

COUNCIL CHAMBER, }
Ann Arbor, September 16th, 1895. }

Regular session.

Called to order by President Hiscock.

Quorum present.

Absent Ald. Koch, Laubengayer, Prettyman, Cady.

The journal of the last regular session was upon motion approved.

COMMUNICATIONS FROM THE MAYOR.

To the Honorable the Common Council of the City of Ann Arbor:

Gentlemen:—In accordance with a request of the Board of Regents of the University, I hereby appoint Hamilton Reeve as a special policeman, to act without compensation from the City; his post to be in and about University property in the City.

W. E. WALKER,
Mayor.

Received and placed on file.

To the Honorable Common Council of the City of Ann Arbor:

Gentlemen:—I desire to urge upon your honorable body the necessity of printing the ordinances now in force and in the hands of the compiler. Certainly time enough has elapsed for the completion of the work since it was begun. It is not fair to have ordinances with a penalsection existing only in the original. The citizen has a right to know what the ordinances are, and not be left in the dark as he now is. I would advise that steps be taken by your honorable body to have the ordinances printed and placed in the hands of the people without further delay. I am now informed that even now some ordinances need amending, some need re-enacting, and that there is a number of other reasons existing why this work is not completed, and that further action is required by the Common Council thereon before they will be ready for the printer. Has the compiler presented the matter to you in proper form for action, if not, why not? What reason has been assigned for the delay? I desire to impress upon

your honorable body the necessity of printing those ordinances at the earliest possible date.

Warren E. Walker,
Mayor.

Ald. Taylor moved to refer the Communication to the Committee on Ordinance.

Adopted.

To the Honorable Common Council of the City of Ann Arbor:

Gentlemen:—I note that there is considerable property which was originally laid out and platted by the proprietors of the City of Ann Arbor and dedicated as streets and alleys that is now held by private persons under claim of title. It seems that they gained possession by encroachment upon the street or by enclosing the same under no claim whatever. The charter provides in section 129 that no person shall be deemed to have gained any title against the City by lapse of time, to any street, lane or alley, common or public square heretofore laid out or platted by the proprietors of said City or any part thereof, by reason of encroachment or enclosure of the same. If this section means anything it means that private persons cannot gain title to streets or alleys by simply taking and holding possession for the statutory period.

I would advise your honorable body to take such action as in your judgment you deem best, to open and take possession of all the streets and parts of streets of the City now closed to the public. Delay causes complications, and the sooner the City asserts its rights and settles this matter the better it will be for all concerned. Twelfth street north from Huron street, and State street north from Fuller street to Broadway at the river bridge, being of the greatest importance at this time, should demand your special attention.

W. E. Walker,
Mayor.

Ald. Brown moved that the communication be referred to the Street Committee and City Attorney.

PETITIONS AND COMMUNICATIONS.

A petition signed by Abraham Beck and eight others asking for improvements on Seventh street was read and referred to the Committee on Streets.

The Ann Arbor Street Railway Co.,
Detroit, September 9th, 1895.
To the City Clerk,
Ann Arbor, Mich.

You are hereby notified, that the Ann Arbor Street Railway Company, accepts the ammended ordinance granted by the Ann Arbor Board of Alderman on the 26th day of August, 1895 for the use of the streets therein described for street railway purposes.

Ann Arbor Street Railway Co.,
Per. John Winter,
President.

Received and placed on file.

Lansing, Mich., September 3, 1895.
Glen V. Mills, City Clerk.
Ann Arbor, Mich.

Dear Sir:—I have your official notice of resolution passed by the Common Council of the City of Ann Arbor, August 19th, '95, requesting that a flagman be placed on Fuller street crossing with the M. C. R. R. in that city.

The same will be taken into consideration and the crossing inspected and will take such action in the matter as will be considered reasonable and just for all parties concerned.

Yours respectfully,
(Dictated.) S. R. Billings,
Commissioner of Railroads
Received and placed on file.

Ann Arbor, Mich., Sept. 16, '95.
To the Honorable Mayor, Common Council and Board of Public Works, of the City of Ann Arbor:

Gentlemen: You are hereby cordially requested to attend the second annual Ten Mile Road Race given by

the Wolverine Cyclers, Wednesday, Sept. 18, 1895 at 3:30 p. m.

Very truly Yours,
Wolverine Cyclers,
Allen Smith, President,
E. W. Staebler,
Chairman Race Com.

Ald Taylor moved that the invitation be accepted by this Council.

Adopted.

To the Common Council:

I hereby respectfully tender my resignation as poundmaster and request the immediate acceptance of the same.

Respectfully,
James W. Green,

Ald. Maynard moved that the resignation be accepted by this Council.
Adopted.

REPORTS OF THE STANDING COMMITTEES.
SIDEWALKS.

To the Common Council:

Your Committeee on Sidewalks, to whom was referred the petition of the Ann Arbor Organ Co. asking for the privilege of building an area way along the south side of their factory, would recommend that the petition be denied by this Council.

Respectfully submitted,
Emmett Coon,
W. M. Shadford,
C. A. Maynard,
H. J. Brown.

Committee on Sidewalk.

Ald. Brown moved that the report be amended by striking out the word "asking for the privilege of building an area way along the south side of their factory."

Adopted as follows:

Yeas—Ald. Moore, Maynard, Snyder, Brown, Ferguson, Taylor, Shadford, Coon, Butterfield, Pres. Hiscock—10.

Nays—None.

Ald. Allmendinger not voting.

Ald. Prettyman entered.

Whereupon the report of the Committee was adopted as follows:

Yeas—Ald. Moore, Maynard, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—13.

Nays—None.

Ald. Allmendinger not voting.

To the Common Council:

Your Committee on Sidewalks would recommend that the following property owners be granted an extension of time until next year to build their walks providing the same are repaired this season.

Joseph Donnelly along the west side of 73 E. Ann.

Mrs. M. H. Taylor corner of Ingalls and Monroe.

Mrs. L. D. Niles 10 Jefferson.

Wm. Clever 14 Church.

Respectfully submitted,

Emmett Coon.

W. M. Shadford,

C. A. Maynard.

H. J. Brown,

Committee on Sidewalks.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

POLICE.

To the Common Council:

Your Committee on Police to whom was referred the petition from the Washtenaw County Fair Society asking for a detail of police during the county fair to be held on Sept. 24-27, '95, would recommend that the petition be handed to the Mayor for consideration, further it is the sense of this Committee that not more than three police be furnished by the city.

C. A. Maynard,

A. P. Ferguson,

W. L. Taylor,

Committee on Police.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson,

Taylor, Shadford, Coon, Butterfield, Cady. Pres. Hiscock—12,

Nays—None.

BONDS.

To the Common Council:

Your Committee on Bonds to whom was referred the Liquor Bonds of John Schaible would report that they have had the same under consideration and would recommend the said bond with Christian Martin and Jerry Walsh as sureties be approved.

O. E. Butterfield,

W. L. Taylor.

Committee on Bonds.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

Nays—None.

STREETS.

To the Common Council:

Your Committee on Streets would recommend that the Board of Public Works be ordered to surface that portion of Packard street north-east of the street railway tracks between Monroe and Hill with broken rock 4 inches deep, using the broken rock now on hand.

Respectfully submitted,

W. L. Taylor,

A. P. Ferguson,

C. J. Snyder,

D. F. Allmendinger,

Geo L. Moore,

O. E. Butterfield,

H. G. Prettyman,

Committee on Street.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

Nays—None.

To the Common Council:

Your Committee on Streets would recommend that \$75 be appropriated from the Street Fund to cut and fill Tappan Street to the established grade and that the work be done im-

mediately upon the completion of the sewer.

Respectfully submitted,
 W. L. Taylor,
 A. P. Ferguson,
 C. J. Snyder,
 D. F. Allmendinger,
 Geo. L. Moore,
 O. E. Butterfield,
 H. G. Prettyman,
 Committee on Streets.

Adopted as follows:

Yeas—Ald. Moore, Allmendinger, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres Hiscock—11.

Nays—Ald. Maynard—1.

To the Common Council:

Your Committee on Streets would recommend that the question of tiling the creek on west Washington street be deferred until next year as in the opinion of the Committee, the present bridge should be replaced by a stone culvert instead of tile.

Respectfully submitted,
 W. L. Taylor,
 A. P. Ferguson,
 C. J. Snyder,
 D. F. Allmendinger,
 Geo. L. Moore,
 O. E. Butterfield,
 H. G. Prettyman,
 Committee on Streets.

Adopted.

To the Common Council:

Your Committee on Streets would recommend that the property owners interested in paving the gutter on North State file a petition with this Council for the same, so that the proper ordinance can be passed and assessment made.

Respectfully submitted,
 W. L. Taylor,
 A. P. Ferguson,
 C. J. Snyder,
 D. F. Allmendinger,
 Geo. L. Moore,
 O. E. Butterfield,
 H. G. Prettyman,
 Committee on Streets.

Adopted.

To the Common Council:

Your Committee on Streets to whom was referred the petition of George W. Bullis and others relating to drainage of surface water, would report that they have had the matter under consideration; that the Engineer has prepared a map showing the territory which would be drained and the property which would be benefited by the improvement for which the petition prays. That in the judgment of your Committee this is a proper case for the exercise of the power conferred on the Council by sections 120 and 124 of the charter and your Committee would recommend that upon receipt of a petition signed by a majority of the owners of the property to be benefited by the plan proposed by the engineer the Council establish a special drain district, construct the drain and assess the cost thereof upon the property benefited, according to law.

Respectfully submitted,
 W. L. Taylor,
 A. P. Ferguson,
 C. J. Snyder,
 D. F. Allmendinger,
 Geo. L. Moore,
 O. E. Butterfield,
 H. G. Prettyman,
 Committee on Streets.

Ald. Prettyman moved that the report be placed on the table until the next regular session.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

Nays—None.

To the Common Council:

Your Committee on Streets, upon whose recommendation a grade was adopted for South University Avenue, and the Board of Public Works directed to improve the street in accordance with such grade, beg leave to report that after the work of improving said street was in part completed, various

and sundry protest came to the knowledge of your Committee from persons living in the vicinity who claim that a great and irreparable injury has been and was being perpetrated in and upon their private property.

That your Committee promptly and courteously waited upon the aforesaid indignant persons; and bore their criticism, some of which were not a little unreasonable, like men of chivalry; that they found upon South University Avenue a mass of earth piled high in the middle of the street; and from 6 to 8 inches above the grade recommended by your committee, and adopted by the Council; that they were informed that the inhabitants living along the line of the street had been instructed by the members of the Board of Public Works, that the street committee, the humble body which now addresses you, was doing the work at that point, that it, your committee, was responsible for the whole matter including the grievances of which complaint was made, and that it was the inexcusable incompetence and blundering efforts of your committee which constituted the instrument of this monstrous persecution of the innocent.

That all this they endure without flinching, together with the irony, sarcasm, invective and even insult amounting to a literal threat of violence of a certain ex-official who occupied the position of mere spectator passing along in the road, treating the later however, with becoming disdain.

Your Committee would further report that they have since been informed by the City Engineer that the grade stakes for the improvement upon the western portion of said Avenue were by mistake set 6 inches too high thus accounting fully for the excess of earth that had been placed upon the street.

Your committee would further re-

port that no member heard any complaint in reference to this work until the same was almost completed, that the attention of certain members of the Board of Public Works, as your committee is informed, was called to, at a stage when it would appear to the most casual observer that something must be the matter, and that they, instead of notifying the Street Committee or investigating for themselves and comparing the work with the drawings on file in the office of the Engineer, from which it is perfectly apparent that an error has been made, simply informed the people, that the Street Committee had done the work and that the same was under the supervision of that organization.

Your Committee would further report that it has made no mistake in relation to South University Avenue and has nothing for which to offer an apology and that it does not understand that any of the work upon the streets, is done under its supervision.

That the Engineer admits that the error was his and that the great stakes have now been lowered to correspond with the grade as recommended by your committee in the first instance.

Your committee would further report that the extra earth which now lies upon South University Avenue is all needed to perfect the parking along the center of the Avenue and they recommend that the same be moved off the street and placed upon said park at the expense of the Engineer.

Respectfully submitted,

W. L. Taylor,
C. J. Snyder,
A. P. Ferguson,
D. F. Allmendinger,
O. E. Butterfield,
Geo. L. Moore,
H. G. Prettyman,

Committee on Streets.

During the discussion Ald. Maynard moved that the citizens present and interested be granted permission to

address the Council. The report of the committee was adopted as follows:

Yeas.—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

Nays—None.

To the Common Council:

Your Committee on Streets would recommend that the Board of Public Works be directed to advertize for bids for completing the south half of the park on South University Avenue with coping stone and one foot in width of sod and report to the Council at its first October meeting.

Respectfully submitted,

W. L. Taylor,
A. P. Ferguson,
C. J. Snyder,
D. F. Allmendinger,
Geo. L. Moore,
O. E. Butterfield,
H. G. Prettyman,

Committee on Streets.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

ORDINANCE.

An Ordinance relative to Electric Light and lighting and to prescribe the duties and define the right of the Company entering into the contract for lighting the streets, alleys and public places of the City of Ann Arbor, was given its third reading by sections upon which the question was put "Shall this Ordinance pass."

Adopted as follows.

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

Nays—None.

RESOLUTIONS.

By Ald. Butterfield.

Whereas:—An Alderman has stated

in open session that this Council has earned the reputation of being the most extravagant Council the City has ever had, and

Whereas: The fact is that the total of appropriations for the year 1895 for which this Council is responsible is less than it was in 1893 or 1894.

Therefore Resolved: That this Council do and hereby does record its emphatic denial of the charge.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

Nays—None.

By Ald. Prettyman.

Resolved, That the use of Main-st. from Liberty-st. to the city limits be granted to the Wolverine Cyclers for the purpose of holding a road race Wednesday, September 18, from 3:30 to 4:30 p. m.

Adopted.

By Ald. Brown.

Resolved, That the lighting committee be and are hereby instructed to ascertain if a better method of lighting the court house clock cannot be found and adopted.

Adopted.

By Ald. Taylor.

Resolved, That the Board of Public Works are hereby instructed to furnish this council at its next regular meeting plans and an estimate of cost of a suitable shed in which to store the steam road roller; said shed to be located on the city property adjoining Firemans' Hall, if found feasible.

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Pres. Hiscock—12.

Nays—None.

On motion the Council adjourned.

GLEN V. MILLS,
City Clerk.