

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2022-44

Date: July 5, 2022

TO: Dawn Cardona


Copy to:
Kelly Zier - City Attorney
Tom Zeaser - Director of Engineering and
Public Works

RE: FREEDOM OF INFORMATION REQUEST

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 5th day of June 2022. 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, City Clerk
City of North Augusta, South Carolina

Alley Way Dispute with Neighbor

Dawn Cardona [REDACTED]

Thu 6/30/2022 6:43 PM

To:

- Lamar, Sharon <SLamar@northaugustasc.gov>

Hello Mrs. Lamar,

We spoke on the phone a little over a week ago. I also sent you a message via the city website. I was hoping you received it and wanted to check in with you to make sure. In case that you did not, I have included that text below.

Thank you for your time,
Dawn Cardona

June 20, 2022

Dear Mrs. Lamar,

My name is Dawn Cardona. I live at [REDACTED]. My number is [REDACTED].

I talked with you over the phone not long ago to find out information on an alleyway and what the city had decided to do with the land along the abandoned alleyway parallel to East Avenue. There is currently still an alleyway in use across East Buena Vista, but the extension of that alleyway behind my home and the homes of three others is no longer in use.

My neighbors and I are in need of this information to settle a dispute with our neighbor behind us in order to move forward with a Surveyor. I have spoken with several people (Roy Kibler (Superintendent of Property Maintenance), Mr. Bailey (John M Bailey & Assoc PC Surveyor), as well as, the RMC Office for Aiken County and there are currently no documents that show that the alleyway belongs to anyone, although Roy Kibler has expressed that it is no longer in use or owned by the city. He also shared that from GIS mapping, that alleyway was possibly added to the four homes along East avenue, but could not confirm. Mr. Bailey, the surveyor, suggested that this information would exist somewhere in the City Council minutes, or at least, the decision on what was decided with that alleyway. I have looked up our plat from 1993 and my neighbors plat from 1995, if these dates help at all, that shows there is still an alleyway and neither of us own it.

If you could please help us to determine who owns what so that we can end this dispute between our back neighbor and any future owners, we would be so extremely grateful. Many thanks for your time and help.

Warmly,
Dawn