

Monday May 2nd, 1921.

Council met in regular session with President Barnard in the chair.

The roll being called, the following members answered to their names: Messrs. Cary, Hall, Lower, H. T. Miller, J. H. Miller, Ryan, and Weaver. Present 7, absent 0.

The minutes of the previous meeting were read and approved.

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The following petition was presented to Council and referred to the Director of Public Service.

To the Honorable Board of Public Service:-

Petition

Gentlemen:

We, the undersigned property owners, on Rockhill Rd. in the City of Alliance, do hereby petition your body to extend the water main from Vine street to Wayne Street and will use the water as indicated opposite our respective names.

	Domestic	Sprinkling	Bath	Closet
Matilda Grewe - Grewe Bakery	"	"	"	"
Minnie Popinian	"	"	"	"

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The following petition was presented to Council and referred to the Engineer and sewer committee.

To the Honorable City Council, Alliance, Ohio.

Petition

Gentlemen:

We, the undersigned, being owners of property abutting on what is known as Storm Sewer between College and State Street from Liberty Avenue to Alley West of Seneca do hereby petition your Honorable Body to construct a brick or concrete storm sewer of sufficient size to carry the surface water away.

If said request is granted, we hereby agree to pay into the City Treasury an amount sufficient to pay one-half the cost of said sewer except that part constructed on the streets and alleys of said City before the contract for the construction of the storm sewer is awarded.

Lot No. 3155)	
" " 3154	(
" " 3153)	The Geiger Realty Company
" " 3141	(By Max Geiger, President
" " 3140)	

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The Following communication from Squire, Sanders & Dempsey relating to the rejection of certain bonds of the City of Alliance was read to Council.

Communication from Squire, Sanders & Dempsey relating to rejection of certain bonds of the City of Alliance, Ohio

April 16th, 1921.

In re \$142,600 City of Alliance 6% Bonds. 5 issues.

Messrs. Stacy & Braun, Second National Bank Building, Toledo, Ohio.

Dear Sirs:

We have examined the transcripts submitted with your letter of April 14th, and would advise as follows:

\$ 5,000 SIDEWALK BONDS

1. We cannot approve this issue. These bonds are being issued under Section 3939 of the General Code. That section does not specifically refer to sidewalks. While it might be thought that improving a street was broad enough to include sidewalks, the Circuit Court in the case of Morgan vs. Akron, 19 C. C. N.S. 109, held that a municipality had no power to issue bonds for sidewalk improvements under this section, and this case was affirmed 84 O.S. 499.

A City can, on the other hand, issue bonds for its portion of the cost of sidewalks assessed under the provisions of Section 3812 G. C., the bonds being issued under the provisions of Section 3821. In the case of Heffner vs. Toledo, 75 O.S. 413, the Supreme Court said that before City's portion bonds can be issued under that section, the improvement proceedings must be carried through the ordinance to proceed and the bond ordinance must specify the streets for which the City's portion bonds are being issued. The ordinance in the present instance does not designate any streets and the transcript contains no street improvement proceedings.

\$5600 AUTOMOBILE TRUCK BONDS

2. We regret that we cannot approve this issue. Section 3939 G. C. does not authorize such bonds and such equipment should be taken care of as a part of operating expenses. See the Opinion of Attorney General, Volume 1, 1919 Reports, page 830.

Discussion regarding the securing of funds to lay sidewalks.

The discussion arose as to what method could be pursued to secure funds to lay sidewalks when they were ordered laid and not laid by the property owner. The statutes provides for the issuing of certificates of indebtedness in anticipation of the collection of special assessments. It was suggested as a feasible plan, but past experiences have proven that assessments certified were not collected promptly and as that was the only means of liquidating the certificates of indebtedness, there would be no other means to pay the certificate at maturity unless the assessments were collected promptly.

City Solicitor instructed to collect delinquent sidewalk assessments

The City Auditor informed Council that there were at present three delinquent sidewalk assessments uncollected. One has been delinquent for a year or more. Ryan moved seconded by H. T. Miller that the City Solicitor be instructed to proceed to collect said sidewalk assessments by legal process which motion was agreed to.

Solicitor instructed to prepare Res. to issue certificates of indebtedness in anticipation of collection of assessments for sidewalks.

On motion of Ryan, the Solicitor was instructed to prepare a Resolution to issue certificates of indebtedness in anticipation of the collection of assessments for sidewalks.

Safety Director speaks of his department

The Safety Director referred briefly to the coal bill unpaid and one or two other matters relating to his department.

City Solicitor makes report regarding Broadway Street extension

The City Solicitor in regard to the Broadway Street extension reported as follows: He stated that the Armstrong property could be bought for \$16,000.00 and the Fording \$16,500.00. The Reeves estate would donate the land required to complete the extension of the street provided that the street be put to level with that of Union Avenue and Haines Avenue. All the necessary sanitary and storm sewer drains to be constructed by the city, the trees felled without expense to the Reeves estate.

Moved and seconded that said improvement be abandoned.

J. H. Miller moved seconded by Cary that Council abandon the Broadway Street extension improvement at this time, which motion was agreed to.

Vote to reconsider abandoning of West Broadway Street extension improvement, lost.

Ryan moved seconded by H. T. Miller that the vote whereby the motion to abandon West Broadway Street extension improvement be reconsidered. The motion being to reconsider the vote whereby the West Broadway Street extension improvement was abandoned, the yeas and nays were taken and resulted yeas 3, nays 4. Those who voted in the affirmative were Messrs. Hall, H. T. Miller, and Ryan. Those who voted in the negative were Messrs. Cary, Lower, J. H. Miller, and Weaver. So the motion to reconsider was lost.

Petition

The following petition was presented to Council and referred to the streets and alleys committee.

To the Council of the City of Alliance:-

We, the undersigned, owners of property adjoining West Street, Alliance, hereby petition your honorable body to make said street 5 feet narrower of each side thereof.

Albert Swallen
Mrs. Chas. O. Wiley
Mr. & Mrs. C. L. Curtis,
per Mrs. Wiley

Lewis Kirk
Mr. & Mrs. H. G. Rowland
John Yarian

The Service Director and Engineer to whom was referred the damage claim of the heirs of the Jason M. Webb estate reported that there was no damage to the property as alleged in their communication.

The Cemetery committee reported that they favored a chapel instead of a residence for the Sexton and a fence to protect the grounds from intrusion. Also that the present home of the Sexton should be wired for electricity instead of the family being compelled to use coal and oil lamps. The matter was referred to the Finance Committee.

Monday Evening May 2nd, 1921, (continued)

The following ordinances and resolutions were introduced:

Ordinance No. 76-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of West Cambridge Street between Union Avenue and Haines Avenue by repairing and resurfacing with bituminous macadam was read the first time and referred to the committee on streets and alleys.

Ordinance No. 77-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of West Wayne Street and Rockhill Avenue by constructing sanitary sewer No. 179 was read the first time and referred to the committee on streets and alleys.

Ordinance No. 78-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of Parkway Blvd. between Hillcrest Drive and State Street by grading, draining, curbing and paving with bituminous macadam, reinforced concrete or brick block on slag or concrete base was read the first time and referred to the committee on streets and alleys.

Ordinance No. 79-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of West Cambridge Street between Rockhill Avenue and Parkway Blvd. by grading, draining, curbing and paving with bituminous macadam, concrete or brick block on slag or concrete base was read the first time and referred to the committee on streets and alleys.

Ordinance No. 80-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of Harrison Street from Union Avenue to Garfield Avenue by grading, draining, curbing, constructing sidewalks and paving with brick block or bituminous macadam was read the first time and referred to the committee on streets and alleys.

Ordinance No. 81-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of the Alley south of Patterson Street from Elm Avenue east 211' to a point by constructing sanitary sewer No. 172 was read the first time and referred to the committee on streets and alleys.

Ordinance No. 82-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of Parkway Blvd. between Cambridge Street and Grant Street by grading, draining, curbing, and paving with bituminous macadam, reinforced concrete or brick block on slag or concrete base was read the first time and referred to the committee on streets and alleys.

Ordinance No. 83-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of North Garfield Avenue between Ely Street and Vine Street by grading, and constructing sidewalks was read the first time and referred to the committee on streets and alleys.

Ordinance No. 84-D

Mr. Ryan:

An ordinance to levy special assessments for the improvement of West Washington Street between Union Avenue and Lincoln Avenue by grading, draining, curbing and paving with concrete, bituminous macadam, or brick block was read the first time and referred to the committee on streets and alleys.

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The special committee to whom was referred an ordinance to regulate the use of streets, alleys and public places in the City of Alliance by vehicles submitted their report recommending the passage of same.

Report of Special committee on Ord. 49-D

S. P. Hall,
Chairman of the committee.

The report of the committee was agreed to.

Section 4 of Ord. 49-D eliminated.

Hall moved seconded by H. T. Miller that Section 4 of Ordinance 49-D be eliminated which motion was agreed to.

Ordinance No. 49-D

Mr. Hall:

Passage of Ordinance 49-D

An ordinance providing certain rules and regulations relating to the use of streets, alleys and public places in the city of Alliance by vehicles was read the first time. Weaver moved seconded by Cary that the statutory rules requiring ordinances and resolutions to be read on three different days be suspended and Ordinance No. 49-D be read the second and third time. The question being on the suspension of the rules, the yeas and nays were taken and resulted yeas 7, nays 0. Those who voted in the affirmative were Messrs. Cary, Hall, Lower, H. T. Miller, J. H. Miller, Ryan, and Weaver. So the rules were suspended and the ordinance read the second and third time. The question being on the passage of the ordinance, the yeas and nays were taken and resulted yeas 7, nays 0. Those who voted in the affirmative were Messrs. Cary, Hall, Lower, H. T. Miller, J. H. Miller, Ryan, and Weaver. So the ordinance was passed.

Settlement of assessment on lot of Geiger Bros. on Shunk Avenue

Lower moved seconded by Ryan that legislation be prepared to settle the assessment on lot owned by Geiger Bros. on Shunk Avenue on a basis of the value of the lot being \$300.00, the amount to be paid \$100.00 in lieu of the said valuation which motion was agreed to.

H. T. Miller moved seconded by Ryan that when we adjourn we adjourn to meet next Monday Evening which motion was agreed to.

On motion of H. T. Miller, Council adjourned.

Attest: _____
City Auditor

President of Council