

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, September 1, 2021
7:00 pm On-site and Virtual via Zoom

The regular meeting of the Gearhart City Council was held Wednesday, September 1, 2021. Council members and city staff were able to attend on-site and/or online via Zoom. The public was able to attend online via Zoom. Individuals could also join the meeting by dialing in on a telephone.

Mayor Cockrum called the meeting to order at 7:00 pm. Present were Mayor Paulina Cockrum, Councilor Reita Fackerell, Councilor Dan Jesse, Councilor Kerry Smith, Councilor Brent Warren, City Attorney Peter Watts, City Administrator Chad Sweet, Executive Assistant Krysti Ficker, City Treasurer Justine Hill. Interim Fire Chief Josh Como present during his report. A quorum of the Council was present.

There was no conflict of interest declared by any member of Council.

ON MOTION by Councilor Smith, 2nd by Councilor Fackerell to approve the minutes of the August 4, 2021 regular meeting of the City Council with a correction on page five (5) changing the word residence to residents, MOTION was approved 5-0.

ON MOTION by Councilor Fackerell, 2nd by Councilor Warren to approve the minutes of the August 11, 2021 special meeting of the City Council, MOTION was approved 5-0.

ON MOTION by Councilor Warren, 2nd by Councilor Smith to approve the minutes of the August 13, 2021 special meeting of the City Council, MOTION was approved 5-0.

The Council received a Planning Commission report in their council packet prepared by Virginia Dideum, Planning Commission President. Mayor Cockrum opened discussion for questions and/or comments. Councilor Jesse requested clarifying information on why the SCOFI application was pulled. Administrator Sweet explained the applicant felt that City staff did not understand the scope of their goals and pulled the application.

Mayor's Report. Mayor Cockrum presented her report.

- Attended the dedication day for the Seaside Prom Centennial Celebration.

- Participated in the Clatsop Plains Elk Collaborative signing meeting.
- Performed a 90-day employment period check-in with the City Treasurer.
- Attended the Parks Master Plan Citizen Advisory Committee collaborative work session with the City Council.
- Currently working on a fire/police station bond blog post from the Mayor's perspective.
- Penned a letter to City employees and volunteers regarding COVID vaccinations. It was written from the perspective of the Mayor's personal registered nurse knowledge and experience. Message emphasised a plea for getting vaccinated.
- Spent time reviewing a guide prepared by the League of Cities regarding drafting Charter agreements. The Mayor requested consensus of the Council to put reviewing the Charter agreement on the goals list for next year. There was consensus. Councilor Jesse did express that a citizen committee should be the best approach since they will be the ones that ultimately vote on the changes. There was discussion on the level of citizen involvement and Council involvement. Councilor Smith has some ideas on citizen involvement and will follow up with Mayor Cockrum. Mayor Cockrum thanked the Council for their input.

Councilor's Reports. Mayor Cockrum opened discussion for each Council member's report.

- Councilor Warren also attended the Clatsop Plains Elk Collaborative signing meeting. He had a positive discussion with a representative from Congresswoman Suzanne Bonamici's office. Bonamici's office is very interested in providing support for the fire/police station relocation project. They may be able to help with a federal competitive FEMA grant (different from the BRIC grant). They may be able to be a co-sponsor of the application and/or provide letters of support. He was also able to discuss the Gearhart zip code issue. Bonamici's office may also be able to provide some assistance. They have a good working relationship with the regional USPS representative.
- Councilor Fackerell had no new information to report.
- Councilor Jesse had no new information to report
- Councilor Smith had meetings with Councilor Warren and Mayor Cockrum. He also participated in the joint work session.

City Officer Reports.

- Chief of Police. Chief Bowman did not present a specific report at the meeting. Mayor Cockrum had a statistical report. Information will be blogged out.

- Fire Chief. Interim Fire Chief Josh Como presented information to the Council. Additional information will be blogged out when it is available. He discussed the number of calls and the breakdown. He addressed a correspondence letter in the packet regarding vacation rental dwelling occupancy, egress issues and location of the fire station. Councilor Warren pointed out that the zip code issue also comes into play in terms of receiving insurance quotes and distance from fire stations (Seaside versus Gearhart). Interim Fire Chief Como confirmed that he has had to write letters for residents confirming a Gearhart Oregon Fire Station.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill talked about receiving Coronavirus Local Fiscal Recovery Fund/American Rescue Plan funds; working with the Oregon Audits Division in terms of the Gearhart Road District filing; and Public Employee Retirement System employee status reviews. Councilor Fackerell requested clarification on short-term rental revenue. Councilor Warren asked about Quickbooks payroll expenditure account.
- City Attorney. Attorney Watts gave an update on the election ballot title challenge that was submitted to the Clatsop County Circuit Court by Zimmerman/Gable. He went over the deadline requirement and said that if resolution does not happen by tomorrow end of day, the ballot measure cannot be in the November election. Clatsop County is aware of the pending timeline; however, the court hearing has been set for September 9, 2021. Attorney Watts said that because of the word limit of the ballot summary, it is impossible for the city to address every possible issue. The requirements and word count limitations are to inform voters of what the bonds are going to be used for and how much voters will be authorizing. He also noted that the US Bank court case is still planned for late November, early December.
- City Administrator. Information had also been sent to the Council in advance. He gave a summation of his written report. He specifically addressed: renegotiating the contract with the City's building contractor; public works Water Conservation Plan that is expiring; emergency cache program participation opportunity in October; Clatsop Plains Elk Collaborative update; a small city allotment grant application for sidewalk improvement; and the collaborative work session.

Correspondence. *Additional documents were submitted and distributed to Council members at the meeting (CASA; Trails End Art Association & Art Gallery; Mark; Smith).* Mayor Cockrum noted that there was late correspondence and asked Councilors if they had any comments or questions.

- Councilor Fackerell was interested in additional information on the police officer hiring process. Administrator Sweet said that the National Testing Network (NTN) is assisting with collecting applicant information and test scores. He said that Chief Bowman would be managing the hiring process in the City. He was unclear if there was an interview committee.

- Councilor Jesse requested if Attorney Watts would like to weigh in on the letter in the Council packet submitted by Chief Officer Bowman. Attorney Watts again clarified that the City of Gearhart is unique in many ways in terms of the relationship between the Charter Agreement and City Codes. He indicated that there are often times that the City's Charter is in conflict with Code. He said that the relationship between the two can create situations where there are different interpretations between the Charter and Code. He suggested that the City explore the opportunity to conform Code and Charter. He commented that he was surprised by the tone of the letter.
- Councilor Warren said that there was no precedent set for the hiring of an officer and that the Fire Chief becoming an officer is less egregious than making the City Administrator an officer. He indicated that the City Council has been given a wide structure in carrying out City business. He felt there were better ways to communicate to Council members before submitting a letter like Chief Officer Bowman's.
- Councilor Smith indicated that the motion last month to make the Fire Chief an officer was intended to keep continuity to a practice that already existed for many years. He indicated that there was no objection to labeling the Fire Chief an officer until an official motion was made at a City Council meeting.

Visitors. Bebe Michel (661 10th Street) spoke on fireworks. She and her husband strongly support the fireworks ban. They feel that although celebrating is important, safety and well being are also factors to consider. Mayor Cockrum requested that visitors online use the raise hand function. She did a visitor roll call by on-line identifiers.

Councilor Warren requested additional follow-up comments on correspondence; which, Mayor Cockrum allowed. Councilor Warren commented on the correspondence provided by Deanna Mancill on the proposed noise ordinance amendment. He clarified he was not in a conflict of interest and that he had disclosed that his wife was a supporter of the ordinance. Attorney Watts felt there would likely be no violation with the Ethics Commission since the noise ordinance is a community-wide issue and Councilor Warren has no financial gain in the decision.

City Administrator Sweet stated that Chief Officer Bowman notified him during the meeting that there would be a panel that interviewed the new police officer applicants and that more information would follow later.

Ordinance/Resolutions.

- A synopsis for Resolution 963 Bail Trust Bank Account Dissolution was in the Council members' materials. City Treasurer Hill went over the synopsis and recommendation. The municipal bail trust funds can be tracked accurately and more efficiently in the City's regular operating Columbia bank account. Transactions for the municipal bail trust account will be maintained in the City's chart of accounts. This will simplify financial transactions and support one of the auditors comments.
 - ON MOTION by Councilor Jesse, 2nd by Councilor Warren to approve Resolution 963 Bail Trust Bank Account Dissolution, MOTION was approved 5-0.

Old Business.

Fireworks in Gearhart. There was a staff report provided in the Council packet with no recommendations. The City of Cannon Beach's ordinance was used as a model. At this point, the current draft ordinance is a working document. There were input letters from Interim Fire Chief Como and Chief of Police Bowman. Councilor Fackerell appreciated Bebe's comments and her good community stewardship; however, after processing the input from the Chief of Police and Interim Fire Chief, she does not agree with the ordinance. Mayor Cockrum questioned whether the ordinance was going to resolve issues within the City of Gearhart with fireworks being so prevalent on the beaches, which are outside of the City's jurisdiction. Councilor Jesse disagrees that the beach is the primary firework location issue. Councilor Warren does feel that this year was less than in prior years, perhaps due to COVID; however, fireworks do create on-going disruptive issues (e.g., veterans). Attorney Watts clarified that this was not a public hearing that continued discussion should be at a later time. It is an important issue that the public needs to participate in. It was recommended to have further discussion at the November Council worksession.

ON MOTION by Councilor Smith, 2nd by Councilor Jesse to request staff to submit a draft ordinance to the City Council to review, MOTION was approved 4-1.

New Business.

Annual Audit Report. Mayor Cockrum welcomed Glen Kearns, CPA for Accuity. He explained that they expressed an unmodified opinion which concludes that the financial statements were prepared, in all material respects, in accordance with the applicable financial reporting framework. It is also known as a "clean" opinion. He went over information on the Statement of Net Position; Statement of Activities; Schedule of Revenues, Expenditures, and Changes in Fund Balance Budget

and Actual General Fund and Water Fund; importance of the Ending Fund Balance and adequate carryover balances; and monitoring the Water account. Councilor Fackerell asked if the City should stay with a modified cash basis accounting model or look at accrual accounting. Accountant Kearns felt that the current cash basis accounting model was the best option for the City of Gearhart.

Playground Equipment Quotes. Administrator Sweet discussed the current quotes. He indicated that the equipment quotes are primarily metal based materials and that natural pieces may exceed the current budget, which is around \$86,000. He requested direction from the Council on how to proceed. Councilor Jesse requested clarification on the projected timeline and impact of weather. Mayor Cockrum felt that the City should explore other vendor options. She felt that aesthetics was an important component and responses on the current pieces have been less than enthusiastic. She does recognize that it is a priority to get something in the community. Councilor Warren suggested that getting information out and educating the community, especially those that were instrumental in raising funds, on timelines and finding the right type of equipment would help alleviate community frustration. He felt they would be understanding if they were informed of why there was a potential implementation delay. Councilor Smith also felt that aesthetics is important and supported the exploration of vendors with wood structures. Councilor Jesse wondered if there were benefits to having community participation in assembly. Councilor Warren wanted to make sure that when talking with vendors about installation, liability in terms of warranty were discussed. Councilor Fackerell said that she would be willing to assist City staff with any playground grant writing assistance.


COVID Update/Procedures. Administrator Sweet went over the new requirements imposed by the Governor in terms of healthcare personnel; which requires mandatory COVID vaccinations. City staff that are impacted are both paid and unpaid firefighters and EMTs. He went over informing the staff; current deadline date of October 18th; and draft City policy implementation. Mayor Cockrum asked if it applied to CERT. Administrator Sweet said that it applies to any medical responder assisting a patient for any reason. He said that he has been working with Attorney Watts, City Treasurer and Interim Fire Chief Como. Attorney Watts clarified that information around the new mandates is rapidly evolving and does create a financial penalty of \$500 a day per occurrence for non-compliance.

Council Concerns.


- Councilor Jesse expressed concern over the City Council not meeting in-person. He feels that not meeting in-person as a group lets down the community. He feels that meeting in-person requires City Council members to be fully engaged because it is so easy to get distracted online.
- Councilor Fackerell requested any new news on Gearhart Crossing and the old Gearhart School. Administrator Sweet clarified that Gearhart Crossing is still up for sale, and to his knowledge has no active offers. Mr. Morey is actively repairing and updating the old Gearhart School, as well as, working on parking improvements.
- Councilor Smith clarified that, at this time, he does not feel comfortable coming back into the Chambers with COVID and the variants. Council members have medical conditions that may make them vulnerable with exposure when in-person. He will remain virtual until he feels safe to return in-person.
- Councilor Warren wishes that the world health situation was better; however, with different variants emerging, he cannot see in-person meetings in the foreseeable future. He also clarified that he felt there was misinformation out in Gearhart regarding the proposed land swap; the fire/police station; and, the financial borrowing amounts. Inaccurate information is being repeated and recycled; which is a concern, because it gives community members the impression that it is accurate.

Mayor Cockrum requested adjournment.

ON MOTION by Councilor Jesse, 2nd by Councilor Smith to adjourn the meeting, MOTION was approved 5-0. Mayor Cockrum adjourned the regular Council meeting at 8:45 pm.



Chad Sweet, City Administrator



Mayor Paulina Cockrum