



MINUTES
LANDRUM CITY COUNCIL MEETING
Tuesday, September 14, 2021

NOTE:

- All interested citizens were invited to watch the City Council meeting live streamed on the City of Landrum Facebook page.
- Public comments were accepted during the Public Comment segment by calling City Hall via telephone (864)457-3000. All comments would be directly aired to the Mayor and Council.
- In accordance with the South Carolina Code of Laws, Section 30-4-80, the time, date and location of the meeting was posted at City Hall and the city Facebook page and City Website. The media was duly notified.

Mayor Robert B. Briggs called the meeting to order at 6:31 P.M. in the Landrum City Hall Council Chambers.

Members Present: Mayor Robert B. Briggs, Council Members: Tammy Cox and Johnny Carruth and Joyce Whiteside

Members Absent: Billy Inman, Shannon Dotson and Daniel Prince

There was no Work Session

The Invocation was given by Mayor Robert Briggs, followed by the Pledge of Allegiance.

Approval of Minutes

Minutes for the month of August 10, 2021, accepted as written.

The Financial Statements

No financial statement given

OLD BUSINESS

1. Continued discussion of a contribution to the Landrum High School Athletic Booster Club. The Athletic Booster club made the request several weeks ago and the City requires the entity requesting the donation funds to provide a written statement of the amount requested and what the funds would be used for. LHS Athletic director Mike Gentry submitted the information to City Administrator Rich Caplan. The amount requested is \$4750 and will be specifically used to fund the end of season athletic banquets. The school would then in turn advertise the city and local businesses and restaurants at athletic events held at the school and provide food from local restaurants. The funds will be paid from the Hospitality Tax fund. Mayor Robert Briggs calls for a motion to donate \$4750 to the Landrum High School Athletic Booster club. Council Member Johnny Carruth makes the motion. Council Member Tammy Cox 2nd the motion. All in attendance voted yes for the City to donate \$4750 to the Landrum Athletic Booster Club.
2. Update on proposed Landrum Senior Citizen Center building. Mayor Robert Briggs announced that the City closed on the property located at the corner of W. Tucker Street and S. Randolph Ave. the physical address is 105 West Tucker Street. He also announced that a Landrum citizen, Anne Regan donated

\$100,000 to be used for the purchase of a Senior Citizen Center. The city will match the donated amount and will also apply for grants from ACOG (Appalachian Council of Governments) to renovate and furnish the Senior Center. There will be 2 stages of improvements. The first stage will address the immediate repairs needed, the roof will need to be replaced, the HVAC system (\$15,000) will need to be replaced and water issues in the basement. The City is currently getting quotes to fix the issues. There are federal grants available for updates and improvements made to Senior Citizen facilities. There are also other updates on the list, kitchen facilities, and maybe a covered patio or deck area for the attendees to hold activities outside. A survey has been handed out to the attendees as to what activities and games they would like to see made available to them. The previous owner left a piano and 25 wooden church pews. The City may use some of the pews in the Senior Citizen Center and may use some in City Hall. The others will probably be sold. The grant application process would be in the spring of 2022, the federal grant would be available summer of 2022, if the City was awarded the grant.

NEW BUSINESS

A resolution designating an authorized representative and contact person for the purposes of the American Rescue Plan Act of 2021. This resolution was drafted by the MASC and will need to be filed with State Department of Administration. Mayor Robert Briggs call for a motion to approve the Resolution authorizing Rita Bruce, City Clerk and Rich Caplan, City Administrator as the designated contacts for the City of Landrum. Council Member Johnny Carruth makes the motion. Council Member Joyce Whiteside 2nd the motion. All in attendance vote yes to the Resolution designating The City of Landrum contacts for the American Rescue Plan Act of 2021. The Resolution is attached to these minutes.

PUBLIC COMMENT

Public comment may be made by calling telephone number 864-457-3000.

Mayor Robert B. Briggs opened the floor for public comments

Judy Henderson – She voiced her concerns on the ongoing Railcar Museum project. She would like to know what progress has been made in the last month since she commented at the August Council Meeting. She also would like to know the status of the request to re-title the alleyway on the N. Randolph property behind Landrum Springs Church. City Administrator Rich Caplan addressed her comments and reiterated to her that she could call him at City Hall any time during the week to get the answer to any of her questions, she did not have to wait to come to a meeting. He told her that the asbestos removal was the first project for the Railcar Museum that had to be completed before any other work could be started. An RFP (Request for Proposal) has been drafted for asbestos removal. After that work has started, then other RFP can be sent out for all the other work. The alleyway has already been surveyed and he is in the process of speaking with the company that completed the land survey.

Reports

City Administrator. Rich Caplan gave a report on the litigation results of Kim Sherwood vs. The City of Landrum. He stated that it is appropriate to publicly inform the citizens of Landrum the results of the case especially since it relates to the conduct of Landrum City Council meetings.

The Spartanburg County Circuit Court of Common Pleas dismissed three of the charges against the city and resolved the remaining items in favor of the City of Landrum. Caplan read from the Superior Court Judge's orders document that states:

- *“it appears to the Court that there is no controlling or pertinent State case law on the claims involved in this action.”*
- *“These Council meetings were not secret or closed. The meetings were open to the public.”*
- *“For the reasons set out above, the Court concludes that Plaintiff has failed to establish any violation of the Freedom of Information Act by the City as alleged in the Complaint.”*

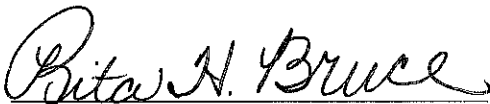
- *“The Court concludes that, given the size and staff of the City, the nature and volume of FOIA requests by Plaintiff have significantly distracted the City Administrative staff from other public duties, and resulted in a burden that borders on being unreasonable on the City. The City is entitled to a judgement in its favor on its claim pursuant to Section 30-4-110(A).”*
- *“Nevertheless, the Court urges the Plaintiff exercise prudence and consideration in connection with any future FOIA requests.”*
- *“The Court finds and concludes that, Plaintiff has failed to establish any violation of the State Freedom of Information Act by the City of Landrum, and has failed to establish any right to any relief as sought by her complaint” and*
- *“The Court finds and concludes that repeated FOIA and other information requests by Plaintiff given the size and staff of the City, have placed a burden on the City which borders on being unreasonable.”*

Caplan stated that the City has always responded in a timely manner to all FOIA requests. He also stated that we have never had any complaints from any Landrum residents regarding any other FOIA requests. He has given this information to better inform City residents watching or attending this meeting of the resolution of litigation against the City.

Mayor Robert Briggs states that the City of Landrum will be responsible for paying its own legal fees because of the litigation, and the Plaintiff, Mrs. Sherwood would be responsible for her own legal fees. Rich Caplan thanked City Clerk, Rita Bruce for her testimony during the trial proceedings and her professionalism in dealing with the multiple inquiries and FOIA requests. The entire Court order document is attached to these minutes and copies are available by calling the City Clerk’s office 864-457-3000.

Police Department. Chief Kris Ahler presented council with his monthly report via PowerPoint. A written copy of this report may be requested any time by calling the City Clerk’s Office at 864-457-3000

Meeting Adjourned at 7:08pm.



Attest: Rita H. Bruce

City Clerk / Treasurer

Approval Date: October 12, 2021

**A RESOLUTION of The City of Landrum DESIGNATING AN AUTHORIZED
REPRESENTATIVE AND CONTACT PERSON FOR PURPOSES OF THE AMERICAN
RESCUE PLAN ACT OF 2021**

WHEREAS, the American Rescue Plan Act of 2021 (ARPA) appropriates \$19.53 billion to States for distribution to nonentitlement units of local government (NEUs), which are local governments typically serving a population under 50,000;

WHEREAS, the City of Landrum, South Carolina (the Municipality), is an NEU for purposes of ARPA and expects to receive funding pursuant to the ARPA appropriation;

WHEREAS, ARPA requires that the Municipality designate an Authorized Representative to approve and sign documents, make certifications required by ARPA, and otherwise act as the Municipality's designated and lawfully appointed agent for purposes of ARPA; and

WHEREAS, ARPA further requires that the Municipality designate a Contact Person to receive official communications and notice related to ARPA;

NOW, THEREFORE, BE IT RESOLVED as follows:

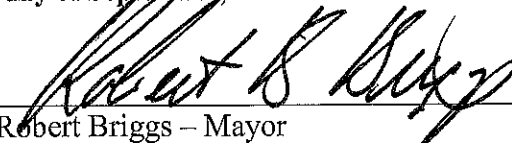
Section 1. Rita Bruce, the City Clerk/Treasure of the Municipality, is hereby designated as the Municipality's Authorized Representative pursuant to ARPA. The Authorized Representative is hereby authorized and directed to do all things necessary (including without limitation to sign documents, make certifications, make regular reports to City Council and otherwise act on behalf of the Municipality) to receive and expend funds pursuant to an appropriation by council and ARPA rules. The Authorized Representative's contact information is:

Rita Bruce
City Clerk
100 N. Shamrock Avenue, Landrum, SC 29356
864-457-3000
Rita.Bruce@cityoflandrumsc.com

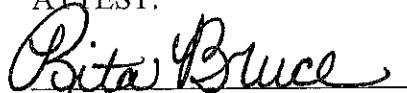
Section 2. Rich Caplan, the City Administrator of the Municipality, is hereby designated as the Municipality's Contact Person pursuant to ARPA. The Contact Person's contact information is:

Rich Caplan
City Administrator
100 N. Shamrock Avenue, Landrum, SC 29356
864-457-3000
Rich.caplan@cityoflandrumsc.com

DONE IN MEETING duly assembled this 14th day of September, 2021.


Robert Briggs – Mayor

ATTEST:


Rita Bruce
City Clerk/Treasurer

Subject: Courtesy NEF RE: 2021CP4200344
Date: Wednesday, September 8, 2021 at 3:00:23 PM Eastern Daylight Time
From: efiledonotreply@sccourts.org
To: Danny Crowe
CC: Denise Brockwell

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP4200344

Official File Stamp: 09-08-2021 03:00:02 PM
Court: CIRCUIT COURT
Common Pleas
Spartanburg
Case Caption: Kim Sherwood VS City Of Landrum
Document(s) Submitted: Order/Other Order/Other
Filed by or on behalf of: Grace G. Knie

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Danny Calvert Crowe for City Of Landrum
James G. Carpenter for Kim Sherwood

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Kim Sherwood,

Plaintiff,

vs.

The City of Landrum,

Defendant.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2021-CP-42-00344

**ORDER**

|                           |                                |
|---------------------------|--------------------------------|
| Hearing Date:             | August 2nd, 2021, at 9:30 a.m. |
| Hearing Judge:            | Grace Gilchrist Knie           |
| Counsel for Plaintiff(s): | James G. Carpenter             |
| Counsel for Defendant(s): | Danny C. Crowe                 |
| Court Reporter:           | Julie A. Cendroski             |

This matter was before the Court on Monday, August 2nd, 2021, at 9:30 a.m. upon the Defendant's request for a hearing as to relief as asserted in its Answer filed with the Court on March 10th, 2021. The Plaintiff was present and represented by her legal counsel James G. Carpenter, Esq. Present representing the Defendant was Danny C. Crowe, Esq. The Court Reporter was Julie A. Cendroski.

**PROCEDURAL BACKGROUND:**

This is an action under the South Carolina Freedom of Information Act (S.C. Code section 30-4-10 et seq.) (the "FOIA"). At the scheduled hearing before the Court on August 2nd, 2021, the attorneys for the parties agreed to combine the "initial hearing" requested by the City of Landrum (the "City") pursuant to Section 30-4-100(A) of the FOIA, with a non-jury trial on the merits of Plaintiff's claims against the City for violations of Sections 30-4-30 and 30-4-60 and of the City's claim against Plaintiff under Section 30-4-110(A). The attorneys for the parties represented to the

Court that no further discovery was necessary and that the parties were ready for a final hearing on the merits.

At the hearing, the parties offered one witness each (the Plaintiff and, for the City, its Clerk/Treasurer Rita Bruce), introduced documentary evidence (the Plaintiff, Exhibit #'s 12 and 13, the Defendant, Exhibit #'s 1- 13), and presented argument. After hearing and considering the testimony of the witnesses and the submittals and arguments of the attorneys for the parties, and after considering the exhibits introduced into evidence, the Court makes the following findings of fact and conclusions of law, as required by Rule 52(a), SCRCF, and issues the following order of The Court.

In her Complaint (captioned as a "Complaint for FOIA Enforcement"), Plaintiff sought declaratory and injunctive relief for alleged violations by the City of the FOIA. These alleged violations involved (1) four specific claims related to the application of provisions of Section 30-4-30 to the City's responses to the December 8th, 2020, records requests by Plaintiff, and (2) one claim related to the application of the requirement of Section 30-4-60 for meetings "open to the public" to three meetings (two workshop and one regular meeting) of the City Council held on January 12th, 2021, that partially restricted in-person attendance by the public due to the COVID pandemic and health emergency but allowed for electronic and Internet and telephone public participation (including participation by Plaintiff herself).

By its Answer with affirmative defenses, the City asserted that the City did not violate the FOIA. Pursuant to Section 30-4-110(A) of the FOIA, the City further asserted a claim for equitable relief against Plaintiff on the basis that Plaintiff's requests for documents and information since July 2020 have been unduly burdensome and repetitive.

The Plaintiff's four claims related to the FOIA requests, as described in the Complaint, were that (1) the City used an inapplicable rate schedule to calculate deposit and charges, (2) the City printed some electronic documents and charged for those printed pages, (3) the City would not allow Plaintiff to view other documents while she owed the charges for the documents produced by the City in response to the December 8 requests, and (4) the deposit amount and the rate schedule's "one-hour minimum" fee for the production responses to the December 8th requests were excessive and violated the FOIA.

At the commencement of the hearing before the Court, Counsel for Plaintiff advised the Court on the record that three of the four claims related to Plaintiff's December requests were "mooted" on the Friday afternoon before the Monday morning Court hearing when Plaintiff appeared at City Hall, asked to pick up the documents the City had produced in response to the December requests, was given the documents, and was told that there would be no additional charge beyond the previously paid deposit. (See also City Exhibit 9). This stipulation of "mootness" by Plaintiff was accepted by the Court as the equivalent of voluntary dismissals of the claims.

With this stipulation, Plaintiff's Counsel also represented to the Court that the Plaintiff's only remaining viable claim related to Plaintiff's December document requests was the claim that the provision of the City's rate schedule for a "one-hour minimum" for production of documents violated the FOIA. Plaintiff's other remaining viable claim (denominated as Claim Five in the Complaint) is an alleged violation of the "open meeting" provision of Section 30-4-60 relating to partial restrictions on in-person public attendance at Council meetings due to COVID pandemic concerns.



**APPLICABLE LAW:**

It appears to the Court that there is no controlling or pertinent State case law on the claims involved in this action. Rather, this case requires the "first impression" application of FOIA provisions to the established facts. The questions of whether the City complied with the requirements of the FOIA, and whether the City is entitled to equitable relief under Section 30-4-110(A), appear to the Court to be mixed questions of law and fact to be determined by analysis of the language of the applicable statutes and the evidence before the Court.

The cardinal rule in statutory construction is that a court must ascertain and effectuate legislative intent whenever possible. Joint Legislative Committee v. Huff, 320 S.C. 241, 245, 464 S.E.2d 324, 326 (1995). Legislative intent must prevail if it can reasonably be discovered in language used and construed in light of its intended purpose. Glover by Cauthen v. Suitt Construction Co., 318 S.C. 465, 458 S.E.2d 535 (1995). Our appellate courts have held that words used in a statute are to be given their plain and ordinary meaning. Worthington v. Belcher, 274 S.C. 366, 368, 264 S.E.2d 148, 149 (1980); Hughes v. Edwards, 265 S.C. 529, 220 S.E.2d 231 (1975). When the terms and language of a statute are plain and unambiguous and convey a clear and definite meaning, there is no occasion for employing rules of statutory interpretation and the court has no right to look for or impose another meaning. Miller v. Doe, 312 S.C. 444, 441 S.E.2d 319 (1994); City of Columbia v. American Civil Liberties Union of South Carolina, Inc., 323 S.C. 384, 475 S.E.2d 747 (1996).

Courts must apply the terms of a statute according to its literal meaning, without resort to subtle or forced construction in an attempt to limit or expand the scope of the statute. Holley v. Mount Vernon Mills, Inc., 312 S.C. 320, 440 S.E.2d 373 (1994). When the language of the statute is clear and explicit, the court cannot rewrite the statute and inject matters into it which are not in

the legislature's language. Timmons v. Tricentennial Comm'n, 254 S.C. 378, 175 S.E.2d 805 (1970). Where a word is not defined in a statute, our appellate courts have looked to the usual dictionary meaning to supply its meaning. Lee v. Thermal Engineering Corp., 352 S.C. 81, 91-92, 572 S.E.2d 298, 303 (Ct. App. 2002); see also State v. Dickinson, 339 S.C. 194, 199, 528 S.E.2d 675, 677 (Ct. App. 2000) (citing Black's Law Dictionary).

#### **FINDINGS OF FACT:**

As to the allegation that Defendant's rate schedule's "one-hour minimum" fee and deposit amount were excessive and violated FOIA, Plaintiff presented five separately numbered FOIA requests to the City in her December 8th, 2020, e-mail to the City Clerk/Treasurer. The City calculated and requested a deposit of \$80 from Plaintiff against the final actual costs of production of the responsive documents. Plaintiff paid the deposit under protest on December 17th, 2020. The City's production was completed, and the City advised Plaintiff, on January 5th, 2021, that the documents were available upon payment of the remaining costs (after deduction for the deposit) of \$148.80.

The City Clerk/Treasurer based her calculation of the deposit amount on the "Minimum 1 hour" language in "Search/Retrieval/Redaction/Copying Time" section of the City's FOIA Fee Schedule. She calculated the deposit based on five requests at a minimum of one hour each at the rate of \$16 per hour. Her e-mail conveying the deposit amount to Plaintiff described the "the estimated time to retrieve these documents" as 20 hours at \$16 per hour for a total of \$320 for which a 25% deposit was \$80.

The actual charges for production of the requested records totaled \$228.80, representing seven hours of staff time and 279 pages of documents. Twenty-five percent of the actual charges incurred is \$57.20.

The actual time incurred of seven hours was greater than the five-hour total of any "one-hour minimum" for each of the five requests. This means that Plaintiff was not overcharged based on a "one hour minimum." The Clerk's tabulation of actual charges shows that the City, in Plaintiff's situation, used the "one-hour minimum" only to determine estimated charges and did not use the "one hour minimum" to determine actual charges.

As established by the testimony, the documentary evidence, and the stipulation of Plaintiff's attorney, on Friday, July 30th, 2021, (the last workday before the scheduled Court hearing on August 2nd, 2021), Plaintiff appeared at City Hall and requested the documents assembled by the City in response to the five FOIA requests of December 8th, 2020. This request for the documents was more than seven months after Plaintiff was notified initially in January that the response was ready. The City Clerk waived payment by Plaintiff of the remaining charges of \$148.80 (\$228.80 less the previously paid \$80 deposit). Plaintiff paid \$80 for 279 pages of documents that required seven hours of staff time to compile and copy. The paid charges by Plaintiff for the City's responses to her FOIA requests are not excessive.

Due to a surge in COVID (as well as quarantine and testing for COVID by some City employees), the City Administrator determined to partially restrict in-person attendance for the public at the January 12th, 2021, Council meetings to members of the public involved in the presentation of agenda items. The meeting agendas for the three meetings contained a notice (bold and underlined) that "Due to the increase in the number of COVID cases, attendance is restricted to only persons with specific items on the meeting agenda." The agendas were posted in accord with the FOIA, and the City Clerk/Treasurer also e-mailed Plaintiff directly on January 11<sup>th</sup>, 2021, concerning the attendance restrictions for the meetings. According to Plaintiff, prior to the start of the meetings, Plaintiff was asked by the Police Chief to leave the Council meeting room due to the

partial in-person restrictions, and she also talked, prior to one of the meetings, to the City Administrator concerning the partial restrictions.

By prior arrangement of the City, the meetings were live streamed on the City's Facebook page accessible by the public over the Internet. Additionally, members of the public were able to communicate via electronic mail real-time comments to the Council and also were able to call via telephone for live broadcast audio comments to Council during the public comment portion of the regular Council meeting. The Minutes of the final Council meeting on January 12th, 2021, show that Plaintiff herself participated in a public comment session by live telephone call-in.

Since July, 2020, Plaintiff has engaged in a course of conduct with the City that includes multiple e-mails (approximately 88 to the date of the filing of the City's hearing request on March 10, 2021, with more subsequently), eight written requests for documents or information under the FOIA in 2020 (July 15, July 22, July 28, September 23, September 24, October 20, December 1, and December 8), and at least six written requests for documents or information in 2021 (January 4, February 3, February 10, February 24, April 28, and June 1). The City is a small municipality (with less than 2400 residents), and the City government has approximately 19 full time employees with three employees in City Administration. The City contends that the FOIA requests by Plaintiff, as well as, Plaintiff's other requests and communications with the City, require considerable City employee time and expense. The City further contends that the FOIA and other requests of Plaintiff directed to the City significantly distract the City administrative staff from other public duties, and create an undue burden on the City.

#### CONCLUSIONS OF LAW:

1. The FOIA, in Section 30-4-30(B), provides that "the public body may establish and collect reasonable fees not to exceed the actual cost of the search, retrieval, and redaction of

records." The evidence in this case shows that the fees quoted and charged to Plaintiff (even without consideration of the waiver of the final \$148.80 due) did not exceed "the actual cost" of the search. This is illustrated convincingly by the City's final tally of time and rates and copy charges set out in City Exhibit 8. This exhibit also illustrates that Plaintiff was not quoted or charged a final fee based on any "one-hour minimum."

The circumstance that one-hour minimums were used in the calculation of the deposit does not establish a violation of the "actual cost" provision of section 30-4-30(B). The FOIA does not prohibit or address the use of a "one hour minimum" for staff time in determining the amount of the deposit. Rather, the FOIA, in the final sentence of Section 30-4-30(B), states only that the deposit is "not to exceed twenty-five percent of the total reasonably anticipated cost for reproduction of the records....." Comparison of the estimated charges to the actual and incurred time and charges shows that this estimate was reasonable. Plaintiff has failed to establish that the City's application of the "one hour minimum" in the calculation of the deposit for her requests violated the FOIA as an excessive deposit or as excessive or improper charges.

2. The City Council meetings of January 12<sup>th</sup>, 2021, were "open to the public" as required by Code in section 30-4-60, even though in-person attendance was partially restricted. The unprecedented national emergency of the COVID pandemic has required flexibility in the operation and functioning of governmental bodies. Nevertheless, the public including Plaintiff, remained able to observe and listen to and participate in the City Council meetings at issue through methods other than in-person.

These Council meetings were not secret or closed. The meetings were "open to the public" by in-person attendance for those with agenda items or by electronic means for those who were not involved with agenda items. The FOIA specifically recognizes that a "meeting", by the

definition of the word in Section 30-4-20(d), can be convened and held "corporal or by means of electronic equipment....."

Additionally, contrary to Plaintiff's assertions in her Complaint and at the hearing, there is no legal requirement in the FOIA that a governing body must undertake a public vote in order to partially restrict in-person attendance in the manner undertaken at the Landrum City Council meetings. Neither is there any requirement in the FOIA that meetings with partial in-person restrictions must base those attendance restrictions on revised fire code occupancy rates or room size or any particular "social distancing" guidelines or requirements.

3. Plaintiff, through the stipulation of her attorney in open court, voluntarily withdrew as moot, any other claims asserted in Plaintiff's Complaint.

4. For the reasons set out above, the Court concludes that Plaintiff has failed to establish any violation of the Freedom of Information Act by the City as alleged in the Complaint.

5. Section 30-4-110(A) provides that a public body, such as the City, "may file a request for hearing with the circuit court to seek relief from unduly burdensome, overly broad, vague, repetitive, or otherwise improper requests....." The Court concludes that, given the size and staff of the City, the nature and volume of FOIA requests by Plaintiff have significantly distracted the City administrative staff from other public duties, and resulted in a burden that borders on being unreasonable on the City. The City is entitled to a judgment in its favor on its claim pursuant to Section 30-4-110(A).

Although the City seeks some type and measure of equitable relief, the Court is reluctant to impose limitations on the number and nature of Plaintiff's future FOIA requests. Nevertheless, the Court urges that Plaintiff exercise prudence and consideration in connection with any future FOIA requests.

**CONCLUSIONS & ORDER:**

The Court acknowledges and appreciates the amount of research and preparation for the hearing by counsel, as well as, the professionalism of counsel in their presentations to the Court. After consideration of the record, testimony presented, Exhibits admitted as evidence to the Court, arguments presented, and the applicable law, the Court finds and Orders as follows:

1. The Court finds and concludes that, under the circumstances of this case, the action of the City of Landrum, in calculating and charging a deposit utilizing a "one-hour minimum" rate per FOIA request, did not violate the State Freedom of Information Act; and

2. The Court finds and concludes that, under the circumstances of this case, the actions of the City of Landrum, due to COVID pandemic concerns, in imposing a partial restriction on in-person public attendance at Council meetings while providing for public access by Facebook and public participation by telephone, did not violate the State Freedom of Information Act; and

3. The Court finds and concludes that, Plaintiff has failed to establish any violation of the State Freedom of Information Act by the City of Landrum, and has failed to establish any right to any relief as sought by her Complaint; and

4. The Court finds and concludes that, repeated FOIA and other information requests by Plaintiff, given the size and staff of the City, have placed a burden on the City which borders on being unreasonable, within the meaning of Section 30-4-110(A) of the Freedom of Information Act, and that the City is the prevailing party on this claim within the meaning of Section 30-4-110(C).

Based on the Findings of Fact, Conclusions of Law, above, it is Ordered that:

1. Judgment in this case, on all allegations of the Complaint, shall be entered in favor of the Defendant; and,

2. Pursuant to the specific authority set out in Section 30-4-110(C), the Court declines, in the exercise of its discretion, to order equitable relief against Plaintiff as to the Defendant's claim under Section 30-4-110 (A) and Orders that each party shall be responsible for their own attorney's fees and other costs of litigation specific to the claim.

**AND IT IS SO ORDERED.**

/s/Grace Gilchrist Knie

Grace Gilchrist. Knie  
Resident Circuit Court Judge  
Seventh Judicial Circuit

Dated: September 8th, 2021





Spartanburg Common Pleas

**Case Caption:** Kim Sherwood VS City Of Landrum

**Case Number:** 2021CP4200344

**Type:** Order/Other

IT IS SO ORDERED.

S/GRACE GILCHRIST KNIE - 2760

## Certificate of Electronic Notification

### Recipients

James Carpenter - Notification transmitted on 09-08-2021 03:00:13 PM.

Danny Crowe - Notification transmitted on 09-08-2021 03:00:16 PM.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP4200344

Official File Stamp: 09-08-2021 03:00:02 PM  
Court: CIRCUIT COURT  
Common Pleas  
Spartanburg  
Case Caption: Kim Sherwood VS City Of Landrum  
Document(s) Submitted: Order/Other Order/Other  
Filed by or on behalf of: Grace G. Knie

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Danny Calvert Crowe for City Of Landrum  
James G. Carpenter for Kim Sherwood

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means: