

**VILLAGE OF JOHNSBURG
JUNE 16, 2020 REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES**

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

Attendees

Trustee Greg Klemstein
Trustee McEvoy
Trustee Josh Hagen
Trustee Tom Curry
Trustee Frost
Trustee Beth Foreman
Assistant Administrator Vinny LaMontagna
Village Engineer Tim Hartnett

PUBLIC COMMENT- Mary Lou Hutchinson of 3320 Rocky Beach Road and her son, Bob Hutchinson, attended the meeting via telephone to discuss a proposed ordinance included on the agenda regarding vacation rentals. Ms. Hutchinson requested some insight as to why the ordinance was placed on the Omnibus Agenda rather than as a first read. She explained that the placement of the matter on the agenda coincides with a letter written to her by CSO Schmitt and she questioned the sense of urgency of streamlining the matter through the Omnibus Agenda.

President Hettermann stated that the Village is not streamlining the matter and explained that it was placed on the Omnibus Agenda to direct the matter to the Planning and Zoning Commission to determine if vacation rentals should be allowed. He added that the Village has had a complaint in the past because of the activities related to vacation rentals and the property owner ceased the activity because of the complaint. He stated that the Village Board is not acting on the matter at this time they are only sending it to the Planning and Zoning Commission to determine if vacation rentals should be allowed.

Ms. Hutchinson stated that the proposed ordinance is very specific and she questioned why the board is not simply asking the Commission to consider the matter and draft their own language. She stated the placement of the matter on the Omnibus Agenda rather than as a first read seems coincidental following an incident with her neighbor.

President Hettermann stated that if the Board directs the matter to the Planning and Zoning Commission, a hearing will be held and the Commission's recommendations will come back before the Village Board as a first read. He explained that the Commission may not agree with proposed language and may make changes at the hearing, at which time Ms. Hutchinson can provide input regarding the proposed text. Ms. Hutchinson expressed her understanding of the process but maintained concern with the level of detail included in the proposed ordinance.

Ms. Hutchinson requested the matter be addressed in a timeframe during which people can physically attend the hearing as she expects many people will be interested in attending. Bob questioned why the hearing can't wait until Phase 4. President Hettermann explained that vacation rentals currently are not provided for in the Zoning Ordinance and the Village is trying to address the matter expediently. Ms. Hutchinson requested that if the matter is passed to the Planning and Zoning Commission, they do not hear the matter until Phase 4 opens up.

OMNIBUS AGENDA – Trustee Hagen moved to approve the Omnibus Agenda. Trustee McEvoy seconded the motion. Trustee McEvoy requested the removal of Ordinance 20-21-04 for discussion. All Trustees present voted aye on the roll on the Omnibus Agenda. Motion carried.

- Move to approve the minutes of the May 19, 2020 Meeting of the President and Board of Trustees
- Move to Approve MFT Resolution in the amount of \$350,000 for the 2020 Road Program
- Move to approve professional service agreement in the amount of \$49,500 with HR Green for preliminary and construction engineering services related to 2020 Road Program
- Move to approve Ordinance 20-21-04 Petitioning the Planning and Zoning Commission for text amendments to the Johnsburg Zoning Ordinance regulating vacation rental properties.

Disbursements

General Fund	\$388,700.04
Lane and Building	\$ 32,230.00
Waterworks & Sewage Fund	\$ 18,797.86
Golf Course	\$
Debt Service/SSA Fund	\$
Total All Funds	\$439,727.90

ORDINANCE 20-21-04 – Trustee Foreman moved to approve. Ordinance 20-21-04 Petitioning the Planning and Zoning Commission for text amendments to the Johnsburg Zoning Ordinance regulating vacation rental properties. Trustee McEvoy seconded the motion. Trustee McEvoy stated, in follow up to the conversation had during Public Comment, he concurs with directing the matter to the Planning and Zoning Commission for consideration. President Hettermann agreed and emphasized that all parties are stakeholders in the Village and they have rights. Trustee Foreman stated that she reviewed the proposed language and felt that some of it may be restrictive but she feels the Commission may decide to pare it down. She added that in light of travel restrictions, we will likely see an increase in vacation rental activity and we need to regulate them. Trustee Frost recommended that the Village obtain additional input from other communities such as Lake Geneva and Fox Lake. Trustee McEvoy suggested that the Commission receive other sample ordinances along with the draft ordinance. Trustee Klemstein stated that he received some input from a representative from the realtors association who expressed that the ordinance was well written and had some additional suggestions. He concurred with obtaining input from other communities. President Hettermann concurred and pointed out that the Commission does an excellent job reviewing text changes and making recommendations to the Board. Trustee Frost added that if the restrictions are later determined to be too light, the Board can pursue further amendments. Trustee Hagen remarked that the issue cannot be ignored as it is a growing industry. He added that the use is similar to a hotel and needs to be regulated. Trustee Curry agreed that the use needs to be regulated, but also encouraged. Trustee Hagen pointed out that areas in the community were initially established as vacation homes years ago. All Trustee voted aye on the roll. Motion carried.

PRESIDENT’S REPORT – President Hettermann reported that the Johnsburg Bucks program is ready to during Phase 4.

NEW BUSINESS

ORDINANCE 20-21-03 - VARIANCE – Trustee Foreman moved to approve Ordinance 20-21-03 Granting a Variance to Section 7.1-4 and 10.4-6.1 of the Johnsburg Zoning Ordinance for the property commonly known as 2016 Sunnyside Beach Drive. Trustee Frost seconded the motion. Trustee

Foreman questioned if the area is identified with rebar on the property and remarked that if so, it appears small. Mr. Lamontagna concurred that it is. He added that the property owners have been working closely with the building department and Village Engineers on options. Mr. Hartnett stated that the area is challenging because of small lot size, however the option pursued is the best option. All Trustees voted aye on the roll. Motion carried.

ENGINEERING SERVICE AGREEMENT – Trustee Frost moved to approve the professional service agreement with HR Green in the amount of \$42,700 for Site Civil Engineering Services related to the David G. Dominguez Municipal Facility. Trustee Hagen seconded the motion. All Trustees voted aye on the roll. Motion carried.

BUILDING PLAN REVIEW SERVICES – Trustee McEvoy moved to approve the Short Form Agreement with HR Green in the amount of \$7,000 for Building Plan Review services related to the David G. Dominguez Municipal Center. Trustee Klemstein seconded the motion. All Trustees voted aye on the roll. Motion carried.

ENGINEERING SERVICE AGREEMENTS – Trustee Curry moved to approve a professional service agreement with HR Green in the amount of \$76,145 for the North Sewer Service Extension project. Trustee McEvoy seconded the motion. Mr. Hartnett explained that the project includes the alignment and preliminary calculations for Oakcreek Townhomes. He added that the project should be under construction next year. All Trustees voted aye on the roll. Motion carried

FY 2021 BUDGET – Ms. Sofiakis passed out the proposed FY 2021 Budget and provided some background on its development in light of COVID-19 impacts. She reported that the budget presentation will take place at the next Board meeting and encouraged trustees to arrange a meeting with her to discussed budget details if needed.

RECESS FOR CLOSED SESSION – Trustee McEvoy moved to recess to go into Executive Session to discuss pending litigation affecting the Village related to Lighthouse Church. Trustee Frost seconded the motion. All Trustees voted aye on the roll. Motion carried at 8:00 p.m.

RETURN FROM CLOSED SESSION – Trustee Frost moved to return to Open Session. Trustee McEvoy seconded the motion. All Trustees voted aye on the roll. Motion carried at 8:20 p.m.

ADJOURNMENT – Trustee Curry moved to adjourn the meeting. Trustee Hagen seconded the motion. All Trustees present voted aye on the roll. Motion carried at 8:20 p.m.

Respectfully Submitted

*Claudett Sofiakis
Village Administrator*