

**VILLAGE OF JOHNSBURG  
MARCH 21, 2024 SPECIAL MEETING  
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:10 p.m. in the Village Hall.

Attendees

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

**AUDIENCE PARTICIPATION/PUBLIC TESTIMONY AND COMMENTS**– Teresa Stade of 1919 Channel Beach Avenue attended to question the reason for the late filing of the audit for which she calculates the penalty to be approximately \$970. Village Administrator Sofiakis stated that no penalties have been assessed, extensions have been filed and explained that the new GASB requirements related to leases as well as manpower challenges have contributed to delays in the audit by the auditor. Ms. Stade questioned how long the Village has been using the current auditors. Ms. Sofiakis stated since approximately 2017. She added that the Village does seek proposals for auditing services from time to time and there has been discussion about pursuing an RFP in the future.

Tom Curry of 2017 Camden Court expressed his thoughts about the handling of Pistakee Yacht Club matter as compared with other code enforcement matters related to various boat storage locations, a basketball ball court established in a culdesac, fireworks displays, and a recent non-highway vehicle path improvement made by the Village. He again remarked about adjustments to salary ranges in May of 2023 that were updated on the Village's website but not ratified by ordinance until August.

Laura King of 2718 Tichfield Terrace attended regarding a FOIA request she sought, to clarify the intent of her request. She explained that she was not interested in any emails, personal documents or private conversations involving any Village elected officials. She also discussed the letter received from the Village in response to the Yacht Club's proposal as well as the notice received regarding the Village's intent to remove the variance designation on the zoning map for the Yacht Club's vacant parcel. She asked that the Board not pass the updated zoning map and allow the judge to make a determination on the matter. Mr. Smoron questioned if Ms. King had anything else she would like to express regarding the proposed map amendments. She stated that she had not seen the map but did receive the notice from the Village about the board's intent to consider amendments to the map, which include the removal of the variance on the Yacht Club's property. Attorney Smoron provided Ms. King a copy of the proposed ordinance and proposed zoning map. She provided no further comment regarding the proposed zoning amendments.

Kurt Donald of 1217 Acre Lane attended regarding the Pistakee Yacht Club and questioned what difference it makes if boats are stored on the Yacht Club's property, stating that he feels they look fine and are covered. He stated that the Yacht Club is special to the neighborhood and nobody ever

complained about the property. He asked the Board to consider how the situation will affect kids lives and opined that the Board is creating a town with the spirit of resentment.

Sarah Hagen of 3910 Pitzen stated that she was in attendance to speak on behalf of the underdog. She remarked about an ordinance approved in 1991 and an article from that time referencing statements made regarding the zoning granted to the properties being annexed into the Village. She stated that the properties were granted the same zoning, variances and special uses they had under the county's jurisdiction. She referenced a quote in a recent newspaper article from the Village's attorney in which he stated that property owners need to show why they believe an exception exists, which she believes has been done. She remarked that stakeholders in the community are losing faith in the Village and expressed concern regarding the unintended consequences of the situation.

Attorney Smoron questioned if anyone else from the public had any comments or wished to provide testimony regarding the proposed zoning map or any other agenda item.

Tom Kartheiser of 2885 Bay Meadow Lane, McHenry question if there are other properties that are being changed on the map. Attorney Smoron replied yes and again asked if anyone else wished to comment or provide testimony.

Julie Salweci of 28726 Laughing Water, McHenry stated that she is on the Board of the Sailing School and her daughters were involved in the sailing school. She stated that she has never been a Yacht Club member but has assisted the Club. She remarked that everything the Village is doing will shut down the Yacht Club. She questioned if there are parts of the ordinance that will affect other variances and the reason for the change. She stated that Yacht Club has been around for 100 years and questioned how the Village can wipe away everything the Yacht Club has done.

Mark Hoffman of 1103 Rocky Beach stated that he has a variance for his home and asked if it is being removed as he does not see the variance designated on the map. Attorney Smoron stated that he is not aware of a change being made to the zoning on Mr. Hoffman's property.

Attorney Smoron again asked if anyone else would like to speak and provide testimony regarding the proposed zoning map changes.

Kirk Donald questioned if the removal of the variance designation will affect the right of way in Rolling Acre Subdivision. Attorney Smoron stated no and again questioned if anyone else would like to speak and provide testimony.

Tom Kartheiser questioned the rational behind the change. Attorney Smoron explained that it is a statutory obligation of the Village to publish the map each year if there are changes. Trustee Foreman added that the Village must adopt its zoning map annually.

Attorney Smoron again asked if anyone would like to provide testimony or commentary on the zoning map. No one wished to comment or provide further testimony.

**OMNIBUS AGENDA** - Trustee Foreman moved to approve the Omnibus Agenda. Trustee Morris seconded the motion. Trustee Hagen requested the removal of Ordinance 23-24-35 Adopting the Zoning Map. All Trustees present voted aye on the roll. Motion carried.

- Move to approve the minutes of the March 11, 2024 Special Meeting of the President and Board of Trustees

- Move to approve Pay Request #2 in the amount of \$272,666.54 to Campanella and Sons for the Church Street Realignment Project.
- Move to approve Ordinance 23-24-35 Adopting the Village of Johnsburg 2024 Zoning Map (removed)
- **Disbursements**
- General Fund \$422,578.60
- Waterworks & Sewage Fund \$ 22,717.43
- Golf Course Fund \$ 276.73
- Total All Funds \$445,572.76

**ORDINANCE ADOPTING MAP** - Trustee Foreman moved to approve Ordinance 23-24-35 Adopting the Village of Johnsburg 2024 Zoning Map. Trustee Morris seconded the motion. Trustee Foreman explained that the zoning map is fluid and is reviewed each year. She added that if the courts determine differently the map can be changed back. Michael confirmed it is a legislative action. Trustee Hagen questioned the last time a variance was taken off of the map. Attorney Smoron stated that he is not aware of another instance when it's been brought to the Village's attention that the public was not properly notified of a variance. Trustee Hagen stated that the matter is the subject of litigation. Attorney Smoron concurred and stated that a ruling was rendered by the judge earlier that day regarding the Village's consideration of the changes to the zoning map. Trustee Hagen questioned if the updates can be made at any time why does the board need to act on it now. Assistant Administrator Lamontagna explained that the updated zoning map is required to be approved by March 31, 2023. Trustee Hagen amended the motion, reinstating the variance designation on the Yacht Club's property. Trustee Fouke seconded the amended motion. Discussion was had regarding the court's action. Attorney Smoron explained that the Village did not bring forward meritless motions without any case in support of the motion, nor has the Village asked for additional time, delaying the decision on the matter in Court. He expressed that he would like to progress with litigation and get an answer from the judge. Further discussion occurred regarding the emergency hearing held early in the day. Attorney Smoron explained that the judge rejected the yacht club's emergency motion. Trustee Foreman remarked that the Village has been placed in a difficult situation and the narrative is that the Village is the bad guys which is false. Trustees Morris and Fouke voted aye on the amended motion. Trustee Hagen abstained and Trustees Klemstein and Foreman and President Hettermann voted no. Motion failed with 4 no's and 2 ayes. Trustee Morris voted no on the initial motion to adopt the Village of Johnsburg 2024 Zoning Map. Trustees Fouke, Foreman, Klemstein and President Hettermann voted aye and Trustee Hagen abstained. Motion carried with 5 ayes and 1 no.

**TREE REMOVAL** - Trustee Morris moved to ratify the acceptance of a proposal for tree removal related to the Riverside Drive Road Improvement Project. Trustee Fouke seconded the motion. All Trustees present voted aye on the roll. Motion carried.

**RECESS FOR CLOSED SESSION** - Trustee Morris moved to recess the meeting to go into closed session to discuss pending litigation regarding the Pistakee Yacht Club vs. the Village of Johnsburg. Trustee Fouke seconded the motion. Trustee Hagen stated that he will refrain from participating in the closed session as he is a regular member of the Yacht Club. Trustees Fouke, Foreman, Klemstein and Morris voted aye on the roll call vote. Trustee Hagen abstained. Motion carried at 8:02

**RETURN TO REGULAR SESSION**- Trustee Foreman moved to return to regular session. Trustee Fouke seconded the motion. All Trustees present voted aye on the roll call vote. Motion carried at 8:43p.m.

**ADJOURNMENT** – Trustee Hagen moved to adjourn the meeting. Trustee Morris seconded the motion. All Trustees present voted aye. Motion to adjourn was carried at 8:44 p.m.

Respectfully Submitted,

*Claudett Sofiakis*  
*Village Administrator*