

# NORTH AUGUSTA

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## SOUTH CAROLINA'S RIVERFRONT

FOIA 2021-05

**Date:** January 12, 2021

**TO:** Daniel Geddes  
dbgeddes@comcast.net

Copy to:  
Kelly Zier - City Attorney  
Libby 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 12th day of January 2021. 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 COMMERCIAL SOLICITATION." Section 30-2-50

*Sharon Lamar*

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

## Lamar, Sharon

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**From:** 'DANIEL GEDDES' <dbgeddes@comcast.net>  
**Sent:** Tuesday, January 12, 2021 10:58 AM  
**To:** Lamar, Sharon  
**Subject:** RE: FOIA Request

Dear Mrs. Lamar,

This is a request under the Freedom of Information Act.  
I request that a copy of the following documents be provided:

The approved development plans for the development known as "Sweetwater Commons" located on Edgefield Road behind the Walmart location. Property consists of parcel numbers:

010-11-05-003  
010-11-05-005  
010-11-05-007  
010-15-08-004  
010-15-05-002  
010-11-05-006

In order to help to determine my status to assess fees, you should know that I am affiliated with a private corporation and am seeking information for use in the company's business.

Thank you for your consideration of this request.

Sincerely,

Danny Geddes  
100 Cottonwood Court  
North Augusta, SC 29860  
803-624-3697

On 01/12/2021 10:33 AM Lamar, Sharon <slamar@northaugusta.net> wrote:

Mr. Geddes,

While I routinely receive online FOIA requests, unfortunately I did not receive your request. Please re-submit with a reply to this email. I'll be more than happy to response as soon as possible.

Sharon Lamar

City Clerk

City of North Augusta

100 Georgia Avenue

P. O. Box 6400

North Augusta, SC 29861-6400

[Slamar@northaugusta.net](mailto:Slamar@northaugusta.net)

803.441.4202 - Office



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**From:** DANIEL GEDDES <dbgeddes@comcast.net>  
**Sent:** Tuesday, January 12, 2021 10:27 AM  
**To:** Lamar, Sharon <SLamar@northaugusta.net>  
**Subject:** FOIA Request

Good morning,

Before Christmas I submitted an online FOIA request for development plans for the Sweetwater Commons development located behind the Edgefield Road Walmart location. I have not received any follow up or communication regarding this request as of this date. Can you advise when I may hear something?

Thanks,

**Danny Geddes**  
[dbgeddes@comcast.net](mailto:dbgeddes@comcast.net)  
cell 803-624-3697

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