
Village of Hesperia, Michigan
Regular Council Meeting
February 8, 2021
7:30 PM

Call to Order: President Farber called this Regular Council Meeting to order at 7:30 PM in the Village Hall. Pledge of Allegiance was recited. Roll Call was taken and a quorum was present.

Roll Call: Members Present: Dan Herin, Joyce McDonald, Jackie Slocum, Jim Smith, Sara Walker, Mike Farber
Members Absent: Mike Maynard

Also present: Clerk Burrell, Chief Herremans, Mike Stanaway, Chuck Yob, Terry Beardsley Jr., Jesse Nebola, Sheri Hunt, Kevin Hunt, Don Noordyk and Sawyer Rozgowski.

Set the Agenda:

Motion by Slocum **Seconded** by Herin **(motion CARRIED)**
Motion to set the agenda as presented
ALL IN FAVOR
Absent: Maynard

Brief Public Comment on Agenda Items only:

Motion by Herin **Seconded** by Walker **(motion CARRIED)**
Motion to approve the minutes of public hearing meeting on recreational marihuana prohibition held on January 11, 2021
ALL IN FAVOR
Absent: Maynard

Motion by Walker **Seconded** by Slocum **(motion CARRIED)**
Motion to approve the minutes of public hearing minutes on re-zoning held on January 11, 2021
ALL IN FAVOR
Absent: Maynard

Motion by Walker **Seconded** by Herin **(motion CARRIED)**
Motion to approve the minutes of regular council meeting held on January 11, 2021
ALL IN FAVOR
Absent: Maynard

Motion by McDonald **Seconded** by Slocum **(motion CARRIED)**
Motion to approve payment of invoices for the month of January 2021 for the amount of \$19,749.17
ALL IN FAVOR
Absent: Maynard

Announcements/Correspondence: President Farber introduced Don Noordyk from West Michigan Broadband. Mr. Noordyk gave a brief history on his company and gave a brief presentation. His company has around 100 miles of cable in the ground in Newaygo, Kent and Muskegon counties. West Michigan broadband strives to deliver a superior product to the public. He mentioned that Hesperia is under served in the internet market and his company would like to service this area. If at all possible, they would like to start installing in the spring of this year. President Farber thanked Mr. Noordyk for his presentation and turned it over to the Technology committee for further discussion.

Committee Reports:

Ambulance:

Buildings and Grounds:

Dams, Parks, Civic & Recreation:

Finance, Budget & Insurance: Chairperson McDonald reported they had a meeting on January 21, 2021 and meet with Corrina Hervey from H & S regarding possible future investments in C.D.s She said that there is an investment policy in place and that Treasurer Miller is researching area banks for percentage rates. McDonald mentioned that the Finance Meeting for tomorrow will be scheduled for a future date.

Grants, Fund Raising, Chamber-Interact:

Marihuana:

Ordinance: Chairperson McDonald reported that they had a meeting regarding an ORV ordinance. Another meeting will be scheduled in the near future.

Personnel: Chairperson McDonald would like to schedule a work session regarding going over the employee handbook.

Streets and Sidewalks:

Technology:

Police and Zoning: Chief Herremans reported 31 complaints, 111 traffic contacts, 1 traffic accidents and 8 arrests. There were no zoning questions or permits issued in January. Newaygo County Central Dispatch is getting a new system, Central Square and they have included Hesperia in their contract at no charge to us. Chief Herremans will be attending training later in February for it. This system will eventually replace some of the ones we currently have. Officer Polasek will continue to be away with the National Guard until the end of March.

DPW Report: D.P.W. Director, Mike Stanaway gave the pumpage report. He reported that the sewer lift station pump was ready for pick up next week. A new PTO drive was installed in the newer Kubota and the broom attachment was repaired. The well houses have been painted inside and look nice. He has contacted the customers on our Let Run list and will have them drip their faucets to prevent frozen pipes until middle of March. There were 16 Miss Digs and 15 of those were for the monitor wells at the Sunoco station. The DPW has identified grease in the sewer system and they are working toward fixing the issues regarding that.

Motion by Farber Seconded by Herin

(motion CARRIED)

Motion to adopt Ordinance #2021-01 Recreational Marihuana, Prohibition of Recreational Marihuana Establishments

Discussion: Walker asked why it was put back on the agenda as unfinished business when the motion had died in the previous meeting. President Farber stated that he was asked to put it back on the agenda because there was a misunderstanding on how to vote. President Farber said the motion did not fail, it was marked as no action taken. McDonald said she wanted it back on the agenda prior to the moratorium expiring in April. President Farber explained that by voting yes, it means that you are voting to opt out of recreational marihuana.

Ayes: Herin, McDonald, Smith, Farber

Nays: Slocum, Walker

Absent: Maynard

President Farber introduced Sawyer Rozgowski from Parmenter Law. Sawyer explained Agenda Item 14a., Hearing on Ordinance #30-30 Vacancies in Office. Sawyer said that the ordinance was adopted in August 2020 and that the ordinance mandates the village council must vacate a council seat upon the occurrence of certain events. He listed the events: for any reason specified by state law; any council member who shall miss three (3) consecutive meeting or four (4) total of such meetings in a calendar year unless the absences are excused; or be guilty of an act constituting misconduct. Sawyer said that hearing that was being held was in reference to Trustee Maynard. Sawyer said that Trustee Maynard was served notice that this ordinance was taking effect in the village. He explained that village itself mandates that a hearing take place and the trustee receive 10 days notice. Trustee Maynard was hand delivered a copy of the notice of hearing 11 days prior to the hearing. It explained that he had been absent for the following meetings: September 2020, October 2020, November 2020, December 2020, January 2021. Trustee Maynard received copies of said meetings where his absence was reflected. The letter explained that the hearing shall afford an opportunity to the trustee, to appear in person or by attorney, to defend or explain the charges. The ordinance states that if a council member shall neglect to appear at such hearing and answer such charges, the failure to do so may be deemed the cause of removal. He further explained that whether the council decided to vacate the seat, five (5) affirmative votes shall be required to declare Trustee Maynard's seat vacant. Sawyer noted that the council could decide to excuse the absences and the reason should be included in the meeting minutes. Sawyer stated that the village council needs to make the decision to remove the trustee or to excuse his absences. Sawyer said that he has read the charges against Trustee Maynard and now would be the time for Trustee Maynard to explain the charges. Sawyer noted that Trustee Maynard nor an attorney on his behalf, were in attendance. Sawyer asked for President Farber to speak on why the trustee seat should be vacated. President Farber said that Trustee Maynard has continued to be a no show at council meetings since the ordinance was put in place and that is why he is being removed. Councilmember Walker asked about the five (5) counts of missing meetings when was (1) count was excused. Sawyer said there is a difference of being excused from missing a meeting and having an excuse for one. The excused absence should be included in the council minutes. In this case, it was marked in the minutes for having a reason, but the absence was not excused by the council. Sawyer said that Trustee Maynard has violated state law and our ordinance and said that a vote needed to be made either to remove him or forgive the absences.

Motion by Herin **Seconded** by Smith

Motion to vacate Mike Maynard's village council seat

(motion CARRIED)

Ayes: Herin, McDonald, Slocum, Smith, Walker, Farber

Nays:

Absent: Maynard

President Farber stated that Mr. Maynard's seat was vacant and that notices would be placed for residents to submit letters of interest to the clerk.

Motion by Farber **Seconded** by Smith

(motion CARRIED)

Motion to pay \$3,500 to Burrell's Service to repair the zero turn mower

ALL IN FAVOR

Public Comment:

Miscellaneous:

Motion by McDonald **Seconded** by Slocum

(motion CARRIED)

Motion to adjourn

ALL IN FAVOR

Meeting adjourned at 8:30 PM

Respectfully submitted,

Vicki R. Burrell

Hesperia Village Clerk