

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

**GURNEE VILLAGE HALL
JANUARY 24, 2022**

Call to Order	Mayor Hood called the meeting to order at 7:00 p.m.
Other Officials in Attendance	Patrick Muetz, Village Administrator; Jack Linehan, Assistant Village Administrator; Bryan Winter, Village Attorney; David Ziegler, Community Development Director; Heather Galan, Public Works Director/Village Engineer; Brian Gosnell, Finance Director; Christine Palmieri, Director of Human Resources; John Kavanagh, Fire Chief; Brian Smith, Police Chief; Jesse Gonzalez, Deputy Police Chief; Jeremy Gaughan, Police Commander; Ellen Dean, Economic Development Director
Roll Call	PRESENT: 5- Ross, Garner, O'Brien, Balmes, Thorstenson ABSENT: 1- Woodside
Pledge of Allegiance	Mayor Hood led the Pledge of Allegiance.
<u>A. APPROVAL OF CONSENT AGENDA</u>	<p>It was moved by Trustee Balmes, seconded by Trustee Garner to approve the Consent Agenda as presented.</p> <p><u>Roll call,</u> AYE: 5- Ross, Garner, O'Brien, Balmes, Thorstenson NAY: 0- None ABSENT: 1-Woodside Motion Carried.</p>
<u>B. CONSENT AGENDA / OMNIBUS VOTE</u>	<p>The Village Administrator read the consent agenda for an omnibus vote as follows:</p> <ol style="list-style-type: none">1. Approval of minutes from the January 10, 2022 meeting.2. Approval of Ord. 2022-04 authorizing the execution of and ratifying an agreement with the Newport Township Fire Department for Dispatch Services.3. Approval of Communications Operator Staci Schertz's request to participate in the Village's tuition assistance program in pursuit of a Bachelor's Degree in Criminal Justice from the University of Wisconsin - Parkside.4. Approval of Payroll for period ending January 14, 2022 in the amount of \$907,683.35.5. Approval of Bills for the period ending January 24, 2022 in the amount of \$656,760.37. <p>It was moved by Trustee Garner, seconded by Trustee Ross to approve the Consent Agenda for an omnibus vote as read.</p> <p><u>Roll call,</u> AYE: 5- Ross, Garner, O'Brien, Balmes, Thorstenson NAY: 0- None ABSENT: 1-Woodside Motion Carried.</p>
<u>C. PETITIONS AND COMMUNICATIONS</u>	None.
<u>D. REPORTS</u>	None.
<u>E. OLD BUSINESS</u>	None.

F. NEW BUSINESS

1. Approval of Ord. 2022-05 regulating and licensing tobacco and alternative nicotine product retailers.

Village Administrator Muetz stated the Village of Gurnee has a moratorium in place prohibiting the establishment of smoke, vape and hookah shops. The moratorium was enacted in November 2019 and expires in February of 2022. The moratorium was put into place as the Village was concerned about the health impact on the community, especially with the youth population. The pause allowed staff to review this issue from a regulatory perspective. Staff recommends tobacco sales be treated similar to alcohol sales, so that a license must be applied for, reviewed by Village staff and the Police Department and issued by the Licensing Administrator who is the Mayor. The number of licenses would be limited and therefore, any new request would have to appear before the Board after review by the Police Department. The Village currently has 22 businesses that sell tobacco/vape products. As proposed, the current businesses in existence would be issued a temporary license that would be valid until April 30, 2022. They would be required to apply for a license effective May 1, 2022. The intent is to not preclude any of the current businesses in place, however, the number of licenses is limited and the Village Board could determine that it does not desire to issue any additional licenses beyond the 22 that are currently operational. Any new business would have to apply and receive approval.

Attorney Winter added the Village wants to encourage responsible retailing. He stated the fee is modest and covers Police Department costs. He continued to state the ordinance does include a maximum number of licenses and if a business gives up a license, the number available automatically decreases. Attorney Winter concluded by stating this ordinance allows the Village to have some control over availability of tobacco products in the Gurnee.

It was moved by Trustee O'Brien, seconded by Trustee Garner to approve Ord. 2022-05 regulating and licensing tobacco and alternative nicotine product retailers

Roll call,

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

NAY: 0- None

ABSENT: 1- Woodside

Motion Carried.

2. Approval of Ord. 2022-06 authorizing execution of a Fourth Amendment to the Lease Agreement between the Village of Gurnee and Spectrasite Communications, LLC.

Village Administrator Muetz gave a review stating that Spectrasite owns the cell tower at Fire Station #2 and the Village leases property to it. Unlike other agreements, the Village does not have lease agreements with individual carriers on the tower. Spectrasite has requested to amend the lease for a fourth time stating the financial terms are not feasible given the current market and this tower's location. The Village has public safety equipment located on this tower that is integral to Village operations. Rather than risk the ability to locate equipment on this tower, the Village entered into negotiations with Spectrasite regarding the fourth amendment. Spectrasite has requested to reduce the rent from the current \$63,000 to \$54,600 with a three-year rent guarantee and a one-time, upfront payment of \$15,000. It has also requested the annual escalator be reduced from 4% to 3%. In exchange for these provisions, the Village was able to maintain space on the tower for our equipment and secure language that will make upgrading Village equipment much easier. The term of the agreement remains unchanged and expires in 2054.

Trustee O'Brien asked if there is any language in the agreement regarding recourse if Spectrasite doesn't respond in a timely fashion to the Village of Gurnee's requests regarding equipment upgrades. Management Analyst Luka stated the current agreement merely states it will respond. The Fourth Amendment states when Spectrasite responds with a "no," (declining written request), it has to provide a reason and work with the Village towards a solution.

Trustee Thorstenson asked if there is any ability to value the competitiveness of their statement regarding the financial terms. Management Analyst Luka stated that in searching for information, she found Spectrasite was comparable without going to a third party to negotiate for the Village. Key to the negotiation was that Spectrasite stated if an agreement could not be made, it would pull the tower and terminate the agreement.

It was moved by Trustee Garner, seconded by Trustee Thorstenson to approve Ord. 2022-06 authorizing execution of a Fourth Amendment to the Lease Agreement between the Village of Gurnee and Spectrasite Communications, LLC.

Roll call,

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

NAY: 0- None

ABSENT: 1- Woodside

Motion Carried.

G. PUBLIC COMMENT

None.

Closing Comments

It was moved by Trustee Balmes, seconded by Trustee Garner to cancel the January 31, 2022 Committee of the Whole meeting.

Voice Vote: ALL AYE: Motion Carried.

Adjournment

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

Voice Vote: ALL AYE: Motion Carried.

Mayor Hood adjourned the meeting at 7:15 p.m.

**Donna R. Dallas,
Deputy Village Clerk**