

# TOWN OF BATH COUNCIL MEETING

August 20, 2024

1. Call to ORDER: @ 5:30pm by Mayor.
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Elizabeth Skinner (A) Greg Schene (X) Rebecca MacLeod (X) Mary Lynn Hickey (X) Dave O'Connell (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of August 6, 2024 were approved.
4. PERSONS BEFORE COUNCIL: Town resident Claire Schene presented the Bath Civic Trust plan and Facility Use Application for the Bath Christmas Market and ice rink (attached). Discussion was held. Ms. Schene was advised to contact local EMS and the WV DOH on procedures required to close the streets she is seeking for the Market. Guidance from other civic organizations which have sponsored similar events was also suggested.
5. COMMUNICATIONS FROM MAYOR: None at this time.

## COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next regular meeting is September 4 at 4:30 in the County Commission Room of the Courthouse.
2. PARKS & REC: The next meeting is September 11.
3. PLANNING COMMISSION (PC): The next meeting is October 10. The Commission has met with BDA concerning the On Trac program. The working group is continuing to meet to further develop the Bath Comprehensive Plan.
4. RAIL/TRAIL (NBRT): The next meeting is August 22. Attached is the written report submitted by Co-Chair Pete Brown who was present with details. Councilwoman MacLeod explained that they will be receiving 33 flats of plants from North Creek Nursery and volunteers are needed to help with planting.
5. STREETSCAPE: Co-Chair Pete Brown has submitted a detailed progress report (attached). The contract has been awarded for the Phase V Project. The Committee intent is that there be no interference with the annual Apple Butter Festival.
6. TRAIN DEPOT: 'Miss Isabella Rainsong and her Traveling Companion' will be performed at the Depot on September 19 and 20. Comments from the TBS Executive Committee have been received on the proposed lease and a meeting with them will be planned to discuss agreeable solutions.
7. LANDMARK COMMISSION (HLC): No report at this time.
8. CLERK/RECORDER REPORT: Clerk Corrick provided Council with a Notice of Building or Real Property Improvement for 308 South Green Street. Also presented was a Facility Use Application for the Depot during Apple Butter weekend by the Morgan County Historic and Genealogical Society (attached).  
MOTION: To approve the Facility Use Application as presented by the MCHGS - Hickey/MacLeod- Carried
9. FINANCE: Chairwoman Webster delivered the following bills for approval:  
(a) Town of Bath \$17,426.59- Motion to approve: Webster/Skinner- Carried

- (b) BSWW \$69,716.87– Motion to approve: Webster/Schene- Carried
  - (c) NBRT \$237.96- Motion to approve: Webster/Skinner- Carried
  - (d) Depot \$104.78: Motion to approve: Webster/MacLeod- Carried
  - (e) Tree Board Bills \$195.00- Motion to approve: Webster/Hickey-Carried
10. TREE BOARD: The next meeting is September 18. Member Kate Lehman had no report other than the group is moving forward with the approved Division of Forestry grant.
  11. GRANT: The next meeting is September 9. Chairwoman Hickey informed Council that WV SHPO has granted \$8,000.00 for work on the Olde English Cemetery and the Olde German Cemetery. This work will be accomplished by the Foxglove Garden Club and the Ye Towne of Bath DAR. The Bath Civic Trust non-profit is looking into grant funding for a new Town website. The Federal Cops Grant application outcome should be realized by September 30. Hickey is researching grant funding for playground equipment for the North Berkeley Park. Councilwoman MacLeod reported on the NRCS grant for the Warm Springs Watershed Flood Reduction Plan and Environment Assessment (WSR Plan- EA) for which Bath is the sponsor. They are required to use the 5G process in the selection of engineers and requested approval to move forward to begin negotiations with engineering firms.  
MOTION: To approve moving forward with negotiations with engineering firms by the selection committee for the NRCS grant-Hickey/Schene- Carried
  12. PUBLIC SAFETY: The next meeting is September 11. Councilman Schene reported that the committee has postponed moving implementing the Park Mobile system. The BSPD has disposed of outdated weapons. New staff are working well.
  13. CEMETERY: The next meeting is September 27. Landscaping is being planned for the newly repaired mausoleum. Chairwoman Skinner reported that due to the drought Greenway Cemetery mowing was discontinued for several weeks. There will be one more mowing before September. She is also working on interpretive signage for Union General Barstow's grave. Skinner hopes to complete work soon on the Home Rule application for Bath. Her purpose is to get the approval of the Home Rule Board to be able to sell a portion of the Olde English Cemetery that has never been used for graves to the neighboring property owners.
  14. PUBLIC WORKS: Next meeting on September 3. The Labor Crew is continuing to paint the curbs and all other seasonal maintenance.
  15. ORDINANCE: The next meeting is August 22. Chairman Schene has completed tasks and submitted the justification for the Capacity Capitol Cost Fee to the WV PSC as requested. This was accomplished with the assistance of attorney William Rohrbaugh.
  16. BSWW: The next meeting is August 21. Chairman O'Connell explained that work continues to acquire the property ROWs for the Rt. 522 extension. Five out of 16 have been obtained. He hopes that the Public Service Commission will approve the submitted amended tariff of the BSWW. If it is approved income expectations can be adjusted to show increased revenue in 2025. O'Connell has studied the issue of the WSPSD calculation of meter readings for their billing purposes and believes that the BSWW has not contributed to their difficulties.

The BSWW continues to repair and replace plant and distribution equipment.  
The Chairman is finishing the 2024-2025 Budget for WV PSC approval.

17. PUBLIC COMMENT: Berkeley Springs Pride President Scott Collinash along with the Executive Director of Fairness WV proposed a nondiscrimination ordinance (attached) to Council. Discussion was had. The Mayor referred the proposal to the Ordinance Committee.
18. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor Scott E. Meib

Recorder Suzanne White



# EVENT / USE OF TOWN PROPERTY APPLICATION

**TOWN OF BATH**  
271 WILKES STREET, BERKELEY SPRINGS, WV 25411

Phone (304) 304-258-1102 Fax (304) 258-2638

townofbath@wvdsi.net

### OFFICIAL USE ONLY

Fiscal Year \_\_\_\_\_  
Festival License \_\_\_\_\_  
Business License \_\_\_\_\_  
License Fee \$ \_\_\_\_\_  
Date Issued \_\_\_\_\_

Please Print or Type

NAME OF EVENT: BATH CHRISTMAS MARKET, WV

DATE(S) OF EVENT: DECEMBER 12-15 2024

REQUESTING GROUP OR ORGANIZATION: BATH CIVIC TRUST

BEGINNING AND ENDING TIMES: DEC 12 - NOON TO DEC 15 - 2PM - SEE ATTACHED

PROPERTY REQUESTED: GRAVEL LOT - STATE PARK - ICE HOUSE - LIBERTY STREET

PURPOSE OF USE: EUROPEAN STYLE CHRISTMAS MARKET & ICE RINK

STREET/METER CLOSURES REQUESTED WITH DETAILS: UPPER FAIRFAX NEXT TO GRAVEL LOT

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: PRODUCT SOLD

NUMBER OF VENDORS AT EVENT/FESTIVAL: 20 +

NAME OF RESPONSIBLE PERSON: CLAIRE SCHENE

MAILING ADDRESS: 167 WILKES ST, BERKELEY SPRINGS, WV 25411

TELEPHONE NUMBER: 410-428-3516

EMAIL: BATHCHRISTMASMARKETWV@GMAIL.COM

DATE APPLICATION SUBMITTED: 08/19/2024

SIGNATURE: CLAIRE SCHENE

Application will be submitted to Town Council. All applicants are invited to attend the Town Council and speak on their behalf. If requesting any street/meter closures, applicants must appear at Town Council before the event for approval.

Application is:  Approved

Denied

Approved Subject to Following:

Town Flat Fee: \$ \_\_\_\_\_

Festival License Fee Due:

\$ \_\_\_\_\_ \$15.00 w/ Business License

\$ \_\_\_\_\_ \$35.00 w/o Business License

\$ \_\_\_\_\_ Total Due

Proof of Insurance on File

Pay Now  
using our QR  
Code!

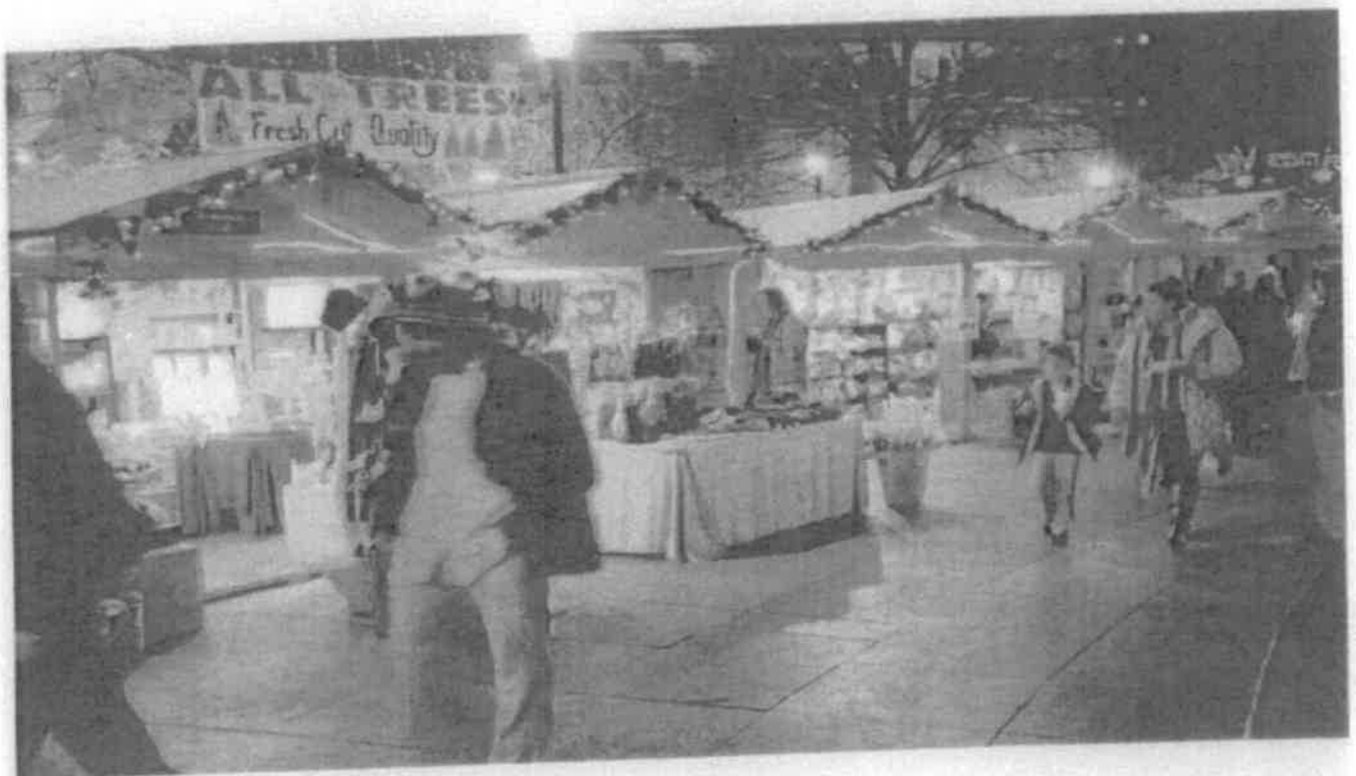


Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_



# BATH CHRISTMAS MARKET, WV

**"A VILLAGE FULL OF ENCHANTMENT OF  
OUR PAST AND PRESENT"**





# BATH CHRISTMAS MARKET WV

"A VILLAGE FULL OF ENCHANTMENT OF OUR PAST AND PRESENT"

THURSDAY DECEMBER 12TH- SUNDAY DECEMBER 15TH 2024

Welcome to the first annual "European Style Christmas Market" in our beautiful  
Town of Bath, Berkeley Springs WV!

Our driver is to create great commerce leading up to the Christmas break for our local businesses, to bring folks to town to appreciate the hard work put in by our town and the Bath Christmas Project to decorate our sweet "Hallmark" type home, and this is also a way we hope to bring our community together for the common good for all. As a local business, we wanted to share this vision with you with enough time to plan your inventory, how you may choose to decorate your windows and store front (see suggestions below), and to offer ample time to plan for staffing, as well.

We are working tirelessly to bring to our first annual event, the following:

- \*An Ice rink, that the town will own
- \*Two "villages" for vendors
- \*Curled vendors - to provide unique, hand-crafted gifts
- \*Artist Circle - A place a vendor can work their craft and sell on the spot
- \*An Elf Workshop Village in the state park for young entrepreneurs (under 16) to sell items they've crafted themselves.
- \*The Cocoa Lane Village for adult vendors. This will also be where we'd love to host our Friday night "Winter-White Cocktail Event".
- \*We'd love to have a couple of restaurants, set up in the courthouse lot (in lieu of food trucks - to keep our event at a more elevated level by offering a place that feels like an outdoor eating establishment with live music and adult drinks).

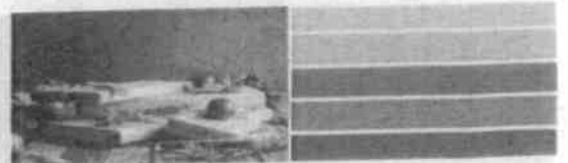
\*\*If interested, please contact Claire at 410-428-3516  
or [bathchristmasmarketwv@gmail.com](mailto:bathchristmasmarketwv@gmail.com)

- \*We will have carolers, a live nativity, music, as well as tapping into the local schools to showcase bands, dancers, etc.
- \*We would love to utilize the local scout troops, homeschoolers, churches, and the like, for volunteer hours, as well as offering opportunities for them to raise money for their own organization.
- \*Santa, his sleigh, and elves are all set to provide endless joy and to add to our festivities, too!
- \*Peace will provide candle-lit tours around town; we will have drones to capture how beautiful the town is during the event and so so much more has been planned!

## How Can the Town Get Involved?

- \*Sponsorships
- \*Decorating your shop (!!!)
- \*Volunteers - before, during, and after
- \*All "hands on deck" help during the event
- \*Promoting to your own client/customer base
- \*Colors: White lights - (We can color the "elf village" gold, berry red, and ever green)

Hex Codes: #CBB294, #D4B06A, #A74737, #587455, #305647 A more earthy and organic Christmas aesthetic, this color palette maintains a uniform tone with a wide range of colors. From cream to evergreen, it's made to stand out with its perfect color balance.



For more information or to help in some way: Claire Schene /410/428-3516/ [bathchristmasmarketwv@gmail.com](mailto:bathchristmasmarketwv@gmail.com)

# BATH CHRISTMAS MARKET WV

"A VILLAGE FULL OF ENCHANTMENT OF OUR PAST AND PRESENT"

THURSDAY DECEMBER 12TH- SUNDAY DECEMBER 15TH 2024

Our driver is to create great commerce leading up to the Christmas break for our local businesses, to bring folks to town to appreciate the hard work put in by our town and the Bath Christmas Project to decorate our sweet "Hallmark" type home, and this is also a way we hope to bring our community together for the common good for all.

## How can the community help?

- \*FUNDING HELP IN ANYWAY
- \*VOLUNTEERS FOR BEFORE, DURING, AND AFTER EVENT
- \*CONNECTING WITH LEADERS FROM VARIOUS COMMUNITY GROUPS AND GETTING US TIME TO SHARE?
- \*SCOUTING/GIRLS&BOYS CLUB(S): TO SELL OR TO WRAP GIFTS TO EARN MONEY FOR THEIR TROOPS
- \*SCHOOLS: BANDS, DANCERS, COMMUNITY HOURS
- \*MENS CLUB
- \*VFW
- \*ROTARY
- \*CHAMBER
- \*LOCAL CHURCHES (RING BELLS FROM CHURCH TOWERS ON SUNDAY AT 2PM)
- \*KEEP ON TRACK WITH COMMISSIONER TO NAVIGATE PERMISSIONS AND PROCESSES (I.E. LIQUOR LICENSES ETC)
- \*SPREADING THE WORD ABOUT THE EVENT
- \*CONNECTIONS WITH TV, RADIO, NEWSPAPERS, SOCIAL MEDIA
- \*DONATION OF CHRISTMAS DECORATIONS FOR TREE'S
- \*BAKERS FOR COMMUNITY COOKIE EXCHANGE
- \*HELPERS TO TAKE A LEAD POSITION TO HELP CLAIRE TAKE TASKS OFF HER PLATE 😊
- \* ETC

Town of Bath, Berkeley Spring WV



HOSTED BY THE TOWN OF BATH  
NON-PROFIT CIVIC ORGANIZATION  
271 Wilkes St Berkeley Springs WV 25411  
410-428-3516 | bathchristmasmarketwv@gmail.com  
Contact Person: Claire Schone





# BATH CHRISTMAS MARKET, WV

## TOWN OF BATH

271 WILKES STREET, BERKELEY SPRINGS, WV 25411  
Phone (304) 304-258-1102 Fax (304) 258-2638

### Let's start planning for Christmas!

The Town of Bath is bringing our first annual *Bath Christmas Market WV* to our village December 12th-15th, 2024, and we are looking for sponsors to help us to fund our first year!! Anything would help and we will be forever grateful! If you'd prefer to have a choice on designation, please continue below:

#### Sponsor decorations: \$250-\$500

- We will include you in our promotions and campaigns
- And our gratitude!

#### Sponsor a storage container, directional signs, help us to pay for the ice rink and incidentals: \$500-\$2,000

- We will include you in our promotions and campaigns
- Over \$1,000 you'll receive (1) ticket to the Winter White celebration!
- Over \$2,000 you'll receive (2) tickets to the Winter White celebration!
- And our gratitude!

#### If you'd like to sponsor a chalet: \$3,000 for one chalet

- We will include you in our promotions and campaigns
- A sign will be placed on the chalet to showcase your support!
- You'll receive (4) tickets to the Winter White celebration - *Friday December 13<sup>th</sup>, 2024/7:30P-8:30P*
- A special and unique gift the night of the event
- We would love to thank you at the event in front of everyone!
- And our sincerest gratitude!
- **The total cost for 17 chalets is \$41,300 + shipping.**

Your support will help us to begin building this annual event to bring commerce to town and even more Christmas spirit to our community!

Checks can be made payable to "The Bath Civic Trust" a non-profit. We are happy to pick it up, feel free to drop it by the Town Hall, or mail it to:

167 Wilkes Street  
Berkeley Springs WV 25411  
c/o Claire Schene @ Mendenhall 1884

A receipt for your donation will be mailed or may be picked up at the Town Hall.  
Your consideration would really help to lift the spirit and help to support our small business community. Have a beautiful day!

Warmly, Claire Schene / 410-428-3516



# Streetscape and BSSP Projects Status Report for Town Council August 20, 2024

## STREETSCAPE

Next Committee Meeting: 9 am Thursday 9/19, Town Conference Room

### Phase V Construction contract:

- DOH confirmed receipt of the documents and check (Certified receipt & e-mail)
- Bid extended to Sep 9<sup>th</sup>; DOH expects to award in next week or so
- Next Events: Contract Award, Inform adjacent business/property owners, Establish Start Date; Set Pre-Construction Meeting, Decide on Apple Butter Work-Around, Start Work, Complete Work.

Phase V lighting grant application: Awaiting news on Grant Award Schedule. Town's #1 Priority

### WVDOH TA Grant Phase VI design grant:

- Thrasher Scope Document in work to support the DOH/Town Funding Agreement, Thrasher Task Order, DOH & FHWA authorization and DOH Notice to Proceed.
- A \$14,000 match will be required at the signing of the Funding Agreement, which has not yet been received for this design contract.

WVDOH TA Grant Phase VI construction grant application: Awaiting news on Grant Award Schedule. Town's #2 Priority

## BERKELEY SPRINGS STATE PARK PROJECT

### Current Status of DEP Consent Order:

- Consent Order public comment period closed on Aug 2<sup>nd</sup>
- DEP signed the Order on 8-9-24 (the Effective Date) – beginning the 30-Day period for the Town to complete two actions:
  - Provide DEP with a check for the \$3,360 Fine
  - Provide DEP with a Proposed Plan of Corrective Action and Schedule for DEP Approval
- That Corrective Action Plan & Schedule is in final draft now – it is due to DEP by 9-8-24
- Attempts to recover the fine (\$3,360) from DOH remaining project funds or bid bond do not look promising:
  - DOH letter (rec'd 8-19) states: "Currently all funds allocated to this project have been exhausted" – but does not mention the dollar amounts. Will try to verify these dollar amounts
  - Also states that any Town Claim to the Bond company is likely to be denied.
  - Recommends Town seek its own legal advice for the civil penalty- Town has already waived its "right to appeal" as part of the Consent Order process
- Eventually the Town (Mayor) must sign a U.S Army Corps of Engineers "Compliance Certification Form" that certifies that the work authorized by the Permit has been completed in accordance with the permit. Will wait until DOH has formally announced "Completion" – Item #22 on Final Inspection covers the environmental issue and Consent Order

## NBRT

- An order has been placed for 33 flats of perennial landscape plugs from a native wholesale nursery. Planting will be taking place on several days throughout the month of September.
- Next Meeting would normally be 8/28/24 – but may not be needed without DOH update

Pete Brown  
Streetscape Committee



# EVENT / USE OF TOWN PROPERTY APPLICATION

TOWN OF BATH  
271 WILKES STREET, BERKELEY SPRINGS, WV 25411

Phone (304) 304-258-1102 Fax (304) 258-2638

townofbath@wvdsi.net

### OFFICIAL USE ONLY

Fiscal Year \_\_\_\_\_  
Festival License \_\_\_\_\_  
Business License \_\_\_\_\_  
License Fee \$ \_\_\_\_\_  
Date Issued \_\_\_\_\_

Please Print or Type

NAME OF EVENT: APPLE BUTTER FESTIVAL

DATE(S) OF EVENT: OCTOBER 11-13, 2024 (MCHGS)

REQUESTING GROUP OR ORGANIZATION: MORGAN COUNTY HISTORICAL & GENEALOGICAL SOCIETY

BEGINNING AND ENDING TIMES: SETUP FRIDAY 11 OCT EVENING, 10AM-4PM SAT/SUN

PROPERTY REQUESTED: TOWN OF BATH TRAIN DEPOT  
PURPOSE OF USE: TO PROMOTE THE HISTORICAL SIGNIFICANCE OF THE TOWN OF BATH, THE TRAIN DEPOT, AND THE MISSION OF THE MCHGS

STREET/METER CLOSURES REQUESTED WITH DETAILS: NONE

WILL ADMISSION BE CHARGED OR PRODUCT SOLD: ADMISSION - NO, DONATIONS ACCEPTED, MCHGS PUBLICATIONS

NUMBER OF VENDORS AT EVENT/FESTIVAL: 0 ONLY MCHGS

NAME OF RESPONSIBLE PERSON: TERRY GOLDEN

MAILING ADDRESS: 5559 VALLEY RD.

TELEPHONE NUMBER: CELL (304) 433-5598

EMAIL: goldent151@gmail.com

DATE APPLICATION SUBMITTED: AUGUST 15, 2024

SIGNATURE: [Signature]

Application will be submitted to Town Council. All applicants are invited to attend the Town Council and speak on their behalf. If requesting any street/meter closures, applicants must appear at Town Council before the event for approval.

Application is:  Approved

Denied

Approved Subject to Following:

Town Flat Fee: \$ \_\_\_\_\_

Festival License Fee Due:

\$ \_\_\_\_\_ \$15.00 w/ Business License

\$ \_\_\_\_\_ \$35.00 w/o Business License

\$ \_\_\_\_\_ Total Due

Proof of Insurance on File

Pay Now  
using our QR  
Code!



Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_



**BERKELEY SPRINGS WATER WORKS  
EXPENDITURES AND ENCUMBRANCES**

		General Account		
BATCH DATE	YEAR:	2025		
8/20/2024				
VENDOR ACCT #	VENDOR NAME	AMOUNT	DESCRIPTION	
	Miss Utility	\$ 71.40	July 2024	
	Mike the Computer Guy	\$ 118.75	New EE set up	
	Morgan Messenger	\$ 200.00	Water Tariff & Clerk Ads	
	Potomac Edison	\$ 4,008.18	Julys Master Bill	
	Share Corp	\$ 680.90	Department Supplies	
	Town Of Bath	\$ 178.06	Sept 2024 EE Paid Dental/Vision	
	Town Of Bath	\$ 2,949.04	August 2024 Health Ins	
	USA Blue Book	\$ 6,752.75	Misc Supplies	
	U Bank	\$ 8,705.70	P Cards July 2024	
	WV Dept Health	\$ 161.00	Samples	
	Reserve for Debt	\$ 19,112.94	Bond Coverage	
	Transfer to R&R	\$ 25,278.15	July & August Contribution	
	Depreciation	\$ 1,500.00	Monthly Deposit	
	<b>TOTAL</b>	<b>\$ 69,716.87</b>		









## BATH, WEST VIRGINIA NONDISCRIMINATION ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF BATH, WEST VIRGINIA AS FOLLOWS:

**SECTION 1:** The Municipal Code of the Town of Bath, West Virginia is hereby amended to create a new Article entitled "Unlawful Discrimination" to read as follows:

**Sec. 1-1. Purpose and Intent.** It is the purpose and intent of the Bath Town Council to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status. The Council's purpose in enacting this ordinance is to promote the public health and welfare of all persons who live and work in the Town of Bath. It is important for the Town to ensure that all persons within the Town have equal access to employment, housing, and public accommodations.

**Sec. 1-2. Definitions.** For the purposes of this ordinance, the following terms shall have the following meanings:

- (1) AGE. An individual's status as having obtained forty or more years of age.
- (2) Town CONTRACTOR. Any person, corporation, or entity that has a contract to do business with the Town of Bath.
- (3) DISCRIMINATE, DISCRIMINATION OR DISCRIMINATORY. Any act, policy or practice that, regardless of intent, has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.
- (4) EMPLOYEE. Any individual employed by or seeking employment from an employer, excluding any individual employed by his or her parents, spouse, or child.
- (5) EMPLOYER. A person who employs one or more employees in the Town of Bath, or any agent of such person. Employer shall include the Town of Bath and any Town Contractor.

- (6) **FAMILIAL STATUS.** Means an individual's past, current or prospective status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.
- (7) **GENDER IDENTITY.** The actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (8) **MARITAL STATUS.** An individual's past, current, or prospective status as single, married, domestically partnered, divorced, or widowed.
- (9) **NATIONAL ORIGIN.** An individual's or his or her ancestor's place of origin.
- (10) **PUBLIC ACCOMMODATION.** Any place, store, or other establishment, either licensed or unlicensed, that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds. The term does not include any private club, bona fide membership organization, or other establishment that is not in fact open to the public.
- (11) **RELIGION.** All aspects of religious belief, observance, and practice.
- (12) **SEXUAL ORIENTATION.** Actual or perceived homosexuality, heterosexuality, or bisexuality.
- (13) **VETERAN STATUS.** An individual's status as one who served in the active military, naval or air service.

**Sec. 1-3. Civil Rights Declared.** The right of an otherwise qualified person to be free from discrimination because of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status is recognized as and declared to be a civil right. This right shall include, but not be limited to, all of the following:

- (1) The right to obtain and hold employment and the benefits associated therewith without discrimination.
- (2) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any public accommodation without discrimination.

- (3) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.
- (4) The right to exercise any right granted under this ordinance without suffering coercion or retaliation.

**Sec. 1-4. Exceptions.** Notwithstanding the foregoing, the following are not discriminatory practices prohibited by Sec. 1-3 of this ordinance:

- (1) A religious corporation, association, or society that employs an individual of a particular religion to perform work connected with the performance of religious activities by the corporation, association, or society.
- (2) An employer who observes the conditions of a bona fide affirmative action plan or a bona fide seniority system which is not a pretext to evade the purposes of this ordinance.

**Sec. 1-5. Enforcement.** A violation of this ordinance constitutes a civil infraction and can be enforced by a private right of action.

- (1) There is hereby established in the Town of Bath a private right of action for individuals who are aggrieved of any of the unlawful discriminatory practices described in section 1-3 of this ordinance. Plaintiff may file a complaint in Morgan County Circuit Court, in compliance with the relevant rules of that Court, and must show through clear and convincing evidence that the defendant committed an unlawful discriminatory practice as described in section 1-3 of this ordinance.

**Sec. 1-6. - Other Remedies.** This ordinance may not be construed to limit any other remedies available under local, state, or federal law.

**SECTION 2:** This ordinance shall become effective on **[date]**.