

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, December 6, 2023
6:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, December 6, 2023. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone. There were some technical issues with the online audio.

Present were Mayor Kerry Smith, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, Fire Chief Josh Como, Police Chief Josh Gregory, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. Councilor Preston Devereaux did not attend. A quorum of the Council was present.

Mayor Smith explained that the Council would be conducting Planning Commission interviews. There were six applications received (Henry Ferguson, Jennifer Grey, Eric Halperin, Karl Leigh, Donivee Nash, Shelli O'Neal). Each applicant was allowed to give a brief opening statement and were asked five questions: *1) Do you believe that the Comprehensive Plan as written is still applicable? Does it need to be changed? If so, how?; 2) What are your thoughts for now and the near future for Gearhart - please be as specific as possible and address Gearhart maintaining its residential community feel or would you prefer additional commercial and tourist growth and how they pertain to the comprehensive plan.; 3) How do you see your role as a Planning Commission member in city government? Describe your understanding of the relationship and interaction between the Planning Commission and the City Council.; 4) Are you aware of any present or future conflict of interest you might have as a member of the Planning Commission? If a situation should arise, would you excuse yourself from voting?; 5) Do you, as a candidate for the Planning Commission, have a question of any of the members of the City Council?* In a roundtable format, applicants responded. Mayor Smith notified applicants that there was only one seat available, which would be an agenda item in the regular Council meeting. He mentioned that two vacant positions would be filled with existing Commissioners who expressed interest in continuing their service, which provides consistency and continuity within the Planning Commission. Candidates were invited to stay to hear the appointment; however it was not required.

Mayor Smith requested that an addition be made to the City Council agenda to potentially take action on the salary amount for the Fire Division Chief of Training & Operations position.

- There was consensus to add the new agenda item under New Business (Fackerell, Gould, Kloepfer, Smith).

Mayor Smith called the regular meeting of the City Council to order at 7:00 pm.

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

Approve Minutes.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Kloepfer to approve the minutes of the November 1, 2023 regular meeting of the City Council, MOTION was approved 4 yeas (Fackerell, Gould, Kloepfer, Smith) - 0 nays - 1 absent (Devereaux).
- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the minutes of the October 30, 2023 worksession of the City Council, MOTION was approved 4 yeas (Fackerell, Gould, Kloepfer, Smith) - 0 nays - 1 absent (Devereaux).

Mayor Smith asked if there were any questions on the Planning Commission report in the Councilors' packets. Councilor Gould inquired about the tree zoning ordinance timeline, which Administrative Sweet confirmed would be in January.

Mayor's Report. Mayor Smith visited the City's Conex cargo containers, which resulted in some investigative work, organizing, and cleaning. He also had several meetings with Councilors and Treasurer Hill.

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

- Councilor Devereaux was absent from the meeting.
- Councilor Fackerell appreciated being part of the hiring process that Fire Chief Como organized. It was a great learning experience that involved a lot of different emergency response individuals. She thanked Fire Chief Como for the opportunity.
- Councilor Gould gave a shout-out to citizens that have been decorating downtown. She personally acknowledged Taylor Cosner for decorating City Hall and Ellen Prendergast for decorating the crossroads in downtown. She appreciates the iconic Murphy's family Christmas Tree. She also thanked the firefighters for participating in the Seaside lights parade. Councilor Gould reported that she was not able to attend the LOC Small Cities meeting in Rockaway due to not feeling well. She has also been contributing to the review of the employee handbook, which will come to the Council. She also worked with citizens on the ODFW complaint; listened to inquiries on signs; attended the Gearhart Rural Fire District meeting; and gave a reminder about local events (e.g., Tour of Lights; Rudolph Scavenger Hunt, Windermere's Share the Warmth drive).
- Councilor Kloepfer went up to the Conex cargo containers to do inventory, which also resulted in cleaning and organizing. She explained that the three metal containers are located at the water reservoir area and contain emergency supplies and personal cache barrels. She indicated that containers 1 and 3 are in great shape; however, container 2 has drawn moisture and condensation,

which has resulted in the growth of mold. She had assistance from Paulina Cockrum and Mayor Smith. She is not clear on the next steps to address the condensation issue but knows something needs to be done. She and Administrator Sweet attended a meeting with Jon Wickersham, North Coast Land Conservancy (NCLC). NCLC is working on a five year plan and would like to share with the City Council once it has been finalized. Councilor Kloefer also stated that the elk issue is not finished. Questions will be submitted to the Oregon Fish and Wildlife Commission through a records request process to try and ensure answers. There were some follow-up comments about the Conex containers, which included removing cardboard boxes; continued issues with mold on the ceiling; different levels of container quality; ventilation holes; developing a plan; and doing scheduled inspections.

City Officer Reports.

- Chief of Police. Police Chief Gregory went over the department's November data report. He gave a reminder that Officer Mares has started the DPSST police training academy early and that he will be back on duty in Gearhart over the winter break. Officer Mares' graduation date should be mid-May. He also gave updates on the police vehicle upfitting project; Lexipol project; and DPSST management training. He mentioned that the new police patch has been receiving positive feedback. Councilor Kloefer asked for clarification on different levels of theft, which Chief Gregory explained had to do with financial value thresholds.
- Fire Chief. Fire Chief Como went over the department's November data report, including a call breakdown, mutual aid, and comparisons to last year. He mentioned the assessment center process used in the interview for hiring the Fire Division Chief of Training & Operations finalist.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned property tax revenue increasing 4.3% and as per the County Assessor's office, the current tax collection rate is at 88%. She explained that because the City had received another State Revenue Share payment, all but one City grant award have been paid out; the remaining one will be paid when funding is available. She also mentioned two vacant Budget Committee positions; final Audit documents being received; and the business license renewal process. Councilor Fackerell and Councilor Kloefer requested clarifying information on the financial reports.
- City Attorney. Attorney Watts attended the Population Forecast Program meeting that covers preliminary forecasts for county trends and urban growth boundaries. He briefly went over the issues with inaccurate population forecasts. He is an advocate of changing the way that forecasting is done. He felt that the meeting organizers were receptive to feedback on the issues. He stressed that having accurate information was critically important. Attorney Watts also mentioned the temporary sign ordinance that was drafted, which specifically addresses political signs. Holiday signage was not addressed but could easily be integrated. Councilor Fackerell requested clarification. Temporary holiday signage includes such things as 4th of July clean-up, fireworks, and safety. Councilor

Kloepfer requested clarification on the Portland State University census data for the State of Oregon and the discrepancies. Attorney Watts said that there are legislators that are aware of the issues and hopefully will continue discussions to address them.

- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He briefly talked about code enforcement; the City Christmas tree; a pilot water meter AMI project training session; asbestos testing at the fire station; declined ODOT sidewalk grant due to increased scope and lack of contractor interest; approval of a new emergency diesel generator grant; submissions for two Cyber Security grants; and worksession date reminder (Tuesday, December 12 at 6:30 pm).

Visitors. Councilor Fackerell, as part of the City's Beach Bench Committee, gave an update. She acknowledged Councilor Kloepfer and Kathleen Zimmerman for their contributions. She gave a brief overview of the committee's objective. She mentioned history; replacement types (wood versus recycled plastics); proposed old/new locations; procedural forms and policies; bench donor time and financial commitment; maintenance; and making contact with potential donors. Administrator Sweet distributed bench locations and the type of benches proposed. He also mentioned the City has been working with the State of Oregon regarding the placement of the benches and there may be issues if the benches are defined as "memorial benches." There are still some details that need to be worked out before the bench process and placement is finalized.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Georgia Jenkins (Gearhart Elk & Wildlife), Susan Romersa (Gearhart Elk & Wildlife); Denise Fairweather (Gearhart Elk & Wildlife); Katie Voelke, North Coast Land Conservancy (two letters - Donation/Follow-up); Jenna Tift, Professor Oregon State University (Oregon Coastal Community Survey); Thomas Thies (Ordinance 940); Chad Sweet, City Administrator (ODOT Grant). Councilor Kloepfer thanked the public for their written comments.

- Pat Roberts (336 N Ocean) questioned vegetation removal in certain areas in the Gearhart dunes. She understands the purpose of controlling Scotch Broom; but would like to know how to find out information on beach dune vegetation removal work. Mayor Smith noted he was not familiar with the work she questioned and Administrator Sweet followed-up with confirmation of the work. He mentioned the selection of a contractor was done through a bid process. He also said that the mowing was being done by a large tractor and was part of a Scotch Broom reduction effort.

Ordinances/Resolutions.

Ordinance 940 - An Ordinance Regulating the Operation of the Water System of the City of Gearhart, Governing Responsibilities, Establishing Fees, and Providing Penalties for Violations Thereof. Mayor Smith opened the discussion and Administrator Sweet went over the staff report. Councilor Gould had

several recommendations, which she went over (page 3 Section 5; page 4 Section 7, Section 8; page 5 Section 11, Section 12, Section 14, Section 15, page 6 Section 1; page 7 Section 2). Councilor Kloefer inquired about specific language denying water to recreational vehicles; however, it is not specifically stated in the document. Mayor Smith had issues with the language in page 4 Section 9. There was some discussion and Attorney Watts proposed that the heading remain in the Ordinance with the elimination of the paragraph following. If it turns out that specific language in this area is needed later, it could easily be added.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve Ordinance 940 as amended regulating the operation of the water system, governing responsibilities, establishing fees, and providing penalties and violations, MOTION was approved 4 yeas (Fackerell, Gould, Kloefer, Smith) - 0 nays - 1 absent (Devereaux).

Ordinance 941 - An Ordinance Amending the City of Gearhart Zoning Ordinance Regarding the Placement of Political Signs in Gearhart. Mayor Smith opened the discussion and Attorney Watts went over items in the staff report. He briefly mentioned sign removal timelines; illumination, coverage limitations; demonstrating clear and objective standards; size; limiting number of signs per candidate/measure; case law on ideological signs; and the protection of individual rights. Councilor Kloefer wanted to know who would be responsible for monitoring the new sign requirements. Administrator Sweet said it would be under code enforcement. There was continued discussion on removal of past election signs; violations; and political flags. Mayor Smith requested that political signs be limited to one sign per candidate/measure. There was discussion on placement within the Ordinance [page 2 Section 2A(4)].

- ON MOTION by Councilor Gould, 2nd by Mayor Smith to approve Ordinance 941 as amended, which allows an addition to the City of Gearhart zoning ordinance regarding the placement of political signs in Gearhart, MOTION was approved 4 yeas (Fackerell, Gould, Kloefer, Smith) - 0 nays - 1 absent (Devereaux).

Old Business. Mayor Smith invited the public to comment on the old business items.

City of Gearhart's Strategic Blueprint. Mayor Smith opened the discussion and Administrator Sweet explained the document was just to provide a final version to the Council.

- There was no action required.

PacifiCorp Clean Energy & Source Materials. Mayor Smith opened the discussion, which there was none.

- There was no action required.

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

Salary Placement for the Fire Division Chief of Training & Operations Position. Mayor Smith opened the discussion. Fire Chief Como explained the need for City Council's acknowledgement and the rationale behind altering the salary schedule structure for the Fire Division Chief of Training & Operations position to align with the Sergeant of the Police Departments salary range. He also explained his rationale for recommending placement of the new hire based on the candidate's qualifications and years of experience.

- There was consensus to allow the change in the salary schedule structure for the position; as well as the placement of the new hire (Fackerell, Gould, Kloepfer, Smith) - 0 nays - 1 absent (Devereaux).

Discussion - Planning Commission Appointments. Mayor Smith opened the discussion.

- ON MOTION by Councilor Mayor Smith, 2nd by Councilor Kloepfer to approve Eric Halperin's appointment as a new Planning Commissioner, MOTION was approved 3 yeas (Gould, Kloepfer, Smith) - 1 nay (Fackerell) - 1 absent (Devereaux)..
- ON MOTION by Councilor Mayor Smith, 2nd by Councilor Gould to approve Russ Taggard's and John Mesberg's reappointments as Planning Commissioners, MOTION was approved 4 yeas (Fackerell, Gould, Kloepfer, Smith) - 0 nays - 1 absent (Devereaux).
- Attorney Watts thanked Terry Graff for his service to the Planning Commission.

City of Gearhart/Oregon State Fire Marshal (OSFM) Intergovernmental Agreement (IGA). Mayor Smith opened the discussion and Fire Chief Como went over the details of the IGA. OSFM will provide a new vehicle at no cost to the Gearhart Fire Department, which will replace a current outdated tender that the Rural Fire Protection District owns. He mentioned it being a three year agreement, with the option to renew. It also provides reimbursement of up to \$3,500 per year for annual maintenance costs. Councilor Kloepfer requested clarification on if something happens to the vehicle who is responsible and where it would be housed. Chief Como explained that it would be insured by Gearhart with OSFM listed as additional insured and that the tender would be housed at the sub-station.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve entering into an IGA with OSFM, MOTION was approved 4 yeas (Fackerell, Gould, Kloepfer, Smith) - 0 nays - 1 absent (Devereaux).

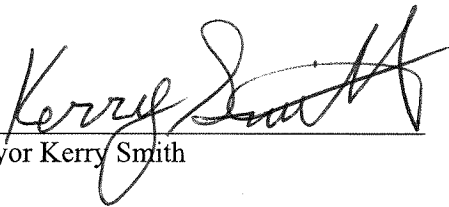
Council Concerns.

- Councilor Devereaux was absent from the meeting.
- Councilor Fackerell reported no concerns.

- Councilor Kloepfer reported no concerns.
- Councilor Gould reported no concerns.
- Mayor Smith reported no concerns.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to adjourn the meeting, MOTION was approved 4 yeas (Fackerell, Gould, Kloepfer, Smith) - 0 nays - 1 absent (Devereaux). Mayor Smith adjourned the regular Council meeting at 9:25 pm.



Mayor Kerry Smith



Chad Sweet, City Administrator