



Office of the City Clerk

The City of Morgantown

Linda L. Little, CMC
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**AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
FEBRUARY 4, 2014
7:00 p.m.**

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE TO THE FLAG
4. APPROVAL OF MINUTES: Special Meeting – January 16, 2014
Regular Meeting – January 28, 2014
5. CORRESPONDENCE:
 - A. PROCLAMATION: 2014, The Year of Community Sports
6. UNFINISHED BUSINESS:
 - A. BOARDS AND COMMISSIONS
7. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION
8. SPECIAL COMMITTEE REPORTS
9. NEW BUSINESS:
 - A. Consideration of APPROVAL of A RESOLUTION IN SUPPORT OF THE EMPLOYMENT AND HOUSING NON-DISCRIMINATION ACT IN THE WEST VIRGINIA LEGISLATURE.
 - B. Consideration of APPROVAL of A RESOLUTION IN SUPPORT OF MARRIAGE EQUALITY IN THE WEST VIRGINIA LEGISLATURE.

10. CITY MANAGER'S REPORT:

NEW BUSINESS:

1. Capital Escrow Fund Adjustment

11. REPORT FROM CITY CLERK

12. REPORT FROM CITY ATTORNEY

13. REPORT FROM COUNCIL MEMBERS

14. ADJOURNMENT

If you need an accommodation contact us at (304) 284-7439

SPECIAL MEETING JANUARY 16, 2014:

The special meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Thursday, January 16, 2014 at 7:00 p.m.

PRESENT: Deputy Mayor Shamberger, and Council Members, Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, Nancy Ganz, City Manager Jeff Mikorski and City Clerk Linda Little were present. Mayor Jenny Selin was Absent.

The meeting was called to order by Deputy Mayor Shamberger.

City Manager Jeff Mikorski explained the five major concerns of the City with regard to the proposed power plant. He enumerated concerns such as, potential impact to the rail-trail, odor, light and noise created as well as the proximity to residential areas. Mr. Mikorski also stated that there could be a potential financial impact to the Wharf District, and a visual impact on the City's gateway, noting power lines which would run to the facility.

PUBLIC PORTION:

Deputy Mayor Shamberger declared the public portion open.

Matthew Cross, 124 Milford Street, noted that a power plant at the Morgantown Lock and Dam would create noise during events at Hazel Ruby McQuain Park.

Tom Sal, 514 Callen Avenue, stated he is concerned for his family, as he knew nothing about the proposed power plant. He is concerned for its proximity to residential areas and urged Council to look at the situation very closely before making a decision.

Ella Belling, Executive Director of the Mon River Trails Conservancy, reported that the conservancy will also be sending comments to the Federal Energy Regulatory Commission. She asked that Free Flow Power create a design which does not utilize rail-trail property. She hoped that a shutdown of the trail would not be permitted.

Aaron Such, 201 Wagner Road, Green Team Member, shared suggestions from the Green Team with Council including the construction of fishing piers, boat docks, and removal of debris. He also offered the Green Team as an advisory body on the proposed project.

Tim Ball, General Manager, Morgantown Utility Board, informed Council that MUB supports and endorses the comments provided in the application by City Council, as well as the harvesting of green energy sources. He stated that if the project is approved, MUB would like to explore the possibility of acquiring, whether as a partner or a direct customer.

James Giuliani, 256 Prairie Avenue, stated that the Morgantown area already has a power plant, which he feels is a liability. He commented that Council should evaluate what the City would gain by adding another power plant. He stated hopes that Council would consider the health and safety of its citizens and the community.

NEW BUSINESS:

CONSIDERATION OF APPROVAL OF A LETTER OF COMMENTS TO THE FEDERAL ENERGY REGULATORY COMMISSION ON PROJECT NUMBER 13762, THE LICENSING OF FREE FLOW POWER TO CONSTRUCT HYDROELECTRIC POWER PLANT ADJACENT TO THE MORGANTOWN LOCK AND DAM.

After discussion, motion by Kawecki, second by Ganz to approve the City Manager forward the letter of comments and concerns to the Federal Energy Regulatory Commission to mitigate prior to licensing. Motion carried 6-1. Mayor Selin was absent.

Deputy Mayor Shamberger requested that comments read on behalf of Mr. Mike Brieding of 1251 Hornbeck Road be entered into the record:

Mr. Brieding wrote to the Council in opposition to the proposed project. He stated in an email that he sees hydro power replacing coal power as a step in the right direction; however, he feels that the Morgantown Lock and Dam location, a heavily utilized outdoor recreation corridor, is not the ideal placement for such a project. He stated that any project industrializing an area such as this, and compromising that area's recreational usage should not be permitted. He wrote that the rail-rail project and its associated parks have often been cited as a catalyst in the recreational and commercial renaissance of the waterfront area, and he asked that the project be prohibited.

ADJOURNMENT:

There being no further business or discussion, Council adjourned the special meeting at 7:50 pm.

City Clerk

Mayor

***A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON CD AT THE MORGANTOWN CITY LIBRARY.**

REGULAR MEETING, JANUARY 28, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, January 28, 2014 at 7:00 P.M.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager of Operations Glen Kelly, City Attorney Steve Fanok, City Clerk Linda Little, and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz. Mayor Jenny Selin was absent.

The Meeting was called to order by Deputy Mayor Shamberger.

APPROVAL OF MINUTES: The minutes of the January 7, 2014 Regular Meeting were approved as presented by acclamation.

CORRESPONDENCE: Deputy Mayor Shamberger noted that many emails have been sent to her with regard to the equality resolutions which will be discussed at the Committee of the Whole meeting following the conclusion of the Regular Meeting. She noted the names of those who voiced their opinions.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE CITY, AS LESSOR, AND MOUNTAINEER CONTRACTORS, INC., AS LESSEE, AND PERTAINING TO OFFICE SPACE WITHIN THE TERMINAL BUILDING OF THE MORGANTOWN MUNICIPAL AIRPORT.

There being no appearances, Deputy Mayor Shamberger declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR OFFICE SPACE AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE CITY, AS LESSOR, AND MOUNTAINEER CONTRACTORS, INC., AS LESSEE, AND PERTAINING TO OFFICE SPACE WITHIN THE TERMINAL BUILDING OF THE MORGANTOWN MUNICIPAL AIRPORT.

Motion by Fike, second by Kawecki, to adopt the above entitled Ordinance. After discussion, motion carried 6-0.

BOARDS AND COMMISSIONS: By acclamation of Council, William Blosser was appointed to the Traffic Commission; and Ashley Kyber was appointed to the Urban Landscape Commission.

Councilor Fike noted with regard to the Human Rights Commission, that a majority of Council Members agreed to discuss the equality resolutions on the Committee of the Whole agenda, following the conclusion of the Regular Meeting.

PUBLIC PORTION: There being no appearances, Deputy Mayor Shamberger declared the public portion closed.

SPECIAL COMMITTEE REPORTS: Deputy Mayor Shamberger announced the first meeting of the Woodburn School Redevelopment Commission for Thursday, January 30, 2014.

CITY MANAGERS REPORT:

INFORMATION:

1. City of Morgantown Branding Project

Mr. Mikorski explained that the consulting team could not travel to Morgantown last week due to the weather, and the meeting has been rescheduled for February. He noted that focus groups, public comment periods and open forums are planned as part of the branding effort.

2. Solar Roof Electric Power Generation

Mr. Mikorski reported that the amount of solar power generated by solar panels on the roof of the Morgantown Market Place can be tracked through a link available on the City's website.

Additionally, Mr. Mikorski conveyed winter weather maintenance statistics including man-hours spent by city employees, salt and cinders used. He assured citizens that the Public Works department and its employees have been working around the clock to keep up with the challenge. He noted that only City Streets are plowed and they are maintained in order of primary, secondary and tertiary importance for safety.

Deputy Mayor Shamberger inquired whether there was enough salt to continue road treatments for the remainder of the winter. Mr. Mikorski assured her of the ample supply. Councilor Kawecki then asked for more details concerning the focus groups involved with the branding project, and there was some discussion.

NEW BUSINESS:

1. Walnut Street Streetscape Engineering and Design Contract

After explanation from the Manager, and discussion by Council about contract and project details, motion by Nugent, second by Kawecki to approve of the contract with AECOM as presented. Motion carried 6-0.

2. FY 2014 City Street Paving List

After explanation from the Manager, and discussion about how the needs of streets for paving is determined, Councilor Ganz informed the Manager she would vote no, suggesting that new criteria be used in determining which thoroughfares to pave and asking that the paving list be re-evaluated. Motion by Kawecki, second by Fike to approve to paving list as presented. Motion carried 5-1. Councilor Ganz voted NO.

REPORT FROM CITY CLERK: Ms. Little reminded Council of their updated reservations for the rescheduled WV Municipal League Conference in February. She also noted that copies of budget discussion documents were handed out before the meeting for Council's reference during the Committee of the Whole following the Regular Meeting.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

No report.

Councilor Kawecki: No report.

Councilor Nugent: Councilor Nugent thanked the City employees who have worked to maintain the roads during the recent weather events and thanked those who have been responsive to the needs of pedestrians as well.

Councilor Fike: Councilor Fike also thanked the City for its diligence during the weather events. He noted both positive and negative comments he received from the public with regard to the City's performance during the weather events.

Councilor Ganz: Councilor Ganz echoed thanks for the City and employees. She discussed the business after hours event and the related newspaper feature. She announced the upcoming meeting of the Suncrest Neighborhood Association meeting and special guests that will attend and speak.

Deputy Mayor Shamberger: Deputy Mayor Shamberger discussed MLK day events including an art display at the Mon Art Center, breakfast and event at the Met Theatre. She announced the MPO bicycle plan meeting, Morgantown Museum reception, Chinese New Year at the Mountainlair, and an Empty Bowls charity event.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 6:40 p.m.

City Clerk

Mayor

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Office of the City Manager

The City of Morgantown

City Manager

Jeff Mikorski, ICMA-CM

389 SPRUCE STREET

MORGANTOWN, WEST VIRGINIA 26505

(304) 284-7405 FAX: (304) 284-7430

www.morgantownwv.gov

City Manager's Report for City Council February 4, 2014

New Business:

1. Capital Escrow Fund Adjustment

Attached are two requests for funding that I am recommending to City Council.

First, the Coordinating Council on Homelessness, a part of the community-wide homelessness plan from the Homelessness Task Force, has been established through the Connecting Link. This Coordinating Council will be staffed to manage federal grant funds to reduce homelessness in the community, one of the City's more visible problems. Last January the City did not fund the Taskforce on Homelessness's efforts to re-establish as a permanent agency to implement their plan. Through coordination with other agencies they were able to develop an organization that will continue to work on reducing homelessness throughout the community. I recommend utilizing \$10,000 of contingency in the Capital Escrow fund to partially fund this request to allow the Coordinating Council on Homelessness to operate in the coming year.

Second, an opportunity to develop a city-wide municipal wireless broadband system may be available through a new and innovative technology using White Space technology. This new technology is currently available to the City of Morgantown due to a pilot program that is being implemented at West Virginia University. In order to determine how this technology can be used by the City, I recommend utilizing \$3,500 from the Capital Escrow contingency to contract with Declaration Networks Group, LLC. for the assessment of costs and ability of the potential network.

Jeff Mikorski ICMA-CM,
Morgantown City Manager

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone 304-284-7407/Fax 304-284-7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: January 30, 2014

TO: Jeff Mikorski, ICMA-CM
City Manager

FROM: JR Sabatelli, CPA 
Finance Director

RE: Capital Escrow Budget Revision #5

As per our discussions, the items below represent the budget revision for the Capital Escrow Fund. The adjustments to expenditures decrease contingencies to provide funding for the review and assessment of the wireless needs of the City and also to provide funding for for the implementation of the Coordinating Council on Homelessness plan to reduce homelessness through its fiscal agent, Connecting Link.

Budget Line	Current Unencumbered Balance	Current Budget	Proposed Revised Budget	Net Change
Revenues:				
None		-	-	-
Expenses:				
Assessment of Wireless Technology	-	-	3,500	3,500
Coordinating Council on Homelessness via Connecting Link	-	-	10,000	10,000
Contingencies	-	133,861	120,361	<u>(13,500)</u>
Net Revision				-



First Presbyterian Church

456 Spruce Street
Morgantown, WV 26505
www.firstpresmorgantown.org

The Rev. Kristine Halg, Co-Pastor
The Rev. John Sonnenday, Co-Pastor
Janna Kisner, Minister of Music

(304) 296-8236
Fax: (304) 296-8237
PresbyMorgantown@gmail.com

RevHalg@gmail.com
RevSonnenday@gmail.com
jannakisner@yahoo.com

January 14, 2014

TO: Morgantown City Council

RE: Application for Funds FY 2013-2014

Last winter, Caritas House applied for \$15,000 to help fund a permanent organization to implement the Community-Wide Plan to Reduce Homelessness.

That organization has now been created: The Coordinating Council on Homelessness. The fiscal agent for that new council is going to be the Connecting Link. Therefore, should the City Council see fit to approve that grant, we request that it be awarded to the Connecting Link for the purpose of supporting the Coordinating Council on Homelessness.

Thank you,

John Sonnenday, on behalf of the Coordinating Council on Homelessness



Bob Nichols

Declaration Networks Group LLC
1950 Old Gallows Road, Suite 201
Vienna, Virginia 22182

January 23, 2014

Assessment for the City of Morgantown, WV

City Manager Morgantown
389 Spruce Street
Morgantown, West Virginia 26505

Dear Assessment for the City of Morgantown, WV:

WVU and Morgantown Quick Start Network

Declaration Network Group (DNG) is pleased to extend its WVU Quick Start Network assessment services to the City of Morgantown. This initiative will allow the City Administration to facilitate a series of workshops to assess how Morgantown could leverage an AIR.U certified White Space network delivering high value private and Public Wi-Fi services for the City. DNG is currently expanding the existing pilot network that is currently providing Super Wi-Fi access on the PRT system. The system's design and capabilities additionally has the potential to expand and provide government, consumer and business services into the surrounding community. The Quick Start Program is offered exclusively to AIR.U Higher Ed Institutions, such as WVU, and is deployed and managed by AIR.U founding member, Declaration Networks Group. An effective and sustainable White Space network design and user integration is driven by understanding the local service area geographic boundaries, terrain, available infrastructure, local demographics, potential user communities needs and the current services provided in that location.

AIR.U Background

DNG is a co-founder of AIR.U, which was announced in 2012. AIR.U is a consortium of education associations, public interest groups and high-tech companies organized to establish high capacity White Space networks, supporting wireless broadband applications in underserved campuses and their surrounding communities. The founding Higher Ed organizations collectively represent over 500 colleges and universities nationwide and include the United Negro College Fund, the New England Board of Higher Education, the Corporation for Education Network Initiatives in California (CENIC), the National Institute for Technology in Liberal Education, and Gig.U, an alliance of 37 major universities committed to accelerating world-leading broadband connectivity and services. Google, Microsoft, New America Foundation, Declaration Networks Group, and the Appalachian Regional Commission (ARC) are also founding partners. WVU and DNG have been working together to implement a pilot network for the campus and explore opportunities for the local communities.

SCOPE OF SERVICES

1. Workshop assessments
 - A. Work with the City Manager and designated points of contact, DNG would facilitate workshops with different city departments to provide an overview of White Space network capabilities and

- help assess how current departments use or would like to use wireless services for their operations.
- B. DNG will provide the financial and engineering analysts to work with the city administration to perform a site visit, workshop and assessment program in February. It is estimated to be a two or three day visit to complete the network and needs assessment.
 - C. Work with City Manager to define service coverage areas, budgets, expenditures, and needs for the City of Morgantown which could be used for future network deployment considerations.
 - D. Prepare an assessment report for City Manager on current and planned needs captured in the workshops.

YOUR RESPONSIBILITIES

This project requires information gathering and participation of city staff and management. Ultimate usefulness of the information is dependent on their effort. To help achieve a smooth and successful implementation, it will be your responsibility to:

1. Facilitate the attendance of appropriate city staff members for the workshops during an agreed timeframe of the site visit.
2. Provide access to appropriate invoices, budgets and operations for current services to establish a baseline expenditure budget and capability assessment. This information will remain confidential and only provided in the assessment report to the City.
3. Participate in a workshop discussion on future needs and capabilities for the city and surrounding service area.

BENEFITS

When the project is complete, the City Administrator will have a better understanding of how White Space and Wi Fi technologies could be integrated into city services for public and private Wi-Fi in the business district and other selected locations. The assessment report can be used to review the wireless strategy for the city.

PROFESSIONAL FEES

The assessment and workshop facilitation will be priced as a fixed fee of \$3,500.00 as an extension of work we are doing for WVU. We would like to schedule the workshops and site visit in early to mid-February. Additional engineering or consulting services can be secured in the next 90 days as requested at \$175 per hour plus travel expenses.

We appreciate the opportunity to work with the City and facilitate the City's ability to leverage wireless technology and the AIR.U program for its community.

Sincerely,

Bob Nichols
Chief Executive Officer

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

HUMAN RIGHTS COMMISSION:

Attached is a letter from Warren Harger resigning from the Human Rights Commission. City Clerk will advertise for candidates. Council will interview 3 candidates at a Special Meeting on February 4, 2014. Appt. by City Council. Resident of City.

TRAFFIC COMMISSION:

The 5th ward member has resigned. (Councilor Shamberger is looking for replacement) Residents appointed by Council, must represent specific categories.

***POLICE & FIRE CIVIL SERVICE COMMISSIONS:** NEW PRESIDENTS APPOINTED IN JANUARY.

**Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.*

**Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting.*

**BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.*

Boards and Commission interview structure will be reviewed at a Committee of the Whole. 1/28/14

**A RESOLUTION TO ENDORSE THE MORGANTOWN HUMAN RIGHTS
COMMISSION RESOLUTION ON WEST VIRGINIA EMPLOYMENT AND
HOUSING NON-DISCRIMINATION ACT**

Whereas, the City of Morgantown established the Human Rights Commission with the recognition and vision that the diversity found in our City brings forth richness in our community, a greater understanding of our world, a multitude of talent to benefit collective needs and an opportunity for enhanced living and learning for all; and

Whereas, It is public policy of the City to provide all of its residents equal opportunity for the participation in local governance, employment, equal access to places of public accommodations and equal opportunity in the sale, purchase, lease, rental, and financing of housing accommodation or real property; and

Now, Therefore, Be It Resolved, the City Council of Morgantown West Virginia endorses the Human Rights Commission resolution in support of the Employment and Housing Non-discrimination Act in the West Virginia legislature.

Adopted this 4th day of February, 2014.

Jenny Selin
Mayor, City of Morgantown

Attest: _____

Linda Little, City Clerk

MORGANTOWN HUMAN RIGHTS COMMISSION RESOLUTION ON WEST VIRGINIA EMPLOYMENT AND HOUSING NON- DISCRIMINATION ACT

Background: Protecting Gay, Lesbian, and Transgender People from Discrimination in Employment and Housing Has Become Mainstream Politics

Whereas, according to a January 2010 poll from Greenberg Quinlan, 61% of West Virginians “favor protecting gay and lesbian people from discrimination in employment and housing;”¹

Whereas, as of June 19, 2013, twenty-one states and the District of Columbia have passed laws prohibiting employment discrimination because of sexual orientation;²

Whereas, as of June 19, 2013, seventeen states and the District of Columbia have passed laws prohibiting employment discrimination because of gender identity;³

Whereas, as of June 19, 2013, seventeen states and the District of Columbia have passed laws prohibiting housing discrimination because of sexual orientation and gender identity; *ibid*

Whereas, as of July 15, 2013, 170 cities in the United States have passed ordinances prohibiting housing discrimination because of sexual orientation and gender identity; *ibid*

Whereas, “[a]s of April 2013, 434 (88 percent) of the Fortune 500 companies had implemented non-discrimination policies that include sexual orientation, and 282 (57 percent) had policies that include gender identity;”⁴

Whereas the West Virginia AFL-CIO and the United Mine Workers have publicly endorsed state legislation prohibiting discrimination in employment and housing because of sexual orientation;⁵

¹See WVGAZETTE.COM, *Equality: Human Rights for Gays*, THE CHARLSTON GAZETTE, Mar. 13, 2013, <http://www.wvgazette.com/Opinion/201303130110>.

² These states are: California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Maine, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Nevada, Oregon, Rhode Island, Vermont, Washington, and Wisconsin. See HUMAN RIGHTS CAMPAIGN, STATEWIDE EMPLOYMENT LAWS AND POLICIES, http://www.hrc.org/files/assets/resources/employment_laws_062013.pdf.

³ These are the same states that passed laws prohibiting discrimination because of sexual orientation except for Maryland, New Hampshire, New York, and Wisconsin. See HUMAN RIGHTS CAMPAIGN, STATEWIDE EMPLOYMENT LAWS AND POLICIES, http://www.hrc.org/files/assets/resources/employment_laws_062013.pdf

⁴See HUMAN RIGHTS CAMPAIGN, EMPLOYMENT, HOUSING NON-DISCRIMINATION ACT, <http://www.hrc.org/laws-and-legislation/federal-legislation/employment-non-discrimination-act>.

**The United States Congress Is Currently Considering Amending
Title VII of the Civil Rights Act to Prohibit Workplace Discrimination
Because of Sexual Orientation and Gender Identity**

**Employment Non-discrimination Act of 2013
U.S. Senate Bill 815**

Whereas on April 25, 2013, Senator Jeff Merkely [D-Oregon] introduced Senate Bill 815, the Employment Non-discrimination Act of 2013 (ENDA 2013), a bill which “[p]rohibits employment discrimination on the basis of actual or perceived sexual orientation or gender identity by covered entities (employers, employment agencies, labor organizations, or joint labor-management committees);”⁶

Whereas 56 United States senators, including Senator Jay Rockefeller [D-West Virginia], co-sponsored S.B. 815;⁷

Whereas two Republican senators and two Independent senators were among S.B. 815’s co-sponsors;⁸

Whereas on November 7, 2013, the Senate passed S.B. 815 by a vote of 64-32, with four senators not voting;⁹

Whereas S.B. 815 received bipartisan support in the Senate, including the support of 52 Democratic, 10 Republican and 2 Independent senators;¹⁰

Whereas both senators from West Virginia, Senator Jay Rockefeller and Senator Joe Manchin, voted in favor of S.B. 815;¹¹

**Employment Non-discrimination Act of 2013
U.S. House Bill 1755**

Whereas on April 25, 2013, Rep. Jared Polis [D-Colorado] introduced House of Representatives Bill 1755 (H.R. 1755), ENDA 2013;¹²

⁵ See Ry Rivard, *Unions Support Anti-discrimination Bill*, CHARLESTON DAILY MAIL, Feb. 9, 2012, available at <http://www.dailymailwv.com/News/statehouse/201202080227>.

⁶ See Summary of S. 815, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/bills/113/s815#summary/libraryofcongress> (last visited Nov. 29, 2013).

⁷ See Overview of S. 815, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/bills/113/s815#overview> (last visited Nov. 29, 2013).

⁸ See On Passage of S. 815 in the Senate, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/votes/113-2013/s232> (last visited Nov. 30, 2013).

⁹ See Overview of S. 815, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/bills/113/s815#overview> (last visited Nov. 29, 2013).

¹⁰ See On Passage of S. 815 in the Senate, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/votes/113-2013/s232> (last visited Nov. 30, 2013).

¹¹ See On Passage of S. 815 in the Senate, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/votes/113-2013/s232> (last visited Nov. 30, 2013).

Whereas H.R. 1755 has 200 co-sponsors, including five Republican representatives;¹³

Whereas on April 25, 2013, H.R. 1755 was referred to committee where it currently remains;¹⁴

W.V. Employment and Housing Non-discrimination Act Amends the West Virginia Human Rights Act to Prohibit Discrimination in Employment and Housing Because of Sexual Orientation

Whereas The West Virginia Human Rights Act (WVHRA) codified at § 5-11-1 to § 5-11-20 currently prohibits covered employers from discriminating because of “race, religion, color, national origin, ancestry, sex, age, blindness, or disability,” but does not prohibit such discrimination because of sexual orientation;¹⁵

Whereas the WVHRA currently prohibits discrimination in public accommodation on the basis of “race, religion, color, national origin, ancestry, sex, blindness, disability or familial status,” but does not prohibit such discrimination because of sexual orientation;¹⁶

Whereas the WVHRA created the West Virginia Human Rights Commission to enforce rights established by the WVHRA;¹⁷

Whereas The West Virginia Fair Housing Act (WVFHA) codified at § 5-11A-1 to § 5-11A-20 currently prohibits various unfair housing practices because of “race, color, religion, ancestry, sex, familial status, blindness, handicap or national origin,” but does not prohibit such discrimination because of sexual orientation;¹⁸

Whereas the West Virginia legislature has several times attempted to amend the WVHRA by virtue of the West Virginia Employment and Housing Nondiscrimination Act (WVEHNDA);

¹² See Summary of H.R. 1755, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/bills/113/hr1755> (last visited Nov. 30, 2013).

¹³ See Summary of H.R. 1755, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/bills/113/hr1755> (last visited Nov. 30, 2013).

¹⁴ See Summary of H.R. 1755, Employment Non-Discrimination Act, available at <https://www.govtrack.us/congress/bills/113/hr1755> (last visited Nov. 30, 2013).

¹⁵ W.V. CODE, § 5-11-2. A current version of the WVHRA is available on-line at <http://www.legis.state.wv.us/WVCODE/code.cfm?chap=05&art=11>.

¹⁶ W.V. CODE, § 5-11-2.

¹⁷ See W.V. CODE, §§ 5-11-4, 5-11-8.

¹⁸ A current version of the WVFHA is available on-line at <http://www.legis.state.wv.us/WVCODE/code.cfm?chap=05&art=11A>.

Whereas the WVEHNDA would prohibit employment, public accommodation, and housing discrimination because of sexual orientation;

Whereas, on March 7, 2013, West Virginia Delegates Skinner, Morgan, Ferns, Hunt, Sponaugle, Poore, Perdue, Fleischauer, Moore, Marshall and Barrett re-introduced the WVEHNDA;¹⁹

Whereas, on March 8, 2013, West Virginia Senate President Kessler and Senators Snyder, Palumbo, Wells, Beach, McCabe, Edgell, Fitzsimmons, and Cookman introduced the bill;²⁰

Whereas the current version of the WVEHNDA bill exempts religious organizations and affiliated corporations from employment discrimination;²¹

Whereas the current version of the WVEHNDA bill exempts small businesses defined as businesses that employ fewer than 15 employees;²²

**West Virginia Employment and Housing Non-discrimination Act
Would Merely Extend to the State Level What Is Already Occurring at
Other Governing Levels**

Whereas a Charleston city ordinance already forbids discrimination in employment and housing based on an individual's sexual orientation.²³

Whereas a Morgantown city ordinance has established a Human Rights Commission with the following purpose among other purposes:

The Commission . . . shall strive to eliminate all discrimination in employment and places of public accommodations by virtue of . . . sexual orientation . . . , and shall strive to eliminate all discrimination in the sale, purchase, lease, rental or financing of housing and other real property by virtue of . . . sexual orientation²⁴

Whereas the West Virginia University Board of Governors policy on Affirmative Action and Equal Employment Opportunity is to “[r]ecruit, hire,

¹⁹ See H.B. 2856. A current version of this bill is available at http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=hb2856%20intr.htm&yr=2013&sesstype=RS&i=2856.

²⁰ See S.B. 486. A current version of this bill is available at http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=sb486%20intr.htm&yr=2013&sesstype=RS&i=486.

²¹ See proposed W.V. CODE, § 5-11-3(d) (amending definition of employer):

Provided, however, That this article, with regards to sexual orientation, shall not apply to a corporation, association, educational institution or institution of learning, or society that is exempt from the religious discrimination provisions of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) pursuant to section 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e-1(a), 2000e-2(e)(2)), except in the operation of a program funded by the state.

²² See *supra* proposed W.V. CODE, § 5-11-3(d) (amending definition of employer).

²³ See CHARLESTON MUN. CODE § 86-261 (2008).

²⁴ See MORGANTOWN MUN. CODE § 153.07.

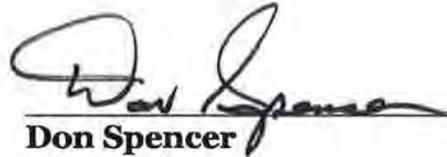
train, promote, retain and compensate all individuals in [listed] job titles without regard to . . . sexual orientation,” among other protected categories;²⁵

Now, therefore, BE IT RESOLVED that the City of Morgantown Human Rights Commission affirms its support of prohibiting discrimination because of sexual orientation in employment, public accommodation, and housing; and

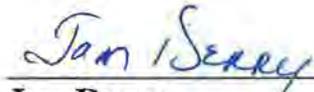
BE IT FURTHER RESOLVED that the City of Morgantown Human Rights Commission calls on our West Virginia state legislators to sponsor and vote for legislation that prohibits discrimination because of sexual orientation in employment, public accommodation, and housing.

BE IT FURTHER RESOLVED that the City of Morgantown Human Rights Commission calls on our the City of Morgantown to concur in this resolution.

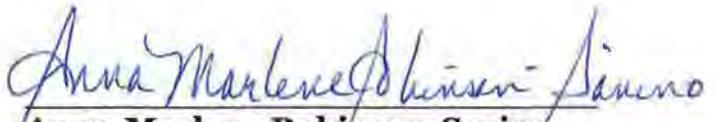
Adopted by the HRC this 14th day of January, 2014.



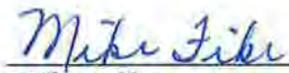
Don Spencer
Chairperson



Jan Derry
Vice Chairperson



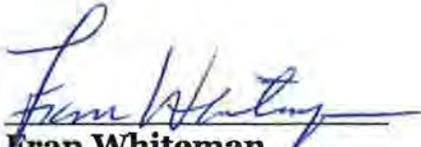
Anna-Marlene Robinson-Savino
Secretary



Mike Fike
Board Member



Anne Marie Lofaso
Board Member



Fran Whiteman
Board Member

Vacant
Board Member

²⁵ See W. Va. Univ. Bd. of Govs. Pol'y 34: Affirmative Action and Equal Employment Opportunity § 2-1 (2006), available at <http://bog.wvu.edu/r/download/4239> (last visited Nov. 29, 2013).

**A RESOLUTION TO ENDORSE THE MORGANTOWN HUMAN RIGHTS
COMMISSION RESOLUTION FOR SUPPORT OF A MARRIAGE EQUITY
BILL IN THE STATE OF WEST VIRGINIA**

Whereas, the City of Morgantown established the Human Rights Commission with the recognition and vision that the diversity found in our City brings forth richness in our community, a greater understanding of our world, a multitude of talent to benefit collective needs and an opportunity for enhanced living and learning for all; and

Whereas, Inherent in the development of the Human Rights Commission is a commitment to encourage and endeavor to bring about equal opportunity, mutual understanding, and respect for persons of all ages, abilities, ancestry, blindness, color, disability or handicap, ethnicities, familial status, national origins, sex, sexual orientations, races, religions, and other backgrounds or orientations; and

Now, Therefore, Be It Resolved, the City Council of Morgantown West Virginia endorses the Human Rights Commission resolution for support of a marriage equity bill in the State of West Virginia.

Adopted this 4th day of February, 2014.

Jenny Selin
Mayor, City of Morgantown

Attest: _____

Linda Little, City Clerk

**CITY OF MORGANTOWN HUMAN RIGHTS COMMISSION
RESOLUTION FOR SUPPORT OF A MARRIAGE
EQUALITY BILL IN THE STATE OF WEST VIRGINIA**

WHEREAS, The City of Morgantown has a long history of opposing discrimination in employment, housing, education and public accommodation on such invidious bases as race, religion, national origin, sex, and sexual orientation. The denial of equal marital rights — including recognition of same-sex domestic arrangements that amount to “everything but marriage”—is nothing less than an unacceptable form of discrimination against lesbian, gay, bisexual and transgender (LGBT) Americans; and

WHEREAS, while the City of Morgantown Human Rights Commission may have a variety of views about marriage, according to their personal or religious beliefs, it is a fundamental, unifying principle of our organization that all people are entitled to equal rights; and

WHEREAS, measures that fall short of full marital status—such as civil unions and domestic partnerships—deny LGBT couples the benefits, rights and privileges associated with 1,138 federal statutory provisions and the various state-level provisions that come into play once two individuals enter into marriage—including provisions related to taxes, insurance, inheritance and survivor benefits, immigration, hospital visitation rights, and much more; and

WHEREAS, on June 26, 2013, the United States Supreme Court, in a 5-4 decision, struck down a key part of a law that denies to legally married same-sex couples the same federal benefits provided to heterosexual spouses. See United States v. Windsor, 570 U.S. 12 (2013). The Defense of Marriage Act (DOMA) defines marriage as only between a man and a woman. However, the United States Supreme Court ruled DOMA violates equal protection guarantees in the Fifth Amendment’s due process clause as applied to same-sex couples legally married under the laws of their states; and

WHEREAS, eighteen (18) states, including California (June 28, 2013), Connecticut (Nov. 12, 2008), Iowa (Apr. 24, 2009), Massachusetts (May 17, 2004), New Jersey (Oct. 21, 2013) by State Legislature, Delaware (July 1, 2013), Hawaii (Dec. 2, 2013), Illinois (law will take effect June 1, 2014), Minnesota (Aug. 1, 2013), New Hampshire (Jan. 1, 2010), New Mexico (December 19, 2013), New York (July 24, 2011), Rhode Island (Aug. 1, 2013), Utah (December 20, 2013)¹, Vermont (Sep. 1, 2009) by popular Vote, Maine (Dec. 29, 2012), Maryland (Jan. 1, 2013), Washington (Dec. 9, 2012), and the District of Columbia (Mar. 3, 2010) now approve of same-sex marriage in their jurisdictions; and

WHEREAS, 2013 ended with 18 states and the District of Columbia recognizing same-sex marriage in some form — states that account for 228 electoral votes and 123 million people, nearly 40 percent of the United States population. Oregon, Nevada, Wisconsin and Colorado, which account for another 32 electoral votes and 17.5 million residents, recognize civil unions, domestic partnerships or other legal status for same-sex couples.

¹ The approval of same-sex marriage in Utah by a federal judge is currently under appeal.

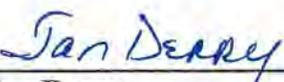
WHEREAS, marriage has historically been core to defining the relationship between two individuals. The City of Morgantown Human Rights Commission believes that the extension of marital rights and privileges by the State of West Virginia does not dilute the concepts and definitions of marriage held by religious groups. Civil and religious aspects of marriage are linked only at the point that religious clerics are authorized to perform a civil marriage concomitantly with a religious ceremony. The City of Morgantown Human Rights Commission opposes legislation preventing equal access to the civil institution of marriage—even as the City is opposed to the state imposing that civil definition on religious authorities. The City of Morgantown Human Rights Commission believes that any legislature extending full marriage rights must allow religious institutions to make their own determinations about performance and recognition of marriage.

Now therefore, BE IT RESOLVED that The City of Morgantown Human Rights Commission:

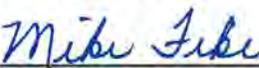
- (1) Affirms its support of same-sex civil marriage equality; and
- (2) Affirms its support for protecting the religious liberty interests of pervasively religious institutions for which performance and recognition of same-sex marriages is contrary to their religious tenets.

BE IT FURTHER RESOLVED that The City of Morgantown Human Rights Commission calls on our West Virginia state legislators to sponsor and vote for legislation that approves of same-sex civil marriage and will confer full marriage equality, including health and pension benefits, family and medical leave, tax treatment and disability benefits to gay, lesbian, bisexual and transgender people.

Adopted this 14th day of January, 2014.



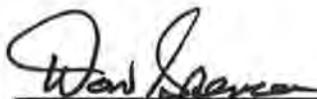
Jan Derry
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