

**MINUTES OF THE REGULAR MEETING
OF THE GURNEE VILLAGE BOARD**

**GURNEE VILLAGE HALL
NOVEMBER 18, 2019**

Call to Order

Mayor Kovarik called the meeting to order at 7:00 p.m.

Other Officials in Attendance

Patrick Muetz, Village Administrator; David Ziegler, Assistant Village Administrator / Community Development Director; Heather Galan, Village Engineer; Bryan Winter, Village Attorney; Brian Gosnell, Finance Director; John Kavanagh, Fire Chief; Brian Smith, Police Chief; Jesse Gonzalez, Deputy Police Chief; Jeremy Gaughan, Police Commander; Ellen Dean, Economic Development Director, Jack Linehan, Assistant to the Administrator

Roll Call

PRESENT: 6-Garner, O'Brien, Balmes, Hood, Thorstenson, Ross
ABSENT: 0- None

Pledge of Allegiance

Mayor Kovarik led the Pledge of Allegiance.

Mayor Kovarik congratulated the Warren Blue Devils High School football team on advancing to the State Semi-Finals for the first time in school history.

A. APPROVAL OF CONSENT AGENDA

It was moved by Trustee Balmes, seconded by Trustee Thorstenson to approve the Consent Agenda as presented.

Roll call,

AYE: 6- Garner, O'Brien, Balmes, Hood, Thorstenson, Ross
NAY: 0- None
ABSENT: 0- None
Motion Carried.

B. CONSENT AGENDA / OMNIBUS VOTE

The Village Administrator read the consent agenda for an omnibus vote as follows:

1. Approval of minutes from the November 4, 2019 Village Board meetings.
2. Approval of bid award for the fuel purchase to the low bidder, Avalon Petroleum Company, at a supplier discount price of -\$0.0384 cents per gallon for unleaded gasoline and a supplier mark-up price of \$0.0120 cents per gallon for biodiesel fuel.
3. Approval of Payroll for period ending November 8, 2019 in the amount of \$1,054,720.03.
4. Approval of Bills for the period ending November 18, 2019 in the amount of \$1,559,610.14.

It was moved by Trustee Garner, seconded by Trustee Ross to approve the Consent Agenda for an omnibus vote as read.

Roll call,

AYE: 6- Garner, O'Brien, Balmes, Hood, Thorstenson, Ross
NAY: 0- None
ABSENT: 0- None
Motion Carried.

C. PETITIONS AND COMMUNICATIONS

1. Administration of Oath of Office for the promotion of Firefighter/Paramedic Michael Swiontek to Fire Lieutenant.

Mayor Kovarik administered the Oath of Office and Chief Kavanagh briefly spoke about Fire Lieutenant Swiontek.

D. REPORTS

1. Report from Finance Director Brian Gosnell – Bittersweet Golf Course Capital Improvement Plan Proposal.

Finance Director Brian Gosnell presented the following PowerPoint presentation to the Board:

Bittersweet Golf Course Capital Needs

History

- GolfVisions has managed the course since 2012, renewed its contract in 2017
 - \$100k FY13 up front, paid back in FY15/16
 - Management Fee Covered by Course Revenues
- Operations has Supported Equipment Lease and Capital thus Far Including:
 - Chipping & Putting Area
 - Deck
 - Clubhouse Repaint/Signage
 - Tree Trimming & Fencing

Current Operating Environment

- \$1.1m Annual Revenue
 - Weather Impact last 3 Seasons
- Rounds
 - 2019 Down 10% from 2015 (26,559-23,700)
- Operating Costs Adjusted
- Annual Tax Contributions
 - Amusement \$40-\$45k
 - Sales Tax \$6k
 - Food & Beverage Tax \$2k
- Since 2013 Contributed \$265k in Taxes

Capital Needs

- Asphalt Cart Paths \$150k
 - Additional 500-600 Rounds
- Retaining Walls \$90k
- Roof Replacement \$25k
- Tree Care
 - Tier 1 Safety Hazards \$50k
 - Tier 2 \$40k
- Pond Improvements \$9k
- Equipment Updates \$30k/yr
 - Current 3-year lease
- Irrigation System \$19k

Proposed 1-Time Capital Funding

- Asphalt Cart Paths FY2021, \$130,000. Funding source 131- Capital Fund transfer to 211- Golf Course Fund (Prior years Amusement Tax proceeds).
- Retention Walls FY2021, \$90,000. Funding source 131- Capital Fund transfer to 211- Golf Course Fund (Prior years Amusement Tax proceeds).
- Roof Replacement FY2021, \$25,000. Funding source 131- Capital Fund transfer to 211- Golf Course Fund (Prior years Amusement Tax proceeds).
- Tier 1 Tree Care FY2020, \$50,000. Transfer of Fee in Lieu of Tree Fund from 110- General Fund to 211- Golf Course Fund.
- Pond Maintenance FY2020, \$8,600. Transfer of Storm water Management Impact Fees from 123- Impact Fee Fund to 211- Golf Course Fund.

On-Going Capital Funding

- Sustainable Future Capital Investment
 - Deposit Amusement Tax to 211-Golf Course Fund \$40-45k Annually
 - GolfVisions to budget \$10-\$30k Annually in Operations Budget
 - \$10k until Current equipment Lease Expires then \$30k
 - All Immediate and Future Major Capital Flows Through the 211-Golf Course Fund

Next Steps

- Budget Amendment for FY2020 Items
- Include In FY2021 Capital Improvement Budget

Questions:

Mayor Kovarik said this is an excellent plan, adding this is a valuable Village asset and we should invest in its upkeep.

Trustee O'Brien would like to see the facility opened to the public more and not just golfers. He suggested looking into other possible uses for the Club House and possibly a walking program in the off-season.

Trustee Balmes agreed this is a beautiful amenity that we need to invest in.

Trustee Thorstenson said she agrees with Trustee O'Brien's statement. She added that she also agrees with the using of the Amusement Tax as a funding source and asking Golf Visions to contribute annually.

Trustee Garner asked how long until we will need more improvements.

Mr. Gosnell stated some of the improvements should last 15-20 years.

Mr. Muetz stated these are the larger needs/expenses out there currently.

Mayor Kovarik said that there were no discussion topics on the agenda for the November 25th Committee of the Whole meeting and asked the Trustees if they would like to cancel the meeting.

It was moved by Trustee Balmes, seconded by Trustee Ross to cancel the Committee of the Whole meeting for November 25, 2019.

Voice Vote: ALL AYE: Motion Carried.

E. OLD BUSINESS

None.

F. NEW BUSINESS

1. Approval of Ord. 2019 - 77 authorizing the execution of a Memorandum of Understanding with Ring, LLC relating to the use and access of the Neighbors by Ring Application by the Village of Gurnee, Illinois.

Administrator Muetz said the Gurnee Police Department (GPD) is requesting approval to enter into a Memorandum of Understanding with Ring, LLC to access its Neighbors by Ring network. As you may know, Ring offers a variety of home security cameras and video doorbells that activate when motion is detected. The partnership requested by the GPD will allow it to send out a message to members of the community in a specific geographical region via the Neighbors App when it believes a crime may have been captured by a device.

Police Chief Brian Smith then provided the Village Board a summary of the request. He stated the Ring Neighbors App would allow the GPD to provide real-time crime and safety alerts to neighbors within a particular area. Then, Ring owners can determine if their device captured anything relevant. They then have the choice to share the video directly with the Village, or they can decline the request, Ring customers also have the option to decline receiving messages from the Gurnee Police Department. He stated the app is available to everyone and does not require the user to own a Ring device, will not allow unapproved access to any videos recorded by a Ring device nor does it allow Department staff to see who owns a Ring device. Chief Smith also stated Police Department staff will never be able to see a 'live-view' from the community's Ring devices.

Mayor Kovarik asked how this different from Nixel.

Mr. Linehan said Nixel is more of a one-way feed and the Neighbors App system allows for two-way communication.

Mayor Kovarik asked for clarification on how crimes will be reported

to the Department.

Chief Smith provided clarification.

Trustee O'Brien said he supports the program but asked if this could be turned into a surveillance system and could it be hacked.

Chief Smith said the sharing of videos among neighbors is already in place. What this agreement will allow is the Department to post information on the App. The Department would never have access to information unless it was authorized and shared by the resident.

Trustee Garner asked if there would ever be such a case where a resident might be required to share evidence.

Chief Smith said that is a complicated question that would involve a court process. He stated that is not the intent of this program.

Mayor Kovarik asked about access to the App by those who do not have Ring devices.

Chief Smith said the App is available to anyone regardless of whether they own a Ring device or not.

Trustee Garner asked if Ring has access to what is being recorded.

Chief Smith said according to Ring it does not have access unless it is shared with them.

It was moved by Trustee Balmes, seconded by Trustee O'Brien to approve of Ord. 2019 - 77 authorizing the execution of a Memorandum of Understanding with Ring, LLC relating to the use and access of the Neighbors by Ring Application by the Village of Gurnee, Illinois.

Roll call,

AYE: 6- Garner, O'Brien, Balmes, Hood, Thorstenson, Ross

NAY: 0- None

ABSENT: 0- None

Motion Carried.

2. Approval of Ord. 2019 - 78 amending Chapter 22 of the Gurnee Municipal Code by the addition of Article VII Prohibiting Cannabis Business Establishments.

Administrator Muetz said the Village Board received information on the Cannabis Regulation and Tax Act at the August Committee of the Whole meeting. The Act provides that recreational marijuana use by adults 21 and over will become legal on January 1, 2020. Municipalities may not restrict the private consumption of cannabis as authorized by the Act. Municipalities may however adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act. Municipalities also have the ability to prohibit sales in their entirety. The Village conducted two surveys to collect public opinion on allowing recreational sales within Gurnee. The results were mixed. He stated there are also many unknowns related to the impact recreational sales will have on public safety, enforcement, budgets, and under age usage to name a few. Mr. Muetz continued to say he has received feedback individually from board members indicating a desire to see how this evolves in other communities before allowing sales in Gurnee. As a result, Attorney Winter has drafted an ordinance prohibiting recreational sales in the Village of Gurnee. Mr. Muetz stated if in the future the Board would like to allow recreational sales it can repeal this ordinance.

It was moved by Trustee Balmes, seconded by Trustee O'Brien to approve of Ord. 2019 - 78 amending Chapter 22 of the Gurnee Municipal Code by the addition of Article VII Prohibiting Cannabis Business Establishments.

Roll call,

AYE: 6- Garner, O'Brien, Balmes, Hood, Thorstenson, Ross

NAY: 0- None

ABSENT: 0- None

Motion Carried.

3. Approval of Ord. 2019 - 79 imposing a moratorium on the establishment of smoke, vape or hookah shops and/or lounges.

Attorney Winter said there are great concerns regarding the vaping epidemic and its negative health impacts. The State of Illinois is currently reviewing the issue and may be taking action in the near future to impose further regulations. Attorney Winter stated to give adequate time to see if State or Federal legislation occurs, a six-month moratorium has been drafted for consideration.

Mayor Kovarik noted this allows us to take a step back until legislation catches up.

Trustee O'Brien asked if there are any pending applications.

Attorney Winter said none that he knows about.

It was moved by Trustee Garner, seconded by Trustee O'Brien to approve of Ord. 2019 - 79 imposing a moratorium on the establishment of smoke, vape or hookah shops and/or lounges.

Roll call,

AYE: 6- Garner, O'Brien, Balmes, Hood, Thorstenson, Ross

NAY: 0- None

ABSENT: 0- None

Motion Carried.

G. PUBLIC COMMENT

**Jolanta Pomiotlo
4981 South Rd
Gurnee, IL**

Ms. Pomiotlo stated she was disappointed the Village did not submit Witness Slips in support of HB3888. She stated she believes the Village has the authority to prohibit the use of ethylene oxide in the Village. She then shared concerns regarding memorandum of understanding between the Police Department and Ring. LLC.

**Dayna Wick
1275 Vineyard Drive
Gurnee, IL**

Ms. Wick expressed concerns regarding ethylene oxide. She requested the Village take action to address her concerns. She stated she believes the Village has the authority to prohibit the use of ethylene oxide in the Village.

Closing Comments

None.

Adjournment

It was moved by Trustee Balmes, seconded by Trustee Thorstenson to adjourn the meeting.

Voice Vote: ALL AYE: Motion Carried.

Mayor Kovarik adjourned the meeting at 7:48 p.m.

**Andrew Harris,
Village Clerk**