

**City Of Martinsburg  
Special City Council Meeting  
Wednesday, July 29, 2015  
5:00 PM**

With a quorum present, the special session of the Martinsburg City Council was called to order by City Attorney Kin Sayre at 5:00 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Kevin Knowles, Ken Collinson, H.D. Boyd and Jason W. Baker. Absent were Gregg Wachtel and Mayor George Karos Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder, Fire Chief Paul Bragg and Police Chief Kevin Miller, Human Resources Director Brenda Spaulding, Community Development Administrator Nancy Strine, City Engineer/Planning Director Mike Covell, Utilities Director Steve Knipe, Public Works Director Jeff Wilkerson and Finance Director Mark Spickler.

Motion was made by Councilman Baker, seconded by Councilman Knowles to nominate Councilman Boyd to chair the meeting. Motion carried unanimously.

Motion was made by Councilman Knowles, seconded by Councilman Collinson to move the "Petitions from Citizens" portion of the agenda immediately above item 12Q, as the majority of the petitions were to be in regards to that item. Motion carried unanimously.

**3. Approve July 9, 2015 Regular Meeting Minutes**

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve the July 9, 2015 Regular Meeting Minutes. Motion carried unanimously.

Councilman Baker asked why the Pledge of Allegiance was not recited at the start of the meeting. Councilman Boyd replied that this is a special meeting, and typically, the Pledge of Allegiance and invocation are not part of the agenda. Councilman Baker asked if it could be done anyway, and Legal Counsel Kin Sayre stated that it is not part of the agenda.

**4. Presentations**

**a. Make Comment on ABC Zoning Form—796 Foxcroft Avenue #101—Spice Connexion Restaurant.**

As the applicant was not present, motion was made by Councilman Collinson, seconded by Councilman Etherington, to table the presentation. Motion carried 4-1, Baker no.

The applicant arrived later in the meeting and motion was made by Councilman Knowles, seconded by Councilman Collinson to remove the presentation from the table. Motion carried unanimously.

Mr. Sushila Rawat, 129 Checko Court, owner of Spice Connexion, explained that he wishes to sell beer and wine as his customers are asking for Indian beers and wines in his restaurant.

Motion made by Councilman Baker, seconded by Councilman Collinson, to forward the ABC Zoning Form without comment from Council or staff. Motion carried unanimously.

**b. Proclamation—80<sup>th</sup> Anniversary of the Signing of the Social Security Act**

As no one was present to hear the reading of the proclamation, Councilman Boyd asked that it be entered into the record.

**c. Berkeley County Councilman Dan Dulyea, Councilman Doug Copenhaver and County Administrator Alan Davis regarding Royce Hosiery/ proposed rehabilitation facility (750 Baltimore Street)**

County Councilman Copenhaver stated that he feels that for the effort to be possible, Berkeley County should own the building and be a place for several organizations and entities to work together. He stated that the County is looking into conducting several studies to determine feasibility and the environmental situation at the proposed site before the set closing date in November. He stated that he is looking at several entities to be part of the effort (including the hospital and day reporting center). He stated that the County Council needs to ensure that the location will be sustainable before spend a considerable amount of money to begin the project and wished to get an idea of the City Council's feelings on the matter as they will make the final decision on the rezoning of the property to allow for this use. He stated that he has spoken to the person in charge of the Little League at the nearby park, and he had no concerns. He stated that the County Council plans to hold several public hearings. He also stated that the County hopes the center will reduce its considerable regional jail cost and those funds can be redirected to the facility.

Councilman Boyd asked if the County intends to have a detoxification or holding area for intoxicated subjects. Councilman Copenhaver stated that will probably be available, that the facility would be constructed in phases. He stated that he is aware the security would be necessary for the detox area and also hopes to offer services for those on probation as well as an in-patient facility.

Councilman Collinson stated that the proposed location is in his ward and he has heard several concerns from his constituents. He stated that the community realizes the need for the facility, but the majority does not want it in their neighborhood. He stated that he is concerned with its proximity with Oatesdale Park, that it is in the flood plain and that there are many residences in a very close proximity.

Councilman Copenhaver stated that all of those concerns are expected. He added that drug addictions affect everyone in one way or another and that he hopes other options will offer better solutions for repeat and generational offenders.

Councilman Boyd asked if the facility will be available for only local people or if others from surrounding states can use it. Councilman Copenhaver replied that he is checking on legality of that question, but hopes that it will be available only to those from Berkeley, Morgan and possibly Jefferson County. He also added that the main focus is on the quality of the programs offered, that the project will occur in phases over the course of approximately ten years.

Councilman Knowles commended the efforts of the County Council. He stated that he would like everyone to remember that, while such a facility might be undesirable in their back yard, the issues of drug and alcohol addiction are in their front yards now. He stated that the project has his support 100% and likes to hear the County is taking their time to ensure they have the right people and the right organizations working together to help ensure its success. He stated that the facility must provide accountability to the patients or it will become a detriment rather than an asset to the entire community.

County Councilman Dan Dulyea stated that he appreciates the opporutity to discuss this with the City and asked that the City be a partner in its development. He stated that the intention is to create a medical facility rather than a half-way house or similar facility. He understands the neighborhood concerns and feels confident that the final project will be a tremendous asset to the entire community.

City Manager Mark Baldwin requested that the County Council meet with the Planning staff as soon as possible to ensure that all of the required permissions could be addressed during the due diligence period.

##### **5. Petitions from Citizens**

Petitions will be heard at the bottom of the agenda.

##### **6. Receive and File Reports—Minutes—Correspondence of the Following:**

- a. **Planning Commission June 3, 2015 Regular Meeting Minutes**
- b. **Board of Zoning Appeals May 5, 2015 Regular Meeting Minutes**
- c. **Historic Preservation Review Commission June 1, 2015 Regular Meeting Minutes**
- d. **GKY Final Report—Stormwater Financing and Outreach Study Report**
- e. **Martinsburg Parking Authority July 16, 2015 Meeting Minutes**
- f. **Human Relations Committee July 21, 2015 Meeting Minutes**
- g. **Martinsburg/Berkeley County Convention and Visitor's Bureau May 13, 2015 Meeting Minutes, Profit and Loss Statements for May and June 2015 and FY 2014-2015 and Draft Budget for FY 2014-2015**

Motion made by Councilman Collinson, seconded by Councilman Etherington, to receive and file items 6a-6g. Motion carried unanimously.

#### **7. Reports of Chairpersons of Council Standing Committees**

None

#### **8. Report of Mayor**

- a. **Reminder of Council as a Whole Committee Meeting for Tuesday, August 11, 2015 at 4:30 PM**
- b. **Reminder that the Regular August 13, 2015 Council Meeting has been scheduled Thursday August 20, 2015.**
- c. **Schedule Special City Council Meeting for Thursday, August 13, 2015 at 5 PM for purposes of approving or denying the East Burke Street Parking Lot Project bid—Bid opening is August 6.**

City Manager Mark Baldwin explained that, while it will be very difficult to prepare a regular Council packet for August 13, as the City Recorder, City Manager and several members of the Council will be a Municipal League August 6-9, the City Recorder had stated that she believed it possible to prepare the small packet necessary for the Special Meeting on Monday, August 10 and get the packet distributed and agenda posted in time for the Special meeting. It is preferable not to cause delay on the E. Burke Street project due to the approaching winter season.

#### **d. Airport Authority Appointments**

- 1. Betty Gunnoe**
- 2. Ken Collinson**
- 3. Jason Barrett**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve all three appointments to the Eastern Regional Airport Authority. Motion carried 3-2, Collinson abstained and Councilman Anderson voted no.

Councilman Baker asked if there was need to vote on Councilman Collinson's abstention. City Attorney Kin Sayre replied that there was no requirement to vote on an abstention, it was not the same as a recusal. Councilman Baker asked if he could object to the abstention.

#### **9. Report of City Attorney**

None

**10. Report of City Manager**

None

**11. Unfinished Business**

None

**12. New Business**

**a. First and Second Reading of Ordinance 2015-08: *An Ordinance Amending Ordinance 2013-07 Which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia***

Motion made by Councilman Knowles, seconded by Councilman Etherington, to hear the first and second reading of Ordinance 2015-08, by title only. Motion carried unanimously.

**b. First and Second Reading of Ordinance 2015-09: *An Ordinance to Approve and Adopt Current Replacement Pages to the Codified Ordinances***

Motion made by Councilman Etherington, seconded by Councilman Knowles, to hear the first and second reading of Ordinance 2015-09, by title only. Motion carried unanimously.

**c. Approve/deny Resolution 2015-019: *General Fund Budget Revision #1, FY 2015-2016***

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Resolution 2015-19. Motion carried unanimously.

**d. Approve/deny Resolution 2015-20: *Coal Severance Fund Budget Revision #2, FY 2015-2016***

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve Resolution 2015-20. Motion carried unanimously.

**e. Approve/deny Supplemental Resolution 2015-21: *Supplemental Resolution Approving a Limited Offering of the City of Martinsburg Tax Increment Refunding Revenue Bonds, Series 2015 (The City of Martinsburg Development District No. 1—North Martinsburg Access) (Bank-Qualified); Approving Substantial Forms of a Trust Indenture and a Limited Offering Agreement for Such Limited Offering; Providing as to the Form, Denominations, Numbers, Final Principal Amount, Maturities, Interest Rates, Principal and Interest Payment Dates, Redemption Provisions and other Terms and Provisions of, and Making Other Provisions as to, Such Bonds.***

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2015-21. Motion carried unanimously.

**f. Approve/deny Resolution 2015-22: *Approving Supplemental Agreement #1 between the City of Martinsburg and WVDOT, Division of Highways, Weis Markets, Inc. Regarding Primarily Maintenance of Certain Drainage Features Associated with a Proposed Commercial Development that is to be Constructed Adjacent to WV 45 at Martinsburg—Berkeley County***

Motion made by Councilman Knowles, seconded by Councilman Collinson to approve Resolution 2015-22. Motion carried unanimously.

**g. Approve/deny request from St. Joseph Parrish to hold the annual Virgin of Guadalupe religious procession on Saturday, December 12, 2015 from 7:30 AM until 8:15 PM.**

Motion made by Councilman Baker, seconded by Councilman Collinson, to approve the request from St. Joe's as submitted. Motion carried unanimously.

**h. Approve/deny route for Apple Harvest Festival Grand Feature Parade and date of Saturday, October 17, 2015 beginning at 1 PM**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the route and date for the Apple Harvest Grand Feature Parade. Motion carried unanimously.

**i. Authorize Mayor Karos to submit a letter of endorsement to the ABC Commission for a beer garden at an outdoor wrestling match to be held at 615 W. King Street (Interwoven Mills) on September 5, 2015 from 3 PM until 10 PM**

When asked if he had any concerns, Chief Miller stated that he has not been contacted nor spoken to anyone about this event.

Larry Wright, owner of the Interwoven Mills, explained that he would like to hold the outdoor wrestling match to bring attention to Downtown Martinsburg. He would like to cordon off an area for beer and wine, which would be sponsored by a person holding an ABC license for this one day event.

Mr. Sayre asked if this would be an extension of an existing ABCA license. There was discussion regarding various types of licensing and Councilman Boyd stated that he believes Mr. Wright will require a special events license which requires the application to be received between the ABC Commission at least thirty days prior to the event and Chief Miller expressed concern that Mr. Wright might not be able to get the paperwork submitted in time. Mr. Wright feels that he can.

Councilman Baker asked if this will be a ticketed event and Mr. Wright said that it will.

Mr. Sayre reminded Mr. Wright, that he also needs to ensure his health permits are in order if food is to be served as well as City business licenses for all involved parties, including the promoter and alcohol supplier. He suggested that he make time to meet with Chief Miller as soon as possible.

Motion made by Councilman Baker, seconded by Councilman Knowles, to authorize the letter of endorsement. Motion carried 4-1, Councilman Anderson no.

**j. Approve/deny Parking Authority Recommendations Extending Current Loading Times (Wednesday, 8 AM – noon) for the Two-Space Loading Zone on the North Corner of W. Burke Street to Monday-Friday from 8 AM until Noon (See Item 6E)**

Motion made by Councilman Baker, seconded by Councilman Collinson, to approve the recommendation. Motion carried 4-1, Councilman Anderson no.

**l. Approve/deny authorization for Mayor George Karos to Sign Conditional Agreement for Habitat for Humanity of the Eastern Panhandle, Inc. for construction of Lot # 14 at the Auburndale Subdivision using FY 2012 CHDO Funds**

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve the authorization for Mayor Karos to sign the Conditional Agreement for the construction of Lot 14.

**m. Approve/deny Authorization for Mayor George Karos to Sign Conditional Agreement for Habitat for Humanity of the Eastern Panhandle, Inc. in the Amount of \$45,646 for construction of Lot # 15 at the Auburndale Subdivision using FY 2013 CHDO Funds**

Motion made by Councilman Baker, seconded by Councilman Collinson, to authorize Mayor to sign the Conditional Agreement for the construction of Lot 15.

**n. Approve/deny Authorization for Mayor George Karos to Execute Memorandums of Agreement to Transfer HOME Match Credit with Habitat for Humanity of the Eastern Panhandle, Inc. for both FY 2012 (Lot 14) and FY 2013 (Lot 15) Funds**

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve authorization for the Mayor to execute the Memorandums of Agreement, Motion carried unanimously.

**o. Approve/deny Amended Change Order 11 between the City of Martinsburg and O'Brien and Gere Engineers, Inc. for the WWTP Upgrade Project**

City Manager Mark Baldwin explained that there is no change in dollar amount, the CO deals with some time extensions and related issues.

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve Change Order 11. Motion carried 4-1, Councilman Anderson no.

**5. Petitions from Citizens**

Mr. David Anderson, 104 Music Court, stated that he resides in the neighborhood near the proposed drug rehab facility on Randolph Street. He stated that he has concerns about increased crime and asked the Council attempt to ensure proper thorough screening.

Mr. Martin Bales, 412 Randolph Street, spoke against the location of the proposed drug rehab facility. He agrees that there should be a program but not in that location. He stated that the County Council has spoken to one person from the Little League program, but not to the parents of the children in the program, nor the remainder of the neighborhood.

Mr. Christopher Able stated that he has no issue with the location of the proposed facility, but stated that the facility needs to ensure there are ample programs to prevent patients from returning to the streets and their addictions. He stated that many such programs do not offer support for after-care or employment and the individuals fall back into the same patterns after being released from the program. He stated that for a program to make a difference, it needs to extend beyond simply drug rehabilitation.

Ms. Jeannette King, 1006 Nash Court, stated that she is the owner of a small government contracting business and the recipient of the Small Business Owner of the year award. She stated that she is concerned about the reasons for opposing the non-discrimination ordinance because are similar reasons for opposing the Civil Rights movement historically. Ms. King stated that 2/3 of the members of the LGBT community have reported that they have experienced discrimination. She stated that drafting the ordinance shows good leadership and forward thinking and it shows potential corporations that Martinsburg is educated and has a diverse workforce. Large companies will not locate in Martinsburg, Ms. King stated, if the government does not support their policies of non-discrimination. She stated that an ordinance can be drafted that takes the concerns of the churches into consideration.

Ms. Layne Diehl, 954 Talisman Drive, attorney and small business owner, stated that she is in support of the non-discrimination ordinance. She stated that it deals with issues of fairness; that the United States has a history of discrimination across the county and in Martinsburg, and the ordinance is necessary to assure a civilized society.

Ms. Diehl added that the Establishment Clause is still the law of the land and there are protections for ministerial societies.

Mr. John Compton, 402 Woodbury Avenue, stated that he stands in total opposition of the ordinance.

Minister Ujima Tyson, 1086 Sam Mason Road Bunker Hill, stated that she is in favor of denying authorization to draft the ordinance. Ms. Tyson stated that the non-discrimination ordinance is not necessary. She continued by quoting scripture and adding that the laws of the land must live up to the Laws of God.

Ms. Patricia Rucker, 2432 Chestnut Hill Road, Harpers Ferry, stated that she doesn't live in Martinsburg but does shop in Martinsburg. She questioned the protocol for opening the meeting without a Pledge of Allegiance or invocation. Ms. Rucker stated that she could not understand the need for the ordinance as she sees no evidence of discrimination. Ms. Rucker stated that many businesses have hired members of the LGBT community and already have guidelines for non-discrimination. Ms. Rucker stated that she, herself, is a minority and does not wish to be placed in a category or separated and given special treatment and stated that Council should not be creating more grounds for litigation.

Ms. Betty DeHaven, 971 Talisman Drive, stated that she is opposed to drafting an unneeded and divisive ordinance. She stated that the City of Martinsburg treats all people with respect and disagreed with some of the Councilmen being quoted in the newspaper as stating that the ordinance is not a big deal. She stated that such an ordinance would make her grandchildren vulnerable. She also stated that there are no documented cases of discrimination on the basis of sexual orientation and gender identity, but there are many fraudulent claims. Ms. DeHaven stated that the WV legislation had passed a bill to stop these ordinances, that it had wide support in both houses and will be addressed again in January.

Mr. Michael Ralliff, 711 W. John Street, stated that he works for the Workforce Investment Board which pairs employees with customized job programs. Mr. Ralliff stated that he is an advocate for the City, he does not discriminate and will not support people that do. He stated that discrimination does exist and that he deals with it on a daily basis. Mr. Ralliff stated that everyone needs equal opportunities under the law. Having access to Department of Labor Reports, Mr. Ralliff stated that 97% of Fortune 500 companies and the federal government have non-discrimination policies, and many of those companies and the federal government have a presence in Martinsburg.

Ms. Kay VanMetre Floyd, Inwood, stated that if all of these industries have these policies in place then the City of Martinsburg does not need this ordinance, that it would be overkill. Ms. Floyd stated that she has spoken to a business owner who has been sued seven times for frivolous reasons. She also stated that she used to work with a minority co-worker who took extended lunch breaks and extra time off, but was not punished because she was a minority.

Ms. Anne Koncer, 128 Swinging Bridge Road, and representing Westview Baptist Church, stated that she works at Martins and she sees no discrimination. She asked if the preacher at Westview would have to perform same sex marriages. She added that she does not discriminate against anyone and does not wish to be discriminated against. Ms. Koncer opposed the ordinance.

Reverend Diana Cooper, owner of a business at 155 N. Queen Street, stated that the Constitution protects ministers from being forced to perform any marriage ceremonies they do not wish to perform. Reverend Cooper stated that individuals who are not members of the LGBT community do not have any business stating that they are not discriminated against. Rev. Cooper was in favor of the ordinance.

Pastor John Mason, Thrush Lane in Harpers Ferry, representative of Eastern Panhandle LGBTQ Alliance, stated that he cannot believe what he was hearing, that some of the comments represented tyranny of the majority over the minority. Pastor Mason stated that he ministers to over 3000 members of the LGBT community, many over the internet because they do not feel welcome in area churches. He stated that these individuals need affirmation that

they are a welcome part of society and he hopes to have the ordinance passed. He added that most predators are heterosexual, not homosexual and that men will not be using the ordinance to enter restrooms and locker rooms and that restrooms typically have stalls with doors. Pastors and churches, Pastor Mason added, will not be forced to do anything. He stated that the Evangelical will eventually change, they changed when they supported slavery, they changed when they were opposed to women's rights and they changed when they were opposed to civil rights and they will change for this. Pastor Mason stated that Martinsburg should lead the way and protect its citizens and be on the right side of history.

Mr. Spencer Flannery, representing Little Eagle Child Care Center, 30 Castonia Drive, stated that he is in favor of fairness in Martinsburg.

Ms. Carla Calhoun, 140 Thayers Gull Drive, and a local educator states that the Declaration of Independence states that we are all equal and have rights. She stated individuals do not have to accept anything they do not want to, but they may not discriminate. She asked why a person's sexual orientation should make others deem them less of a person, stating that we do not have a right to judge. She stated that she understood that some Councilmembers have been told they will lose votes if they vote in favor of the ordinance, but that gays, lesbians and supporters have votes too. She stated that people should speak to be heard, not to hear themselves speak. She also asked that businesses that do not support this ordinance should put signs in their windows so that people know where not to shop.

Pastor Christopher Abel, Dragon Slayer Ministries, 108 S. Georgia Avenue, stated that the government should not bow to individual beliefs and that laws that protect homosexuals, Islamists, races and faiths protect him too, but he is opposed to this ordinance because the Federal Government already has ruled to give "them" Title VII status in 2012. He stated that there were less than 3,000 discriminations in the country in FY 2013-2014. Pastor Abel stated that the non-discrimination would give members of the LGBT community privileged status above other individuals and cause the City to spend additional money to investigate claims.

Mr. John Fratterola, Cornerstone Bible Church, 601 N. High Street, opposed the ordinance for the same reasons as those who spoke before him. Mr. Fratterola stated that one cannot discount the spiritual aspects as everyone must answer to God. He stated that the Council, placed in that position by God, are the gatekeepers of the City and that their decision make or break the City. He stated that homosexual behaviors are an abomination to God. He also added that classifications for civil rights are based on factors that cannot be changed, such as skin color, and that sexual preference is a choice.

Mr. Ted Browne, 710 Jenny Wren Drive, stated that he is opposed to the ordinance. Mr. Browne is concerned that a special discrimination ordinance would allow "confused men" to enter the ladies' room, and he was concerned about teenage girls showering with "kinky men." Mr. Browne stated that these types of laws are being used to punish people of faith because they don't want to bake cakes in violation of their beliefs. Mr. Browne stated that it is not proper to perform marriages that they don't wish to.

Mr. Mike Anderson, 27 Spies Drive, Hedgesville, stated the Separation of Church and State was intended to keep government out of the churches. Mr. Anderson also stated that only 2% of the local population is homosexual and the other 98% vote.

Ms. Consuelo Newman, 396 W. Race Street, stated that she thought all of this had been resolved and asked why Christians are still shaming others. She stated that she did not understand why it was necessary to be here to determine whether people could be discriminated against. Ms. Newman stated that those against a discrimination ordinance must be in favor of discrimination and that God tells his followers not to judge. Ms. Newman stated that churches have always had waivers and exemptions to protect their First Amendment rights and that will not change. She stated that people should work to heal differences not drive further wedges between themselves. Ms. Newman also stated that she has heard people say that sexual orientation is a choice, she said that it is not a choice and to infer that it is a choice is both outrageous and ignorant.

Norman Jefferson, 277 Rustling Leaf Place, Kearneysville, stated that he is an Apostle Called to God, and that he is opposed to the Ordinance. He states that the City of Martinsburg has been warned by God and that the Councilmen are in their positions to turn down this ordinance.

Helen Henderson, 211 W. Burke Street, stated that she is speaking for four other households as well as herself and they are in favor of the ordinance. She stated that these households will actually be impacted by this ordinance, as opposed to the many speakers from outside the City limits. Ms. Henderson stated that she resents the way religion is being used to exclude and hate.

Andrea Cosans, Winchester VA, Vice President of the Eastern Panhandle LGBTQ Alliance, stated that issue is not a guy issue, but a civil rights issue and is in favor of the ordinance. She stated that people should live where they wish to live, work where they wish to work with no fear of discrimination and neighborhood retaliation.

Tara Mora, 811 Buxton Street, stated that she is against the ordinance as these issues are already covered by State and Federal law. Ms. Mora stated that Jesus spoke of love, but he also spoke of the importance of fulfilling God's law.

Joe Merceruio, 198 Pope Farm Road, Fairness WV, stated that he is the individual who brought the ordinance to the Council for approval. Mr. Merceruio stated that if there is any question as to whether discrimination exists, one has only to listen to the comments. He stated that he has heard many misconceptions about current laws, that there are no state laws other than a proposed law to undo municipal ordinances, which did not pass. He stated that the federal EEOC protections are only valid under the Obama administration and can be changed by any future administrations and that they do not cover housing. Mr. Merceruio stated that he doesn't wish for children to live in fear either, including children of gay or lesbian couples.

Mr. Randall Coyle, 727 Appian Way, Pastor of God One Ministries, stated that he has been serving the community for several years and loves all groups of people. He stated that God of love of all mankind, a God of his word. Mr. Coyle told of his own struggles in his faith and stated that God's word will stand. Mr. Coyle was opposed to the ordinance.

Mr. Eric Hart, 103 Spinners Lane, approves of the ordinance. He addressed the concern that gay and lesbian couples could not "be fruitful and multiply", and stated that there are plenty of people on earth already. Mr. Hart stated that religion is not the issue, equality is. He asked Council to at least draft an ordinance and go from there.

Ms. Christina Lundberg, 1004 Candi Court, stated that she is in favor of drafting an ordinance that the public can see and then having another discussion. Ms. Lundberg stated that she would like the City of Martinsburg be inclusive.

Mr. Mark Mulligan, 512 Winchester Avenue, stated that he is a Christian and a married man. Mr. Mulligan and his husband have been together for 16 years and they support the ordinance. Mr. Mulligan stated that individuals that do not live in Martinsburg, or vote here or own businesses here seem to believe they should have a say in what Martinsburg does, and that they have no right. He stated that if these individuals would like to decide what happens in Martinsburg, they should move to Martinsburg and pay taxes here. Martinsburg should be a welcoming city for everyone and that the ordinance is the right thing to do.

Doug ??, 806 Courthouse Drive, stated that he has gay coworkers who say sexual orientation is a choice. He stated that he gets along with these individuals at work, but he certainly does not hang out with them, but he does pray for them in hopes that they will come around. He also stated that homosexuality has never happened in evolution. He stated that the Constitution is based on Judeo Christian concepts and that if homosexuals believe they are free, they should go to Saudi Arabia and see what happens. Doug stated that God grants people freedom and that he doesn't hate anyone. He stated that if Council passes the law, they will be judged by God, and that the ordinance would give members of the LGBT community special attention. He added that God does not let things go unpunished or unjudged.

Elizabeth Opyoke, 1604 Memorial Park Avenue, stated that other cities, such as Morgantown, have non-discrimination ordinances. She stated that it is disheartening to her the people speaking and that she is not sure that she wishes to stay in Martinsburg. She reminded Council that friends and supporters of the LGBT community vote too.

Andrew Schneider, Executive Director of Fairness West Virginia, 405 Capital Street, Charleston, stated that he has lived in many places and that WV is a very warm and friendly place to live. Mr. Schneider stated that when marriage equality arrived in WV, Governor Tomblin said that our state is known for kindness and hospitality and that everyone should be treated with kindness and hospitality in every community. Mr. Schneider stated that the ordinance will not interfere with business or churches, but will level the playing field. He stated that he has heard messages based on fear, myths and untruths and stated that 68% of West Virginians believe that the LGBT community should be protected. He stated that businesses that adopt non-discrimination policies gain economic benefits and higher employee morale. He stated that the ordinance, in no way, changes laws regarding restrooms and predators are currently and will remain subject to the laws. He also stated that non-discrimination laws are neither uncommon nor unusual, and that more than 30 businesses in downtown Martinsburg display Fairness WV signs in their storefronts, a sign that the business community is in favor of the ordinance. Five communities in WV have already taken steps to pass non-discrimination policies because they didn't want to wait for the state legislature to catch up.

David Haarberg, 512 Winchester Avenue, stated that he is a resident and a voter in Martinsburg and has come before Council on other issues and to offer support. Mr. Haarberg is in support of this ordinance and stated that it will set the way into the future and is on the right side of history. He said that he has heard speakers state that his very existence, as a gay man, is a threat from God to the City of Martinsburg, and that what he is hearing from many speakers is proof that this ordinance is needed. The ordinance, he stated, will not extend special privileges but will only fill the gap in treatment.

Lee Gemmill, 1003 Kilmer Court, stated that he thought this issue had been resolved; that if you deal with the public, you cannot discriminate. He stated that if people are being discriminated against, it must be corrected, but advised that Council be careful on how the ordinance is written so that it protects all rights and infers that all are created equally. Mr. Gemmill stated that "I have the right to be me, and you have the right to be you."

Barbara Bratina, 116 N. Tennessee Avenue, stated that she is amazed by the amount of people living outside the City limits trying to tell people in Martinsburg how to live. Ms. Bratina asked the City to approve the authorization to draft an ordinance as the issue is about basic human rights and the government should protect all citizens.

Eddie Riker, Rock Spring Church, stated that counseling is offered without discrimination as a ministry, but expressed concern that sometimes pastors are asked to deliver information not appropriate for a pastor. She told a story about her granddaughter who was put into a room at WVU with a transsexual individual and was uncomfortable due to her faith and asked for a transfer.

Mr. Travis Bishop, 1025 W. King Street, small business owner and disabled veteran stated that he had served in the military to protect equality in his town and his country and he was hurt to see such discontent and divisiveness. Mr. Bishop stated that he thought these issues were resolved long ago. He stated that he was not in favor of the ordinance because he did not feel a government directive was needed in order for people to treat each other with morality and kindness. He asked that people love genuinely and requested Council to consider both sides and come to a wise decision.

Douglas Walker, 904 Florida Avenue, stated that he had never seen anything so appalling. He stated that he opposes the ordinance because it opens the door for more and more, that if you give "them" an inch, they will take a mile. He stated that he is also opposed to gay marriage and other related issues.

Charles Cunningham, 201 Matilda Court, stated that he is opposed to the ordinance.

Carie Chaney, Ranson, WV, stated that her children go to school in Martinsburg and that this ordinance impacts people who do not live here. She stated that if an example is set in Martinsburg, it will spread throughout the panhandle and that she is in opposition. She stated that equality should be, but that one has to be careful and that other states are repealing these ordinances because of public accommodations clauses. She stated that if someone goes to a church in which they feel condemned, leave, but that this ordinance would prevent pastors from counseling members of the LGBT community and would be misused.

Tom Johnson, 901 Hillcrest Drive, asked if the ordinance was still in the draft phase. He stated that it would not be up to City government to pursue violations and the City won't be suing any business. He asked that Council draft and ordinance so everyone can see it, then make a decision. He thanked Mr. Bishop and Mr. Merceruio for their military service. He stated that it wasn't appropriate to use God to fight something that doesn't even exist, that the ordinance isn't even drafted yet, that they are burning down the barn for no reason. He asked Council to write the ordinance.

David Anderson, 104 Music Court, stated that this is a City issue, but 90% of the audience isn't City residents. He stated that other cities have been progressive and that Martinsburg can be also. He stated that Martinsburg would be the largest city in the Panhandle to have a fairness ordinance and that Charles Town isn't far behind. He stated that nobody's children would be hurt; parents are in the news for hurting their own children, not the gays and lesbians. He added that he has seen people hurt simply for being gay.

John Overington, Hoffman Road Bedington, stated that there is a good deal of talk about theoretical issues but wanted to point out some practical issues, such as a gay scout leader who wishes to take children to an overnight trip into the woods. A transsexual teacher who might appear to work in a dress and wig would sue for being discriminated against when fired, then the Board of Education might have to pay a law suit and hire the transsexual back to fill a menial position in the Board office. A landlord might refuse to rent to an unclean gay man and be sued. Mr. Overington stated that all sides deserve respect.

Michael T. Myers, stated that he owns property in Martinsburg but lives in Falling Waters. He stated that hatred is a big deal and that love can't be legislated.

Mike Folk, Swan Pond Road, stated that he has owned property in Martinsburg but never lived in Martinsburg. He stated that he has a vested interest because the economic development authority looks at a lot of factors. He stated that no for profit business would dare discriminate when it comes to service, and that since LGBT people do not look different than anyone else, there is no way to pick them out. He stated that this is a solution looking for a problem.

Linda Caplinger, Infinity Way, stated that she owns a mobile home park and her husband has a church on High Street. Ms. Caplinger stated that her husband's church welcomes everyone, including same sex couples, whom she would also rent to or work for in her construction business. She stated that her concern is that the umbrella corporation over her husband's church prohibits the performance of same sex marriages and she would like that to be clear that churches will not be forced to perform such marriages due to this ordinance.

As no one else wished to speak, Councilman Boyd closed the Petitions from Citizens.

**12q. Approve/deny authorization for the City Attorney to draft a non-discrimination ordinance**

Councilman Etherington asked if there were guidelines from the State. Mr. Sayre replied that there are not, but a few municipalities had adopted similar ordinance that can be referred to. He stated that there was a bill that would prevent such ordinances, but that it had not cleared committee after the public hearings.

Councilman Etherington asked if there were guidelines from the Federal government. Mr. Sayre stated that there are portions, but no comprehensive guidelines. The EEOC order in place currently is an Executive Order, not a judicial or legislative action.

Councilman Knowles reminded Council that they were not voting on an actual ordinance, but voting to draft and ordinance. He stated that he had heard both sides and would take all comments and concerns into consideration to try to find something equitable for all.

Councilman Baker stated that he appreciated everyone for coming. He stated that he did not believe anyone would be discriminated against. He read a policy from the Berkeley County Schools which includes sexual orientation and asked if it's good enough for the children, why the adults have such a hard time with it. He stated that he would love to have grandchildren one day, but he does not care what the sexual orientation of his children is, he just wants them to be happy.

Mr. Sayre stated that he has several draft ordinances to look at for ideas and if Council wishes to go forward with the draft, they should decide whether it should deal with churches, bathrooms, and other mentioned areas of concern as there is a lot of concern about what this ordinance will do.

Motion made by Councilman Knowles, seconded by Councilman Collinson, to authorize the City Attorney to draft an ordinance for Council and public review and take into consideration all of the input received from all entities. Motion carried unanimously.

Mr. Sayre stated that the ordinance would be ready for staff and Council review in 30-45 days and public review in 60-90 days.

Meeting adjourned by unanimous consent at 7:56 PM.

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George Karos, Mayor

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Gena Long, City Recorder