

# NORTH AUGUSTA

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## SOUTH CAROLINA'S RIVERFRONT

FOIA 2020-63

**Date:** November 16, 2020

**TO:** Mike Pelletier  
Mike.Pelletier@RockWoodAssociates.net

Copy to:  
Kelly Zier - City Attorney  
Libby Hodges – Director of Planning &  
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 16th day of November 2020. 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.

The response as required by the Act as referred to in the above paragraph is NOT the delivery of the documents. It is a response advising the person making the FOIA request of the City's determination as to the public availability, of the requested public records. The ACT further provides that if the request is granted, the document must be furnished or made available for inspection or copying no later than thirty (30) calendar days from the date on which the final determination as to the availability of the documents is made, unless the record are more than twenty-four (24) months old, in which case the Public Body is to provide such records no late than thirty-five (35) calendar days from the date on which the final determination was provided. In the event that a deposit for the costs of providing the documentation is required, the providing of the

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documents would be based upon the date on which the deposit is received. In such case, the time remains thirty (30) or thirty-five (35) calendar days based upon the age of the documents requested.

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 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 COMMERCIALSOLICITATION.” Section 30-2-50**



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

**Planning Department  
Freedom of Information Act Request**



**1107 Hazeltine Blvd, Ste 400  
Chaska, MN 55318**

<b>From:</b> <u>A. Michel Pelletier, PG, Project Manager</u>	<b>Date:</b> <u>11/13/2020</u>
<b>Subject:</b> <u>Phase I Environmental Site Assessment</u>	<b>To:</b> <u>Libby Hodges, AICP, Department Director</u>
<b>Description:</b> <u>Zaxbys</u>	<b>Agency:</b> <u>N Augusta Planning &amp; Development Dept</u>
<b>Address:</b> <u>1671 Knox Avenue, N Augusta, SC 29841</u>	<b>Address:</b> <u>100 Georgia Ave, N Augusta, SC 29841</u>
<b>Tax ID Nos.:</b> <u>006-20-09-003</u>	<b>Telephone:</b> <u>(803) 441-4221</u>
<b>Project. No.:</b> <u>RH20-6676</u>	<b>Email:</b> <u><a href="mailto:planning@northaugusta.net">planning@northaugusta.net</a></u>

NOVA has been commissioned to conduct a Phase I Environmental Site Assessment on the above referenced property (the "Subject"). In accordance with the **Freedom of Information Act (FOIA)**, NOVA is requesting information with respect to the above referenced site. Specifically, NOVA is requesting the following information:

1. Are you aware of any record of Activity Use Limitations (AULs) in connection with the Subject? AULs are typically put in place to prevent certain potential future uses of a property. Yes No
2. Are you aware of the current zoning and any zoning violations of the Subject? Yes No

If you respond YES to either question, please forward copies of permits, inspection reports, documentation, etc., regarding same.

Please let me know if there are any costs associated with processing this request prior to processing.  
In addition, please indicate NOVA's project number (in the heading above) on all correspondence.

Your response can be e-mailed to me at: [Mike.Pelletier@RockWoodAssociates.net](mailto:Mike.Pelletier@RockWoodAssociates.net).

Thank you in advance for your assistance and cooperation.

**Submitted by:** \_\_\_\_\_ **Date:** \_\_\_\_\_