

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

**GURNEE VILLAGE HALL  
JANUARY 22, 2018**

<b>Call to Order</b>	Mayor Kovarik called the meeting to order at 7:00 p.m.
<b>Other Officials in Attendance</b>	Patrick Muetz, Village Administrator; David Ziegler, Assistant Village Administrator/Community Development Director; Bryan Winter, Village Attorney; Brian Gosnell, Finance Director; John Kavanagh, Fire Chief; Kevin Woodside, Police Chief; Tracy Velkover, Planning Manager; Jack Linehan, Assistant to the Administrator
<b>Roll Call</b>	<b>PRESENT: 6- Balmes, Hood, Thorstenson, Jacobs, Ross, Garner</b> <b>ABSENT: 0- None</b>
<b>Pledge of Allegiance</b>	Mayor Kovarik led the Pledge of Allegiance.
<b><u>A. PUBLIC COMMENT</u></b>	Mayor Kovarik thanked Mr. Rigwood and his staff for their work during the CLCJAWA service interruption last week.
<b><u>B. APPROVAL OF CONSENT AGENDA</u></b>	It was moved by Trustee Balmes, seconded by Trustee Jacobs to approve the Consent Agenda as presented.  <b><u>Roll call,</u></b> <b>AYE: 6- Balmes, Hood, Thorstenson, Jacobs, Ross, Garner</b> <b>NAY: 0- None</b> <b>ABSENT: 0- None</b> <b>Motion Carried.</b>
<b><u>C. CONSENT AGENDA / OMNIBUS VOTE</u></b>	The Village Administrator read the consent agenda for an omnibus vote as follows: <ol style="list-style-type: none"><li>1. Approval of minutes from the January 8, 2018 meeting.</li><li>2. Approval of request from Public Works Department and Information Systems Division for GIS Coordinator Eric Venden to attend 2018 Cityworks User Conference in Salt Lake City, UT from May 9 – 11, 2108 at a cost not to exceed \$1,200.00.</li><li>3. Approval of Firemedic Justin Graham’s request to participate in the Village’s tuition assistance program in pursuit of a Bachelor’s Degree in Fire Science from Columbia Southern University.</li><li>4. Approval of Payroll for period ending January 5, 2018 in the amount of \$849,257.20.</li><li>5. Approval of Bills for the period ending January 22, 2018 in the amount of \$625,708.77.</li></ol> It was moved by Trustee Garner, seconded by Trustee Thorstenson to approve the Consent Agenda for an omnibus vote as read.  <b><u>Roll call,</u></b> <b>AYE: 6- Balmes, Hood, Thorstenson, Jacobs, Ross, Garner</b> <b>NAY: 0- None</b> <b>ABSENT: 0- None</b> <b>Motion Carried.</b>
<b><u>D. PETITIONS AND COMMUNICATIONS</u></b>	1. Confirmation of FY 18/19 Budget Hearing Dates: <ul style="list-style-type: none"><li>• 5:00 P.M., March 5, 2018 and;</li><li>• 7:00 P.M., March 19, 2018 (if needed).</li></ul>
<b><u>E. REPORTS</u></b>	None.
<b><u>F. OLD BUSINESS</u></b>	None.

**G. NEW BUSINESS**

1. Approval of Ord. 2018 - 03 amending the text of Article 8.2 "Principal Use Standards" and Article 11.3 "Required Off-Street Parking Spaces" of the Gurnee Zoning Ordinance to address requirements for Day Care Centers.

Mr. Muetz said the Village adopted the new Zoning Ordinance in 2015 and with some time now passed with the Ordinance in place, staff has identified some areas that require amendments. Two of these areas are daycare parking and the definition of family and single housekeeping units. He then turned it over the Planning Manager Tracy Velkover to review the amendments.

Ms. Velkover said staff is looking to remove the use standard in Article 8 (8.2.9.c) that states "a pickup/drop office area must be provided. When a day care center is part of a multi-tenant retail center, the pickup/drop office area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle". Most day care centers now mandate that parents escort their children into the facility and sign them in, requiring parents to park. To offset the lack of an area for pick-up/drop-offs, staff is proposing to amend the parking requirement for day care centers from 2 parking spaces for every 1,000 sq. ft. of floor area to 1 parking space for each employee plus 1 parking space per each 10 children.

The Planning and Zoning Board reviewed the amendment on January 3, 2018 and is forwarding a unanimous favorable recommendation.

Trustee Thorstenson asked if some adjustments will have to be made to existing facilities.

Ms. Velkover said the codes from 2015 are pretty close to being in line with what exists today and they would be grandfathered.

It was moved by Trustee Balmes, seconded by Trustee Jacobs to approve of Ord. 2018 - 03 amending the test of Article 8.2 "Principal Use Standards" and Article 11.3 "Required Off-Street Parking Spaces" of the Gurnee Zoning Ordinance to address requirements for Day Care Centers.

**Roll call,**

**AYE: 6- Balmes, Hood, Thorstenson, Jacobs, Ross, Garner**

**NAY: 0- None**

**ABSENT: 0- None**

**Motion Carried.**

2. Approval of Ord. 2018 - 04 amending the text of Article 2.1 "Rules of Measurement and Definitions" of the Gurnee Zoning Ordinance to define "Family" and "Single Housekeeping Unit."

Ms. Velkover said staff is proposing to create a definition for "Family" because the Zoning Ordinance (ZO) doesn't currently provide one. Specifically at issue is the number of unrelated individuals that can live together and be considered a family. The previous ordinance established that a maximum of 3 unrelated individuals constituted a "family". A court case in Waukegan struck down the legality of their definition of "family" and resulted in the Village's Planning Consultant to recommend that the new ZO not contain a definition of "family" and to instead rely on the building code, which limits occupancy based upon square footage of the structure. However, staff has had several inquiries for what appear to be unlicensed community residences that have caused concern. Also, the building code calculations for occupancy are somewhat complicated, based on sq. footage of bedrooms, living rooms, and dining rooms. For these reasons, staff is looking to create a definition of family that includes unrelated individuals and which will hopefully not result in any legal challenge. Since the definition of family that staff is proposing includes the phrase, "single housekeeping unit", staff is also proposing to define this term.

FAMILY. One (1) or more persons related by blood, marriage, legal adoption or guardianship, or not more than four (4) persons not so related, living together on the premises as a single housekeeping unit. "Family" does not include and shall not be interpreted to include the following facilities addressed in this and other sections of this regulation: residential care facilities, community residences (large or small), fraternities, sororities, or dormitories.

SINGLE HOUSEKEEPING UNIT. Any household whose members are an interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party.

Staff chose to set the number of unrelated individuals at a maximum of 4 because it appeared that, prior to the 2015 update, 3 unrelated individuals might put the ordinance at risk of legal challenge. A limit of 5 was also considered, but was ultimately not chosen.

The Planning and Zoning Board reviewed the amendment on January 3, 2018 and is forwarding a unanimous favorable recommendation.

Trustee Ross asked about a situation where 6 unrelated people attempted to live together. She then asked why 4 was selected compared to 3.

Attorney Winter said in the 1970's this was common practice to place more restrictive limits on the amount of unrelated individuals living together. He quoted a Supreme Court ruling and said in the last 20 years due process challenges have arisen. He said you do not put a limit on traditional families, but you can address functional families (does the group of people functioning as a family by sharing expenses, facilities, etc.). He said the number is still appropriate and protects the Village.

Ms. Velkover added the definition single housekeeping unit is made up by members of the unit and does not include the landlord, property manager or other third party.

Trustee Ross asked if the Village could limit the number of vehicles in a driveway.

Attorney Winter said that if they are blocking the sidewalk that is an enforcement issue.

Mayor Kovarik asked if 3 generations living in the same home would be impacted by the ordinance.

Staff responded no.

Trustee Garner said asked if 4 unrelated people are living together and splitting rent and the neighbor doesn't like it what can we do.

Mayor Kovarik said it would need to be 5 unrelated individuals to be in violation.

Attorney Winter said we would need additional facts to determine if there was a violation related to some other matter. He said he knows of only one circumstance in the past 12 years that this Ordinance would come into play. He said right now we don't have any number in the Zoning Ordinance.

Mr. Ziegler discussed how the Property Maintenance Code relates to this issue.

Trustee Garner said several codes and ordinance would come into play if there was an issue.

Mr. Ziegler said yes and typically the Village will send a letter explaining the situation and asking for compliance. He said in the past this usually works.

Trustee Thorstenson said we need to get this information out to all of our homeowners associations. She also asked how we ensure that in the single housekeeping unit expenses are shared.

Attorney Winter said that is difficult to do and then reviewed a scenario.

Mayor Kovarik said there are different rules for renting and any issue should be brought to the Village rather than a homeowners association trying to enforce it.

Ms. Velkover said the Village can monitor these situations by looking in the paper or online for advertisements for rooms for rent.

Trustee Thorstenson requested the code section that addresses vehicles blocking the sidewalk.

It was moved by Trustee Jacobs, seconded by Trustee Balmes to approve of Ord. 2018 - 04 amending the text of Article 2.1 "Rules of Measurement and Definitions" of the Gurnee Zoning Ordinance to define "Family" and "Single Housekeeping Unit."

**Roll call,**

**AYE: 6- Balmes, Hood, Thorstenson, Jacobs, Ross, Garner**

**NAY: 0- None**

**ABSENT: 0- None**

**Motion Carried.**

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**H. PUBLIC COMMENT**

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**Closing Comments** None.

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**Adjournment** It was moved by Trustee Garner, seconded by Trustee Balmes to adjourn the meeting.

**Voice Vote: ALL AYE: Motion Carried.**

Mayor Kovarik adjourned the meeting at 7:29 p.m.

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**Andrew Harris,  
Village Clerk**