

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2019-40

Date: June 20, 2019

T0: James D. Mosteller, III
jdmosteller@gmail.com
mostellerlaw@gmail.com

Copy to:
Kelly Zier - City Attorney
Robert A. Pettit – Mayor
Todd Glover – City Administrator
Lindsey Hodges – Director of Planning and
Development

RE: FREEDOM OF INFORMATION REQUEST

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 20th day of June 2019. Such request has been forwarded to the appropriate department for response. In addition, a copy of said request has been forwarded to the office of the City Attorney for his review.

The City Attorney will make a determination as to whether the request is a proper request under the FOIA act. The appropriate department will advise as to what materials, documents, etc. may be available. That department will also provide information indicating the approximate time involved related to the retrieval of the documentation, and also the amount of material that would need to be copied in order to comply with the request. At such time as a response is received from the City Attorney and the appropriate department, we will then notify you of the response of the City to your FOIA request. In the event that the request is deemed appropriate and permissible under the FOIA act, we will advise you of same and also provide an estimate of the costs that would be related to responding to said request. In the event that it is determined that the FOIA request is not proper and not permitted by the act, you'll also be advised of that decision.

A response to your request will be made within the time limits as established by section 20-4-30(c) of the FOIA act. Specifically, this requires that said response be provided within 10 business days for any record requested that is less than 24 months old. A request for a record that is more than 24 months old, is to be responded to within 20 business days from the date of the receipt of your request. The City would not normally require the full period in order to respond, but reserves its right under the act to do so.

In the event that the response to your request is positive and the costs associated with retrieving and providing the data is minimal, in most cases, the City would forward the documentation to you with a statement for the costs. An example of charges would be 15¢ per page for black and white copies, 20¢ per page for color copies. The City does not charge for search and retrieval for fifteen minutes or less. For any time required to research and retrieve the requested information more than 15 minutes, the City charges, a minimum of \$8.00 per 30 minutes. Pursuant to the act, the charge for searching, retrieving, and redacting records is not to exceed the hourly wage of the lowest paid employee on the public body staff, who has the skill and training

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to fulfill the request. Therefore, the charge could be in excess of the \$8.00 per 30 minutes, if a regular clerical person is unable to perform the services. The specific FOIA Fee schedule, as adopted by the City is available for review online. In the event that the costs are considered to be of more than a nominal amount, the City would reserve the right to require a deposit of 25% of anticipated costs to be made before assembling, copying and delivering the materials. This would also provide to you the opportunity to determine if you desired to proceed with the request in light of the costs.

NOTICE: SOUTH CAROLINA LAW PROVIDES THAT "IT IS A CRIME TO KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION FROM A PUBLIC BODY FOR COMMERCIAL SOLICITATION."



Sharon Lamar, City Clerk
City of North Augusta, South Carolina

THE MOSTELLER LAW FIRM, LLC ATTORNEYS AT LAW

James D. Mosteller III

Post Office Box 1832
Barnwell, SC 29812

Ph: 803-259-4964
Fax: 803-259-4966

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Aiken, SC 29802

Ph: 803-226-0396
803-649-6281
803-648-4256
Fax: 803-226-0493

June 20, 2019

FAX: 803-441-4203
Hard Copy To Follow

City of North Augusta
Attention: FOIA Information Clerk
City Clerk
P. O. Box 6400
North Augusta, SC 29861

Re: Freedom of Information Act (FOIA)
On behalf Mountaineer Pest Control

Dear Ms. Young,

Please refer this letter to whomever is in charge of your Freedom of Information Act requests. Under the South Carolina Freedom of Information Act, §30-4-10 et seq., my client seeks information concerning all text amendments to zoning granted by the City or the City Planning Commission in the last 15 years, including but not limited to text amendments to the historic overlay district .

We are aware of several properties that we believe have received text amendments, such as Posey Funeral Home, the Channel 12 television station, Jackson Square, and Dr. David Allen's office. Please list for us the property owners of any such properties which received text amendments to zoning, and the specific reasons for granting text amendments to those property owners. (Whatever those reasons were, we believe they should also apply to Mr. Pace's properties on Georgia Ave.)

If there are any fees for searching or copying these records, please inform me immediately.

The South Carolina Freedom of Information Act requires a response time within 10 business days,. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

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Barnwell
9725 Marlboro Avenue
Barnwell, South Carolina 29812

Aiken
322 Laurens Street, NW
Aiken, South Carolina 29801

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

My contact information is included in the letterhead of this letter. However, my email address is jdmosteller@gmail.com or mostellerlaw@gmail.com. If you have any questions or need anything additional, please do not hesitate to contact me

With best regards,



James D. Mosteller, III

JDM/ctw

cc: Michael Pace
Kelly Zier, Esq.
Briton Willians,
Planning Commission