

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, December 3, 2025
6:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, December 3, 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 Training/Operations Henry “Hank” Schendel, Police Sergeant Ian Brown, Public Works Director Mark McFadden, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith at 6:00 pm called to order the regular meeting of the Council. There were no conflicts of interest declared by any member of the Council. Mayor Smith requested an addition to the agenda (*New Business - Liquor License Application Review - Special Event - Prep Kitchen*).

- ON MOTION by Mayor Smith, 2nd by Councilor Cockrum to approve adding the request for a Liquor License Application Review - Special Event by the Prep Kitchen, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

Approve Minutes.

- ON MOTION by Councilor Kloepper, 2nd by Councilor Cockrum to approve minutes of the November 5, 2025 regular and public hearing meeting as amended (*public hearing purpose*), MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

Mayor Smith noted there were no Planning Commission minutes due to the cancellation of their meeting.

Mayor’s Report. Mayor Smith wished everyone a good holiday season. He gave a reminder of exceptionally high tides (“King Tides”) and cautioned against the dangers of sneaker waves.

Councilor Reports.

- Councilor Kloepper attended the Seaside Airport Committee meeting. She noted that two incidents were reported at the meeting, which included a helicopter being vandalized and Seaside staff cutting down five trees instead of pruning.

- Councilor Cockrum focused her time on the survey results.
- Councilor Gould attended the LOC Small Cities meeting, which noted that the transient room tax distribution issue will be coming back to the Legislature. She received an update from the Sunset Empire Transportation District Board and there are currently vacancies due to resignations that they hope to fill in December. She noted that it was recommended to be aware of the transitions and to monitor financial activity (e.g., budget, funding). She mentioned that the citizen-led referendum, collecting signatures for the "No Tax Oregon" campaign to repeal the transportation funding bill has exceeded the number of signatures required, which may impact funding and create a budget gap for ODOT. Councilor Gould received information at a CEDR meeting regarding the Clatsop County Child Care Retention and Expansion Program, which was heavily supported with expiring ARPA funds and is looking for other funding sources. She also reported that a tree had come down on the Cannon Beach Food Pantry while it was occupied; however, there were no injuries. She received information from the Seaside Chamber that there had been fraudulent solicitations coming from the City of Seaside asking people to pay fees in questionable ways. She wished everyone a Merry Christmas and thanked City staff for the Christmas decorations around town.
- Councilor Devereaux had nothing new to report.

City Officer Reports.

- Chief of Police. Because Chief Gregory was absent, Sergeant Brown presented. He introduced a new format for the department's statistical data, which is due to the implementation of the new county-wide Central Square software. He noted that the department was up to a total of 612 cases for the year. He reported that Thanksgiving was quiet.
- Fire Chief. Fire Chief Como was absent. New hire Fire Training/Operations Henry "Hank" Schendel introduced himself and indicated he looked forward to working in Gearhart. Statistical data had already been distributed to the Council.
- City Treasurer. Financial reports were submitted in the Councilors' packets. She reported that property tax payments come in weekly for the month of November and appeared to be strong. She noted that the anticipated potential refund credits withheld for Charter Communication, Century Link/Lumen Technologies, and Pacificorp from the City's current property tax were lower than the projected estimate. Also in revenues, she reported the City received funds for the State Revenue Sharing Program, Fund 45. In expenditures, she mentioned there was an account description change in 10-1302 from Division Chief to Train/Operation Staff. She also noted there was an audit payment in 10-1046 for completion of the June 30, 2025 audit; a payment to Cartomation in 10-1745 for providing professional services for maintaining the City's GIS

mapping for the months of July, August, September and October; and a payment to FFA Architecture and Interiors in 79-7900 for assistance with the Public Safety Building project (cost estimates and remodel option). She also mentioned that there was a voided check to Recology Western Oregon, which shows as a zero paid amount on the Check Detail 1 listing.

- **Public Works Director.** Public Works Director McFadden gave a brief update on public works projects, which included street maintenance (water/pine needles); equipment maintenance; water plant maintenance; replacement of a section of sidewalk; annual water compliance report submission; a 2" water main extension; and replacing two 8" valves. He expressed appreciation for the work his crew performs. He mentioned the City was on an "Outstanding Performers" list with the Oregon Health Authority for their public water system. He noted that this year the City is required to do a comprehensive water chemical sampling process, which is on a three-year cycle. Councilor Cockrum inquired about the smell of chlorine in the water and recommendations to mediate it. Public Works Director McFadden indicated that this is a common complaint; and unfortunately, the City does not treat water for taste or odor. He noted that the water at the plant is monitored in real time and chlorine is added to remove arsenic. He indicated that this time of year can be worse for smell because of fewer people in town and less water circulation. Councilor Devereaux inquired about the status with the Oregon Water Resources Department (OWRD) in regard to increasing water rights in Gearhart. Public Works Director McFadden said it was still in process. He personally felt it may be a couple of years before it is determined because of other more important water issues in the State. Administrator Sweet had checked in last month and OWRD had not started reviewing Gearhart.
- **City Attorney.** Interim City Attorney Jacobs had nothing new to report and was available for any questions. He wished everyone a safe and happy holiday season. Councilor Gould thanked Beery, Elsner & Hammond's (BEH) staff for their support and assistance.
- **City Administrator.** Administrator Sweet's report was sent to the Councilors in their packets. He noted BEH was going to continue to support Gearhart during the process of hiring a new attorney. He noted that he has been working on flooding issues on Gearhart Loop Rd. He has been talking with engineers and investigating the possibility of implementing a Local Improvement District to assist the impacted properties. He reminded the Council that this drainage issue was not a system the City installed. Administrator Sweet has also been working on the bench program, which has included making contact with five potential people for bench placement. He mentioned that the signs in the wetlands area have been moved. He has been working on various tree and dune permits. He briefly went over the 13th St fence placement complaint. He indicated the fence was placed on private property and was designed for fire access.

Visitors. Mark McLaughlin and Jon Wickersham, North Coast Land Conservancy (NCLC) Directors. NCLC McLaughlin went over a presentation that NCLC submitted to the Council (*NCLC's Vision and Partnership in Protecting the Neacoxie*). He covered the Agenda; NCLC Introduction; NCLC's Mission and Vision; NCLC's Conservation; NCLC's Conservation Initiatives; NCLC's Stewardship; Facilitation Projects; Facilitating the Protection of Ecosystems; Neacoxie Creek Corridor; Framework in Protecting the Neacoxie; A Next Step in Protecting the Neacoxie; Final Thoughts; and Questions. He indicated NCLC would like to be a collaborative partner to assist Gearhart in protecting the Neacoxie corridor. Administrator Sweet noted that he misunderstood the purpose of NCLC's request to be on the Council agenda and that the Memo of Understanding Agreement submitted in the Council packet was for discussion, not an action item. NCLC McLaughlin said that their organization is interested in finding out if the City is interested in protecting the Neacoxie Creek Corridor; evaluating what type of collaborative partnership may be established; achieving common goals; and creating a path forward towards conservation and stewardship. Councilor Gould requested clarification on the NCLC 2nd St project and grant writing. NCLC McLaughlin explained the 2nd St project was a unique, community led funding project that did not require any grants associated with the purchase. Councilor Kloepper inquired if the transfer of the 2nd St property was contingent on the approval of the Memo of Understanding with NCLC. NCLC McLaughlin indicated not necessarily; however, it may be helpful to have the framework laid out. Councilor Devereaux respected the work that NCLC does; however, he felt there was a zero net gain with added expense because the City would have to pick up maintenance and lose property tax collection. NCLC McLaughlin did confirm donated property to the City would be taken off the tax rolls and perhaps some financial burdens; however, it is hard to quantify the positive impacts in economic terms (e.g., green space; open spaces). There was continued discussion on the types of costs associated with donated property (e.g., protection, restoration, active management). There was also a recommendation to discuss NCLC's partnership at a future worksession. NCLC McLaughlin also noted that he left a copy of the NCLC Conservation Plan with Administrator Sweet.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by Thomas Thies (Public Comment); Huda Alkikat, PSU Population Estimates Program Manager (Preliminary 2025 Population Estimates); and Chad Sweet (Reply to False Survey Claims - Zimmerman). Mayor Smith requested Administrator Sweet go over the correspondence "Reply to False Survey Claims." Administrator Sweet explained that because there was inaccurate information in the Zimmerman email, he responded back. He went over the email strands and explained that he invited Zimmerman to discuss the email at the next City Council

meeting. Administrator Sweet indicated that he just wants the community to support the fire department and volunteers.

- Rick Newton (residence 765 SW 8th Warrenton; property owner 1665 Fifer Heights Gearhart) indicated he had been offered the Hamilton property at a ridiculously low price, which he turned down because he did not want to take advantage of her. He indicated the purpose of coming to the meeting was to finalize the debate over who owned the hole on the Hamilton property. He felt that after his investigation, the City of Gearhart owned the hole. He distributed a City of Gearhart letter (dated March 30, 1979) and Ordinance 512. He felt that Ordinance 512 (...Annexing Fifer Heights), last page, #4, section (c) stated that “The staff report was favorable in that it appeared that the income to the City would exceed the expense in providing City services.” He believes this statement, based on his research, clarified that the City of Gearhart has taken responsibility for the infrastructure in that area. He indicated that Hamilton sold the property and was doing better. He reiterated that he believes that the City does own the hole in the ground. Councilor Kloepper inquired if the hole was continuing to sink. Newton indicated he did not know. He encouraged Councilors to reach out to him and go to Warrenton Deserves Better on Facebook if they were interested in what is going on in Warrenton. Administrative Sweet clarified that the responsibility of the hole was not the City of Gearhart. Councilor Gould suggested Administrator Sweet sent the information Newton submitted to the City’s legal counsel.
- TJ McDonald (3007 Pine Ridge Dr) indicated that his comments were relevant to what Administrator Sweet was going to present on the Public Safety Building Community Survey Results. He mentioned that he would hold his comments because Administrator Sweet had not yet presented. Administrator Sweet pointed out that the Community Survey Results was on the agenda under New Business. McDonald indicated that he would wait to comment and Mayor Smith reminded him that this was the appropriate time on the agenda for public comment; however McDonald did not feel comfortable speaking until after Administrator Sweet spoke. Mayor Smith clarified that McDonald could have up to three minutes during the New Business section.

Ordinances/Resolutions.

Ordinance 952 (Second Reading) - 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 Ordinance 952 and read it by title only.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Cockrum to approve the second reading by title only of 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, Kloepfer, Smith) - 0 nays - 1 abstain (Gould).

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

City Attorney Decision. Mayor Smith opened the item and went over the Council options. Councilor Devereaux inquired if there were any other applicants, which there were none (RFP had been closed). Mayor Smith liked Mr. Luce; however, would like to reopen the City Attorney RFP to try and get an applicant that has experience with Oregon law. Councilor Cockrum felt that if BEH would be willing to continue to support Gearhart, Councilors could do an assessment for the long-term needs/goals of a City Attorney. After the assessment, she felt the RFP could be reopened. She would keep Mr. Luce in consideration, but would want to interview the land use attorney that would be working with him. Councilor Gould also liked Mr. Luce; however, was apprehensive about the learning curve in regard to Oregon laws. She agreed that moving forward with an assessment seemed prudent. Mayor Smith would like to have a worksession to go over what the City of Gearhart's needs would be for a City Attorney. Administrator Sweet indicated that BEH has hired some new attorneys and would be capable of supporting the City through the summer. There was continued discussion on a worksession agenda (e.g., Public Safety Building options; attorney assessment; contractors work hours). Interim City Attorney Jacobs confirmed that they could continue to offer support during the City's search.

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

Planning Commission Appointments. Mayor Smith opened the new business item. He indicated that there were no new applicants; however, there were the two Commissioners seeking reappointment.

- ON MOTION by Mayor Smith, 2nd by Councilor Gould to approval the reappointment of Don Frank (position 3) and Emerson Fisher (position 5) to the Planning Commission, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepfer, Smith) - 0 nays.

Liquor License Application Review - Special Event - Pacific Pickins. Mayor Smith opened the new business item. He indicated that Pacific Pickins would like to do another special event and serve wine inside their facility.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the Pacific Pickins' special event liquor license application, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

- Liquor License Application Review - Special Event - Prep Kitchen. Mayor Smith opened the new business item. He indicated that Prep Kitchen was in a C-2 zone and wanted to serve alcohol on Saturdays for a few specific special events.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve Prep Kitchen's liquor license application for all proposed special event dates listed provided the required fee is paid with the required application and insurance documentation no more than 5 days prior to each event. Mayor Smith requested an amendment and Administrator Sweet requested three amendments.

- After discussion this motion was withdrawn. Discussion included the Gearhart OLCC special event process (e.g., public comment); timeline; lack of notice; and input from legal counsel.

- ON MOTION by Councilor Gould, 2nd by Mayor Smith to approve the Prep Kitchen's December special event liquor license request provided the required fee is paid and the required insurance documentation is submitted no more than 5 days prior to the event, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays.

- Councilor Gould noted that the additional special event dates should be brought back to the January City Council meeting.

Discussion - Rules of the Council. Mayor Smith opened the new business item. He asked if there were any requested changes to the Rules of the Council, which there were none. Administrator Sweet noted that the draft stamp should not have been on the document because it had already been approved. He recommended that because there were no changes, by consensus the Council could approve.

- By consensus because there were no changes to the Rules of the Council the "draft" stamp would be removed and redistributed to the Council for signatures (Cockrum, Devereaux, Gould, Kloepper, Smith).

Community Survey Results. Mayor Smith opened the new business item and Administrator Sweet led the discussion. He distributed two documents (*Public Safety Building Survey - Condensed Comment Summary and Citizen Level of Support*), which he noted were created using staff and AI input. He read the synopsis of the staff report. In the first document, Administrator Sweet went over: 1) "Net Support" View (Support Minus Opposition); 2) "Strong Feelings Only" View (Shows Intensity, Not Just Totals); 3) "Two-Path Strategy" View; 4) "Consensus vs Controversy" View; 5) "Issue Driver" View - What Matter Most to Respondents; 6) "Feasible Path Forward" View; and Bottom Line for Council Decision-Making. According to Administrator Sweet document, "the public was clearly telling the Council three things: 1) Don't pursue the park site or the large downtown new-build; 2) Remodeling downtown is the least controversial and most supported option; and 3) The Highland site has meaningful support and may deserve more exploration, but requires careful community engagement." He indicated that he was looking for direction from the Council on how to proceed with the Public Safety Building project. Mayor Smith mentioned that he was reluctant to move forward with the Highlands location because there was no agreement in place with the property owners. He indicated that he would be interested in seeing more information on the remodeling option. Councilor Kloefer confirmed that Administrator Sweet had been working with the Highlands property owners and inquired how long it would take to secure an agreement. Administrator Sweet noted that there were a lot of components that need to be worked out before that location would be a viable option. He mentioned the two biggest, which were bringing the property into the City and the City's ability to provide water. Councilor Cockrum felt that the City may want to pursue a portion of the Highlands property as a donation, which may serve as open space and/or an area to store emergency supplies. Councilor Gould supports the idea of having the Highlands property incorporated into the City limits of Gearhart. She was not surprised by any of the results in the survey. She would be interested in seeing the fire station up at the Highlands property; however, she realizes this would take time. Although she does not think that a remodel is the most effective solution, if that option was the most supported path to improving the work environment, she felt the project amount should be capped at \$10 million and that the bond should not be longer than 10 years. She also stressed that she wanted clarity on what exactly was being provided in a remodel. She reiterated that a remodel is not a fix but rather a band-aid. Councilor Devereaux noted that the Highlands' property owners originally wanted to donate a portion of the land in order to be annexed into the City. He is interested in increasing the City's tax base; however, he expressed concerns over the water issue by increasing the number of houses on the Highlands property. He felt that getting more water rights was essential. He

expressed concerns over having the fire department volunteers feeling unsupported. He noted that a few local residents are causing problems and failing to support volunteers who operate on limited funds. Councilor Kloepper agreed with Councilor Gould in terms of remodeling the current fire station; however, also acknowledges that the community seems to support that option. She would like to think about the future and have a plan to repurpose any remodeled facility if a new fire station was ever built.

- Mayor Smith felt that the overall consensus of the Council was to move forward with investigating the remodeling option. He noted that this path did not negate the Highlands option. Administrator Sweet will start gathering information and costs on the remodeling option.
- TJ McDonald was allowed to provide public comment. He inquired why no names were shared on the survey. Administrator Sweet indicated that requiring a name was not as important as other information and that the City had expressly told citizens that it would not be a requirement. Mayor Smith indicated that during the last survey of citizens it was noted that many felt there may have been reprisal for answering questions a certain way. He indicated that the Council consciously decided not to require names to alleviate this issue. McDonald inquired on who controlled the output of the survey (e.g., mailing) because there were multiple survey envelopes sent to the same person. Administrator Sweet indicated that the survey was sent by City staff. McDonald expressed concerns over a single user potentially taking the survey online multiple times. Administrator Sweet noted that City staff were able to monitor IP addresses. McDonald felt the survey was confusing and that City staff were pushing for the Highlands location because they do not like the downtown site. He stressed that the community had already told the Council they did not want the Highlands location or the park, yet the locations remain as discussion items. He agreed that the project did not need to be a band-aid; however, he also felt that it did not need to be at the Highlands property. Councilor Devereaux noted that less than 2% of the local citizens showed up at the Public Safety Building town halls. He also noted that the majority of people supported the downtown location. He mentioned he was shocked at the costs of a new facility due to the critical infrastructure requirements.

Council Concerns.

- Councilor Kloepper reported no concerns.
- Councilor Cockrum reported no concerns.
- Councilor Gould reported no concerns.

- Councilor Devereaux reported he has taken offense to the amount of animosity in Gearhart towards the volunteers. He felt that if citizens had a better idea, they should step up and share. He was frustrated by all of the naysayers, which said he would start referencing them as “carpet baggers.” He explained that these are people who move into the community and complain.
- Mayor Smith reported no concerns.

Adjournment.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepper to adjourn the meeting, MOTION was approved 5 yeas (Cockrum, Devereaux, Gould, Kloepper, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:28 pm.

Mayor Kerry Smith

Chad Sweet, City Administrator