

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 26, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Carroll, Dishong, Kostura, Nairn, and Canton

OFFICIALS PRESENT: Fiscal Officer Romanowski, Street Commissioner Johnson and Solicitor Flynn.

VISITORS: David Stein, Kensington Dr.; Bob Brown, Waterford Dr.; N.D. Howard, Manor Brook Dr.; Charlene D. Usalis, Acacia Park Dr.; Phil Austin, Leaview Ln.; Katherine Malmquist, Louise Dr.; Molly Gebler, Sheerbrook Dr.; Jeanie Gaither, Circle Dr.

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer Romanowski read the roll.

Canton made a motion to approve the September 12, 2016 Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

Mayor recognized Molly Gebler for her help in organizing the week long “First Responders” event. Mayor presented her with a proclamation.

VISITORS:

Katherine Malmquist distributed some literature about various flags to Mayor and Council. She said that the Betsy Ross flag was the first official flag of the Revolutionary War, which consisted of 13 stars and a circle. She feels the Gadsden flag will drive a wedge into this community. She stated it also puts one political party over all others. Referring to a question that came up at the last Council meeting, Malmquist did research and found that the 101st Congress passed U.S. public law 101-355 which made the POW/MIA flag an official United States of America Flag.

Vince Massa said he believes there are a lot of pros and cons to the Gadsden Flag. He said the Gadsden flag is permanently flown in Bucks County on Revolutionary War heroes’ graves. The Gadsden flag is about love of liberty and independence. He went on to say that these men died so that people could have free speech; they also died so everyone would have a chance to express their feelings; “none of us is given the right to have everything our way.” He said just like the people who want to fly the flag don’t have the right to get it all their way, the people that don’t want to fly the flag don’t have a right to get it all their way either - they want to do completely away with the flag. This country is based on compromise and Massa urged Council to consider the Gadsden to be flown on certain days. If he had his way, it would be flown every

day, but that isn't a compromise, but to say it should never be flown because it is not meaningful is not a compromise.

Phil Austin said he felt the Gadsden flag should not be flown because no other community in the area flies that flag; he is insulted by removing the American flag and replacing it with the controversial Gadsden flag; taking the flags up and down all the time is a waste of time and money; there are other non-controversial flags that honor vets that could be flown; he questions how many residents want to see only the Gadsden flag. Austin personally feels passing legislation on this issue is unnecessary.

Jeanie Gaither said she feels Council is wasting time talking about this issue.

David Stein reported to Council that when you Google "Tea Party Flag" the first thing that comes up is the Gadsden flag; and an image search produces pictures of the Gadsden flag. He said if a political party co-ops something, that perception can become reality. He believes when people see the Gadsden flag, the first thing they think of is the tea party.

Bob Brown said the Gadsden flag has taken on a different meaning; like it or not that is the reality. Brown said he understands Council's position where they don't want the Mayor making a decision on something that they voted unanimously on. On other issues Brown said he would have felt the same way so he couldn't argue that, but in this instance he agrees with the Mayor. He said if Council must pass an ordinance, don't make the Gadsden flag the origin of the ordinance; make it a procedural issue, or process-related issue; not designed to do something that flies in the face of people in the Village.

Dick Howard says the Gadsden flag is never flown in a tea party meeting in all of Geauga County and that no one person should tear it down. Howard offered to buy all the Gadsden flags that the Village owns and he will pay for it to go up on special occasions. He said the Navy jack flies on every single Navy ship in port or anchored and it has since 911.

MAYOR: The Girl Scouts girls grew milkweed all summer long that they will plant in the park to attract butterflies. There will be a dedication of this project at the Fall Festival on October 2nd at 2 p.m.

The Mayor would like to go into Executive Session at the end of the council meeting to discuss employee compensation; no action will be taken.

STREET COMMITTEE: Street Commissioner said the parking lot at the South Russell Park was expanded with left over material from the road program.

There was a culvert pipe failure on Champion Lane that the Service Department employees were able to repair in-house, at a big savings to the Village over what outsourcing costs would have been.

COMMITTEE: Canton, Carroll, Kostura and Nairn had no report.

Porter will be introducing an ordinance regarding the flag issue. He plans for it to go through three readings and then a vote. People throughout the village will get to speak their piece about it; whether they like it, don't like it, or somewhere in between. Porter stated the reason he went ahead with preparing the ordinance is because the legal opinion issued by the Solicitor indicated that at any time the Mayor can fly any flag he so desires. He said the current Mayor has good sense and he is sure he would fly appropriate flags, but in the future there may be a Mayor who does not have good sense and will fly flags that are distinctly divisive. Porter said there should be some legislative guidance as to what can be flown subject to the input of Council. He said the Gadsden flag is raised on the main mast of the Continental Naval Ship Alfred in the Revolutionary War in 1775 and was the flagship of the 7-ship task force.

Dishong passed out a layout map for the Fall Festival of where the different events will be located. Lolly the Trolley will shuttle visitors to and from Gurney School. Some of the attractions include; scout recruiting, pony rides, face painting, Dr. Awesome bubble maker, apple cider pressing, Life Flight, bouncy houses, and a rock climbing wall. He has gotten volunteers and is putting together a work schedule so volunteers can rotate and not get stuck doing the same thing for four hours.

ORDINANCES/RESOLUTIONS:

Porter introduced an ordinance designating the display of flags on certain village properties and utility poles and establishing procedures for changing such designations.

Carroll had concerns about the ordinance as written; he would like to eliminate the Gadsden flag and potentially consider removing the POW/MIA flag. He said Section 2 of the ordinance would allow Council to make those decisions. He said based on the Show Your Colors historical perspective, he feels there are reasonable arguments for the Gadsden flag and there could be other arguments made for other historical flags. He said his opinion on this ordinance would be to fly the American and State of Ohio flags, and potentially include the POW/MIA flag after he confirms that it is legislated.

Solicitor Flynn said Council can modify small changes to the proposed ordinance, but the changes Carroll suggested may require it to be re-introduced. Solicitor stated the proposed ordinance could be changed to fly the U.S. flag and State of Ohio flag, and then the other flags would need to be approved by Council by motion. He said the ordinance could be modified at this meeting, complete the first reading and then move forward in that regard with the 2nd and 3rd reading.

Dishong stated he feels it is very unfortunate that the tea party co-opted a flag that has such historic significance. He never looks at the Gadsden flag and thinks "tea party". The POW/MIA

flag was very controversial and now that time has passed. He understands that there will always be people who won't like one or the other; and stated there are people who don't like the POW/MIA flag; he wonders at what point this madness stops. He would like to see the Gadsden flag flown at the cemetery to honor the armed forces.

Kostura feels the American flag and the State of Ohio flags should be the specified flags in the ordinance, and that the Gadsden flag and the POW/MIA flag should be agreed upon by motion of council. Then Council can decide as a legislative body what flags to fly; if it is agreed by motion, then that is the flag that should be flown. The main stay should be the American flag and the State of Ohio flag, as the origins of the "Show your colors" program. Kostura said Section 2 of the proposed ordinance allows Council the opportunity and ability to choose what flags are deemed necessary; and he is of the mindset that they should be chosen yearly.

Canton is a retired instructor of American history and he sees the Gadsden flag as a historical flag. Canton said the Village could have a bank of flags where Council designates flags to be flown and rotate them as a compromise.

Nairn is in agreement with all of the Council members. This topic has been divisive and she is sorry for that. Nairn feels very strongly on the issue and stated there are veterans buried in both cemeteries and she said that might be a consideration to rotate different flags that are not the American or State of Ohio flags at the cemeteries.

Mayor questioned the proposed ordinance and asked if it meant the flags would be flying on six flagpoles. Porter clarified that locations would be selected by Council. There was discussion regarding where and when the flags are currently hung and possible amendments to the proposed ordinance. Street Commissioner stated that adding another flag to the flagpoles would bring them almost to the ground level.

Porter said the proposed ordinance would start with the listed four flags, and if Council decides to change the mix later on, the American and State of Ohio flags would remain and the other two could change. Porter stated he thought that the issue was resolved last year when Council passed a unanimous motion for the display of flags; however the Mayor determined it was in the Village's interest that one of them not be flown. An issue Porter thought was resolved and Council could have changed, this year the unanimous decision was unilaterally taken from Council. Porter likes the Gadsden flag; the "Don't Tread on Me" is part of the U.S. Army Seals; and it embodies the fighting spirit of the Navy. Porter stated, "If someone appropriates something that doesn't belong to them, you take it back. This takes it back."

Porter would like to keep the first reading on the ordinance as is, with the exception of correcting when it would be flown to keep with what the Service Department is currently doing. Solicitor Flynn cautioned Council of making a material change to the ordinance such as the designation of which flags will officially be flown since a change of that significance would require the ordinance to be re-introduced as amended. Porter will make the amendments as discussed and do a second reading at the next meeting.

Mayor informed Council that the Village has flown the Canadian flag on July 1st for the last six years and that might be something to put into the mix.

The Mayor stated in his opinion picking flags to fly is an administrative decision that was given to Council by the previous Mayor. In 2015 when he was on Council he made the motion to fly the Gadsden flag; sitting in the seat of the Mayor, he has a different point of view. He doesn't believe the Village should fly a flag that divides the community. When he made that decision to overrule Council he got three different opinions that he could do it, and in all of the opinions he heard he was going to pay the price; he stated that is what was happening at the meeting.

BILLS LIST: Kostura made a motion to approve the 9/28/16 bills list in the amount of \$39,059.22, seconded by Porter. Voice vote – all in favor. Motion carried.

NEW/OTHER: Porter, Canton, Carroll, Kostura and Nairn had no business.

Dishong said the Chagrin Falls schools will be going for a levy in May. Some board members have reached out to him about South Russell's view point. Dishong said he has been on Council for a long time and he doesn't recall if the Village has taken official positions on levies. Dishong said this is an area that he doesn't think Council can speak for the residents because this could be divisive or personal.

Carroll said if Council isn't going to take a position as Council, that is fine, but then no one should speak on behalf of the Council or the Village. He said while he may support it, he should not speak for South Russell Council as a whole. It was discussed that he could write a letter to the editor to support the issue, but he should make it clear that it was coming from him personally.

Mayor says he met with each school board member and the Superintendent about the issue and gave his opinion. He gave his opinion privately, but will not go on record.

FISCAL OFFICER'S PRESENTATION:

The Fiscal Officer gave a presentation to Mayor and Council about the history of the Village and the Fiscal Officer's position, her education and certifications and the responsibilities that fall within the parameters of her office.

As a statutory Village, the Village must follow the ORC Title No. 7. She explained the history of the Fiscal Officer's position and how it was changed from elected Clerk and elected Treasurer in 2007 when the positions were combined into an appointed Fiscal Officer and Council waived the residency restrictions. She also serves as the Village Tax Administrator.

Fiscal Officer shared her education and background and explained some of the different certifications she holds including; Certified Municipal Clerk (CMC), Certified Public Finance

Administrator (CPFA), Certified Public Funds Investment Manager (CPFIM), Certified Public Investment Manager (CPIM), Designated Employer Resource (DER) and Drug Free Safety trainer.

She explained different areas of her job responsibilities and highlighted some tasks of each of the various areas. Many of her job responsibilities are set forth in the ORC but additional responsibilities have been added over the years such as Safety and Human Resources. The Fiscal Officer is also a Notary Public.

At 9:10 p.m. Nairn made a motion to go into Executive Session, seconded by Dishong. Roll call, ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before the Council, Dishong moved to adjourn, seconded by Nairn. Voice vote – all in favor. Motion carried.

Meeting adjourned at 9:20 p.m.



William G. Koons
William G. Koons, Mayor



Danielle Romanowski
Danielle Romanowski, Fiscal Officer