

RECORD OF PROCEEDINGS

Minutes of

SPECIAL MEETING

Meeting

COLUMBUS BLANK BOOK CO., COL., O.

Form No. 1087

Held April 28,

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The Council of the City of Centerville, County of Montgomery, State of Ohio met in Special Session, Monday, April 28, 1969 at 8:00 P.M. at the Washington Township Hall with Mayor Paul Hoy presiding. Councilmen present were as follows: Harold Wells, J.V. Stone, John Davis, Richard Miller, John Zengel, John McIntire, City Manager John Griffin, Engineer Frank Williams, Municipal Attorney Robert Farquhar, Director of Finance Ronald Budzik, and Clerk of Council Marilyn McLaughlin.

The Public Hearing on Ordinance Number 21-69: An Ordinance Prohibiting Discrimination Because Of Race, Color, Religion, National Origin, Or Ancestry Of Any Person In The Sale, Purchase, Transfer, Lease, Rental, Occupancy, And Financing Of Real Property, was held.

Municipal Attorney Robert Farquhar reviewed the various Sections of this Ordinance.

The following comments were made from people in the audience during the Public Hearing:

Stanley Weissman, 337 Pleasant Hill Drive, answered the question: "Why do we need an Ordinance in Centerville if we already have a Federal and State Open Housing Law?"

a. The Civil Rights Act of 1866 provides all citizens with the same rights in connection with real and personal property, but it does not spell out the mechanism for enforcing the law. This law provides each individual local government the opportunity to write a complimentary local law, to spell out the proper way to enforce this law, and to solve their problems in their own way.

b. The Federal Fair Housing Law of 1968 encourages and supports local Ordinances. He advised that the majority of people in the Centerville area feel that issues and problems should be handled on the local level.

c. The State Law divides housing in two categories, commercial housing and private residents. This law deals mostly in commercial housing and since the vast majority of Centerville is private residents this law is not applicable to our Community.

Mr. Weissman further advised that this Ordinance is important for Centerville and he hopes it's effect will be felt, in other Communities.

Father Cyrin Maus, president of the Centerville Area Human Relations Group, advised that the only reason to fight against a Fair Housing Ordinance is prejudice. He urged Council to pass the Ordinance to guard people against their own prejudice.

Lois Knierer, 140 Sheldon Drive, wondered why, in the Ordinance, Churches and Apartment owners have more right than anyone else. She wondered how she could sell to anyone she wants.

Mr. Farquhar advised that the Ordinance has been modeled from other Ordinances of this type, and that a person still has free choice to sell to whom they desire but not based on race, color, religion, national origin or ancestry.

Nancy Adams, 5313 Haxton Drive, pointed out that the Ordinance takes the burden off the home seller, it respects the rights of all individuals.

Gene Edmunds, Mary Haynes Drive, is opposed to this program and to the penalty set forth in the Ordinance. He feels this is just another way to deprive him of his rights as a tax paying citizen. He feels it's time for the majority to speak up, the minority has spoken long enough.

Nadine Kuhns, 7891 Old Dobblins Place, referred to the fact that this is a Criminal Ordinance, and that you are innocent until proven guilty. One would know in his own mind whether he is guilty or not, so don't sell yourself short.

Paul Harper, 141 Sheldon Drive, asked who pays for the Attorney's fee to prosecute these cases, and what recourse is open to the home owner to protect himself against a malicious complaint?

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Mr. Farquhar advised that the Centerville Council pays for his time as set by the Pay Scale Ordinance; and, concerning protection against being maliciously accused after a filing has been made by the Municipal Attorney and if you are found not guilty you do have civil remedies.

Wanda Shaffer, a resident of Washington Township and a property owner in Centerville, is concerned with what her tax money is being used for, and who pays for the Court Costs in these cases.

Mr. Farquhar advised that Centerville in the past has refused to pay Court Costs to the Kettering Municipal Court.

Pat Swift, 291 Zengel Drive, feels that all the talk concerning Court Costs indicates that not many homes in Centerville will be sold to black. She feels it's ridiculous that a special meeting was called to consider this issue.

Lilian Morris, 191 Sheldon Drive, wondered why Centerville needs to extend an invitation to a race to come to the Community while we do not extend an invitation to the white race for this purpose. She wondered if the whites are receiving the same consideration in this matter.

Mrs. Paul Grubbs, 180 Bethel Road, wondered if this Ordinance could be put to a vote of the people. This would be a true view from the residents of Centerville.

Mr. Wendell Sellers, Attorney, 25 Daleridge Drive, advised that a constitutional right is not subject to referendum, thus this cannot be put to a vote of the people.

Mr. Lawrence Nutt, 32 East Ridgeway Road, reviewed integration in Centerville over the past 60 years. He feels the present issue is not necessary since, we already have and have had integration in Centerville.

Sharon Jones, 1820 Longdale Drive, sited an incident which she experienced while looking for a home in Village South, she asked Centerville to draw their own conclusions, whether there is prejudice existing or not.

Marion Simmons, 1460 Taitwood Road, presented Mayor Hoy and Council a letter from the League of Women Voters advising that the Centerville Unit of the League of Women Voters supports the position of the Centerville Area Human Relations Group, in the need for a local Open Housing Ordinance.

Mrs. William Barr, 275 Elmwood Drive, urged Council to pass this Ordinance. She feels this Ordinance will protect the realtors and permit all men to live where they so desire.

Dick Knierer, 140 Sheldon Drive, asked what is the present recourse for one who has been discriminated against?

Mr. Farquhar advised that in a few restrictive areas a complaint could be filed with the Ohio Civil Rights Commission, however, the Commission has only limited powers. The Ohio Civil Rights Law is not a criminal law as is the Ordinance being considered.

Frank Swift, Realtor, 291 Zengel Drive, feels there is no question about this law, it is obvious.

Dr. William Walser, 6349 Siena Street, advised that the issue being considered is: does an individual have a right to sell to whoever he wants to, he feels the Ordinance does not provide this right. He sees no need for this Ordinance.

Barbara Power, 263 Pleasant Hill Drive, would not like to be discriminated against when buying a home, she wondered what right has priority over what right; the basic human right should come first.

Richard Flaherty, 110 Johanna Drive, advised that freedom demands responsibility, the issue being considered now is giving freedom not taking freedom.

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Mrs. James Breslin, 178 Poinciana Drive, read a quote of Dr. Martin Luther King, concerning the behavior of man and the effect of law on man.

Reverend Richard Ryder, United Church of Reconciliation, spoke in behalf of his congregation, of which some live in Centerville; they have taken the position to support Open Housing, he urged Council to pass the Ordinance in question.

Mary Lynn Shroyer, 2615 Walford Drive, would like relief of the responsibility one presently has in selling a home.

Connie Watkins, 9424 Sheehan Road, explained that the Ordinance does not prohibit one from selling to whom they want to, it only prohibits discrimination because of several specified reasons.

Charles Rush, 534 Duberry Place, was concerned about the fine and Court Cost set forth in the Ordinance. He believes the colored are prejudice against the white.

Maureen Harbinson, owns business in Centerville, likes to put her money where her mouth is, she favors the Open Housing Ordinance. She feels Centerville now has the opportunity to be a leader and prove that it is a forward looking community.

Mr. Shrotberger, Zengel Drive, felt the Open Housing Leader should help people on west side instead of calling people in Centerville a bunch of radicals. He urged Council to take a good hard look at the proposed Ordinance before putting it on the books.

Sharon Jones, 1820 Longdale Drive, a teacher in the City School System, explained the feeling of the children she is associated with; they reflect the feeling of their parents. She advised that those who are black are forced into a cubicle and have freedom to move only within the cubicle.

Earl Boyer, 158 West Ridgeway Road, wondered what this Ordinance will do for Centerville. He felt that some of the radicals are from outside the City. He urged Council to do what is best for Centerville.

Martin DeBard, 173 Cherry Drive, a student of the University of Dayton and a member of the conservative Young Americans for Freedom, advised that this Ordinance represents the desire of the majority and it's passage will provide the high class Community we are striving for and should have.

Roberta Fisher, 208 Bradstreet Road, wondered if Council would vote on the Ordinance at this meeting.

Mayor Hoy advised that this is entirely up to Council.

Arthur Davis, 6140 Marshall Road, urged Council to pass this Ordinance at this Meeting.

Reverend Todd Hall, 111 North Village Drive, advised that he is in favor of the Ordinance because he has faith in the people of Centerville.

Dick Anilison, South Village Drive, advised he is in favor of passing this Fair Housing Ordinance; we must look ahead and not wait until later.

Paul Harper, 141 Sheldon Drive, wondered if we need the Ordinance.

Dick Ernst, 195 Waterford Drive, representing the Centerville Washington Township Jaycees advised that the Jaycees support the proposed Ordinance.

Mary Wells, 175 Laura Avenue, brought out the fact that every individual in the United States of America has the supreme right to the life, liberty, and pursuit of happiness and any action by Council concerning this Ordinance is purely symbolical.

Louis Slack, 6425 Seton Hill, wondered what this Open Housing Ordinance will do to block busting tactics.

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Mr. Farquhar advised that block busting would be prohibited under the Ordinance.

Harry Perkins, 101 Maple Avenue, was confused about the proposed Ordinance. He wondered about putting this on the books permanently.

Mr. Farquhar further explained the Ordinance.

Thomas Boucher, Teacher in the Centerville City School System, discussed the attitudes of the children concerning discrimination.

Judy Peppinger, 6201 Marshall Road, urged Council to pass the Ordinance.

Mr. McIntire requested information concerning Section 9, Severability in the Ordinance, he questioned what this was in relation to: State Law, Federal Law, both or any.

Mr. Farquhar advised that this section only pertains to the procedure, that if the procedure was declared invalid, it would not invalidate the remainder of the Ordinance.

Mr. McIntire questioned Section 8, Penalty. He asked whether this subscribes to State Law requirements in the handing down of fines, penalties, etc.

Mr. Farquhar advised that the penalty as set forth in the Ordinance makes the violation of the Ordinance a misdemeanor.

Mr. McIntire had several questions concerning filings in other courts. He questioned whether one would not be prohibited from filing a charge in three places simultaneously of a different nature.

Mr. Farquhar advised that this could happen.

Mr. McIntire wondered what similar course or provision is in the Ordinance to handle any scrupulous business practice.

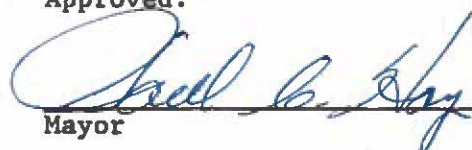
Mr. Farquhar advised that block busting is prohibited according to the Ordinance.

Mr. Stone sponsored Ordinance Number 21-69: An Ordinance Prohibiting Discrimination Because Of Race, Color, Religion, National Origin, Or Ancestry Of Any Person In The Sale, Purchase, Transfer, Lease, Rental, Occupancy, And Financing Of Real Property, and moved it's adoption. Mr. Wells seconded the motion. A roll call vote resulted in seven ayes in favor of the motion.

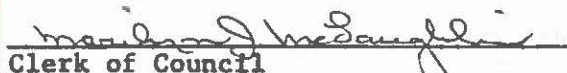
The East Franklin Street project was discussed by Council. City Manager John Griffin reviewed his meeting with the County Commissioners. The Commissioners approved Centerville's request for blacktop pavement but indicated that if Centerville wished concrete the difference would be the City's expense. The County Engineer strongly recommended that the left turn arrows at Main and Franklin be removed. Mayor Hoy recommended that a study be made by the City to determine whether these left turn arrows are necessary. Further study will be made concerning the bids received for the East Franklin Street project. City Manager John Griffin will have information and an Ordinance for action at the next Council Meeting.

The Meeting was then adjourned.

Approved:


Mayor

Attest:


Clerk of Council