

March 18th 1912.

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

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

Messrs. Barnard, Farnis, Gubb, Lower, Patton, Voss, Yainney. Present 7. Absent 0.

The minutes of the previous meeting was read and approved.

The following communication was received and read.

To the Honorable

The Alliance City Council,

Gentlemen:- At the request of the owners of that part of out lot # 25, in the City of Alliance, Ohio, lying between Harrison St. and Perry street, extended and abutting on the west side of the first Alley west of Lincoln avenue.: we hereby enter a protest against the construction of and assessment for sewer #1382 as set forth in your resolution number 1382.

That part of out lot #25 referred to above is used entirely for farming purposes, and would receive no present benefit whatsoever from the construction of this sewer.

The mode of assessment set forth in resolution #1382 is by the foot front method, and as the City Engineer has figured the entire frontage between Harrison street and Perry street as being assessable (the same amounting to about 1500 feet) and the rate being estimated at 73 cents per foot front makes a special assessment for this sewer, upon said out lot, of about \$1100.00, at the same time the north end of said out lot abutting on Vine street, is being assessed about \$1500.00 for the improvement of that street.

That part of Out lot no. 25 above referred to not being platted, it will be a matter of dispute as to what the assessable frontage may be, and if additional sewers are constructed, along or through this property in the future, the question will arise as to whether the property is exempt from additional assessment because of the construction of this sewer. The city has this same question to contend with at several places within the Corporation at the present time.

We believe that it will readily be conceded that this sewer is not being constructed because of a present demand for it, by the abutting property owners, but that it is being built for the purpose of giving allotments south and west of the City drainage facilities, we have no quarrel with this, but we submit gentlemen that it is unfair to place the burden of this heavy special assessment upon a city property, which will receive no benefit for years, if ever, in order to aid in the development of lands situated, in part at least, outside the boundaries of the municipality.

It is, we believe, entirely practicable for the City to construct this sewer, in so far as it relates to said part of out lot #25, as a main sewer, and to sever in the future at such time as said out lot is platted, or at such time as sewer connections are made, the proportionate expenses of construction which said property should rightfully pay: this is being done with other property at the present time and would seem to offer a practical

working solution of this problem as it would permit the construction of the sewer to aid the expansion of the City and would not place the expense on the property in question until such time as it should in justice bear the same. Handling the matter in this way would also determine the question of

The following petition was presented to council.
Alliance, Ohio, March 6, 1912.
To the Honorable Mayor, E. P. Spudis, and
Council of the City of Alliance:

We understand that Mr. Arthur S. Cungst, the Chief of the Fire Department, is about to resign to accept a position as Chief of the Fire Department at East Liverpool, and that he has decided on this action because the salary offered is \$1500.00 per year, whereas his salary here is \$1200.00 per year.

In our estimation, Mr. Cungst has maintained a standard of efficiency in the Fire Department in this city which could not be improved upon. He has always worked hard to

not only keep up the standard of efficiency, but to make constant improvements. This City has spent several thousand dollars within the last year for apparatus and new fire stations, and the city can also certainly afford to pay for the services of a man who can efficiently manage this department.

We therefore earnestly request that you proceed with the necessary legislation to increase the salary of the Fire Chief to \$1500.00 per year, with the object of retaining Mr. Cungst. We believe that this is to the interest of the manufacturers, business men and citizens generally of this city.

Respectfully yours,

American Steel Foundries

Harry G. Allen

Chas. T. Bird

and others

On motion of Barnard, seconded by Ganney the Soluto was instructed to prepare a resolution on the matter of the salary of Chief Cungst and present to council.

The following petition was presented to council.

Alliance, O. Feb 26th 1912.
Honorable Members City Council
Alliance, Ohio

Sirs:
The undersigned property owners and residents of Clark Avenue, Alliance, hereby petition your honorable body to provide a sidewalk on the west side of Clark Avenue for half a block south of State Street, to connect with walks on State Street and walk further south of Clark Avenue

It is, we believe, entirely practicable for the City to construct this sewer, in so far as it relates to said part of out lot #25, as a main sewer, and to sever in the future at such time as said out lot is platted, or at such time as sewer connections are made, the proportionate expenses of construction which said property should rightfully pay; this is being done with other property at the present time and would seem to offer a practical working solution of this problem as it would permit the construction of the sewer to aid the expansion of the City and would not place the expense on the property in question until such time as it should in justice bear the same. Handling the matter in this way would also determine the question of assessable frontage with out recourse to law, which otherwise seems certain to occur, it will also determine what property and how much is taken care of by this sewer, which can not be ascertained under existing conditions.

Wherefore we respectfully ask that Council give this matter their careful consideration and that they afford the owners of said Out lot #25 some relief from the construction of this sewer at the present time, either under the plan suggested above or by such other means as your honorable body may deem equitable and just.

Alliance, Ohio, March 5th-1912.

Rockhill & Morris (signed)
attorneys for Clement Rockhill,
Clay Rockhill
Lula A. Kellogg
Clarence Rockhill.

duly provided by property owners. At times the street mentioned is almost impassable, and furthermore the residents are deprived mail delivery on account of this short strip of unimproved street.

H. E. Miller.

R. Emory Betham, 4101 Clark Ave, Via Du, Mt Union Soc College

Merle W. Messenheimer 2089 Clark Ave,

E. O. Sloss

C. M. Sloss.

On motion of Barnard. Refused to come on sidewalk.

The following petition was presented to council.

The com. on water to whom submitted their report recommending the passage of Ord No. 1396.

Chas. Barnard.

Fred Farmer

J. H. Patton

The question being on agreeing to the report of the com.

Which report was agreed to.

The com. on Street and Alley, to whom was referred the communication of Hart & Kochler, Attorneys for the Stark Electric R.R. Co. in regard to the switch of The Stark Electric Railroad Company submitted the following report.

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

Gentlemen -

We would recommend that we ask the Stark Electric Railroad to start its switch at least as far east as the first Alley east of Union Avenue.

F. E. Farmer

C. E. Barnard.

The question being on agreeing to the report of the com.

Which report was agreed to.

The com. on Streets and Alley submitted their report on Res. 1376 and recommended passage. That said resolution be tabled until the necessary sewer is constructed.

Fred Farmer

J. H. Patton

Chas. Barnard

The question being on agreeing to the report of the com.

Which report was agreed to.

The com. on Streets and Alleys submitted their report recommending the pass on Res. No. 1377, with the following recommendation. would recommend that the resolution be changed to read from Union Avenue to the east side of S. Oak Avenue instead of Oak Avenue & Union Avenue also change the width of paving from 36. to 40. on account of the Stark Electric switch going in there.

F. E. Farmer.

C. E. Barnard.

J. H. Patton

The question being on agreeing to the report of the com.

Which report was agreed to

The following petition was presented to council.

Alliance, Ohio Feb 21st 1912.

To the Honorable Council

City of Alliance.

Gentlemen

We the undersigned citizens of Alliance and owners of property on N. Walnut Ave. north of the river, respectfully submit for your consideration this our most earnest protest against the proposed paving of that part of the street.

It is our belief that the property would be slightly benefited and to any who might be forced to sell it would be almost confiscation.

Lewis Hick

John Stanley.

Mrs Homer Nile

E. E. Nile

John D. Faxon

Susan V Faxon

Homer Nile.

At test.

On motion the petition was ordered filed

The com. on Streets and Alleys to who was referred Res. No. 1375. submitted their report and recommended passage.

F. E. Farmer.

C. E. Barnard.

The question being on agreeing to the report of the com.

Which report was agreed to

The com. on Streets and Alleys submitted their report recommending the passage of Res. No. 1374.

Fred Farmer.
J. H. Patton
Chas Barnard.

The question being on agreeing to the report of the com.

Which report was agreed to.

The com. on Street and Alleys to whom was referred - Res. No 1401.

Chas. Barnard.
Loyal Gubb.
G. W. Yarnum.

The question being on agreeing to the report of the com.

Which report was agreed to.

Patton, called the attention of council to bad sidewalks on Patterson & Freedom Avenue.

The com. on assessment to whom was referred. Res. No. 1385. submitted their report recommending the passage of Res. No. 1385.

Loyal Gubb.
Gov. Lower.
G. W. Yarnum.

The question being on agreeing to the report of the com.

Which report was agreed to.

Coss reported progress on the Market House proposition.

The special com. to whom was referred Ord No. 1393. submitted their report recommending the passage of said ordinance.

F. E. Farmer.
G. W. Yarnum.

The question being on agreeing to the report of the com.

Which report was agreed to.

Res. No. 1375.

Declaring it necessary to improve E. State street between Cook Avenue and Liberty Avenue by grading cutting and paving with brick work was read the third time.

The question being on the passage of the resolution.

The yeas and nays were taken and resulted Yeas 4 Nays 3.

Those who voted in the affirmative were Messrs Farmer, Gubb, Coss, Yarnum.

Those who voted in the negative were Messrs Barnard, Lower, Patton.

As the resolution not having received the necessary majority was lost.

Res. No. 1375

Declaring it necessary to improve N. Walnut Avenue between Mahoning River and North Coporation line by grading, curbing, sewerage, and paving with brick block, was read the third time.

The question being on the passage of the resolution. The yeas and Nays were taken and resulted Yeas 4 Nays 3.

Those who voted in the affirmative were Messrs. Farmer, Gubb, Voss, Yanney.

Those who voted in the negative were Messrs. Barnard, Lower, Patton.

So the resolution not having received the necessary $\frac{3}{4}$ vote was lost.

Res. No. 1374

Declaring it necessary to improve E. Wayne street between Walnut Avenue and Union Avenue by grading, curbing, and paving with brick block, was read the third time.

The question being on the passage of the resolution. The yeas and Nays were taken and resulted Yeas 1 Nays 6.

Those who voted in the affirmative were Messrs. Yanney.

Those who voted in the negative were Messrs. Barnard, Farmer, Gubb, Lower, Patton, Voss.

So the resolution not having received the necessary $\frac{3}{4}$ vote was lost.

Res. No. 1377

Declaring it necessary to complete the improvement of East State street between Arch Avenue and Union Avenue by curbing and paving with brick blocks, was read the third time.

The question being on the passage of the resolution. The yeas and Nays were taken and resulted Yeas 7 Nays 0.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Patton, Voss, Yanney.

So the resolution was passed.

Res. No. 1391

Declaring it necessary to improve East Grant between Arch Avenue and Liberty Avenue by grading, draining, curbing and paving was read the third time.

The question being on the passage of the resolution. The yeas and Nays were taken and resulted Yeas 5 Nays 2.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Voss, Yarnsey.

Those who voted in the negative were Messrs. Lower, Patton.

So the resolution not having received the necessary $\frac{3}{4}$ vote was lost.

Res. No. 1386

To authorize the Director of Public Safety to petition the trustees of Lexington Township for the improvement of the north half of Win fronting on the City cemetery was read the second time.

Farmer moved, seconded by Voss that the statutory rule requiring ordinance and resolution to be read on three different days be suspended and the resolution read the 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. Barnard, Farmer, Gubb, Lower, Patton, Voss, Yarnsey.

So the rule was suspended and the resolution read the third time.

The question being on the passage of the resolution.

The yeas and Nays were taken and resulted Yeas 7 Nays 0.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Patton, Voss, Yarnsey.

So the resolution was passed.

Res. No. 1385

To levy special reassessment for the improvement of City St. No. 1 from west lot line of Stockhill Avenue to east lot line of Oak Avenue by grading, curbing paving the central thirty (30) feet thereof. was read the first time.

Farmer moved, seconded by Yarnsey that the statutory rule requiring ordinance and resolution to be read on three different days be suspended and the resolution read the second and third time.

The question being on the suspension of the rule. The yeas and Nays were taken and resulted Yeas 5 Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Voss, Yarnsey.

Messrs. Lower & Patton voted in the negative
So the motion not having received the necessary
^{3/4} vote was lost.

Patton moved, that the vote whereby the
motion to suspend the rules of Res. No 1385 wa
lost be reconsidered.

Which motion was agreed to.

The question being on the suspension of the
rules, the yeas and Nays were taken
and resulted yeas 6 Nays 6. Those who
voted in the affirmative were Messrs.
Barnard, Farmer, Gubb, Patton, Voss, Yanney
Mr. Lower voted in the negative.

So the rule was suspended, and the resolution
read the second and third time.

The question being on the passage of
the resolution.

The yeas and Nays were taken, and resulted
yeas 6 Nays 1. Those who voted in
the affirmative were Messrs. Barnard,
Farmer, Gubb, ~~Lower~~ Patton, Voss, Yanney.

So the resolution was passed.

Res. No. 1401.

Declaring it necessary to improve South Street
between Arch Street and Liberty Avenue by
grading, draining, curbing and paving with
brick block was read the first time.

Gubb ~~seconded~~ moved, seconded by Farmer
that the statutory rule requiring ordinances and
resolution to be read on three different days
be suspended, and the resolution 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. Barnard, Farmer,
Gubb, Lower, Patton, Voss, Yanney.

So the rule was suspended and the resolution
read the second and third time.

The question being on the passage of the
resolution.

The yeas and Nays were taken and
resulted yeas 7 Nays 0. Those who
voted in the affirmative were Messrs.
Barnard, Farmer, Gubb, Lower, Patton,
Voss, Yanney.

So the resolution was passed.

Ord. No. 1296.

Mr. Barnard. To issue bonds for the purpose of providing for a supply of water for the city of Alliance, Ohio, and the inhabitants thereof, was read the first time.

Voss moved, seconded by Lower, 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. Messrs. Barnard, Farmer, Gubb, Lower, Patton, Voss, Yainney.

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. Barnard, Farmer, Gubb, Lower, Patton, Voss, Yainney.

So the ordinance was passed.

Ord. No. 1293.

Mr. Voss.

An ordinance to regulate the selling, furnishing and giving away of intoxicating liquors as a beverage, and places where same are sold, furnished and given away in the city of Alliance, State of Ohio, was read the first time.

The following ordinances and resolutions were introduced.

Res. No. 1397.

Mr. Gubb. Declaring it necessary to improve Ridgewood Avenue between S. Line State Street and corporation line by grading, draining, curbing and paving with brick block was read the first time.

Referred to com. on Streets, Alleys.

Ord. No. 1398.

Mr. Farmer. An ordinance to prohibit the throwing or depositing of certain articles and rubbish on Streets and Alleys of the city of Alliance was read the first time.

Referred to the com. on Streets, Alleys.
Special Com. composed of Voss, Farmer & Gubb.

Res. No. 1399

Mr Voss. An ordinance to reassess property for the improvement of Milner Street between Union Avenue and Liberty Avenue in the city of Alliance. was read the first time.

Referred to the com. on Assessments.
Mr. Barnard introduced the following resolution.

Be it resolved by the Council of the City of Alliance, Ohio.

Section 1. That the Council make the following statement to 'The American Steel Foundry, and others who have petitioned this body to proceed to increase the salary of the Fire Chief to \$1500. per year with the object of retaining the service of Mr. Cungst as head of our city Fire Department.

Second. That, however much this body might desire to retain the service of Mr. Cungst, it is without legal power to increase the salary of such office, the Supreme Court of our state having declared that the salary of a municipal officer, who is under civil service, cannot be further increased or diminished.

The fault, if any is with the legislature of the state and not with the body.

The question being on the adoption of the resolution. The yeas and Nays were taken and resulted Yeas 7 Nays 0

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Patton, Voss, Yanner

So the resolution was passed.

On motion the Clerk was instructed to request the newspaper to publish said resolution as a news item.

Mr. Emory Osborn, the scales of weights & measures addressed council.

On motion of Farmer, seconded by Voss. That all members of council prepare a list of sidewalks to be constructed in their respective wards, and present to council next meeting.

On motion of Voss. Council adjourned.

Attest
C. S. Sisson
Clerk

President