

ORDINANCE NO. 27-96

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILPERSON JAMES REPERT ON THE
20th DAY OF JANUARY, 1997.

AN ORDINANCE TO DESIGNATE THE BUILDING ADDRESSED AS 9679 YANKEE STREET AND KNOWN BY LOCAL HISTORIANS AS THE MILTON MUNGER HOUSE, AS A LANDMARK WITHIN THE CITY OF CENTERVILLE, OHIO, AND AMENDING ORDINANCE NO. 8-91, AN ORDINANCE ESTABLISHING PROCEDURES AND CRITERIA TO DESIGNATE CERTAIN HOUSES, BUILDINGS, STRUCTURES, AREAS, OR PLACES AS LANDMARKS WITHIN THE CITY OF CENTERVILLE, OHIO, AND TO ESTABLISH PROCEDURES AND REQUIREMENTS TO REGULATE THE RENOVATION, REHABILITATION, REMODELING, ADDITION, ALTERATION, DEVELOPMENT, CONSTRUCTION, OR DEMOLITION OF A DESIGNATED LANDMARK.

Whereas, the City of Centerville, recognizes that the building addressed as 9679 Yankee Street and known by local historians as the Milton Munger House possesses a character, interest and is valued as a part of the development, heritage, and cultural characteristics of the City of Centerville; and

Whereas, the Centerville Board of Architectural Review has duly considered this nomination, received an affirmative recommendation from the City's Planning Commission and Historic Commission, and held a Public Hearing on this nomination; and

Whereas, the designation of the Milton Munger House as a landmark will benefit all citizens of Centerville; and

Whereas, said designation will help preserve the historical, cultural, and social, environment that is reflective of the quality of life that citizens of Centerville have enjoyed since 1796; now therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Description of Building

Attached hereto and incorporated herein is Attachment A, a Report prepared the City Planning Department entitled: NOMINATION OF A LANDMARK,

STAFF REPORT, Case No. LM-96-01, dated November, 1996, that provides a description of the Milton Munger House.

Section 2. Ordinance Number 8-91 is hereby be amended as follows with all additions shown in *italics*.


Section 21. Table of Designated Landmarks

<u>Ordinance No.</u>	<u>Date Passed</u>	<u>Description</u>
<u>27</u> -96	<u>1</u> , <u>20</u> , 1997	<i>Designation of the Milton Munger House as described in ordinance <u>27</u>-96 and located at 9679 Yankee Street as a landmark.</i>

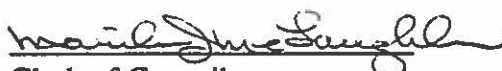
Section 3. Effective Date of Ordinance

This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 30th DAY OF JANUARY, 1997.



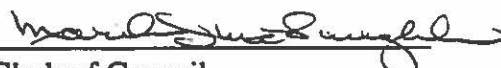
Mayor
City of Centerville, Ohio

ATTEST: 

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 27-96, passed by the Council of the City of Centerville, Ohio, on the 30th day of JANUARY, 1997.


Clerk of Council

Approved in form and consistency with existing ordinances, the charter, and constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

NOMINATION OF A LANDMARK STAFF REPORT

To: Centerville Board of Architectural Review

Date: November, 1996

Prepared By: City Planning Department

Case No.: LM-96-01

GENERAL INFORMATION

Name of Property Owner:	Yankee Trace Development Group, Inc.	
Location:	9679 Yankee Street	
Parcel Size:	.45 Acres	
Existing Zoning:	R-1c Single-Family Residential	
Existing Use:	Vacant	
Surrounding Land Uses:	North -	Residential
	South -	Residential/Vacant
	East -	Residential/Golf Course
	West -	Residential/Vacant

BUILDING HISTORY

Original House 1829: The original house is the front portion of the existing building and was built Milton Munger. This two-story frame house was originally vernacular in design, similar to many of the early Centerville houses, having a hall and parlor layout. The front facade had a two over two pattern with two windows upstairs and one window and door (on the right side) below.

The front door is off center and enters into the hall (the north room of the house). There are two chimneys, one on each gable end providing a fireplace in each room of the house. The fireplace in the parlor was flanked on the right side by a tight-winder staircase to access the upstairs and the cellar. The other side of the fireplace was a cupboard. Much of the original interior woodwork, paneling sashes, and flooring are still intact and are in very good shape. Much of the exterior facade

STAFF ANALYSIS

In considering the designation of any area, place, building, or structure in the City of Centerville as a landmark, the BAR shall apply the following criteria with respect to such property:

	YES	NO
1. Its character, interest or value as part of the development, heritage, or cultural characteristics of the City of Centerville, State of Ohio, or the United States;	<u> X </u>	<u> </u>
2. Its location as a site of significant historic interest;	<u> X </u>	<u> </u>
3. Its identification with a person who significantly contributed to the culture and development of the City;	<u> X </u>	<u> </u>
4. Its exemplification of the cultural, economic, social or historic heritage of the City;	<u> X </u>	<u> </u>
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;	<u> X </u>	<u> </u>
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;	<u> X </u>	<u> </u>
7. Its identification as the work of an architect or builder whose individual work has influenced the development of the City;	<u> </u>	<u> X </u>
8. Its embodiment of elements of architectural design, detail, materials or craftsmanship which represents a significant architectural innovation; and	<u> X </u>	<u> </u>
9. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood or the City.	<u> X </u>	<u> </u>

The Milton Munger House portrays the cultural heritage of the agrarian lifestyle that was early Centerville during the Pre-Civil War era. The gothic revival style, character, and visual interest of the original ca. 1829 house and the ca. 1850 addition is unique to the Centerville area. The original house was typical of houses built during this time. It reflects the economic prosperity this area enjoyed during the late 1820's and early 1830's. The house, when remodeled in 1850, with its window treatment, lintels and other embellishments is unique to this area and was done at a time when this the Centerville/Washington Township area suffered through an economic downturn and not many houses were built or expanded.

Excepting the tight-winder staircase in the living room, nearly all of the original structure and the ca. 1850 addition is intact. The conclusions by the Planning Department are as follows:

- * The 1829 house and 1850 addition is an extremely important historic element within the City by its architectural style.
- * The Munger Family were an influential family and contributed to the cultural, social and religious heritage of this community.
- * The shape and mass of the 1930's additions, the kitchen, side porch and laundry room, contribute to the overall character of the house. The laundry room, situated above the cellar stairs, however, is in need or repair.
- * The enclosure of the front porch detracts from the overall character of the building.

PLANNING DEPARTMENT RECOMMENDATION

The recommendation of the Planning Department is to designate the building located at 9679 Yankee Street and known by local historians as the Milton Munger House as a Landmark in accordance to Ordinance No. 8-91, An Ordinance Establishing Procedures And Criteria To Designate Certain Houses, Buildings, Structures, Areas, Or Places As Landmarks Within The City Of Centerville, Ohio And To Establish Procedures And Requirements To Regulate The Renovation, Rehabilitation, Remodeling, Addition, Alteration, Development, Construction, Or Demolition Of A Designated Landmark.

EMERGENCY ORDINANCE NO. 28-96
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. MARK KINGSEED
ON THE 16TH DAY OF DECEMBER, 1996

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$1,915,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL RECREATIONAL FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Emergency Ordinance No. 2-96 passed January 15, 1996, notes in anticipation of bonds in the amount of \$2,130,000, dated February 1, 1996 (the Outstanding Notes), were issued for the purpose stated in Section 2, to mature on February 3, 1997; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 4 and other funds available for that purpose; and

WHEREAS, the Director of Finance has certified that the estimated life or period of usefulness of the improvement is at least five years and that the estimated maximum maturity of the bonds is 30 years, and the maximum maturity of the notes is 20 years less such period of time any prior bond anticipation notes for such purpose have been outstanding; now, therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That this Council hereby declares that an emergency exists affecting the public welfare, in that the Notes authorized by this emergency ordinance must be sold without delay in order to timely retire the Outstanding Notes on February 3, 1997 and thereby maintain the credit standing of the City.

SECTION 2. That it is necessary to issue bonds of this City in the maximum aggregate principal amount of \$1,915,000 (the Bonds) for the purpose of paying costs of acquiring real property for municipal recreational facilities.

SECTION 3. That the Bonds shall be dated approximately February 1, 1998, shall bear interest at the now estimated rate of 6-3/4% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 30 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal.

SECTION 4. That it is necessary to issue and this Council determines that notes in the maximum aggregate principal amount of \$1,915,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes. The Notes shall bear interest at a rate not to exceed 9-1/2% per year (computed on a 360-day per year basis), payable at maturity and until the principal amount is paid or payment is provided for. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate not to exceed 10-1/2% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate of interest on the Notes and the principal amount of the Notes to be issued to be determined by the amount of other funds projected to be available for payment of principal of and interest on the Outstanding Notes shall be determined by the Director of Finance in the Certificate of Award referred to in Section 7. The Notes shall be dated January 30, 1997, shall mature on February 3, 1998, and shall not be subject to redemption prior to maturity.

SECTION 5. That the debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the original purchaser, and shall be payable, without deduction for services of the City's paying agent, at the main office of Star Bank, National Association, Cincinnati, Ohio or at the principal office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the Director of Finance after determining that the payment at the requested bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the Paying Agent).

SECTION 6. That the Notes shall be signed by the Mayor or Deputy-Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser of the Notes and approved by the Director of Finance, provided that the entire principal amount may be represented by a single note. If the Notes are not issued as a single note, the Notes shall be issued in the denominations of \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any whole multiple thereof and are not exchangeable for Notes in denominations less than \$100,000. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance.

SECTION 7. That the Notes shall be sold at not less than par at private sale by the Director of Finance in accordance with law and the provisions of this ordinance. The Director of Finance shall sign the certificate of award evidencing that sale (the "Certificate of Award"),

cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor or Deputy-Mayor, the Director of Finance, the City Manager, and the Clerk of Council, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance.

SECTION 8. That the proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 9. That the par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 10. That during the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in

preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year to the extent money from the municipal income tax is available for the payment of the debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the covenant hereinafter set forth.

To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefore under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7), Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and revenues of the City to the prompt payment of the debt charges on the Notes and Bonds.

SECTION 11. That the Clerk of Council is directed to deliver a certified copy of this ordinance to the County Auditor.

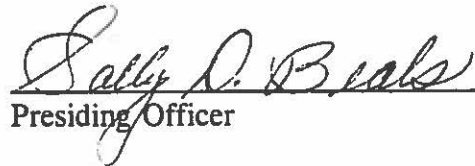
SECTION 12. That this Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 10) of the City are pledged for the timely

payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 13. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 14. That this ordinance shall become effective upon its adoption, in accordance with Section 5.05 of the Charter of the City and by reason of Sections 5.05 and 8.11 of the Charter of the City shall not stand repealed as of the 75th day after adoption.

ADOPTED this 16th day of December, 1996.



Presiding Officer

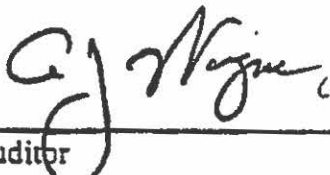
Attest: 
Clerk of Council

City of Centerville, Ohio
Taxable Recreational Facilities Notes, Series 1997

COUNTY AUDITOR'S RECEIPT

I acknowledge receipt on this date of Ordinance No. 28-96, passed by the Council of the City of Centerville on December 16, 1996 and providing for the issuance and sale of the Notes identified above, and of the certificate of award, dated January 30, 1997, determining the principal amount of such Notes.

Dated: January 16, 1997



County Auditor
Montgomery County, Ohio