

**VILLAGE OF JOHNSBURG
SEPTEMBER 21, REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:00 p.m. in the Whispering Hills Community Center.

Attendees

Trustee Tom Curry
Trustee Beth Foreman
Trustee Kyle Frost
Trustee Josh Hagen
Trustee Greg Klemstein
Trustee Scott Letzter
Village Administrator Claudett Sofiakis
Assistant Administrator Vinny Lamontagna
Police Chief Keith VonAllmen
Village Attorney Michael Smoron
Village Engineer Tim Hartnett (absent)
Special Projects Coordinator Rick Quinn

AUDIENCE PARTICIPATION – Taylor Espinosa of 4706 Lake Dawnwood Drive attended regarding her request for text amendments to permit the keeping of chickens in residential zoning districts. She challenged the Findings of Fact submitted by the Planning and Zoning Commission and questioned whether the Commission would have arrived at the same conclusion regarding her petition absent the information provided to them by the Village's staff.

Steve Erickson of 1105 Oeffling explained that he lives on the border of the Village and unincorporated McHenry County which allows the keeping of chickens and he would like to be able to have chickens on his property as well. He offered that he would like to see people in the community engage in self-sustaining activities and wants the opportunity for his children to be involved in the activity.

OMNIBUS AGENDA – Trustee Letzter moved to approve the Omnibus Agenda. Trustee Foreman seconded the motion. Trustee Curry requested the removal of Ordinance 20-21-11. All Trustees present voted aye on the roll. Motion carried.

- Move to approve minutes of the September 7, 2021 Regular Meeting of the President and Board of Trustees
- Move to approve Ordinance 20-21-11 Denying Text Amendment to Section 10.6, Keeping of Chickens of the Johnsburg Zoning Ordinance. (removed)

- **Disbursements**

• General Fund	\$ 115,532.60
• Waterworks & Sewage Fund	11,491.50
• Golf Course Fund	14.98
• Land and Building	4,274.00
• Debt Service Fund	2,453.25
• Total All Funds	133,766.33

ORDINANCE 20-21-11 DENYING AMENDMENTS TO SECTION 10.6 - Trustee Curry moved to approve Ordinance 20-21-11 Denying Text Amendment to Section 10.6 Keeping of Chickens of the Johnsbury Zoning Ordinance. Trustee Foremann seconded the motion. Trustee Curry reiterated that his neighbor has chickens and stated that he never had an issue until the property owner included a rooster and a turkey began to show a presence. Trustee Foreman stated her concerns remain the same. She explained that she pulled several ordinances from different size communities and based upon the requirements included in the ordinance, the activity is problematic. Trustee Foreman countered Ms. Espinosa statements related to opinions provided by a real estate agent and expressed her disagreement with her statements regarding predators not being an issue. She questioned what the Village sees as its identity and expressed that simply because the Village is adjacent to rural areas does not mean we identify as such and remarked that if someone wishes to be rural, they have the option of moving to a rural area. Trustee Letzter expressed that he had concerns when the matter first came before him as a member of the Planning and Zoning Commission and he still has the same concerns. He stated that he spoke with many residents who have indicated that they have nothing against chickens, but do not want them on the property adjacent to them.

Trustee Frost expressed uncertainty as to whether predators will increase as a result of the activity. He remarked that he is not against the idea but feels additional regulations are needed to control the activity. He added that he spoke with many residents and have heard the same comments expressed by Trustee Letzter. He suggested that if the Village were to allow chickens in residential zoning districts, he would like to entertain it for a one-year period as he believes the change should take place in small steps and the Village should be restrictive about it. He added that he has had a few emails from people who have expressed their support.

Trustee Klemstein stated that he observed Mrs. Espinosa's coop and does not have a problem with her set up. He performed additional research with a realtor's association and other communities do allow it but on properties 1 to 1.5 acres in size. From his research, realtors do not believe it helps or hurts real estate values nor does it draw people to an area. He added that many homeowner's associations do not allow it and in talking with residents, some of them support it and some are against it.

Trustee Hagen stated that he believes a well regulated ordinance could help control the concerns. Trustee Letzter stated that enforcement will be a problem and our officers will be impacted.

President Hettermann stated that based upon the input received, everyone feels that more regulations are needed if the board is to consider a change. He suggested that perhaps the activity should be restricted to properties a minimum of 1 ½ acres in size and that coop requirements and other regulations should be established. President Hettermann expressed his concerns in controlling the activity and stated that all of the concerns and potential problems need to be identified so that the Village can figure out a way to regulate it if they are going to consider it.

Discussion occurred regarding the process that would need to be undertaken. Attorney Smoron confirmed that any regulations proposed would need to go back to the Planning and Zoning Commission as it is regulated through the Zoning Code. He discussed some of the current violations the Village's community service officer has been dealing with and despite clear regulations prohibiting the activity, there are some individuals that will ignore the regulations and do what they please. He added that regardless of the effort the Village put's into developing an ordinance, it will be violated and Randy will have to pursue enforcement action. Attorney Smoron suggested that if text changes are considered, it should include language regulating the structure, minimum acreage, fencing requirements and other conditions.

The Board discussed options to develop more restrictive conditions. Attorney Smoron emphasized that state statute requires all zoning amendments to be presented to the Planning and Zoning Commission at a

public hearing. He stated that the Ordinance Committee could work on drafting some language for the Commission to consider.

Trustee Letzter question the events that led up to Mrs. Espinosa's petition. Mrs. Espinosa confirmed that she was notified that she was in violation of the Village's ordinances. She stated that she moved to the Village from Oklahoma a couple of years prior and looked into McHenry County's regulations but did not inquire about the Village's regulations. She explained that she had chickens in Oklahoma and was not aware that the Village could have laws superseding the County's.

Trustee Curry questioned how Mrs. Espinosa disposes of the chicken's wastes. Mrs. Espinosa stated that she currently composts the waste but was informed by Waste Management that if it were bagged similar to dog waste, it could be disposed of in the garbage. Trustee Foreman stated that her research has indicated that there is Salmonella in all chicken waste and she has concerns regarding that.

For clarification, President Hettermann explained that a yes vote denies the request, but a no vote also does not allow the activity but additional language could be developed to further regulate it. He added that a future petition could include lot size, setback requirements, coop construction, etc. and the Village could contemplate waiving the fee for the hearing.

Trustee Espinosa stated that she has not removed her chickens from the property and questioned if she will be fined. She added that she does not want to have to relocate them. Attorney Smoron instructed her to have her legal counsel submit a proposal for the board to consider at future meeting when the matter can be placed on the agenda.

Trustees Curry, Foreman, Hagen, Klemstein and Frost voted no. Trustee Letzter voted aye. Motion failed. Trustee Frost offered to work with the Ordinance Committee to develop regulations to be considered by the Planning and Zoning Commission. President Hettermann instructed him to have a recommendation from the Committee within 60 days.

CELEBRATION IN THE PARK- Trustee Foreman reported that the Community Affairs Committee is finalizing details for the Celebration in the Park event. She discussed the site layout at Hiller Park, pointing out that the fireworks will be set up over the Showcase Field. She explained that the Committee wants the Village to pursue an event insurance rider to cover all vendors. President Hettermann expressed his concern with doing so. Much of the vendors are D12 organizations and they should be able to secure coverage through the school. Health department certifications were also discussed and it was agreed that all vendors would need to secure their own certification.

Trustee Foreman stated that in addition to music, food and fireworks, the event will include bouncy houses, pumpkin painting, and games for the kids. A TV will be operational displaying the sponsors of the event, but the Committee recommended that the Village not raffle off the TV this year. Trustee Foreman stated that the Committee was approached by a not for profit group that wanted to include puppies for adoption. President Hettermann expressed liability concerns. He stated that something similar was done at Saufen und Spiel and it raised several issues. Other board members concurred with the concerns, expressing that the children and fireworks may be overwhelming to the dogs and dogs can be unpredictable in some circumstances. President Hettermann added that the Village's insurance did not contemplate dog adoptions at the event. All Trustees agreed to not permit dog adoption at the event.

Trustee Foreman reported that vendors include JHS Cheer who is serving pizza, JHS Dance Team serving hotdogs, JOC serving prepackaged cupcakes, JBBL serving popcorn and peanuts, the High School Robotics Team serving ice cream, and the Boy Scouts will be serving burgers. The Johnsburg Lions Club will sell beer, St. Johns will sell water and pop and 3Zero1 is the main vendor serving pulled pork.

Trustee Curry stated that the Jr Skyhawks will provide light towers for the event and will use the High Schools fields that day for their games. He added that District 12 has agreed to lend bleachers to Village to be used at Hiller Park for Jr. Skyhawk games.

ADJOURNMENT - Trustee Letzter moved to adjourn the meeting. Trustee Hagen seconded the motion. All Trustees voted aye. Motion to adjourn was carried at 8:33p.m.

Respectfully Submitted

Claudett Sofiakis
Village Administrator