

**VILLAGE OF JOHNSBURG  
APRIL 19, 2022, REGULAR MEETING  
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:01 p.m. in the Village Hall.

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  
Village Attorney Michael Smoron  
Special Projects Coordinator Rick Quinn

**AUDIENCE PARTICIPATION** – Steven Espinosa, 4706 Lake Dawnwood Drive attended to discuss the events to date regarding the keeping of chickens on residential properties. He remarked about the board's response to the survey and opined that it seems that some board members believe their personal opinion outweighs the community's desires. He questioned if the board members accepted their position to represent the Village or their own personal interests.

Taylor Espinosa 4706 Lake Dawnwood Drive attended regarding the keeping of chickens on residential properties. She remarked that throughout the process she has had to answer questions regarding her keeping of chickens but she is not permitted to question the board. She commented about statements made related to changing regulations for those who are breaking the law and remarked that the Village is changing its regulations for golf cart drivers that are breaking the law when they cut through private property. Ms. Espinosa stated that she has attended several meetings and up until the last meeting no one showed up to express they did not support chickens. She discussed the information she provided to the Planning and Zoning Commission during her hearing and stated that she believes 6 chickens on ¼ acre lots with 10 feet setbacks is appropriate.

George Braun of 3313 Oakdale Avenue attended to discuss the results of the survey and his experience in marketing and surveying. He stated that the Village Board has a responsibility to all of its residents and Ms. Espinosa has no real data to support her petition. Mr. Braun remarked that the larger lots proposed at the last meeting made sense in consideration of the impact to neighboring property owners.

Gretchen Butterfield 1814 W. Church Street stated that she moved to Johnsburg in January and has been attending meetings regarding the keeping of chickens. She discussed the amount of waste created by chickens versus horses and the validity of the survey. Ms. Butterfield reviewed what other communities allow and expressed that the matter is not going away.

Holly Arnold 2113 Church Street commented about being neighborly and getting along. She expressed that the survey reflects a desire to allow chickens and the board's discussion should be based on fact not what the members feel in their heart.

Sarah Hagen 3910 Pitzen Road discussed her research of zoning laws and other resources. She remarked that the board is considering an ordinance that would allow chickens in the E-3 and E-5 zoning districts and they are already allowed there but it would prohibit them on many properties in Johnsburg zoned Agriculture less than 3 acres in size. She expressed her support for the keeping of chickens.

Laura King 2718 Tichfield Terrace expressed her support for backyard chickens. She stated that she owns eight properties in the Village and has a substantial investment in community and does not believe chickens would adversely impact property values. Ms. King remarked that it is not costly to change homeowner's association covenants as previously stated, adding that a simple form can be obtained to make the change. She explained that she serves on the Economic Development Committee and she feels that prohibiting chickens is an overreach by the Board and is restricts residents and their right to happiness. She added that the restriction also discourages eco friendly activities and she does not support over regulation.

Brody King 2718 Tichfield Terrace attended in support of chickens. He remarked about his own experience having backyard chickens. He discussed what he learned about keeping chickens and being responsible for them. Mr. Brody stated that he doesn't believe the Board should stop people from having backyard chickens.

Cheryl Markunas 1310 Hayden Drive attended regarding the keeping of chickens. She reviewed that the Ordinance Committee discussed about allowing chickens on smaller lots and stated that she feels a variance process would be appropriate which would require notification to neighbors.

Bobbie Foskett 2526 Knob Hill Road attended regarding the keeping of chickens and stated that it is not factual that most residents want them. He explained that the survey is only a small representation of the community. Mr. Foskett discussed how his children have chickens as they reside in unincorporated areas on 3-4 acre lots but keeping them is an agricultural activity and they do not belong in residential areas. Mr. Foskett discussed what is involved in keeping chickens and explained that you cannot sex chickens therefore when purchasing them for children during Easter, you could likely end up with a rooster which is very disruptive. He acknowledged that predators such as coyotes, are already in the community however, once a food supply is present, more will be drawn to the area. He stated that he is not comfortable with chickens in residential neighborhoods as they need more room.

Steven Erickson 1109 Oeffling Drive attended to ask the Board to reconsider its position on allowing chickens in residential neighborhoods as he feels it can be done responsibly if steps are taken to reasonably regulate it. He discussed negative experiences he has had with golf carts but stated that he believes when there is freedom to do things, most people will do it responsibly and as with anything there will always be some that will be irresponsible. He expressed that he believes it is a benefit to the community and the board should figure out a way to allow it and protect adjacent properties.

Mary Ellen Shine 3318 Ivy Lane stated that she has been a resident of Johnsburg for 45 years and voted against the keeping of chickens in the survey. She remarked that she enjoys fresh eggs and you can obtain them all over the County from local farms. Ms. Shine responded to the statement made regarding homeowner's association covenants, explaining that you cannot simply fill out a form to make changes as you have to have the matter approved by every homeowner and their mortgage holder. She questioned if the Village is ready to enforce regulations they put in place as many people are responsible but there are those that will not be.

Michael Leshner 3412 Oakdale stated that he was on Planning and Zoning Commission in Fox Lake at a time they looked into allowing chickens on residential property. At that time the commission put forward regulations but the Board did not pass the ordinance but later they eventually did. Mr. Leshner stated that there are some very legitimate concerns regarding the keeping of chickens but it can be done. He explained that he has sold real estate and he does not believe it affects property values and he does not believe it needs to be as restrictive as what is being discussed.

Jim Barrett 3310 Chellington Drive apologized for the anger being directed towards the Village at meetings and through social media. He expressed that when someone is voicing an opinion they should not be chastised for their opinion. Mr. Barrett explained that when he votes he does not do it for an

absolute. He added that he voted for each of the trustees currently serving because he believed they would make good decisions. He urged the Board to give great caution to the size of property on which chickens are allowed and stated that he believe 3 acres or more is appropriate

Steve Freund 1417 Charnbrook Drive stated that he is against allowing chickens. He expressed concern with the precedence it is setting when we condone people doing something and asking for forgiveness later. He compared the action with that of someone driving excessively in violation of the law and having the law changed to legalize the violation.

Jennifer Ulrich 1750 Rosewood Lane-stated that she supports chickens. She remarked that Woodstock, Fox Lake and other communities are forward thinking and allow it and it is becoming a big trend in communities. She added that she had chickens when she lives in an unincorporated area and no issues.

Diane Smrz - 1750 Rosewood Lane – stated that she supports chickens. She explained that she lives in an area in a community that supports dogs, cats and other animals. She remarked that Johnsburg is not an urban community and she does not believe adding chickens will harm the community.

Jeff Ullrich 1715 Rosewood Lane - In favor of keeping chickens on residential property and expressed his understanding of the arguments against them He remarked about the board is not using the survey that was sent out but they have used survey results in other matters.

President Hettermann explained that it seems people were keeping chickens on residential property, but no one was aware of it until they were being kept in plain site on property that was not owned by the persons keeping the chickens and now it has become a problem for anyone keeping them. He added that keeping chickens on residential property is currently against the law in the Village but the Board allowed the violators to keep their chickens until a decision was made and now the Board is trying to determine the best course of action.

Mr. Espinosa expressed appreciation to the Board for allowing his family to keep their chickens while the Board determines what to do and stated that if it is determined that they cannot have them, they will remove them from their property.

President Hettermann emphasized that the board does care but they have to represent the community at large.

**OMNIBUS AGENDA** – Trustee Hagen moved to approve the Omnibus Agenda. Trustee Foreman seconded the motion. All Trustees present voted aye on the roll. Motion carried.

Move to approve the minutes of the April 5, 2022 meeting of the President and Board of Trustees

Move to approve Pay Request #11 in the amount of \$141,754.67 to Manusos General Contracting Inc. pending receipt of all sub-waivers for the David G. Dominguez Municipal Center Project.

Move to approve Ordinance 21-22-37 Authorizing the Sale of Public Property Owned by the Village

**DISBURSEMENTS**

General Fund	\$ 93,631.00
Waterworks & Sewage Fund	\$ 6,406.97
Golf Course Fund	\$ 58.94
Land & Building Fund	\$143,073.87
Debt Service/SSA Fund	\$ 437.50
Total All Funds	\$243,608.28

**PRESIDENT'S REPORT** – President's Hettermann reported that the COW meeting will be held next Thursday at 7:00 p.m. He requested Committee Profiles by end of the week so appointments can be made at May 3<sup>rd</sup> meeting. President Hettermann stated that the Easter Egg Hunt was a great success and thanked all of the volunteers for their hard work. He reported that road work will begin on Route 31 from McCullom Lake Road to Johnsborg Road on April 25<sup>th</sup>.

**OLD BUSINESS – KEEPING OF CHICKENS** - Attorney Smoron explained that action on Ms. Espinosa petition is still outstanding and if the board so chooses, a motion to reconsider can bring the matter back before the Board. Trustee Hagen asked for clarification on why the original petition was denied. Attorney Smoron remarked that it appeared the board desired to develop language that may be more acceptable. Trustee Hagen questioned why the matter needs to go before the Planning and Zoning Commission. Mr. Smoron explained that it is a land use matter therefore the Planning and Zoning Commission must conduct a hearing to receive evidence and make a recommendation to the board.

Trustee Letzter moved to reconsider Ordinance 21-22-11 Denying Text Amendments to Section 10.6, Regarding the Keeping of Chickens of the Johnsborg Zoning Ordinance. Trustee Foreman seconded the motion. Trustees Curry, Foreman, Klemstein, Hagen and Frost voted aye. Trustee Letzter voted nay. Motion carried.

Trustee Foreman moved to approve Ordinance 21-22-11 Denying Text Amendments to Section 10.6, Regarding the Keeping of Chickens of the Johnsborg Zoning Ordinance. Seconded by Trustee Letzter. Trustees Letzter, Foreman, Klemstein, Hagen and Frost voted aye. Trustee Curry voted nay. Motion carried.

Trustee Letzter moved to approve Ordinance 21-22-36 Petitioning the Village of Johnsborg Planning and Zoning Commission for Amendments to Section 16 Conditional Uses of the Johnsborg Zoning Ordinance. Trustee Foreman seconded the motion. Discussion occurred regarding the inclusion of the Agricultural District in the draft ordinance and the impact it would have on smaller lots currently zoned agriculture. Trustee Hagen stated he believes allowing for chickens in residential districts is another benefit that can be provided to our residents and it is not going to run perfectly but it's the Village's job to enforce. He remarked that other activities currently allowed are nuisances such as golf carts, as some people are violating laws in the manner they use their golf carts. President Hettermann stated that the two activities are not comparable and if we receive complaints regarding golf carts we enforce our ordinances. Trustee Foreman concurred that the keeping of chickens and the use of golf carts are not equivalent in the conversation.

Trustee Hagen questioned if the Village could do a pilot program. Attorney Smoron stated that there is no authority for a pilot program or sunset clause in a land use situation. Trustee Curry stated that much effort was put forth by the Ordinance Committee to develop an ordinance and it is not being utilized. President Hettermann stated that much of the language is being used in the ordinance being proposed to the Planning and Zoning Commission. The board further discussed removing references to the agricultural district from the draft ordinance. Trustee Letzter amended his motion to remove the reference to Agricultural district from the ordinance. Trustee Foreman seconded the amended motion. Trustee Hagen moved to amend the motion to allow the keeping of chickens on ½ acre residential lots with 15 feet setbacks, a sunset clause for one year, allowing six hens per ½ acre with maximum of 12 hens and to remove the conditional use requirement. Trustee Curry seconded the motion. Mr. Lamontagna pointed out the the Ordinance Committee's proposed ordinance required notification to neighbors. Trustee Hagen stated that he wished to keep the conditional use requirement in the ordinance. Trustee Frost pointed out that the Ordinance Committee's proposed ordinance limited the number of hens to six regardless of lot size. Trustee Hagen stated that he would be agreeable to limiting the number of hens to six. Ms. Sofiakis repeated Mr. Hagen's amendments to the motion which were to allow chickens on residential properties of ½ acre or more with 15 feet setbacks, a maximum of 6 hens, with a one year sunset clause and requiring a conditional use permit. Attorney Smoron explained that

per the amended motion, the authorization would end after one year. On a roll call of Trustee Hagen's amended motion Trustees Klemstein, Foreman Letzter and President Hettermann voted no. Trustees Curry, Hagen and Frost voted aye. Motion failed. On a roll call of the motion to approve Ordinance 21-22-36 Petitioning the Village of Johnsburg Planning and Zoning Commission for Amendments to Section 16 Conditional Uses of the Johnsburg Zoning Ordinance and the amendment to remove the reference to the agricultural district from the ordinance Trustees Frost, Klemstein, Aye, Foreman, and Letzter voted aye. Trustees Hagen and Curry voted no. Motion carried.

**ADJOURNMENT** – Trustee Curry moved to adjourn the meeting. Trustee Foreman seconded the motion. All Trustees voted aye. Motion to adjourn was carried at 9:06p.m.

*Respectfully Submitted*

*Claudett Sofiakis  
Village Administrator*