

Tuesday Evening, January 3rd, 1922.

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

New Councilmen sworn in.

The following members of Council elect were present and were sworn in by Solicitor Curtis M. Shetler and entered upon the discharges of their duties:

- Councilman - at - Large, -Glen Akins, D. D. Davis, and Harry D. Miller.
- 1st ward - M. Ryan.
- 2nd ward - T. J. McCredie.
- 3rd ward - W. H. Riggs.
- 4th ward - F. E. Trott.

The President called Council to order.

The roll being called, the following members answered to their names: Messrs. Akins, McCredie, Davis, Miller, Ryan, Riggs and Trott. Present 7, absent 0.

Rules governing previous council to govern this council until amended.

Ryan moved seconded by Davis that the rules governing the previous council be adopted as the rules of this council until amended and a committee of three be appointed to examine and report on rules. Thereupon the President appointed Messrs. Ryan, Miller and Trott.

Harry D. Miller elected President Pro Tem.

Harry D. Miller was nominated for President protem. There being no other nominations, Mr. Harry D. Miller was unanimously elected President protem.

The following communication was read to Council.

Columbus, Ohio, December 5th, 1921.

Mr. Chas. O. Silver,  
City Auditor,  
Alliance, Ohio.

Communication regarding incompatibility of position of City Auditor and Clerk of Council.

Dear Sir:- In re. incompatibility of position of City Auditor and Clerk of Council.

In reply to your inquiry of December 2nd, 1921, we beg to advise as follows:

Section 4276 G. C., provides in part that:

"In cities having a population of less than 20,000, the City council may by majority vote, merge the duties of the Clerk of the water works, if any, clerk of the Board of control and clerk of the city council with the duties of the city auditor, allowing him such additional assistants in performing such additional duties as council may determine."

Since the City of Alliance now has a population in excess of 20,000, the provisions of section 4276 G. C., do not apply, and we are of the opinion that these two offices are incompatible under the common law rule as stated in the case of State Ex Rel. V. Gebert, 12 C. C. N. S.274, as follows:

"Offices are considered incompatible when one is subordinate to, or in any way a check upon the other; or when it is physically impossible for one person to discharge the duties of both."

Very truly yours,

Bureau of Inspection & Supervision of Public Offices

AHF/FR

A. H. Foster

Mr. Chas. O. Silver elected Clerk.

Mr. Chas. O. Silver was nominated for Clerk. There being no other nominations, Mr. Silver was unanimously elected as Clerk.

Attorney Emmons submitted the following communication which was read and referred to the committee on assessments.

Tuesday Evening, January 3rd, 1922. (continued)

Alliance, Ohio, January 3, 1922.

To the Honorable Council of the City of Alliance, Ohio.

Communication regarding assessments on W. State St.

The undersigned respectfully represent that they are the owners of Lot No. 7374 in the city of Alliance, situated on the north side of West State Street, which lot has a frontage of sixty (60) feet and a taxable value of four hundred and fifty (\$450.00) follars: that on or about September 27th, 1921, the City Council, by ordinance, levied and assessed against said lot, for the improvement of West State Street, by the foot frontage method, the total total sum of six hundred and thirteen and 80/100 (\$613.80) dollars, and said total assessment has been certified over to the County Auditor.

And the undersigned have complained and now complain that said total assessment is far in excess of the limitation allowed by law, and grossly unjust and inequitable, wholly without warrant of law or right.

Wherefore, it is respectfully urged and requested that said assessment be corrected and a fair and proper rebate or other adjustment be promptly made, so that, the County Auditor of Stark County, Ohio, need not certify the same as delinquent, and, so that, the wrong may be remedied without unnecessary expense to the owners or to the City.

Robt. L. Curtis  
Anna Curtis

By their attorneys,  
Emmons and Emmons.

The chair announced the appointment of the following committees.

Council committees.  
1922 - 1923

President appoints following committees.

- Finance - T. E. Trott, W. Riggs, D. D. Davis.
- Streets & Alleys - M. Ryan, D. D. Davis, W. H. Riggs.
- Railway & Telegraph - G. I. Akins, T. E. Trott, M. Ryan.
- Sewer - D. D. Davis, M. Ryan, G. I. Akins.
- Fire & Patrol - W. H. Riggs, H. D. Miller, T. E. Trott.
- Police - T. J. McCredie, G. I. Akins, M. Ryan.
- Public Light - H. D. Miller, D. D. Davis, T. E. Trott.
- Bridges & Bldg. - G. I. Akins, T. J. McCredie, W. H. Riggs.
- Printing - T. J. McCredie, H. D. Miller, G. I. Akins
- Water - D. D. Davis, M. Ryan, T. E. Trott.
- Sidewalk - M. Ryan, W. H. Riggs, H. D. Miller.
- Assessment - T. E. Trott, M. Ryan, T. J. McCredie.
- Judiciary - W. H. Riggs, T. J. McCredie, T. E. Trott.
- Grades - D. D. Davis, G. I. Akins, M. Ryan
- Platting & Cemetery - H. D. Miller, W. H. Riggs, D. D. Davis.

Mayor addresses Council.

Mayor Norman W. Clark addressed Council.

Attention called to fire preventive measures for nurses' home.

Safety Director Benson, called attention of the new council to the fire preventive measures ordered by the State for the nurses' home at the City hospital. The matter was referred to the Finance Committee and Safety Director.

G. E. Blume addresses Council.

Mr. G. E. Blume addressed council on the subject of street cleaning and repairs in order that invalids and sick people may be transported over the city streets in safety and comfort.

The following ordinances and resolutions were introduced:

Ordinance No. 1-E

Mr. Trott:

Introduction of Ordinance No. 1-E

To fix the compensation of the consulting engineer employed in the City WaterWorks Department was read the first time and referred to the Finance Committee for immediate action.

Ordinance No. 2-E

Mr. Trott:

Introduction of Ord. 2-E

To fix the salary and bond of the Clerk of Council was read the

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first time and referred to the Finance Committee.

Ordinance No. 3-E

Mr. Davis:

Introduction of Ordinance No. 3-E

An ordinance to establish a grade on West Main Street from Rockhill Avenue to West Corporation line was read the first time and referred to the committee on grades.

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On motion of Davis seconded by Ryan, Council referred back to the fourth order of business, reports of standing committees.

Report of Finance Com.

The Finance committee submitted their report recommending the passage of Ordinance No. 1-E.

Trott,  
W. H. Riggs,  
D. Davis.

The report of the committee was agreed to.

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Passage of Ordinance No. 1-E

Ryan moved seconded by Davis that the statutory rules requiring ordinances and resolutions to be read on three different days be suspended and Ordinance No. 1-E 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. Akins, McCredie, Davis, Miller, Ryan, Riggs, and Trott. 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. Akins, McCredie, Davis, Miller, Ryan, Riggs, and Trott. So the ordinance was passed.

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Report of services performed by inspector of sewer and light systems.

Davis called for a report of services performed by inspector of sewer and street lights authorized several months ago. Service Director, Patton stated that the sewer inspection was completed and the light inspection was still in progress.

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On motion of Davis seconded by Trott, Council adjourned.

Attest:

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City Auditor

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President of Council