



CITY OF COLUMBIA
CITY COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, AUGUST 23, 2011
6:00 P.M.
CITY HALL – 1737 MAIN STREET
CITY COUNCIL CHAMBERS

The Columbia City Council will conduct Public Hearings on Tuesday, August 23, 2011 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:05 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Belinda F. Gergel and The Honorable Leona K. Plough. The Honorable Brian DeQuincey Newman joined the meeting at 6:12 p.m. The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

Mr. Steven A. Gantt, City Manager

Before we get started I would like to remind everybody in the audience that if you have a cell phone or pager, please turn it to the off, silent or vibrate position. Please be advised that you have a 3 minute time limit for comments.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

ORDINANCE – FIRST READING

1. REDISTRICTING

Ordinance No.: 2011-064 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 6, Elections, Sec. 6-2, Method of election; election districts, (b) – *Approved on first reading.*

The Honorable Mayor Stephen K. Benjamin

I want to welcome everyone here this evening to this Public Hearing on our redistricting efforts. I want to thank everyone for being here tonight. We are going to be joined shortly by our counsel, Willoughby and Hoefler and by the City's chief legal counsel, Ken Gaines. The purpose of this hearing is to hear from the public about the Council's proposed ordinance redrawing the four City Council single-member districts based on the 2010 Census data. The Census reflects that the total population of the four single-member districts increased by slightly more than 11% since the last Census in 2000. However, the population did not change uniformly in each district, resulting in some districts having much higher population and others having a substantially lower population than the ideal population of 32,403 residents, as shown on the data sheet made available to you tonight. In particular, both District 2 and District 3 were substantially under populated, and District 4 was substantially overpopulated. Based on this imbalance, the Council was required to redraw the districts through a process referred to as "redistricting." Redrawing is required because, pursuant to the United States Constitution and federal and state law, the districts must have essentially equal population to comply with the principle of "one person, one vote." In addition to the requirement that the districts be approximately equal in size, the Council was required to abide by several legal principles and requirements. In particular, the federal Voting Rights Act requires that any redistricting plan allow minority voters an equal opportunity to elect

representatives of their choice and not deny anyone's right to vote based on race, color, or minority language status. As part of meeting this requirement, the Council had to draw Districts 1 and 2 so that they maintained their status as majority-minority districts. Additionally, the Council followed traditional redistricting principles where practicable. These principles included following natural geographic and governmental boundaries, maintaining the cores of the existing districts, drawing compact and regularly shaped districts, and maintaining recognized communities of interest when possible. In particular, the Council tried to draw neighborhoods, subdivisions, and recognized City districts wholly within one of the Districts. However, because of the overriding principles of "One Person, One Vote" and the Voting Rights Act, this was not always possible. As part of tonight's meeting, the Council wants to hear from the public as to your thoughts and comments on the proposed plan. In particular, the Council wants to hear your ideas about the redrawn districts, and whether you agree or disagree with how various areas of the City have been drawn together into a single district. The redistricting plan must be adopted by the Council through the ordinance process, and, therefore, it must be given first and second reading before it can become law. After the ordinance is adopted, the Council must submit the new district boundaries to the United States Justice Department for pre-clearance or approval pursuant to the Voting Rights Act. Because of the time constraints related to obtaining DOJ approval of the plan and the timing of the City's upcoming election, the Council intends to give first reading to the plan this evening. Because tonight's hearing will become part of the record in this matter, this proceeding is being recorded and will be transcribed. To make sure that the record is clear, I ask that each witness who wishes to comment on the redistricting plan come to the microphone, speak slowly and clearly, and state your name and address and identify the district or districts you are interested in. If you are appearing tonight on behalf of a group, such as a political party, a public interest group, or other organization, please let us know that information as well. I or other members of the Council may make comments and ask questions about particular areas which may not reflect the intentions or recommendations of the full Council. We will be glad to answer general questions about the process if we can. While we want to hear everything that anyone has to offer, the Council may limit individual testimony, as Mr. Gantt has stated so that everyone can be heard. Please be considerate of others who are here to offer their opinions as well. We are glad you are here, and we look forward to hearing from you tonight. I will now defer to Council and to any citizens who may want to speak.

- **Mr. Newman arrived at 6:12 p.m.**
- **Council opened the Public Hearing at 6:12 p.m.**

Mr. Fred Easley, Melrose Heights Neighborhood Association / 1521 Fairview Drive

We are currently in District Three and I wanted to come forth and indicate our support for the existing proposed Redistricting Plan dated August 17, 2011. We do appreciate it.

Mr. John Cloyd, President of the Forest Hills Neighborhood Association / 1415 Glenwood Road

We are very supportive of being able to stay in District Three. Our service has been exceptional and we would ask that you adopt this plan as proposed.

Ms. Martha Fowler, 1429 Hagood Avenue

We have been wonderfully served by our representative in District Three and we want to thank Council for leaving District Three as a whole entity and hopefully to be represented by our current Council member.

Ms. Elizabeth Fryga, Melrose Heights Neighborhood / 2800 Kershaw Street

Our area is very much like a little village and we are so thankful to you for this plan that does not split us in the middle. We appreciate your consideration on that.

The Honorable Mayor Stephen K. Benjamin

Are there any other citizens who did not have the opportunity to sign up or wanted to speak on the plan before us?

- **Council closed the Public Hearing at 6:14 p.m.**

Is there a motion from Council? After a public motion we will go into a period of discussion.

The Honorable Tameika Isaac Devine

I would move approval of the proposed Redistricting Plan.

The Honorable Sam Davis

Second.

The Honorable Mayor Stephen K. Benjamin

It has been moved and properly seconded. Discussion? Ms. Plaugh.

The Honorable Leona K. Plaugh

I first wanted to say that I am really fortunate to represent District Four. It's a strong, robust district that has grown significantly over the last ten years, which results in District Four really being the District that was significantly impacted in the need to make the appropriate adjustments. I am not inclined, traditionally, to support any effort that would move neighborhoods or areas out of District Four. I'm very happy and I think the constituency is really very happy the way it is right now. Regrettably, that can't happen. Under the Voting Rights Act as the Mayor has indicated, there is a time and a place and this is where we are, where we have to make those adjustments so that all the districts are a similar size. I think fortunately this plan as its configured will hopefully provide for some growth in other districts, other than District Four, because up to now, the primary growth area, with the exception of a little in District One, has been District Four. So I think this plan does hopefully plan for the future in terms of growth. I worked with my colleagues really to come up with what was the best plan that we could and as the Mayor said, we were cognizant of neighborhood boundaries and communities of interest. Regrettably, I just want to go on record that we were not able to keep together all of the communities of interest, although we did try, by necessity, because of the number of people that had been moved from one district to the other, some dividing lines had to be crossed, but;

therefore, I really am prepared to support this ordinance and vote in favor of it, because I think this Council has worked hard and has been considerate of the needs of the citizens of this city and every neighborhood there within. For that I am in support of what we are about to adopt.

The Honorable Belinda F. Gergel

Mr. Mayor, I am also supportive of this plan. We went through many discussions about what we were going to do and I will tell you I do not like seeing District Three lose any of her wonderful neighborhoods, but there simply was no way to address this in any other fashion. I think that this is a good drawing of our maps from District Three's perspective. I think it maintains the historic integrity of the district as a district of neighborhoods and communities of interest. And again I regret that District Three has had to give up any of those neighborhoods that have been so much a part of what this district has been about, but the reality is we are where we are right now. So, I will be supporting this plan as well.

The Honorable Tameika Isaac Devine

First, I just wanted to thank everyone for coming. So many times people come out when there is an issue that they are upset about or they want to complain. Ironically enough I think that we see not many people at very important issues and a ton of people at issues that seem to be very important for the time being, but in the long run, are very insignificant. Redistricting is an issue I think is very important for not just today, but the future of our city as we grow, as we build stronger. Redistricting is very important for the livelihood for the City of Columbia and so I think this is probably one of the most important issues that we will deal with this year and I'm glad to see you all here to participate in that process. I just would like to say, I guess I am one of the lucky ones. As an At-Large member I didn't have to worry about losing anybody and I was able to look at the redistricting in a little different manner. But even as an at-large council member, myself, Councilman Rickenmann and the Mayor were very involved in making sure that we drew districts that kept communities together, but also made sure that they were representative of what this City needs to be and keep ourselves in line with the law. I wanted to just comment...I think that reading this mornings' paper I think gives people a very inaccurate picture as to what we're going through and what we're trying to do. And not inaccurate in that the article was wrong, but I think the focus for so many legal reasons is on majority minority districts and making sure you keep those in tact and I think the conversation from there can go into whether or not people are drawing things to achieve a motive that's other than keeping our city strong and growing. I just wanted to focus in on that part and say that the way these districts have drawn keeps us in line of what legally we have to do, but it also gives us an opportunity as Councilwoman Plough said, to look at ways to grow our city for the future and I think that that is what this plan has done. I hope that you all are able to really see where everything is and not just where you live and where your district is, but just the way the city has grown and what the plans of our city is, because I think we as a community have to focus on over the next few years, where do we go from here and how do we continue to build our City in the best manner we can. So, I am very supportive of this and I thank my colleagues. I think we've done an excellent job at trying to keep everything, but keeping the numbers within the legal grounds we're supposed to be in and I just look forward to us being able to go out and inform more people about the district and how we're going to grow this great city.

The Honorable Brian DeQuincey Newman

First off, let me apologize to those that spoke, that I missed earlier. One of our wonderful District Two neighborhoods had a five thirty neighborhood meeting so that caused a little run over and of course caused me to be late here, but nonetheless, what I gather from the comments and the few that I heard walking in, was that most people are appreciative of this plan. And I will say from the perspective of the District Two representative, we are in a very fortunate situation, as I see several District Two residents as well as some Benedict College students as well, so thank you all for coming. But we are in a very fortunate position, because District Two essentially will not be losing any neighborhoods. As you can gather from the plan, District Two lost a great deal of population over the past ten years so all we're doing is we're maintaining that cohesiveness so your same neighborhood presidents that you have been dealing with in your adjacent neighborhoods will continue to be there; we'll continue to all work together. And of course, we'll welcome some expanded areas and of course complete the Pinehurst Neighborhood so that we have the entire neighborhood opposed to half of it. Again it's a very good district plan; it's not a great change at all; not a major change I should say for District Two so I am very happy with the comments I have heard from you all that you all are pleased with it, so I am looking forward to continuing representation and of course having another strong ten years in District Two.

The Honorable Sam Davis

I also want to thank you for coming out and I think one of the things that has occurred during this process is that the city and in some cases the newspaper did their best to make sure that information got out, out beyond the grounds of City Council and I think that's part of the process, that we have a responsibility to make sure the public is aware of the process, the potential impact, if any, that's all part of it and everything that was done during this process was done in the spirit of the constitution and the legal parameters that we worked under was cut out not by this City and not by the State, but its national and I think we've done our best; we've done a real good job in meeting those guidelines. I do understand the process and the impact. Last time around, the district I represent lost, not lost, but as a result of the lines, a sizable number of people were stripped. That happened and that's part of the process. It all represents the growth and the progress of this city and as a result of that you get to find out during this process whether or not people are satisfied and confident that we went about it the right way. And tonight I am pleasantly pleased that this is the case and I sincerely hope that the citizens understand that what we did, we did it on behalf of the city and not on behalf of individuals sitting up here, because we're just passing through and so it's all in the best interest of the capital city and I think the end product will cause everybody to be proud of the kind of representation that everybody up here tries to give.

The Honorable Leona K. Plough

I forgot to mention something. I guess if I've gotten inquiries about some of the lines it's in one particular area and I wanted to sort of clear that up. We have to draw the lines by census block groups. Is it block groups? Certain block groups, because you can't go just move it down to here. If it's a large area, you have to take the whole large area in that census tract or block group. But anyway, the way it works is you can't say well just draw it in some cases another block or two down, you can't do that, because you have to draw it for a whole big group if you draw it down in many cases. I thought it would be helpful to make sure that everybody understands that drawing these lines is not necessarily as easy as it might appear, because there are some restrictions about how you move the line up or down or how far it goes in one direction or another and how it

affects the total population. And again, that was an issue that I had more inquiries about that I wanted to just make sure the public was aware of; it's always not that simple and just drawing it a block down further, it may end up being five blocks further because of how the census has grouped areas.

The Honorable Mayor Stephen K. Benjamin

I want to thank Council personally for their hard work on this. In particular, the negotiating and some great discussion and I think we came out with a very good product. I want to thank all of you all for coming out here. The best government we can have is one that has a whole lot of (*inaudible*) on it and having citizen participation is key and I'll echo Mr. Newman, it's always great to see the mighty Benedict College Tigers here and I'm glad to see young people learning more about the government that represents them. Hearing no more discussion; I move the previous question; Clerk, call the roll.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2011-064 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 6, Elections, Sec. 6-2, Method of election; election districts, (b).

The Honorable Belinda F. Gergel

What I do want to point out is that although we've taken this vote, assuming that the Justice Department ultimately approves the plan we've come up with, that plan will be used for the 2012 elections, but folks stay in the districts that they're in now through June 30, 2011. Although I'm going to see some folks from District Three move out, please know that you're there in District Three until June 30th.

The Honorable Tameika Isaac Devine

I know that we start our next Public Hearing at seven; I have a commitment; that was my call; I've got to go and I'll be back. I just wanted everyone to know, because my lack of not being here at the beginning doesn't show disinterest, but I will be back before the vote.

- **Council recessed at 6:30 p.m.**
- **Council reconvened at 7:00 p.m.**

ORDINANCE – SECOND READING

2. CURFEW FOR THE FIVE POINTS ADULT HOSPITALITY DISTRICT

Ordinance No.: 2011-059 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article V, Offenses Involving Minors to add Division 3, Juvenile Curfew for the Five Points Adult Hospitality District – *First reading approval was given on August 16, 2011. Approved on second reading.*

Mr. Steven A. Gantt, City Manager

This is a curfew for the Five Points Adult Hospitality District. I would like to remind everybody that would like to speak on this subject to please come to the podium, state your name, speak clearly into the microphone and there will be a three minute limit per speaker to make sure everybody has a chance to discuss this very important item. Before we go into the public session, we want Gary Pope, our attorney who worked with us on the curfew to come forward and give us an overview of where we are and what's going on with that.

Mr. Gary T. Pope, Jr., Esq., Associate / Pope Zeigler Law Firm

City Council, we are here at second reading of the Five Points Adult Hospitality Ordinance. We will also have a public hearing. I will give you an update on the state of the record. We have had many conversations over the past months and in those conversations you all identified a variety of relevant considerations to be taken into account and you've asked us to work with city personnel, to talk to specific individuals in the community and to help capture the information you've found relevant to enacting a curfew in the Five Points area. We have captured those considerations in this document, which I at the end of this will ask the City Clerk to incorporate into the record of Five Points' ordinance. In the record we have included the various news reports of the incidents that made us pay more attention to the problems in Five Points; we have incorporated statements of City Police Officers on the PACE Team that has experience in Five Points; we have also incorporated the local community in the form of letters from business owners in the Five Points area as well editorials from The State Newspaper and other media outlets; we have taken a survey of the efficacy of ordinances that have been enacted in cities with populations with more than 100,000 and we overwhelmingly found that they have an impact on youth violence and victimization; we have put together Exhibit G, a breakdown of the Five Points businesses that shows that there's very little for persons under the curfew age to do during the hours of the curfew; and we believe that will help the city narrowly tailor its ordinance to meet its objective and purpose. With that, I would ask that the City Clerk incorporate this collection of documents as well as a video which I will also give to the City Clerk which shows the nature and the way Five Points changes late at night. We would also ask that the letters that have been written in support and against the curfew be incorporated into the official record of the curfew. With that I will answer any questions you may have or begin the public hearing.

The Honorable Mayor Stephen K. Benjamin

Any questions before we begin the public hearing? Can you lay out the rules for the public hearing?

Mr. Steven A. Gantt, City Manager

Yes sir. The public hearing will be three minutes. There will be flashing light beside you and when the light goes red that means your time is up and we appreciate it if you would curtail your statement so that we have time everybody.

The Honorable Mayor Stephen K. Benjamin

I would ask that if you have not signed up to speak and intend to speak please sign in at the front desk.

Mr. Kenneth E. Gaines, City Attorney

Mayor, members of City Council we probably, we had arranged for Chief Scott to speak as to the curfew so if he could come forward and speak.

Chief Randy Scott, Columbia Police Department

Mr. Mayor, members of Council, Mr. Gantt. We met several times talking about the curfew and the relevance of the curfew with respect to the city and the safety of our young people. In dealing with the attorneys Pope and Pope and a lot of the information that we collected, we just wanted to talk on how the dynamics change and I think by the video you will see that. But, we also have the PACE Team, which really deals with not only Five Points, not only the Vista, but all communities, so they consistently go to that area and they know kind of like what the dynamics and the reason and cause for the curfew. Explaining about the curfew from a Police Department's perspective is that we are continuing to police whether there's a curfew or not. But, we're doing what we can and again it is for the importance of our patrons, young people and citizens that visit the City of Columbia.

▪ **Council opened the Public Hearing at 7:06 p.m.**

Mr. Bruce Sanders, Colonial Heights Resident

I am probably going to say some things that may sound a little bit, I don't know, not over the top and not hateful, but I hope no one thinks that any of it is personal; I just have a very definite opinion that this is something that we should not do in Columbia. Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof abridging the freedom of speech or of the press or the right of people peaceably to assemble and petition the government for redress and grievances. Another amendment establishes that anyone born or naturalized is a citizen of this country; therefore, children are citizens, also. I don't know if that has been established into law; I am not a lawyer, I wasn't smart enough to become one. Anyway, later tonight you are going to be asked to for or against the approval of an ordinance that will strip a large group of citizens of this city of some of their precious liberty. The language that's used in the ordinance is very skillfully written to make it sound like it's for the children's protection. Government often uses that language when they are trying to take away peoples civil liberties. Think back to the 1940's, the US Government of all entities put thousands of Japanese Americans in concentration camps. Some tried to justify that evil by telling themselves and the people that it was primarily for the protection of those that were to be confined. That was rubbish then; its rubbish now. It smelled then and it smells now. There are a lot of good reasons you should vote no on this curfew. Your own lawyer has said several times that it's not justified. Several of you have voiced some concerns in the past. And we had one very tragic, very tragic event and all of sudden we have an emergency. The person that I think is ultimately responsible for that won't be covered by the curfew, because he's too old. This all started several months or maybe years ago with a notion that bars in Five Points were the cause of all the problems. The solution was to be simple, close the bars at two o'clock. Don't get me wrong, I don't think that's a good idea either; those people have a right to stay open as long as they want. The bar owners, I think, don't think that's a good idea either. So, somehow they convinced you that if they would agree to not allow their customers to pour water or beer on their shirts and agree to follow the fire code and hire an off-duty police officer that they could stay open later. Really? Oh well, then they convinced you to lets blame the children, they can't vote, some of us can't either, but we can contribute money to campaigns. Okay, my time is up, anyway, please, please...the Police have put some good

things in force that I think will help. Give it a chance. Don't do this. I am fairly certain that somebody will challenge it in court anyway. At least I hope they do. Thank you very much for the opportunity to speak.

Mr. Lee Catoe, Interim Director of the Greater Columbia Community Relations Council / 930 Richland Street

It's an honor for me to appear before you this morning. It is almost déjà vu. I am a recently retired State employee, essentially volunteering my services as the Interim Director of the Greater Columbia Community Relations Council. We have met to discuss this issue and I came to make a statement on behalf of the Council. We applaud the efforts of you, our City leaders in identifying, if you will, methods for providing safety and the well being of the citizens of Columbia. Although some may perceive the proposed measurement as punitive in nature, the Community Relations Council believe it to be the responsibility that lends itself to enhance the quality of life for every one of all ethnic backgrounds, ages, gender in our great city. Surveys such as those done by the US Council of Mayors have proven that the inconvenience of youth curfews far outweighed by the positive results that follow such enhancements. For instance, curfews keep kids from becoming victims or victimizers; curfews are a way to help parents; curfews clear up officers called to work on other police work in the community. This bodes well for both the social and the business climate of Columbia. As individuals we are limited in strength and influence, but collectively with others of similar support the Community Relations Council urges and encourages the City of Columbia to stand firm on its commitment to fight crime while improving the quality of life for others in the Columbia area. As with any other ordinance passed, there will be violators and we urge that when that happens that judgment will be used by all the law enforcement officers.

Mr. Marvin Heller, President of the Lyon Street Community

I'm not here to challenge the curfew, but I do hope that you will consider the affects that it has on neighborhoods surrounding Five Points, because if we are to assume that restricting a certain class of people at a certain time from Five Points will make Five Points safer, then we must also assume that those same people from the surrounding neighborhoods will make our neighborhoods safer. So, if you are going to restrict young people, kids, whatever, from going to Five Points, they are not going to stop hanging out, but they will go places such as my neighborhood, the Lyon Street Community where there are no cameras and we don't have some of the other law enforcement resources that are available to Five Points. In my neighborhood, there have been five deaths from the spring of 2010 to the spring of 2011; deaths that were a result of violence. Well, what I say to you is that we need to us the same resolve in attacking that problem that you've shown in attacking that problem in Five Points. We ask that you bring cameras, law enforcement resources to our community. I know it's a tough job, but it's your job.

The Honorable Mayor Stephen K. Benjamin

It's very helpful to note Mr. Heller and I won't take this against your time if you have something else to say. We did have an extensive conversation at today's Work Session as well as last week's Council Meeting about the potential of putting cameras in residential neighborhoods and if you are interested, then I suggest that you make that clear to Mr. Newman and others; we certainly want to make sure that happens. Should we interpret your comments to say that you are in support of a citywide curfew?

Mr. Marvin Heller, President of the Lyon Street Community

I am in support of a citywide curfew, if there is to be a curfew. As I said, I trust you all to make...whatever you feel will make Five Points safer, I ask that you bring those same efforts to the surrounding neighborhoods.

Mr. Olufemi Olulenu, 1007 Pine Street

As I was coming here there was a sign that said "Preserve America; Explore and Enjoy our Heritage". That is nothing but semantics. The curfew in Five Points and Five Points alone reminded me of the years when those of us on Oak Street and Pine Street couldn't go to Valley Park, because there was a man there that had a shotgun and if you were not pushing the white lady, you weren't allowed in Five Points and it looks like that has been extended to our children and our grandchildren. The young people aren't the ones drinking in Five Points. They aren't the ones fighting in Five Points. You have a great man as a Police Chief. He said with or without the curfew they are going to do our jobs. It would nice to allow them to do their job. If you're going to have a curfew; have it for everybody. To have it for Five Points is bringing back South Africa's Apartheid; that allowed some people in certain areas and some not there. Five Points no. Unfortunately, I congratulated Mr. Strange and his parents. It was sad what happened, but if that had been a black boy you all wouldn't have a curfew. You all wouldn't be talking about having a curfew. Black kids get killed all over the City and you all don't talk about a curfew. It's sad that Mr. Strange got beaten, but if you all are going to have a curfew you have to have it for everybody. You can't have a curfew just for Five Points.

The Honorable Mayor Stephen K. Benjamin

So, Femi, you also support a citywide curfew?

Mr. Olufemi Olulenu, 1007 Pine Street

If you are going to have it; have it for everybody. Then you'll take everybody's rights.

The Honorable Mayor Stephen K. Benjamin

I will say this and we're going to hear form every citizen. Of course we have the right to free speech here and we always love hearing from you. I think parallels and comparisons to Apartheid and concentration camps are not only over the top, but incredibly inaccurate and to suggest that me or anyone else on this Council wouldn't have the same reaction if a child who looked like me faced the same type of treatment in Five Points is not only factually inaccurate, but grossly sensational and offensive. I will tell you that Femi, you can finish your statement and then we'll move on to the next person.

Mr. Olufemi Olulenu, 1007 Pine Street

Mr. Mayor, with all respect sir, I live in the Five Points community. I've had drugs on Greene Street for over fifty years. I've had prostitutes all through that area for over fifty ears. What has happened to the Council, do we taxpayers in that community, deserve...

The Honorable Mayor Stephen K. Benjamin

What does that have to do with a curfew for children? It has nothing to do with a curfew for children. Stick to the facts. The facts are that this Council has hired not only a qualified and quality Police Chief and a great command staff. We've also invested heavily in the Police Department and increased patrols in every region across this city. Don't speak about these issues as if it's relative to the curfew. We will enforce the laws of this city across the entire city, openly for all people across the city. Don't bring that nonsense here; it's not fair; and it's not honest.

Mr. Olufemi Olulenu, 1007 Pine Street

To you Mr. Mayor, it may be nonsense, but who feels it knows it. Those of us who couldn't go to Five Points when they had a shotgun there still feel the same way. The more things change the more it remains the same.

The Honorable Mayor Stephen K. Benjamin

We're talking about 2060, not 1960. We're talking about the future not the past. We're talking about 2011. That is not the order of this day; it will not be tolerated under this Council or this City Manager or this Police Chief. I will respectfully disagree with you, but I won't use the disrespectful terminologies.

Mr. Olufemi Olulenu, 1007 Pine Street

Repackaging does not mean it's not real.

The Honorable Mayor Stephen K. Benjamin

It's not repackaging. Thank you. Typically, we don't necessarily respond to everything that constituents may say during public hearings, but if there are certain things I know that can't be left without a response and I will respond to them if I think they are out of line or not consistent with the types of comments we all need to hear. I know we need to be frank and honest and genuine, but I do believe that comments like Apartheid and we're probably hear more of them, like Apartheid and concentration camps, it's nonsense and it's not representative of the type of civic dialog that I believe we need to have here in these Council meetings, at least as long as I chair these meetings.

Mr. Ted McClure, President of the Oakwood Court Neighborhood Association / 3014 Amherst

Mr. Mayor, City Council. Our neighborhood is in favor of the curfew; we only wish that you had expanded it a little bit more. We live up the street. For those of you who may be new to the Council, we're in between Millwood and Devine as they come to a point at Dreher High School. We're back in that area near Epworth and we also extend down to Holly Street. We have five or six bars and there probably will be more in the near future, that in that area. What we're afraid of, of course is the youth and heaven forbid the gangs might be migrating up Devine and outside Five Points and into our area. So we have some serious concerns about that. We ask possibly that you think about it; that you in the future or now think about expanding the area perhaps even up to Sims to include all of those bars that are on Devine Street now and we also support more cameras in the neighborhood. We feel as those it will benefit us greatly. We have one bar which is about one hundred fifty feet away from the nearest neighborhood house or home. It has a platform for

musicians and it has an outdoor television and so you know what's going to be going on there late at night for this fall. We are concerned about the area and about the peace and quiet that the neighborhood has experienced over the years. I thank you.

The Honorable Mayor Stephen K. Benjamin

Thank you Mr. McClure and thanks for your input. I know that so many reasons for the curfew as articulated by counsel, legal counsel earlier were very clear. The Police Department has a gang unit and I want to make clear that the curfew is not about gangs; it's about making sure that we not only have a safe environment in Five Points, but that young people aren't roaming the streets at two o'clock, three o'clock in the night and these are young people who may or may not be in gangs. I want to make sure that that's not what we are discussing here. I just wanted to make that point in the interest of clarity.

Mr. Eric Brennen, Resident of Oakwood Court / 724 Holly Street

I will just take one minute instead of three since my remarks seem to go along with what Mr. McClure said. I've been a resident of the Oakwood Court area for about thirty-five years. We are about eight-tenths of a mile from Five Points. I do support the notion of the curfew and again would like you to consider that if the curfew ordinance is passed that consideration be given to extending it somewhat up the street, certainly up from Harden, because there are number of bars and several other night spots which extend several blocks up. In our own neighborhood we now have a bar, which hours on the web says they're open until four a.m., two to four a.m. and on their own door it says until, implying that it may be open all night. So the concern of the residents on the cross streets up from Devine are that a curfew imposed on Five Points would encourage migration up to these establishments further up the street, which are not in Five Points. I remind you that further up Devine we are really in the residential area, just sometimes a few feet from the night spots on Devine Street. So, thank you for taking this into consideration.

The Honorable Mayor Stephen K. Benjamin

You raised the point and I think Mr. Heller and Mr. Olulenu raised he point earlier. We have not taken off the table the issue of a citywide curfew and I think the Council in its collective judgment has determined that we might consider it after some of the more due diligence has been done. The citywide curfew, looking at other Hospitality Districts, all of the above are also all still on the table, but this very specific issue deals with Five Points.

Mr. Duncan MacRae / 2030 Devine Street

Myself and my partners have been operating a restaurant called Yesterdays in Five Points for about thirty-three years and I would like to let you know that we are in favor of the ordinance. Since it went into effect, I've watched and seen fewer youngsters loitering around at night. There haven't been any incidents; even panhandling is down, which isn't a part of the curfew, but it is probably due to police presence. In my opinion and many other folks in Five Points we think that a citywide curfew would probably be better than just Five Points, rather than just chasing youngsters from one part of town. It has been successful in other cities and if it was citywide and more cameras were used, we think everybody would be safer.

Mr. Allen Fisher, President of the Wheeler Hill Neighborhood Association / 300 St. James Street

I have to share something with you that nobody's said yet. In fact, my father and mother taught me this, years ago. They said that no good thing happens after twelve o'clock. I was raised in Columbia and I've been here for sixty years and I agree with that. I didn't agree with that when I was a teenager, but I do now of course. We fully support this amendment or whatever it actually is and I just wanted to go on record saying that.

Ms. Martha Fowler, 1429 Hagwood Avenue

I echo Mr. Fisher, because sixty years ago he and I were those kids that were out on the road together and we had a great time, but we are of a different opinion now. And we thank you for considering this vote; we encourage you to support the curfew. I live in Melrose Heights and what happens in Five Points drifts up to Melrose Heights and we appreciate anything that you can do.

Mr. John Kessler, 809 Laurens Street

We are right adjacent to the Five Points Neighborhood and very close to the University as well. I strongly support the activities that you initiated several months ago. I think the work of the City Manager and Chief Scott has been excellent. We've seen a dramatic improvement, particularly after the hours of midnight in our neighborhood and I encourage you to support and enact or continue the curfew for the Five Points area. If you would like to expand it for the whole city, I can't speak for the whole city, but I can certainly speak for the University Heights Area.

Ms. Debbie McDaniel, 508 South Edisto

I have worked in Five Points pretty much since the early seventies and I've seen a great deal of changes. My feeling is if we had venues in Five Points for the people of this age, such as a skating rink, a movie theater, a bowling alley, then perhaps the curfew would not be a good idea. We have none of these things; there is nothing for someone of that age to do after eleven o'clock at night. I think that we need to keep all of our children safe in Columbia; all of them, but especially in the Five Points area. My friend Durham, who has worked so hard with MLK Park, you know it drifts over to his neighborhood. I would like to see this citywide, but the point right now is to keep it in Five Points. Please do so.

Ms. Vickie Strange, 100 S. Gregg Street

You would think that this gets easier. Mayor, Council members thank you for letting me have this chance to speak. The job you all have to do is kind of like being a parent; you really never know which issue to address until something happens. I'm in the same shoes as you are. This is so hard. The curfew for Five Points would be a good thing, I have to admit. If it had already been in effect, this couldn't have happened, because seven out of eight of those kids couldn't have been there, but it did, so we have to address the issue at hand. It'd be better if it was citywide, because if they can't in Five Points I live in a neighborhood right above it and they're just going to come up in our neighborhood and we have to watch where they go, because this can spread. You're being pushed into something that really the parents have to do their job; those kids should not have been out. They're just kids and even those this happened to my son I look at those eight and they are kids. Kids need boundaries; they have to live in boundaries for the rest of their life. We have boundaries we have to live by, kids should be no different; that's how they are taught. And there also has to be accountability. This did happen and now we have to do something to prevent it from happening

again or prevent it from maybe being this serious in the future. This isn't going to stop it completely, but it can cut down on it. If kids know well if I do this and I get caught there's going to be consequences. That's what they need; they're our future. Do we really want kids that are out of control? You know we have more kids having kids now and if they don't live by boundaries, if our rules don't show them boundaries we're going to lose control. My mom and dad always told me that if you can't control them at six you aren't going to control them at sixteen. This is a perfect example of that exact thing. Unfortunately, all of us here are being put into the position of being parents, because those parents weren't there. This is the first step; this is a baby step. We build on it from here until we get to where it is safe; to where when our kids leave home we don't have to worry if they will come home at night or if they're late are they in the hospital or are they in a morgue.

Ms. Kelly Glynn, Five Points Business Owner / 2009 Devine Street

I just want to go on record; I'm a business owner in Five Points, as being in favor of the curfew, in favor of a citywide curfew, as well. The main point that hit home is the continued vibrancy of these hospitality districts, the safety of the patrons of our restaurants and bars as well as the customers and the street and a healthy partnership between the city and businesses to continue to create these Hospitality Districts that are successful.

Mr. Sam Bowen

I work at Pawley's Front Porch in Five Points. Being a Columbia native, a Dreher graduate and Carolina alum, I'm very familiar with Hospitality Districts throughout the city. Five Points is known for its mix of folks. These include local and tourists alike digging through records at Papa Jazz, eating STP from Groucho's or college kids enjoying the best years of their life or service industry people playing shuffle board at Bar None after work. These along with other countless activities have given myself and my friends great memories, but over the past few years the makeup of Five Points from 11 a.m. to 3 p.m. has taken an interesting turn, especially during the summertime. Groups of kids have been hanging out in the area with no clear agenda, being under age by some considerable years have no business being in the Hospitality District. These groups of people are roaming in packs, loitering and eventually causing fights that spill into the streets. I've witnessed numerous fights in the 800 block of Harden Street and fortunately I made it home before any of the shootings have taken place over the past two years. But unfortunately it took a young man being beat within inches of his life by a group of roving teenager, unrecognizable even to his own mother, for the City to react to any type of municipal force. The summer has been relatively calm since the curfew has been enacted and we as business owners' employees hope the City would continue to act in the best interest for all of those involved. People who are age appropriate need to be in the Hospitality District. Kids are just that, kids; they also need age appropriate supervised activities. I think that one possible solution would be for some city run programs and events that would be held during the summer to give these kids something to do. Please extend the youth curfew in the Hospitality District in Five Points. Our livelihoods and safety depend on it.

The Honorable Mayor Stephen K. Benjamin

It might be helpful to let Mr. Bowen know about some of the Prime Time in the Parks activities and some of the things the city is doing to help young people have alternate activities on Friday and Saturday evenings during the summer.

Dr. Lonnie Randolph, SC Chapter President of the National Association for the Advancement of Colored People

I am going to deviate from protocol just a little bit, because I think the citizens that came out today for this hearing I want to thank all of them for taking time out of their busy schedules to come and support good government and democracy. I first want to say why I am here. First of all, I am a resident of this city and this state and the neighborhood that I live in, which is the Valley Park Neighborhood, as it was when I moved there some 62 years ago. I am concerned about all that affects the City of Columbia. I first want to dispel some of the myths and untruths and even I can call them lies that have been stated about the position that I hold as a resident as well as the position of the NAACP that has also monitored the activities within the City of Columbia and the Five Points area. Our purpose is to of course ask for a fair and just system of government across the board. I do want to be critical of some of the media outlets that have posted information out that people have called and asked me about and these individuals that posted it didn't have the respect or decency to contact the NAACP or me as a citizen and ask what is your position. I appreciate the City Manager, all persons in the law enforcement department that I had an opportunity to speak with regarding this matter. The Police Chief and the Assistant Chief have been very candid and forthcoming with the information and very helpful to me. And to put a joke on the side of it, I didn't come here to spook you tonight. For those of you who read the comments in today's State Newspaper, strange comment to make about having citizens speak on this issue. Our position is for safe communities for all people everywhere in the City of Columbia. We are also for equal protection of all people; equal protection of all communities. That historically has not always existed in the City of Columbia and still does not exist. Our concerns are about young people. I do feel that the way this matter is being handled incorrectly indicts about 97% of the young people in the City of Columbia who don't fall in the category of those people who are committing these offenses. Based on the statistics that I've received from law enforcement and other agencies, roughly 92% to 93% of the young people in the City of Columbia are involved in activities that we consider to be not the best activities for all people. I am concerned about this being called an emergency curfew. I've checked with several individuals in the law enforcement community and everyone that I've spoken with across the state said that this was not an emergency situation. This was not an emergency situation; those young men were in jail. Once they are off the street, there's no longer an emergency by state and federal law enforcement officials. I do hope that we will receive the data necessary to make a smart, wise, correct, just and fair decision. We have not received that yet. I hope before this city body acts on this...get the information and get it to the public and let them make an assessment of it. This is bigger than Five Points and the Vista. I've heard several people talk about they want it in the Vista; they want it in Five Points. What about the other neighborhoods? These folks deserve equal protection just as Five Points and just as the Vista does. The fact that they make money doesn't mean that they are any more significant or anymore important than any other community. Equal protection should be for people that make money, lots of it and for people who make average amounts of money. The City Attorney did say in the past that they were opposed to this. I did hear something slightly different today so I would like to see the new analysis that has taken place that has presented or caused them to present the matter in the way that they did. Last thing I want to say is that we have supported curfews in the past, but we've supported curfews when they were done in a fair and just way. We supported curfews at the mall; we've supported curfews at Clemson Road. So it's not that we are opposed to it; this way of doing it in almost a shotgun like fashion isn't the right way to do good government. And I'll close with a quote by Thomas Fuller, the 17th century minister and philosopher who said that rigid government is the most unjust form of government. This is rigid government.

The Honorable Mayor Stephen K. Benjamin

This is not an emergency curfew. Just for clarity and for everyone's understanding, we are looking at the permanent curfew; this is the second reading of the permanent curfew; this is not the emergency curfew.

Dr. Lonnie Randolph, SC Chapter President of the National Association for the Advancement of Colored People

Just so you'll know, I knew that, but I speaking of it from the context that it was originally stated as an emergency and every law enforcement agency that I spoke with said that it was not an emergency; that is not what the Criminal Justice Academy uses to determine an emergency. What happened to the young man was an emergency.

The Honorable Mayor Stephen K. Benjamin

No, it was an emergency curfew ordinance, which allowed us to have it on the agenda within a certain period of time; it didn't require some of the notice requirements. I agree we're just talking a difference in semantics.

Dr. Lonnie Randolph, SC Chapter President of the National Association for the Advancement of Colored People

It was referred to by some city officials as an emergency curfew and I wanted to make sure...it didn't foot the bill of an emergency curfew.

The Honorable Mayor Stephen K. Benjamin

And I want to say that I appreciate your input Dr. Randolph. We had a chance to dialog and I appreciate your wise counsel as we dialog on this.

Dr. Lonnie Randolph, SC Chapter President of the National Association for the Advancement of Colored People

Put it everywhere or don't put it anywhere.

Mr. Durham Carter, President of the Martin Luther King Neighborhood Association

As the President of the Martin Luther King Neighborhood Association, it is my duty to be the messenger. We have discussed the issues of Columbia, in particular in the Lower Waverly, Five Points, North Columbia, the Vista, issues for many, many months and in particular, recently it had nothing to do with the incident in Five Points; we were concerned about the Lower Waverly area. And as I often to say to members of the Association, I am concerned about the City of Columbia and that's why that issue came up and we discussed it, they made recommendations and I'm here to make it very brief that they unanimously at our meeting supported me coming before Council requesting that Council make a Herculean effort and vote in favor of a permanent curfew for the entire City of Columbia.

Rev. A.V. Strong, 1345 Shop Road

I want to just say to our citizens of Columbia that we have to very careful that we don't make this a race issue, but this is a human issue. The climate amongst our young people has become so violent that something has to be done. I applaud you Mr. Mayor and City Council for leading this effort to get this situation under control. I'm in favor of the curfew; just want to put it on record and I also want to say that I am also in favor of it being a citywide effort as well.

Mr. Pat Riley, 3078 Pavilion Tower Circle

I just wanted to speak as an active college student myself saying first of all why a curfew would even be put in the middle of three colleges. We have three colleges where students are going to have no where to go. So with you banning them, telling them that they can't go no where after 11:00 where are they going to go? Stand on college and make things happen? And I understand what everybody is saying about people are going to come into their neighborhoods and do things, but with that curfew going on...

The Honorable Mayor Stephen K. Benjamin

Remember now, this is under 17; 16 and under.

Mr. Pat Riley, 3078 Pavilion Tower Circle

As a student we all have grown up. I understand that we have the older parents and then we have the students. We want to come out and enjoy ourselves; we want to come out and do something; we understand that we have to get our degree so that we can get ourselves in a position that you guys are in so we can make a better living for ourselves, but at the same time we don't want to be cut off and saying we can't do anything. I understand, but I wanted to speak up for my fellow students.

The Honorable Mayor Stephen K. Benjamin

To all of the college students here and those seeking the Eagle Scout and everything else, make sure we do know that we're talking about a 16 and under curfew. Under this law you all are grown folks, but we still expect for you to act like grown folks. Okay?

The Honorable Leona K. Plough

I just wanted a little clarity. Now that you know the age limitation does that alter anything that you were just saying?

Mr. Pat Riley, 3078 Pavilion Tower Circle

I understand that, because there's a big difference between an 18 and a 16 year old... *(Inaudible)*

Mr. Jonathan Kirkwood, 2062 Watermark Place

I live in District Two, though I don't live in an area that's affected by the curfew and I do frankly have a concern that we need to be as consistent as possible and treat all of the members of our city as fairly as possible. Therefore, having said that in my opinion if there is going to be a curfew for

the young people, I think it needs to be citywide. If we cannot have a curfew that's citywide then where I live is as important as where everyone else lives and there shouldn't be a curfew at all. To pick a certain area and say more or less, these people should have a curfew, these other areas should not I don't think is in our best interest. So again, either there should be a citywide curfew or none at all.

Ms. Caroline Watson, 516 Congaree Avenue / Wales Garden Neighborhood Association / Five Points Association / Hospitality District Taskforce

I voted in support of the curfew as a member of the Taskforce and I voted for several reasons. One is I learned a lot on the Taskforce; I had seen roving groups of youth. Like others here, I am not only concerned about the safety in Five Points; I am also concerned about the safety of the surrounding neighborhoods, because of Five Points having a special configuration of being surrounded by neighborhoods. No matter where they run, they run into a neighborhood including mine. I appreciate your leadership on this and I would appreciate your vote and support.

The Honorable Belinda F. Gergel

I am going to move the adoption of this ordinance for a permanent curfew in the Five Points area as defined on the map.

Mr. Willie Hampton, 1306 Harden Street

I for one am in favor of a citywide curfew, because out of concern for everybody's safety and especially the handicapped and the elderly. I feel that if this is happening in Five Points and it's only a curfew in Five Points they are going to start going into other areas. And I feel if they'll do this with cameras around suppose some of the back neighborhoods with no cameras what might happen. You may end up having a fatality. I feel there should be a permanent citywide curfew hands down, because we all want to be safe. Nobody wants to walk outside 2:00 or 3:00 in the morning and worry about am I going to the ER or God forbid, am I going to die. I feel hands down and Councilman Rickenmann and Councilman Newman got an e-mail from me today saying I'm in favor of a permanent citywide curfew. As a concerned citizen and I know a lot of these CPD Officers, it's a headache having to deal with this; nobody wants to deal with it, but for the safety of everybody in the City of Columbia and the happiness, there should be a permanent citywide curfew with no questions asked please.

Dr. Bambi Gaddist, 904 Oak Street

In the beginning days of the event that happened in Five Points, where I've lived since 1992, previously I lived in the Laurel Street area as far back as 1984. In the wake of the event that happened in Five Points, certainly I was concerned, aggrieved in many ways. I raised my daughter who is now 31 in that same community. My daughter now has two sons; one 13 and one 3 and on the evenings after the event, I asked her, I said tell me what your opinion is about the curfew and the way she responded I can't exactly articulate at the mic, but I will tell you that she was very adamant for her sons, she felt that it was inappropriate for them to be out at a time that would put them in danger or potentially put the parental authority in question about their ability to monitor. I will say that I agree with her, but I have very strong conventions about this curfew being applied to only one section of this city. I have talked to my relatives who live in other states, who have had curfews for many years and have found them to be very productive in helping monitor the situation in their community. But, it sends a very bad message that we single out one particular community.

I would say in closure that I know in our field the situation monitoring and adjusting. Although this particular forum is very specifically about Five Points, I would encourage you to set up a very strong timeline. The community can then see the progression of moving from Five Points into a more broad sense of continuity, which includes this whole city.

Mr. Scott Linnaberry, Hospitality District Taskforce / Five Points Association Member and Business Owner

I had a huge thing about Five Points and the curfew, but after hearing everyone speak, I have to say that we never intended by making Five Points safer to push the problem into other parts of the city. I have felt that that could be a possibility from the beginning. We've been talking about a curfew for well over a year now, even before Carter's unfortunate incident. I have to just say that the success of Five Points imitative from our diligence to your diligence is obviously recognized by the rest of the city and I feel good here tonight knowing that. I fear that to wait for the data will mean someone else has to get hurt or worse to enact a curfew on the rest of the city. I would also encourage you to enact a curfew in all of Columbia.

- **Council closed the Public Hearing at 7:54 p.m.**

The Honorable Mayor Stephen K. Benjamin

There's a motion on the floor. Is there a second?

Mr. Steven A. Gantt, City Manager

Before you take action on the motion I would also ask that you include the information that was provided for the record.

The Honorable Mayor Stephen K. Benjamin

We're going to speak to that as well and include all the information provided by counsel and the Police Department for our consideration as part of the record.

The Honorable Leona K. Plough

Second.

The Honorable Sam Davis

The bottom line is this and I think I am on record saying this. I don't have a problem with the Five Points curfew. The problem I have is the same with cameras. If we put it in Five Points then it should be a citywide curfew, otherwise, we all know what's going to happen, pure and simple, because again, all of the efforts that we're involved in now, they're all justified, but they're also justified elsewhere in the city. All of the efforts are going to result in success. We're going to be successful; we're going to solve the problem. Again for the record, the problem does not vanish or go away; it goes elsewhere to neighborhoods that are contiguous or to cross town. It goes everywhere where people who don't want to do the right thing feel that they can do anything that they want. Our job, as I see it is to send a signal. You can't do everything you want; harm our kids nowhere in this city and unless the process includes that then I think it is still wasted energy. I'm in favor of doing this all over the city. You need to take a drive. I'm one that likes to drive

through the areas I represent and other places. There's no reason for me to see six, seven and eight kids, 8 years old, 10, 12, walking the streets of our city after 11:00, after 12:00. Now if anybody in this city believes that that doesn't happen, then I'm sorry, you're not on the same planet that I'm on. There's no excuse for that. People do take advantage of young people and you need to start looking at the stats, since we want to talk numbers, our young people are hurting one another. That is a fact. My son is 22 years old; I tell him don't go into Five Points; not because of what he's going to do; I tell him not to go certain places, because I don't want anything to happen to him. I'm concerned about his safety and that's a reality. The bottom line is if we do Five Points; we do it citywide; other than that, we don't do it at all.

The Honorable Belinda F. Gergel

First of all, I want to thank all of those who have come out tonight for this very important hearing. We have been looking at the question of a youth curfew for well over a year in this city and I want to remind all of you that the first reading that we did last October was for a citywide curfew. This Council has been very much engaged in thinking through issues of public safety, especially for our younger residents, our younger citizens. The truth of the matter is that we have had an emergency situation in Five Points and because of that situation that really became very evident. In 2008, we had reports of beatings, violence, shootings, three shootings over about an 8-month period; we had young people involved with those shootings running into the MLK Neighborhood, running into the Wales Garden, running into the University Neighborhood; some with weapons out. Please note that this is not a gut reaction to one very tragic event. Back in October I supported a curfew for the entire city and I will do it again, but I will tell you, we cannot wait on Five Points. We need to do this tonight; the emergency curfew will expire later this week, but we need to move forward now, address the concerns that we have there. I will certainly pledge my energy, my loud mouth and my commitment to looking at addressing in the very near future the questions we've brought about young people in every corner of this city/

The Honorable Leona K. Plough

I consider this a very dramatic step and it concerns me greatly that we have to take a very dramatic step. I think I have shared with my colleagues before that I have been in Five Points, fortunately I was in Five Points with the Police at 2:00 a.m. and at 3:00 a.m. and Five Points changes; it truly changes and it is not safe at that juncture for our youth, our juveniles as we refer to it. When you're at 16 and younger it's not safe, it's not the right environment for them to be there. Also, I want to tell you that when I was riding with an Officer we happened to turn a corner and I looked up the hill going up Harden Street and I could see a very young lady, I would almost say child, you get to your 14 year olds is how she appeared to me, walking up that street by herself. It scared me to death. We turned the car around, got back, tried to find her; she was gone. I pray that she got home safely. There were no reports that she did not, but this is not a place at this juncture that we need to have the juveniles there in the wee hours of the morning. I can testify that they are there or have been there, because I have seen them with my own eyes. I don't know why they are there. It really does concern me; it concerns me as much as taking the dramatic act concerns me, but I feel like we have to take a step; we have to act. You put us here to do what we felt like was in the best interest of this entire city and doesn't mean that our action can stop here, but it does mean our actions start here.

The Honorable Tameika Isaac Devine

I've not been here for the Public Hearing, but the Mayor shared with me some of the comments that he has written down some of the things that he has heard and I've heard from several of you. I too, am very supportive of a citywide curfew. I know that some people are not in favor of a curfew at all and I know that everyone has their own opinion. I just don't feel like someone that young needs to be anywhere in the city unsupervised after 11:00. Whether they become a victim, that's more so what I am worried about than perpetrators, because I don't think that we have that many under that age, but I think we have to do something and I am certainly in agreement with looking at a way that we can justify an ordinance that would go citywide and be able to protect all of our children in all areas. I think that we have to be very thoughtful about it, because we can't hinder families doing what they need to do as well. We have to be very thoughtful in how we look at a citywide ordinance, which I know several people are in favor of. For Five Points, it's very specific; there is no reason I can see why someone of this age needs to be in a bar district after 11:00 at night, unsupervised. I have no angst about passing an ordinance for Five Points right now, because I think that clearly the record reflects that that is an issue that we're addressing, but I would only support this if immediately we continue discussions on how we look at other areas of the city; how do we look about implementing it; how do we get feedback to support issues. A similar issue that we are talking about in Five Points or just someone under the age 16 being out after 11:00 happened in a neighborhood. The child was not harmed, but they were out after 11:00 and it caused some concern in this neighborhood. I think there are neighborhood stories out there and I don't think we've gone out to get those stories to see whether or not we have the information to support a citywide ordinance. I do support a citywide ordinance so I would urge us to do that. I do support this ordinance, but it doesn't stop here; we have to be vigilant and continue to make sure that our young people are safe wherever they are in this city.

The Honorable Brian DeQuincey Newman

The one thing that I will say to you all is this has been a long haul; it hasn't been a short scenario, although the media coverage might have picked up on it a little bit more, this is still not a new issue. For most of my District Two residents here, particularly those in MLK or even Lyon Street as well and some of my Benedict folks, you recall that this time last year we had the same conversation about a curfew. This is all coming as part of the recommendations from the Taskforce and we evaluated all of those along with the 2:00 a.m. closing time and I said then that I was in favor of a citywide curfew and at most times I was met with a little bit of agreement and there were some folks that shared some concerns with me, but I'll say for the most part you all are in favor of a citywide curfew. At the same time, we as a Council and I'll speak for my colleagues here have taken steps to make sure that we pass appropriate ordinances; that's what we've always attempted to do. Now again, you have to make sure that you pass something that's constitutional; something that's going to be legal. Not all times granted, you may get sued. There are people that are going to disagree with any sort of ordinance that's passed, but nevertheless, that's not going to stop our attempt to pass the most appropriate thing. But yet in still I will say that my belief is the same that it was last October when we discussed this. I am in favor of a citywide ordinance if we can pass it the appropriate way and I believe our City Attorney as well the other counsel we've contacted has told us the insight as to what we need to do to do that. The most important thing to take away from this is that passing a Five Points ordinance does not mean that we will not pass a citywide ordinance; that's not the case. Again, that's not what we're here to do. I see some of the facial expressions, but this is not a substitute motion or a substitute ordinance by any stretch of the imagination. When I talked to folks in the MLK Neighborhood, the comments that I got were

that they are in favor of a citywide ordinance. That's the neighborhood that I represent that's closest to this District and that's what I'm in favor of. I will continue to support the efforts to make sure we pass a citywide ordinance.

The Honorable Mayor Stephen K. Benjamin

I thought your comments were very appropriate Mr. Newman. The temperature of this Council has been clear since we discussed this last year and gave first reading to the citywide ordinance. To make sure that the ordinance could pass legal muster we directed staff then to begin collecting the data that might justify what we are sensing from our constituents that they also want to see happen. I see the sentiments reflected in the comments here in support of the specific ordinance for Five Points or were in support of a citywide curfew. In reference to the specific ordinance in play here, the data is here and reading that into the record, which I assume City Attorney, will be available, redacting information that is legally sensitive. This will be available to the public. There are a lot of legal concerns and common sense concerns that I think are contradictory and actually have equal weight here. I've been around long enough to know that even people who have very different opinions, can both be right. Reasonable people can look at the same issue and see it very differently. You've elected us to make decisions on behalf of the city and we take that responsibility very seriously. We spent a great deal of time in wake of the Hospitality Committee's recommendations just to make sure that we did this and did it right. The unfortunate events of June helped crystallize the actions of Council and I want to thank Chief Scott and his entire team for the work that they have done. One thing that is important to me and many of you in here is that we want to make sure that any and every ordinance passed by this Council or any other governmental or quasi-governmental body that passes laws we have to abide by that they are applied fairly; that they are applied equally; that we have men and women who exercise good judgment, who have not only the laws in their mind, but their law and justice, Lady Justice behind me, in their hearts. I believe that we have the right people who can help us implement this properly. I've supported the curfew from the beginning; I support this curfew for Five Points; I don't believe that a citywide curfew; and the curfew for Five Points are mutually exclusive. I know that Mr. Davis has some additional comments. We need to renew our discussions on looking at a citywide curfew and begin this discussion for the entire city. It does not mean that a curfew for the Five Points District, which has experienced a disproportionate amount of children and I am using the word children very clearly here, on the streets at all hours of the night. For some of you here, I've been trying to go to bed a lot earlier lately. My children are taking a toll on me, but for some of you who have not seen it, you can go to Five Points previous to the curfew being enacted, in the middle of the night, 1:00 in the morning. Mr. Newman and I went down there several months ago back during football season and you see hundreds of children who are obviously much too young to be in a place that has no movie theaters, no bowling alleys, no arcades; nothing but bars and people who are drinking in the middle of the night just hanging out. I hung out as a child; I know many of us did. My daddy gave me a curfew too and I adhered to it. We recognize this is space where we want parents to be involved and in the absence of parents being actively involved in making sure and even there are some active parents who have children who might be incorrigible. Sometimes the government needs to step in and make sure we're doing what's in the best interest of the entire city and certainly in the best interest of our children and we've done just that. Move the previous question, clerk please call the roll.

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to give second reading approval to Ordinance No.: 2011-059 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article V, Offenses Involving Minors to add Division 3, Juvenile Curfew for the Five Points Adult Hospitality District along with the record and video relating to the adoption of City of Columbia, South Carolina, Ordinance No.: 2011-059 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article V, Offenses Involving Minors to add Division 3, Juvenile Curfew for the Five Points Adult Hospitality District.

The Honorable Sam Davis

In light of the vote, I think the vote expresses the sentiment of not just the folks in Five Points. Again, you listen to the discussion and it is clear that the people who are deeply concerned about the issues have no problems with a citywide curfew. Again, if you do it for one, you do it for all; therefore, Mr. Mayor I want to go on record with a motion that you direct the staff and all other resources concerned to immediately put into motion not just the discussion, but we put in the mechanism to enact a citywide curfew based on the processes that we have to go through; that this City Council is voting to do that.

The Honorable Mayor Stephen K. Benjamin

For the record, that's not a first reading on an ordinance, but we are directing staff to make sure and I believe that the assembly of that data is already is already happening, but is there a second for a motion.

The Honorable Brian DeQuincey Newman

Mr. Mayor, can I make a friendly amendment to Mr. Davis' motion. I think to more clearly define what we are trying to do, hopefully it's not an executive session matter, but if we can continue our relationship with Council that has already led us this far, as far as the Five Points ordinance goes, continue to gather the information and make sure they continue to work with CPD to again go ahead and craft an ordinance that is going to be citywide and one that is going to of course sustain or be able to pass any additional challenge. I want to add that friendly amendment.

The Honorable Mayor Stephen K. Benjamin

Friendly amendment accepted?

The Honorable Sam Davis

That friendly amendment is accepted; it's a bit more explicit, but the processes and procedures are all in the same.

The Honorable Mayor Stephen K. Benjamin

Did you have another friendly amendment or did you want to discuss something?

The Honorable Leona K. Plough

I do; I have another friendly amendment. What I've also heard is that there is an interest; we have allocated resources to deal with cameras in our hospitality areas. I would offer as a friendly amendment that we direct the City Manager to immediately look for resources to implement a plan that I believe the Police Department is already working on in terms of cameras on a citywide basis.

The Honorable Sam Davis

That's acceptable; we all over the past couple of weeks have been agreement with that so we need to move on that.

The Honorable Mayor Stephen K. Benjamin

I think we did that last week, but that's just fine. The friendly amendment accepted nonetheless. Is there a second?

The Honorable Brian DeQuincey Newman

Second.

The Honorable Tameika Isaac Devine

Specifically, for clarity, there are several people who have given me examples, but they aren't necessarily examples of data that law enforcement would have. In that data collection I would ask for a mechanism to solicit public comment or examples or information that would help build the data file that we are seeking to have for a citywide ordinance. That could be through the neighborhood associations or through Ms. Utsey's mechanisms, but I think that there are people who don't know who to call or how to tell stuff, but there are a lot of things that are happening that a curfew would address.

The Honorable Mayor Stephen K. Benjamin

We want to thank all of you for being here tonight. Move the previous question, Clerk call the roll.

Upon a motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to direct staff and all other resources concerned to immediately implement a mechanism to enact a citywide curfew based on the processes that we must go through; to continue to gather the information and continue to work with CPD to craft an ordinance that is going to be citywide and one that is going to sustain any additional challenge; to direct the City Manager to immediately look for resources to implement a plan that the Police Department is already working on in terms of cameras on a citywide basis. In that data there should be a mechanism to solicit public comment or examples or information that would help build the data file that we are seeking to have for a citywide ordinance. That could be achieved through the neighborhood associations or through public relations mechanisms.

- **Council adjourned the meeting at 8:17 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk