

**VILLAGE OF JOHNSBURG  
JUNE 27, 2024 SPECIAL MEETING  
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:00 p.m. in the Village Hall.

Attendees

Trustee Beth Foreman  
Trustee Mike Fouke  
Trustee Josh Hagen  
Trustee Greg Klemstein  
Trustee Scott Letzter  
Trustee Jamie Morris  
Village Administrator Claudett Sofiakis  
Assistant Village Administrator Vinny Lamontagna  
Chief of Police Jason Greenwald  
Attorney Michael Smoron  
Village Engineer Tim Hartnett  
Special Projects Coordinator Rick Quinn  
Accountant Beckey Kijak

**AUDIENCE PARTICIPATION-** Laura King of 2718 Tichfield Terrace attended the meeting to advocate on behalf of small businesses. She expressed that she would like to see more small businesses in Johnsburg and asked for the Village’s support in that regard.

**OMNIBUS AGENDA -** Trustee Fouke moved to approve the Omnibus Agenda. Trustee Foreman seconded the motion. Trustee Foreman requested the removal of the non-highway vehicle ordinance. All Trustees voted aye on the roll. Motion carried.

- Move to approve minutes of the June 18, 2024 Regular Meeting of the President and Board of Trustees
- Move to approve Ordinance 24-25-01 Amending Chapter 15.15, Operations of Non-Highway Vehicles on Village Streets, of the Johnsburg Municipal Code
- Move to approve Pay Request #4 to Lenny Hoffman Excavating Inc. in the amount of \$246,882.97 for the Sunnyside Beach Road Improvement Project.

• **Disbursements**

- General Fund \$208,304.96
- Waterworks & Sewage Fund \$ 13,809.07
- Golf Course Fund \$ 2,271.00
- Debt Service/SSA Fund \$ 1,680.00
- Total All Funds \$226,065.03

**ORDINANCE 24-25-01 NON-HIGHWAY VEHICLES -** Trustee Letzter moved to approve Ordinance 24-25-01 Amending Chapter 15.15, Operations of Non-Highway Vehicles on Village Streets, of the Johnsburg Municipal Code. Trustee Hagen seconded the motion. Trustee Foreman asked for clarification that trailers without passengers can still be pulled. President Hettermann clarified that the ordinance prohibits passengers from riding in trailers pulled by non-highway vehicles except in the case of Village authorized events. All Trustees voted aye on the roll. Motion carried.

**PRESIDENT'S REPORT** – President Hettermann reminded all that the Party in the Burg is July 26<sup>th</sup>. Trustee Fouke reported on plans for the event.

## **NEW BUSINESS**

**JEFFREY ELSER – 2604 CHAPEL HILL ROAD** - Jeff Elser attended to address the board regarding plans for his property at 2604 Chapel Hill Road. He stated that he sought the property for a location to operate his brokerage business after selling his pallet company, and was informed by the realtor that the property was zoned industrial flex. He discussed the layout of the building and his initial plans to use the back of the building to store materials associated with his pallet business. He was then approached by someone looking for a location for a crossfit gym, which he thought to be ideal for the back of the building. He added that he also planned to rent the back of the property for storage.

Mr. Elser explained that he was contacted by the Village after he installed signage representing multiple businesses on the property. He was informed that the property is not zoned industrial flex and he was in violation of his zoning. He stated that he met with the Village Administrator and Assistant Administrator regarding his intent to use the property for his brokerage offices and the gym, and was told that the uses would be allowed in the B-1 zoning district, which he initially thought would work and remedy the situation. He then decided he wanted to retain the I1 zoning to use the property for manufacturing in the future, but still be allowed to have the cross fit gym on the property. He stated that he was told by Village representatives that as currently zoned he cannot have multiple businesses on the property and would need to pave the parking lot and put up fencing for any outside storage. He stated that he was also told that he could not bring in semi-trailers for storage and he would be limited to storing items less than six feet in height, all of which he researched and found to be inaccurate. Mr. Elser remarked that several businesses have multiple signs, unpaved parking lots and store items greater than six feet in height and questioned why he is being held to a new standard. He questioned the two-acre minimum lot requirement and why it cannot be changed and remarked that as currently zoned he could have a strip club, grow marijuana and have a dispensary on the property.

Mr. Elser stated that his goal is to keep the gym. He explained that after being advised of the zoning issues at his initial meeting with the Village, he instructed the gym owner that it appeared the zoning concern would be worked out and he instructed the gym owner to go ahead and build out gym, after which he decided he wanted to retain the industrial zoning which does not permit the gym. He asked the Village to consider any change that would enable him to keep the industrial zoning and allow the gym to stay. He stated that the gym operates small classes and the property has sufficient parking spaces for the gym and to rent out to additional businesses. Mr. Elser explained that he requested evidence of the violations and was provided a link to the Village's ordinances and directed to have his attorney look into case law. He stated that he could fight the Village legally but would prefer not to.

Max Cannon attended to express his support for Mr. Elser's request and stated that he believes Mr. Elser and the gym owner will contribute positively to the community.

Trustee Foreman questioned who advised Mr. Elser the property was zoned flex industrial. Mr. Elser stated that the realtor told him the property was zoned industrial flex and acknowledged that it was a bad mistake on his part. The realtor and attorney were not identified. Trustee Foreman explained that the Village's ordinances have been developed over many years and much effort and research goes into determining what is allowed in each zoning district. She expressed her support for the Village's administrators and the great job they perform for the Village.

President Hettermann concurred with Trustee Foreman's remarks and reinforced that the rules are in place for a reason and the administrations' job is to enforce the rules in place, which they did by directing Mr.

Elser to the B-1 zoning district and he was agreeable to that change. Mr. Elser stated that he was initially agreeable to the B-1 zoning but did not understand what it would mean.

Trustee Hagen stated that the situation presents an opportunity for the Village. He questioned what should be done now and in the future when a business wants to move in but does not meet the zoning requirements. He acknowledged that the regulations are in place for a reason and the administrators are charged with enforcing those regulations but they are not set in stone. He questioned how to approach situations to encourage economic development and stated if it is determined that the way it is currently being handled is fine, then he is okay with that.

Trustee Letzter remarked that Mr. Elser appears to be a successful business man but pointed out that from the beginning he erred in this matter. He questioned why Mr. Elser's realtor or attorney did not question if the property would work for him and remarked that his lack of planning has created a situation for the Village. Mr. Elser stated that he messed up and it was a big learning lesson for him.

President Hettermann questioned how the industrial use can truly function in that location. He remarked about the County's right of way requirements and how the size of the property limits its use, pointing out that it could not accommodate the couple of hundred trailers Mr. Elser referred to. Mr. Elser clarified that he does not intend to bring in a couple hundred storage trailers and he was told that he cannot have storage containers on the property which he understands but stated that there are many storage containers at other businesses in Johnsburg and if the Village decides to enforce that requirement it is going to be a big problem. In closing Mr. Elser stated that he would be okay with C-1 zoning.

**BUDGET PRESENTATION** – Village Accountant Beckey Kijak presented the FY 2025 budget to the board. She reported on the highlights from fiscal year 2024 and discussed year end revenues and expenditures. Capital projects and expenditures for FY 2025 were reviewed for all funds along with the Capital Plan. At the conclusion of the presentation., Trustee Fouke moved to approve the FY 2025 budget as presented. Trustee Morris seconded the motion. All Trustee voted aye on the roll. Motion carried.

**ORDINANCE 24-25-02 SOCIAL MEDIA POLICY**- Trustee Morris move to approve Ordinance 24-25-02 Amending Section XIV Social Media, of the Village of Johnsburg Human Resource Policies and Procedures. Trustee Letzter seconded the motion. All Trustees voted aye on the roll. Motion carried.

**ADJOURNMENT** – Trustee Foreman moved to adjourn the meeting. Trustee Fouke seconded the motion. All Trustees voted aye on the roll. Motion carried at 8:27 p.m.

Respectfully Submitted,

*Claudett Sofiakis*  
*Village Administrator*