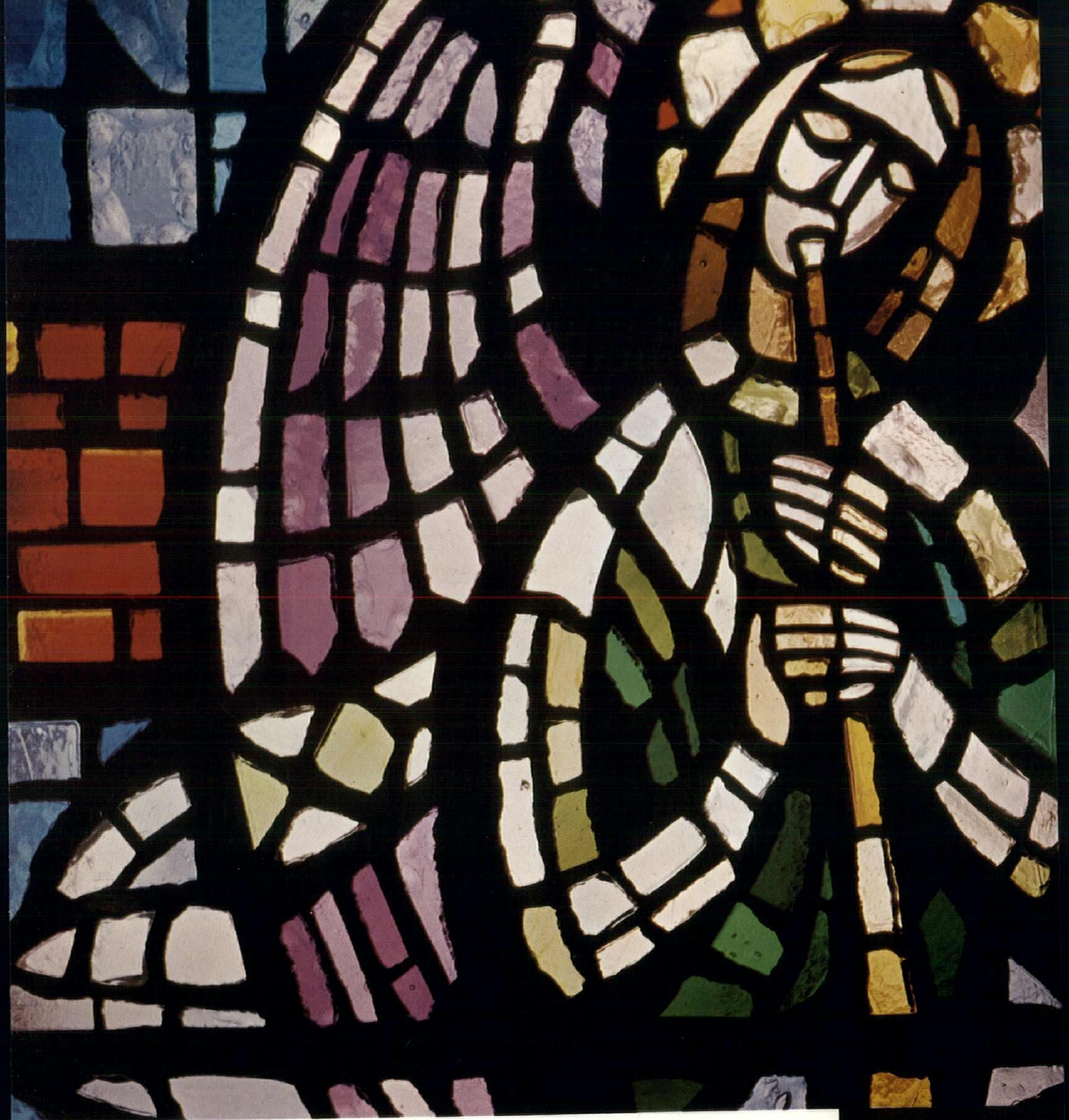

OHIO ARCHITECT

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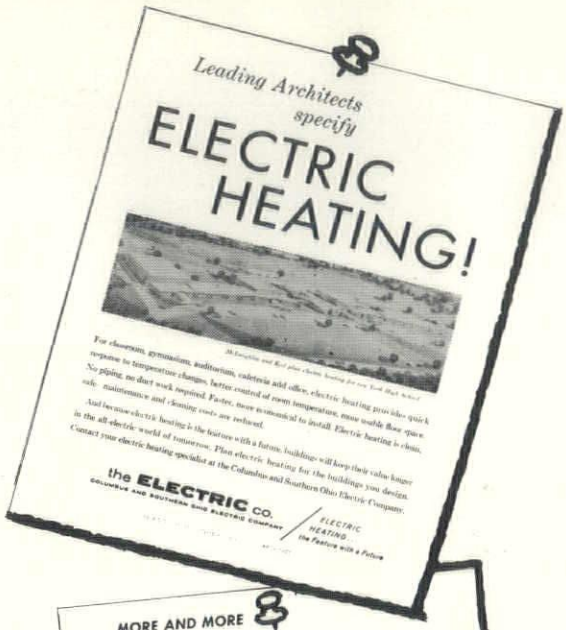

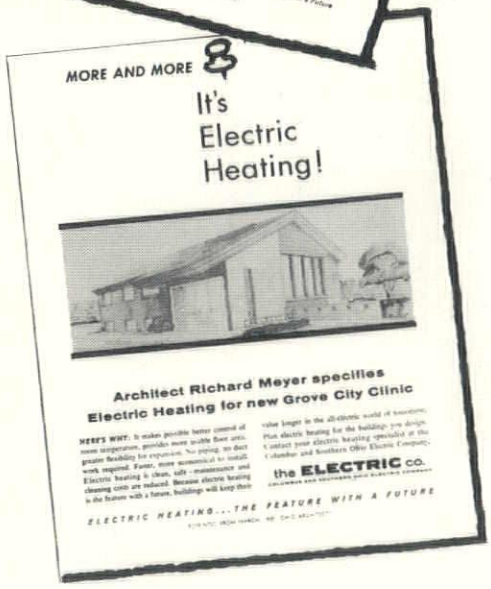

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OHIO ARCHITECT

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DECEMBER, 1959 Volume XVII Number 12

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Paul W. Winterich of Winterich's, Cleveland, provided four-color cover and cover story of the window of St. Therese Church.

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56 South Main Street
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Columbus, Ohio

EDITORIAL STAFF

Publication Committee Chairman
Howard B. Cain, AIA
614 Park Building
Cleveland 14, Ohio

Managing Editor
Clifford E. Sapp
Five East Long Street
Columbus 15, Ohio
Telephone: Capital 1-9630

Technical Editor
David A. Pierce, AIA
Advertising Manager
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Associate Editors

Cincinnati
William R. Bogart
6102 Ridge Ave.
Cincinnati 13, Ohio

Cleveland
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Mather Lane
Hunting Valley Village
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Toledo
Robert E. Martin
4231 Monroe St.
Toledo 3, Ohio

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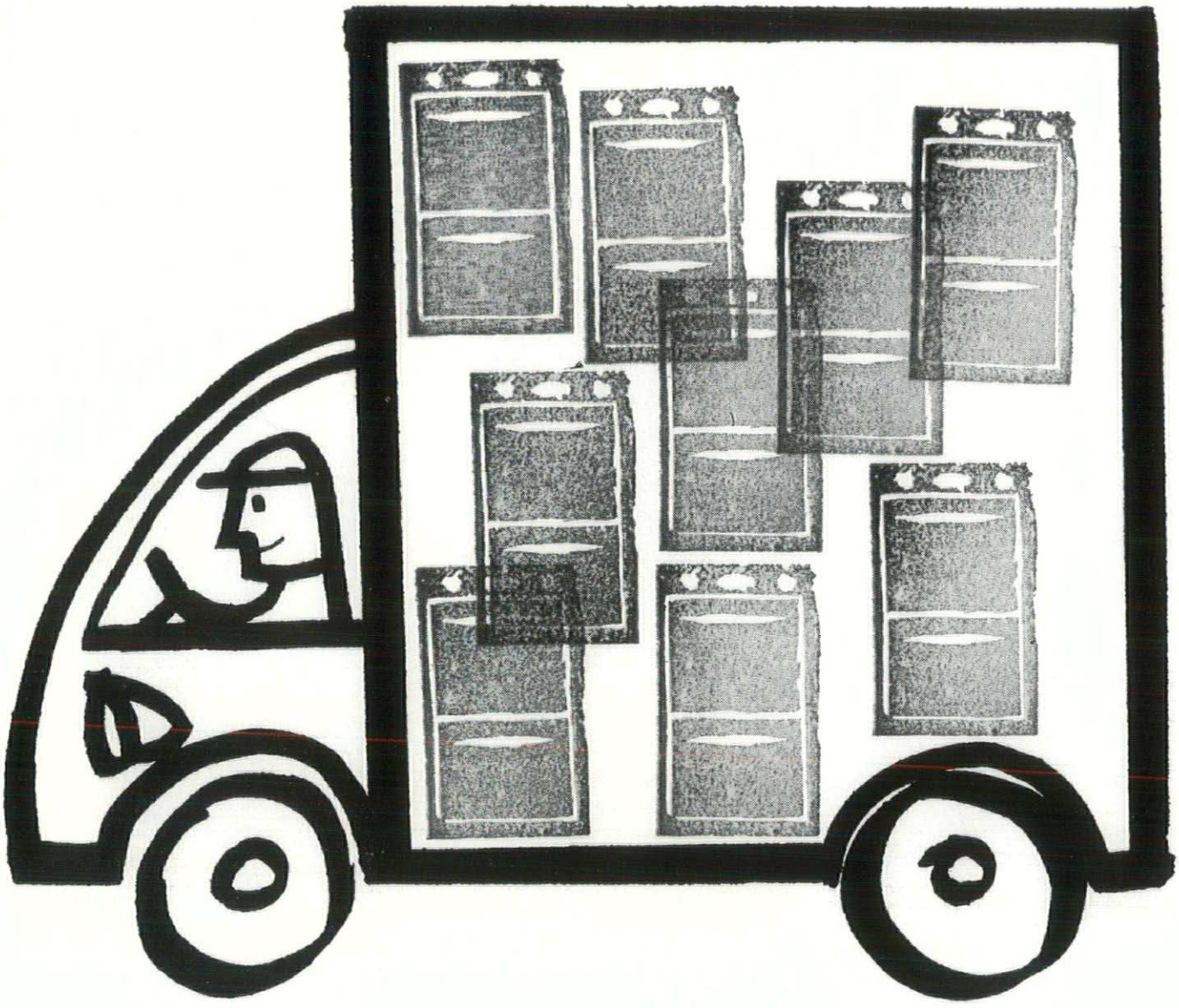

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The character of the Athens First Methodist Church was dictated to a great extent by its surroundings. It adjoins the campus of Ohio University, the architecture of which is predominantly Georgian. One requirement of the building committee was that the church harmonize in exterior appearance with the more recent buildings on the campus, but be sufficiently individual in design to be distinguishable from them.

Harmony in appearance was achieved through the use of the same face brick as used in most of the recent university buildings along with white exterior trim. Greek rather than Georgian detail was then utilized to give the church individuality.

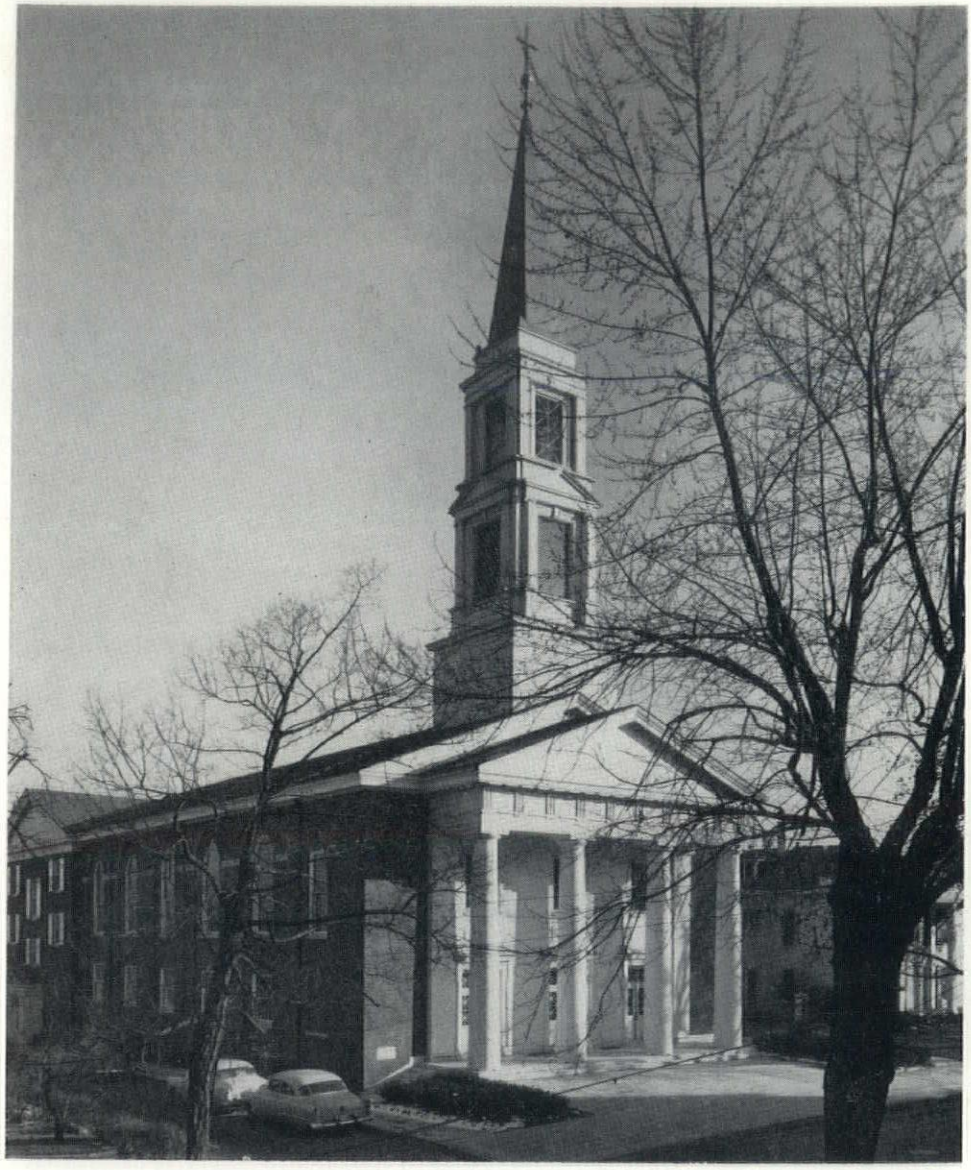
A considerable proportion of the congregation consists of students and faculty from the university so that the attendance falls off during the summer months and holiday seasons. It was recommended by the building committee that the church be planned to seat nine hundred persons in the main body of the church, so seated as to minimize the feeling of sparceness during the periods of low attendance.

Therefore, the seating was arranged at the ratio of three hundred in a balcony and six hundred on the main floor. The balcony occupies three sides of the main church, the north and south sections being supported by pairs of brackets from steel columns supporting the roof trusses.

The site is at the corner of S. College St. to the west, a principal street, and Church St., a minor street, which slopes downward toward the east.

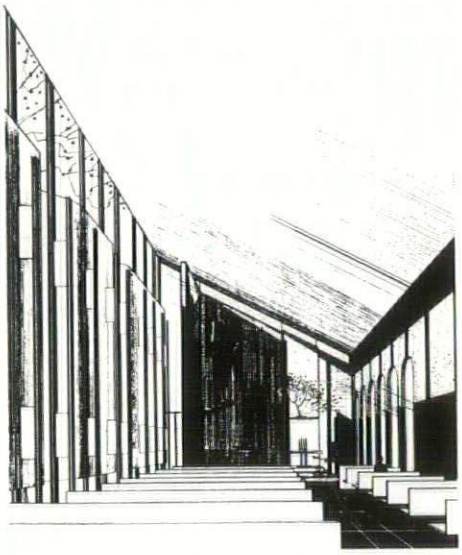
The church office, the chapel and the church lounge adjoin the church proper to the east. Entrance to the church office is from the south. By reason of the slope of Church street a Sunday School entrance is effected at a level halfway between the ground floor and the first floor. A service entrance at grade is well hidden from the church and Sunday School activities at the east end of the ground floor level.

The dining room immediately below the church and its kitchen receive supplies through the service entrance and dispose of waste through the same entrance.

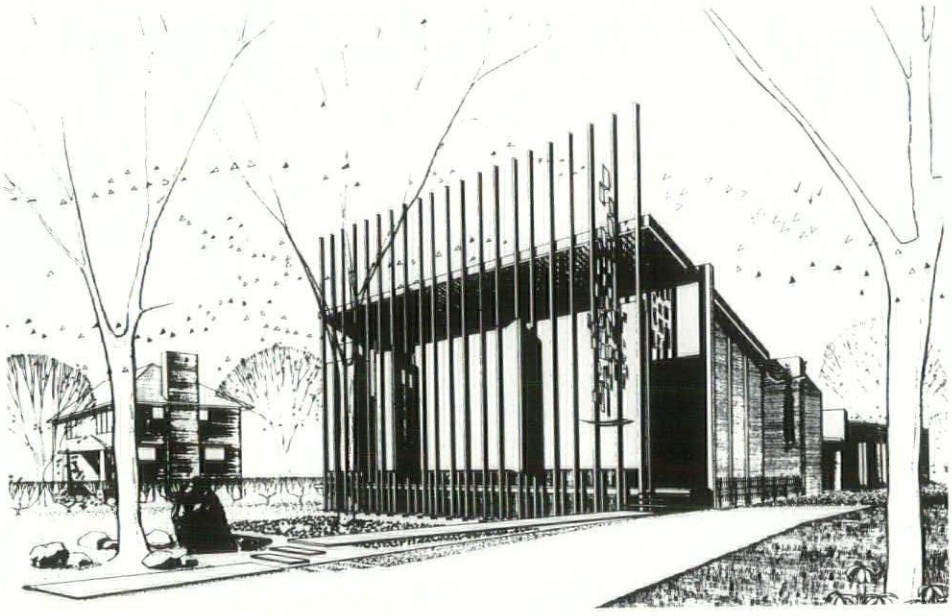


Architects Potter • Tyler • Martin & Roth

First Methodist Church



Architect's sketch of sanctuary, St. John's Unitarian Church, Cincinnati.



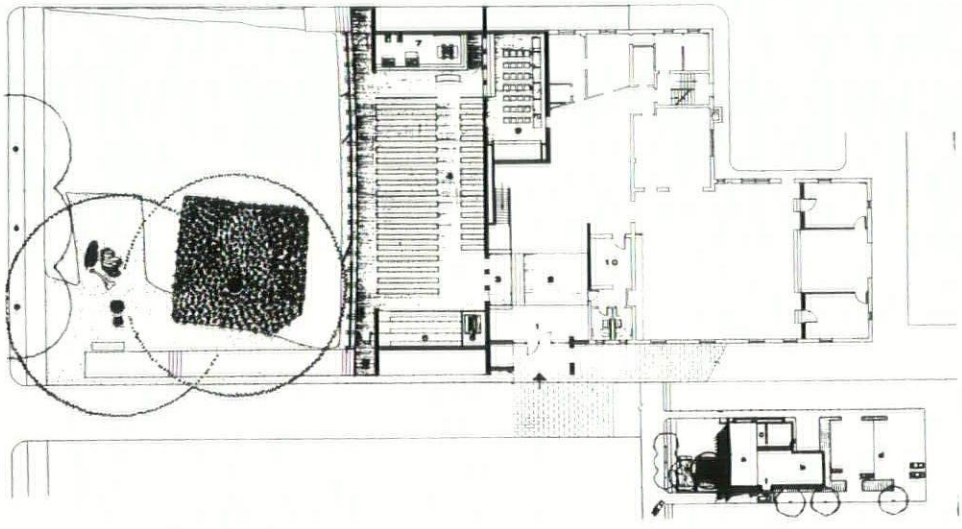
The design problem for St. John's was to add a sanctuary, chapel and classrooms to an existing plant. Its solution was to place the sanctuary and chapel on an east-west axis in front of the existing building with classrooms below the sanctuary. Construction is of masonry and steel with long-span deck spanning the sanctuary in one hop.

The roof is pitched so that the underside of the deck will be sunlit during the Christmas Season. Three vertical openings plus two skylights were established in order to bring a path of light across the altar during the Christmas Season and Easter Season and at the time of the summer solstice.

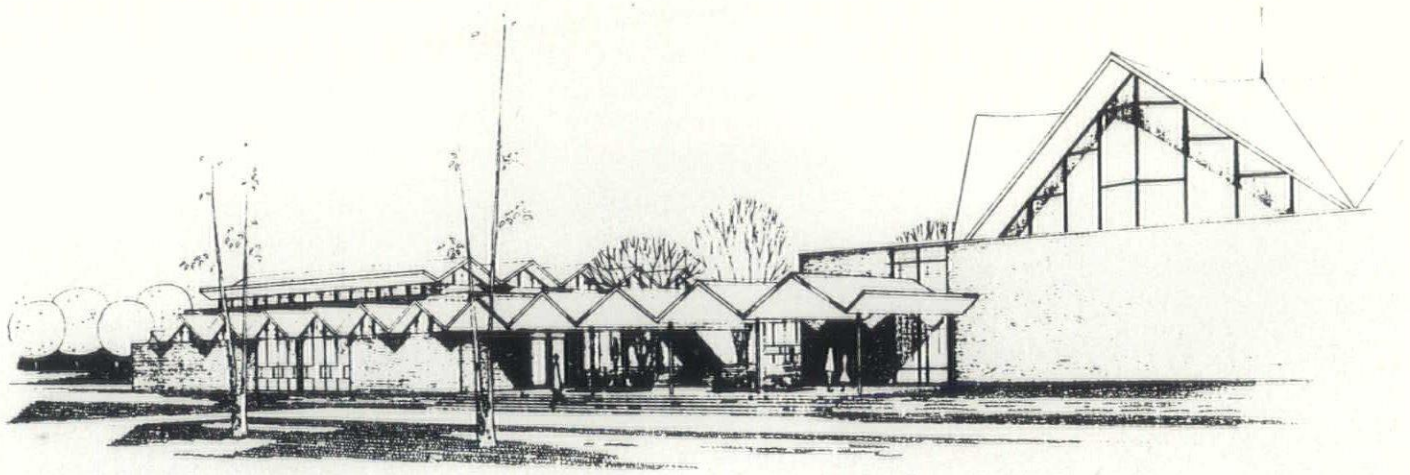
The volume of the sanctuary is quite high on its outer side giving a ratio of height to width exceeding one to one. Construction is now under way, and the building should be completed late winter, 1960.

Architects Garber, Tweddell & Wheeler

St. John's Unitarian Church



First Floor Plan: 1. Entry, 2. Narthex, 3. Landing, 4. Sanctuary, 5. Organ, 6. Choir, 7. Chancel, 8. Exits, 9. Chapel, 10. Choir Room; Plot Plan: a. New Sanctuary, b. Existing Building, c. New Chapel, d. Parking (47 cars), e. Sculpture Garden, f. Entry.



Architect William R. Bogart

Milford Church of Christ

In the planning of the Milford Church of Christ, Milford, one of the major considerations was that the structure be designed so that the congregation could perform as much of the work as possible. It was stressed, however, that savings in material costs should be allowed at all times to outweigh savings in labor costs. The design was also to be constructed in stages to allow completed portions to be used while construction continued.

It was decided that a standard structural unit should be set up which could be prefabricated by the members of the congregation.

The unit selected was a stressed skin plywood folded plate roof system, allowing the congregation to set up one system of jigs and turn out the entire system with unskilled labor. The savings in material should be appreciable since each panel will consist of 1 inch by 3 inches of 12 inch centers with a top and bottom skin of 5/16 inch plywood. These will all bear on masonry bearing walls except over the fellowship hall where they are carried on transverse plywood box beams which will also be fabricated by the congregation.

The slope of the roof thus provided will allow the use of an asphalt shingle roof which can be applied by the members.

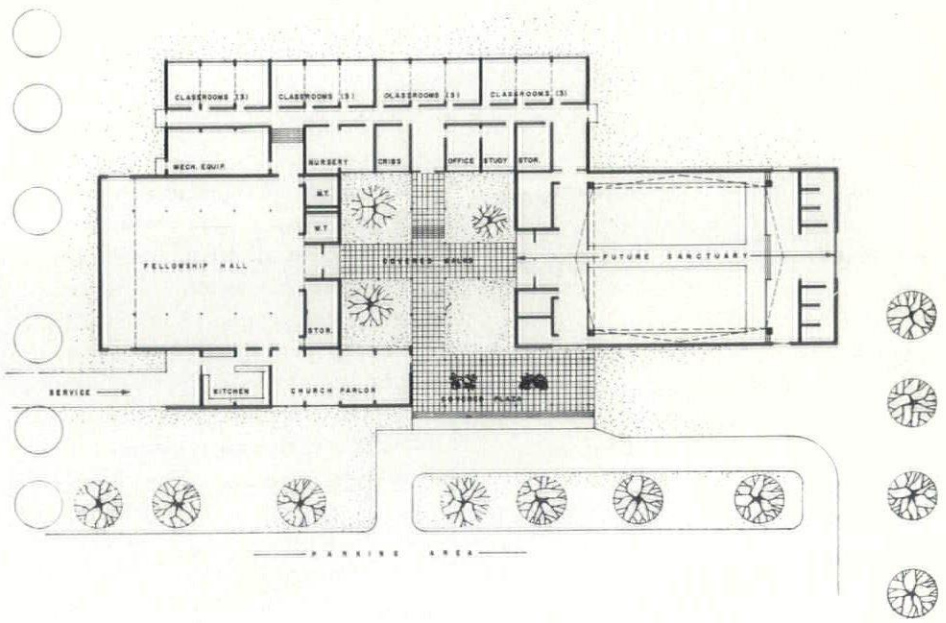
In all cases glazed areas and doors carry to the bottom of a beam or roof panel and will be framed in standard size lumber members.

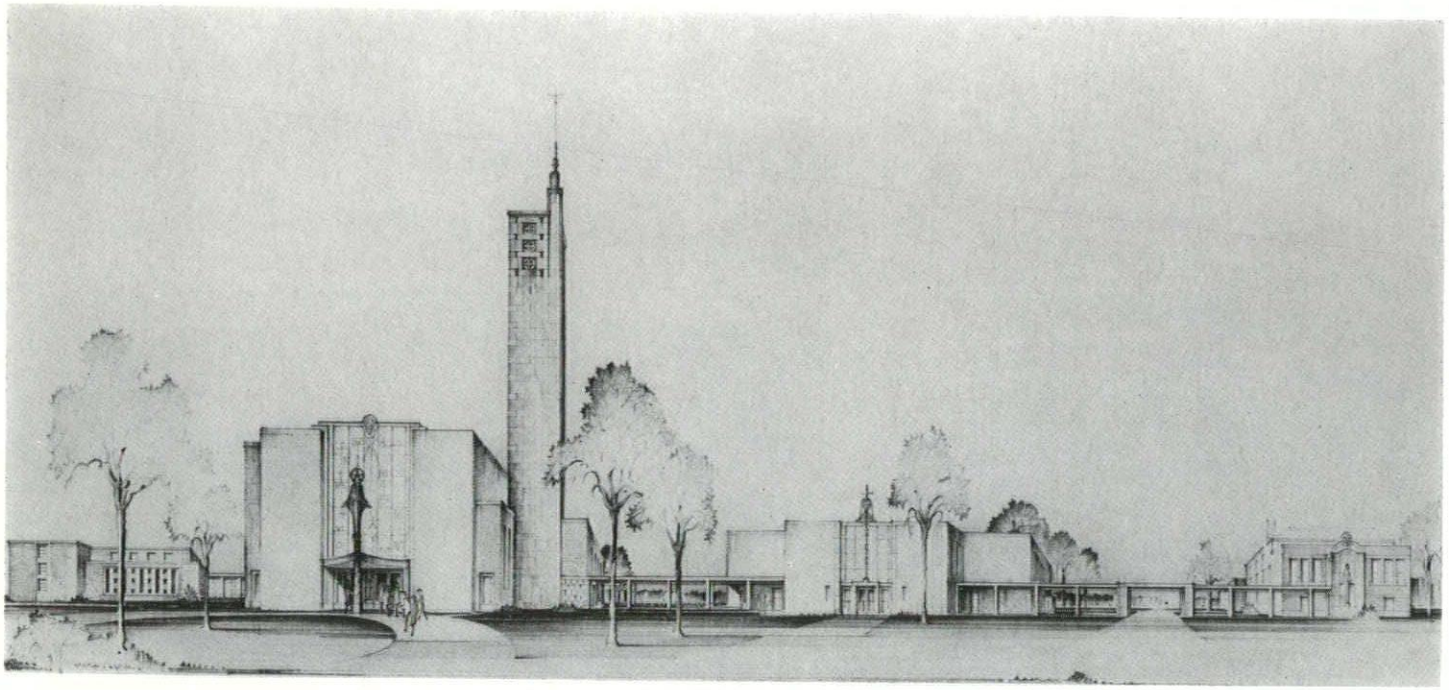
The fellowship hall will be constructed first, which will provide working space to fabricate units for the classroom and church parlor wings. When these are completed and in use, the sanctuary will be started with the fellowship hall being used for worship services.

The sanctuary, though still in the very preliminary design stages, is contemplated as a masonry enclosure surmounted by four hyperbolic paraboloids constructed of plywood (again attempting to reduce the amount of material at the expense of labor).

The site development at present includes only work in the immediate area of construction. Future plans call for development of the back two-thirds of the site (10 acres) to be developed as a recreational area for the surrounding community as well as the congregation.

Site and floor plans, Milford Church of Christ, Milford





Architect Edward J. Schulte

St. Gertrude Parish

The master plan of St. Gertrude Parish, Madeira, consists of four major units—the existing school, which has recently been enlarged to accommodate permanently the school requirements of the Parish; an all purpose room, which will be used for assembly, athletics and school eating facilities; the church, which is at present under construction; and the monastery or rectory, contracts for which will presently be awarded.

Therefore, the all purpose unit will, when constructed in the foreseeable future, complete a master plan conceived to serve this large and growing Parish. The entire master plan was designed to function in a manner commensurate with contemporary practices. Covered passages link together all of the various units, and the general concept is strongly contemporary in design.

Brick with stone accents is the material which has been selected. The entire group will be dominated by a bell tower and a large bronze figure of Christ in the attitude of welcoming the faithful to prayer.

The monastery will accommodate twenty priests and will contain a chapel, offices, refectory, common room and individual private bedrooms. The church has been planned to seat 850 persons.

CHURCH ARCHITECTURE As I See It

By The Venerable David R. Thornberry
Archdeacon, Dioceses of Southern Ohio

As Archdeacon of the Diocese my main and primary function is the administration of the missionary work of the Diocese and all Mission Churches. Thus, I am involved in and responsible for the establishment of all new congregations in the Diocese, the building of new churches and their financing, and in many instances the remodeling of old ones.

Dr. Thornberry

I travel all the time and, therefore, am in a different church each Sunday so I know a fairly wide variety of designs and styles. Often I have to confer with architects designing churches and must examine plans to try to pick out changes which ought to be made and suggest different treatments. I am not really a qualified person in this latter category and make no claim whatsoever for authority either artistically or technically in the field of church architecture. But this is, nevertheless, part of my job. Over the last eight years as Archdeacon I have learned to look for a few things.

During this time I have conferred with many congregations as they began to, slowly and painfully, work out their plans. There is little I don't know of the peculiarities, the strong convictions and the ignorances with which many congregations approach this important task.

The large majority of church building committees are at a loss to know best how to pick a church architect. They will refer to a Diocesan or Conference Office for suggestions of men they might consider. This is good because most denominational church officials know of half a dozen men they consider to be genuinely effective and competent. But to choose even from a small number is not easy. One may have the reputation for having designed several effective churches; another may have a good design but shows a sameness in each of his buildings; another may never have built a church but would like to. Architects need to understand that a Church Family has every right to pick an architect with the same care that an individual might pick a doctor. Naturally, they all hope that this man will come up with something they all like; an impossible task, really. This ideal can be most nearly reached when the architect seriously seeks to understand what the people are trying to communicate to him, a process requiring great patience and understanding.

The happiest experiences in a building program, that I know, occur when every member is given some chance to express his feelings about that part of the building in which he is most particularly interested. Even though the patient winnowing down of the suggestions to a practical basis is a tough process, it still makes for the happiest relationships. An architect should expect and want this, for how else can he know the mind of the group whose feelings he intends to express in steel and stone.

It is nothing new to an architect to say that a building, like any other form of art, must say something real and meaningful. This is the primary reason for the success of the Gothic Church. The very fact that it was the highest expression of a community's religious faith is the prime reason for its greatness.

Because literally hundreds had a hand in its building and decoration it had a unity and beauty which has never been surpassed. It expressed man's sense of the holiness, the majesty and the mystery of God. It revealed the aspirations and hope of God's people. It was great because it most clearly revealed the spirit and heart of the men who built it. It was not always of one generation, but several, over a hundred years or more. It was the medieval man's picture book and Bible.

If he did not have a book or could not read, still the story of the Gospel was told in glass and carving and he could walk about it and read the story over and over again. Man spoke to God through the work of his hands and God spoke to man through the revelation of their work for him.

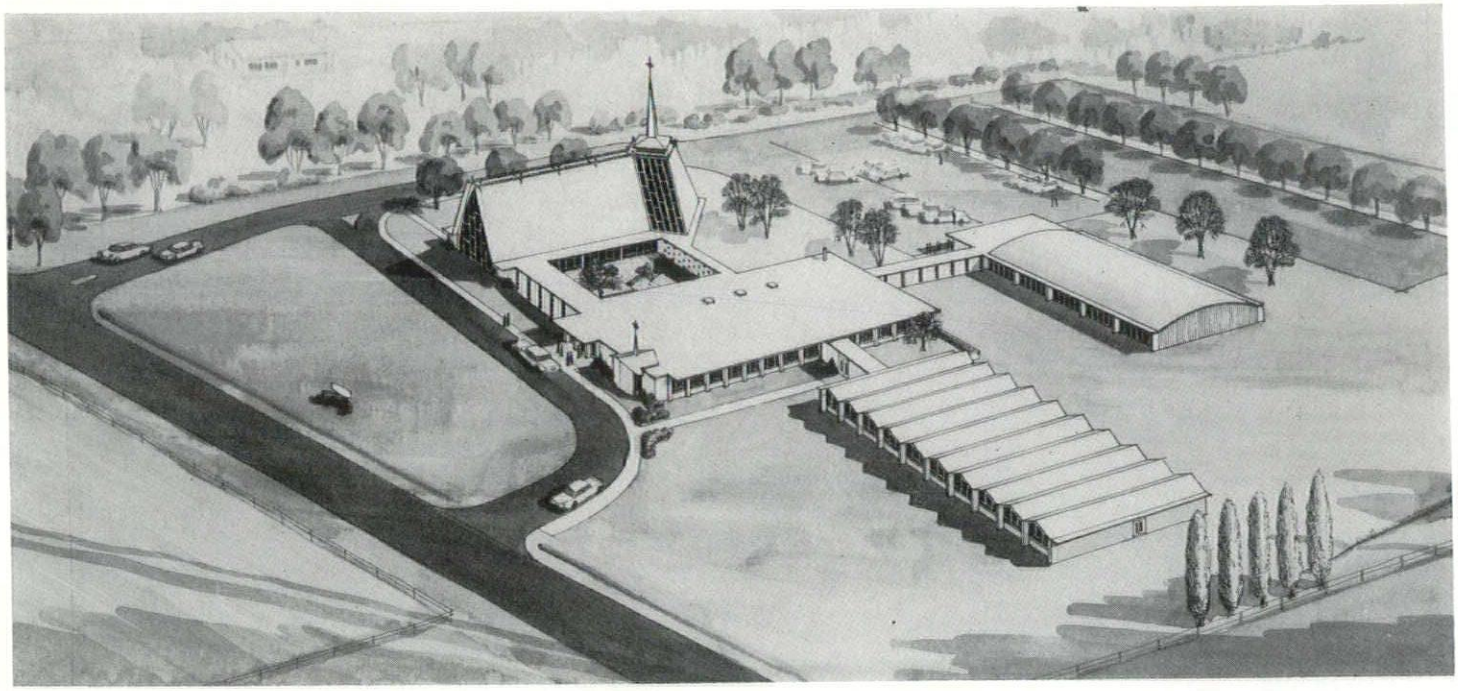
Today such churches are no longer possible, and, in most instances, not practical. How, then, do we recapture this essential element in church architecture? This is hard to answer. Perhaps, because this is written for architects to read, it will permit but one suggestion.

This suggestion takes the form of questions. Can an architect for whom worship is not particularly meaningful or essentially a part of his daily life build a building for the worship of God? Can a man who is not steeped in liturgy build a church for liturgical worship? Can a person who has no truly living relationship with God express the needs and aspirations of man for God in his design? Should not the church building committee first of all determine the religious stature and experience of the architect before committing to him the design of this symbol of religion?

My basic criticism of most modern church buildings is that they do not speak to any of this. Functionally the buildings may be ideal. Light, space, traffic patterns, efficiency, all may be of the very best, but what does it say about God? What does it do to assist a sinful man when he lifts his life to God in his worship? Is it possible to really put into a design something which is not real or present in the life of the designer? I think not. I am afraid that much modern church architecture is sterile and meaningless for this reason.

Personally, I have great hopes that out of the welter and confusion of modern church design there will come a deep and abiding expression of the spirit of man in relation to God for this age. I think it cannot help but come sometime.

This is the great challenge of the modern American church architect; and when the day comes that he can feel the same glory and wonder which the old Gothic builder felt as he knelt in humble worship in the structure which he had been impelled to build as an expression of his love and thankfulness to God, we may enter a new and glorious age of church architecture. Let us hope it will be so.



Church Of The Saviour

ARCHITECTS-ENGINEERS PISTLER AND PISTLER

Church of the Saviour (Methodist) is typical of many new congregations which are springing up in the suburban fringes of our metropolitan centers. The membership is composed in large measure of younger families with small children. Most of these families have recently occupied new homes in the rapidly developing area. They come from many parts of the country and from a variety of backgrounds, but they share the desire to establish a permanent church connection, particularly for the benefit of their children. (No doubt they also share the usual suburban financial burdens arising from mortgages and child-rearing expenses.)

Church of the Saviour has one advantage which is not so typical: it is located in Montgomery, a very old village which has recently been engulfed by Cincinnati's suburban tidal wave. As a result, some of its members are long-standing natives of the area; they give the church "roots" in the community and help to balance the age distribution of the membership.

Against this background the congregation and its architect have sought to provide the church with its first permanent home. In addition to satisfying current needs, the building committee recognized from the outset that a course of future expansion should be plotted which would permit an orderly and economical growth to the church's intended ultimate size. Accordingly, a Master Plan Study was commissioned, so that both present and future building requirements could be co-ordinated. An extensive questionnaire was submitted to the Building Committee in order to develop the necessary program of requirements for this purpose. Based on the resulting organized statement of needs, a Master Plan was prepared which fulfills all of the church's basic needs:

1. An initial building unit affording maximum space at minimum cost, yet providing a sufficiently refined and eclesiastical appearance to encourage worship and to be inviting to new members.

2. An ultimate physical plant able to house a well rounded program of worship, education, fellowship and service for 1000 members.

3. A method of expanding the initial unit in as many as three successive building stages to reach the ultimate complete design over a period of up to fifteen years, but avoiding waste space, needless duplication of facilities, or excessive rebuilding of earlier construction.

4. Sufficient flexibility of design to permit substantial deviations from the present Master Plan in the sizing and detailed layout of future building additions, without destroying the basic intent and effectiveness of the Master Plan Scheme.

5. An efficient and attractive use of the church's previously acquired site of nearly six acres, with particular regard to convenient automobile access and parking facilities.

The architectural solution is shown in the accompanying plans and rendering. The entire project is intended to be of one floor slab-on-grade construction, with the possible exception of mechanical equipment rooms in future units. The ultimate plan is composed of four functional parts.

Administrative (and service) unit, which constitutes the initial building program, is centrally located and contains a variety of spaces, as indicated on the plan, which are needed in conjunction with the operation of several or all of the major activities of the

church. This includes facilities for the care of very small children, not only on Sunday but at other times when required.

The library-reception room can be opened into the narthex, or lobby, for large social gatherings. A small kitchenette serves this area, as well as the office personnel and affords a convenient place to prepare for Communion services.

For the present, this 7700 square feet building will house all church activities. Somewhat unique is the fact that the chapel, initially seating about 150 for use as a temporary sancutary, will later be reduced in size to provide an intimate setting for family worship, very small weddings, group religious therapy, and individual prayer.

A comparison of the initial and final plans for this building reveals that while functions will change drastically, very few changes in interior partitions will be required. Nevertheless, the corridor and exterior walls only carry the roof structure, making unforeseen changes in interior layout perfectly feasible at any time. The roof deck of insulating non-combustible fibre board is supported partly on exposed laminated wood beams and partly on concealed steel joists. This structure is carried on masonry walls and steel columns. Exterior masonry is a pale pink sand-mold brick; interior masonry, including all partitions, is exposed concrete block. Hot water heating with fin-tube radiation is provided.

Lighting is mostly incandescent, with all conduit concealed, even where roof deck is exposed. Low-voltage switching is used in many areas of the building and will facilitate future changes in lighting arrangements. This building is now under construction at a cost of about $94,000, exclusive of land and fees.

Sanctuary unit will seat about 450 persons and will be constructed of laminated wood arches and wood roof deck. A flat section of roof at the ridge line will include concealed skylights; the splayed roof surfaces at the chancel will also include large areas of glass to light the chancel. End wall of the sanctuary facing the street will likewise be largely glass. The use of some stained glass is being anticipated. A wide passage connecting the sanctuary to the narthex and main entrance will contain alcoves where coats may be hung. This passage is expected to have a quieting influence on worshippers as they approach the sanctuary. A smaller passage to the chancel will be used by the clergy and choir and for weddings, baptisms and the like.

Christian Education unit extends to the west. Masonry piers along the side walls and a central "spine-wall" will carry the prefabricated wood folded-plate roof system, allowing large, economical, interior areas free of supporting columns or walls and affording extremely flexible space for changing educational needs.

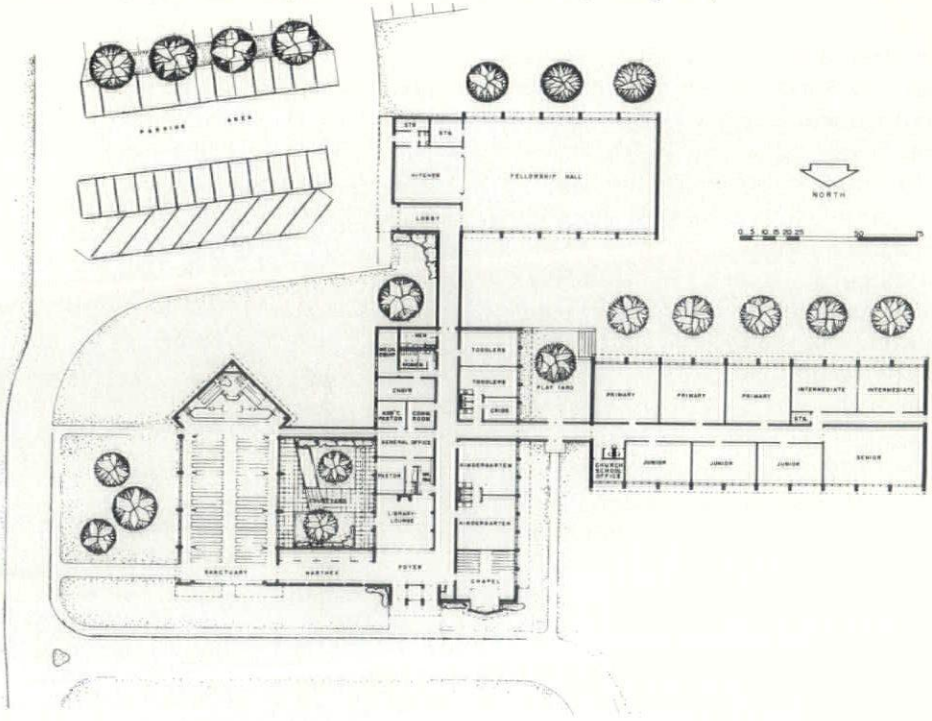
This building may be erected and sub-divided in increments of about fourteen feet as the need arises. The layout shown is considered indicative of what is likely to be required. Space is available for a larger building if necessary. Repeating sharp angles of the roof line will add a note of interest to this otherwise utilitarian building; the same roof line is echoed at the chancel of the small chapel.

Fellowship Hall unit is at the rear of the group and will have a main roof supported by laminated wood radial arches. A major entrance from the parking area to this unit is provided. Thus, the hall may be operated separately from the rest of the building, and the entrance affords a quick way into any part of the building from the parking area during inclement weather. Cars may call for passengers waiting under a large canopy outside this entrance.

The various units of the building will be connected by enclosed passages with ramped floors to allow each unit to be set at the most economical floor level. The passages also provide a simple method of providing fire separations required by the building code. Driveways are arranged to organize traffic flow and the parking area is located so as to be convenient and yet inconspicuous. Planting islands will relieve the monotony of a "sea of asphalt." A courtyard between the sanctuary and administration unit will eventually be landscaped to provide a quiet outdoor refuge for meditation and a handsome setting for church social gatherings.

Working closely with its architect, the Church of the Saviour has carefully defined its building objectives and has arrived at a means of achieving them over a period of years. The Rev. James R. Hipkins is minister of the church.

Floor plan of the final development, Church of the Saviour, Montgomery.



Planning Food Facilities For The Church

by
Richard R. Iuen, AIA
Food Facilities Consultant

Entirely different problems are encountered by the architect in planning food facilities for a church project from those in the development of food service areas and facilities for schools, institutions and industrial plants.

Not more than twenty-five years ago the church was the center of the social life of the community, providing most of the social contacts and entertainment enjoyed by its members and the community as a whole. Much of the social life centered around dinners or socials, which included serving food, given by various groups affiliated with the church. A great portion of the income of the church resulted from these money-making social events.

During that period when a dinner was planned, various women of the group responsible for the occasion were assigned to prepare portions of the menu, usually the meat and desserts, in their own homes. The vegetables and salads were the only foods prepared with church facilities, which usually consisted of several tables, a range, a sink and storage space for dishes and silverware.

Now the picture has changed. Very few churches depend on dinners to supply income for the church budget. Dinners and banquets given at the large city and suburban churches of today usually accommodate only certain portions or groups of the church family. The purpose of these occasions is fellowship among the members of the church group rather than supplementing the church income.

The food facilities for a present-day church, therefore, must be adequate to accommodate the maximum patronage, along with the various methods of serving employed in the church—including pot-luck, smorgasbord, family style, cafeteria service and waitress service. While a particular church may have only one or two large dinners a year, the facilities must be adequate for the maximum meal load as well as the smaller affairs.

The fact that most of the personnel involved in church food service are volunteer members of the church congregation, rather inexperienced in the mass production of foods, must also be considered. The kitchen and serving area must be roomy and the work aisles wide enough to accommodate the large number of workers, usually more than twice that required for a commercial operation. Correct flow pattern of the work also must be carefully planned.

In planning church food facilities, it is only necessary to furnish adequate storage for china, glassware, silverware, linens and cooking utensils. All foods required for each meal are purchased and delivered the day they are used, so no food storage is needed. Usually a three-compartment refrigerator, or two two-compartment units are sufficient for the entire operation; at least one compartment arranged for storing dairy products and other supplies and two compartments fitted with tray slides for storing salads prepared and ready for serving.

The accompanying plan of the food facilities at Hope Evangelical Lutheran Church, Toledo, developed by this author for Bellman-Gillett & Richards, Architects, is an excellent example of kitchen and food service facilities planned to accommodate the various methods of church food service previously mentioned.

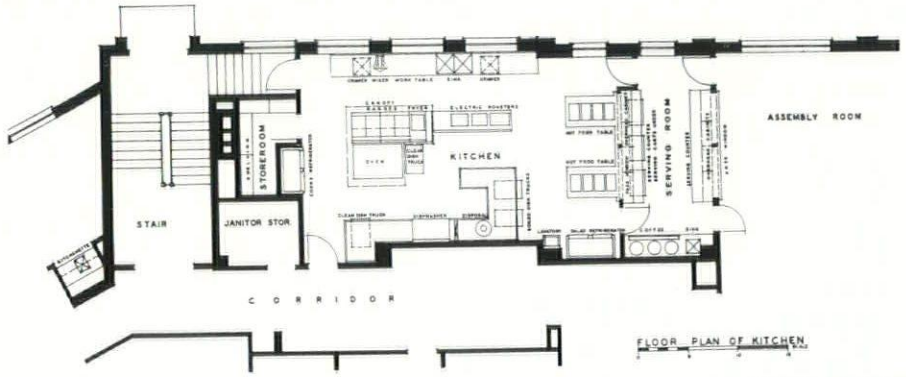
In the kitchen twin Hot Food Tables, provided with electric hot food wells for 12″ x 20″ cafeteria pans and with lower cabinets enclosed with sliding doors on both sides, flank a pass-window which opens into a serving room. A flat serving counter is located on the opposite side of the pass-window. This counter, with the two Hot Food Tables, accommodates waitress service, cafeteria service or family style service. The flat counter provides a place for resting trays in both cafeteria and waitress service operations and also is used for prepared foods in smorgasbord and pot luck meals.

The counter on the wall opposite the kitchen pass-window can be used for salads, desserts and breads for all types of service. The pass-window over the salad and dessert counter eliminates the necessity of waitresses entering the serving room for these foods when family style or waitress service is employed. Wall cabinets above the two pass windows provide adequate storage for glasses, cups, saucers and dessert plates which are used in this area or in the dining room.

Coffee service located in the serving room is convenient for all types of service, and the urn stand is furnished with space for temporary storage of cups and saucers, as well as with an integral sink for cleaning coffee bags.

The church kitchen should be provided with a rear door for delivery of supplies and a vegetable preparation area close to the receiving area. In order to avoid duplication of equipment it is wise to provide equipment which can be utilized in a number of operations, such as the sink-worktable combination shown on the accompanying plan. This is used for vegetable

Kitchen floor plan of Hope Evangelical Lutheran Church, Toledo.



preparation work, pot and utensil washing and as a cook's table.

The cooking operation should be located in the center of the kitchen with an exhaust hood or canopy mounted over the ranges, oven and fryer. Some provisions for holding prepared foods in heated storage until serving time should be provided. In the case of the Hope Evangelical Lutheran Church meats and casserole dishes prepared prior to serving time and in excess of the amount which the Hot Food Serving Tables will hold can be stored in the oven. A work counter with adequate electrical receptacles is provided for electric roasters of prepared foods which may be brought in prior to serving time by the members of the dinner committee.

Salads and desserts are prepared in the work area, and the salads with those desserts requiring refrigeration are placed on trays in the salad refrigerator which is conveniently located at the door leading into the serving room.

Both pass windows are equipped with sound-proofed doors which can be closed to prevent the noise of the dish-washing and clean-up operation from disturbing the occupants of the dining or assembly room.

According to Code Regulations all food preparation units, large or small, must include a hand-washing lavatory to prevent workers from washing their hands at sinks designed for food preparation.

Normally, it is good practice to provide all entrance and exit doors to and from the kitchen and serving areas with locks, keyed alike, to prevent unauthorized use of the facilities.

Careful and intelligent planning of church food facilities is as important as the planning of the church and educational plant itself. Too often the architect has been criticized because of improper planning of church kitchen and food service facilities caused by his limited knowledge of the problems involved in church food service operations and his disregard for the importance of adequate facilities for food service in the social and recreational program of the congregation.

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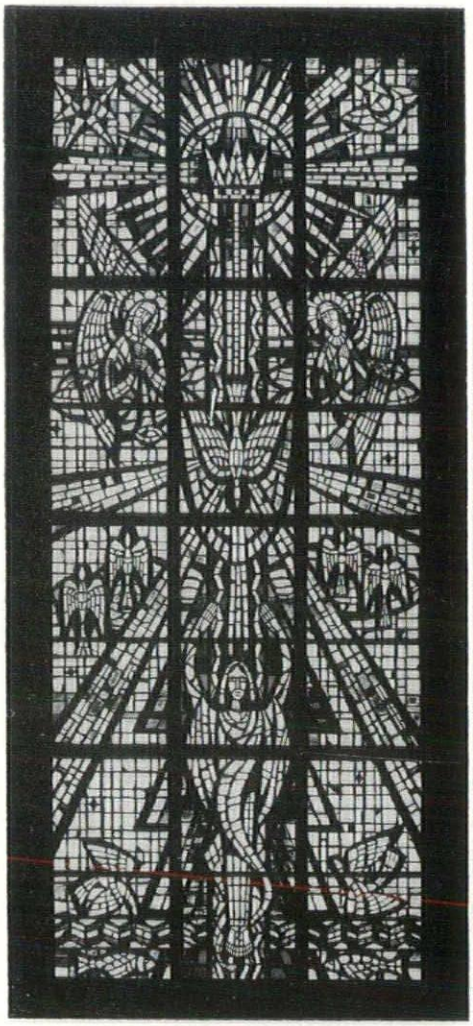

Photograph shows in black and white the entire window described in this article. A portion of the window is reproduced in four colors on the front cover of this issue.

The Cleveland firm of Winterich's has been awarded the contract to manufacture 333 glass panels in 10 different sizes, ranging from two to 20 feet in length, for installation in the new Air Force Academy Chapel at Colorado Springs, Colo.

The Window of St. Therese Church

Architect Robert T. C. Miller, AIA Designers and Craftsmen Winterich's

Embodied in this window is the symbol of Baptism and its related attributes. The cross and crown represent Christ's Kingly office and His love for us, and from whom emanates all graces. These graces are dispensed through the Holy Ghost to the soul which is shown as a figure in pure white receiving the gift of Baptism. The sun and moon are the similes of life and death. The angels are the herald and helping hand of the soul on its way to Christ. The doves and fishes depict the human soul partaking of the fountain of living waters which states that "unless a man be born again of water and the Holy Spirit he shall not enter the kingdom of heaven."

The faceted glass window is 12 feet wide and 32 feet high and consists of one entire exterior wall of the Baptistry. The window was designed and executed in the Cleveland Studios of Winterich's for the new St. Therese Church in Garfield Heights, under the direction of Robert T. C. Miller, AIA, Cleveland architect. The Rev. James H. Smith is pastor.

The idiom of "Faceted Glass Set in Cement," now realizing popularity among artists and architects is in essence, not a new art form. Evidence of work done as early as the Fourth Century has proven to be the forerunner of this medium. Irregular pieces of glass varying in size and shape were set in wood or stone. Recently this idiom of glass in concrete was developed in France commercially about 20 years ago, but it has only been during the last ten years that it has been used widely and taken up by studios of the Stained Glass Association of America, with momentum growing in its use in the last three or four years. With the American studios the process has been refined, the technique improved and the materials, through research, made more durable and of superior quality.

This technique is a direct unadulterated approach in light and color because of the use of the few natural materials, glass, steel and a binder. The mention of these three components suggests structure and structural application. The design of a "Faceted Glass" window, or more correctly, "Wall Area" must be controlled and thought of as a bold and direct statement in color.

The basic steps of producing a Faceted Glass window are the same as normal stained glass prior to cutting. This is—designing, layout, full-size cartoons, color selection and cut lines.

The glass area, which is composed of brilliant colored pot-metal "slabs" approximately one-inch thick, are cut and chipped with a masonry hammer to the required size and shape. Facets are cut into the face surface of the glass by means of chipping with a mosaic hammer or a sharp edged chisel. The pieces may also be cut to size and various contours by means of a diamond saw using water as a coolant.

Various pieces of "Faceted Glass" which have been cut to their definite contour sizes are then placed on a sheet of Polyethylene Plastic which is transparent, under which the full-sized cartoon is laid to guide the artist in the exact placement of these pieces. These pieces of faceted glass are then held in place on the sheet of plastic by means of lightly coating them with rubber cement. On top of the plastic and encompassing the glass is the wood form, usually one-inch thick.

Thin steel bars, bent to conform to the design, are reinforcing elements which are worked in between the design of the glass and which will be later embedded in the binder.

The binder is a composite of cement, silicate aggregate, brown lake sand and latex liquid. Two parts silicate aggregate to one part brown lake sand make up the basic dry mix. Two parts of the basic dry mix to one part of Portland Waterproof Cement (white or gray) are mixed together dry. The liquid latex binder is then added to achieve the proper consistency for pouring. The binder, after being thoroughly mixed is then poured around the glass and reinforcing rods vibrated at a high frequency to settle and remove any air pockets. The surface is then finished to the desired texture with the facets being on the interior and the smooth portion of the glass and cement on the exterior.

Because of the self-curing properties of the binder when using liquid latex, it is not necessary to keep the panels under moisture for a greater period of

Window Continued

time. This, of course, eliminates the use of added facilities, space and equipment.

The panels are removed from the forms and lifted away from the plastic after a three-day period. Excess binder is removed from the glass facets and thoroughly cleaned. Liquid silicone is then applied to the panel as an added waterproofing measure.

The panels are installed with the use of Warflex Tap, a permanently pliable adhesive, or other types of mastic depending on specifications. In installing these panels, they must be joined together by some mastic which will never harden and will allow for expansion and contraction and prevent leaks. Aside from being a structural component. Faceted Glass is a human attempt to transmit an emotional experience, not only exciting, but inspirational—a stimulus of reverence and devotion derived from one of man's first bonds with creation.

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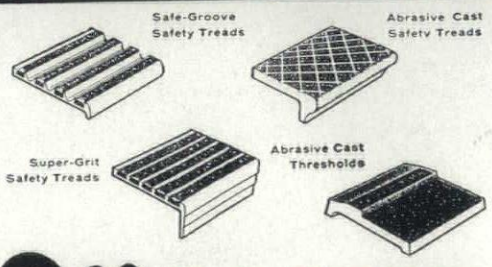

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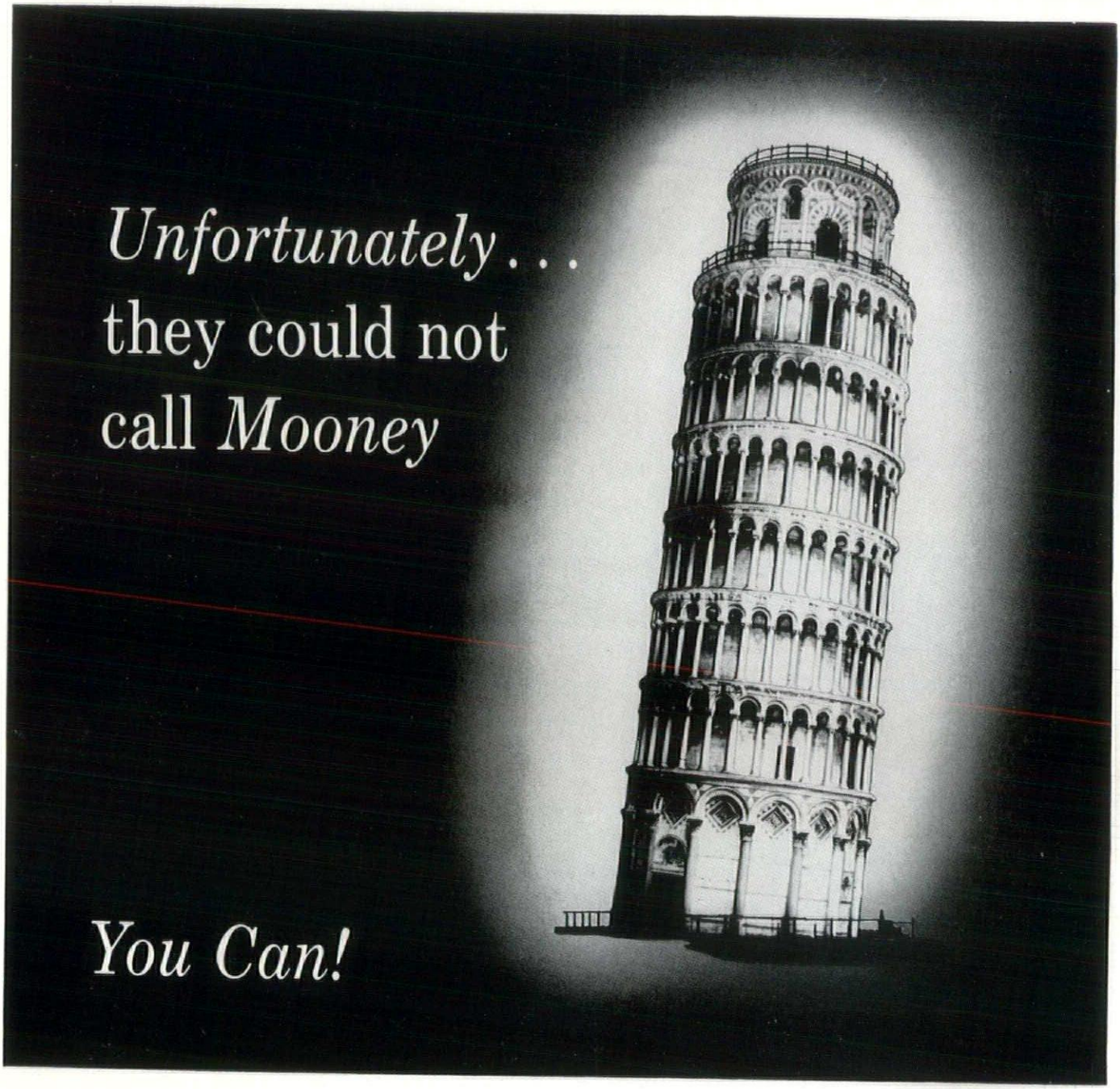

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Architects' and Engineers' Third Party Negligence Liability — The Fall of the House of Privity

By George M. White
Cleveland

THE AUTHOR

The author, George M. White, is a third year law student in the Law School of Western Reserve University. Professionally, he is a self employed architect and consulting engineer and an associate of his architect father, Max H. White, in Cleveland. Mr. White, 38-years-old, also lectures part-time in nuclear physics at Western Reserve. Prior to his self employment he conducted a Test Course and worked later as a design engineer for the General Electric Co.

BS and MS degrees were earned by Mr. White at the Massachusetts Institute of Technology. He received a MBA degree from the Graduate School of Business Administration of Harvard University.

Mr. White is a member of AIEE, IRE, AIA, NSPE and the Cleveland Engineering Society. He belongs to honorary societies Eta Kappa Nu, Sigma Xi, Western Reserve Law Review and Hexalpha, the M.I.T.E.E. Honorary Society. He has traveled throughout South America and the United States and Canada and is a holder of a U.S. Patent concerning electronic devices.

EDITOR'S NOTE: This is a digest of an article that appeared in the September, 1959, issue of the WESTERN RESERVE LAW REVIEW. *Legal citations for general statements and specific cases may be found in that publication.*

BACKDROP TO LIABILITY

Almost 5,000 years ago, under the ancient Babylonian Code of Hammurabi, the forerunner of the Roman *lex talonis* was in vogue. Justice for builders and designers was swift and sure. As a result of the collapse of a building, if a child died, the son of the builder was killed in return; if an arm was lost by a third person, the builder's arm was removed; if a death occured the builder himself was put to death.

The passing of centuries brought a more dignified and less stringent attitude toward punishment, until early English law, it became necessary for a contractual relationship to exist between the architect and the owner in order for liability to be incurred by the architect. Today, we have risen from the launching pad of negligence and are again approaching the orbit of the strict liability of Hammurabi, not with retaliatory punishment, but rather with an economic penalty, justification for which is usually made on the basis of the doctrine of spreading the risk.

The engineers with whom we are concerned here are those who engage in activities similar to architects, and hence the terms architect and engineer will be used interchangeably.

In examining the legal status of an architect, we find that he wears a coat of many colors. Because of his contract with an owner, we find a principal-agent relationship in existence.

In the supervision of the construction, however, he is an agent of the owner, with certain limitations.

Because of the usual contractual provision that the architect shall act as an arbitrator in disputes between the contractor and the owner, the architect under those conditions assumes a quasi-judicial capacity.

It is apparent that there are many areas in the course of carrying on a building operation wherein the architect or the engineer is neither agent nor independent contractor nor quasi-arbitrator, but part of each. Courts over the years have had a great deal of difficulty in drawing a fine line of distinction between these various roles. The problem becomes more acute under today's extension of professional liability.

Modern law concerning liability to third persons not parties to a contract finds its roots in *Winterbottom v. Wright*. The rule of that case was held for many years to mean that there was no liability of a contracting party to one with whom he had no contractual relationship. A gradual erosion of that rule began to take place shortly after its inception. Exceptions where liability was found included the seller of chattels who knew that the chattel was dangerous for its intended use, and also instances where the chattel was of a type inherently dangerous to human safety. The famous *MacPherson v. Buick Motor Co.* case put the quietus on the *Winterbottom* rule, at lease insofar as chattels were concerned. It was held, in effect, that there was a responsibility on the part of the manufacturer of chattels to the ultimate consumer which rested not upon the contract, but upon the relation arising from the purchase and the foreseeability of harm if proper care in the manufacture were not used.

The present day tendency is to carry the liability of the manufacturer of chattels into the area of strict liability and make him, in effect, a guarantor of his products even though he exercises all reasonable care in their manufacture. All indications are that this extension of liability to third persons will continue insofar as chattels are concerned.

While the liability of other contractors to third parties has not advanced either as rapidly or as extensively as that of suppliers of chattels, the forces which have held the idea of privity or contractual relationship seem to be diminishing gradually under the counterattack of social improvement.

Liability of the building contractor with respect to third persons has been difficult to fix in past years. Many recent cases, however, have made the distinction between buildings and chattels appear rather flimsy. Thus having extended liability to third persons first in the field of suppliers of chattels, next in the field of other contractors, then in the field of some professionals and finally in the field of building contractors, the next logical step is being taken in the field of architects and engineers.

Because an architect's relationship with a construction operation is born out of a contract it is quite natural to find that his liability for negligence has grown out of the same contract. On that basis it is necessary to examine the architect's duties resulting from his agreement with the owner.

As in other professions, the architect has a duty to meet professional standards of conduct. He implies that he possesses the skill and ability, including taste, sufficient to enable him to perform the required services reasonably well, and that he will exercise his skill, ability, judgement and taste reasonably and without neglect. The architect has a duty to provide for reasonable strength of the structure, proper materials, character of the construction; and he must keep abreast of the improvements in the industry. The owner, as against the architect, may rely upon the sufficiency of the construction of the building when it is certified by the architect to have been completed in accordance with the plans.

An architect's duty to direct and inspect construction work carries with it the duty to condemn work which he considers unfit. He does not, however, in the absence of a special agreement, imply or guarantee a perfect plan or completely satisfactory results. He is liable only for failure to exercise reasonable care and skill. There is no implied promise that miscalculations may not occur and while the architect implies the use of ordinary skill, he is not an insurer of the accuracy and perfection of his work. He does not profess that his plans will be absolutely perfect.

Even the owner's approval of the architect's plans before they were used in the construction has been held not to excuse the architect from the exercise of ordinary

(Continued on page 18)

and reasonable care in the designing and formulating of his plans. Neither does the failure of the contractor to check the plans before using them excuse the architect from the consequences of an error in the plans.

Although the architect's duties are spoken of in broad terms, they are in reality detailed and varied in their scope. He becomes involved in relationships with various people in such a manner that it is virtually impossible for him not to violate some measure of his duties, depending upon his interpretation of the word "reasonable." It is probable that because of this broad scope of contact resulting from the architect's original contract there has been very little attempt until recently to extend the liability of the architect beyond the parties privy to that contract.

OVERTHROW OF PRIVITY

Historically privity of contract was required before a breach of the architect's duty would create liability to *anyone*. Under that doctrine one party to a contract is not liable to another who is not also a party to the same contract. Even though an architect is liable to the owner for damages resulting from the architect's negligence, he is not liable where the owner deals with the contractor independently. In the absence of collusion or fraud there are many cases that have held that a third party not privy to the contract cannot rely upon the contractor's negligent errors or omissions causing damage in order to hold a party to the contract liable. The classic case of *Derry v. Peek* has been used for many years to show that where there is no fraud contracting parties are not liable to third persons who are not privy to the contract. The cases are legion that have followed that doctrine; the architect has found immunity in his share. In the well known case of *Geare v. Sturgis* in which a building collapsed and killed a third person, the architect and the contractor were held not liable on the ground that no privity of contract-existed between them and the person killed. One additional influential factor was that the building had been accepted by the owner and was therefore under the owner's maintenance and control. In *Curtin v. Somerset* the court said that the consequences of holding opposite to the rule requiring privity of contract would be far reaching.

> If one who erects a house or builds a bridge . . . owes a duty to the whole world that his work . . . contains no hidden defects, it is difficult to measure the extent of his responsibility and no prudent man would engage in such occupations upon such conditions.

There are a number of cases involving an architect's contractual liability to the owner that have indicated that an owner does not waive his rights against the architect as a result of having accepted a building as a completed structure.

In all natural evolution the extension of the effects of some particular individual change in a chain of events can be almost limitless. Thus it is that the effects of *Glanzer v. Shepard*, in which a weigher of beans was found liable to a buyer despite the absence of a contractual relationship between them, were felt throughout the genes of liability to third persons in all areas; its effect is even now being visited upon architects and engineers. The court held that no privity of contract is necessary for liability. The principle was adopted that one who follows a common calling, and who serves another, may come under a duty to a second party, even though a third party may give the order or make payment.

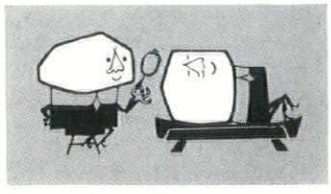
With that beginning cases arose which attempted to find liability to third persons. A pattern in the cases began to appear indicating an awareness that there is no visible reason for the distinction between the liability of one who supplies a chattel and one who erects a structure. A number of cases have reached this conclusion. A recent case, *Inman v. Binghamton Housing Authority*, spells out the prevailing attitude. While holding that the architect was not liable, the court said that the doctrine that holds a manufacturer of an inherently dangerous chattel, defectively made, liable to remote users, is applicable to those who plan and put up structures on real property.

> A Pennsylvania court said:
>
> There is no reason to believe that the law governing liabilities should be, or is, in any way different where real structures are involved instead of chattels. The principle inherent in the MacPherson v. Buick Motor Co. case and those that have followed it cannot be made to depend upon the merely technical distinction between a chattel and a structure built upon the land.

More recently in *United States v. Rogers & Rogers*, a contractor sued the architect for negligence in supervision in that the architect allegedly negligently construed and interpreted reports of tests on concrete and he then negligently approved structures made of that concrete when he should have known that the specifications were not being met. The court stated that California courts no longer followed the common law rule that privity of contract must exist in order for negligent performance of the contractual duty to give rise to liability for damage to an intangible economic interest.

> The court in the *Rogers* case said:
>
> Considerations of reason and policy impel the conclusion that the position and authority of the supervising architect are such that he ought to labor under the duty to the prime contractor to supervise the project with due care under the circumstances, even though his sole contractual relationship is with the owner . . . The power of the architect to stop the work alone is tantamount to a power of economic life or death over the contractor. It is only just that such authority exercised in such a relationship carry commensurate legal responsibility.

(Continued on page 20)



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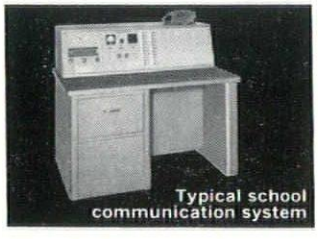

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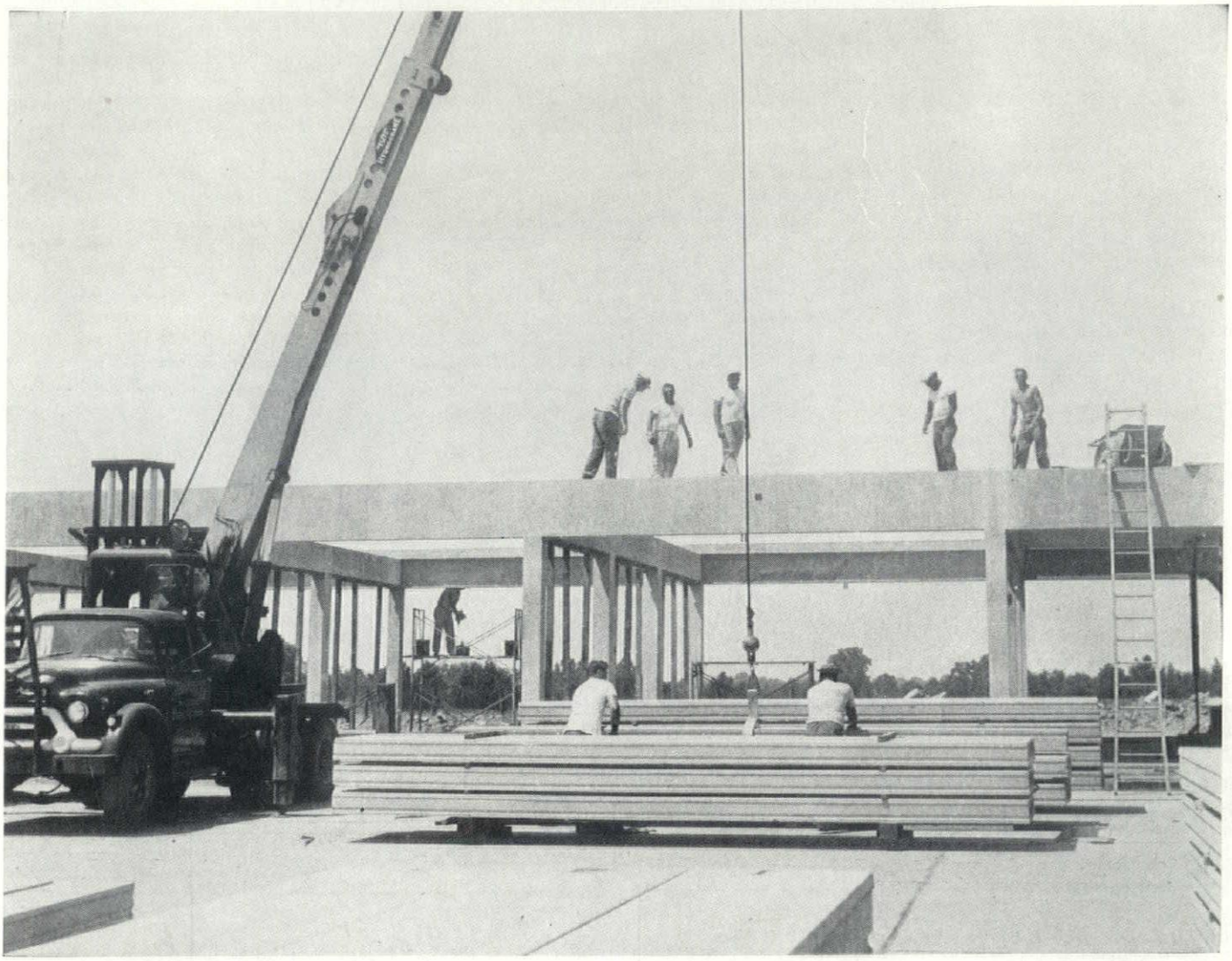

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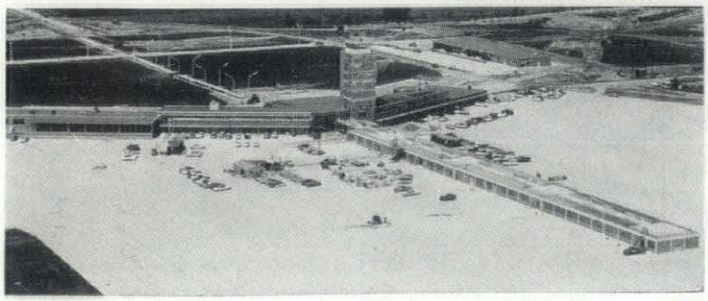

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The architect's satus as an independent contractor in the eyes of the law would bring him under this now generally accepted doctrine: If a thing constructed is inherently or eminently dangerous, or if the contractor's act results in creating a danger, the probable consequences of which would be injury to persons, other than the owner, who may come in contact with the structure, the liability of the contractor for the consequences of his negligent act is not limited to the owner but extends as well to any third person not a trespasser who receives injury or damage as a direct result of such act.

In *Day v. National-U. S. Radiator Corp.* an architect was held liable in damages for the fatal injury of a workman who was killed as a result of a boiler explosion. It was alleged that the explosion occurred because the architect had improperly and negligently supervised the job. Although it was conceded that the subcontractor was guilty of gross negligence in the installation of the hot water system to which the boiler was attached, the architect was found liable because he had not noted the improper connection during his supervisory inspections.

Of all the architect's duties that portion which involves supervision is probably the least understood by courts and attorneys and is also the area out of which most litigation will arise. This is the gray area of judgement, as exemplified by the *National-U. S. Radiator* case. How closely may an architect be expected to inspect the work in progress? What are the physical tolerances that can be used as a measure of his legal duty? The necessity for each case to be decided on the basis of its own facts is well recognized; there are, however, some generalizations that can be made with regard to the term "supervision."

As in most areas of misunderstanding the roots of the weed are firmly embedded in the definitions and accepted uses of the word. Supervision, as is usually explained in a cursory fashion in the owner-architect contract, does not mean daily superintendence of the work. Where the latter is required, special provisions are made for a paid representative of the owner to be present on the job site during all working hours. In the ordinary instance, however, no such elaborate arrangements are made. The architect stops at the job site at various intervals, the frequency of which is determined both by the contractor's need for interpretation of the plans and specifications, and the owner's need for his interests to be protected in that the plans and specifications must be accurately followed. These job visits may occur each day at one stage of the construction and each week at another stage.

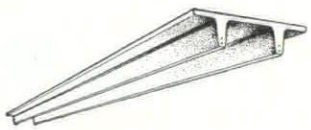
Who can say what error or omission by the contractor might cause future injury to a third party and which a reasonable architect might miss, even with daily inspections? Can the architect be held liable for latent defects which cause injury and which he was not astute enough to be able to predict during his supervisory visits? Clearly, these are questions that must be answered by the courts in the future. Some pattern may have begun to take shape, but it is unlikely that attorneys will have an established guide in this area of "supervision" for some time to come.

PROFESSIONAL LIABILITY INSURANCE

A further development in this now rapidly increasing extension of architects' and engineers' liability to third persons is the initiative taken by the professional societies in making insurance available for the protection of architects and engineers. Both the American Institute of Architects and the National Society of Professional Engineers have arranged for insurance policies prepared especially for these two professions. The following statement was made by the chairman of the AIA professional liability committee:

> . . . the committee set about to develop a policy form which would provide the maximum protection for the architectural and engineering professions . . . when the new policy was finally written it accurately reflected the wishes of the committee and in many parts the wording suggested by the committee.

Similar statements by officials of the



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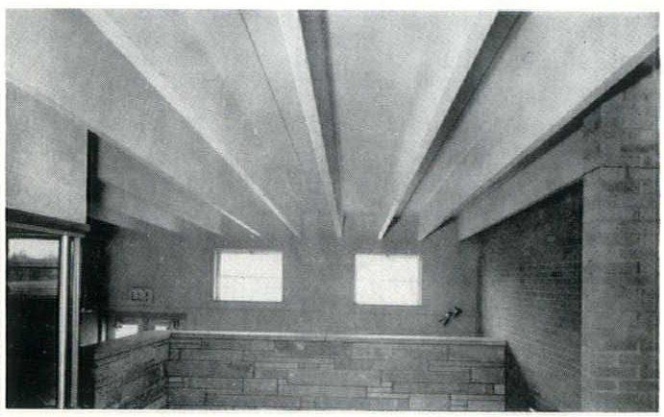

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The coverage in these policies is not limited to bodily injury or property damage caused by the accident; full coverage is provided for expenses of defendants in addition to the limit of indemnity; coverage is available for past errors, omissions and negligent acts. Very likely courts and juries will be influenced by the knowledge that this insurance exists, and in line with the general policy of spreading the financial burden for injury over more people, it would seem that third party liability suits will increase in the area of professional engineering and architecture just as it has in other areas.

FUTURE TRENDS

The tremendous increase in population of the United States in the past several years and the promise of its continued increase in the future is indicative of an increasing amount of construction work that will be performed. The construction industry has resisted automation rather effectively and will probably continue to do so, thus indicating that the number of construction employees will increase rather than decrease. With greater numbers of architects and engineers there will undoubtedly be more and more possibilities for negligence to occur.

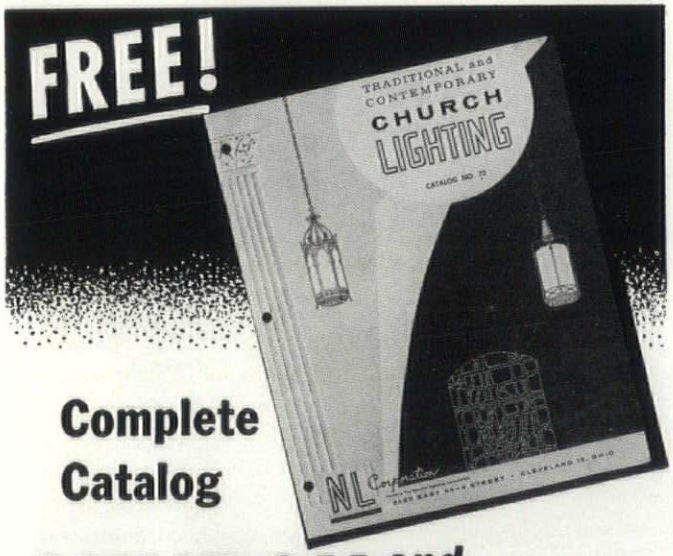
When an injury does occur, it seems proper that even though it arises out of an error in judgement rather than negligence, the one who is injured should have redress against the one whose error in judgement caused the injury. This general trend must be accepted in a world in which opposing ideologies are vying for leadership in giving benefits to the citizenry. It must be expected that a private enterprise economy that is seeking ways to meet the collectivist challenge will indeed spread the financial burden and the risk so that individual standards may be elevated without the onerous raising of arms in supplication to a paternal government. The method of equalizing the burden through insurance seems to be working well in that regard.

A further factor worthy of consideration is the inability of the architect to once again become the Master Builder of the middle ages. The construction of a large modern building reflects so many facets of technology that the architect, who must of necessity become involved in them, finds it increasingly difficult if not a virtual impossibility to maintain competence in them all. The architect hires specialists in these areas—engineers for structural, acoustical and mechanical design—but even though the responsibility might extend to these sub-agents, the architect remains the supervisor and must of necessity protect himself accordingly. Further, this ever widening extension of the architect's duties indicates the increased possibilities in the future of an error in judgement which might result in injury to a workman, or an occupant of the building.

These factors all point to an assuredly increasing tendency to find architects and engineers liable for injuries to third parties resulting from professional negligence.

As an epilogue to the drama it seems discreet to consider the possibility of a lowering of professional stature through the medium of increased liability. Time was when a professional man was thought of not only as a master in his particular area of knowledge, but also as a man of esteem to his clients and to the public in general. If he is to be thought of as someone to sue at the slightest provocation, then the one time exalted status of the professional man may be reduced to that of any other business entity. Perhaps this is as it should be. If so it follows that those who lean toward the professions, whether they be doctors, lawyers, architects or others, should recognize a new tenet: the paths of professional glory lead but to liability.

THE END



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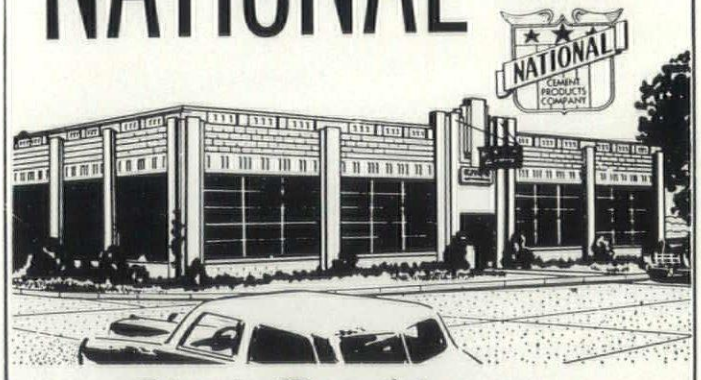

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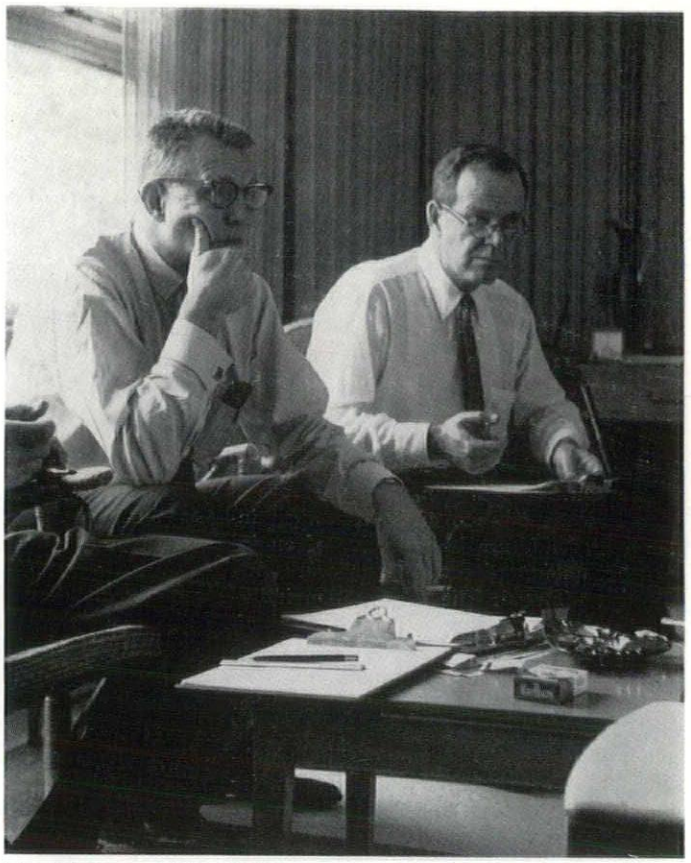
State Board of Examiners Conduct Architect Examinations

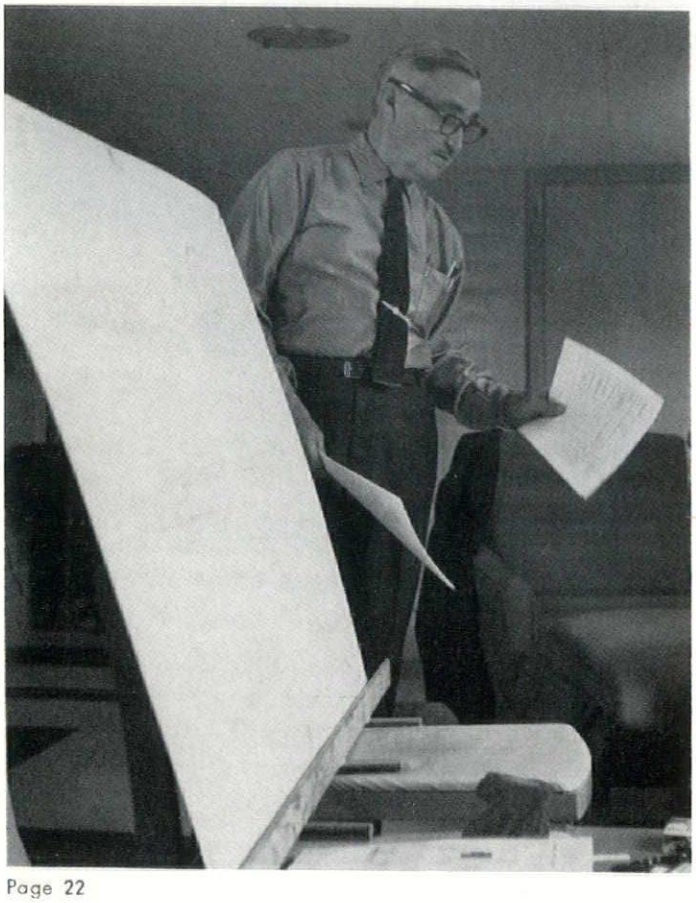
The State Board of Examiners of Architects has the responsibility of administering the law, enforcing the law and conducting at least two written examinations annually for those who desire to enter upon the practice of architecture in the State of Ohio. These examinations each cover ten subjects all specifically pertaining to the practice of architecture: history, composition, design, graphics, construction, sanitation, heating and ventilating, practice and supervision, specifications, and electrical work—for which periods totaling 36 hours are allotted, starting Monday 1:00 P.M. and finishing at 5:00 P.M. on Friday.

The design problems are graded by the full Board of five members working together until the job is completed. This work requires concentration and as much freedom from interruptions as possible, such sessions can best be carried out where these conditions prevail. The grading of the September examination design problem was carried out at a meeting of the Board in Canton, where Mr. Charles E. Firestone, serving on his fourth appointment as a member of the Board, made available space in his home for this meeting.



Mr. Schatz and Mr. Hobbs caught in deep concentration (with a faint reminder of a famous piece of sculpture by Rodin).

Executive secretary of the Board, R. C. Kempton, collects Grade Sheets after they are completed. Mr. Kempton has conducted and assisted in the grading of 55 examinations, covering a span of 28 years.



The facilities were entirely adequate and the results of the grading seemed to indicate a general improvement in the ability of the applicants in all the skills and talents required to make a creditable showing on this examination for which 12 hours (8:00 A.M. to 9:00 P.M.) are allotted to complete two sheets of drawings—based upon a program of requirements prepared by the Board. These examinations are conducted by the Board on the campus of Ohio State University where the School of Architecture has been cooperating for many years in making their large drafting classrooms and equipment available between semesters in March and September of each year.

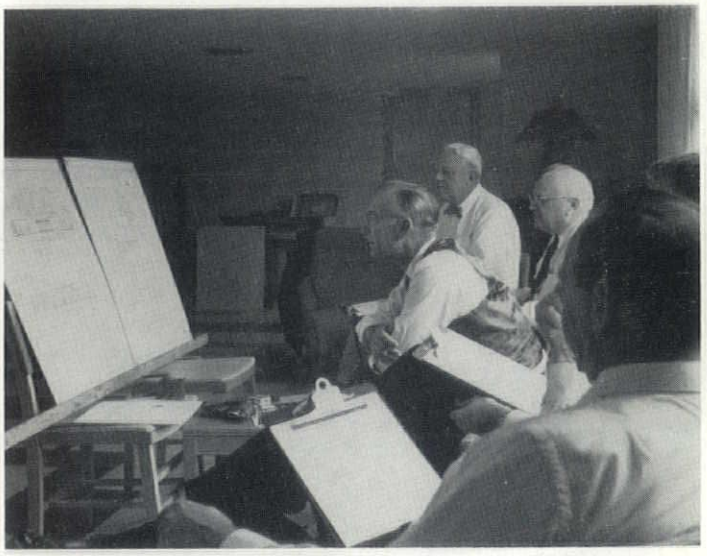
It is, of course, neither good taste nor proper to accept the opportunity to go into a new home and not find something to praise and in all fairness to the "designers" of this domicile, it was very easy even for other architects to find plenty to say nice things about—which they did. There were no cracks in the picture window and the views were beautiful.

Photographs are by Jack Sterling

The Board confers in an initial review of seven or eight problems, analyzing the program in general before the examination actually begins. Chairman R. F. Outcalt points out the various features of this particular problem.

Host Charles E. Firestone, FAIA, explains certain aspects of a problem while Harold Munger seriously applies himself to the grading chart. Chairman Outcalt, George Schatz and Fred Hobbs pay close attention to Mr. Firestone's explanation.

Mr. Outcalt and Mr. Schatz hold a personal discussion on a particular feature about which there appears to be some disagreement. Mr. Munger looks on.



All members of the Board study the problem before registering an evaluation or grade on a Grade Sheet such as Mr. Hobbs (foreground-right) is holding.

New Heating Concept Explained At Workshop

Architects, consulting engineers and heating contractors of the Columbus area were introduced to a new concept in school plant heating at a recent School Heating Workshop sponsored jointly by Lennox Industries, Inc., the Ohio Fuel Gas Co. and AC&H Equipment Co., Columbus distributor of Lennox equipment.

The Lennox Comfort system of school heating utilizes a number of small gas-fired furnaces spaced throughout the school building in place of central boiler room type heating.

Norman Rutgers, Des Moines, Iowa, commercial sales manager for Lennox Industries, in explaining the new method to the group, listed six points as the major requirements of any good heating and ventilating system. They are provisions for heating, cooling and ventilating; rapid accurate temperature control; inherently balanced air distribution; flexibility of design and planning; ease and economy of installation; and ease and economy of maintenance.

Robert F. Webb, (far left) and David Kyle Adams (center left), architects, view a cutaway illustration of a furnace while Bob Hasselbalch, assistant commercial Market manager of Lennox Industries, explains its mechanics. Marvin White, Columbus District industrial sales manager of the Ohio Fuel Gas Co. looks on.

The new system was designed with these requirements in mind, Mr. Rutgers said. It involves the placement of a small furnace in a closet-sized room between every two rooms in the school, he said, adding that the individual units are adaptable to forced air, hot water or steam heating and to air conditioning.

Rutgers' assistant, Bob Hasselbalch, explained the Lennox air distribution system called the "Comfort Curtain." Used in connection with the multi-furnace plan, the "Comfort Curtain" provides for air distribution grilles a foot apart all along the outside wall of each classroom. The air is delivered vertically to form a "curtain" across the entire outside wall. Mr. Hasselbalch said this type of perimeter heating has been found to be an efficient method to counteract heat loss, in the case of winter heating, or reduce heat gain, for summer air conditioning.

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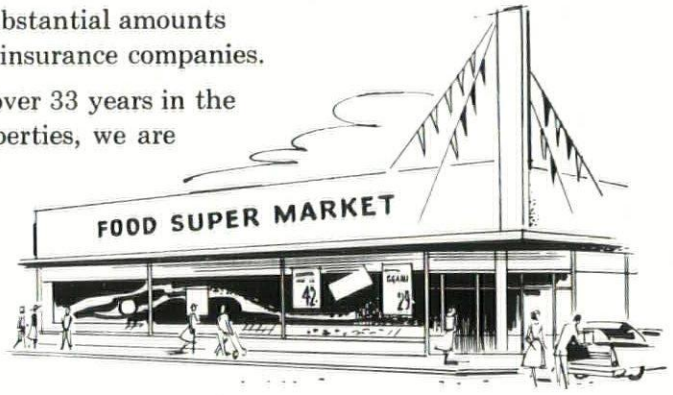

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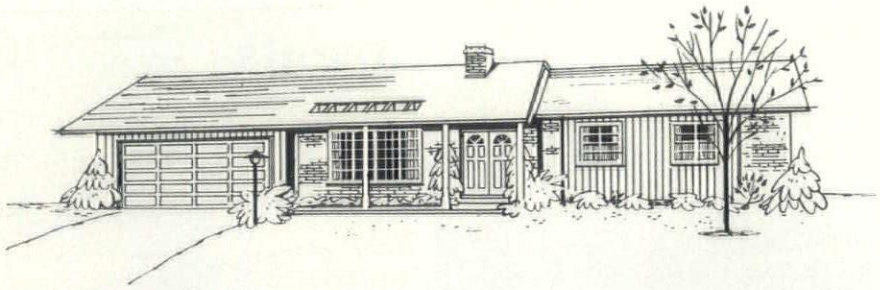

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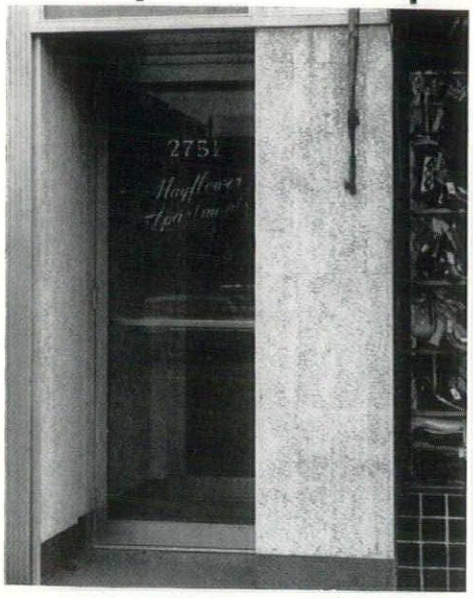

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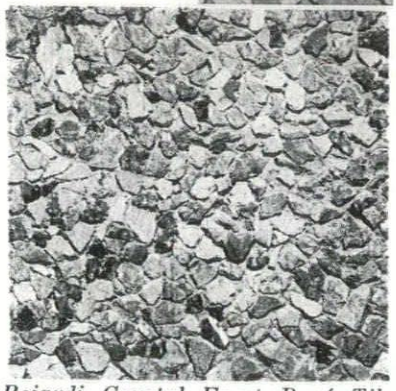

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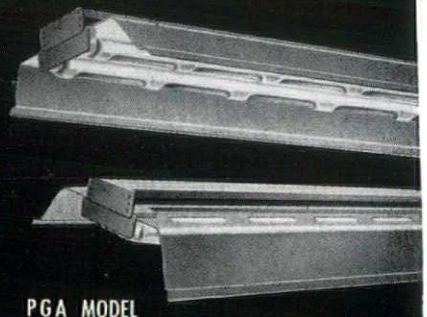

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Letter to the Editor

In these days when every architect takes exception to the omission of his name on both rendering and the article covering his design, our own **Ohio Architect,** September, 1959, gives no credit for the architect who created, under the guidance of an exceptional client, Stan Hywet Hall.

This home is the work of Charles S. Schneider of Cleveland who comes of a gifted family. His father was a minister. His brother Arthur was court painter to the King of Siam. Another brother, Herbert L. made a hobby of hand crafted metal. His own son is George Fredrick Schneider of the firm of Ward, Conrad, Schneider & Szabo, 1720 Euclid Ave., Cleveland 15. His widow, Mrs. Georgia Schneider, a gifted musician, now makes her home at Laguna Beach, Calif.

It is hoped restitution for this omission will be covered in a later issue of **Ohio Architect.**

Some years back it was our privilege to be shown personally through the house in the company of the architect's son, Fritz Schneider, and to be introduced to Mr. Seiberling who was having dinner in the great hall as we entered. Each room was a series of surprises, filled with old world charm and hospitality. All work that could be made on the site was so done, such as the cast ornate plaster ceilings. The great music room with its Reynolds masterpiece over the fireplace was unforgettable.

Even though architects no longer work in the style of this great manor house, the lessons taught by a careful examination of the beautiful craftsmanship that fills the house are worthy of the time spent in a visit. The coordination of house to site, skillfully demonstrated by the landscaping is worthy of study.

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Forty Architectural Firms Exhibit To OSBA Members

General shot of the architectural exhibit at the Ohio School Boards Association convention in Cleveland.

The Third Annual Architectural Exhibit sponsored by the ASO brought out some of the latest school design thinking from the 40 participating firms.

More than 1800 school board members and administrators from Ohio attended the November Convention of the Ohio School Boards Association in Cleveland.

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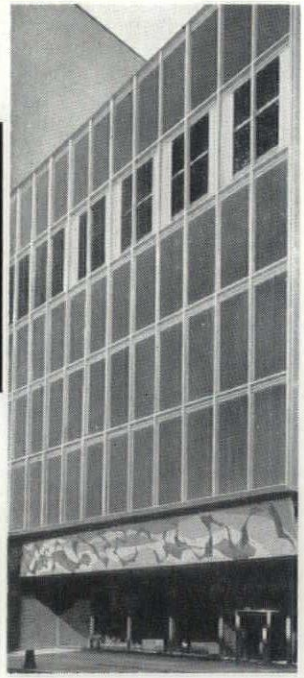

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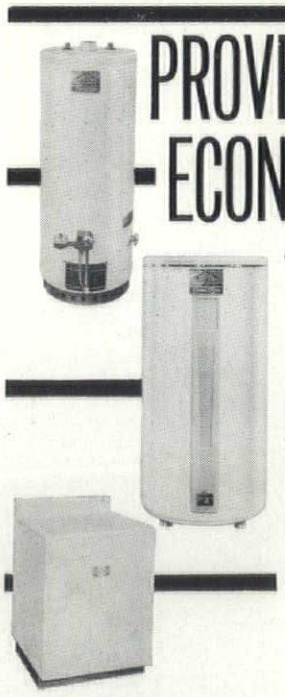

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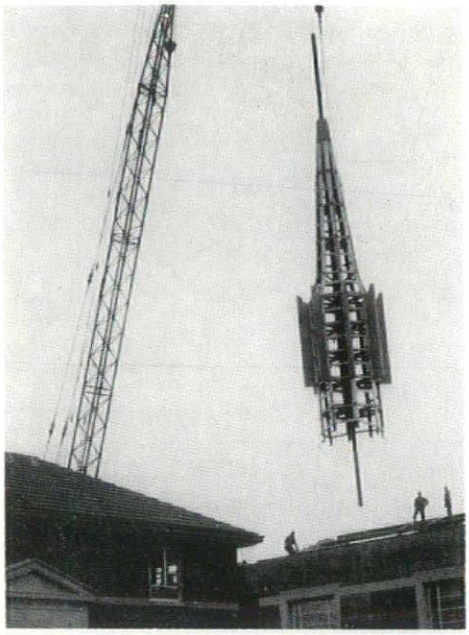

A three and one-half ton ornamental steel steeple, eighty-five feet high, is shown being installed on Christ The King Church, Cleveland, by the Mooney Iron Works Co., who fabricated this unusual form. Thomas F. Koehl, A.I.A., was the architect; R. S. Ursprung Co., general contractor.

Cleveland Architect Dies

Eugene A. Campbell, who designed numerous Greater Cleveland schools, churches and industrial plants over a long career as an architect, died Nov. 5 at the age of 51 years.

For the last 12 years he had been connected with the architectural firm of Arthur E. Rowe & Associates. Previously he had been associated with John H. Graham, Inc., and the Cleveland Graphite Bronze division of the Clevite Corp.

Mr. Campbell was graduated from the architectural school at Ohio State University in 1918. He was a member of the American Institute of Architects and the Architects Society of Ohio.

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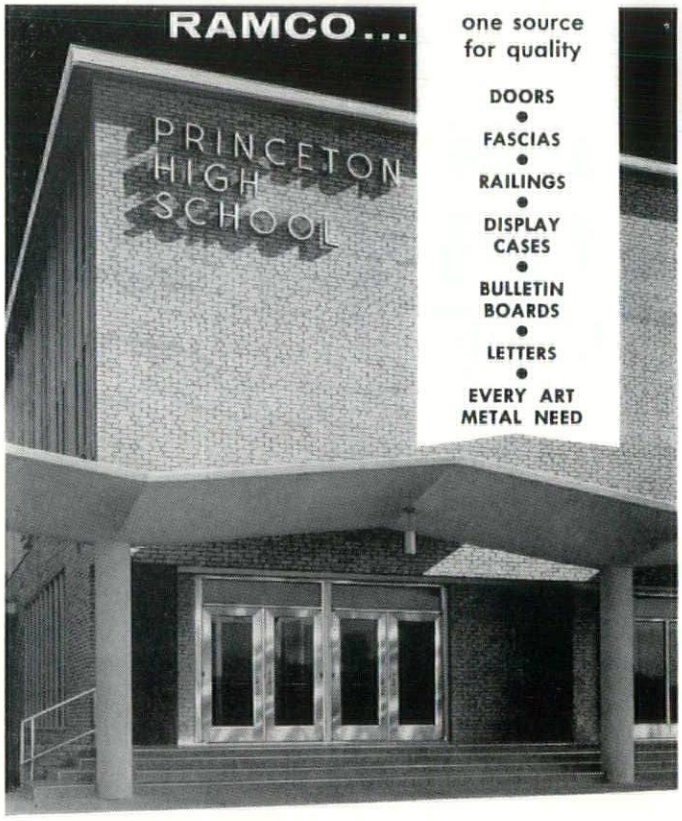

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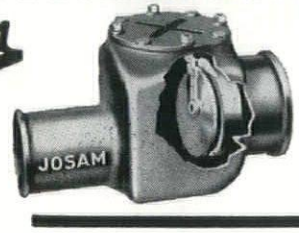

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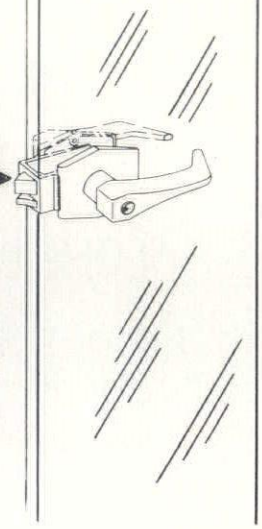

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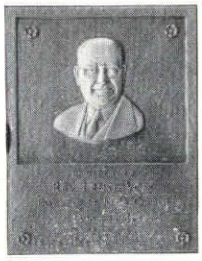

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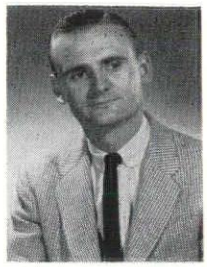

Mike Joyce

W. M. "Mike" Joyce has been appointed a sales representative with the Marietta Concrete Division, American-Marietta Company, Marietta, Ohio, it has been announced by F. Leonard Christy, General Manager.

In his new position, Joyce will be responsible for sales development of the company's pre-stressed concrete and panel wall construction under the direction of William Curran, Sales Manager of the company's Engineered Products Division.

Prior to joining the Marietta Concrete Division, Joyce had been Sales Manager of the Buildex Incorporated plant at New Lexington, Ohio, for several years. Before this he had been a Sales Engineer for Buildex at their plant in Ottawa, Kansas, and specialized in sales of lightweight concrete and promotion of lightweight masonry and concrete.

A native of Kansas City, Missouri, Joyce attended Kansas City Junior College and the University of Kansas.

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New Boiardi Installation

Boiardi "Diana Venetia" store front installation, Middletown, Ohio; Harold W. Goetz, AIA, Middletown, is the architect; J. W. Holman, Middletown, the tile contractor.

Mr. Simms at the site of his Spring-Valley Acres—"HOME OF THE YEAR"—Dayton, Ohio. With him is Mary Ellen Sears of Ohio Bell.

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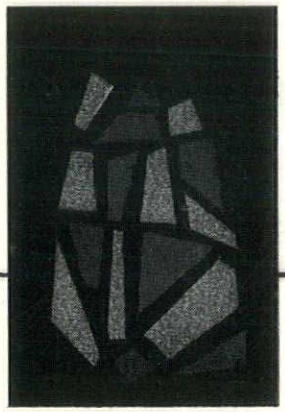

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