

**City Of Martinsburg**  
**Special City Council Meeting Minutes**  
**Thursday, January 21, 2016**  
**6:30 P.M.**

With a quorum present, the regular session of the Martinsburg City Council was called to order by Mayor George Karos at 6:30 p.m. The following Council Members were present: Don Anderson, H.D. Boyd, Dennis Etherington, Kevin Knowles, Gregg Wachtel, Ken Collinson and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder and Police Chief Maury Richards.

**4. Salute to Flag**

**5. Prayer**— Pastor Joanna Marceron, Marvin Chapel United Methodist Church, led the invocation.

Mayor Karos requested that an item regarding snow removal be added to the agenda. Motion was made by Councilman Wachtel, seconded by Councilman Collinson, to add this item to the agenda for consensus. Motion carried unanimously.

**6. Petitions from Citizens**

Mayor Karos reminded each petitioner that they were to give their name and address and limit comments to five minutes.

David Anderson, Music Court, provided Council with a copy of Blue Ridge Community and Technical College's Policy of Nondiscrimination and asked that Council move to treat everyone equally as well.

Christina Lundberg, Candi Court, stated that everyone has already spent hours on this issue since July, including a 30 day comment period, in which the majority of City residents were in favor of the ordinance. Ms. Lundberg pointed out that more than 25 businesses in Downtown Martinsburg have stickers in their windows indicating they are in favor of fairness. She stated that organizations who hire large groups of people and organizations requesting CDBG funding already have these policies and asked Council to pass the ordinance so that members of the LGBT community do not have to live in fear.

Mike Anderson, Spies Drive, commended individuals for actively participating in government. He then stated that less than 2% of the population has a "gender identity problem" and that the other 98% are voters who have put Council into their "cushy positions."

Reverend Diana Cooper, Martinsburg, stated that there is no "gender problem," that gender identity is not a problem. Rev. Cooper stated that Council is being presented an opportunity to vote for equality and she strongly supports the ordinance as a business owner.

Pastor John Mason, Harper's Ferry, President of the Eastern Panhandle LGBTQ Alliance, stated that he has heard that Council will have damnation upon them if they pass this ordinance, that fires will rain down from heaven. He stated that there is no fire from heaven for doing the right thing. Pastor Mason stated that there was a time when interracial marriages were illegal and separate but equal was the law. He stated that he has made several attempts to meet with evangelicals and there is no possible reconciliation because they will not listen or reconsider their positions. Pastor Mason stated that he wants equal housing and jobs and the security of knowing that Council will do the right thing.

A pastor from Van Clevesville (name not clear), asked what this ordinance will mean for Church leaders and asked if he would be forced to perform a same-sex marriage ceremony. He also stated that he will not be baking cakes for gay people.

Legal Counsel Kin Sayre responded that there is a provision in the ordinance which exempts religious services.

Michelle Casuccio, Martinsburg, stated that she has a daughter who has graduated from several degree programs with high honors and has met with many achievements in various fields. She stated that her daughter went to work in southern Virginia and was met with intolerance and significant workplace discrimination because of her sexual orientation. She asked Council to understand that sexual orientation is neither a choice nor a perversion, and that individuals just want to live their lives under the protections provided by the ordinance.

Albert Brown, Jenny Wren Drive, stated that people should have freedoms to offer counsel to people who wish to change their lifestyle. He stated that the ordinance sanctifies a "new morality" and agreed that housing should not be denied to anyone, but that Council should be careful with ordinances that give inalienable rights to people. He stated that it should not be legal to sue a Jewish t-shirt maker who does not want to make a Nazi shirt. Mr. Brown added that people do change. He stated that the Soviet Union, primarily atheist, did not condone homosexuality because it is against nature. He asked if Council intends to harass Muslims. He also stated that the ordinance should contain an arbitration provision.

Andrea Kosens, Winchester, VA and VP of the Eastern Panhandle LGBTQ Alliance, stated that all people have a right to fair housing and not to be discriminated against. She stated that this ordinance is not about religion but about civil rights.

Michael Santa Barbara, attorney in Martinsburg, stated that he is a heterosexual and could not be convinced or educated or persuaded in any way to be a homosexual, therefore, he believes that it is common sense that sexual orientation is not a choice, and that society cannot discriminate against things that cannot be changed. He stated that the United States is far beyond issues of discrimination based on inane characteristics and was in support of this ordinance.

Layne Diehl, attorney in Martinsburg, stated that her brother is gay and during his formative years, he was harassed, bullied, beaten up and spit upon. She stated that he is intelligent and was full of potential, yet due to this treatment he quit school at 14 and is barely able to function as an

adult now. Ms. Diehl stated that this type of treatment is not God's love and it is up to the government to remedy this type of behavior. She asked Council to consider the effects of discrimination.

Johanna Marceron, Marvin Chapel UMC, stated that when she found that discrimination was legal in WV, she and other Methodist leaders worked toward ending discrimination as all people should have equal protection under the law. Nondiscrimination is now the law of the United Methodist Church Baltimore Conference and it should be the law in Martinsburg. She reminded Council that the Bible says to love thy God and thy neighbor.

John Roberts, Courthouse Drive, stated that he is a native West Virginian but works in the DC area. He stated that he is before Council to ask for justice and that Council do the right thing.

Christie Santana, political candidate and Berkeley County resident, asked how Council could even consider not passing this ordinance. Because of ordinances like this one, women are able to run for offices and vote, and stated that it is not right to tell anyone that they are not deserving of the same rights offered to everyone else.

Barbara Bratina, Tennessee Avenue, asked Council to vote in favor of the ordinance. She stated that it is not an ordinance which would give special rights to anyone but basic human rights for all. She stated that it is also important from an economic standpoint, as Fortune 500 companies have these policies and seek communities that share their values. Berkeley County schools has a nondiscrimination policy which includes sexual orientation and gender identity and children are taught not to discriminate, she feels that adults should be taught to act like children in this instance. Ms. Bratina stated that she is offended by those who use the name of Jesus to spread intolerance and prejudice.

Joe Merceruio, Fairness WV, thanked everyone for coming and thanked Council and City staff for working so hard to get this point. He stated that he had many facts and statistics, but the basic fact was that this ordinance is just the right thing to do. Mr. Merceruio pointed out that high school students were present in favor of the ordinance and that these values are important to keep young people in the area.

John Fratterola, Cornerstone Baptist Church, stated that people with an opposing view should not be painted as hateful and prejudiced. Mr. Fratterola stated that he believes this ordinance is contrary to constitutional rights and it is protecting a small group of people based on chosen behaviors and limiting the free speech of the vast majority. Mr. Fratterola stated that he has not seen any evidence of discrimination.

Sampson Wright, Hood Circle, stated that he takes exception to the statements that he must be hateful if he disagrees with this ordinance. He stated that if the ordinance passes, he will be as gay or transgender as he has to be in order to comply with the provisions of the ordinance. Mr. Wright stated that government should not be making these types of decisions and should not be trying to dictate his lifestyle. Mr. Wright has lived in Martinsburg one year, prior to that he worked in Houston to defeat the SOGI ordinances proposed there.

Pastor Randall Coyle, God One Ministries, stated that Jesus loves everyone but has a hatred for sin. Mr. Coyle told a story about being imprisoned for corporate fraud and said that he was told that "everyone does it." Mr. Coyle stated that what is popular is not necessarily right and that this ordinance was against the word of God.

Dr. William Miguel, Tennessee Avenue, stated that his father moved out of Martinsburg due to racial discrimination during the Civil Rights era. He stated that every excuse being cited in opposition to this ordinance was used to oppress and discriminate against people of color 30-40 years ago. He asked Council to vote on the right side of history.

## **8. Report of Mayor**

None

## **9. New Business**

**First and Second Reading of Ordinance 2016-05: An Ordinance Amending the City of Martinsburg Code, Part 1, Administrative Code, Chapter 5, Administrative, by Adding Article 154, Nondiscrimination Policy, Section 01 And 02, to Provide for Equal Opportunity In The Areas Of Employment, Public Accommodations, and the Sale, Lease, Rental and Financing of Housing Accommodations is Hereby Declared To be a Human Right or Civil Right of All Persons without Regard to Race, Religion, Color, National Origin, Ancestry, Sex, Age, Blindness, Handicap, or Sexual Orientation and Gender Identity**

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to hear the first and second reading of Ordinance 2016-05. Motion carried unanimously.

## **Snow Removal**

City Manager Mark Baldwin stated that a large snow event is expected and that typical snow removal procedures will be in place, but asked for consensus of Council to use contracted snow removal or plowing services as needed, with administration and staff to make final decisions. The Council consented to this request.

## **10. Executive Session**

- (a) Discuss pending legal matters with Counsel (if necessary)
- (b) Discuss personnel matters (if necessary)
- (c) Discuss real estate matters involving competitive bids (if necessary)

As no executive session was necessary, the meeting adjourned by unanimous consent at 7:23 PM.

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Gena Long, City Recorder

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George Karos, Mayor

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