

Galesburg City Council Regular Meeting
City Council Chambers
55 West Tompkins Street, Galesburg, Illinois
June 5, 2023
5:30 p.m.

Called to order by Mayor Peter Schwartzman at 5:30 p.m.

Roll Call #1: Present: Mayor Peter Schwartzman, Council Members Bradley Hix, Wayne Dennis, Evan Miller, Dwight White, Heather Acerra, Sarah Davis, and Steve Cheesman, 8. Also Present: Acting City Manager Steve Gugliotta, Interim City Attorney Paul Mangieri, and City Clerk Kelli Bennewitz.

Mayor Schwartzman declared a quorum present.

A moment of silence was observed in lieu of an invocation.

Council Member Cheesman moved, seconded by Council Member Miller, to adjourn into executive session at 5:31 p.m. for the purposes of discussing personnel, 5 ILCS/2(c)(1).

Roll Call #2:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

During the Executive Session, Council Member Dennis moved, seconded by Council Member Hix, to recess back to the Regular City Council meeting at 5:48 p.m.

Roll Call #3:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

Council Member Dennis moved, seconded by Council Member Miller, to approve the minutes of the City Council's special meeting from May 15, 2023.

Roll Call #4:

Ayes: Council Members Hix, Dennis, Miller, Acerra, Davis, and Cheesman, 6.

Nays: None

Absent: None

Abstain: Council Member White, 1.

Chairman declared the motion carried.

Council Member Miller moved, seconded by Council Member Acerra, to approve the minutes of the City Council's regular meeting from May 15, 2023.

Roll Call #5:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None
Absent: None
Chairman declared the motion carried.

Mayor Schwartzman asked for nominations for Deputy Mayor.

Council Member White nominated Council Member Cheesman, seconded by Council Member Davis.

Council Member Acerra nominated Council Member Dennis, seconded by Council Member Hix.

Council Member Cheesman removed his name from consideration. No further nominations were received.

Roll Call #6:

Ayes: Council Members Hix, Miller, Acerra, Davis, and Cheesman, 5.

Nays: Council Member White, 1.

Absent: None

Abstain: Council Member Dennis, 1.

Chairman declared the motion carried. Council Member Dennis was elected as Deputy Mayor.

CONSENT AGENDA #2023-11

All matters listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion.

23-2031

Approve Resolution 23-35 in support of the Illinois Housing Development Authority's (IHDA) Strong Community Program Grant Ground 2.

23-4046

Approve membership renewal with Western Illinois Regional Council in the amount of \$17,085.

23-4047

Approve a three-year maintenance agreement with Altorfer Power Systems in the amount of \$13,792 per year for emergency standby generators for the Water Division.

23-4048

Approve the purchase of phosphate inhibitor from Hawkins, Inc. at a cost of \$0.795 per pound for the Water Division.

23-4049

Approve waiving normal purchasing policies and approve the product pricing by Core & Main for various water meters and radio units to be purchased for the Water Division.

23-4050

Approve the renewal of an agreement for use of the Right of Way by Unite Private Networks-Illinois, LLC for installing a fiber optic cable.

23-8010

Approve bills in the amount of \$1,117,722.68 and advance checks in the amount of \$955,502.34.

Council Member Davis moved, seconded by Council Member Miller, to approve Consent Agenda 2023-11.

Roll Call #7:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman 7.

Nays: None

Absent: None

Chairman declared the motion carried by omnibus vote.

23-4051

Council Member Dennis moved, seconded by Council Member Miller, to approve a \$5,000 Minority and/or Woman owned Business Startup Assistance grant to MOD Esthetics, LLC. Sarah Howerter thanked the Council for their support.

Roll Call #8:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None.

Absent: None

Chairman declared the motion carried.

23-4052

Council Member Dennis moved, seconded by Council Member Davis, to approve a \$5,000 Minority and/or Woman owned Business Startup Assistance grant to Get Sum Ink LLC. George Hamblen thanked the Council for their support.

Roll Call #9:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

23-4053

Council Member White moved, seconded by Council Member Miller, to approve a \$10,000 Minority and/or Woman owned Business Startup Assistance grant to Greenlords Pharms LLC. Demarkius Medley Sr. and Demarkius Medley Jr. thanked the Council for their support.

Roll Call #10:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

PASSAGE OF ORDINANCES AND RESOLUTIONS

23-1008

Council Member Hix moved, seconded by Council Member White, to approve Ordinance 23-3699 on final reading directing the sale of City owned property located at 905 Maple Avenue.

Roll Call #11:

Ayes: Council Members Hix, Dennis, Miller, Acerra, and Cheesman, 5.

Nays: Council Member White and Davis, 2.

Absent: None

Chairman declared the motion carried.

23-1009

Council Member Acerra moved, seconded by Council Member Hix, to approve Ordinance 23-3700 on final reading amending section 30.06 (h) regarding speakers limiting their comments to three minutes during Public Participation with a not to exceed total limit for public comments to 60 minutes at Regular City Council meetings and 30 minutes at City Council Work Sessions and Special Meetings.

Council Member White stated that he feels this is an encroachment on the first amendment right and reminded Council that the public is their employer and should have the right to address the City Council. He stated that he can ignore emails and phone calls, but everyone has to listen when someone is speaking to them in person. He feels that limiting their time to speak is improper and believes the Supreme Court would agree. Furthermore, he reiterated that he fought for people's right for freedom.

Council Member Davis stated that it's not normal for so many people to show up at a meeting unless there is a reason. She doesn't feel a limit should be instituted and that citizens should have the right to stand up and feel heard.

Mayor Schwartzman stated his concern over the number of minutes allotted and that it could be problematic in terms of people positioning themselves to make sure they are heard.

Council Member Cheesman stated that he doesn't want anyone not to be heard and that a compromise is needed. He also understands that City business needs to get done and would be amenable to approving an extension if the time limit was over and there were still residents who wanted to make a comment.

Council Member Acerra noted that having some of these limits is not unconventional and that both the County Board and the School District have something similar.

Council Member White stated that the compromise should be to remove both time limits and that the Council should not control people in this way and that it is highly unfair.

Council Member Hix stated that with the Council's four-hour limit, that leaves 25% of the meeting devoted to public comment. He would be in favor of removing the time limit if the Mayor could give his word that he would monitor the public and their comments.

The Mayor stated that he has asked people to only speak for one-minute in the past when there has been a lot of public comment, which he has the discretion to do. He noted that a lot of time and work goes into the preparation of the agenda by staff but does not want the public to feel restricted.

Council Member White moved, seconded by Council Member Davis, to amend the ordinance by removing the 60-minute limit at Regular City Council meetings and the 30-minute limit at City Council Work Sessions and Special Meetings.

Roll Call #12:

Ayes: Council Members Hix, Dennis, White, and Davis, 4.

Nays: Council Members Miller, Acerra, and Cheesman, 3.

Absent: None

Chairman declared the motion carried.

23-1010

Council Member Davis moved, seconded by Council Member Miller, to approve an Ordinance on final reading amending section 30.15 (B) regarding the order of business for City Council meetings and limiting closing comments by City Council Members to two minutes per member.

Council Member White moved, seconded by Council Member Davis, to amend the ordinance by removing the two minute per Council Member time limit.

Roll Call #13:

Ayes: Council Members White and Davis, 2.

Nays: Council Members Hix, Dennis, Miller, Acerra, and Cheesman, 5.

Absent: None

Chairman declared the motion failed.

Council Member Cheesman asked what time limit could be considered as a compromise. Council Member White stated that this is his platform and that he likes to speak. He takes it personally that there is a limit being suggested and that in the end, it would be his right to filibuster the meeting.

Council Member Cheesman moved, seconded by Council Member Miller, to amend the ordinance by allowing a three minute per Council Member time limit.

Roll Call #14:

Ayes: Council Members Hix, Dennis, Miller, Acerra, Davis, and Cheesman, 6.

Nays: Council Member White, 1.

Absent: None

Chairman declared the motion carried.

Approve Ordinance 23-3701 on final reading as amended.

Roll Call #15:

Ayes: Council Members Hix, Dennis, Miller, Acerra, and Cheesman, 5.

Nays: Council Member White and Davis, 2.

Absent: None

Chairman declared the motion carried.

23-1011

Council Member Dennis moved, seconded by Council Member Acerra, to approve Ordinance 23-3702 on final reading amending section 30.02 (B) to change the start time of City Council meetings to 6:00 p.m.

Roll Call #16:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

23-1013

Council Member Acerra moved, seconded by Council Member Miller, to approve Ordinance 23-3703 on final reading authorizing the City Council to retain independent legislative counsel, Ancel Glink, P.C.

Discussion was held on the process of which a Council Member would contact legislative counsel. The current process was explained by Interim City Attorney Mangieri, as well as other options. If approved, the Acting City Manager would discuss options with the City Council.

Council Member White inquired about the law firm and how they were chosen. Council Member Acerra noted that after attending a conference, she contacted them as they are the premier municipal law firm in Illinois. Council Member White stated that he still had many questions. Council Member Hix noted that Council has had three weeks to ask questions or reach out to staff for information.

Keri-Lyn Krafthefer, Ancel Glink, stated that she would be happy to talk to or meet with any Council Members. Council Member Acerra also noted that Ms. Krafthefer and her firm authored the IML Handbook, which she recently received at her Council Orientation.

Mayor Schwartzman stated that if approved, legislative counsel would not replace or usurp the City's legal counsel. Interim City Attorney Mangieri stated that his hourly fee is \$300 per hour compared to Ancel Glink's rate of \$250 per hour. He also noted that municipal law is not his area of expertise.

It was also noted that the City has many attorneys that they use at different times for such items as labor negotiations, workers compensation cases, insurance cases, discrimination, bond counsel, etc. Legislative counsel would provide advice and counsel to the Council; the City Attorney provides legal support to carry out the decisions of the Council.

Reverend Vince Marolla addressed the Council and asked if Ms. Krafthefer had been paid to date and if she had already provided services. She stated no to both questions.

Jim Jacobs addressed the Council and stated that those who ran for office ran to save the City money and in the recent past, fired the interim Public Works Director to save money. He's unclear as to why some on the Council now want to spend money on a Chicago law firm. He believes that has never been done before and that the City does not need additional representation. This is a contradiction of what most individuals ran on during the election.

Bruce Weik addressed the Council and feels that this was in motion before the election and that Ms. Krafthefer is sitting at the table before she has been approved.

Council Member Dennis left the meeting at 7:15 p.m.

Mr. Weik stated that it is a shame that four right-wing republicans have been seated and that this legal representation is not needed and is likely illegal. He believes it is a scam by a Chicago law firm.

Reverend Andrew Jowers addressed the Council and read part of the proposed ordinance out loud. He feels that this is a duplication of services and that Ms. Krafthefer should not be sitting at the table since she has yet to be hired. He feels that something like this should be put out to bid by the City.

Council Member Dennis returned to the meeting at 7:19 p.m.

Gabriel Lincoln addressed the Council and hopes that people more intelligent than him are asking questions. He asked if hiring legislative counsel is meant to save money in the long run and to save the Council from legislative blunders.

Pastor Tony Franklin addressed the Council and stated that he doesn't understand why this item is coming to the Council now and was not needed before. He wondered what has changed that he is not seeing.

Bernie Cowan addressed the Council and asked if this was protection for each Council Member and that he is disappointed in the misleading of the public.

Louise Wilder asked the Council to each explain why the extra attorney is needed so that she can better understand.

Steve Smith addressed the Council and stated he has moved back to Galesburg and is upset by the attacks on his Council Member (Acerra) and that having legislative counsel could be a good idea. He is tired of these attacks happening at every single meeting and that everyone needs to stop.

Chris Deligiannis addressed the Council and stated that he has lived in Galesburg his whole life and doesn't understand how this attorney was contacted by one Council Member and that taxpayer dollars will pay for these services.

Council Member Miller left the meeting at 7:29 p.m.

Darla Krejci addressed the Council and stated that she recommends the City get a new City Attorney first before additional legal counsel is approved. She would expect that an itemized bill and list of questions, topics, and who called would be made available to the public.

Jerry Ryberg stated that AI learns about everything.

Council Member Acerra stated that working with Ancel Glink will be helpful for policy decisions, and they will be the Council's "go to" for special counsel. Ancel Glink has worked with many municipalities and is the premier municipal law firm in Illinois.

Council Member Miller returned to the meeting at 7:32 p.m.

Council Member White read a portion of the ordinance that discussed using legislative counsel for divergent or political views different from the City Manager or Mayor. He notes that if Council had divergent views from the City Manager they wouldn't hire that person and if there are differences, he would be fired. He stated that he believes the Council needs to trust the City Manager for decisions and that that position works for the Council. He reminded everyone that the Mayor represents the whole City, not separate wards.

Council Member White left the meeting at 7:35 p.m.

Mayor Schwartzman did report that he talked to Ms. Krafthefer on May 15th. He noted that there have been times when outside counsel has been needed and could be a benefit to the City Council on occasion. However, he noted that he was not pleased how it was handled. He also noted that he cannot make a judgment on Ancel Glink, but he is concerned about the fees that were not budgeted.

Council Member Cheesman stated that these are difficult and challenging times and noted that Paul Mangieri and Leslie Day have done a great job for the City, but are moving on. He feels there is a need for in-house counsel, but understands that it will take time.

Council Member White returned to the meeting at 7:38 p.m.

Council Member Cheesman further stated that he would envision using legislative counsel for a short time and that the arrangement with Ancel Glink would be re-evaluated once a new City Attorney is hired.

Roll Call #17:

Ayes: Council Members Hix, Dennis, Miller, Acerra, and Cheesman, 5.

Nays: Council Members White and Davis, 2.

Absent: None

Chairman declared the motion carried.

23-1014

Ordinance on first reading proposing an amendment to Special Service Area One to provide for a ten-year extension of the \$1.50 tax and authorizes staff to establish a date for a public hearing for the proposed amendment.

23-2027

Council Member Cheesman moved, seconded by Council Member Acerra, to defer agenda item 23-2027 to the July 3, 2023, City Council Meeting.

Dale Carlson, Galesburg Rescue Mission Board Member, addressed the Council and would also like to see the Council defer this item. He would like to recommend residents in the third and fourth wards contact their Council Members and express their ideas and concerns. He hopes the Council can all work in harmony.

Roll Call #18:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

23-2039

Council Member Davis moved, seconded by Council Member Acerra, to approve a Resolution declaring the month of June as LGBTQIA+ Pride Month.

Mayor Schwartzman asked the public to keep their comments as concise as possible, germane to City business, and respectful. He asked everyone to refrain from ridicule, personal attacks, and abusive language. If a Council Member/s has done something they don't agree with, he asks the public to focus on the action, not on the person. He asked members of the public to respect the elected body and for the elected body to show restraint and model good comportment.

The Mayor further stated that as the presiding officer, he has the authority to call people out of order. He asked that people remain civil, orderly, and respectful during these important meetings.

Jerry Ryberg addressed the Council and read a statement from a May 1st article. It noted that no one lives as a transgender out of caprice, but instead they lose their family, friends, jobs, and even their lives. We need love, diversity, and equity, and he asked the Council to fly the Pride Flag.

Holly McDorman addressed the Council as the president of Galesburg PFLAG. She asked the City Council to fly the Pride Flag at City Hall, Welcome Center, and the square. She stated that

this flag can save a life and shows that we are a safe community for many who are in a life or death situation. She asked the Council to consider a flag ordinance after the month of June.

Jim Jacobs addressed the Council, stating that he would like the Pride Flag flown during the month of June in the same locations as last year. He added that if a flag ordinance is adopted, the Pride Flag should be grandfathered in.

Reverend Andrew Jowers addressed the Council and stated that he knows this topic is a hard one for religious reasons but that he is ordained to love all and doesn't understand the objection. He stated that there is no need to have a fear of a flag and that everyone falls short of what the American flag stands for -- liberty and justice for all.

Karen Cabrera addressed the Council and stated that she is the mother of a gay son, who has said before that he didn't choose to be gay. One year ago, her son held a drag show in Galesburg and it sold out in ten minutes. She hopes the Pride Flag is flown to show all kids they are accepted.

Christina King addressed the Council and stated that the Pride Flag is not a political statement but does represent people who have been oppressed for years. She herself has struggled with this topic and has been called names, attacked, and sexually assaulted, are not things she has asked for or wanted. In order for her to be here today, she had to accept herself. She stated that this is a real life issue that affects people who see the Pride Flag as a beacon of hope. She has many youths who have asked for help and she tells them to hold on, be patient and that they have rights, choices and options. It gives people hope and sometimes gives them one more day.

Ms. King presented statistics regarding trans people and stated that this is reality and why the flag is life-saving for many people. She added that a precedent has been set with flying the Pride Flag and that many of the current Council have voted for it in the past.

Joseph Taylor addressed the Council and quoted a saying that gay people are marvels who have fought persecution, bullied, and in a constant battle with the government. He noted that most of them still believe in the humanity that continues to suppress them. He stated that he is present today so that he can look back in five years and say it's going to be okay and to show support for everyone.

Reverend Carrie Carnes addressed the Council and stated that week after week, community members come to the City Council meetings and express fear for themselves and who they love. She stated that legislation is proposed on a daily basis that targets the LGBTQIA+ community. She noted that the City is at a critical juncture to create a community in which everyone thrives, has a sense of dignity and belonging.

Reverend Carnes stated that she agrees with some people who say that flying the Pride Flag is a performative and symbolic act. She believes that flying the flag both describes the community in which we live and transforms it into that same community. The Council has the power to be

the change and that their actions will dictate the extent to which all members of the community have a safe and dignified place.

Duane Oldfield addressed the Council on behalf of his daughter who had homophobic slurs put on her locker. He noted that many years ago, the City's Human Relations Commission added LGBTQ language to their ordinance and it was voted down. There is now a Gay Straight Alliance at the high school and the Pride Flag means a lot to youth and helps them make decisions. He implored the Council to fly the flag and that an ordinance can come at a later date.

Karen Kampwirth addressed the Council and hopes that this resolution passes with the approval to fly the Pride Flag in the same places as last year. If it is not flown, she feels that it will send a message that the Council is hostile to the community.

Kyle Rohweder addressed the Council and stated that gay history is part of American history and shows the diversity of God's creation. The advocacy for and recognition of such marginalized people is a birthright and obligation for any human who values decency, acknowledges the tremendous diversity of God's beautiful creation, and holds any basic level of respect for other human beings and their own right to exist as happily and authentically as they were created. He stated that the recognition of equal rights for some does not mean fewer rights for you.

Ella Oligney-Estill addressed the Council as a member of the youth population. She noted that there has been a precedent set by flying the Pride Flag in 2020. She would support a flag ordinance but would ask that the flag be flown in June and the ordinance evaluated later. She is a member of the high school GSA and the flying of the flag means a lot to the youth of Galesburg. She reminded the Council that it is just a piece of fabric but that it means a lot to people and to a little girl who was scared to approach the podium.

Susan Vinson addressed the Council and asked that they adopt a flag policy in order to keep the City out of a precarious position. She believes that the City Council shouldn't be endorsing flags, which is what people will assume, and that it will be seen as political.

Ryan Sherwin, a member of the high school's GSA, addressed the Council and stated that not flying the flag hurts and that many people have been looking forward to seeing it. He noted that many have not been able to represent themselves at high school and that the flag is viewed as something important and represents community. Not flying the Pride Flag shows that not everyone is important.

Brandy Wilcox addressed the Council and stated that she came to Galesburg in June 2022 for Knox College. She came from Madison, WI, where they are very supportive of LGBTQ rights and that she was scared to show her identity here. When she moved here, she noticed a Pride Flag in her apartment building and it made her feel safe and that it was going to be okay.

Diane Crock addressed the Council and stated that she agrees this topic shouldn't be political. She read a statement from the Knox County Patriots that was endorsed by four Council Members.

Reverend Vince Marolla addressed the Council and stated that God is the God of love with no conditions, no creed, etc. One year ago, seven people voted yes to fly the Pride Flag and in January all seven voted for the LGBTQ resolution. Four of those individuals are still on the Council and he doesn't understand what has changed.

Iris Veneracion addressed the Council and stated that seeing the Pride Flag makes her feel safe and physically relaxed. The flag means the City is looking out for the queer community and making a statement. She reminded the Council that there are queer individuals in all their districts and that this is their job.

Dez Stenger addressed the Council and stated that being part of the LGBTQ community has been difficult and that she identifies with the she/her pronouns. She moved near here in 2021, after starting a family, but some people want her dead because she's transgender. She flies the Pride Flag every day and simply wants to live her life with respect. She wants her spouse and child to be safe and to not be alienated because of her. She hopes for a community that is focused on love, not hate.

Walt McAllister addressed the Council and stated that hiding behind a flag ordinance is disingenuous and that the community knows and sees it. He implored the Council to be truthful.

Darla Krejci addressed the Council and stated that as tourists, the Pride Flag means a lot to those who like to travel. For her and her partner, many times while traveling they have to survey the situation and act accordingly, sometimes playing that they are sisters. Seeing the Pride Flag in another city means they can relax and not be judged. She noted that the flag was flown at the Welcome Center last year during the month of June and that they will follow the lead of the City this year. A precedent has been set and the flag, which identifies love not hate, should continue to be flown.

Nancy Eberhardt addressed the Council as a member of the local United Against Hate chapter and thanked the Council for listening. Their group is composed of concerned citizens from the community, created to provide support and to resist acts of politically motivated hatred and intimidation against members of ethnic or religious minority groups, immigrants, LGBTQ people and others. Ms. Eberhardt stated that hate crime incidents have been surging in recent years and that scholarly research shows that the best ways to prevent hate crimes in a community is to identify which people/groups will most likely to be targets of hate crimes and determine how to make these groups feel safe, respected and protected (which includes public displays of support of these people/groups). She implored the Council to fly the Pride Flag.

Doug Summers addressed the Council and stated that he is a member of the "old guard" and remembers a time of riots, and has lost jobs and apartments for being gay. He moved here seventeen years ago and believes Galesburg is wonderful and full of kind and considerate people. He added that the City Council approved a proclamation and flying the Pride Flag three years ago and asked them to vote for flying it again this year.

Stephen Smith addressed the Council and stated that flying the Pride Flag in Galesburg is not new and that they need to honor it by flying it again.

Edan addressed the Council and stated that living a transgender life is not fantastic and that there has been a lot of legislation introduced to hurt that community. When she lived in Canton, she was the first to own a Pride Flag, which was threatened to be burned. She came to Galesburg in 2022, she felt safe by seeing the flags flown here. She does not want to live in fear for the rest of her life and asked the City to put up the flag.

Council Member Davis stated that everyone has heard plenty tonight of how the Pride Flag saves lives and that it should not be a political statement. She has heard divisive and alienating hate speech from one Council Member and is disappointed to see that three others have aligned themselves with him. As the only queer Council Member she was sad to see that she wasn't consulted about the flag, but was instead alienated and blindsided. She noted that she came out only a year ago so she has not lived through as much hatred, violence, and death threats as others. The City needs to demonstrate that they care about the entire community and that a flag is the smallest action they can take.

Council Member Davis stated that there is much legislation that is basically genocide and making people not feel safe, forcing them to leave their jobs and community. She noted that her fiancé once felt safe in Galesburg but does not. A precedent has been set by flying the Pride Flag and that you cannot put one person's discomfort over another person's existence. The flag is life-saving.

Council Member Davis moved, seconded by Council Member White, to amend the Resolution by adding language that the Pride Flag will be flown during the month of June.

Council Member Cheesman stated that he believes it is reasonable, makes common sense, and provides decency to fly the flag during the month of June. In the future, he recommended looking at a flag policy, but to move forward with the Pride Flag at this time.

Council Member Hix inquired about the legal ramifications of another group requesting to fly a flag and if the City be required or obligated to do so.

Interim City Attorney Mangieri stated that there is a U.S. Supreme Court opinion from the city of Boston that ruled the city must let a Christian group fly its flag over city hall. He stated that the things that go towards the First Amendment and the free speech clause does not prevent a governmental entity from expressing a view or require a governmental entity to allow every view to be presented. The distinction that the Supreme Court has made is whether flying a flag constitutes speech from the government or from a private entity.

He noted that this has a lot to do with how the flag gets flown, and in the absence of a policy, there is nothing to hold up and show that there is one being used. However, he stated that the City has in the past, during the month of June, approved a resolution that has provided for the month of June in the City of Galesburg is Gay Pride Month, and it did have the provision that the

flag will be flown. He believes this is permissible, but that Council also has the right to not approve.

Council Member White left the meeting at 9:07 p.m.

Interim City Attorney Mangieri added that where Council could run afoul is where there is no legislative input, or any determination, and there is a lack of a policy where everybody that wants to fly a flag gets to do it. He noted that this is what happened in Boston. In this case, they had no parameters and they allowed everyone to fly a flag, including a commercial bank. He read that the First Amendment's free speech clause does not prevent the government from expressing a view or declining to express a view when the government wishes to state an opinion to speak for the community to formulate policies, or to implement programs.

He stated that if the Council is in favor of the principles to continue to support and accept LGBTQ+ individuals, in particular youth, then they could approve to fly the flag. He expressed again that the City has a practice right now, but no policy. He noted that in concert with the Supreme Court case, another case noted that city flag poles are not intended to serve as a form for free expression by the public. In that community, the following flags may be displayed by the city as an expression of the city's official sediments, official ceremony items or proclamations of city council. He feels extremely confident that the Council will not run afoul or not expose the City if they pass this resolution because they are making the finding that those are the values that the City of Galesburg wishes to endorse and that the Pride Flag symbolizes that.

Council Member White returned to the meeting at 9:09 p.m.

Council Member Acerra stated that this is a complicated issue because the Council Members represent all of our Wards. She stated that she has two concerns about the legislative aspect of this, one being that in the Supreme Court case in Boston, the City had to pay \$2.1 million to a Christian group that wanted to fly a Christian flag because they didn't want to endorse religion.

She further clarified that this isn't the same circumstance, but that in the City of Moline, because of the whole element of freedom of speech, they have an after school Satan club now. She added that this is upsetting a lot of parents, but they can't deny it because of freedom of speech. She also noted that in Springfield they have a display at Christmastime where there's a menorah, a Christmas crèche, and a satanic display. She's guessing that most in attendance aren't satanists and most would say that doesn't reflect their values.

She has heard from a lot of residents and most are split on this subject. Therefore, she is trying to represent a lot of people and trying to do something that's fair for everyone. She noted that she and the Mayor have talked quite a bit about this subject and she does believe in inclusion, and suggested that in the future, possibly a welcome sign that says specifically either an inclusive statement or something similar to what the City has now with logos of clubs and service organizations. Council Member Acerra stated her concern over how the Council will determine what the values are for certain requests, such as a Right to Life flag, which a lot of people feel very seriously about. How will the Council feel comfortable making a decision and wonders if it is their place as a City to do so. If someone comes with a more mainstream value,

or maybe what some might deem to be a conservative value, such as right to life, how should the City process that.

Council Member Cheesman stated to the Mayor that he has sat here all night long and heard people say things. He emphatically stated that we really, really need to stop the stuff that goes on here in terms of what happens after every comment and someone laughs or we have an insulting type of gesture. He respects everything that people are saying and expects the same toward what's said by Council Members.

Mayor Schwartzman stated that he agreed with Council Member Cheesman but that it is very difficult to pick individuals out of a room. He asked that people please conduct themselves properly.

Council Member White stated that the Right to Life organization has been active with his church throughout many years. Most of those involved are conservatives and the first tenant of a conservative is for the government to stay out of their business. He believes this as well and doesn't want the government in his business, but that it's necessary. He has supported Right to Life for a long time but he does wish they took all the energy, time and money to figure the problem out and talk to young people about how to love themselves so they will have self-esteem and not have to depend on some guy that say he loves them and they end up having a child that they don't want.

Council Member White challenged everybody to read the American flag code and noted the people walking around with it on their shoulder are trashing it. However, they call themselves patriots or constitutionalists.

The Mayor explained that a vote in favor of this amendment would add the language to fly the Pride Flag during the month of June.

Roll Call #19:

Ayes: Council Members Hix, White, Davis, and Cheesman, 4.

Nays: Council Members Dennis and Miller, 2.

Absent: None

Abstain: Council Member Acerra, 1.

Chairman declared the motion carried.

Approve Resolution 23-36 as amended.

Roll Call #20:

Ayes: Council Members Hix, Dennis, White, Acerra, Davis, and Cheesman, 6.

Nays: Council Member Miller, 1.

Absent: None

Chairman declared the motion carried.

Council Member Hix moved, seconded by Council member White, to extend the meeting by 15 minutes.

Roll Call #21:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.
Nays: None
Absent: None
Chairman declared the motion carried.

23-2040

Council Member White moved, seconded by Council Member Davis, to approve Resolution 23-37 releasing Executive Session minutes from the December 5, 2022, meeting, and portions of the December 19, 2022, meeting.

Roll Call #22:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.
Nays: None
Absent: None
Chairman declared the motion carried.

23-2041

Council Member Davis moved, seconded by Council Member White, to approve Resolution 23-38 accepting the donation of 782 East Berrien Street.

Roll Call #23:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.
Nays: None
Absent: None
Chairman declared the motion carried.

23-2042

Council Member Cheesman moved, seconded by Council Member Acerra, to approve a Resolution approving compensation for Steve Gugliotta as Acting City Manager.

Council Member Hix moved, seconded by Council Member White, to amend the Resolution to allow for acting pay retroactive to May 23, 2023.

Roll Call #24:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.
Nays: None
Absent: None
Chairman declared the motion carried.

Approve Resolution 23-39 as amended.

Roll Call #25:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.
Nays: None
Absent: None
Chairman declared the motion carried.

BIDS, PETITIONS, AND COMMUNICATIONS

23-3016

Council Member Dennis moved, seconded by Council Member Davis to approve the sale of the following City-owned properties:

ACCEPT SOLE BID:

Tract 2: Greg & Jackie Saul for \$103.00.

Tract 3: Greg & Jackie Saul for \$103.00.

Tract 5: Elias Rogers for \$400.00.

Tract 7: Mark Rassmussen for \$151.00.

Tract 8: T.J. McNaught for \$400.00.

Tract 12: Larry & Sue Knuth for \$255.00.

ACCEPT HIGH AND BEST BID:

Tract 11: David Christianson for \$850.00.

Roll Call #26:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

23-3017

Council Member Cheesman moved, seconded by Council Member Dennis, to approve the purchase of a 2023 Alexis Spartan Fire Engine from Alexis Fire Equipment in the amount of \$622,917, with trade, for the Fire Department.

Roll Call #27:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

PUBLIC COMMENT

CITY MANAGER'S REPORT

MISCELLANEOUS BUSINESS (AGREEMENTS, APPROVALS, ETC.)

23-4054

Council Member White moved, seconded by Council Member Dennis, to approve a Plat of Dedication of right-of-way for the property located on Farnham Street.

Roll Call #28:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

Council Member White moved, seconded by Council Member Dennis, to sit as the Town Board. The motion carried.

TOWN BUSINESS

23-9012

Trustee Dennis moved, seconded by Trustee White, to approve Town bills and warrants to be drawn in payment of same.

Fund Title	Amount
Town Fund	\$3,793.26
General Assistance Fund	\$13,230.85
IMRF Fund	
Social Security/Medicare Fund	
Liability Fund	
Audit Fund	
Total	\$17,024.11

Roll Call #29:

Ayes: Trustees Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

Trustees Member Davis moved, seconded by Council Member Dennis, to resume as the City Council. The motion carried.

CLOSING COMMENTS

Council Member White stated that he attends the Memorial Day Parade every year, and he knows there were people that were there recognizing the gentleman from Galesburg who died. As a Vietnam veteran, he stated that this hurts since our country only acknowledges 58,000 men that died. He wanted to acknowledge a gentleman by the name of Terry Hodge who survived the battle but lost the war and died a horrendous death from Agent Orange. He stated that he tells people all the time that 58,000 men were killed in combat but 300,000 men have died of Agent Orange. He feels that they should be honored on Memorial Day just like the soldiers that didn't come home and should be honored before anybody else. He asked people to look up the name Isaac Woodard and another thing called Bonus Army. He stated that he loves his country and that it's the only place he knows.

Council Member White stated that he wanted to speak about Miss Wilder, who posed a question to the City Council and no one answered. He thinks as a citizen, they should find the time to find her and answer her question. He added that Mr. Dale Carlson said only voters can influence the City Council Members and he hopes that's true. He hopes that when the voters and constituents call a Council Member, they don't decide to do what they want to do, but instead what they asked you to do. He again asked everyone to look up the flag code, which is not a law, but it's respect, honor, how what you are supposed to say and how you're supposed

to treat the flag. You're not supposed to put blue lines through a flag, or make it black and green and orange. Council Member White further stated that we have a law that says that a policeman can lie to him, but he can't lie to a police officer. Sometimes even the rule of law is terrible.

Council Member Acerra noted that she and the Mayor had a great meeting on Sunday and that she is looking forward to actually getting a lot of great stuff done. They were able to get some good headway going on youth programming and ideas and she's been talking to a lot of people. She added that she is excited about the new library, which has so much potential. She's looking forward to moving forward in a positive direction and hopes everyone will support that.

Council Member Davis encouraged everyone to listen to the song *Pride* by Jake Edwards, which breaks down the history of the treatment of queer people in this country. She added that someone talked about everyone being covered under that US flag, but unfortunately the treatment that has many times been sponsored by the government demonstrates that the queer community doesn't get covered by that and that they need something more. She stated that we need to be intentional because it saves lives.

Council Member Cheesman thanked Council Member White for his service. He also agrees with Council Member Acerra and that this Council has a lot of things that they can get done in a positive way. He implored people to understand that the Council also has a lot of work to do, and that they are trying to understand each other and where people are coming from. He added that because someone has a different view, doesn't mean they're the enemy. He hopes everyone can work together to make that a special emphasis.

Council Member Hix stated that he also had some really good conversations with some of the new Council Members and some of the former members. He noted that he appreciates Council Member Cheesman's thoughts and taking the lead on a community center task force, which he feels will be very valuable.

Council Member Dennis announced that he was able to tour the Galesburg Sanitary District and was very impressed with their new facility.

Council Member Miller stated that he also had the opportunity to visit the Sanitary District as well as meet with Chief Idle. He's encouraged by their conversation of great things to come.

Mayor Schwartzman stated that agrees with other Council Members that there is a lot of potential happening. They are having some discussions, breaking down some barriers, and he does think they can make some progress. He knows tonight was a long meeting, but they were able to come to a resolution and move forward. He wanted to encourage people, particularly those who might not be as acquainted with the gay or queer community, that the Pride Picnic will be at Lake Storey on June 11th, which is this Sunday from 1-5 p.m.

The consensus of the City Council was to schedule a Special City Council Meeting for Monday, June 12, 2023, 5:30 p.m.

There being no further business, Council Member Davis moved, seconded by Council Member Dennis, to adjourn the regular meeting at 9:47 p.m.

Roll Call #30:

Ayes: Council Members Hix, Dennis, Miller, White, Acerra, Davis, and Cheesman, 7.

Nays: None

Absent: None

Chairman declared the motion carried.

Peter D. Mayor Schwartzman, Mayor

Kelli R. Bennewitz, City Clerk