

June 24th 1912

The council met in adjourned session with President Hull in the chair.

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

Messrs. Barnard, Farmer, Gubb, Lower, Voss, Jarney. Present 6. Absent 1.

The following claims for damages were presented to council.

Alliance, O., June 18th 1912

To Charles O. Silver Clerk of the Council,
of the City of Alliance, State of Ohio.

The undersigned is the owner of the following described property in the City of Alliance, Ohio: known as Lot Number One Hundred and Fifty one (151) in said City, as the same is numbered and distinguished on the plat records of said city, and bounding and abutting upon the East side of Fifth Street between Freedom Avenue and the right of way of the Cleveland and Pittsburg Railroad; and claims that said property will be damaged in the sum of Two thousand Dollars (\$2,000.00) by the proposed improvement of said Fifth Street, under resolution passed, therefore on the 6th day of May, A.D. 1912.

H.D. Tolerton

Refused to the City Solicitor.

Alliance, Ohio, June 18th 1912

To Charles O. Silver, Clerk of the Council,
of the City of Alliance, State of Ohio.

The undersigned is the owner of the following described property in the City of Alliance, Ohio, to-wit: Planing mill and lumber yards located on Out Lot Number One Hundred and Fifty six (156) in the City of Alliance, O. which said premises are located on the west side of Fifth Street and are held under a lease-hold estate by the undersigned; and claims that said property will be damaged in the sum of Five thousand Dollars (\$5,000.00) by the proposed improvement of Fifth Street, under resolution passed on May 6th 1912.

J.G. Tolerton, Son.

By H.D. Tolerton.

Alliance, Ohio, June 18, 1912

To Charles O. Silver Clerk of the Council
of the City of Alliance, State of Ohio,

The undersigned is the owner of the following described property in the City of Alliance, Ohio, known as lots, Lots Numbers, One Hundred and Forty nine (149) One Hundred and Fifty (150), Three Hundred and Sixty one (361), Three Hundred and Sixty-two (362), and Three Hundred and Sixty-three (363) in said City, as the same are numbered and distinguished on the plat record of said city, being located and used together as a whole, and bounding and abutting upon the East side of Fifth Street, between Freedom Avenue and the right of way of the Cleveland & Pittsburgh Railroad; and claims that said property will be damaged in the sum of Ten thousand Dollars (\$10,000.00), by the proposed improvement of said Fifth Street, under the resolution passed therefor on the 6th day of May, A. D. 1912.

J. G. Tolerton
Refused to City Solicitor

The City Solicitor submitted report of the claims of J. G. Tolerton, J. G. Tolerton, Son, and H. D. Tolerton with the recommendation that said claims be rejected.

The question being on agreeing to the report of the committee,

Which report was agreed to.

The following communication was read.

Canton, O. June 24th, 1912.

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

Gentlemen—

The writer of this communication has been before your Honorable Body at a previous meeting, at which time a resolution was presented authorizing the Mayor to grant a license for carrying on a fruit stand and Shine Stand on the sidewalk on the North-east corner of Main Street and Seneca Avenue. At that time it was deemed that the amount of rental

under said license was insufficient, and that the rate of such license was inadequate.

I wish to say that should your Honorable Body feel kindly disposed towards granting the privilege of erecting said stand, I will agree, and do hereby agree that if at any time during the life of said license, should your Honorable Body deem the amount inadequate, or pass a resolution raising said license that we will agree to either pay the increased rate for the unexpired term of our license, or remove said stand from the streets of your city.

This request shall be placed in the license when granted by the Mayor, and this agreement will be binding upon the license.

Respectfully submitted

Sidney L. Gygis
Attorney for Peter Polite.

The Finance Com. and City Auditor reported the following bids received for the \$140,000.00 - 4 1/2% Water Bonds, June 24th 1912.

		Remain
Stacy & Braun	Toledo, O.	\$8,088.00
First National Bank	Cleveland, O.	7,342.96
Otis Hough	Cleveland, O.	7,898.00
C.E. Demison	Cleveland, O.	7,033.66
The Provident Savings Bank	Cincinnati, O.	7,140.00
Mayer, Deppe, Walter	Cincinnati, O.	7,104.00
Steel, Roth & Co.	Cincinnati, O.	7,294.00
The New Trust National Bank Co.	Columbus, O.	4,200.00
Hayden Miller Co.	Cleveland, O.	8,196.00

On motion of Yanner seconded by Voss, the bid of Hayden Miller Co. being the highest and best bid was accepted.

City Solicitor Beach reported that he had obtained an injunction on behalf of the city restraining J. J. Robertson and the G. E. A. - W. railway from laying a switch across a certain alley a grant of such right having been previously refused, Mr. Robertson by counsel.

The com. on Streets and Alleys submitted their report recommending the passage of Res. No. 1450.

F. C. Farmer
C. E. Barnard

The question being on agreeing to the report.

Which report was agreed to.

The com. on Streets & Alleys submitted their report on the petition to vacate.

lots in the immediate vicinity of Woodland Avenue from E Summit to the first alley north of E Summit with the following recommendation.

First. That the parties receiving the land due to the vacating of the above street shall pay back to the City the amount of assessment originally made for street improvements, for foot frontage of the street vacated, and also pay to the City amount required to change the curbing and intersection to conform to the narrowing up of the street, and the publication of the ordinance and notice required.

F. C. 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 on the petition to vacate lots in the immediate vicinity of Woodland Avenue from of State Street west of Shunk Avenue with the following recommendations.

First. That the parties receiving the land due to the vacating of the lot between Lot No. 2451 & 2452 shall pay back to the city the amount of assessment originally made for street improvements, for foot frontage of the street vacated, and also pay to the city amount required to change the curbing and intersection to conform to the narrowing up of the street, and the publication of ordinance and notices required.

F. C. Farmer
C. E. Barnard

The question being on agreeing to the report of the committee

Which report was agreed to

Reading of ordinance and resolution were taken up
Ord. No. 1413

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. It was read the third time.

The question being on the passage of the ordinance.

The Yeas and Nays were taken, and resulted Yeas 3. Nays 3. Those who voted in the affirmative were. Messrs. Farmer, Voss, Yarnsey. Those who voted in the negative were. Messrs. Barnard, Gubb, Lower.

The vote resulting in a tie. The President voted in the affirmative and thereupon declared the ordinance passed.

Ord No 1447

An ordinance determining to proceed to proceed with the improvement of W. College Street from Union Avenue to Miller Avenue. by grading, draining curbing and paving was read the first time.

Barnard moved, seconded by Yarnsey 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 6. Nays 0. Those who voted in the affirmative were. Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnsey.

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 6 Nays 0. Those who voted in the affirmative were. Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnsey. So the ordinance was passed.

June 24th 1912

I hereby certify that the money to pay for the improvement of the following

Rockhill Ave Grading
West Grant Paving
West College.

Chin Street Sewer 138

Seely Street Grading
West Oxford Paving

Amounting to

\$7,800.00 is in

the Treasurer to

the credit of the

above funds and

not appropriated

for any other

purposes

Chas. Linton

City Auditor

Res No 1439

Resolution appointing a board to report estimated assessment to pay the cost and expense of improving Cherry Avenue between State Street and Harris Place was read the first time.

Barnard moved, seconded by Lower that the statutory rule requiring ordinances and resolutions 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, 6 Nays 0.

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

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 0.

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

So the resolution was passed.

Ord. No. 1446.

An ordinance determining to proceed with the improvement of Selby Street from Union Avenue to Garfield Avenue by grading and constructing sidewalk. was read the first time.

Barnard moved, seconded by Lower that the statutory rule requiring ordinance and resolution 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, 6 Nays 0.

Those who voted in the affirmative were. Messrs. Barnard, Farmer, Gubb, Lower, 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 6. Nays 0
 Those who voted in the affirmative were. Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.
 So the ordinance was passed.

Res. No. 1437

Resolution appointing a board to report estimated assessment to pay the cost and expense of improving East State Street between Arch Avenue and Union Avenue. was read the first time.

Lower moved, seconded by Yarnum that the statutory rule requiring ordinance and resolutions 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 6. Nays 0.

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

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 0.

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

So the resolution was passed.

Res. 1434

A resolution to direct the engineer to prepare a complete map of all storm sewers. was read the first time.

Res. No. 1438

Resolution appointing a Board to report estimated assessment to pay the cost and expense of improving South Street between Arch Avenue and Liberty Avenue was read the first time.

Farnum moved, seconded by Farmer that the statutory rule requiring ordinance and resolutions 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 6, Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

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 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

So the resolution was passed.

Res. No. 1440.

Resolution appointing a board to report estimated assessment to pay the cost and expense of improving Hartshorn Street between Union Avenue and Rockhill Avenue was read the first time.

Lower moved, seconded by Gubb that the statutory rule requiring ordinances and resolutions 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 6, Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

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 0.

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

So the resolution was passed.

Ord. No. 1447

An ordinance Determining to proceed with the improvement of W. College Street from Union Avenue to Miller Avenue by grading, draining, curbing and paving was read the first time.

Gubb moved, seconded by Lower 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 6. Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

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 6 Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

So the ordinance was passed.

Ord. No. 1448

An ordinance determining to proceed with the improvement of W. Oxford Street from Lincoln Avenue to Rockhill Avenue by draining, curbing and paving with brick block. was read the first time.

Farmer moved, seconded by Lower that the statutory rule requiring ordinances and resolution 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 6. Nays 0.

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

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 6. Nays 0. Those who voted
in the affirmative were Messrs.
Barnard, Farmer, Gubb, Lower, Voss,
Yainey.
So the resolution was passed.

Ord No. 1449.

Mr Barnard. Determining to proceed with the
improvement of Vine Street, Alley west of
Lincoln Avenue, Harrison Street, Lincoln
Avenue and Rockhill Avenue by
constructing Sanitary Sewer No 138.
was read the first time.

Farmer moved, seconded by Barnard
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 6. Nays 0.
Those who voted in the affirmative
were Messrs. Barnard, Farmer, Gubb,
Lower, Voss, Yainey.

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 5. Nays 1.

Those who voted in the affirmative
were Messrs. Barnard, Farmer,
Gubb, Lower, ~~Voss~~ Yainey.

~~Mr Voss voted in the negative~~
So the ordinance ~~was passed~~ not having
received the necessary $\frac{3}{4}$ vote was lost.

Voss moved, seconded by Lower that
the vote whereby Ord. No. 1449 was
lost be reconsidered.

The question being on agreeing to the
motion.

The Yeas and Nays
were taken and resulted Yeas 6.
Nays 0.

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

So the vote whereby Ord No. 1449 was
lost was reconsidered.

The question being on the passage of
Ord. No. 1449

The yeas and Nays were taken and
resulted Yeas. 6. Nays 0. Those who
voted in the affirmative were.
Messrs. Barnard, Farmer, Gubb, Lower,
Voss, Yarnum

So the ordinance was passed.
Ord. No. 1444

Determining to proceed with the improvement
of Rockhill Avenue from Main Street
to State Street by grading, was read
the first time.

Farmer moved, seconded by Gubb
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.
6 Nays 0. Those who voted
in the affirmative were. Messrs.
Barnard, Farmer, Gubb, Lower,
Voss, Yarnum

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

The question being on the passage
of the ordinance.

The yeas and Nays were taken
and resulted. Yeas. 6. Nays 0. Those
who voted in the affirmative
were. Messrs. Barnard, Farmer,
Gubb, Lower, Voss, Yarnum

So the ordinance was passed.

Ord. No. 1447 duplicated -

Determining to proceed with the improvement
of W. College Street from Union Avenue
to Miller Avenue by grading, grading
curbing and paving was read the
first time.

Gubb 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 time.

The question being on the suspension
of the rule. The yeas and
Nays were taken and resulted

Yeas 6. Nays 0.

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

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 6 Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Gower, Voss, Yarny.

So the ordinance was passed.

Ord No. 1448. Duplicated

Determining to proceed with the improvement of W. O'Leary Street from Lincoln Avenue to Rockhill Avenue by draining, curbing and paving with brick block was read the first time.

Farmer moved, seconded by Gower 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 6. Nays 0.

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

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 6. Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Gower, Voss, Yarny.

So the ordinance was passed.

Ord. No. 1486.

Resolution appointing a board to report estimated assessments to pay the cost and expense of improving South Oak Avenue between State Street and Mill Street was read the first time.

Gubb moved, seconded by Lower that the statutory rule requiring ordinance and resolution 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 6. Nays 0.

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

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 6.

Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

So the ordinance was passed.

Ord. No. 1452.

Determining to proceed with the improvement of West Grant from Union Avenue to Main Avenue by grading, draining, curbing and paving was read the first time.

Barnard moved, seconded by Farmer 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 6. Nays 0.

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

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 6 Nays 0. Those who voted in
the affirmative were. Messrs. Barnard,
Farmer, Gubb, Lower, Voss, Yarnum
So the ordinance was passed.
Res. No. 1453.

Mr. Yarnum. To authorize the city Auditor
to pay his warrant on the City Treasurer
for the payment of councilman
salaries. was read the first time.

Barnard moved, seconded by
Lower that the statutory rule requiring
ordinances and resolutions 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 6
Nays 0. Those who voted in
the affirmative were. Messrs.
Barnard, Farmer, Gubb, Lower,
Voss, Yarnum.

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 0. Those who voted
in the affirmative were. Messrs.
Barnard, Farmer, Gubb, Lower,
Voss, Yarnum.

So the resolution was passed.

Res. No. 1454

To authorize the Mayor to issue
a license was read the first time

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

The question being on the
suspension of the rule. The
Yeas and Nays were taken
and resulted Yeas 6
Nays 0.

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

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 3, Nays 3. Those who voted in the affirmative were. Messrs. Barnard, Tamm, Gubb, Gower, Voss, Yarnes.

~~The resolution was passed.~~
Those who voted in the negative were Messrs. Gower, Voss, Yarnes.

So the vote resulted in tie.
The President voting No. Thereupon declared the resolution lost.

Res. No. 1450

~~Resolution authorizing the City Engineer to make certain modifications in the specifications for Street improvements heretofore adopted by Council of the City of Alliance. Or was read the first time.~~

The com on Streets and Alleys submitted Res 1450, and recommended passage with the following amendments would recommend that the absorption test shall include the drying for 24 hrs in a furnace of 450 degrees previous to the immersion test. would also recommend that a time limit be placed on all contracts and deduction of 1% be deducted from the contract price for every day after the completion should be completed. for liquidated damages to the city the contractor must do his own bidding as the city is not responsible for the weather

F. E. Farmer

C. E. Barnard.

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

Which report was agreed to.

Res. No. 1450

Resolution authorizing the City Eng. to make certain modifications in the specifications for Street improvements heretofore adopted by the Council of the City of Alliance was read the first time

Barnard moved, seconded by Voss 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 6 nays 0

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

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 0

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

So the resolution was passed.

The following ordinances and resolutions were introduced.

Ord. No. 1455

Barnard. To accept dedication of a certain proposed street extending from North Union Avenue to Vine Street, and to improve the same.

Referred to com. on Street-Alleys.

Ord. No. 1456

To regulate the storing, handling and use of gasoline, naphtha and other similar petroleum products, within the City of Alliance, Ohio.

Referred to com. on Fire, Patrol.

On motion of Voss. Council adjourned.

Attest.

Chas. Silver
Clerk.

J. W. Hull
President.