

CITY OF GEARHART  
Regular Meeting of the City Council  
Wednesday, October 4, 2023  
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, October 4, 2023. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

Present were Mayor Kerry Smith, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Preston Devereaux, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, Police Chief Gregory, Fire Chief Josh Como, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the regular meeting of the City Council to order at 7:02 pm.

There were no conflicts of interest declared by any member of the Council.

Approve Minutes.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the minutes of the September 6, 2023 executive session meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the minutes of the September 6, 2023 regular meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

There were no questions on the Planning Commission report in the Councilors' packets; however, Councilor Gould inquired about the tree planting project that was given to the Planning Commission for further investigation. Administrator Sweet explained that the Planning Commission has prioritized other projects, specifically the tree cutting permitting process, over the tree planting issue. There was discussion on making sure that requests given to the Planning Commission are not just tabled without notifying City Council.

Mayor's Report. Mayor Smith met with Treasurer Hill on a personnel project City staff are working on.

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

- Councilor Devereaux had nothing new to report.
- Councilor Fackerell reported the Bench Committee is on a hiatus until Administrator Sweet completes gathering the bench types for review. Administrator Sweet gave an update on the purchasing process and mentioned that one of the benches could be viewed locally at the elementary school. Councilor Fackerell

also mentioned that due to illness, she would be unable to attend the Clatsop Regional Housing Taskforce meeting.

- Councilor Kloepfer has been appointed by the Seaside City Council as a member of the Airport Committee. She expressed gratitude for the trail maintenance done on the north end of the Ridge Path. She has also been approached by several people inquiring about the elk population in Gearhart. Councilor Kloepfer did some investigative work regarding impacts on the local herd. She talked with Paul Atwood (Oregon Department of Fish & Wildlife) and Neal Maine (local elk “expert”). She discussed the Landowner Damage Program in Oregon, which is a program that addresses damage caused by elk on privately owned lands in Oregon by granting damage tags to qualifying landowners. She mentioned a local property (Weston) that has received this type of elk tag and a three year historical number of elk killed. She also talked about two regular elk hunting seasons that happen each year. She indicated that Neal Maine noted that there has not appeared to be a lead cow the last few years, which indicates a fragmentation of the herd. Councilor Kloepfer also talked about the Lewis and Clark National Historical Park project that secured funding to place six (6) elk with GPS collars. Interested parties can view information on the project on YouTube - Nature Matters: Clatsop Plains Elk. She has requested that if Gearhart citizens have concerns about the elk population, they need to speak up. Citizen input is important. She also requested that Paul Atwood be invited to speak at a City Council meeting, which was agreed upon by Council. Councilor Devereaux gave more explanation on the reasons for Landowner Damage Tags, which includes fence damage, property owner liability, hunting season boundaries, salt in dunes attracting animals, and habitats shifting locations.
- Councilor Gould gave a shout-out to the fire department. She congratulated them on their grant funding and fundraising efforts with the Firefighter’s Ball. She participated in a training with the Mayor and City staff regarding a personnel project; gave a reminder for the public meeting on October 12 regarding the tennis and pickleball courts; attended the Clatsop County Get Ready event at Camp Rilea where she received information worth passing on to the community (maybe through the BLOG); talked about municipal government processes and procedures; and plans to attend the LOC Small Cities meeting in November at Rockaway Beach.

#### City Officer Reports.

- Chief of Police. Police Chief Gregory went over the department’s September data report. He mentioned the Lexipol project; the police vehicle safety upgrading project; Officer Mares training progress and schedule; and Sergeant Brown attending a training in Washington State. He also appreciates the time and effort Sergeant Brown dedicated to Officer Mares’ phase one training program.
- Fire Chief. Fire Chief Como went over his September data report, including a call breakdown and mutual aid. He elaborated on Councilor Gould’s shout-out. He explained that the Gearhart Volunteer Firefighters’ District (GVFD) acquired a new UTV (side-by-side) with the assistance of grant funding

from Oregon State Parks and donations received during the Firefighter's Ball. The side-by-side has been painted the same Gearhart fire department vehicle color and will have decals to clarify that it is an emergency response vehicle. It will eventually be outfitted with a water skid unit, rescue backboard, medical supplies, and necessary tools. Fire Chief Como also mentioned the end of the fire season. He briefly mentioned burn permit guidelines and requests for special burn permits.

- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned noteworthy revenues, which included a planning grant and a conflagration reimbursement payment; and noteworthy expenditures, which include payments to the City's auditors, a volunteer firefighters life insurance premium, Clatsop County Sheriff's coverage agreement, a quarterly gas and clothing payment to the GVFD, and a payment for water purchase to the City of Warrenton. She also talked about two (2) new accounts being added 10-1373 Dues & Fees and 30-3077 Tech – Software/Hardware; and adjusting the account distribution for the building/planning/court assistant. Treasurer Hill explained some concerns over the grant award distribution in Fund 45 State Revenue Sharing Fund and recommended a potential option for keeping the Fund from running a negative balance. There was discussion and agreement to move this topic to the November City Council agenda. Councilor Gould noted that it is important to fiscally monitor the coverage requirements provided by Clatsop County Sheriff's Office until all the officers are fully trained. Treasurer Hill noted that the purchase service line item will be monitored and appropriations may need to be adjusted.
- City Attorney. Attorney Watts attended a meeting regarding Portland State University's population estimates. The estimates are used to determine growth/decline and State revenue sharing allocation apportionment. He talked about how inaccurate estimates can have financial impacts and how the Census data should be used instead. He also explained that the Department of Land Conservation and Development (DCLD) has been tasked with new rules regarding city density. He mentioned potential septic barriers; Oregon Planning Goal 10; Gearhart's Comprehensive Plan; and designation of specific City planning zones. He provided a brief historical reference to why Gearhart has certain planning requirements and explained the process of changing them through amendments to the Comprehensive Plan. Councilor Kloepfer requested clarification on "home swaps" in terms of short-term rental enforcement. Attorney Watts and Administrator Sweet talked about that type of transaction not being defined in the City's short-term rental rules, which would make it allowable.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He briefly talked about water conservation in terms of irrigation systems and suggested that property owners invest in smart watering devices that help monitor irrigation levels based on weather. Other topics he covered were: annual water valve exercising by public works; backflow device warnings; a new potential Automated Meter Reading (AMR)/Advanced Metering Infrastructure project; code enforcement and a new report; increased municipal court activity; and attending the LOC conference.

Visitors. None.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Patty Jo Angelini, Clatsop County (Operation Green Light); Christine Trexel (Elk Population); Don Bohn, Clatsop County (Funding for Homelessness Response); Helping Hands (Updates for Supporters); and Thao Duc Tu, VNCO President (Certificate of Appreciation). Councilor Fackerell asked about the City receiving green light bulbs as offered in the email from Clatsop County.

According to City Staff, the City should be receiving some green lights from the County.

- Bob Carson (226 Ridge Drive) gave congratulatory remarks for the new playground and for extending the Ridge Path to the north. He also supports the requirement of a tree permit. He expressed concern over the protection of the Neacoxie Creek. He talked about benefits of the area and the need to restrict further development. He posed the question of City liability for allowing development in more hazardous areas; urged the City to work with Native Americans; and requested the City explore land trusts organizations to help protect Neacoxie Creek.
- Shannon Smith (774 Pacific Way) explained she was a neighbor to Neacoxie Creek. She spoke and distributed information on creating a conservation alliance and research reserve in Gearhart. She proposed collaboration with other partners (e.g., City of Seaside, Tribal Groups) to support conservation, research, and education for local estuaries and waterways. She mentioned a potential funding opportunity through an infrastructure bill. She is interested in protecting and enjoying Gearhart's natural resources.

Ordinances/Resolutions. None.

Old Business. None.

New Business. Mayor Smith invited the public to comment on any new business item.

Discussion - Water Conservation Pricing Direction. Mayor Smith opened the discussion and Administrator Sweet went over the staff report, which referenced an attached memorandum from Steve Donovan. There was discussion on a proposed January implementation date; being thoughtful about creating a water conservation program that does not severely impact local landscaping businesses or home gardeners; potentially having a more aggressive block pricing at the higher consumption levels; and annually reevaluating water rates.

- There was consensus by the City Council that City staff should move forward with drafting a water conservation block pricing resolution for consideration at the November City Council meeting (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Discussion - LOC 2023 Annual Conference Voting Delegates. Mayor Smith opened the discussion and Administrator Sweet went over the staff report. Councilor Gould had been assigned as the city

representative to vote to elect the LOC Board of Directors for 2024 on behalf of the Gearhart City Council. She will be attending candidate presentations at the LOC Annual Conference. There was discussion on the number of candidates and the high level of confidence in Councilor Gould's decision making process.

- There was consensus by the City Council that Councilor Gould would represent the City of Gearhart as the voting delegate for the LOC Board of Directors for 2024 (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Low-Income Household Water Assistance Program. Mayor Smith opened the discussion and City Treasurer Hill summarized the staff report. She explained that the City has been a collaborative partner with CAT (Community Action Team) to provide account information on low-income families who need assistance with their water bills and an agreement is necessary to extend the working relationship. Attorney Watts talked briefly about the program. There was discussion on how many low-income families receive the assistance.

- There was consensus by the City Council to continue the relationship with CAT in order to provide assistance to low-income families with their water bills (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

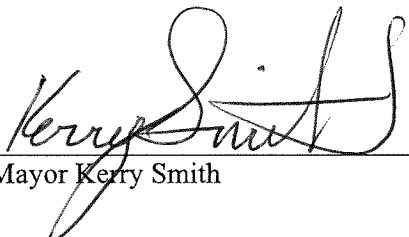
#### Council Concerns.

- Mayor Smith referenced social media posts regarding a local business and code enforcement issues. He explained that a local business owner was implying the City was harassing them and putting up obstacles for them to succeed in Gearhart. According to one of the posts, there has been a conspiracy between Mayor Smith, Administrator Sweet as Code Enforcement, and the Planning Commission. He clarified that the sign and lighting ordinances are clear. The City is protective of the commercial areas and although changes were made three years ago to expand options and support businesses, there are still regulations that must be followed. He stated that changes to codes are not negotiable unless they are brought to the City Council.
- Councilor Fackerell requested an update from Administrator Sweet on Gearhart receiving an independent zip code and requested he purchase the third bench selected by the Bench Committee instead of having to go to the elementary school to look at the one that is similar.
- Councilor Devereaux also commented on social media posts and inaccurate information. He referenced the C-1 zone and suggested that the City distribute the Comprehensive Plan to businesses via certified mail. He also mentioned poor business plans, rants about the building official, and electrical/plumbing requirements being different with commercial properties.
- Councilor Kloepfer has had an opportunity to work with the building official and found him to be patient and polite.

- Councilor Gould has concerns over signage. She mentioned issues originating with the last election in terms of political signage and design discussions when creating the 4th of July safety signs. She suggested looking at the sign regulations and adding the discussion as an agenda item. She also suggested taking a preventative approach to educating new businesses by creating a welcome business packet, which could cover zoning and operational rules. Councilor Gould also put forward for consideration a review of City Council rules at a worksession.
- There were concerns over the next worksession date and Mayor Smith determined City staff can work with Councilors to reschedule the October 31 worksession.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:54 pm.



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Mayor Kerry Smith



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Chad Sweet, City Administrator