

**VILLAGE OF JOHNSBURG
SEPTEMBER 15, 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
Attorney Michael Smoron
Police Chief Keith VonAllmen
Special Project Coordinator Rick Quinn
Assistant Administrator Vinny Lamontagna
Officer Jason Greenwald

OMNIBUS AGENDA – Trustee Hagen moved to approve the Omnibus Agenda. Trustee Frost seconded the motion. Trustee Curry requested the removal of the minutes. All Trustees present voted aye on the roll on the remaining Omnibus Agenda items. Motion carried.

- Move to approve the minutes of the September 1, 2020 Meeting of the President and Board of Trustees
- Move to approved Ordinance 20-21-14 An Ordinance Pertaining to the Local Cure Program
- Move to approve Proposal from Superior Paving Inc. in the \$62,700 for 2020 Patching Program

- **Disbursements**

General Fund	\$88,150.24
Land and Building	\$
Waterworks & Sewage Fund	\$ 7,256.44
Golf Course	\$ 399.58
Debt Service/SSA Fund	\$
Total All Funds	\$95,806.26

MINUTES - Trustee Foreman moved to approve the minutes of the September 1, 2020 meeting. Trustee Hagen seconded the motion. Trustee Curry asked that the minutes be corrected to reflect the dialogue that occurred with Shae Reichhart regarding the demographic comparison he submitted at the last meeting. All Trustees voted aye on the roll. Motion carried.

FROM THE FLOOR

Barbara Kemp attempted to participate via Zoom, but was unsuccessful. She later submitted written input for the record.

Rose Reichhart of 3316 Rocky Beach Road read a statement into the record regarding her concerns residing adjacent to a short term rental property. She explained that the transient activity taking place has resulted in a loss of privacy for those residing next to the short term rental and expressed concern with the impact to property values. Ms. Reichhart remarked that the home is currently for sale and she is concerned that someone will buy it as an investment property. She explained that she does not believe that the proposed ordinance thoroughly addresses the owner occupied requirement and stated that she does not support the activity but asked that if the Board chooses to allow it, they insure that the rentals

cannot be owned and operated by investors. Ms. Reichhart expressed support for the manner in which San Francisco prevents false representations of residency by requiring the owners to be in residence 275 days per year. She remarked that short term rentals burden the neighbors while the rental owners reap the benefits of compensation, resulting in disharmony in the neighborhood.

Mary Beth Adams, of 3314 Rocky Beach Avenue reiterated statements she made at the Planning and Zoning Commission hearing. She remarked that the Village is made up of approximately 2200 homes of which two are being operated as a short term rental. She questioned why the Village is considering a change to its zoning ordinance to allow business activities in a residential district just to accommodate two properties. Ms. Adams added that Johnsbury is not a big rental community having a 94.7% owner occupied rate and emphasized that it is premature to be changing ordinances to allow business uses in a residential zoning district. She urged the Village to give the matter serious consideration before changing the makeup of Johnsbury.

Tadd Spiewak of 3318 Rocky Beach Road read a statement into the record outlining reasons why short term rentals should not be permitted on properties with shared driveway access. He detailed his experience with the use of his shared driveway for access to his neighbor's property to accommodate the short term rental activity taking place on the property. Mr. Spiewak cited abuse of the easement, trespassing, additional wear and tear, safety concerns and potential damage to property as reasons why they should not be allowed on properties sharing driveway access. He explained that he and his neighbors experience an average of 4 cars per rental and two rentals per week from the short term rental adjacent to his home resulting in approximately 160 unknown vehicles traveling the easement since mid-April. He pointed out that the Village of Lake Bluff does not even allow short term rentals on properties with adjacent driveways within 5 feet. He added that the Village's survey reflects that the majority of the participants do not support short term rentals in Johnsbury and stated that the homeowner's of 3318, 3322 and 3324 Rocky Beach Road are against allowing short term rentals in the Village, especially on any property with a shared driveway.

Shae Reichhart of 3316 Rocky Beach Road attended to follow up on questions raised at the previous board meeting regarding his preference for the short term rental ordinance created by Lake Bluff. He read a statement into the record explaining that he looked into ordinances from several communities and found that Lake Bluff's ordinance best suits Johnsbury because they share similar demographics and neighborhoods. He added that Lake Bluff incorporated language into their ordinance similar to San Francisco's ordinance regarding owner occupancy requirements and limits the total number of days per year to 45 which helps to insure the properties remain owner occupied. Mr. Reichhart discussed the negative impacts short term rentals have on a community, stating that they create neighborhoods that people want to move away from and incentivize people to live elsewhere. He remarked about the zoning conflicts of operating a business in a residential zoning district and stated that no one purchased their home with the expectation that a hotel would be operating next door.

Mary Lou Hutchinson 3320 Rocky Beach Road attended and refuted statements made by her neighbors regarding activity related to the short term rental she is operating on her property. She remarked that as compelling as the statements may seem, it does not make them accurate and pointed to a lack of police reports to support the concerns. Ms. Hutchinson discussed studies that reflect the positive impacts short term rentals can have on a community and remarked about the lack of language in the ordinance protecting renters and hosts. She discussed independent research she pursued and her experience operating a short term rental property. Ms. Hutchinson opined that the stories shared by her neighbors are preposterous and explained that she charges \$1000 per night to rent her home and her renters are usually families or dual families. She stated that she welcomes the opportunity to go through the conditional use process to further address the matter. Ms. Hutchinson stated that she objects to the seven-day minimum rental period proposed in the ordinance and remarked that the national average is 3-4 days. She explained that the Village is in a location where people travel out from the City for long

weekends. Ms. Hutchinson also objected to requiring a manager within 15 miles of the property and that contact information be required to be posted on the Village's website as she feels it is an invasion of privacy. She explained that in the case of an emergency, fire and rescue would respond and therefore it is not necessary.

Mark Wicks of 3324 Rocky Beach Road attended to express his concerns regarding short term rentals in residential neighborhoods. He opined that no one wants to reside next to a vacation rental property and added that because of the proximity of his home to the short term rental he can hear everything taking place on the adjacent property.

Dawn Wicks of 3324 Rocky Beach stated that she resides next to the vacation rental and discussed the disruptive activity that continues to take place on the property. She shared experiences that occurred over the previous few weekends and stated that she has called the police regarding the activity. Ms. Wicks discussed her experiences with people roaming into her yard and allowing their dogs to do so as well. She remarked that she would not move into a town that allows short term rentals

Jim Moulis of 3302 Rocky Beach Road remarked that it is obvious that people are against short term rentals. He discussed his experience with short term rentals in Florida in which condo owners rented a two-bedroom unit to twelve people. Mr. Moulis opined that short term rentals are a disaster and people living in single family homes have more difficulties because they often don't have an association to control the activity. He expressed concern with having constant strangers from the City in the neighborhood and that he and everyone on his street are against short term rentals.

OLD BUSINESS

ORDINANCE 20-21-15 – The Board performed a first read of Ordinance 20-21-15 Amending Section 16, Conditional Uses and Section 16, Table 1 Conditional Use Chart to Add Short Term Rentals as well as Section 3, Definitions of the Johnsburg Zoning Ordinance. President Hettermann solicited initial feedback from the board regarding the proposed ordinance. Trustee McEvoy recommended that the board take time to review all of the information provided and consider the public comments shared at the meeting. Trustee Frost questioned if the 275 day in residence requirement instituted in San Francisco was raised with the Planning and Zoning Commission. Mr. Lamontagna stated he did not recall it being raised at zoning.

Trustee Curry clarified that the question he raised at the previous meeting was about the relevancy of the Caucasian population included in the demographic comparison with Lake Bluff. He expressed concern with Mr. Moulis' comment about people coming out from Chicago and explained that he works in Chicago frequently and has found the people to be very pleasant. Trustee Curry stated that he is interested in learning more about police calls related to the short term rental activity and would like more information about the location of the survey respondents.

Trustee Klemstein explained that as a realtor he is very familiar with short term rental activities and understands all sides of the matter. He agreed that property values may go down on properties adjacent to short term rentals based upon the information he has as a real estate professional. Trustee Klemstein offered that some of the issues experienced may relate to details not being worked out with the neighbors in advance to prevent situations. He stated that he personally would not want to live next to the activity every weekend and added that he needs more information and legal input before making a decision.

Trustee Hagen stated that he can see both sides of the situation and understands how the activity can be beneficial to the community by bringing people into the community who will purchase goods and visit business establishments. He added that he understands the concerns of the residents and explained that if it were occurring next to his property he would likely not like the activity either.

Trustee Foreman, stated that she has concerns regarding short term rentals. She questioned the revenue derived from the activity versus the cost impact to the Village and recognized the additional burden placed on police and fire personnel. Trustee Foreman suggested that the Village may wish to consider a separate zone for the activity. Trustee Foreman confirmed with Ms. Hutchinson that she is selling her home and remarked that that if the home is sold, she is gone and the Village is left with the problem. Trustee Foreman stated that the board should be mindful of the survey results and noted that the individuals responding unfavorably were adamantly opposed to the activity, whereas comments in support of the activity appear to be more nonchalant. She suggested that there may be an ideal number of days for rentals that may help control negative activity and that private road considerations need to be looked at. She questioned if allowing the activity would benefit one at the cost of many and stated that a lot of homework needs to be done before a decision can be made.

Trustee Curry questioned if there have been problems with the other property currently pursuing the activity. Mr. Lamontagna confirmed that the Village has received complaints.

Trustee Curry questioned if there have been renters that have not been a problem. Ms. Reichhart stated that not everyone has been a problem. She explained that it is the number of people that are constantly coming and going that are the concern and that whether they are a problem or not is not the issue. Mr. Reichhart added that about every six to seven renters are a problem especially over holiday. Ms. Reichhart commented about the impact to the private road and shared driveway. Ms. Hutchinson stated that the road provides access to the Yacht Club, which has a far greater impact on road than her home.

President Hettermann recognized the great job performed by the Planning and Zoning Commission in considering the matter and urged the Board to thoroughly review all of the information to make a well informed decision at the next meeting.

ADJOURNMENT – Trustee McEvoy moved to adjourn the meeting. Trustee Foreman seconded the motion. All Trustees present voted aye on the roll. Motion carried at 8:07 p.m.

Respectfully Submitted

Claudett Sofiakis
Village Administrator