

CITY OF GEARHART
Public Hearing and Regular Meeting of the City Council
Wednesday, July 2, 2025
7:00 pm On-site and Virtual/Telephonic

A public hearing and a regular meeting of the Gearhart City Council was held Wednesday, July 2, 2025. 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 Paulina Cockrum, Councilor Preston Devereaux, Councilor Dana Gould, Councilor Sharon Kloepper, City Administrator Chad Sweet, Police Chief Josh Gregory, City Planner Garrett Phillips, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith opened the regular meeting of the Council and started the public hearing at 7:05 pm. He went over the hearing's disclosure statement and opened the public hearing for zoning text amendment replacing the entirety of Gearhart Zoning Ordinance Section 3.10 Flood Hazard Overlay Zone with text implementing the Oregon Model Floodplain Management Ordinance Endangered Species Act Pre-Implementation Compliance Measures (ESA PICM). There were no objections to the City Council hearing the matter. There were no conflicts of interest declared by any member of the Council. City Planner Phillips gave a brief overview of the flood overlay zone text amendment. He noted that the public hearing had begun at the June City Council meeting and was continued to July 2 without any specific issues being closed to discussion.

City Planner Phillips mentioned that the same two options were being presented (option A & B) to the City Council. He explained that option A amends existing text of the Gearhart Zoning Ordinance Flood Hazard Overlay Zone to make it consistent with basic FEMA requirements for flood risk reduction. He indicated that option A was closely modeled on the Oregon Model Flood Plain Ordinance. He mentioned that option B was inclusive of option A, which addresses some flood risk issues and adds additional regulations intended to protect endangered species (particularly salmon) known as the PICM compliance measures. To reiterate, he noted that under option B, additional requirements beyond flood risk reduction had been included. He went over the required federal implementation timeline (July 31, 2025) and noted that he was not aware of any local governing agencies adopting the requirements in option B yet. He expressed concerns with option B in terms of State regulations requiring "clear and objective standards," which were mentioned at the last City Council meeting. He also noted that there has been no new communication at the

State or federal level that addresses the concerns. Because of the clarity issues, City staff and the Planning Commission have recommended that the Council adopt option A and wait to address option B.

Mayor Smith requested some clarification on the purpose of adoption and the timeline. City Planner Phillips talked about the different requirements and timelines being mandated, which did not necessarily align with each other. He explained that it had been decided early in the amendment process that although option A requirements would be approved beyond its required deadline, because option B had similar requirements, it seemed prudent to just combine the efforts to update all the requirements at once. However, because clarity issues with option B have been uncovered, and the City is beyond the option A deadline, City Planner Phillips felt the City should continue to move forward with option A. Councilor Devereaux requested confirmation that approving option A would continue to allow property owners to have access to flood insurance through the FEMA program. City Planner Phillips said that was accurate. He indicated that the City is in some peril of falling out of good standing with FEMA if it continues to delay adopting option A. He noted that if the City is not in good standing, its property owners will not have access to the FEMA flood insurance program nor would the City have access to certain benefits in the case of a significant flood event. Councilor Kloefer requested additional clarification on the consequences of not adopting option B requirements by July 31. City Planner Phillips indicated that FEMA would likely communicate to City staff that the deadline had not been met. He noted they would likely schedule a community assistance visit and identify that the City is not in compliance with the National Flood Insurance Program. He thought a timeline to come within compliance would be then given. He noted FEMA staff have been reduced, as well as the DLCD staff. He indicated that City staff would be prepared to quickly respond to any compliance information requested by FEMA.

Councilor Gould noted that the discussion in the Planning Commission minutes on the FEMA issues were very constructive and in-depth. She felt that comments from Attorney Watts indicated that there may be negative implications on Gearhart property owners if the Council approves option B without clarity. City Planner Phillips felt that if option B was approved now, staff would be placed in a position where they may not be able to implement clear and objective standards. He felt approving too early could also add administrative costs because language would have to be brought back through the process to revise.

Councilor Cockrum requested clarification on the purpose of keeping the public hearing record open from the June meeting. She felt it had to do with waiting to see if clarification came out of the lawsuit that had been filed. City Planner Phillips explained that the record was continued to allow for more time to see if any new information came from the courts; as well as, any new guidance from FEMA and DLCD on how to implement requirements with clear and objective standards.

- Mayor Smith asked if there were any proponents, which there were none.
- Mayor Smith asked if there were any opponents.
 - Tom Thies (292 Woodland) cannot justify creating an ordinance that is not clear and seems to be “iffy.”
 - Mayor Smith commented that the City does not want to jeopardize property owners ability to access the National Flood Insurance Program. Councilor Cockrum felt that option A brought the City into compliance with State and FEMA flood map requirements, which is just updating polices. She felt the confusion and non-objective part was with language in option B. City Planner Phillips clarified that neither option A or B impacted the current City flood plain area and he stressed that there are no geographic boundary changes. He noted that option A takes care of basic requirements; whereas, option B has ambiguity.
- Mayor Smith asked if there were any neutral comments, which there were none.
- Mayor Smith asked if there were any applicant’s rebuttals. He referenced the discussion after the opponent’s input.

Mayor Smith closed the public hearing at 7:30 pm.

- ON MOTION by Mayor Smith, 2nd by Councilor Cockrum to close the public hearing, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Mayor Smith transitioned into the regular City Council meeting and there were no conflicts of interest declared by any member of the Council.

Approve Minutes.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Kloefer to approve the amended minutes (*page 1, page 2, page 3, page 7*) of the June 4, 2025 regular and public hearings meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Mayor Smith inquired if there were any questions on the Planning Commission document in the Councilors’ packets. Councilor Gould thanked them for their hard work and appreciated the clarity of the minutes.

Mayor's Report. None.

Councilor Reports.

- Councilor Kloepper attended a special Seaside Airport meeting due to the City of Seaside updating some bylaws. She also mentioned that an offer had been made on the 2nd Street property, but no response has been received.
- Councilor Cockrum attended the Trail's End Art Association ribbon cutting for the "Little Art Gallery," which was a very positive event. She met with Administrator Sweet and conducted check reviews for Treasurer Hill. She attended the Clatsop County Housing Taskforce meeting, which had Gil Kelley, an experienced planner, present information on an "Empty Homes Tax." She had a conversation with Attorney Watts about 2nd Street property and the next steps for the Public Safety Building. She also intends to review the Buildable Lands Inventory.
- Councilor Devereaux attended Attorney Watts' memorial service.
- Councilor Gould attended the "For Our Heroes" event that supported the Clatsop County's fire responders. She did some research and was impressed that since 2019 the Gearhart Fire Department has applied for and received over \$1 million in grants, which does not include fundraised monies (e.g., Firefighter's Ball). She has been working on suggestions for changing the ordinance on contractor work hours. Her objective would be to allow contractors, as listed in the ordinance, to perform work on Sundays provided that they are not using noisy tools. She indicated revised correspondence would be available. She reminded everyone that there is a beach clean-up on July 5th at 7:00 am, which is early this year due to the tide schedule. She plans to be in the 4th of July parade, which line-up starts at 10:30 am. Councilor Gould also plans on attending the LOC Small Cities meeting in Tillamook on August 1st. She has been following the transient room tax legislative reform and is disappointed to report that it fell short. She reported that Columbia Memorial Hospital received their request for needed project funds. She spoke with Representative Javadi and continues to remind him that Gearhart needs support with the culvert flooding issue and the Public Safety Building. CEDR has reached out to her, the Mayor, and the City Administrator wanting to create a better connection and coordinate a future presentation for the Council. Mayor Smith indicated that the contractor work hours could be gone over at a worksession.

City Officer Reports.

- Chief of Police. Police Chief Gregory went over statistical data for the police department. He mentioned that a departmental 4th of July tactical operations meeting was held to finalize preparations.
- Fire Chief. Due to a training conflict, the fire department staff were unable to attend the meeting. Administrator Sweet reported that statistical data was not yet available.

- City Treasurer. Financial reports were submitted in the Councilors' packets. Noteworthy revenue included the City's annual contract agreement payment from the Gearhart Rural Fire Protection District. She also explained that the City building department provides water support services related to construction and/or development. Because of this type of support, an invoice was issued to the City's water department to financially compensate for building department staff's time. Revenue was placed in building account 40-0007 and the expenditure was charged to water account 30-3047. She reported that the City contracted with a company to replace 285 old meters with new, more accurate ones, which will allow remote (digital) reads. This expense was charged to 30-3085 Water Meter Replacement. She noted that all budgeted transfers were implemented. The transfers made in June included \$20,000 from the General Fund to the Building Reserve Fund; \$30,000 from the General Fund to the Fire Apparatus Reserve Fund; \$10,500 from the General Fund to the Police Car Reserve Fund; \$7,500 from the Water (Operating) Fund to Public Works Equipment Reserve Fund; and \$40,000 from the Water (Operating) Fund to the Water Reserve Fund. She mentioned that other noteworthy expenditures were legal notices for planning (10-1742) and the budgeting process (10-1041 and 50-5043); a quarterly payment to the Gearhart Volunteer Fire Association for volunteers' quarterly gas/clothing reimbursements in 10-1360; and vehicle upfitting for the new fire vehicles in 74-7499.
- City Attorney. Mayor Smith asked for a 15 second moment of silence in remembrance of City Attorney Peter Watts.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He has been working on a replacement City Attorney. He noted that no attorney would be available at this Council meeting. He mentioned that City staff have been spending a great deal of time on 4th of July preparations. He asked that 911 be used only for emergency calls. He talked about the parade, the fire department after the event (e.g., hot dogs, dunk tank), the Saturday beach clean-up event, and the community street dance event. He shared remembrance in honor of the passing of Bob McEwan, Al Carder, and Peter Watts. Administrator Sweet gave a brief Public Safety Building community polling update. He indicated a meeting was scheduled to talk with a consultant. He also talked about the Public Safety Building in terms of budget and procurement.

Visitors. None.

Public Communications - Written & Oral. There was written correspondence submitted by Becky Graham (development of property along Neacoxie Creek); Tim Mancill (election law complaint); Deanna Mancill (2nd St development and the Necanicum Estuary Inventory Plan and Civil complaint dismissal); Nakesha Womble, CASA (State Revenue Share Grant Award); Nancy Taylor (request to be put into public record,

allegations on personal complaint against 602 Woodland Ave); and Andrew Stamp, VF Law (City Administrator Review).

- Shannon Smith (774 Pacific Way) displayed three pictures. One of them referenced her property, which was purchased in 2007. She indicated that the previous owner had planned to build three homes on the property but she was able to purchase it and save it for future generations. She talked about tree preservation and the need to think like Gearhart's visionary founders. She suggested that people need to look at the place, the history, values, and meaning. She wants the public to know that there can be change made here. She noted that by Friday night, 4th of July, there would be a website available regarding Neocoxie Creek. She mentioned that the 2nd Street property's designation changed sometime in 2012 to 2013 from unbuildable to undeveloped. She read an inspirational statement from Jane Goodall and David Attenborough. She feels that we have to act in the moment of time before it is too late. She encourages everyone to be our century's visionary leaders.

Ordinances/Resolutions.

Ordinance 946 - An Ordinance Amending the Start Time of City Council Meetings. Mayor Smith introduced the ordinance and Administrator Sweet went over the staff report. Administrator Sweet noted that as directed by Attorney Watts, City Council meetings can immediately follow other meetings (e.g., executive session, worksession).

- ON MOTION by Councilor Kloepper, 2nd by Councilor Cockrum for Ordinance 946 amending the start time of City Council Meetings, MOTION was approved 4 yeas (Cockrum, Gould, Kloepper, Smith) - 1 nay (Devereaux). Administrator Sweet read Ordinance 946 by title only.
- There was discussion before the vote. Councilor Kloepper requested clarification on the start times when meetings are held before regular City Council meetings. Mayor Smith indicated that start times would be shifted earlier (e.g., executive session starts at 5:00 pm, City Council would start immediately following). Councilor Cockrum requested clarification on the legal analysis because the statement in the staff report was not in the language of the ordinance. She wanted to know if this was something that would be decided on a case by case basis. Administrator Sweet indicated the ordinance gives the City flexibility and Mayor Smith indicated that it would be decided on a case by case basis.

Ordinance 947 - An Ordinance Amending Text of the City of Gearhart Zoning Ordinance Section 3.10 Flood Hazard Overlay Zone. Mayor Smith introduced the discussion and City Planner Phillips reiterated that the ordinance specifically addresses option A requirements.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Kloepper for implementing the Planning Commission's recommendation of option A, Ordinance 947 amending text of the City of Gearhart Zoning Ordinance Section 3.10 Flood Hazard Overlay Zone, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays. Administrator Sweet read Ordinance 947 by title only.

Ordinance 948 - An Ordinance Granting a Franchise to Qwest Corporation d/b/a CenturyLink QC to Operate and Maintain a Telecommunications System in the City of Gearhart. Mayor Smith introduced the topic and Administrator Sweet went over the staff report.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Gould for Ordinance 948 granting a franchise to Qwest Corporation d/b/a CenturyLink QC to operate and maintain a telecommunications systems in the City of Gearhart by title only, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays. Administrator Sweet read Ordinance 948 by title only.
- There was discussion before the vote. Councilor Kloepper inquired on how many people CenturyLink serves. Administrator Sweet indicated that he did not have that information. She was also interested in evaluating the advantages versus disadvantages to Gearhart. Administrator Sweet felt that the franchise agreement amount was so small that trying to negotiate a higher franchise fee percentage was de minimis. He did not have any concerns. Councilor Cockrum felt it was important to have access to landlines in case of an emergency.

Resolution 1008 - A Resolution Adjusting Water Rates in the City of Gearhart. Mayor Smith introduced the item and Administrator Sweet summarized the staff report. He noted the recommended proposed water rate increase was 5.37%; as well as an increase in tapping fees.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux for Resolution 1008, a resolution adjusting water rates in the City of Gearhart by 5.37%, which was rescinded after discussion. Mayor Smith felt that a 10% increase should be considered to assist with increasing the water reserve fund. Councilor Gould did not feel comfortable rescinding her motion with a 10% increase. She has concerns over the impacts of water conservation efforts negatively impacting the financial stability of the water fund. She explained that because the water conservation efforts are still in their infancy, increasing rates too much may cause people to start conserving too much water, which negatively impacts the water revenue. She felt there needed to be a balance between conservation and financial stability. She felt being cautious with rate increases was prudent in order to successfully balance and evaluate the

overall impacts. Councilor Kloepper inquired if there may be a compromise on the rate increase amount. She suggested 8%. Councilor Gould was open to discussing another rate increase amount. Councilor Cockrum felt that a 7.5% increase seemed reasonable.

- ON MOTION by Mayor Smith, 2nd by Councilor Kloepper for Resolution 1008, a resolution adjusting water rates by 7.5% and increasing tapping fees in the City of Gearhart, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

Resolution 1009 - A Resolution Supporting Application for a Housing Planning Assistance Grant for the Residential Land Readiness Project by the Clatsop Regional Housing Taskforce and Clatsop County. Mayor Smith introduced the topic and Administrator Sweet went over the staff report. He indicated that participation would probably provide some valuable data.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Gould for Resolution 1009, a resolution supporting application for a housing planning assistance grant for the residential land readiness project by Clatsop Regional Housing Taskforce and Clatsop County, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.
- There was discussion before the vote. Councilor Kloepper requested clarification on the terminology “residential land readiness.” City Planner Phillips explained that the project gives the opportunity to evaluate infrastructure limitations (e.g., water supply). He also noted that the project might provide clarity for City Council in situations where aspects of the zoning ordinance puts residential land developers in catch 22 (unreasonable) situations. He mentioned that the project would be looking at a variety of issues that could impact the developability of housing. Councilor Kloepper wanted to know if the projected 23 hours of City staff time was a beneficial trade off for the information. Administrator Sweet felt that the time spent would be worthwhile. He explained that because Gearhart has limited staff, collaborating allows more access to resources.

Old Business. None.

New Business.

Interim Professional Services Agreement. Mayor Smith opened the new item and Administrator Sweet went over the staff report. He explained that due to the unexpected urgency of losing the City’s Attorney, a temporary contract was put into place with Beery, Elsner & Hammond, LLP (BHE). He noted that it was an emergency procurement and that a Request for Bid (RFP) will be issued to solicit permanent City legal services. He mentioned that Chad Jacobs, BEH Partner, had

previously done work for the City of Gearhart in regards to the camping/homeless issue.

Administrator Sweet indicated no action was required by Council at this time. Councilor Kloefer was interested in the timeline. Administrator Sweet felt that it would probably take two months to complete the RFP process.

There was an unexpected, intermittent connectivity issue due to Wi-Fi overload. A technology intermission was called from 8:35 pm to 8:37 pm to address the issue.

Authorization to Execute ODOT Cooperative Improvement Agreement. Administrator Sweet briefly went over the staff report. He explained the authorization was for an agreement between Oregon Department of Transportation (ODOT) and the City of Gearhart for the US 101 Pacific Way (Gearhart) Improvement Project. He has gone over the agreement and shared some specific items of interest for the City of Gearhart due to the project (e.g., power costs for the traffic signal and infrastructure; maintenance of sidewalks along Pacific Way; maintaining ADA compliance; lane restrictions; termination agreement; indemnification; and maintenance enforcement).

Councilor Gould requested that the City support the businesses impacted in the construction area.

- ON MOTION by Councilor Devereaux, 2nd by Councilor Gould authorizing the City Administrator to execute a cooperative improvement agreement with ODOT for the US 101 Pacific Way project, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Tree Ordinance - Agenda Item Added - Scrivener's Error. As a carryover from the last City Council meeting, Mayor Smith requested that a scrivener's error correction be made to Ordinance 942. He requested the addition of the word "panel" be added to the solar section for clarity. Administrator Sweet did confirm this was something unintentionally left out and the purpose of the additional word was to add definition to the type of solar.

- By consensus the City Council agreed to amend Ordinance 942 by adding the word "panel" to the solar section due to a scrivener's error (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

City Administrator Review. Mayor Smith introduced the item and Administrator Sweet went over the staff report.

- ON MOTION by Councilor Cockrum, 2nd by Councilor Kloefer to continue the City Administrator's employment with the salary based on the COLA amount adopted in the

budgeting process and any additional salary adjustments tabled, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

Council Concerns.

- Councilor Cockrum reported no concerns.
- Councilor Kloepper reported no concerns.
- Councilor Gould noted she would be available at the fire station after the 4th of July parade to assist in any way and to hear any constructive suggestions on how to improve the City's emergency responders' dangerous work environments.
- Councilor Devereaux reported no concerns, but hoped everyone had a safe and happy 4th of July.
- Mayor Smith cautioned about dry dune grass and the dangers of fireworks.

Adjournment.

- ON MOTION by Councilor Kloepper, 2nd by Councilor Gould to adjourn the meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:49 pm.



Mayor Kerry Smith



Chad Sweet, City Administrator