

NORTH AUGUSTA

SOUTH CAROLINA'S RIVERFRONT

FOIA 2022-52

Date: July 28, 2022

TO: 

RE: FREEDOM OF INFORMATION REQUEST

Copy to:
Kelly Zier - City Attorney
Jim Clifford - City Administrator
Rachelle Moody - Assistant City Administrator
Lynda Williamson - Interim Director of Finance
Ricky Jones - Manager of Information Technology

PLEASE BE ADVISED that the City of North Augusta has received your Freedom of Information Act (FOIA) request the 28th day of July 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

Sharon Lamar, City Clerk

City of North Augusta, South Carolina

Lamar, Sharon

From: [REDACTED]
Sent: Wednesday, July 27, 2022 5:55 PM
To: Williams, Briton
Cc: DMcGhee@northaugusta.net; PCarpenter@northaugusta.net; jenmaccauley@northaugusta.net; rbrooks@northaugusta.net; epresnell@northaugusta.net; Toole, Kevin; Clifford, Jim; Lamar, Sharon
Subject: FOIA Request July 2022

Mrs. Sharon Lamar
City of North Augusta
100 Georgia Avenue
North Augusta, SC 29841

Dear Mayor Williams, City Administrator Clifford , and Council:

I am having a difficult time understanding how a credit figure could be displayed and presented in an **official** City document showing an outside agency how well or how poorly this project is performing in this category. Perhaps you can help me understand. Quite frankly, the citizens, mayor and council should be irate that this information is being displayed in this matter knowing that the GreenJackets are announcing to the world how successful their attendance has been in luring fans to SRP and how high their attendance has been. Are we not managing this effort correctly and are we not paying enough attention to this important business matter? Who will ask the important questions? Why are we not collecting revenue in this category?

I can only guess that this negative number was generated from reports submitted by the organization or staff responsible for collecting and reporting results. I understand there must be an explanation on this category but quite frankly the explanation provided in the report is confusing to me ,at best and I quote:

“Parking revenues are received from certain parking facilities owned or operated by the City including the Medac Deck, Hotel Deck and various lots owned by the City. Revenues received are netted against expenditures incurred for operations and maintenance of the parking facilities. The reduced collections in 2020 are related to the outbreak of COVID-19. The City is currently working with the hotel developer and hotel management to reconcile: 1) amounts due to the City for the City’s pro rata share of parking revenues collected by the hotel and 2) amounts due from the City for reimbursement of agreed upon operating expenses of the hotel deck and agreed upon management fee. Total net parking revenues for 2022 will be updated upon reconciliation.”

If you look at the City website this explanation was provided in the 1st quarter report posted previously mentioned on the city site 4/26/22. This same explanation was provided in the 2nd quarter report posted on July 25, 2022. Two questions require answers,

1. Why is the City **currently** working with the hotel developer and hotel management now when months or perhaps years have elapsed since this arrangement was made and one might think that this reconciliation, which involves substantial revenues, appears to have no visible conclusion.
2. Also, there seems to be no mention of the Stadium Garage which collects a majority of the parking fees at SRP. Where are those funds and was a reconciliation provided? The same investor that owns this garage is the same investor that owes the City substantial tax dollars. I there trust with this investor, I have serious doubts.

As a item of fact, the majority of parking for activities at SRP are directed to the Stadium Garage located across the street from the stadium, owned by the developer. Parking at the hotel Garage has been designated to be available for stadium attendees that have prepaid for parking. I would imagine there are records available to show how many people prepay for this service.

Parking at the Medac Garage is **now limited** and is in fact is closed for some activities even though there are attendants at this lot instructing people that it is closed and they should go to the other garages not owned by the City.. This is a City owned facility and one might imagine the majority of money collected would go to the City. Is that true? If you remember , this was a \$12 million investment that the City said would be necessary for stadium parking and Medac use. As all can see , other than collecting tax revenue from the Medac Building, this investment to date has not lived up to expectations knowing now that the Medac Building currently is at least half empty. I provide you with a quote,

"A press release from the Economic Development Partnership on April 25, 2014 stated that Medac would bring 615 jobs to North Augusta. Mayor Jones was quoted as saying there would be a "trickle over effect" from the deal, so presumably the investment of \$12 million in public funds was about bringing jobs and people to town. Jones further stated that Medac would be the "largest single, private employer in North Augusta when this project comes to fruition."

How is that deal working for the citizens? Where is the accounting of funds collected for that garage?

I have elected to present my request with an attempt to make clear to everyone that sees it, that there are many, many questions that remain unanswered . In summary, Under the South Carolina Freedom of Information Act (FOIA), 30-4-10, I am requesting to have sent to me any documentation which would explain the loss of \$35,209 in parking revenues (See Page 7 Voluntary Continuing Disclosure North Augusta Public Facilities Corporation/City of North Augusta Series 2017B Voluntary Filing for the Fiscal Quarter Ended June 30, 2022). I am also requesting any emails or other correspondence between the City and the Crowne Plaza Hotel regarding the allocation of revenues and expenses at the Hotel parking deck , and any emails or other correspondence between the City and/or the GreenJackets and / or other garage owners which discuss the allocation of revenues and expenses for the years 2021 and 2022.

Please provide the details that are requested.

Sincerely,

