

ORDINANCE NO. 2018-   1  

**WHEREAS**, the City of Orangeburg (hereinafter referred to as "City") and Green Mountain Boys, LLC (hereinafter referred to as "Company") have agreed to enter into a lease agreement whereby the City will lease to the Company the below described premises and the Company has agreed to construct thereon a hangar to be used for the storage and support of the Company's aircraft fleet, and

**WHEREAS**, the lease of said premises to the Company at the City's Municipal Airport will further enhance the use and occupation of the airport facilities of the City.

**NOW THEREFORE BE IT ORDAINED** by City Council duly assembled that the City shall lease the below described properties to Green Mountain Boys, LLC for a term of thirty years at an initial annual lease payment of \$0.18 per square foot during years one through ten (1-10), \$0.24 per square foot per lease year for years eleven through twenty (11-20) and \$0.30 per square foot per lease year for years sixteen through thirty (16-30).

**BE IT FURTHER ORDAINED** that John H. Yow, City Administrator is hereby authorized to execute said lease agreement on behalf of the City and to take any and all other further actions necessary to consummate the agreement between the City and the Company.

Description of Premises:

A parcel of land containing 10,000 square feet (100x100) located on the Municipal Airport properties of the City of Orangeburg and set forth and shown on the attached Exhibit A as "Proposed Hangar".

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA**  
THIS 20<sup>th</sup> DAY OF February, 2018.



Michael C. Butler  
Mayor

Bernard Hare

Danica P. Ricketts

L. Zimmerman Keitt

Paul D. Dyer

Richard F. Thomas

[Signature]

Members of Council

ATTEST:

[Signature]  
City Clerk

## ORDINANCE NO. 2018-02

AN ORDINANCE AMENDING CHAPTER FIVE OF THE CODE OF ORDINANCES OF THE CITY OF ORANGEBURG, TITLED "POLICE REGULATIONS", BY ADDING A NEW SECTION 5-28, TITLED "SMOKING IN PUBLIC PLACES", PROHIBITING THE SMOKING IN PUBLIC PLACES

### 5-28 SMOKING IN PUBLIC PLACES

Sec. 5-28.1 The city council (the "council") of the City of Orangeburg, South Carolina, hereby finds and determines:

- (a) The City of Orangeburg, South Carolina (the "City"), is an incorporated municipality located in Orangeburg County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code § 5-7-30 (2005 Supp) relating to regulating streets, markets, and public health.
- (b) Numerous studies have found that tobacco smoke is a major contributor to indoor and outdoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI)).
  - (1) Secondhand smoke causes disease and premature death in nonsmokers exposed to smoke;
  - (2) Children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma;
  - (3) Adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer;
  - (4) There is no safe level of exposure to secondhand smoke; and
- (c) Certain outdoor events, such as parades, festivals, and other public gatherings, result in nonsmokers finding themselves in close proximity to persons who are smoking which can be reasonably seen to have the same effects of exposure as when nonsmokers are exposed to smoke in an enclosed space. Lighted cigarettes, cigars, and pipes of people standing or sitting in close proximity have the potential of burning those with whom they inadvertently come into direct contact and making the air quality and peaceful enjoyment of outdoor events unreasonably restricted for nonsmokers.
- (d) When there is a presence of secondhand smoke in enclosed spaces or in outside areas where there is a public gathering resulting in people being in close proximity in places that are otherwise open to the public at large inevitably results in persons who do not smoke being forced to bear unwarranted health risks and inappropriate deprivation of peaceful enjoyment of the premises to which they have been invited or permitted to enter, even when steps have been taken to separate "smoking" and "nonsmoking" areas within the confined space.
- (e) The city recognizes that smoke creates a danger to the health and safety of the public at large and that, in order to protect the health and welfare of the public, it is necessary to restrict smoking in the manner provided for in this section (the "section").

#### Sec. 5-28.2. Definitions.

Unless the context shall clearly indicate some other meaning, the terms defined in this section shall, for all purposes of this section and other documents herein referenced, have the meanings

herein specified. Definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined.

"Public place" means an area to which the public is invited or to which the public is permitted to have access which is owned by the City or which the City has the right of possession and control.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

#### Sec. 5-28.3. Prohibition of smoking in certain outdoor areas.

Smoking shall also be prohibited in certain outdoor areas when the use involves a gathering of the public, regardless of the number actually assembled for the event, performance, or competition. This prohibition shall apply to:

- (1) Centennial Park
- (2) Chapel of Hope
- (3) Duncan St. Park
- (4) Rosa Parks Playground

#### Sec. 5-28.4. Reasonable distance of entry and outdoor area.

Smoking is prohibited within ten feet of the boundary of the indoor and outdoor areas where smoking is prohibited. Persons who have begun smoking prior to approaching the ten-foot distance may continue doing so, provided they do not stop, stand, sit, or linger within the ten-foot distance.

#### Sec. 5-28.5. Posting of signs.

"No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place where smoking is prohibited by this article.

#### Sec. 5-28.6. Enforcement.

(a) This article shall be enforced by the City's Department of Public Safety by the issuance of a Uniform Ordinance Summons as authorized by Section 1-12 of City of Orangeburg Municipal Code.

#### Sec. 5-28.7. Violations and penalties.

A person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than \$25.00 nor more than \$50.00.

#### Sec. 5-28.8. Other applicable laws.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

#### Sec. 5-28.9. Interpretation for intent.

It is the intent of council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights

to be free from the hazards and inconvenience of secondhand smoke in public places where they stand, sit, walk, dine, drink, read, study, or engage in entertainment and recreation. All provisions shall be construed to achieve these purposes.

Sec. 5-28.10. Severability.

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Should all or most provisions of this article applicable to locations not covered by city ordinance provisions in effect on May 1, 2018, be held invalid by a court of competent jurisdiction, then the smoking in public places ordinance provisions in effect prior to the adoption of this Ordinance shall be reenacted automatically without further action by council, and they shall remain in effect until new ordinance provisions are upheld by a court of final jurisdiction or until amended by council.

Sec. 5-28.11. Effect of section headings.

The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this article.

Done and ratified in Council assembled this 5<sup>th</sup> day of June, 2018.

Michael Butler  
Mayor

David Haire

Donna P. Kates

Elizabeth Feitt



\_\_\_\_\_  
Council members

ATTEST:

Carrie [Signature]  
City Clerk

AN ORDINANCE

PROVIDING FOR THE ISSUANCE OF A NOT EXCEEDING \$5,000,000 ACCOMMODATIONS AND HOSPITALITY TAX REVENUE BOND OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO.

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

ARTICLE I

FINDINGS OF FACT

Section 1.01. Recitals and Statement of Purpose.

Incident to the adoption of this ordinance, and the issuance of the bond provided for herein, the City Council of the City of Orangeburg, South Carolina ("**City Council**"), the governing body of the City of Orangeburg, South Carolina (the "**City**") makes the following findings of fact:

1. Sections 6-1-500 to 6-1-570 of the South Carolina Code of Laws, titled "Local Accommodations Tax" (the "**Local Accommodations Tax Act**"), permits, at Section 6-1-520, a municipality to impose a local accommodations tax, not to exceed 3%. Section 6-1-530, titled "Use of revenue from local accommodations tax," permits revenue generated by the local accommodations tax to be used for, among other things, tourism-related recreational facilities and tourism-related buildings.

2. Sections 6-1-700 to 6-1-770 of the South Carolina Code of Laws, titled "Local Hospitality Tax" (the "**Local Hospitality Tax Act**" and together with the Local Accommodations Tax Act, the "**Enabling Act**"), permits, at Section 6-1-720, a municipality to impose a local hospitality tax, not to exceed 2% of the charges for food and beverages. Section 6-1-730, titled "Use of revenue from local accommodations tax," permits revenue generated by the local hospitality tax to be used for, among other things, tourism-related recreational facilities and tourism-related buildings.

3. The City has imposed a Local Accommodations Tax by Ordinance No. 1997-16 and a Local Hospitality Tax Ordinance No. 1997-17 adopted December 2, 1997, each in the amount of 2%, and each effective February 16, 1998 (the "**Local Accommodations Tax Ordinance**" and the "**Local Hospitality Tax Ordinance**", respectively).

4. The City is constructing a 90-acre regional recreation complex to consist of multiple baseball and softball fields, walking trails, greenspace and picnic areas and facilities (the "**Project**"). Therefore, the Project is one for which the proceeds of the Local Hospitality Tax and the Local Accommodations Tax may be expended as such constitute tourism-related recreational facilities and tourism-related buildings. In addition, the Project is one for which bonds secured by such sources of payment may be issued under Section 6-1-760 of the Local Hospitality Tax Act.

5. The City issued a \$4,500,000 Lease Financing dated September 7, 1999 (the "**Lease**") which, the proceedings recite, the City anticipated would be paid from the Local Hospitality Tax and the Local Accommodations Tax revenues, which borrowing was refinanced in October 2004.

6. City Council is now minded to issue a not exceeding \$5,000,000 Accommodations and Hospitality Tax Revenue Bond to (i) defray the cost of the Project, (ii) refinance the Lease and (iii) pay costs of issuance of the Bond.

ARTICLE II

ISSUANCE OF THE BOND

Section 2.01. Issuance of the Bond.

Pursuant to the Enabling Act and in order to provide the funds necessary to refinance the Lease and to defray the cost of the Project, there shall be issued, in one or more series, a not exceeding \$5,000,000 Accommodations and Hospitality Tax Revenue Bond of the City of Orangeburg, South Carolina (the "**Bond**"). The City Administrator is hereby authorized and empowered to determine the dated date of the Bond, which date shall not be later than December 31, 2018, the aggregate principal amount of the Bond, the interest payment dates of the Bond provided that such rate of interest shall not exceed 5%, the final maturity date of the Bond, the principal amount of each maturity of the Bond, the interest rates for the Bond, the redemption provisions and the redemption prices for the Bond and the

terms thereof and all other terms and conditions of the Bond. The foregoing terms and conditions shall be set forth in a certificate of the City Administrator.

Section 2.02. Form of Bond.

The Bond will be issued in the denomination to be determined by the Mayor with such necessary or appropriate variations, omissions and insertions as are otherwise permitted by law or by this Ordinance.

Section 2.03. Medium of Payment of the Bond.

The principal of and interest on the Bond shall be payable 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. Payments of principal and interest of the Bond shall be payable by check or draft mailed to the Purchaser of the Bond, return receipt requested, thereof by the City, provided, however, that the final installment of principal and interest on the Bond shall be payable upon presentation and surrender of such Bond to the City.

Section 2.04. Registration, Transfer & Exchange of the Bond.

The Bond shall at all times be registered as to principal and interest in the name of the Purchaser of the Bond on the Books of Registry to be maintained in the office of the City and each transfer to be valid shall be made on the Books of Registry and similarly noted on the Bond.

Section 2.05. Execution of the Bond.

The Bond shall be executed in the name of the City with the manual signature of the Mayor and attested by the manual signature of the City Clerk and the official seal of the City shall be impressed or printed thereon.

Section 2.06. Registrar & Transfer Agent of the Bond; Book of Registrar.

(a) The City Clerk will be the registrar for the Bond and transfer agent for the Bond and will keep proper registry and transfer records, including a Book of Registry in which she shall register the name and address of the Purchaser of the Bond as the same is presented for registration. Upon presentation of the Bond for registration or transfer, the fact of such registration or transfer shall be noted on the Bond. No transfer of the Bond shall be valid unless made at such office of the registrar and noted on such Bond.

(b) No person shall be entitled to any right or benefit provided in the Bond unless the name and address of such person is registered with the City Clerk and the fact thereof is endorsed by such City Clerk upon the Bond and upon the Book of Registry. The City may deem and treat such Registered Owner of the Bond as the absolute owner of such Bond for the purpose of receiving payment of the principal and interest thereof and for all other purposes whatever. No charge shall be made for registration.

(c) The Books of Registry shall show (i) the date of registration, (ii) the name and address of the person in whose name the Bond is registered, and (iii) the signature of the City Clerk. The latest chronological date of registration of such Bond, as the same shall appear in the Books of Registry, shall be exclusive as to the name and address of the Purchaser of the Bond for all purposes.

Section 2.07. Tax-Exempt Status of Bond in South Carolina.

The Bond and the interest thereon shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

Section 2.08. Replacement of Missing or Damaged Bond.

In case the Bond shall become mutilated in respect of the body of such Bond or shall be believed by the City to have been destroyed, stolen or lost, upon proof of ownership, satisfactory to the City, and upon surrender of such mutilated Bond or upon receipt of evidence satisfactory to the City of such destruction, theft or loss, and upon receipt also of indemnity satisfactory to the City, and upon payment of all expenses incurred by the City for any investigation relating thereto, and all expenses incurred in connection with the issuance of any new Bond under this Section, the then Mayor and the then City Clerk shall execute and deliver a new Bond of the same maturity, and for the same aggregate principal amount, of like tenor and date, bearing the same number, with such notations as shall be deemed appropriate, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution of the Bond so lost, stolen or destroyed.

Section 2.09. Security for Payment of Bond; Priority of Lien.

The Bond shall be secured by a pledge of and a lien upon, revenues received by the City from the Local Hospitality Tax and the Local Accommodations Tax (the "**Revenues**"). Such pledge and lien with respect to the Revenues shall be on a parity with any future obligations issued on a parity pursuant to Article III herein.

To secure payment of the Bond, the City shall annually make provisions for deduction of the Local Hospitality Tax and the Local Accommodations Tax funds and thereafter appropriate from the Revenues the sums representing yearly payment of the Bond.

The Bond shall be a special obligations of the City and shall be payable solely from the Revenues to the extent herein provided. If Additional Parity Bonds shall at any time hereafter be issued as provided for at Article III herein, they shall be equally and ratably secured with that portion of security for the Bond comprised of the Revenues.

Until expended, monies on account in the Project Fund (as defined at Section 2.12 herein) shall further secure payment of the Bond.

Section 2.10. Discharge of Obligation.

Payments of principal and interest, whether by prepayment or otherwise, made in respect to the Bond may be made to the Purchaser of the Bond, without presentation or surrender of the Bond (provided, however, that the final payment of principal and interest shall be made only upon presentation and surrender for the Bond as provided at Section 2.03 herein) and all such payments shall fully discharge the obligation of the City in respect to the Bond to the extent of the payments so made.

Section 2.11. Bond Constitutes Limited Obligation of the City.

The full faith, credit and taxing power of the City are not pledged for the payment of the principal of and interest on the Bond and there shall be on the face of the Bonds a statement plainly worded to that effect and stating that the Bond do not constitute an indebtedness of the City within any State constitutional provisions or statutory limitation. No recourse shall be had for the payment of the Bond or interest thereon, or any part thereof, against the several funds of the City, except in the manner and to the extent provided in this Ordinance nor shall the credit or taxing power of the City be deemed to be pledged thereto.

Section 2.12. Custody and Application of Proceeds of the Bond.

After payment of the Lease, the remaining proceeds derived from the sale of the Bond shall be deposited to an account maintained on the records of the City (the "**Project Fund**") and will be allocated to the payment of costs in connection with the Project and costs of issuance as described at Section 2.01 herein.

Section 2.13. Authorization for Preparing and Selling the Bond.

The Mayor and the City Clerk are severally authorized and directed to execute and deliver the Bond. The Mayor, the City Administrator and the City Clerk are severally authorized and directed to execute and deliver any and all other documents and closing certificates and to do and to cause to be done any and all acts necessary and proper for carrying out the transactions contemplated by this Ordinance. Such officers are authorized to execute such documents, their execution thereof to be conclusive evidence of approval.

Section 2.14. Representations.

The City hereby represents and warrants to the Purchaser of the Bond that:

1. The City is a municipal corporation organized and existing under the laws of the State of South Carolina;
2. The City is authorized by the laws of the State of South Carolina, including the Enabling Act, to enact the Local Accommodations Tax Ordinance, the Local Hospitality Tax Ordinance and this Ordinance, to issue the Bond, and to secure the Bond in the manner contemplated by this Ordinance;
3. The City has full power and authority to consummate the transactions contemplated by this Ordinance;

4. The City has duly authorized all necessary action to be taken by it for: (i) the issuance and sale of the Bond upon the terms set forth herein, (ii) the application of the proceeds of the Bond for the purposes described herein; and (iii) the execution, delivery and receipt of the Bond and any and all such other agreements and documents as may be required to be executed, delivered, and received by the City in order to carry out, give effect to, and consummate the transactions contemplated hereby;

5. The Bond, when issued, delivered and paid for as herein provided, will have been duly authorized, executed, issued and delivered and will constitute special obligations of the City entitled to the benefits and security of the Ordinance. The Bond is payable by the City from security described in Section 2.09;

6. There is no action, suit, hearing, proceeding, inquiry or investigation at law or in equity or before or by any court, public board, agency or body pending or, to the best of the City's knowledge, threatened against or directly affecting the City (nor, to the knowledge of the City, any meritorious basis therefor) contesting the due organization and valid existence of the City or wherein an unfavorable decision, ruling or finding would, in any way, adversely affect (i) the transactions contemplated hereby or the validity or due enactment of the Local Accommodations Tax Ordinance, the Local Hospitality Tax Ordinance or this Ordinance or the validity, due authorization and execution of the Bond or any agreement or instrument to which the City is a party and which is used or contemplated for use in the consummation of the transactions contemplated hereby; (ii) the exemption of interest on the Bond from taxation in South Carolina as described in Section 2.07 below, (iii) the organization, existence or powers of the City or the title of the Mayor or any of the members of the City Council or any officers of the City, or (iv) the business, properties or assets or the condition, financial or otherwise, of the City; and

7. The execution and delivery by the City of the Bond and the enactment of this Ordinance and compliance with the provisions thereof do not and will not conflict with or constitute on the part of the City a breach of or a default under any existing law, court or administrative regulation, decree, order or any agreement, indenture, mortgage or lease by which it is or, on the date of issuance of the Bond, will be bound, and this Ordinance constitutes a legally binding obligation of the City enforceable in accordance with its terms.

### ARTICLE III

#### ISSUANCE OF ADDITIONAL PARITY BONDS

##### Section 3.01. Right to Issue Additional Parity Bonds.

The City specifically reserves the right to issue additional parity bonds ("**Additional Parity Bonds**") in such amount as it from time to time shall deem necessary and which, if issued in accordance with the provisions hereof, shall be on a parity with the pledge of Revenues securing the Outstanding Bonds, the Bond and any other bonds issued on a parity therewith.

The right of the City to issue Additional Parity Bonds shall depend solely upon its compliance with the provisions set forth below.

(a) At any time and from time to time, one or more Series of Bonds may be issued for any purposes as may be permitted by the Enabling Act upon compliance with the provisions of this Section 3.01 (except where specifically provided otherwise in this Section) in any principal amounts as may be determined by City Council.

(i) There shall be filed a certificate of the City Administrator stating (A) either (1) that no Default exists in the payment of the principal of or interest on any Bonds or Junior Bonds, and all mandatory redemption requirements, if any, required to have been made or satisfied shall have been made or satisfied, or (2) that the application of the proceeds of the sale of the Series of Bonds to be issued as required by the Ordinance authorizing their issuance will cure the Default or permit the making or satisfaction of the redemption requirements; and (B) either (1) that to the knowledge of the City Administrator, the City is not in Default in the performance of any other of its covenants and agreements contained in the Ordinance, or (2) setting forth the circumstances of each Default known to him.

(b) If a certificate filed pursuant to Section 3.01(a)(i) should disclose a Default or Defaults hereunder, which have not been cured, there shall be filed an opinion of Bond Counsel that, in the case of any Default disclosed in a certificate filed pursuant to Section 3.01(a)(i), no Default deprives the Purchaser of the Bond of the security afforded by the Ordinance in any material respect.

(c) For the issuance of Bonds (other than the initial Series of Bonds and Junior Bonds) issued hereunder, there shall be delivered a certificate of the Authorized Representative, based upon the most recent audited financial statements of the City, to the effect that during any consecutive 12-month period out of the 24 months immediately preceding the issuance date of the proposed Bonds (the "**Test Period**")



are not less than 120% of the average annual Principal and Interest Requirements for all Series of Bonds then Outstanding and the additional Bonds then proposed to be issued (with adjustments, if any, for any Bonds that will be discharged upon the issuance of such Additional Bonds).

(d) The Bonds may be issued to secure funds to defray eligible costs under the Enabling Act, or to refund any Bonds, Junior Bonds, or any notes, bonds, or other obligations issued to finance or to aid in financing such eligible costs.

(e) There shall be on deposit in the Debt Service Reserve Fund, if such is required by any Ordinance, cash and securities (including any insurance policy, surety bond or letter of credit permitted by Ordinance) (inclusive of any proceeds of Bonds to be deposited in the Debt Service Reserve Fund), having an aggregate value not less than the Debt Service Reserve Fund Requirement, if any, with respect to each Series of Bonds to be then Outstanding and the Bonds then proposed to be issued.

Section 3.02 Issuance of Refunding Bonds. Except for the Series of Bonds to be issued hereunder for the refinancing of the Lease, upon compliance with the provisions of paragraphs (a), (b), (c) and (e) of Section 3.01 hereof, the City by means of an Ordinance enacted in compliance with the Enabling Act and any other statutory provisions authorizing the issuance of revenue refunding bonds, including advance refunding bonds, may issue hereunder refunding Bonds for the purpose of refunding (including by purchase) Bonds, Junior Lien Bonds, or any other notes, bonds or other obligations issued to finance or to aid in financing of projects, including amounts to pay principal, redemption premium, and interest to the date of the redemption (or purchase) of the refunded bonds or any other notes, bonds or other obligations issued to finance or to aid in financing of projects, and the costs of issuance of the refunding bonds and to fund any necessary reserves or other accounts. In addition, the City by means of an Ordinance may issue refunding bonds for the purpose of refunding bonds issued to finance or to aid in financing of projects, without satisfying the conditions for the issuance of bonds as contained in Section 3.01(c) hereof if the aggregate Principal and Interest Requirements with respect to the refunding bonds is less than the aggregate Principal and Interest Requirements with respect to the to be refunded.

Section 3.03 Issuance of Junior Bonds. The City may at any time upon the enactment of a Junior Bond Ordinance issue Junior Bonds, including obligations issued in the form of capital leases as it may from time to time determine, payable from the Revenues; provided that (a) the pledge of Revenues securing Junior Bonds shall at all times be subordinate and inferior to the pledge of Revenues securing the Bond such that Junior Bonds shall be payable from Revenues after provision has been made for all payments required to be made hereunder with respect to the Bond, and (b) there shall be delivered at closing a certificate of the City Manager to the effect that Revenues for the Test Period is not less than 100% of the greatest sum for any Fiscal Year obtained by adding the debt service requirements for each Fiscal Year for all Bonds Outstanding plus the debt service requirements for the Junior Bonds then issued and proposed to be issued.

## ARTICLE IV

### EVENTS OF DEFAULT

#### Section 4.01. Events of Default.

Each of the following events is hereby declared an "Event of Default," that is to say, if:

1. Payment of the principal of or interest on the Bond shall not be made when the same shall become due and payable; or
2. The City shall for any reason be rendered incapable of fulfilling its obligations hereunder not described in any other section of this Section 4.01 or shall fail to perform timely and properly, keep and preserve any term, provision, covenant, agreement or condition herein not described in any other section of this Section 4.01; or
3. An "event of default" occurs under this Ordinance or any other ordinance, document or agreement related to any Additional Parity Bonds; or
4. The City files a bankruptcy petition or makes a general assignment for the benefit of its creditors; or
5. The City denies or claims in writing that it has no further liability or obligation under this Ordinance or the Bond; or
6. The Local Accommodations Tax Ordinance, the Local Hospitality Tax Ordinance, the Ordinance or the Bond is not enforceable.

## ARTICLE V

### REMEDIES

#### Section 5.01. Remedies.

Upon the happening and continuance of any Event of Default, the Purchaser of the Bond may proceed, subject to the provisions of this Article, to protect and enforce its rights by a suit, action or special proceedings in equity, or at law, for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted, or for the enforcement of any proper legal or equitable remedy as may be deemed most effectual to protect and enforce the rights aforesaid, insofar as such may be authorized by law.

#### Section 5.02. Termination of Proceedings.

In case any proceeding shall have been discontinued or abandoned for any reason, or shall have been determined adversely to the Purchaser of the Bond, then, and in every such case, the City and the Purchaser of the Bond shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties shall continue as though no such proceedings had been taken.

#### Section 5.03. No Remedy Exclusive.

No remedy herein conferred is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, or by statute.

#### Section 5.04. Default Not Impaired by Delay.

No delay or omission to exercise any right or power accruing upon any default occurring and continuing as aforesaid, shall impair any such default or be construed as an acquiescence therein; and every power and remedy given by this Article may be exercised from time to time and as often as may be deemed expedient.

## ARTICLE VI

### DEFEASANCE

#### Section 6.01. Release of Ordinance.

If the Bond issued pursuant to this Bond Ordinance shall have been paid and discharged, then the obligations of the City under this Ordinance, the pledge of Revenues and revenues payable to the City shall cease and determine.

## ARTICLE VII

### SALE OF BOND

#### Section 7.01. Sale of Bond by the City.

The City Administrator is authorized to sell the Bond on the terms and under the conditions set forth herein. It is specifically provided that the Bond may be issued in one or more series. It is further specifically provided that a Bond may be sold in separate series including a refunding issue related to the Lease and an issue related to the Project.

## ARTICLE VIII

### MISCELLANEOUS

#### Section 8.01. Audit Required.

If requested, the City, not later than 270 days after the close of each Fiscal Year, shall furnish the Purchaser with a copy of its annual audit, conducted in accordance with generally accepted accounting and auditing practices.

Section 8.02. Filing with Central Depository.

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 and to file 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.

Section 8.03. Tenor of Obligation.

Every covenant, undertaking and agreement made on behalf of the City set forth in the Bond and in this Ordinance is made, undertaken and agreed to for the proper securing of the payment of the principal of and interest on the Bond. Each shall be deemed to partake of the obligation of the contract between the City and the Purchaser of the Bond, and shall be enforceable accordingly.

Section 8.04. Benefits of Ordinance Limited to the City and Purchaser of the Bond.

With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from the Ordinance or the Bond is intended or should be construed to confer upon or give to any person other than the City and the Purchaser of the Bond, any legal or equitable right, remedy or claim under or by reason of or in respect to the Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. The ordinance and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the City and the Purchaser of the Bond from time to time of the Bond as herein and therein provided.

Section 8.05. Ordinance Binding Upon Successors or Assigns of the City.

All the terms, provisions, conditions, covenants, warranties and agreements contained in the Ordinance shall be binding upon the successors and assigns of the City and shall inure to the benefit of the Purchaser of the Bond.

Section 8.06. Effect of Saturdays, Sundays and Legal Holidays.

Whenever the Ordinance requires any action to be taken on a Saturday, Sunday, legal holiday or bank holiday in the State of South Carolina, such action shall be taken on the first business day occurring thereafter. Whenever in the Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, legal holiday or bank holiday, in the State of South Carolina, such time shall continue to run until midnight on the next succeeding business day.

Section 8.07. Law and Place of Enforcement of the Ordinance.

The Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of the Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 8.08. Savings Provision.

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such action, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.

Section 8.09. Required Publications and Public Hearing.

As required at Section 4-29-68, Code of Laws of South Carolina, 1976, a public hearing shall be held prior to adoption of this Ordinance. Notice of such public hearing shall in the form set forth in Exhibit A.

Section 8.10. Effective Date.

This Ordinance shall be effective without the necessity of any publication upon the date on which it receives final reading.

DONE, RATIFIED AND ADOPTED THIS 17<sup>th</sup> day of April, 2018.

CITY OF ORANGEBURG, SOUTH CAROLINA

Michael C. Butler  
Mayor

Dandra R. Thomas

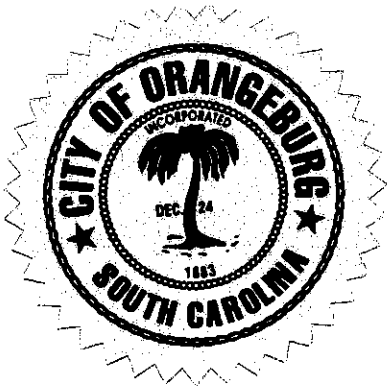
Chris J. [unclear]

Blaine Hair

R. J. Zimmerman

Richard A. Starnes

[unclear]



Attest: [Signature]  
City Clerk

**ORDINANCE NO. 2018-4**

**ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, CLASSIFYING PROPERTY BELONGING TO UNITY MORTGAGE OF SC, LLC LOCATED AT 1705 CAROLINA AVENUE AT TAX MAP# 0173-05-25-007.000 AS O-I OFFICE-INSTITUTIONAL-RESIDENTIAL**

**WHEREAS,** Unity Mortgage of SC, LLC as the owner of property located at 1705 Carolina Avenue, pursuant to Section 24-12.1 has applied for a zoning map change from A-1 Single-Unit Residential District to O-I Office-Institutional-Residential District for property located at 1705 Carolina Avenue, TMP #0173-05-25-007.000; and,

**WHEREAS,** proper notice of the Public Hearing for the proposed Zoning Map amendment for both City Council and the Planning Commission 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 after the Commission's Public Hearing of March 22, 2018.

**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 Single-Unit District to O-I Office-Institutional-Residential District.

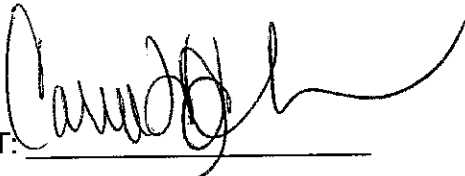
**BE IT FURTHER ORDAINED** that this amendment shall be effective as of the date of this Ordinance and the Zoning Administrator is hereby directed to amend the Zoning Map of the City of Orangeburg to reflect the above within seven (7) days of the adoption of this Ordinance.


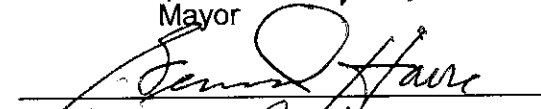
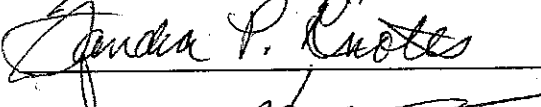
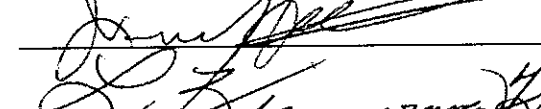
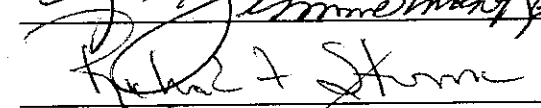
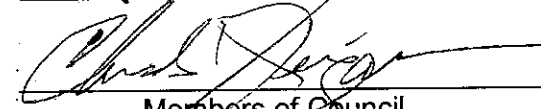
**Description of property:**

All that certain piece, parcel or lot of land with all improvements thereon, situate, lying and being in the City of Orangeburg, Orangeburg County, South Carolina, being shown on a plat of survey prepared for Timothy Johnson and Tammy Johnson by Collingwood Surveying, Inc., approved by Robert E. Collingwood, RLS, dated October 7, 2004 and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 79, Page 122, same being shown as Lot A, consisting of .24 acres and being described as follows; on the northwest by property now or formerly of Antley, 109.27 feet; on the east by lands now or formerly of Neal, 127.79 feet; on the south by Carolina Avenue, 75.17 feet; on the southwest by Wilson Street, 100.95 feet. **TMP# 0173-05-25-007.000**

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS**  
**19** DAY OF May 2018.



ATTEST:   
City Clerk

  
Mayor  
  
  
  
  
  
Members of Council

**ORDINANCE NO. 2018-5**

**AN ORDINANCE ADOPTING THE "BAILEY BILL" PROVIDING FOR SPECIAL PROPERTY TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES; AND OTHER MATTERS RELATED THERETO**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, AS FOLLOWS:**

SECTION 1. The adoption of an Ordinance entitled "Special Property Tax Assessments for Rehabilitated Historic Properties" pursuant to the authority granted to the City by South Carolina Code Ann. §5-21-140 which Ordinance shall read as follows:

**Special Property Tax Assessments for Rehabilitated Historic Properties**

1. Purpose.

The purpose of this special tax assessment is to:

- a. Encourage the restoration of historic properties;
- b. Promote community development and redevelopment;
- c. Encourage sound community planning; and
- d. Promote the general health, safety, and welfare of the community.

2. Special tax assessment created.

All qualifying property may receive preliminary certification from the Historic Conservation Design Review Commission, and upon this preliminary certification, the property must be assessed for two years on the fair market value of the property at the time the preliminary certification was made. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed.

Upon completion of a project, the project must receive final certification from the Historic Conservation Design Review Commission in order to be eligible for the special assessment. Upon final certification, the property must be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

If a completed project does not comply with all requirements for final certification, final certification must not be granted, and any moneys not collected by the City due to the special assessment must be paid to the City.

3. Eligible properties.

- a. Certification. In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) To receive preliminary certification a property must meet the following conditions:

- (a) The property has received historic designation by the Historic Conservation Design Review Commission

- (b) The proposed rehabilitation work receives approval from the Historic Conservation Review Commission.
  - (c) Be a project that commences on or after the date of the adoption of this ordinance.
  - (d) Preliminary certification must be received prior to beginning work.
- b. To receive final certification, a property must have met the following conditions:
  - (a) The property has received preliminary certification.
  - (b) The minimum expenditures for rehabilitation were incurred and paid.
  - (c) The Historic Conservation Review Commission approves the rehabilitation work as appropriate for the historic building and the historic district in which it is located.
- c. Historic designation. "Historic Designation" means the property maintains one or more of the following:
  - (1) The property is listed on the National Register of Historic Places.
  - (2) The property is designated as a historic property by the City Council based upon criteria established by the City Council and is at least 50 years old.
  - (3) The property is at least 50 years old and is located in a historic district designated by the City Council.
  - (4) Any property designated as historic property by the Orangeburg County Historical Society.
- d. Special Assessment Period. "Special Assessment Period" means a period of up to 20 years, with the length of such period depending upon the amount of rehabilitation expenditures as a percentage of the fair market value of the building, according to the following:
  - 20-29% - 5-year Special Assessment Period
  - 30-39% - 10-year Special Assessment Period
  - 40-49% - 15-year Special Assessment Period
  - 50-100% - 20-year Special Assessment Period

4. Eligible rehabilitation.

- a. Standards for rehabilitation work. To be eligible for the special tax assessment, historic rehabilitation must be appropriate for the historic building and the historic district in which it is located. This is achieved through adherence to the following standards:
  - (1) The historic character of a property shall be retained and preserved; the removal of historic materials or alterations of features and spaces that characterize each property shall be avoided.
  - (2) Each property shall be recognized as a physical record of its time, place and use; changes that create a false sense of historical development shall not be undertaken.

- (3) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - (4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
  - (5) Deteriorated historic features shall be repaired rather than replaced; where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials; replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - (6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used; the surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - (7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property; the new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the historic property and its environment.
  - (8) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- b. Work to be reviewed. The following work will be reviewed by the Historic Conservation Review Commission according to the standards set forth above:
- (1) Repairs to the exterior of the designated building.
  - (2) Alterations to the exterior of the designated building.
  - (3) New construction on the property on which the building is located.
  - (4) Alterations to interior primary public spaces.
  - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.
- c. Minimum Expenditures. Minimum expenditures for rehabilitation means the owner or the owner's estate rehabilitates the building, with expenditures for rehabilitation exceeding 20 percent of the fair market value of the building.
- d. Fair Market Value. Fair market value means, at the option of the owner or owner's estate, the appraised value as certified to the Historic Conservation Review Commission by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted, or the most recent appraised value published by the Orangeburg County Tax Assessor.
- e. Qualifying Expenditures. Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:
- (1) Improvements located on or within the historic building as designated.
  - (2) Improvements located on the site comprising the original site on which the historic building was located, notwithstanding any subsequent subdivision of such site.



- (3) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
  - (4) Architectural and engineering services attributable to the design of the improvements.
  - (5) Costs necessary to maintain the historic character or integrity of the building.
- f. Scope. The special tax assessment may apply to the following:
- (1) Structure(s) rehabilitated.
  - (2) Real property on which the building or buildings are located.
  - (3) Improvements located on the site comprising the original site on which the historic building was located, notwithstanding any subsequent subdivision of such site.

## 5. **Process.**

- a. Fee required. There is a fee of \$150.00 required for final certification for each application for review of rehabilitation work of single-family and/or duplex structures and \$300.00 for all other structures. Fees are payable to the City of Orangeburg, and final certification will not be given without payment of this fee.
- b. Plan required. Owners of property seeking approval of rehabilitation work must submit an application for rehabilitation of historic property together with supporting documentation and the application fee prior to beginning work. Provided, however, no separate application is required for properties receiving preliminary and final approval for the federal income tax credit allowed pursuant to 26 U.S. Code Section 47 of the Internal Revenue Code or the state income tax credit allowed pursuant to Section 12-6-3535 of the Code of Laws of South Carolina, 1976, as amended, and such properties shall be deemed to have obtained preliminary certification and final certification at the times of the preliminary approval and final approval, respectively.
- c. Preliminary certification. Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the Historic Conservation Design Review Commission to determine if the project is consistent with the standards for rehabilitation set forth above. After the Historic Conservation Design Review Commission makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may begin rehabilitation, or if the application is not approved, revise such application in accordance with comments provided by the Historic Conservation Design Review Commission.
- d. Substantive Changes. Once preliminary certification is granted to an application, substantive changes must be approved by the Historic Conservation Design Review Commission. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension of the special assessment.
- e. Final Certification. Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment. The Historic Conservation Design Review Commission will inspect completed projects to determine if the work is consistent with the approval granted by the Historic Conservation Design Review Commission and the standards set forth above.

Final certification will be granted when the completed work complies with the approval and such standards, provided that the applicant must submit verification of the minimum expenditures for rehabilitation.

- f. Additional Work. For the remainder of the special assessment period after final certification, the property owner shall notify the Historic Conservation Design Review Commission of any additional work, other than ordinary maintenance, and request approval of such additional work. The Historic Conservation Design Review Commission will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the property owner may withdraw his request and cancel or revise the proposed additional work.
- g. Decertification. When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:
  - (1) Written notice from the owner to the Historic Conservation Design Review Commission requesting removal of the preferential assessment;
  - (2) Removal of the historic designation by the City Council; or
  - (3) Rescission of the approval of rehabilitation by the Historic Conservation Design Review Commission because of alterations or renovations by the owner or the owner's estate which cause the property to no longer possess the qualities and features which made it eligible for final certification.

Under no circumstances shall the sale or transfer of ownership of real property certified and assessed in accordance with these provisions disqualify the property from receiving the special property tax assessment provided herein.

- h. Notification. The City shall, upon final certification of a property, notify the Orangeburg County Tax Assessor, Auditor, and Treasurer that such property has been duly certified and is eligible for the special tax assessment.
- i. Date Effective. If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.
- j. No Retroactive Application. The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.
- k. Application. Once the Historic Conservation Design Review Commission has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Orangeburg County Auditor for the special assessment provided for herein.

SECTION 2. REPEALER: All ordinances, orders, resolutions and parts thereof in conflict herewith are, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 3. PROVISION SEVERAGE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. SAVINGS CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. EFFECTIVE DATE: This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and signature by the Mayor.

Done and ratified in Council assembled this 5<sup>th</sup> day of June, 2018.



Michael C. Bork  
Mayor

Brian Haire

Dandra P. Kirtts

L. Zimmerman Kirtt  
Chris Dugan

Richard F. Thomas

\_\_\_\_\_  
Council members

ATTEST: Carlyle  
City Clerk

**ORDINANCE NO. 2018-6**

**AN ORDINANCE AMENDING THE BUDGET FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018**

**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, 2017 and ending September 30, 2018, designated as Ordinance No. 2017-5, shall be and hereby is amended so to levy a tax to cover the period from the first day of January 2017 to the thirty-first day of December 2017, 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 ninety four (94) 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.

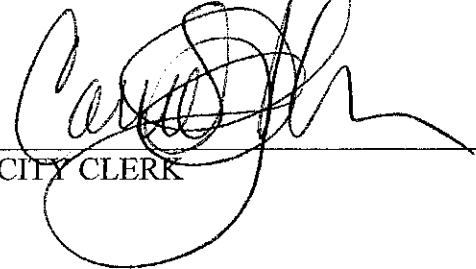
**Section 2.** That in all other respects, except as hereby and heretofore amended, the budget for the City of Orangeburg for the Fiscal Year beginning October 1, 2017 and ending September 30, 2018 shall remain in full force and effect.


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


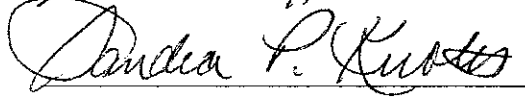

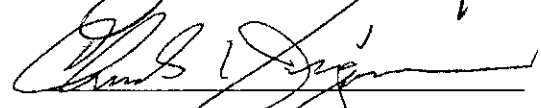


Adopted by the Council of the City of Orangeburg on this 4<sup>th</sup> day of Sept., 2018 at which a quorum was present and voting.



ATTEST:

  
CITY CLERK

  
MAYOR

  
  
  
  
  
  
MEMBERS OF COUNCIL



ORDINANCE NO. 2018-7

**AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019**

**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, 2018-September 30, 2019, 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, 2018 to the thirty-first day of December, 2018, 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 98 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, 2018, until the fifteenth day of January 2019, from the hours of 8:00 A.M. until 5:00 P.M., Monday through Friday, except for Saturdays and Sundays.

**SECTION 5.** On January 16, 2019, a penalty of fifteen (15) percent shall be added on all unpaid taxes. The City Clerk and Treasurer shall on March 17, 2019, place all delinquent properties in execution in accordance with and adding an additional execution cost of \$60.00 to \$90.00 based on costs to City, 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 4<sup>th</sup> DAY OF Sept 2018.**



Michael C. Butler  
MAYOR

Sam Hair

Dandra P. Kuster

L. Zimmerman

Chris Dyer

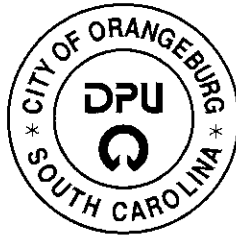
Richard E. Gentry

James A. [Signature]  
MEMBERS OF COUNCIL

ATTEST:

[Signature]  
CITY CLERK





**ORDINANCE No. 2018-9**

**AN ORDINANCE TO (1) ADOPT A BUDGET FOR THE OPERATION OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA FOR THE FISCAL YEAR OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019 AND (2) ADOPT AMENDED GAS RATES EFFECTIVE OCTOBER 1, 2018**

**BE IT ORDAINED BY THE 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 of the City of Orangeburg, consisting of the Administrative, Electric, Natural Gas, Water and Wastewater Divisions (collectively referred to as the "System") for the fiscal year October 1, 2018 through September 30, 2019.

**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, subject to the limitations of the Revenue Bond Act for Utilities, South Carolina Ann. Code Sec. 6-21-440.

**BE IT FURTHER ORDAINED** that the City Council hereby finds and determines, as a fact and after appropriate investigation, as follows:

The Fiscal Year 2018-2019 Budget appropriates sufficient revenues to pay the principal of and interest on all bonds secured by revenues of the System as and when they become due and payable in one or more bond and interest redemption funds (a.k.a "debt service funds"). The Fiscal Year 2018-2019 budget allocates \$2,000,000 to remain invested in a sinking fund held by the SC Local Government Investment Pool ("Bond Repayment Account") and appropriations of \$1,768,650 for fiscal year revenue bond repayments.

The Department of Public Utilities maintains an account described as the "Customer Deposit Account." This account is restricted for ensuring the collectability of customer's accounts receivable. This account ensures all customer deposits are held as cash and in trust until the customer's account is closed in good standing. The budget provides a restriction on of all customer deposits held by the Department.

The Fiscal Year 2018-2019 Budget appropriates sufficient revenues to provide for the payment of all expenses of administration and operation of the System, as well as such expenses for maintenance as may be necessary to preserve the System in good repair and working order. These appropriations are shown as multiple accounts, organized by Division and line items collectively serving as the "Operation and Maintenance" fund.

The Department of Public Utilities maintains an account described as the "Capital Reserve Account." The funds held in this account are restricted for the purpose of funding depreciation of the System. The budgeted balance to continue to be invested in the Capital Reserve Account is \$15,000,000. The Fiscal Year 2018-2019 Budget appropriates no additional funds to the Capital Reserve Account. Upon advice of the Manager of the Department of Public Utilities, and as supported by capital improvement plans prepared by the Departments' Directors, the City Council hereby finds and declares that such appropriations are sufficient (together with the existing balance in the Contingency Reserve Account) to build up a reserve for depreciation of the System.

The Department of Public Utilities maintains an account described as the "Contingency Reserve Account" that is restricted for the purposes of funding improvements, betterments and extensions to the System. The Fiscal Year 2018-2019 Budget appropriates through multiple line items additions to fund capital improvements in this account of \$15,000,000. Upon advice of the Manager of the Department of Public Utilities, and as supported by analyses of the System's current physical condition as presented by the Departments' Directors, the City Council hereby finds and declares that such appropriations are sufficient for funding improvements, betterments, and extensions to the System, other than those necessary to maintain it in good repair and working order as provided above.

**DEPARTMENT OF PUBLIC UTILITIES**  
**CITY OF ORANGEBURG**  
**THREE YEAR OPERATIONAL BUDGET (PROJECTED AND ACTUAL)**  
**ELECTRIC DIVISION**

	AMENDED ACTUAL <u>2016-2017</u>	AMENDED PROJECTED <u>2017-2018</u>	PROJECTED <u>2018-2019</u>
<b><u>OPERATING INCOME:</u></b>			
Utility Billings	\$ 71,600,408	\$ 75,069,900	\$ 73,650,000
Counter Service Fees	635,390	700,000	650,000
Fiber Rentals	341,566	13,800	20,000
Miscellaneous Sales & Services	131,029	240,000	350,000
Bad Debt (Expense)	(30,828)	(138,000)	(135,000)
TOTAL OPERATING INCOME	72,677,565	75,885,700	74,535,000
<b><u>COST OF SALES:</u></b>			
Electricity Purchased	47,218,742	51,347,405	47,950,000
<b><u>OPERATING EXPENSES:</u></b>			
Depreciation Expense	5,049,425	4,100,000	5,150,000
Operating Expense	3,864,837	4,166,620	4,250,000
Administrative Expense	5,376,604	5,261,555	5,400,000
TOTAL OPERATING EXPENSES	14,290,866	13,528,175	14,800,000
OPERATING PROFIT	11,167,957	11,010,120	11,785,000
<b><u>NON-OPERATING INCOME (EXPENSE):</u></b>			
Gain (Loss) on Disposal of Property	\$ (523,777)	\$ -	\$ -
Interest Income	281,446	300,000	305,000
Interest Expense	(47)	-	-
TOTAL NON-OPERATING INCOME	(242,378)	300,000	305,000
NET PROFIT BEFORE TRANSFER AND CONTRIBUTIONS	10,925,579	11,310,120	12,090,000
Contributed Capital	4,513	1,500,000	-
Transfer to City of Orangeburg - General Fund	(4,032,632)	(3,996,518)	(4,216,843)
Transfer to City of Orangeburg - Economic Dev.	-	-	-
NET PROFIT AFTER TRANSFER AND CONTRIBUTIONS	\$ 6,897,460	\$ 8,813,602	\$ 7,873,157

**DEPARTMENT OF PUBLIC UTILITIES**  
**CITY OF ORANGEBURG**  
**THREE YEAR OPERATIONAL BUDGET (PROJECTED AND ACTUAL)**  
**GAS DIVISION**

	AMENDED ACTUAL <u>2016-2017</u>	AMENDED PROJECTED <u>2017-2018</u>	PROJECTED <u>2018-2019</u>
<b><u>OPERATING INCOME:</u></b>			
Utility Billings	\$ 8,783,520	\$ 8,607,800	\$ 8,630,000
Counter Service Fees	199,242	175,000	190,000
Miscellaneous Sales & Services	3,440	5,000	10,000
Bad Debt (Expense) Recovery	(427)	(3,500)	(5,000)
TOTAL OPERATING INCOME	8,985,775	8,784,300	8,825,000
<b><u>COST OF SALES:</u></b>			
Natural Gas Purchased	4,290,076	4,370,000	3,798,000
<b><u>OPERATING EXPENSES:</u></b>			
Depreciation Expense	868,489	875,000	925,000
Operating Expense	1,020,960	1,119,750	1,125,000
Administrative Expense	1,761,569	1,835,430	1,815,000
TOTAL OPERATING EXPENSES	3,651,018	3,830,180	3,865,000
OPERATING PROFIT	1,044,681	584,120	1,162,000
<b><u>NON-OPERATING INCOME (EXPENSE):</u></b>			
Gain (Loss) on Disposal of Property	(19,197)	-	-
Interest Income	33,514	45,000	50,000
Interest (Expense)	(17)	-	-
TOTAL NON-OPERATING EXPENSE	14,300	45,000	50,000
NET PROFIT BEFORE TRANSFER AND CONTRIBUTIONS	1,058,981	629,120	1,212,000
Contributed Capital	-	-	765,000
Transfer to City of Orangeburg - General Fund	(498,046)	(490,316)	(461,482)
Transfer to City of Orangeburg - Economic Dev.	-	-	-
NET PROFIT AFTER TRANSFER AND CONTRIBUTIONS	\$ 560,935	\$ 138,804	\$ 1,515,518



**DEPARTMENT OF PUBLIC UTILITIES**  
**CITY OF ORANGEBURG**  
**THREE YEAR OPERATIONAL BUDGET (PROJECTED AND ACTUAL)**  
**WATER DIVISION**

	AMENDED ACTUAL 2016-2017	AMENDED PROJECTED 2017-2018	PROJECTED 2018-2019
<b><u>OPERATING INCOME:</u></b>			
Utility Billings	\$ 8,521,202	\$ 9,265,900	\$ 9,100,000
Counter Service Fees	105,362	80,000	85,000
Miscellaneous Sales & Services	50,443	20,000	30,000
Bad Debt Expense	(9,912)	(10,000)	(12,000)
TOTAL OPERATING INCOME	8,667,095	9,355,900	9,203,000
<b><u>OPERATING EXPENSES:</u></b>			
Depreciation Expense	2,541,765	2,536,000	2,600,000
Operating Expense	3,324,935	3,896,870	3,950,000
Administrative Expense	3,149,871	3,026,130	3,159,000
TOTAL OPERATING EXPENSES	9,016,571	9,459,000	9,709,000
OPERATING PROFIT (LOSS)	(349,476)	(103,100)	(506,000)
<b><u>NON-OPERATING INCOME (EXPENSE):</u></b>			
Water Taps	213,344	175,000	200,000
Water Impact Fees	53,263	95,000	100,000
Gain (Loss) on Disposal of Property	(121,096)	-	-
Interest Income	73,706	75,000	80,000
Interest Expense	(10,375)	(9,500)	(9,250)
TOTAL NON-OPERATING INCOME	208,842	335,500	370,750
NET PROFIT BEFORE TRANSFER AND CONTRIBUTIONS	(140,634)	232,400	(135,250)
Contributed Capital	69,175	-	200,000
Transfer to City of Orangeburg - General Fund	(481,425)	(515,683)	(521,215)
Transfer to City of Orangeburg - Economic Dev.	-	-	-
NET PROFIT AFTER TRANSFER AND CONTRIBUTIONS	\$ (552,884)	\$ (283,283)	\$ (456,465)

DEPARTMENT OF PUBLIC UTILITIES  
CITY OF ORANGEBURG  
THREE YEAR OPERATIONAL BUDGET (PROJECTED AND ACTUAL)  
WASTEWATER DIVISION

	AMENDED ACTUAL <u>2016-2017</u>	AMENDED PROJECTED <u>2017-2018</u>	PROJECTED <u>2018-2019</u>
<b><u>OPERATING INCOME:</u></b>			
Utility Billings	\$ 6,248,111	\$ 6,847,200	\$ 6,900,000
Counter Service Fees	60,417	50,000	55,000
Miscellaneous Sales & Services	128,138	35,000	50,000
Bad Debt Expense	(4,431)	(5,500)	(6,000)
TOTAL OPERATING INCOME	6,432,235	6,926,700	6,999,000
<b><u>OPERATING EXPENSES:</u></b>			
Depreciation Expense	1,810,782	2,600,000	2,800,000
Operating Expense	2,216,150	2,315,000	2,325,000
Administrative Expense	1,696,074	1,588,065	1,350,000
TOTAL OPERATING EXPENSES	5,723,006	6,503,065	6,475,000
OPERATING PROFIT	709,229	423,635	524,000
<b><u>NON-OPERATING INCOME (EXPENSE):</u></b>			
Wastewater Taps	78,100	50,000	55,000
Wastewater Impact Fees	55,681	80,000	85,000
Gain (Loss) on Disposal of Property	2,506	-	-
Interest Income	33,483	35,000	37,000
Interest Expense	(476,619)	(496,570)	(417,770)
TOTAL NON-OPERATING INCOME	(306,849)	(331,570)	(240,770)
PROFIT BEFORE TRANSFER AND CONTRIBUTIONS	402,380	92,065	283,230
Contributed Capital	951,307	-	3,500,000
Transfer to City of Orangeburg - General Fund	(356,807)	(397,483)	(400,460)
Transfer to City of Orangeburg - Economic Dev.	-	-	-
NET PROFIT AFTER TRANSFER AND CONTRIBUTIONS	\$ 996,880	\$ (305,418)	\$ 3,382,770

**DEPARTMENT OF PUBLIC UTILITIES**  
**CITY OF ORANGEBURG**  
**THREE YEAR OPERATIONAL BUDGET (BUDGETED AND ACTUAL)**  
**DEPARTMENT TOTALS**

	AMENDED ACTUAL <u>2016-2017</u>	AMENDED PROJECTED <u>2017-2018</u>	PROJECTED <u>2018-2019</u>
<b><u>OPERATING INCOME:</u></b>			
Utility Billings	\$ 95,153,241	\$ 99,790,800	\$ 98,280,000
Counter Service Fees	1,000,411	1,005,000	980,000
Fiber Rentals	341,566	13,800	20,000
Miscellaneous Sales & Services	313,050	300,000	440,000
Bad Debt Expense	(45,598)	(157,000)	(158,000)
TOTAL OPERATING INCOME	96,762,670	100,952,600	99,562,000
<b><u>COST OF SALES:</u></b>			
Electricity Purchased	47,218,742	51,347,405	47,950,000
Natural Gas Purchased	4,290,076	4,370,000	3,798,000
TOTAL COST OF SALES	51,508,818	55,717,405	51,748,000
<b><u>OPERATING EXPENSES:</u></b>			
Depreciation Expense	10,270,461	10,111,000	11,475,000
Operating Expense	10,426,882	11,498,240	11,650,000
Administrative Expense	11,984,118	11,711,180	11,724,000
TOTAL OPERATING EXPENSES	32,681,461	33,320,420	34,849,000
OPERATING PROFIT	12,572,391	11,914,775	12,965,000
<b><u>NON-OPERATING INCOME:</u></b>			
Water and Wastewater Taps	291,444	225,000	255,000
Water and Wastewater Impact Fees	108,944	175,000	185,000
Gain (Loss) on Disposal of Property	(661,564)	-	-
Interest Income	422,149	455,000	472,000
Interest (Expense)	(487,058)	(506,070)	(427,020)
TOTAL NON-OPERATING INCOME	(326,085)	348,930	484,980
NET PROFIT BEFORE TRANSFER AND CONTRIBUTIONS	12,246,306	12,263,705	13,449,980
Contributed Capital	1,024,995	1,500,000	4,465,000
Transfer to City of Orangeburg - General Fund	(5,368,910)	(5,400,000)	(5,600,000)
NET PROFIT AFTER TRANSFER AND CONTRIBUTIONS	\$ 7,902,391	\$ 8,363,705	\$ 12,314,980

**DEPARTMENT OF PUBLIC UTILITIES**  
**CITY OF ORANGEBURG**  
**CASH FLOWS - (BUDGETED AND ACTUAL)**  
**DEPARTMENT TOTALS**

	AMENDED ACTUAL 2016-2017	AMENDED PROJECTED 2017-2018	PROJECTED 2018-2019
<b><u>OPERATING ACTIVITIES:</u></b>			
Receipts from customers	\$ 93,429,968	\$ 96,676,730	\$ 100,632,000
Payments to suppliers and service providers	(59,346,405)	(65,118,160)	(66,748,000)
Payments to employees for salaries and benefits	(10,973,611)	(12,701,686)	(13,203,000)
Net cash provided by operations	23,109,952	18,856,884	20,681,000
<b><u>NONCAPITAL FINANCING ACTIVITIES:</u></b>			
Cash used for transfers to the City of Orangeburg (General Fund Transfer)	(5,368,910)	(5,400,000)	(5,600,000)
Principal repayments on Notes Receivable	124,976	-	-
Net cash used for noncapital financing	(5,243,934)	(5,400,000)	(5,600,000)
<b><u>CAPITAL &amp; RELATED FINANCING ACTIVITIES:</u></b>			
Acquisition of capital assets (Projects)	(16,050,017)	(8,442,000)	(13,316,000)
Acquisition of capital assets (Routine)	(2,757,500)	(3,454,900)	(6,160,000)
Acquisition of capital assets (Economic Development)	-	(1,410,000)	(4,625,000)
Proceeds from bonds	1,175,107	-	-
Tap and impact fees	400,388	400,000	440,000
Principal paid on capital debt	(1,350,109)	(1,444,756)	(1,350,880)
Interest paid on capital debt	(487,058)	(525,311)	(417,770)
Proceeds from sale of assets	340,076	-	-
Capital grants and contributions	1,024,995	1,500,000	4,465,000
Net cash used by capital and financing	(17,704,118)	(13,376,967)	(20,964,650)
<b><u>INVESTING ACTIVITIES:</u></b>			
Investment Interest	135,389	350,000	472,000
Proceeds from investments (net of purchases)	679,497	-	-
Net cash provided by investing	814,886	350,000	472,000
Net increase (decrease) in cash and equivalents	\$ 976,786	\$ 429,917	\$ (5,411,650)
Beginning cash and equivalents	29,640,077	30,616,863	31,046,780
Ending cash and equivalents	30,616,863	31,046,780	25,635,130
Ending investments	29,815,088	30,000,000	30,000,000

**DEPARTMENT OF PUBLIC UTILITIES**  
**CITY OF ORANGEBURG**  
**CASH AND INVESTMENT RESTRICTIONS**  
**DEPARTMENT TOTALS**

	<b><u>AMENDED ACTUAL 2016-2017</u></b>	<b><u>AMENDED PROJECTED 2017-2018</u></b>	<b><u>PROJECTED 2018-2019</u></b>
<b><u>RESTRICTIONS ON CASH:</u></b>			
Bond Repayment Account (Permanent)	2,033,479	2,000,000	2,000,000
Customer Deposit Account (Permanent)	4,256,870	4,200,000	4,500,000
Liability Reserve Account (Temporary)	11,790,000	1,500,000	2,000,000
	<hr/>		
Total Restricted Cash	18,080,349	7,700,000	8,500,000
 <b><u>RESTRICTIONS ON INVESTMENTS:</u></b>			
Capital Reserve Account (Temporary)	15,000,000	15,000,000	15,000,000
Contingency Reserve Account (Temporary)	13,824,100	15,000,000	15,000,000
	<hr/>		
Total Restricted Investments	28,824,100	30,000,000	30,000,000

**Gas Rate – Code 3A****Small General Service****Department of Public Utilities - Orangeburg, South Carolina****Applicable:**

To a single-family dwelling unit or individual dwelling units in apartment or other multi-family residential structures where each unit is served through a separate gas meter. This schedule is not applicable to a residence that is used for commercial, professional, or any other enterprise unless the domestic use is separately metered.

**Monthly Rate:**

Customer will pay monthly for service based on separately applied charges for System Gas Supply, Distribution, Customer Service, and Weather Normalization components.

**Supply Charge:**

Customer will pay a monthly charge for system gas supply based on total deliveries to Customer.

**Distribution Charge:**

\$0.2800 per therm delivered

**Service Charge:**

\$8.50 per meter per month

**Weather Normalization Charge:**

A Weather Normalization Charge will be assessed during the months of October through April to adjust for fluctuations in consumption due to colder or warmer than normal weather.

**Distribution Integrity Management Plan Charge:**

A Distribution Integrity Management Plan ("DIMP") Charge will be assessed on each therm delivered based on eligible DIMP costs incurred by the Department.

**Note: "General Terms and Conditions" in effect apply to above.**

**Effective: October 1, 2018**

**Gas Rate – Code 3B**

**Medium General Service**

Department of Public Utilities - Orangeburg, South Carolina

**Applicable:**

To any non-domestic and/or commercial or industrial customer having requirements of less than 4,000 therms per month.

**Monthly Rate:**

Customer will pay monthly for service based on separately applied charges for System Gas Supply, Distribution, Customer Service, and Weather Normalization components.

**Supply Charge:**

Customer will pay a monthly charge for system gas supply based on total deliveries to Customer.

**Distribution Charge:**

\$0.2550 per therm delivered

**Service Charge:**

\$18.00 per meter per month

**Weather Normalization Charge:**

A Weather Normalization Charge will be assessed during the months of October through April to adjust for fluctuations in consumption due to colder or warmer than normal weather.

**Distribution Integrity Management Plan Charge:**

A Distribution Integrity Management Plan ("DIMP") Charge will be assessed on each therm delivered based on eligible DIMP costs incurred by the Department.

Note: "General Terms and Conditions" in effect apply to above.

Effective: October 1, 2018

The Department of Public Utilities also maintains an account described as the "Liability Reserve Account" that is restricted for the purposes of funding certain liabilities associated with the operation of the System. The budgeted balance to be maintained in the Liability Reserve Account is \$8,500,000. Upon advice of the Manager of the Department of Public Utilities, and as supported by analyses of the utility systems' current financial condition as prepared by the Department's Directors, the City Council hereby finds and declares such amount to be a sufficient reserve for funding liabilities associated with the operation of the utility systems, other than those necessary to maintain it in good repair and working order as provided above. Therefore, the Fiscal Year 2018-2019 Budget appropriates \$800,000 of additional funds to the Liability Reserve Account.

Based on the current levels of funding in the Capital Reserve Account and the Contingency Account and various capital funding appropriations in the Fiscal Year 2018-2019 Budget, the City Council believes that the Department's depreciation and contingency fund is adequately and appropriately funded.

After giving effect to the funding described above, the budgeted revenues for the utility systems exceed the budgeted expenses for the systems by an amount of not less than \$13,449,980. Accordingly, the Council hereby determines and finds, as a fact and based on the information described above, that the amount of \$5,600,000 shall be considered surplus revenues of the utility systems and are hereby budgeted for discretionary transfer by City Council to the City of Orangeburg General Fund.

**BE IT FURTHER ORDAINED** by City Council duly assembled that the following gas rates generally set forth below and specifically set forth in Exhibit "A" attached hereto and made a part hereof by reference are adopted and declared effective and in full force on October 1, 2018:

#### **PROPOSED AMENDED GAS RATES**

##### **Gas Rate – Code 3A – Small General Service**

Distribution Charge: \$ 0.2800 per therm delivered  
Service Charge: \$ 8.50 per meter per month

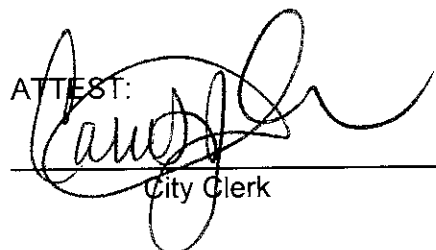
##### **Gas Rate – Code 3B – Medium General Service**

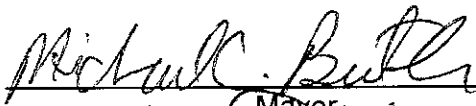

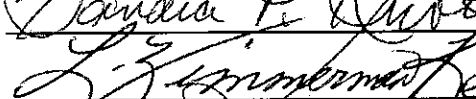
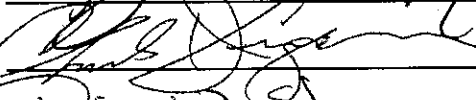

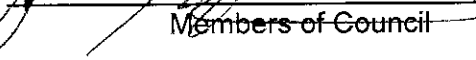
Distribution Charge: \$ 0.2550 per therm delivered  
Service Charge: \$18.00 per meter per month

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA  
THIS 4<sup>th</sup> DAY OF SEPTEMBER, 2018.**



ATTEST:

  
City Clerk

  
Mayor  
  
  
  
  
  
Members of Council



**ORDINANCE NO. 2018-10**

**ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, CLASSIFYING PROPERTY BELONGING TO PARAGON, INC OF SC, LLC LOCATED AT 795 WHITMAN STREET AT TAX MAP# 0173-14-07-010.000 AS O-I OFFICE-INSTITUTIONAL-RESIDENTIAL**

**WHEREAS,** Paragon, Inc. of SC, LLC as the owner of property located at 795 Whitman Street, pursuant to Section 24-12.1 has applied for a zoning map change from A-2 Residential Multi-Unit District to O-I Office-Institutional-Residential District for property located at 795 Whitman Street, TMP #0173-14-07-010.000; and,

**WHEREAS,** proper notice of the Public Hearing for the proposed Zoning Map amendment for both City Council and the Planning Commission 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 after the Commission's Public Hearing of August 23, 2018.

**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:**

All that certain place, parcel or lot of land at the corner of Whitman Street and Lowell Street, County of Orangeburg, State of South Carolina, and having such metes and boundaries as follows: north by Rayford Mooror, 95', east by Lovell Street, 300', south of Whitman Street, 95'; and west by Sarah M. Washington, 300'.

**TMP# 0173-14-07-010.000**

**DONE AND RATIFIED BY THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA THIS 2nd DAY OF October 2018.**



ATTEST:

City Clerk

*Michael C. Butcher*  
Mayor

*Edward J. Hare*  
*Andrea P. Knott*  
*Russell*  
*L. Zimmerman*  
*Keith*  
*Richard F. Stum*  
Members of Council

# ORDINANCE NO. 2018-11

## AN ORDINANCE TO ANNEX PROPERTY OF W-3 HOLDINGS, LLC, TAX MAP #0174-18-05-001.000, LOCATED AT 950 CHESTNUT STREET, INTO THE CITY OF ORANGEBURG, SOUTH CAROLINA

- WHEREAS,** a proper petition has been filed with the City Council by the owner, W-3 Holdings, LLC, seeking annexation of the below described property into the City of Orangeburg by Ordinance effective as soon hereafter as possible, pursuant to South Carolina Code Section§ 5-3-150 (3); and,
- WHEREAS,** it appears to Council that annexation would be in the best interest of the property owner and the City of Orangeburg; and,
- WHEREAS,** notice and public hearing requirements of S.C. Code Section § 5-3-150 (3) have been complied with.

The territory to be annexed is described as follows:

**W-3 Holdings, LLC, 950 Chestnut Street:** All that certain piece, parcel or tract of land, with all improvements thereon, situate, lying and being in School District 5 (outside), Orangeburg Township, County of Orangeburg, State of South Carolina, being more fully shown and delineated as Parcel "A" containing one and eight one-hundredths (1.08) areas, more or less, on a Plat prepared for G&G Furniture Company, by Edisto Surveyors, Inc., approved by A. R. Parler, Jr., RLS, dated August 25, 2000 and recorded in the Office of the RMC for Orangeburg County in Plat Book C-214 at Page 3, and bounded and measuring as follows: On the Southwest by the right-of-way of Chestnut Street (US Route 21/178 By-Pass), measuring thereon two hundred twenty-two and forty-three hundredths (222.43) feet; on the Northwest by the right-of-way of Ellis Avenue, measuring thereon two hundred five and eleven hundredths. (205.11) feet; on the Northeast by Parcel B, on said plat, measuring thereon two hundred fourteen and thirty-one hundredths (214.31) feet; and on the Southeast by the Southeast by the right-of-way of Executive Court, measuring thereon two hundred thirty-three and forty-six hundredths (233.46) feet; all measurements being more or less, and entire abutting public rights of way.

**TMP# 0174-18-05-001.000**

The property shall be zoned **"B-1, General Business District"** pending confirmation or rezoning pursuant to the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Orangeburg, South Carolina, this 6th day of November, 2018, that the property herein described is hereby annexed to and becomes a part of the City of Orangeburg effective upon third reading and passage of this Ordinance.

**BE IT FURTHER ORDAINED** that this annexation 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.



*Michael C. Butch*  
MAYOR

*Sam Harris*  
*Andrew P. Knutes*  
*Ben [unclear]*  
*Chris [unclear]*  
*Richard [unclear]*

Members of Council

Attest: *[Signature]*  
City Clerk