

OXFORD CITY COUNCIL  
MINUTES OF A SPECIAL CALLED MEETING

DATE: May 4, 2016  
TIME: 2:30 P.M.  
PLACE: Oxford City Hall  
PRESENT: Mr. Steven Waits, Council President  
Mr. Mike Henderson, Council President Pro Tempore  
Mrs. Charlotte Hubbard, Council Member  
Mr. Chris Spurlin, Council Member  
Mr. Phil Gardner, Council Member

ABSENT: Mayor Leon Smith

The meeting was called to order by Council President Steven Waits and Shirley Henson, City Clerk of the City, served as the Clerk of the meeting.

C. O. Grinstead of Trinity Baptist Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mr. Waits asked everyone to stand for the Pledge of Allegiance.

Mr. Waits stated first, I want to explain why we are here. I received a written request from Councilwoman Hubbard and Councilman Henderson to call a special meeting to consider recall of Ordinance No. 2016-18. Because two Council members requested this meeting as Council President I was compelled to do so according to Alabama Code.

The ordinance we will be discussing, Ordinance No. 2016-18 was addressed at our regularly scheduled meeting on Tuesday, April 26<sup>th</sup>. Because this was the meeting the ordinance was first introduced, unanimous consent was needed to be provided by the Council if the ordinance was to be given immediate consideration. This unanimous consent gives each individual Council member the opportunity to automatically move the ordinance to the next regularly scheduled agenda if he/she needs more time for review. Unanimous consent was given after a motion by Councilman Phil Gardner, a second by Councilman Mike Henderson and a unanimous vote by each individual member of the Council.

Because unanimous consent was provided, the Council was able to address the ordinance. The ordinance passed after a motion by Councilman Mike Henderson, a second by Councilman Phil Gardner and a unanimous vote by the Council.

Due to the fact the Mayor has not yet had the opportunity to sign the ordinance related to health reasons and the fact we are within 10 days of passage, this ordinance is appropriate for potential recall.

**Resolution No. 2016-56 – Resolution to recall Ordinance No. 2016-18.**

Mrs. Hubbard made a motion to approve Resolution No. 2016-56. The motion was seconded by Mr. Gardner.

Mr. Waits called for comments or questions.

Mrs. Hubbard stated it came to our attention from our attorney that Ordinance No. 2016-18 might have serious implications under Title 9 concerning our own school systems as well as the utilization of our public parks.

We are recalling this Ordinance prior to it being enacted to further confer with our attorney and our legislative delegation. Our intention on adopting this Ordinance was to insure the safety of our citizens and to do what we felt was in the best interest of our families. We will continue to place those issues at the forefront as we go forward in assessing our position and the current law concerning this very important issue.

I would like to take this opportunity to announce that with Ordinance 2016-18 in hand, I am going to contact our State delegation and begin work with them on one of the most effective and punitive anti-predator laws in the nation. I truly believe that if we are to have change in America it has to start in our Municipalities. The work we do here can quickly help to spread the effective anti-predator laws nationally. If we address human trafficking, pornography, and childhood predators our city can quickly be seen statewide and nationally as a safe city with no tolerance for predators.

Mr. Spurlin stated last Tuesday, April 26, our City Council voted unanimously to pass Ordinance 2016-18. We as a City Council, felt this Ordinance was needed to defend the safety of our citizens, especially our women and children, because of a recent policy put into effect by a business chain that has a local store in our City.

This policy stated that a person may enter a restroom that corresponds with their gender identity. The policy is very vague and open-ended. It gives no criteria or guidelines to define how to determine a person's gender identity. Because there are no guidelines with this policy, we felt this would open the door for our women and children to become prey.

This new policy makes it easy for sex offenders, child molesters, and pedophiles to have an opportunity to claim they are a different gender without any criteria to determine their gender identity increasing their chance to harm our women and children.

My stance on the creation and reasoning of this Ordinance has not changed.

Mr. Waits called order to the meeting and asked for no applause out of respect for others feelings.

Mr. Spurlin stated we as an elected Council, are expected to provide safety for our citizens. I believe we have done that. I have heard that the biggest issues with this Ordinance are centered around two areas:

1. The first area is “faulty wording.” If there is an area that needs to be corrected or worded in a different way then we can make that change with the help of our attorney. The answer is to “amend” the Ordinance, not “rescind” it.
2. I have also heard the Ordinance is “unenforceable.” This is completely not true. The wording of our Ordinance is much like the wording of many of our laws. The Ordinance lists what is considered a violation and the penalty for committing that violation. In order for a violation to be enforced it must be “witnessed by an officer” or a “written complaint must be filed by another party who witnesses the offense and a warrant issued.” The same is true of Disorderly Conduct, Driving under the Influence, Noise Violations, and many others. There must be a witness for the offense. Again, if the wording needs to be amended, I would support that decision as long as it didn’t change the intent of the Ordinance to protect the safety of our citizens. But rescinding the Ordinance isn’t the answer. Fellow Council Members, last week we made a decision that we felt was right to protect the innocent. It still is! I believe we need to stand behind our actions and do everything that we can to ensure the safety of our citizens.

Mr. Henderson stated on April 26<sup>th</sup> of this year, this Council unanimously passed Ordinance 2016-18. This Ordinance was passed in reaction to the announcement from retailer Target regarding a bathroom/changing room policy. I truly believe each Council member voted to pass the Ordinance out of public safety concerns over this policy and to do what is in the best interest of our families. We considered the matter a done deal. However, our attorney, Mr. Ron Allen, recently contacted the Council members and stated that there are some serious concerns which have come to light and as our attorney informed us of some possible implications that the Ordinance as written could have. He suggested the Ordinance be recalled and time be given to research, review, and confer with our legislative delegation to potentially develop a better Ordinance.

The potential recall of this Ordinance in no way changes or indicates a change in the convictions or concerns of the members of this Council nor should it be seen as us giving in to any group or organization. I personally fear for the direction our nation appears to be headed in and I am concerned over the decline in common sense and decency. The only hope I see for America is found in 2<sup>nd</sup> Chronicles 7:14-17 which states “If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and will heal their land. May God help us.”

To our Christian brothers and sisters who feel we are letting you down by recalling this Ordinance I say please consider my earlier comments regarding the recommendation from our attorney. I ask what would you do if your attorney recommended you take an action? This matter is not over but we need to seek further counsel and guidance as stated. Would you not want us to have a stronger Ordinance to better meet the challenges that might be presented? I am already hearing that those who vote for recall will not be re-elected. Is that a Christian attitude? I ask you to please continue to pray for us. Your support, not criticism will be appreciated. In Jesus’s words in Matthew 7:1 He says “Judge not, that ye be not judged.” Please don’t judge us by a political decision. Please examine our hearts and lives and accomplishments. I think you will see we are just like you.

Mr. Waits stated when political correctness pushes those to promote policies that create unsafe environments, we, as leaders are charged to stand up and protect our citizens. This Ordinance was put in place in an effort to protect our women, children and families from voyeurs,

exhibitionists, child molesters, sexual predators and others who would use these policies to their advantage. It was a safety issue when we passed the Ordinance last week and it is a safety issue today. Absolutely nothing has changed.

One of our greatest responsibilities as a City Council is to promote and provide for the public safety of our citizens and visitors to our City. Our citizens have a right, a fundamental right to a safe City, to be able to shop and use restroom facilities without concerns or fears. Over the past week I have heard from those who are concerned about the rights of the 0.3 percent of the population that identify themselves as transgender. I certainly respect that. My question has to be what about the rights of the 99.7 percent of the population that do not identify themselves as transgender, do they still have rights? Do they not still have the fundamental right to a safe environment?

I know those such as the Southern Poverty law Center, the ACLU Foundation of Alabama, and the ACLU have instituted a fear campaign regarding potential litigation. I am not impressed nor moved in any way. Did anyone really think the word litigation would not come up? Our attorney made that crystal clear for us during discussions of this Ordinance, specifically as it related to Title 9. It wasn't a recent revelation. We have to understand that many groups will utilize litigation as a way to bully their political agenda. I for one still have confidence in our legal system. I actually believe courts can still get it right. Litigation with a subsequent decision in our favor would not only be a win for our great City, but a win that could change the course of the entire nation. I for one, am up for that battle. Quite frankly, I am amazed we even have to discuss this today. Men's restrooms were designed for biological males. Women's restrooms were designed for biological females. It's a common sense concept that has been in place for quite some time. Some have requested we repeal the Ordinance due to their saying the Ordinance makes transgenders feel embarrassed or uncomfortable. Placing themselves in an embarrassed or uncomfortable position was a personal decision on their part. Public safety should not be compromised for the general public because of the personal decisions of a few.

Regarding the question as to if we should have the State address this. Should we really wait for our State to intervene on a situation that affects the public safety of our citizens? I believe our citizens expect more, to be proactive when possible. It is a fundamental expectation of this Council to act swiftly and decisively in matters of public safety. As leaders of this City, we cannot compromise on public safety, period. It is worth standing up for. That means political correctness, fear of litigation and the almighty dollar should never hold our City ransom and should never stand in the way of public safety. We are far better than that. Our citizens are depending on us to get this right. The overwhelming majority of our citizens are expecting common sense and leadership to prevail today. I for one am committed to this without apology and will not back down. It is time we as a City reclaim order and ensure the safety of our citizens. With that I will ask our City Clerk to please call the roll.

On roll call the votes of the Council were as follows: Mrs. Hubbard "Yea", Mr. Gardner "Yea", Mr. Spurlin "Nay", Mr. Henderson "Yea" and Mr. Waits "Nay". The motion carried.

Mr. Waits stated there is one other item of business we need to take care of today which is a request by a couple of our Council members to move our next regularly scheduled meeting from Tuesday, May 10<sup>th</sup> to Thursday, May 12<sup>th</sup> at 6:30 p.m.

Mr. Henderson made a motion to move the May 10<sup>th</sup> meeting to May 12<sup>th</sup> at 6:30 p.m. The motion was seconded by Mrs. Hubbard.

Mr. Waits called for questions or comments. On roll call the votes of the Council were as follows: Mrs. Hubbard "Yea", Mr. Gardner "Yea", Mr. Spurlin "Yea", Mr. Henderson "Yea" and Mr. Waits "Yea". The motion carried unanimously.

There being no further business to come before the Council, Mr. Gardner made a motion to adjourn. The motion was seconded by Mr. Henderson.

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Shirley Henson, City Clerk

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Steven Waits, Council President