

CITY OF GEARHART
Public Hearing and Regular Meeting of the City Council
Wednesday, November 1, 2025
5:00 pm On-site and Virtual/Telephonic

A public hearing and a regular meeting of the Gearhart City Council was held Wednesday, November 1, 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, Interim City Attorney Chad Jacobs, Fire Chief Josh Como, Police Chief Josh Gregory, City Planner Garrett Phillips, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

At 5:00 pm Mayor Smith went over the hearing's disclosure statement and opened the public hearing for a street vacation request for a portion of the Hemlock right-of-way (ROW). There were no conflicts of interest, ex-parte contact, or personal bias declared by any member of the Council. There were no challenges to the City Council's ability to make an impartial decision.

City Planner Phillips explained he would be reviewing the staff report, giving some history, and going over a staff report addendum. He acknowledged two errors, which were the staff report being incorrectly addressed to the Planning Commission and incorrectly stating that no public testimony had been submitted. He explained that Ordinance 952 replaced all the text in the Gearhart Zoning Ordinance (GZO) Flood Hazard Overlay Zone (FHOZ) with new text. He noted that the changes do not impact the geographic boundary of the FHOZ. He indicated that the changes were primarily contained in Section 3.10.6. He explained that they are because FEMA has required changes to areas that have salmon and other endangered fish occupying streams. He noted that if action is not taken, FEMA has indicated that they will suspend participation in the National Flood Insurance Program and restrict access to federal disaster relief assistance. He noted that legal counsel also indicated that there was a risk factor with not moving forward with approval. He briefly talked about the four standards that FEMA requires, which are related to trees (no net loss of trees 6-inches in diameter or greater); impervious surfaces (no net increase in impervious surface area); flood plains habitat volume of material (manage volume of building materials); and vegetation adjacent to streams (native vegetation planting requirements to improve habitat). He noted that these regulations would not prohibit removing trees, development, or maintaining property; but they would place new burdens on the mitigation requirements in the impacted areas. City Planner Phillips explained that City Council asked staff in the Ordinance development to provide both a clear and objective process

(implementing FEMA's Model) and also provide the ability for Gearhart to allow access to the custom site habitat assessment option. He also noted that staff have added additional guidance on how the City would keep track of applicable credit for favorable actions in terms of protecting salmon habitat.

City Planner Phillips indicated that there was only written testimony submitted to the Planning Commission and the primary interest was in the riparian buffer zone. He went over some specific examples of property impacts (e.g., Little Beach).

City Planner Phillips reiterated that the preliminary compliance measures are considered "pre" and that FEMA is working on the final requirements. He felt that new pathways being developed may provide more flexibility for communities in Oregon to implement more customized measures. City Planner Phillips indicated that before an amendment to the text of the GZO is approved, findings need to be made that are consistent with the policies of the Comprehensive Plan and that there is public need for the proposed amendment. He gave justification for meeting both criteria requirements.

Councilor Gould was afraid of the impacts on both the citizens and the City. She expressed concerns over any financial impacts this may cause. City Planner Phillips noted that staff have not done any specific financial analysis and would monitor what is happening in other cities to seek a reasonable path forward. He did indicate there are some specific exemptions for Public Work projects (e.g., normal maintenance of structures; normal sidewalk and street maintenance, re-paving). Councilor Gould felt that FEMA was requiring immediate decisions on pre-implementation standards but with the caveat that these measures may change with final implementation. City Planner Phillips indicated that based on the current FEMA implementation process with these standards, there may be required changes at a later date.

Councilor Devereaux inquired on what happens in the wetland areas east of the highway. City Planner Phillips indicated that properties on the east side of the highway would also be subject to the Ordinance requirements; however, the option to request a biological survey to certify there are no salmon has been added.

- Mayor Smith asked if there were any proponents, which there were none.
- Mayor Smith asked if there were any opponents, which there were none.
- Mayor Smith asked if there were any neutral comments, which there were none.

Mayor Smith closed the public hearing at 5:35 pm and opened the regular meeting of the Council.

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

Approve Minutes.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Gould to approve the minutes of the September 30, 2025 worksession meeting as amended, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve minutes of the October 1, 2025 regular and public hearing meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the minutes of the October 14, 2025 worksession meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the minutes of the October 30, 2025 executive session meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepfer, Smith) - 0 nays.

Mayor Smith inquired if there were any questions on the Planning Commission document in the Councilors' packets, which there were none.

Mayor's Report. Mayor Smith reported he attended four City Council related meetings.

Councilor Reports.

- Councilor Devereaux had nothing new to report.
- Councilor Gould attended a municipal fundamentals training through LOC and plans to attend the LOC Small Cities meeting. She has been having conversations with citizens about the Public Safety Building survey and did some research on the Chamber of Commerce issue that will be discussed later in the meeting.
- Councilor Kloepfer talked about the Public Safety Building survey. She noted that it was brought to her attention that a non-resident had indicated taking the survey 15-20 times and that a Gearhart resident urged others to take the survey multiple times. She indicated she was extremely disheartened. She felt that the survey was proposed in a good faith effort for the public to weigh-in and provide direction on the Public Safety Building project. She noted that time and effort had been invested in the project and it felt disconcerting to have malicious activity happening to subvert the survey's outcome. She stated that the Council wanted and needed honest direction from the

citizens of Gearhart. She expressed gratitude for the citizens who provided honest feedback. She submitted social media comments to be submitted as public record.

- Councilor Cockrum attended the 100th LOC annual conference. She was able to do some networking and connect with vendors. She also went on vacation, met with Administrator Sweet about the Public Safety Building survey process, and had surgery.

City Officer Reports.

- Chief of Police. Police Chief Gregory noted that volume calls have slowed down and officers have taken some vacation time. He mentioned that the new, county-wide records management system has been implemented and appears to be working well with a learning curve. He noted that Sergeant Brown has been at an OACP Small Agency Conference in Sunriver, Oregon to receive some training and leadership opportunities. Police Gregory taught an ARIDE class in Scappoose and has another class scheduled in Forest Grove.
- Fire Chief. Fire Chief Como went over the department's statistical data. He noted that the fire department had a record number of trick-or-treaters this year. He noted that the employment process for the fire department's open position was in progress. He indicated that they have applicants and scheduled an assessment day for November 15th.
- City Treasurer. Financial reports were submitted in the Councilors' packets. She reported the City has started to receive current property tax turnover and that overall assessed value increased 3.75%, which is higher than the budgeted 3%. She noted that the increase can be attributed to new construction, improvements, and reappraisals. She reminded the Council that the City receives property tax in three funds: General Fund, Debt Service (for the Water Treatment GO Bonds), and the Road District. She also noted that property owners in Gearhart saw a decrease in the amount of tax imposed in the Debt Service Fund this year due to one of the Water Treatment bonds being paid off. She indicated that on property tax statements, the Gearhart Bond amount decreased by 55%. She mentioned in other revenues, there were funds received for the City's portion of municipal court in 10-0013; an annual workers' compensation dividend payment in 10-0021; a conflagration/mobilization payment for the Flat Fire in 10-0065; and the sale of a surplus fire vehicle in 74-0039. She also indicated that in the General Fund, there were quarterly payments received for Marijuana and Transient Room taxes. She mentioned that water revenue was down in comparison to last year by 8.6% and total water consumption was down by 5,978 units. She noted that in expenditures there was a window replacement in 10-1051 City Hall Maintenance; the repayment of the budgeted inter-fund water reserve loan in 14-1400; payment for municipal court judge services in 10-1540; and a Warrenton water payment in 30-3064. She mentioned that the transition between banking accounts was finalized at the end of October and overall things seem to

be operating smoothly. Treasurer Hill also commented on Chief Como's process of hiring for the City's vacant fire position. She noted that based on the current employment market and applicant pool, the Fire Department decided to restructure their support position with the intent that the new hire will be able to transition into the Division Chief of Training & Operations position. She indicated that because the level of responsibility and hiring qualifications are different, the intent was to add another line to the City's salary schedule. She explained that this salary line would align with the salary structure of the already established Police Officer line because the two positions share a similar level of responsibility. She clarified that the Budget Committee has already approved appropriation amounts and FTE for the fire department so there is no need for any formal salary schedule approval. She noted that the impact of this change would be increased savings in personnel costs because the firefighter salary line is less than the Division Chief of Training & Operations position. She also mentioned that the Division Chief salary line will remain; however, there would be no appropriated FTE, which leaves the fire department staffing at the approved 2.0 FTE.

- City Attorney. Interim City Attorney Jacobs reported Beery, Elsner & Hammond's (BEH) staff have been working on various projects with City staff and was complimentary. BEH indicated they hope the City is able to find a full-time city attorney and are willing to assist through the transition.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He noted that Public Works Director Mark McFadden would be attending the December meeting; as well as reaching out to each Councilor to schedule water treatment facility tours. He indicated that the City has been working on the hiring process for the City Attorney, which had one applicant (Luce). He noted that the Public Safety Building survey was designed to be inclusive of more than just one per household. He explained that this method created multiple survey announcements going out to individuals, but the intent was to ensure that everyone was notified with the opportunity to participate. He indicated that to date 450 surveys have been received and that statistical data would be compiled for a worksession. He also briefly mentioned working on the bench program; the A2 "no trespassing" sign complaint being resolved; code enforcement issues with chickens; and 15 zone code violations in process. Mayor Smith asked about the "dune check" under code enforcement. Administrator Sweet indicated that he has been continuing to investigate trees and/or mowing in the dunes.

Visitors. Susan Penrod, Seaside School District Superintendent, Improving Student Attendance. Superintendent Penrod went over a presentation on how cities and small businesses can help improve student attendance across all schools in the School District. Her presentation covered: "It's All About Relationships; Defining Regular Attendance; How are We Doing? Regular Attendance Rates; Looking At The Whole Child; What Does The Research Say?; Why Are Our Students Missing School?; What Is The

District Doing? Breaking Down The Levels of Support; What Can The Community Do to Help?; and Question.” She reiterated how important it was to focus on student relationships and that the community can play a critical role. Councilor Kloefer inquired about student attendance rates in terms of gender. Superintendent Penrod indicated the numbers are close but females have better attendance, and that students who are involved in sports and clubs also have better attendance because it is a requirement to participate. Councilor Gould requested an explanation on the yard signs so that it could be blogged out for the community. Superintendent Penrod said she could provide information and that the “Everyday Matters” slogan was created by the Oregon Department of Education. Councilor Devereaux gave kudos to the School District’s implementation of their cell phone policy and inquired about vocational classes offered at the High School. He was specifically interested in a program that built and sold sawhorses.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by Kathy Zimmerman (Response to Survey). There was no public comment.

Ordinances/Resolutions.

Ordinance 950 - An Ordinance Vacating a Portion of Hemlock Avenue Right of Way. Mayor Smith introduced the Ordinance. City Planner Phillips gave the synopsis, which he indicated was the second reading with minor modifications (e.g., revised compensation amount; net payment \$5,000). He indicated that the “Conditions of Approval” would also remain part of the approval. He noted a one year time limit to complete the process had been implemented. Attorney Jacobs clarified that the minutes from the last meeting specified a “no build easement”, not an access easement.

- ON MOTION by Councilor Devereaux, 2nd by Councilor Cockrum to approve Ordinance 950 vacating a portion of hemlock avenue right of way as amended (*language change to “no build easement”*), MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Ordinance 952 - An Ordinance Repealing Ordinance 947 in its Entirety and Replacing the Text of Zoning Ordinance Section 3.10 Flood Hazard Overlay Zone to Implement FEMA’s ESA-PICM Standards with Gearhart Revisions. Mayor Smith introduced the Ordinance. City Planner Phillips read Ordinance 952 by title only.

- ON MOTION by Councilor Kloefer, 2nd by Councilor Devereaux to approve Ordinance 952 repealing Ordinance 947 in its entirety and replacing the text of Zoning Ordinance Section 3.10 Flood Hazard Overlay Zone to implement FEMA’s ESA-PICM standards with

Gearhart revisions, MOTION was approved 4 yeas (Cockrum, Devereaux, Kloepper, Smith) - 0 nays - 1 abstain (Gould).

- Before approval Councilor Gould expressed concern over adopting the FEMA requirements that establish regulations that would be preliminary in nature and not finalized. She recommended bringing the approval back in December to see if there was clearer guidance.
- Mayor Smith inquired if not approving the Ordinance put Gearhart residents in jeopardy of accessing the National Flood Insurance Program. Attorney Jacobs indicated that there would be some risk; however, FEMA has a process to notify of non-compliance. City Planner Phillips felt that having guidelines in place would be beneficial for staff during the pre-implementation phase (i.e., liability). Mayor Smith felt strongly about having security for the Gearhart residents to access the National Flood Insurance Program. Councilor Devereaux also felt that having access to flood insurance was important.

Old Business. None.

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

Request for Funds - Police Vehicle Computer Upgrade. Mayor Smith opened the new business item and invited Police Chief Gregory to talk about the request. Police Chief Gregory gave a brief synopsis. He mentioned that the new county-wide software being implemented required a more robust computer operating system than the current Gearhart Police Department's laptops. He indicated that Gearhart's laptops will currently work with the new software; however, they would not be able to be updated (Windows 10 vs 11). He noted that \$9,000 was needed from the Police Car Reserve Fund to purchase new laptops. He also mentioned that the amount in the staff report needed to be updated because the amount was listed as \$7,000. Councilor Gould inquired about a plan if one of the computers goes down. Police Chief Gregory noted that the computers will have a full warranty. He also indicated that they use the computers for other needs besides the Central Square software. Councilor Kloepper inquired about vehicle maintenance/repairs, which Police Chief Gregory referenced having available funds in the General Fund fuel/vehicle repair account. Police Chief Gregory also noted that the computers will be equipped with a GPS component. There was discussion on the life span, which Police Chief Gregory hopes to get six years. Councilor Kloepper inquired about a plan for the old computers. Police Chief Gregory would like to repurpose the computers and/or see if the fire department may need one.

- ON MOTION by Mayor Smith, 2nd by Councilor Devereaux to authorize the expenditure of up to \$9,000 from the Police Car Reserve Fund for the purchase of three new patrol vehicle laptops compatible with the Central Square CAD/RMS system, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays.

Discussion - Seaside Chamber of Commerce. Mayor Smith opened the new business item and turned the discussion over to Councilor Gould. She noted that she was a member of the Clatsop Economic Development Resources (CEDR). She mentioned that she and a CEDR representative went around and talked to Gearhart small businesses and explained the resources available to them. She noted that Gearhart does not have a Chamber of Commerce; however, many Gearhart businesses join the Seaside Chamber of Commerce. She explained that the Seaside Chamber of Commerce has events and there have been several local Gearhart businesses that have participated. She explained that the City Council was not aware of these events. She noted that she originally felt like the City should have a member representative of the Seaside Chamber of Commerce; however, Administrator Sweet was able to come up with another option. Administrator Sweet explained that he talked with staff at the Seaside Chamber of Commerce and they were willing to allow the Councilors, the City of Gearhart's info account, and himself to be added to their email listserv at no cost. Mayor Smith noted that the City was not going to join the Seaside Chamber of Commerce; however, Gearhart would be receiving email notifications. Councilor Devereaux mentioned there was history involved between Gearhart and Seaside in terms of annexation and Gearhart being asked to support Seaside downtown development projects. Councilor Gould also pointed out there could be political complications with Gearhart joining one Chamber over another.

Council Concerns.

- Councilor Devereaux reported no concerns.
- Councilor Gould reported that the Council could move forward with a Public Safety Building bond but have been trying to serve the public opinion. She felt that there were options put out there for public input. She felt there was no upside in messing with the survey to prove it can be compromised. She noted that there will always be a margin of error no matter what survey format is used and if people want to compromise the data, they will find a way. She invited people to participate and guide the City Council in their decision making process. She hoped the responses would be honest and respectful.
- Councilor Kloefer reported no concerns.
- Councilor Cockrum reported she agreed with the comments by Councilor Gould and Councilor Kloefer about the Public Safety Building survey.

- Mayor Smith reminded the community to turn in a Public Safety Building survey because a decision will be made from the results.

Adjournment.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloefer to adjourn the meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloefer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 6:54 pm.

Mayor Kerry Smith

Chad Sweet, City Administrator