Water use for personal need or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry or institution.
- G. **“Drought Alert Phases”** – Moderate Drought, Severe Drought, and Extreme Drought.
- H. **“Drought Response Committee”** – A committee created pursuant to the South Carolina Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10, et seq., as amended) composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendation for action to the South Carolina Department of Natural Resources and/or the Governor. The Committee is composed of state agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation Districts.
- I. **“Essential Water Use”** – Water used specifically for fire fighting, maintaining instream flow requirements, and to satisfy federal, state, or local public health and safety requirements.
- J. **“Finished Water”** – Water distributed for use after treatment. The terms “water use”, “water-user”, and “water customer” refer to finished water use unless otherwise defined.
- K. **“Institutional Water Use”** – Water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.
- L. **“Landscape Water Use”** – Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.
- M. **“Non-Essential Water Use”** – Categories of water use other than essential water use not needed to satisfy public health and safety requirements. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.
- N. **“Residential Equivalent Unit (REU)”** – An equivalency unit defined to be equal to one single-family residence. DPU’s allocated water capacity equals four hundred (400) gallons per day per REU.
- O. **“SC Department of Natural Resources”** – The state agency with primacy to implement the provisions of the Drought Response Act.
- P. **“Water Supply Shortage”** – Lack of adequate, available water caused by drought to meet normal demands.

23-85.3 Responses to Drought Phases.

- A. **Moderate Drought Phase** – Upon notification by the Drought Response Committee that a moderate drought condition is present and is expected to persist and/or upon determination by DPU that a moderate water supply shortage exists based on trigger

- vii. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality;
- d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Stop serving water in addition to another beverage routinely in restaurants;
 - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 - iii. Limit irrigating golf courses and any portion of the golf course grounds;
 - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so;
 - v. Limit expanding commercial, agricultural nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 4) Continue to cease installation of new irrigation taps on the water system.
- 5) Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium.
- 6) Encourage all residential water customers to voluntarily reduce overall monthly water usage to 50% of the customer's monthly average.
- 7) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- 8) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
- 9) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

23-85.4 Responses to Water Treatment/Delivery Crisis Due to Causes Other Than Drought.

The DPU will have the authority to implement water conservation measures in any or all areas to which it supplies water service upon the determination by the Manager of the Department of Public Utilities that such measures are necessary for any reason to protect the health, safety or welfare of the customers served or to preserve the integrity of the water supply system.

The Manager of the DPU may declare that a moderate, severe, or extreme water supply crisis exists in all of the water supply system or any part of the system and may impose voluntary or mandatory reductions in the use of water in all or any part of the Water Distribution System in the same phases or steps outlined in **Section 23-85.3 above.**

23-85.5 Rationing. If a drought threatens the protection of public health and safety, DPU is hereby authorized to ration water.

23-85.6 Enforcement of Restrictions. If any customer of DPU fails to comply with the mandatory water use restrictions of this Ordinance, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

- First Violation:** \$50 surcharge shall be added to the customer's water bill
- Second Violation:** An additional \$100 surcharge shall be added to the customer's water bill
- Third Violation:** The customer's water service shall be terminated and restored only after payment of a surcharge of \$250 in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by DPU shall diligently enforce the provisions of the Drought Response Ordinance.

23-85.7 Variances. Customers, who in their belief are unable to comply with the mandatory water use restrictions of this Drought Response Ordinance, may petition for a variance from restrictions by filing a petition with DPU within ten (10) working days after the issuance of the Proclamation requiring water use restrictions.

levels, DPU will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20% in residential water use and 15% in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 15%. To accomplish this, DPU will take the following actions:

- 1) Issue a Proclamation to be released to local media, DPU's customers and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:
 - a. Reduce residential water use to 65 gallons per person per day and a maximum of 200 gallons per household per day;
 - b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - c. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - d. Eliminate the flushing of gutters;
 - e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
 - f. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.
 - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality; and
 - i. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 - i. Stop serving water in addition to another beverage routinely in restaurants;
 - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 - iii. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 4) Cease to install new irrigation taps on the water system.
- 5) Continue to encourage and educate customers to comply with voluntary water conservation.

B. Severe Drought Phase. Upon notification by the Drought Response Committee that a severe drought condition is present and is expected to persist and/or upon determination by DPU that a severe water supply shortage exists based on trigger levels, DPU will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25% in residential water use, 20% in all other water use categories, and a reduction in overall water use of 20%. To accomplish these goals, DPU will take the following actions:

- 1) Issue a Proclamation to be released to the local media, DPU's customers and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:
 - a. Voluntary reduction of residential water use to 55 gallons per person per day and a maximum of 170 gallons per household or REU per day.
 - b. Control landscape irrigation by staggering watering times.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:

- i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - iii. Eliminate the flushing of gutters;
 - iv. Eliminate domestic washing of motorbikes, boats, cars, etc;
 - v. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - vi. Eliminate filling or maintaining public or private swimming pools;
 - vii. Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality;
- d. Limit use of water by commercial and individual customers including but not limited to, the following:
- i. Stop serving water in addition to another beverage routinely in restaurants;
 - ii. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 - iii. Limit irrigating golf courses and any portion of the golf course grounds;
 - iv. Cease water service to customers who have been given a 10-day notice to repair one or more leaks and have failed to do so;
 - v. Limit expanding commercial agricultural nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
- 3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- 4) Continue to cease installation of new irrigation taps on the water system.
- 5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- 6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- 7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

C. Extreme Drought Phase. Upon notification by the Drought Response Committee that an extreme drought condition is present and is expected to persist and/or upon determination by DPU that an extreme water supply shortage exists based on the trigger levels, DPU will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 30% in residential water use, 25% in all other categories of water uses and a reduction in overall water use of 25%. To accomplish these goals, DPU will take the following actions:

- 1) Issue a Proclamation to be released to the local media, the DPU customers and to the South Carolina Department of Natural Resources Drought Information Center that extreme drought conditions are present;
- 2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:
 - a. Limiting residential water use to 45 gallons per person per day and a maximum of 150 gallons per household or REU per day.
 - b. Eliminate landscape irrigation.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 - i. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - ii. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - iii. Eliminate the flushing of gutters;
 - iv. No domestic washing of motorbikes, boats, cars, etc.;
 - v. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
 - vi. Eliminate filling or maintaining public or private swimming pools;

All petitions for variance shall contain the following information:

- A. Name and address of the petitioner;
- B. Purpose of water usage;
- C. Special provision from which the petitioner is requesting relief;
- D. Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- E. Description of the relief desired;
- F. Period of time for which the variance is sought;
- G. Economic value of the water use;
- H. Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
- I. Restrictions with which the petitioner is expected to comply and the compliance date;
- J. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- K. Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with the Ordinance cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. DPU is authorized to grant the request for variance.

In addition, DPU is authorized to grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance. Variances granted by DPU shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

23-85.8 Wholesale Customers. All wholesale customers of DPU shall adopt and enforce a Drought or Water Supply Ordinance and Response Plan with the same surcharges as set forth in Section 23-85.6. Failure to adopt and enforce said Ordinance and Plan shall be grounds to discontinue service and the water supply to any wholesale customer not in compliance.

23-85.9 Status of the Ordinance.

- 1) If any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Drought Response Ordinance shall not be affected.
- 2) The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of DPU.
- 3) Nothing in this Ordinance shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

RESOLVED BY City Council duly assembled this 4th day of November, 2003.



Paul G. Miller
MAYOR
James Hane
Charles B. Brumell
Charles Johnson
Joseph W. Roney

MEMBERS OF COUNCIL

ATTEST: Carroll Johnson
CITY CLERK

AN ORDINANCE EXTENDING THE FRANCHISE AGREEMENT OF SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, NOW BELLSOUTH TELECOMMUNICATIONS, INC., DATED MAY 11, 1993.

WHEREAS, by Ordinance dated May 11, 1993, the City of Orangeburg granted to BellSouth Telephone and Telegraph, now BellSouth Telecommunications, Inc., (hereinafter referred to as "BellSouth"), a non-exclusive Franchise Agreement for the purpose of providing telecommunication services as described in the Franchise Agreement, and;

WHEREAS, said Franchise Agreement was for a term of ten (10) years ending on December 31, 2003, and;

WHEREAS, the City under the terms and conditions of the Franchise Agreement has the option to extend the term on a year-to-year basis, and;

WHEREAS, the City finds that it is in its best interest to exercise its right of extension as provided for in said Franchise Agreement.

NOW THEREFORE BE IT ORDAINED BY CITY COUNCIL DULY ASSEMBLED, that the Franchise Agreement between the City of Orangeburg and BellSouth dated May 11, 1993 is hereby extended for one (1) additional year, expiring on December 31, 2004.

BE IT FURTHER RESOLVED, that all terms and conditions of the said Franchise Agreement shall remain in full force and effect during said extended term, including without limitation, the option of the City to extend said Franchise for additional one (1) year terms.

DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 16th DAY OF DECEMBER, 2003.



Paul W. Miller

Mayor

James Hain

Jandra D. Knotts

Charles B. Bannell

Trelmis A. Miller Sr.

Carl Dyer

Members of Council

ATTEST: *Carrigan Johnson*

City Clerk