

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

Barry 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. Rhoads

Charles J. ...

Helene A. Miller

John H. Haire

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 D. Hair

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
Londan 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. Keneey

Chris [Signature]
Members of Council

ATTEST:
Sharon 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
Dandria P. Knotts
Charles B. Brantley
Helmer A. Miller
Joyell W. Lewis
Charles J. Yow
Members of Council

ATTEST

Carruth Johnson
City Clerk

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF \$2,000,000 GENERAL OBLIGATION BONDS OF 2003 OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

ARTICLE I
FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the issuance of the bonds provided for hereby, the City Council of the City of Orangeburg, South Carolina ("Council"), the governing body of the City of Orangeburg, South Carolina (the "City"), finds that the facts set forth in this Article exist and the statements made with respect thereto are true and correct.

Section 1.01. Objectives of Borrowing

Council is authorized by the provision of Sections 5-21-210 to 21-500, inclusive, Code of Laws of South Carolina, 1976, as amended ("The Municipal Bond Act") (the "Enabling Act") to issue general obligation bonds of the City for any public purpose and corporate purpose of the City in any amount not exceeding the constitutional debt limit applicable to the City.

Council has determined that funds are needed in order to defray the cost of constructing a Public Safety Complex to serve as headquarters for the police and fire department and the Municipal Court in the amount, to defray the cost of renovating the site previously used as the fire station for use as Council Chambers and to pay the costs of issuance.

Section 1.02. Recital of Applicable Constitutional Provisions

The most recent final assessed value of all taxable property in the City is the sum of not less than \$36,284,230. The City may incur general obligation debt without an election in an amount not exceeding 8% of the assessed value of all taxable property in the City. Eight per cent of this sum equals \$2,902,738.40. The City has no outstanding general obligation debt chargeable towards the 8% debt limitation. Thus, the bonds herein authorized may be issued within the constitutional debt limit.

Section 1.03. Decision to Issue Bonds

On the basis of the foregoing, Council has determined to issue General Obligation Bonds of 2003 in the principal amount of approximately \$2,000,000, the proceeds of which shall be used to defray the cost of the Project (the "Bonds").

Section 1.04. Ability to meet Requirements of Certain State and Federal Requirements

The City will take such action as necessary to preserve the exclusion from gross income for federal income tax purposes of interest earned on the bonds.

Pursuant to Section 11-1-85, Code of Laws of South Carolina, 1976, as amended, the City shall file an independent audit with a central repository event specific information within thirty days of an event adversely affecting more than five percent of revenue or its tax base.

The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement, the form of which is attached hereto as Exhibit "D". Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certification shall not be considered an event of default with respect to the bonds; however, any holder of the bonds may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section. The Continuing Disclosure Certificate shall be executed by the City Administrator prior to the delivery of the Bonds and shall be in such form as is set forth in Exhibit "D" hereto, together with such modifications and amendments thereto as shall be deemed necessary by such Mayor, upon advice of Council. The execution of the Continuing Disclosure Certificate shall constitute conclusive evidence of the approval by the person executing the same of any and all modifications and amendments thereto.

ARTICLE II

DEFINITIONS AND CONSTRUCTION

Section 2.01 Definitions

As used in this Ordinance unless the context otherwise requires, the following terms shall have the following respective meanings:

"Authorized Investments" mean and include investments permitted by Section 6-5-10, Code of Laws of South Carolina, 1976, as amended.

"Authorized Officer" means the Mayor, the City Administrator, the Clerk of City Council and any other officer or employee of the City designated from time to time as an Authorized Officer by ordinance or resolution of Council, and when used with reference to any act or document also means any other person authorized by ordinance or resolution of Council to perform such act or sign such document.

"Bond" or "Bonds" means approximately \$2,000,000 General Obligation Bonds of 2003 of the City authorized by this Ordinance.

"Bondholder" or "Holder" or "Holders of Bonds" or "Owner" or similar term means, when used with respect to a Bond or Bonds, any person who shall be registered as the owner of any Bond Outstanding.

"Bond Payment Date" means each May 1 or November 1 on which interest on any of the Bonds shall be payable or on which both the Principal Installment and interest shall be payable on any of the Bonds.

"City" means the City of Orangeburg, South Carolina.

"City Request" means a written request of the City signed by an Authorized Officer.

"Corporate Trust Office", when used with respect to any Paying Agent or Registrar, means the office at which its principal corporate trust business shall be administered.

"Council" means the City Council of the City of Orangeburg, South Carolina, the governing body of the City or any successor governing body of the City.

"DIC" means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

"Enabling Act" means the Municipal Bond Act, codified as Sections 5-21-210 to 5-21-500, inclusive, Code of Laws of South Carolina, 1976, as amended.

"Fiduciary" means the Paying Agent, the Registrar and their successors and assigns.

"Government Obligations" means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America.

"Letter of Representations" means the Letter of Representations from the City and the Registrar and Paying Agent to DIC, with respect to the Bonds, which shall be deemed to be a part of this Ordinance and shall be the binding obligation of the City and the Registrar and Paying Agent.

"Nominee" means the nominee of the Securities Depository which shall be the Owner of the Bonds while held under a book-entry only system and any successor appointed by the Securities Depository. The initial Nominee shall be Cede & Co.

"Ordinance" means this Ordinance as the same may be amended or supplemented from time to time in accordance with the terms hereof.

"Outstanding", when used in this Ordinance with respect to Bonds means as of any date, all Bonds theretofore authenticated and delivered pursuant to this Ordinance except:

- (i) any Bond cancelled or delivered to the Registrar for cancellation on or before such date;
- (ii) any Bond (or any portion thereof) deemed to have been paid in accordance with the provisions of Section 7.01 hereof and;
- (iii) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.11 of the Ordinance.

"Paying Agent" means any bank, trust company or national banking association which is authorized to pay the principal of or interest on any Bonds and having the duties, responsibilities and rights provided for in this Ordinance, and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Paying Agent may also act as Registrar.

"Person" means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

"Principal Installment" means, as of any date of calculation, the principal amount of all Bonds due on a specified date.

"Project" means the improvements described in Section 1.01 hereof.

"Record Date" means the 15th day of the month immediately preceding each Bond Payment Date.

"Registrar" means any bank, trust company, or national banking association which is authorized to maintain an accurate list of those who from time to time shall be the Holders of the Bonds and shall effect the exchange and transfer of Bonds in accordance with the provisions of this Ordinance and having the duties, responsibilities, and rights provided for in this Ordinance and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Registrar may also act as Paying Agent.

"Securities Depository" means the administrator of the book-entry only system for the Bonds, as further described in Section 3.04 hereof and any successor appointed as provided in Section 3.04(b)(iii) hereof. The initial Securities Depository shall be DTC.

ARTICLE III
ISSUANCE OF BONDS

Section 3.01 Ordering the Issuance of Bonds

Pursuant to the provisions of the Enabling Act, and for the purpose of obtaining funds to defray the cost of the Project, there shall be issued approximately \$2,000,000 of general obligation bonds of the City.

Section 3.02 Maturity Schedule

The Bonds shall be dated November 1, 2003, and shall mature on the dates and in the principal amounts hereafter set forth. The Bonds shall bear interest at rates determined in the manner prescribed by Section 3.15 hereof. Interest on the Bonds shall be payable semiannually on May 1 and November 1 of each year commencing May 1, 2004, until payment of the principal thereof.

The Bonds shall mature on November 1 in annual series as follows:

<u>Year</u>	<u>Principal Amount</u>
2004	\$75,000
2005	75,000
2006	100,000
2007	100,000
2008	150,000
2009	200,000
2010	250,000
2011	300,000
2012	350,000
2013	400,000

The successful purchaser of the Bonds, within 24 hours of the sale, may specify that any Bonds maturing annually may be combined immediately succeeding sequential maturities into a Term Bond or Bonds, bearing a single rate of interest, with the maturities set forth above (or as may be adjusted as provided herein) being subject to mandatory redemption in such maturities for each Term Bond(s).

The Bonds are not subject to redemption prior to their maturity.

Section 3.03 Provision for Payment of Interest on the Bonds

The Bonds shall be authenticated on such dates as they shall, in each case, be delivered. The Bonds shall bear interest from the date to which interest has been paid next preceding the authentication date thereof, unless the authentication date thereof is a Bond Payment Date in which case, from such authentication date, or from the Bond Payment Date to which interest has last been paid, or if dated prior to May 1, 2004, or if the City shall fail to pay interest on said date, then from November 1, 2003. The interest to be paid on any Bond Payment Date shall be paid to the Person in whose name such Bond is registered at the close of business on the Record Date next preceding such Bond Payment Date.

Section 3.04 Medium of Payment; Form and Denomination of Bonds; Place of Payment of Principal

(a) The Bonds shall be payable as to Principal Installment and interest at the rates per annum determined in the manner prescribed by Section 3.15 hereof (on the basis of a 360 day year of twelve 30-day months) in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. The Bonds will be issued in fully registered form (as one bond in the principal amount of \$2,000,000 or in multiples of \$5,000) or in book-entry form, as requested by the Purchaser.

(b) Book Entry Bonds

(i) If the Bonds are issued in book entry form, except as provided in paragraph (ii) of this subsection (b), the Bonds shall be held under a book entry only system administered in the name of the Nominee. Payment of interest on any Bonds registered in the name of the Nominee shall be made by New York Clearing House or equivalent next day funds to the account of the Nominee on the Bond Payment Date for the Bonds at the address indicated for the Nominee on the registration books kept by the Registrar.

(ii) The Bonds shall be initially issued in the form of separate, single, authenticated fully-registered Bonds in the amount of each separately stated maturity of the Bonds. Upon initial issuance, the ownership of each such Bond shall be registered on the registration books kept by the Registrar in the name of the Nominee. The Registrar and Paying Agent and the City may treat the Securities Depository (or the Nominee) as the sole and exclusive owner of the Bonds registered in the name of the Nominee for the purpose of (A) paying the principal of, or interest on, the Bonds, (B) giving any notice permitted or required to be given to Owners of Bonds hereunder, (C) registering the transfer of Bonds, (D) obtaining any consent or other action to be taken by the Owners of the Bonds and for all other purposes whatsoever, and neither the Registrar and Paying Agent nor the City shall be affected by any notice to the contrary. Neither the Registrar and Paying Agent nor the City shall have any responsibility or obligation to any Participant, any Beneficial Owner or any other person claiming a beneficial ownership interest in the Bonds under or through the Securities Depository or any Participant, or any other person which is not shown on the registration books of the Registrar as being an Owner of Bonds, with respect to (E) the accuracy of any records maintained by the Securities Depository or any Participant, (F) the payment to the Securities Depository, any Participant or any Beneficial Owner of any amount in respect of the principal of, or interest on, the Bonds, (G) any notice which is permitted or required to be given to Owners of the Bonds hereunder, (H) the selection by the Securities Depository or any Participant or any other person to receive payment in the event of a partial redemption of the Bonds, or (I) any consent given or other action taken by the Securities Depository as such Owner. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to the Securities Depository (or the Nominee), and all such payments shall be valid and effectual with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Except as provided in paragraph (iii) below, no person other than the Securities Depository shall receive an authenticated bond. Upon delivery by the Securities Depository to the Registrar and Paying Agent of written notice to the effect that the Securities Depository has determined to substitute a new Nominee in place of Cede & Co., the Bonds shall be transferable to such new Nominee in accordance with the provisions hereof.

(iii) In the event the City determines that it is in the best interests of the City not to continue the book-entry only system of transfer with respect to the Bonds, or that the interests of the Beneficial Owners might be adversely affected in the book-entry only system of transfer is continued with respect to the Bonds, then the City may notify the Securities Depository and the Registrar and Paying Agent, whereupon the Securities Depository will notify the Participants of the availability through the Securities Depository of bonds. In such event, the Registrar and Paying Agent shall issue, transfer and exchange bonds as requested by the Securities Depository and any Participant or Beneficial Owner in appropriate amounts in accordance herewith. The Securities Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and Paying Agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that the Securities Depository is incapable of discharging its duties as such and may so advise the Securities Depository. In either such event, the City shall either (A) establish its own book-entry system, (B) select another Securities Depository, or (C) deliver bonds as provided herein and as requested by any Participant or Beneficial Owner.

(iv) Notwithstanding anything in this Ordinance to the contrary, the City and the Registrar and Paying Agent hereby agree as follows with respect to the Bonds, if and to the extent any Bond is registered in the name of "Cede & Co." as nominee of DIC: (A) the Registrar and Paying Agent shall give DIC all special notices required by the Letter of Representations at the

times, in the forms and by the means required by the Letter of Representations. (B) the Registrar and Paying Agent shall make payments to Cede & Co. at the times and by the means specified in the Letter of Representations. (C) Cede & Co. shall not be required to surrender Bonds which have been partially paid or prepaid to the extent permitted by the Letter of Representations. and (D) the Registrar and Paying Agent shall set a special record date (and shall notify the registered owners of the Bonds thereof in writing) prior to soliciting any Holder consent or vote, such notice to be not less than 15 calendar days prior to such record date (any Bond transferred by a registered owner subsequent to the establishment of the special record date and prior to obtaining such consent or vote shall have attached to it a copy of the notice of Holders by the Registrar and Paying Agent)

(v) The City and the Registrar and Paying Agent will recognize DTC or its nominee as the Holder for all purposes hereunder, including notices and voting.

(vi) Whenever, during the term of the Bonds, beneficial ownership thereof is determined by a book entry at DTC, the requirements in this Ordinance of holding, delivering or transferring Bonds shall be deemed modified to require the appropriate person to meet the requirements of DTC as to registering or transferring the book entry to produce the same effect.

(c) Form of Bonds

The Bonds and the form of assignment thereon shall be substantially in the form thereof set forth in Exhibit A hereto with any omissions, insertions and variations which may be authorized or permitted by or consistent with this Ordinance.

The Bonds shall be negotiable instruments and shall express the purpose for which they are authorized, executed and delivered and any other statements or legends which may be required by law. Each Bond shall be of a single maturity.

Section 3.05 Agreement to Maintain Registrar and Paying Agent

As long as any of the Bonds remain Outstanding there shall be a Registrar and a Paying Agent each of which shall be a financial institution maintaining Corporate Trust Offices where (i) the Bonds may be presented for registration of transfers and exchanges, (ii) notices and demands to or upon the City in respect of the Bonds may be served, and (iii) the Bonds may be presented for payment, exchange and transfer.

Section 3.06 Execution and Authentication

(a) The Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signature of an Authorized Officer or Officers, with its corporate seal (or a facsimile thereof) impressed, imprinted or otherwise reproduced thereon, and attested by the manual or facsimile signature of its City Clerk or other Authorized Officer (other than the officer or officers executing such Bonds). Bonds bearing the manual or facsimile signature of any Person authorized to sign the Bonds at the time such Bonds were so executed shall bind the City notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of such Bonds.

(b) No Bond shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless there shall be endorsed on such Bond a certificate of authentication in the form set forth in the Ordinance, duly executed by the manual signature of the Registrar and such certificate of authentication upon any Bond executed on behalf of the City shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of the Ordinance.

Section 3.07 Exchange of Bonds

Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for an equal aggregate principal amount of Bonds in authorized denominations of the same interest rate, maturity and redemption provisions. So long as any of the Bonds remain Outstanding, the City shall make all necessary provisions to permit the exchange of Bonds at the Corporate Trust Office of the Registrar.

Section 3.08 Transferability and Registry

All Bonds shall be transferable, only in accordance with the provisions for registration and transfer contained in the Ordinance and in the Bonds. So long as any of the Bonds remain Outstanding, the City shall maintain and keep, at the office of the Registrar, books for the registration and transfer of Bonds, and, upon presentation thereof for such purpose at the Corporate Trust Office of the Registrar, the City shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it or the Registrar may prescribe, any Bond, except that under no circumstances shall any Bond be registered or transferred to bearer. So long as any of the Bonds remain Outstanding, the City shall make all necessary provisions to permit the transfer of Bonds at the Corporate Trust Office of the Registrar.

Section 3.09 Transfer of Bonds

Each Bond shall be transferable only upon the books of the City, which shall be kept for such purpose at the Corporate Trust Office of the Registrar which shall be maintained for such purpose by the Registrar, upon presentation and surrender thereof by the Holder of such Bond in person or by his attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his duly authorized attorney. Upon surrender for transfer of any such Bond, the City shall execute and the Registrar shall authenticate and deliver, in the name of the Person who is the transferee, one or more new Bonds of the same aggregate principal amount and maturity and rate of interest as the surrendered Bond. All action taken by the Registrar pursuant to this Section shall be deemed to be the action of the City.

Section 3.10 Regulations with Respect to Exchanges and Transfers

All Bonds surrendered in any exchanges or transfers shall forthwith be cancelled by the Registrar. For each such exchange or transfer of Bonds, the City or the Registrar may make a charge sufficient to reimburse it or them for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The City shall not be obligated to issue, exchange or transfer any Bond during the 15 days next preceding any Bond Payment Date of the Bonds.

Section 3.11 Mutilated, Destroyed, Lost and Stolen Bonds

(a) If any mutilated Bond is surrendered to the Registrar and the Registrar or the City receive evidence to their satisfaction of the destruction, loss or theft of any Bond, and there is delivered to the Registrar, or the City such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice that such Bond has been acquired by a bona fide purchaser, the City shall execute, and upon City Request, the Registrar shall authenticate and deliver, in exchange for any such mutilated Bond or in lieu of any such destroyed, lost or stolen Bond, a new Bond of like tenor and principal amount, bearing a number unlike that of a Bond contemporaneously Outstanding. The Registrar shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost or stolen Bond has become or is to become due and payable within one year, the City in its discretion may, instead of issuing a new Bond, pay such Bond.

(b) Upon the issuance of any new Bond under this Section 3.11, the City may require the payment of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the City or the Registrar connected therewith.

(c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost or stolen Bond, shall constitute an additional contractual obligation of the City, whether or not the destroyed, lost or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with any and all other Bonds duly issued pursuant to the Ordinance. All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds or securities.

Section 3.12 Holder As Owner of Bond

The City, the Registrar and any Paying Agent may treat the Holder of any Bond as the absolute owner thereof, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Principal Installment and interest on such Bond and for all other purposes, and payment of the Principal Installment shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor any Paying Agent shall be affected by any notice to the contrary.

Section 3.13 Cancellation of Bonds

The Registrar shall destroy all Bonds surrendered to it for cancellation and shall deliver a certificate to that effect to the City. No such Bonds shall be deemed Outstanding under the Ordinance and no Bonds shall be issued in lieu thereof.

Section 3.14 Payments Due on Saturdays, Sundays and Holidays

In any case where the Bond Payment Date shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of interest on or Principal Installment of the Bonds need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date, and no interest shall accrue for the period after such date.

Section 3.15 Conditions Relating to Naming of Interest Rates

The Bonds shall bear such rate or rates of interest as shall at the sale of such Bonds reflect the lowest net interest cost to the City calculated in the manner hereinafter prescribed in this Section 3.15 at a price of not less than par, but:

- (a) all Bonds of the same maturity shall bear the same rate of interest;
- (b) no rate of interest named shall be more than 2% higher than the lowest rate of interest named;
- (c) each interest rate named shall be a multiple of 1/8 or 1/20th of 1%, and
- (d) any premium offered must be paid in cash as a part of the purchase price.

For the purpose of determining lowest net interest cost, the aggregate of interest on all Bonds from November 1, 2003, until their respective maturities, less any sum named by way of premium, shall be determined on each bid and the smallest amount to be paid by the City shall reflect lowest net interest cost.

Section 3.16 Tax Exemption in South Carolina

Both the Principal Installment and interest on the Bonds shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

Section 3.17 Order of Tax Levy to Pay Principal and Interest of Bonds

For the payment of the Principal Installment and interest on the Bonds as the same respectively mature, the full faith, credit and taxing power of the City are hereby irrevocably pledged, and there shall be levied and collected annually a tax on all taxable property in the City, sufficient to pay the Principal Installment and interest on such Bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

Section 3.18 Notice to Finance Director to Levy Tax

The Finance Director of the City shall be notified of this issue of Bonds and directed to levy and collect, respectively, upon all taxable property in the City an annual tax sufficient to meet the payment of the Principal Installment and interest on the Bonds, as the same respectively mature.

Section 3.19 Form of Bonds

The form of the Bonds, and registration provisions to be endorsed thereon shall be substantially as set forth in Exhibit "A" attached here to and made a part of this Ordinance.

ARTICLE IV

SALE OF BONDS

Section 4.01 - Determination of time to Receive Bids - Form of Notice of Sale

The Bonds shall be sold at public sale, at not less than par and accrued interest to the date of delivery. Bids shall be received until 12:00 Noon (local time) on a date to be selected by the City Administrator. The Bonds shall be advertised for sale as required by the Enabling Act, which notice shall appear at least once, not less than seven days before the date set for sale. The form of the Notice, and the conditions of sale, shall be substantially those set forth in Exhibit "B" attached hereto and made a part and parcel hereof.

Section 4.02 - Award of Bonds

Upon the receipt of bids for the Bonds, the Mayor of the City shall award the Bonds to the bidder offering the lowest true interest rate. The Mayor is further authorized to name the Registrar and Paying Agent for the Bonds. If more than one bidder shall name the lowest rate of interest, then the Bonds shall be awarded to that one of such bidders as shall offer the greatest premium; PROVIDED, that if it shall happen that tie bids are received, the Bonds shall be awarded jointly or in such other fashion as those submitting such tie bids shall determine. The right is reserved to reject all proposals.

ARTICLE V

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 5.01 Disposition of Bond Proceeds including Temporary Investments

The proceeds derived from the sale of the Bonds issued pursuant to this Ordinance shall be deposited in a Bond Account Fund for the City, and shall be expended and made use of as follows:

(a) any accrued interest shall be applied to the payment of the first installment of interest to become due on such Bonds.

(b) any premium shall be applied to the payment of the first installment of principal of such Bonds.

(c) the remaining proceeds shall be expended and made use of by Council to defray the cost of issuing the Bonds and to pay the cost of the Project. Pending the use of Bond proceeds for the purposes authorized hereby, it shall be lawful for the Board to cause such proceeds to be invested and reinvested Authorized Investments. In order to effect such investments the Board shall be empowered to deposit the proceeds therefrom with any bank or financial institution approved by the laws of the State of South Carolina for the deposit of public funds. Income earned from investments shall, in the discretion of the Council, (1) be used to meet the debt service of any bonds issued under the Enabling Act, or (2) be retained by the City and used for the purposes for which the Bonds are issued under this Ordinance or for other capital improvements in the City, provided, however, that the City shall first comply with the rebate requirements of the Internal Revenue Code of 1986.

(d) If any balance remains, it shall be held by the Finance Director the City in a special fund and used to effect the retirement of the Bonds authorized by this Ordinance

Provided, that neither the purchaser nor any Holder of the Bonds shall be liable for the proper application of the proceeds thereof.

ARTICLE VI

DEFEASANCE OF BONDS

Section 6.01 Discharge of Ordinance - Where and How Bonds are Deemed to have been Paid and Defeased

If all of the Bonds issued pursuant to this Ordinance, and all interest thereon shall have been paid and discharged, then the obligations of the City under this Ordinance and all other rights granted hereby shall cease and determine. The Bonds shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz:

(1) The Paying Agent shall hold, at the stated maturities of the Bonds, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Principal Installment and interest thereof, or

(2) If default in the payment of the principal of the Bonds or the interest thereon shall have occurred on any Bond Payment Date, and thereafter tender of such payment shall have been made, and at such time as the Paying Agent shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment, or

(3) If the City shall elect to provide for the payment of the Bonds prior to their stated maturities and shall have deposited with the Paying Agent, in an irrevocable trust moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay when due the Principal Installment and interest, due and to become due on the Bonds on and prior to their maturity dates.

Neither the Government Obligations nor moneys deposited with the Paying Agent pursuant to this Section nor the principal or interest payments thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Principal Installment of and interest on the Bonds, provided that any cash received from such principal or interest payments on Government Obligations deposited with the Paying Agent, if not then needed for such purpose, shall to the extent practicable, be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Principal Installment and interest to become due on the Bonds on and prior to the maturity date thereof, and interest earned from such reinvestments not required for the payment of the Principal Installment and interest may be paid over to the City, as received by the Paying Agent, free and clear of any trust, lien or pledge.

ARTICLE VII
CONCERNING THE FIDUCIARIES

Section 7.01. Fiduciary, Appointment and Acceptance of Duties

The financial institution chosen to act initially as Paying Agent and Registrar hereunder, shall accept the duties and trusts imposed upon it by the Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VII. Similarly, each financial institution appointed as a successor Registrar or as a successor Paying Agent shall signify its acceptance of the duties and trusts imposed by the Ordinance by a written acceptance.

Section 7.02. Responsibilities of Fiduciaries

The recitals of fact herein and in the Bonds contained shall be taken as the statements of the City and no Fiduciary assumes any responsibility for the correctness of the same except in respect of the authentication certificate of the Registrar endorsed on the Bonds. No Fiduciary makes any representations as to the validity or sufficiency of the Ordinance or of any Bonds or as to the security afforded by the Ordinance, and no Fiduciary shall incur any liability in respect thereof. No Fiduciary shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiduciary. No Fiduciary shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiduciary shall be liable in connection with the performance of its duties hereunder except for its own negligence or willful misconduct.

Section 7.03. Evidence on Which Fiduciaries May Act

(a) Each Fiduciary, upon receipt of any notice, ordinance, request, consent order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of the Ordinance, shall examine such instrument to determine whether it conforms to the requirements of the Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiduciary may consult with counsel, who may or may not be of counsel to the City, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under the Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiduciary shall deem it necessary or desirable that a matter to be proved or established prior to taking or suffering any action under the Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively approved and established by a certificate of an Authorized Officer, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of the Ordinance upon the faith thereof, but in its discretion the Fiduciary may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may deem reasonable.

(c) Except as otherwise expressly provided in the Ordinance any request, order, notice or other direction required or permitted to be furnished pursuant to any provision thereof by the City to any Fiduciary shall be sufficiently executed if executed in the name of the City by an Authorized Officer.

Section 7.04. Compensation

The City shall pay to each Fiduciary from time to time reasonable compensation based on the then standard fee schedule of the Fiduciary for all services rendered under the Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under the Ordinance. Subject to the provisions of Section 7.02 hereof, the City further agrees to indemnify and save each Fiduciary harmless against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder and which are not due to its negligence or willful misconduct, provided, however, that any specific agreement

between the City and a Fiduciary with respect to the compensation of such Fiduciary shall control the compensation to be paid to such Fiduciary.

Section 7.05. Certain Permitted Acts

Any Fiduciary may become the owner or underwriter of any Bonds, notes or other obligations of the City or conduct any banking activities with respect to the City, with the same rights it would have if it were not a Fiduciary. To the extent permitted by law, any Fiduciary may act as depository for, and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or the Ordinance.

Section 7.06. Resignation of Any Fiduciary

Any Fiduciary may at any time resign and be discharged of the duties and obligations created by the Ordinance by giving not less than 60 days' written notice to the City and not less than 30 days' written notice to the Holders of the Bonds as established by the books of registration prior to the next succeeding Bond Payment Date and such resignation shall take effect upon the date specified in such notice unless previously a successor shall have been appointed by the City pursuant to Section 7.08 hereof in which event such resignation shall take effect immediately on the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 7.07. Removal of Fiduciary

Any Fiduciary may be removed at any time by an instrument or concurrent instruments in writing, filed with the City and such Fiduciary, and signed by the Bondholders representing a majority in principal amount of the Bonds then Outstanding or their attorneys in fact duly authorized, excluding any Bonds held by or for the account of the City.

Section 7.08. Appointment of Successor Fiduciaries

In case any Fiduciary hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the City. Every such Fiduciary appointed pursuant to the provisions of this Section shall be a trust company or bank organized under the laws of the United States of America or any state thereof and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$25,000,000 if there be such an institution willing, qualified and able to accept the trust upon reasonable and customary terms.

If in a proper case no appointment of a successor Fiduciary shall be made by the City pursuant to the foregoing provisions of this Section within 45 days after any Fiduciary shall have given to the City written notice as provided in Section 7.06 hereof or after a vacancy in the office of such Fiduciary shall have occurred by reason of its removal or inability to act, the former Fiduciary or any Bondholder may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after such notice, if any, as such court may deem proper, appoint a successor.

Section 7.09 Transfer of Rights and Property to Successor

Any successor Fiduciary appointed under the Ordinance shall execute, acknowledge and deliver to its predecessor, and also to the City, an instrument accepting such appointment, and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of such predecessor Fiduciary, with like effect as if originally named in such capacity, but the Fiduciary ceasing to act shall nevertheless, on the written request of the City, or of the successor, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor all the right, title and interest of the predecessor Fiduciary in and to any property held by it under the Ordinance, and shall pay over, assign and deliver to the successor Fiduciary any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the City be required by such successor Fiduciary for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by the City. Any such successor Fiduciary shall promptly notify the Paying Agent and Depositories, if any, of its appointment as Fiduciary.

Section 7.10 Merger or Consolidation

Any company into which any Fiduciary may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it may be party or any company to which any Fiduciary may sell or transfer all or substantially all of its corporate trust business, provided such company shall be a bank or trust company organized under the laws of any state of the United States or a national banking association, and shall be authorized by law to perform all the duties imposed upon it by the Ordinance, shall be the successor to such Fiduciary without the execution or filing of any paper or the performance of any further act.

Section 7.11 Adoption of Authentication

In case any of the Bonds contemplated to be issued under the Ordinance shall have been authenticated but not delivered, any successor Registrar may adopt the certificate of authentication of any predecessor Registrar so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Registrar may authenticate such Bonds in the name of the predecessor Registrar or in the name of the successor Registrar, and in all such cases such certificate shall be of full force and effect.

ARTICLE VIII

FEDERAL TAX CONSIDERATIONS

Section 8.01 Qualified Tax-Exempt Obligations

The Bonds are "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B) of the Code

Section 8.02 Compliance with the Internal Revenue Code of 1986

An Authorized Officer is hereby authorized to execute and cause to be forwarded to the Internal Revenue Service an information reporting form as may be required by the provisions of Section 149(e) of the Code

Council acknowledges that certain requirements of the Code and applicable Treasury requirements must be met upon and subsequent to the issuance of the Bonds in order that the Bonds maintain their tax-exempt status, and towards such end Council hereby covenants that the City has general taxing power and that at least 95% of the proceeds of the Bonds will be used for local government purposes of the City.

ARTICLE IX

MISCELLANEOUS

Section 9.01 Failure to Present Bonds

Anything in this Ordinance to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds, or the interest thereon, which remains unclaimed for such period of time, after the date when such Bonds have become due and payable, the Holder thereof shall no longer be able to enforce the payment thereof, the Paying Agent shall at the written request of the City pay such money to the City as its absolute property and free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Bondholders shall look only to the City for the payment of such Bonds; provided, however, the Paying Agent shall forward to the City all moneys which remain unclaimed during a period five years from a Bond Payment Date, provided, however, that before being required to make any such payment to the City, the Paying Agent, at the expense of the City, may conduct such investigations as may in the opinion of the Paying Agent be necessary to locate the Holders of those who would take if the Holder shall have died.

Section 9.02 Severability of Invalid Provisions

If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 9.03 Successors

Whenever in this Ordinance the City is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the City, and all the covenants and agreements contained in this Ordinance or by or on behalf of the City shall bind and inure to the benefit of said successor whether so expressed or not.

Section 9.04 Ordinance to Constitute Contract

In consideration of the purchase and acceptance of the Bonds by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the City and the Holder from time to time of the Bonds, and such provisions are covenants and agreements with such Holders which the City hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection, and security of the Holders of any and all of the Bonds, all of which shall be of equal rank without preference, priority or distinction of any Bonds over any other Bonds.

Section 9.05 Effective Date

This Ordinance shall take effect immediately upon **third** reading of City Council and shall supersede any prior inconsistent ordinances or resolutions.

Notice of adoption of this Ordinance shall be published at the appropriate time to comply with the provisions of Paragraph 8 of Section 11-27-40, Code of Laws of South Carolina, 1976, as amended.

Section 9.06 Filing of Copies of Ordinance

Copies of this Ordinance shall be filed in the office of Council, the office of the Clerk of Court for Orangeburg County (as a part of the Transcript of Proceedings) and at the offices of the Paying Agent and Registrar.

DONE IN MEETING DULY ASSEMBLED, this 16th day of September, 2003.

CITY OF ORANGEBURG, SOUTH CAROLINA

Paul G. Miller

MAYOR



Ben J. Hane

Sandra P. Pruitt

Charles B. Bowdler

Frederick A. Miller

Chad Ferguson

James W. Sheneff

COUNCILMEMBERS

ATTEST:

Carrie H. 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 SYFRETT 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
Joyce R. ...
...
...
...
 Members of Council

ATTEST: *Carroll Johnson*
City Clerk

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. Hain

Dandon P. Krotts

Charles B. Bance

Trelmus A. Miller

Chad D. Jones

Joseph W. Cheney

Members of Council

ATTEST: *Carrie 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. Brumwell

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