

# Time Out!

520 8th. Ave. N. Myrtle Beach, S.C.  
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CRUISE PLAY POOL DANCE

Happy Hour 5-8  
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### Mondays

Knockdown Drag Out!  
Open Drag Contest at 12 Midnight  
Hosted by Morgan Richards

### Wednesdays

Game Night with Bingo & Other Games  
Hosted by Bimbos of the Beach

### Thursday

Locals Night  
Disco Diva Show at 12 Midnight

### Friday & Saturday

Fri., January 29 - Samantha Hunter, Lesley Lain, Akasha Tate

Sat., January 30 - Dance Party with Morgan Richards

Fri., February 5 & Sat., February 6 - Chantell Curtis and her New Jersey Men

Fri., February 12 - Miss Time Out Sweetheart 2010 Contest

Sat., February 13 - C.L.A.W.S. Night and Dance Party with Kristina Dee Vine

Karaoke Tuesday - 11 pm Karaoke Sunday - 10 pm

Tuesday, Wednesday, Thursday - No Cover (excluding special holidays or events)

THE HOTTEST DANCE MUSIC ON THE BEACH WITH D.J. MACKEL

For booking information (female impersonators/male dancers) contact Ken @ 843.448.1180, 10am-1pm  
www.timeoutmb.com

## Anti-gay protester's Charlotte lawsuit dismissed

Flip Benham, Operation Save America says they will appeal by Matt Comer :: matt@goqnotes.com

CHARLOTTE — The leader of an anti-LGBT, anti-choice activist group said he will appeal the dismissal of his federal, civil rights lawsuit against the City of Charlotte.

On Jan. 8, U.S. District Court Judge Robert J. Conrad, Jr. dismissed Flip Benham's suit against the city, saying the religious leader had "not put forth sufficient evidence" for his claims the city had violated his First Amendment rights to protest and assemble at Uptown's Independence Square.

In 2006, Benham's Operation Save America, an anti-gay street preaching and protest group based in Concord, N.C., filed for a public assembly permit for a *Roe v. Wade* Memorial they wanted to hold at the Square, located at the intersection of Trade and Tryon Sts. Permit official Emily Westbrook denied Benham's request. According to court documents, Westbrook told Benham his event was a demonstration and that, as such, it would fall under the city's picketing ordinance and no public assembly permit was required.

The pro-life event was held successfully that year. No arrests were made or citations issued, although police did issue two noise ordinance warnings.



Flip Benham, of the Concord, N.C.-based Operation Save America, says Charlotte officials don't want to recognize his Free Speech rights  
Photo Credit: Mark Lyon

At issue is the decibel level for sound systems under the city's picketing and noise ordinances, Benham told *qnotes*.

"The sound ordinance says you cannot use a speaker system above 75 decibels, but the ambient sound out there [on Trade and Tryon] is 60 or 70 decibels alone," he said. "The sound ordinance is totally ludicrous. You have a sound system but you can't even use it. At 75 decibels we couldn't hear anyone."

Benham said his group filed for the public assembly permit — which is also given to community festivals — as a work-around to the restrictions imposed by the sound ordinance.

"We filed a festival permit because we know that with the festival permit you can have sound as loud as you want," he said. "All sorts of things go on down there at Trade and Tryon and the festival permit allows us free First Amendment rights while the sound ordinance does not."

Senior City Attorney Bob Hagemann told *qnotes* the city's ordinances do not violate any individual freedoms.

"When we drafted the [picketing] ordinance back in 2004 we did a lot of work on it and involved, among others, the [American Civil Liberties Union]," Hagemann said. "We are pretty confident that the ordinance, as written, is constitutional."

Yet, Benham and others with Operation Save America disagree. Represented in part by the arch-conservative legal group Alliance Defense Fund, Benham claims the ordinances violate the First Amendment and city officials' decisions regarding his event were different when compared to those made on events he says are similar to his pro-life memorial.

Pride Charlotte, the annual LGBT community festival presented by the Lesbian

see Benham on 13

## Video Extra

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Just off I-85, take Exit 40. Turn left onto Graham St. Turn left onto Reagan Drive. Follow 1/3 of a mile. Video Extra is on the left. The door is located at the left rear of Austin Tarp Warehouse loading dock.

