



COLUMBIA CITY COUNCIL MEETING MINUTES THURSDAY, AUGUST 5, 2021

The Columbia City Council conducted an emergency meeting on Thursday, August 5, 2021 at the Busby Street Community Center, 1735 Busby Street, Columbia, SC 29203. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 10:10 a.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Howard E. Duvall, Jr., The Honorable Mayor Pro-Tempore Edward H. McDowell, Jr., and The Honorable Daniel J. Rickenmann. The Honorable William Brennan was absent. Also present were Ms. Teresa Wilson, City Manager and Ms. Erika D. Moore Hammond, City Clerk. This meeting was advertised in accordance with the South Carolina Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

The Honorable Mayor Pro Tempore Edward H. McDowell, Jr. offered the invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to adopt the agenda as presented.

EMERGENCY ORDINANCE

1. Ordinance No.: 2021-069 Ratifying the Mayor's Declaration of a State of Emergency for the City of Columbia, South Carolina Enacted by Ordinance No.: 2021-068 (Facial Coverings) – *Approved*

Mayor Benjamin said we had our first Midlands Corona Virus Task Force meeting on March 6, 2020. It was the beginning of a journey that we have regrettably been on with the rest of the world for the last year and a half. Together as a community we have been struggling to do every single thing we can to preserve human life and livelihoods. We have provided resources for small businesses struggling under the weight of the pandemic. We took significant actions in the absence of state and national leadership in order to preserve human life without regard to politics. After our first declaration of an emergency, we were faced with the difficult decision of putting a mask ordinance in place. It was not politically popular. It was inconvenient, uncomfortable, and not the best scenario on hot summer days. But every respected scientist and institution will tell you that masks work to slow the spread of the virus. At that time, we were meeting remotely and I was sitting in the Mayor's Office being bombarded by a prominent



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business leader in town. He was disagreeing with our decision to potentially move forward with a mask ordinance. At that time there was a prevailing opinion that this virus only affected the old. I remember verbatim his comment as he was trying to persuade us from acting affirmatively. His statement was, “Why are you going to pass this to affect all of us if its only killing old people and they are going to die anyway?”. I remember that comment burning something inside of me, it was callous, mean, insensitive, and it was wrong. His comment only inspired me to keep protecting our seniors and all the citizens we are sworn to protect. We are at a different point of this journey now. We have had the alpha, beta, gamma, [variants] and now the delta variant is taking preeminence. Because of the leadership of different administrations, we now have a vaccine. The rise of the delta variant has caused more people to seek vaccination and that is a really good sign. The reality is still that our children, those under 12 do not have a choice to get vaccinated. In two weeks, they will step into a situation with a number of adults who have dedicated their lives to educating them, which many believe can be a very dangerous situation. Since we are required to send our children to school, then the state ought to be required to protect our children while they are at school. This is not a heavy lift, this is a smart, thoughtful, and compassionate action that ought not be political. I don’t think we should care what any politician thinks. We should focus on good public health practices that keep children out of the ICU. This is us acting in the interest of those that cannot be vaccinated, cannot vote, or don’t have a voice. This is us doing our job as compassionate leaders in the public sector to care for our babies. I encourage everyone to vote in the affirmative to ratify the state of emergency.

Mr. Patrick Wright, Senior Assistant City Attorney/ Senior Advisor said in the state of emergency and in the ratification is included that normal operations of City Council will be suspended.

Councilor Rickenmann said COVID-19 is a crisis and we are seeing it escalate. We are seeing our hospitals getting filled and health care workers overwhelmed. We need to do anything we can to encourage folks to get vaccinated and wear a mask when they are in public. It is the number one thing we know that works and keeps hospitalizations down. We need to encourage people to get tested when they are sick and stay home. We also need to encourage people to stay engaged with what is going on. There is nothing that prevents you from wearing a mask but there is a letter of the law that says we can’t implement this. We need to follow the law and continue to set up vaccination stations, hand out masks, and do whatever it takes to encourage people to do the right thing.

Mayor Benjamin asked what law says we can’t do this.

Councilor Rickenmann said state legislation, the proviso.



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Mayor Benjamin said the proviso does not say we can't do this. I read it word for word for the press yesterday. If you decide not to support the issue, it is not because it is in violation of state law. We should be doing anything we can around vaccinations and education. Today, we are talking about children who are under 12 years old who cannot be vaccinated and the men and women who are charged with their care and education. Who will stand up to protect them?

Councilor Davis said we are taking the right steps to protect the most vulnerable among us, our children. Some of us remember the polio vaccine and the national decisions that had to be made in order to suppress that particular illness. Sometimes you have to make hard decisions and evolve. We did not know it was going to get this bad but we have evolved to a new norm. I don't leave home without wearing a mask. I have grandkids and these decisions are for them. I understand and support these preventive measures.

Councilor Devine said I want to thank staff for the research put into this. I was terrified when I saw the reports from Prisma Health Children's Hospital and I felt that we could and should do more. I have three children who will be starting school in less than two weeks. My four-year-old will be entering elementary [school] for the first time. He has been wearing a mask since the pandemic started. His day care has not had any outbreaks due to requiring masks. My two other children are not eligible to be vaccinated but the state tells me I have to send them to school. Now the state wants to tell our hard working educators and school districts that if they try and protect our children that we put in their care that they will be penalized by the state. That is not the message that we as elected officials should be sharing. We should be trying to support every effort to stop the spread of this disease and to protect all citizens. Politics have been played since the beginning of this pandemic which has caused many people not to trust vaccination or that this virus isn't has deadly. We need to stop playing politics with our health, life, safety, and businesses. If we have another outbreak, we won't have businesses. Shutting down schools and businesses is not an option that any of us want. If we can help reduce the spread within our means, we should do it. I do feel that if we don't take this step, we are sending our kids back to school with no protection.

Councilor McDowell said there is the letter of the law and there is the spirit of the law. As we struggle with the whole issue of a mask mandate, my response is that this is simply a moral responsibility of this Council to protect our children. Protecting our children should not be taken lightly. The numbers are glaring. Even if we operate under the letter of the law there is that moral piece that sets each of us ablaze with making sure our children are protected. Our responsibility is to protect our educators who interact each day with our children. We cannot take this lightly and we need to make sure we are doing anything humanly possible to protect our most vulnerable. I agree wholeheartedly with this emergency ordinance.



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Mayor Benjamin said the South Carolina Constitution empowers the City of Columbia to act and provide adequate protection for the lives, safety, health, and welfare of its citizens. The city code also gives the mayor the authority to declare a state of emergency to afford adequate protection for lives, safety, health, and welfare when directed by the City Council. It is clear that we are in no way in violation of any state law. The yearly state budget proviso does not trump the SC Constitution and our rights and responsibilities therein. I want to thank all of the education leaders who have reached out offering their support. We need to stand up for those of us who are defenseless.

Upon a motion made by Mr. Duvall and seconded by Ms. Devine, Council voted five (5) to one (1) to approve Ordinance No.: 2021-069 Ratifying the Mayor's Declaration of a State of Emergency for the City of Columbia, South Carolina Enacted by Ordinance No.: 2021-068 (Facial Coverings). Mr. McDowell, Mr. Duvall, Ms. Devine, Mr. Davis, and Mayor Benjamin voted aye. Mr. Rickenmann voted nay.

Councilor McDowell said I want to bring up a conversation we had at our last council meeting. I talked about the pandemic we are experiencing but I also talked about the other pandemics that are just as critical in this city and nationally. I talked about hiring a chief medical officer. I want to further discuss this topic at our next council meeting.

Councilor Devine said I believe the direction was that staff was going to do their due diligence in investigating that. A conversation to be had without the data would be premature.

Ms. Teresa Wilson, City Manager said staff is in the process. If it's at the will of the Council, we can have that information by the next council meeting.

ADJOURNMENT

The meeting was adjourned at 10:42 a.m.

Respectfully submitted:

Erika D. Moore Hammond, CMC
City Clerk