

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

**GURNEE VILLAGE HALL
NOVEMBER 9, 2020**

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; Bryan Winter, Village Attorney, Police Chief; Ellen Dean, Economic Development Director.

Roll Call

PRESENT: 5-Ross, Garner, O'Brien, Hood, Thorstenson
ABSENT: 1- Balmes

Pledge of Allegiance

Mayor Kovarik led the Pledge of Allegiance.

A. APPROVAL OF CONSENT AGENDA

It was moved by Trustee O'Brien, seconded by Trustee Garner to approve the Consent Agenda as presented.

Roll call,

AYE: 5- Ross, Garner, O'Brien, Hood, Thorstenson
NAY: 0- None
ABSENT: 1- Balmes
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 October 19, 2020 Village Board meeting.
2. Approval of Payroll for period ending October 23, 2020 in the amount of \$823,244.22.
3. Approval of Bills for the period ending November 9, 2020 in the amount of \$1,864,229.84.

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

Roll call,

AYE: 5- Ross, Garner, O'Brien, Hood, Thorstenson
NAY: 0- None
ABSENT: 1- Balmes
Motion Carried.

C. PETITIONS AND COMMUNICATIONS

1. Approval of a Proclamation designating November as "National American Indian/Alaska Native Heritage Month" in the Village of Gurnee.

Mayor Kovarik read into record.

It was moved by Trustee O'Brien, seconded by Trustee Thorstenson to approve of Proclamation designating November as "National American Indian/Alaska Native Heritage Month" in the Village of Gurnee.

Voice Vote: ALL AYE: Motion Carried.

2. Approval of a Proclamation designating November 15, 2020 as "American Enterprise Day" in the Village of Gurnee.

Mayor Kovarik read into record.

It was moved by Trustee Ross, seconded by Trustee Garner to approve of Proclamation designating November 15, 2020 as "American Enterprise Day" in the Village of Gurnee.

Voice Vote: ALL AYE: Motion Carried.

3. Approval of Mayor Kovarik's recommendation to establish and appoint members to an Environmental Sustainability Committee:

- Tom Hood, Chair
- Rick Osa, Member
- Shelley Lazarus, Member

It was moved by Trustee Ross, seconded by Trustee Thorstenson to approve of Mayor Kovarik's recommendation to establish and appoint members to an Environmental Sustainability Committee.

Roll call,

AYE: 5- Ross, Garner, O'Brien, Hood, Thorstenson

NAY: 0- None

ABSENT: 1- Balmes

Motion Carried.

D. REPORTS

None.

E. OLD BUSINESS

None.

F. NEW BUSINESS

1. Approval of Ord. 2020 - 62 granting a Major PUD Modification pursuant to the Gurnee Zoning Ordinance for 7735 Route 132.

Administrator Muetz said Kensington Development Partners appeared before the Planning & Zoning Board (PZB) on October 7th petitioning for a Major Modification to the existing Planned Unit Development (PUD) on property located at the southeast corner of Rt. 132 and Rollins Road (the former Lowe's site). The applicant is seeking the following PUD modifications:

- 1) Clarify that education facility includes a university/vocational school as a permitted use;
- 2) Add drive-through restaurant and outdoor dining, associated with a restaurant, as a permitted use subject to the use standards in the Zoning Ordinance;
- 3) Amend the lighting standards to be consistent with the current Zoning Ordinance;
- 4) Add one ground sign along Grand Avenue, the size and height and all other regulations to be in accordance with the ZO sign regulations, and allow all signs on the site to be used by any tenant within the development; and
- 5) Amend the Rollins Road building setback from 290 feet to 40 feet, the Rollins Road parking setback from 31 feet to 25 feet, and establish the parking setback interior to any commercial lot line at 0 feet.

Administrator Muetz said most of the requested amendments are simply aligning a nearly 20-year-old PUD with current zoning code. These items include clarifying that both "vocational" and "university" would be allowed under the broad "educational facilities" category as well as the requested changes to lighting, setbacks, and restaurant use which conform to the current Zoning Ordinance regulations.

Administrator Muetz said the only requests that exceed code allowances are the requests for the third ground sign and that tenants located within the development can have representation on any of the ground sign(s) within the development, even if the business is not located on the specific parcel where the sign is located. The PZB believed that the nearly 700 feet of frontage along Rt. 132 can reasonably accommodate an additional ground sign and that allowing tenants located on another lot within the development to have representation on any ground sign within the development would be consistent with other PUDs in the Village. Following a presentation and discussion, the PZB is forwarding a unanimous favorable recommendation.

Trustee Thorstenson stated the Village Planner and the Planning & Zoning Board did good work related to this proposal.

Dan Rea, Kensington Partners, introduced himself and thanked the Board for their consideration.

Ali O'Brien, College of Lake County Assistant Vice President for Educational Affairs, said she enjoyed working with Ellen Dean and Kensington Development Partners, adding she is very excited about the opportunity.

Mayor Kovarik said this is a good fit even though it is a commercial site. She said this is a good reuse of a building.

It was moved by Trustee Garner, seconded by Trustee O'Brien to approve of Ord. 2020 - 62 granting a Major PUD Modification pursuant to the Gurnee Zoning Ordinance for 7735 Route 132.

Roll call,

AYE: 5- Ross, Garner, O'Brien, Hood, Thorstenson

NAY: 0- None

ABSENT: 1- Balmes

Motion Carried.

2. Approval of Ord. 2020 - 63 amending the Gurnee Municipal Code, Chapter 6 Section 55 and Chapter 32, Section 32 to provide for a Class 15 Liquor License.

Economic Development Director Ellen Dean presented the following PowerPoint presentation to the Board:

Bring Your Own Beverage (BYOB)

Permitted in Illinois unless regulated by localities

Local options:

1. No action ("silent") in which case State law prevails; BYOB is allowed.
2. Regulation - allowed only under certain conditions via licensing or permitting
3. Prohibition

Specialty Service Establishments

Full Service Salons

Arts & Crafts

Entertainment

BYOB Provisions

- Not permitted in restaurants
- Not co-permitted with other liquor license types
- Beer & Wine only
- Quantity restricted per patron
 - Brought in: One bottle of wine, one six-pack of beer
 - Consumed: maximum 36 ounces of beer or 18 ounces of wine per day
- Open containers must be properly resealed; may not be stored on premises
- BYOB permitted 3:00-10:00 p.m. and only during a scheduled service, craft making, or entertainment session
- If serving, server must be BASSET-trained
- Corkage fee allowed
- Dram Shop insurance required of all licensees
- Compliance with all laws, including preventing service to minors and overserving
- \$500 annual license fee

Questions:

Mayor Kovarik asked under what circumstance the establishment might be serving if I bring my own.

Director Dean stated it is up to the establishment to make the decision if they want to serve BYOB alcohol as an extra measure of control.

Mayor Kovarik asked for clarification that businesses cannot buy own liquor and serve.

Director Dean stated that is correct.

Trustee O'Brien asked if there is a penalty for an unlicensed business offering BYOB.

Director Dean said if the Board adopts these regulations this will preclude them from offering BYOB. Attorney Winter stated if the Board adopts regulations, they would have to obtain a license or they would be in violation of the Municipal Code.

Trustee O'Brien asked if the Village will limit the number of licenses.

Director Dean stated they are currently zero. The practice of the Police Department and the Village Board reviewing each application on a case-by-case basis will continue and the Village will not have open licenses.

Trustee Garner asked who is responsible for unused alcohol and its transportation.

Director Dean said the responsibility would fall upon the licensee. Attorney Winter said open alcohol cannot be legally transported so the person transporting the alcohol would face a fine. Director Dean further stated the premise should be providing the tamper proof sealing.

Trustee Thorstenson said this is a nice marketing opportunity for our businesses. She asked if the fee the Village is charging is consistent with other communities.

Director Dean said our fee is just above the average fee other communities are charging.

It was moved by Trustee O'Brien, seconded by Trustee Thorstenson to approve of Ord. 2020 - 63 amending the Gurnee Municipal Code, Chapter 6 Section 55 and Chapter 32, Section 32 to provide for a Class 15 Liquor License.

Roll call,

AYE: 5- Ross, Garner, O'Brien, Hood, Thorstenson

NAY: 0- None

ABSENT: 1- Balmes

Motion Carried.

3. Approval of Ord. 2020 - 64 authorizing the execution of a third amendment to the agreement between the Village of Gurnee and RedFlex Traffic Systems, Inc. for photo red light enforcement program.

Administrator Muetz said the Village of Gurnee began exploring the implementation of a photo red light enforcement program 15 years ago. The desire of the program was to make our community roads safer and reduce automobile-related tragedies by addressing red light running. By re-establishing respect for traffic signals we are able to enhance the safety of residents and visitors and reduce the number and severity of crashes in addition to injuries and fatalities caused by red-light running. He continued to state that Chief Smith reviewed the program at the July 27th Committee of the Whole meeting. The proposed extension, like the two prior, is very short and only addresses those terms that are changing. The remaining terms are unchanged. Per the proposed third amendment the term will be five years, with ten (10) operational approaches at a cost of \$3,975 per approach. RedFlex will also be required to upgrade our back-office software and camera system to their newest HD video and mapping radar at its expense. This new agreement reflects a 7% reduction in costs to the Village and an estimated savings of approximately \$206,881.20 over the term of the contract. Attorney Winter has reviewed the amendment and his feedback has been incorporated.

Trustee O'Brien requested clarification regarding the escalation clause for the intersection of Grand and Hunt Club. He asked if this applied to all intersections or just this one.

Chief Smith said that is the only one for the Grand and Hunt Club intersection based on when IDOT may approve reactivating this approach. The intersection has been off-line for a year and a half.

Trustee O'Brien stated he interpreted this as RedFlex attempting to recoup the full cost of the approach, including the time it was off-line.

Chief Smith stated that is correct.

It was moved by Trustee Garner, seconded by Trustee O'Brien to approve of Ord. 2020 - 64 authorizing the execution of a third amendment to the agreement between the Village of Gurnee and RedFlex Traffic Systems, Inc. for photo red light enforcement program.

Roll call,

AYE: 5- Ross, Garner, O'Brien, Hood, Thorstenson

NAY: 0- None

ABSENT: 1- Balmes

Motion Carried.

4. Approval of the 2021 Village Board meeting schedule.

Administrator Muetz said the 2021 Village Board meeting schedule strives to maintain regular business meetings on the 1st and 3rd Mondays and Committee of the Whole Meetings on the 4th Mondays while taking into account major holidays, observances and early voting/voting. A few notes regarding the proposed schedule:

- January 18th is MLK Day. As a result, regular meetings on the 1st and 4th Mondays.
- April 5th is the night before the 2021 Consolidated Election. As a result, regular meetings on the 2nd and 3rd Mondays.
- July 4th falls on a Sunday and as a result Village offices will be closed on Monday, July 5th. As a result, regular meetings on the 2nd and 3rd Mondays.
- September 6th is Labor Day. As a result, regular meetings on the 2nd and 3rd Mondays.

It was moved by Trustee Ross, seconded by Trustee Garner to approve of the 2021 Village Board meeting schedule.

Voice Vote: ALL AYE: Motion Carried.

G. PUBLIC COMMENT

Mayor Kovarik read the following statement:

Tonight, I would like to inform the Board of my intention not to run for re-election this April. As you serve, there's great sacrifice that you make in your life to accommodate mayoral duties and responsibilities. I have a family and a small business besides a full-time job. And as you serve a community, that takes away from all those things but mostly family. This gives me an opportunity to step back, take a breath and focus on my family.

It has been a wonderful honor to have been able to lead the Village these past 15 years. Gurnee is a remarkable place. It is a small town but with many big city attributes. We are fortunately blessed with particularly talented residents and business owners. They care deeply about this community and will ensure a very bright future.

The first lesson I learned as Mayor is you cannot do this all by yourself. You have got to have the help of your Trustees, Village Administrator, Department Heads, and staff. And over the years, I have had a tremendous, smart, and dedicated team. The best in the state. Together we accomplished so much. We are financially strong, a safe community and economically viable.

I will be forever grateful to the residents and constituents of this Village. Your respect and support during these years has meant the world to me. I want you all to know that I have left nothing on the table. Every term I have given 100% energy and effort to this position to ensure that Gurnee is the best place to live, work and play. And it is my promise that I will continue with that same energy and effort till the end of my term, May 3rd, 2021 Especially during these challenging times.

The Village Board and staff in attendance applauded Mayor Kovarik.

Closing Comments

None.

Adjournment

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

Voice Vote: ALL AYE: Motion Carried.

Mayor Kovarik adjourned the meeting at 7:35 p.m.

**Andrew Harris,
Village Clerk**