

Monday Dec 18th 1911

The council met in regular session with President Hull in the chair

The roll being called the following members answered to their names Messers Brown.

The roll being called Diger, Kellogg, Patton, Shuckler, Troy, Wathour Present 7. Absent 0

The minutes of the previous meeting was read and approved.

The following petition was presented to council and read

Alliance, Ohio

December 1, 1911.

We the undersigned owning property joining and abutting South Seneca Avenue between Milner and South Streets, do hereby petition the Honorable Council of the City of Alliance, O. not to pass an ordinance authorizing the paving of South Seneca Avenue between Milner and South Streets.

We give as our reason the following:

1. Four of us are paying for like improvement on Milner and Freedom Streets,

2. Other of us have just purchased our homes abutting Seneca Ave. and find the monthly payments on these taking us to the full extent of our resources, and to be assessed for the paving of Seneca Ave. at this time we feel would be more than we can meet.

We therefore pray the City Council that it do not pass an ordinance at this time to pave Seneca Avenue between Milner and South Streets

Norman Herbst

Mrs. Hanselman,

W.W. Hamerly

F.M. Bickel

C.R. Van Noshan,

John Schmuck

Joseph Trist

Geo. Gebhardt

Mrs. Clemens,

J.E. Dunkey

Melville Grant

W.H. Maggath

Geo. J. Floyd

J.A. Gorman

The following petition was presented to council.

Alliance, O. Dec. 15th 1911

We, the undersigned property owners, owning property abutting on S Seneca Ave. between Summit and South Street, do hereby ask the Honorable Council of the City of Alliance, O. to not pass an ordinance to pave the said named street for the following reasons:

- (1st) Part of our number are already paying heavy assessments on Milner and Freedom Street,
- (2nd) A large number of us are paying for homes and with extra debt added will be extremely burdensome.

Norman Herbstler, 50 ft	Alvin O. Kline, 50 ft.
Fredrick Gebhart 199.9,	Opt. Craven, 50
O R Smith,	Thos B. James 50
Joe C Myers, 50 ft	W T Hammond, 100
James S Skelby 50,	D W Dunton, 50
J A Sittler 50,	W H Smith, 50
C Guepew, 55	D Y Gandy, 50
Wm J Magrath 144,	E A Crolet 41
John Schmalz 48	M J Mueselman, 41 ^{3/4}
J W Kinnerly 40	R F Craven, 50
F M Boshel, 41	J H. Gaman, 40
Emily A Moor, 50,	R A Temple, 50
J E Pinkney 40	Anna M Temple, 50
Thos Clemens, 43,	J Temple, 50
Geo P Floyd, 45,	E Wendt, 50
Joseph Faust, 144	A A M'Laughlin 50,
Joseph Gamble 50.	

Petition ordered filed.

Alliance, O. Dec. 13th 1911

Members, Alliance City Council,
Gentlemen

We the undersigned owners of Real estate abutting on Grant Street between Linden Avenue and South Liberty Avenue, urgently request your Honorable body to abandon the proposed grading and paving of said street between the above named points, for the reason that we do not feel able to shoulder this additional financial burden at the present time.

Mary Doyle, 224	E. Stephens, 40 ft.
Elizabeth J McKays, 80 ft	E. Jenkins 47 ^{1/2}
A A Kelley, 150,	J F West, 50"
Anna M. Temple, 105	M. J M'Laughlin 63

R.D. Reeder. 37 ft
 Lewis May, 50.
 Chas F. Rickard 15,
 Guilla A. Hall, 150

The above signatures are the owners of 1246
 feet of the property along this line of
 proposed improvement.

Said Petition was ordered filed.

Guger moved, seconded by Wathous that
 all petitions be attached to the resolutions
 or ordinances.

Which motion was agreed to.

The com on Streets and Finance
 submitted their report recommending the
 passage of Ord No 1337 - 1336.

H. G. Wathous

Frank Toy

W. K. Shickler

The question being on agreeing to the ^{report of the com} motion
 which report was agreed to.

Brown moved, seconded by
 Toy that the Mayor, City Solicitor
 Director of Public Service, and the
 com on Railways, Telegraphs
 be requested to investigate the
 matter of the Stark Electric
 Railroad placing it and turn out
 across Vine Street

The City Solicitor submitted the
 following report on Ord No. 1303

Report of Solicitor on Ordinance #. 1303... to

issue Bonds of the City of Alliance, in the amount of Seven
 Thousand Dollars (\$7000.00) to build a culvert over Lamborn
 Run, from the north end of culvert under north Union Avenue
 to the culvert at North Freedom Avenue.

1. On examination of the draft of this ordinance,
 the title thereof is misleading, in that it purports to
 be an ordinance to provide funds for the enlargement and im-
 provement of the storm water system of the City of Alliance,
 where in fact it is simply an ordinance providing for the
 issuing of bonds to pay the cost and expense of the building
 of a culvert as stated in the title to this report.

The Lamborn Run is a natural stream of water flowing through
 the City of Alliance.

2. The writer understands that the purpose of the im-
 provement described in said ordinance is to provide a remedy
 to the complaint of some property owners in the vicinity of
 said improvement, that the city had been polluting and is now
 polluting said natural stream of water. Is this the proper
 and legal remedy for this Council to seek to correct the

This Council, by the construction of such an improvement, as provided in said ordinance, will never improve the conditions in said Lamborn Run; ~~as~~ ^{For} to simply cover over a polluted stream for a short distance, will not purify the water therein, nor remove the cause of complaint against its condition.

The writer submits that the proper remedy for the alleged complaint, if on thorough investigation you find there is cause for the complaint, will be to remove such cause of complaint. This can be done by the Board of Health of this city, acting within their legal powers, to prevent the pollution of natural water courses. By expending a few hundred dollars, if the Board of Health shall find occasion so warrants, the conditions complained of in Lamborn Run could be corrected. Such Board should prosecute or cause to be prosecuted, all riparian owners along said stream who contribute filth and polluting offal thereto, and if any complainant has knowledge, and the proof thereof, within his possession, showing substantial and injurious pollution of said stream, it is his duty, as a citizen, to supply the Board of Health with such knowledge and with such proof that they may search out and prosecute whoever is guilty of polluting said stream.

If this Council shall provide funds for the improvement described in said ordinance, thereby causing such improvement to be made, and should that improvement so made remove the cause of complaint, as alleged by Mr. Ryan and others, what shall you do with the lower riparian owners along said stream? Shall you permit, with knowledge, the continuing pollution of said run to their possible injury?

If this Council believes that the condition of such stream is as described in the complaints made, covering it over for a short distance is not the remedy, but the cleaning of the stream is what should be done.

3. This Council has received a report from the President of the Board of Health, that so far as said Board knows, there is no one emptying sanitary sewage into the Lamborn Run and the writer understands that there is no claim made that the city has constructed any sewer or sewers for the purpose of discharging sanitary sewage into said stream; consequently it follows, as a matter of law, that unless this city is discharging its sewage into said stream or with knowledge is permitting others to discharge sewage and filth into said stream, the city will not be liable as participating in such pollution.

If the Board of Health, by proper investigation, shall find Lamborn Run to be polluted as complained of, said Board should not rest until it finds the cause of such pollution and the ones guilty thereof; and whoever would be found guilty of polluting or contributing to such polluting, would be liable to Mr. Ryan and other complainants, in a civil suit, and would also be subject to indictment on a criminal charge.

4. The point has also been raised as to whether or not the City shall build embankments along streams, upon private property in the city, as has been requested in several instances. While the city has power, if properly exercised to proceed upon private property and build embankments along streams, for the benefit of the public, yet, it has no such power if such an improvement would be simply to benefit riparian private property. Each riparian owner along a stream has a right to construct such embankments or levees, as he may deem necessary to protect his property from such stream, providing he do so in such a manner as not to materially injure lower riparian owners.

The writer understands that this city has never attempted in the past, to build embankments along the several small streams flowing through this city, to protect riparian, private property.

Whoever purchases property along which, or through which natural streams of water flow, of necessity, must see the natural annoyances that from time to time, will follow. For floods will come and cities along streams will spring up and grow and cities have the right to discharge surface drainage into such streams as the drainage so discharged would naturally reach.

By reason of the considerations herein ~~expressed~~ ^{expressed} the writer refuses his approval to said ordinance.

Dec. 18, 1911.

Respectfully submitted,

J. J. Brown
Solicitor

Guiger moved seconded by Troy the report of the City Solicitor be filed. Which motion was agreed to.

The com. on Grades to whom was referred
Ord. No 1283. submitted their report recommending
the passage of same.

J. H. Patton
Max. Geiger
H. G. Wathour

The question being on agreeing to the report of the com.
which report was agreed to.

The special committee to whom was referred
Ord No 1301. submitted their report recommending
the passage of same

W. E. Kellogg
J. F. Troy
W. F. Shuckler

The question being on agreeing to the report
of the com
which report was agreed to.

The following ordinance were taken up.
Ord. No. 1330.

An ordinance fixing the salaries and bond
of the first and second clerk in the Department
of the water works. was read the first time.

Wathour moved, seconded by Troy that
the statutory rule requiring ordinance and
resolutions to be read on three different
days be suspended, and the ordinance read
the second and third time.

The question being on the suspension of the
rule. The Yeas and Nays were taken
and resulted Yeas. 7 Nays 0. Those
who voted in the affirmative, were
Messrs. Brown, Geiger, Kellogg,
Patton, Shuckler, Troy

So the rule was 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. Brown, Geiger, Kellogg,
Patton, Shuckler, Troy

So the ordinance was passed.

Ord. No. 1337

An ordinance fixing the salary of the
first clerk in the City Auditor's
Department. was read the first time.

Geiger moved, seconded by Shuckler
that the statutory rule requiring
ordinances and resolutions to be read
on three different days be suspended
and the ordinance read the second
and third time.

The question being on the suspension of the rule.

The Yeas and Nays were taken and resulted Yeas 7 Nays 0. Those who voted in the affirmative were Messers Brown, Giger, Kellogg, Patton, Sheekler, Troy, Wathour.

So the rule was 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 Messers Brown, Giger, Kellogg, Patton, Sheekler, Troy, Wathour.

So the ordinance was passed.

Ord. No. 1336

An ordinance to fix the salary of the Clerk of Council, was read the first time.

Giger moved, seconded by Wathour that the statutory rule requiring ordinance and resolutions to be read on three different days be suspended, and the ordinance read the second and third time.

The question being on the suspension of the rule. The Yeas and Nays were taken, and resulted Yeas 7 Nays 0. Those who voted in the affirmative were Messers Brown, Giger, Kellogg, Patton, Sheekler, Troy, Wathour.

So the rule was 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 Messers Brown, Giger, Kellogg, Patton, Sheekler, Troy, Wathour.

So the ordinance was passed.

The following ordinance was introduced.

Ord. No. 1338

An ordinance to fix the salary of the Solicitor as Prosecuting Attorney of the Mayor's Court under Section 4307 of the General Code as amended by act of the General Assembly passed May 5th 1911 and approved May 15th 1911.

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Referred to Finance Com.

Shuckler moved seconded by Troy that
when we adjourn, we adjourn to
meet next Thursday evening.

Which motion was agreed to.

Mr Brown introduced the following
ordinance No. 1342.

An ordinance determining to proceed
with the improvement of Sanitary Sewer
No. 135,

Referred to Sewer Committee,
On motion of Washou, Council
adjourned

Attest
Chas. Silow
Clerk,

President