

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, July 7, 2021
7:00 pm On-site and Virtual via Zoom

The regular meeting of the Gearhart City Council was held Wednesday, July 7, 2021. Council members and City staff were able to attend on-site and the public was able to attend online via Zoom, using an accessible electronic device. Individuals could also join the meeting by dialing in on a telephone.

Mayor Cockrum called the meeting to order at 7:00 pm. Present were Mayor Paulina Cockrum, Councilor Reita Fackerell, Councilor Dan Jesse, Councilor Kerry Smith, Councilor Brent Warren, City Attorney Peter Watts, City Administrator Chad Sweet, Executive Assistant Krysti Ficker and City Treasurer Justine Hill. Public Works Director Mark McFadden and Interim Fire Chief Josh Como were present during their reports. A quorum of the Council was present.

Mayor Cockrum stated there would be a visitor section and that if participants wanted to send communications they could address them to Chad Sweet, chadsweet@cityofgearhart.com.

There was no conflict of interest declared by any member of Council.

ON MOTION by Councilor Smith, 2nd by Councilor Warren to approve the minutes of the June 2, 2021 regular meeting of the City Council, MOTION was approved 5-0.

ON MOTION by Councilor Warren, 2nd by Councilor Fackerell to approve the minutes of the June 8, 2021 special meeting of the City Council, MOTION was approved 5-0.

The Council received a Planning Commission report in their council packet prepared by Virginia Dideum, Planning Commission President. Mayor Cockrum opened discussion for questions and/or comments, there were none. There was no new business discussed.

Mayor's Report. Mayor Cockrum presented her report. The focus was on meetings that she attended.

- Meet with Councilor Warren in regards to the Small Business Committee and their progress.
Discussion on survey and information being shared with Council.

- Meet with Parks Master Plan Citizens Advisory Committee. Discussion centered around their drafted goals and finishing priorities goals/project list.
- Meet three times with the City Administrator, Chad Sweet.
- Meet with Councilor Fackerell regarding progress on the Tree City project.
- Meet with Councilor Smith regarding miscellaneous items. Discussed roles as Council President and Mayor; as well as goals.
- Participated in a Clatsop County discussion regarding mental health challenges with US Senator Ron Wyden. Police Chief Bowman also attended. Discussion revolved around potential federal funding. He emphasised his support for models like the CAHOOTS program.
- Attended the Gearhart Homeowners Association meeting.
- Participated in the 4th of July community parade and rode on the fire truck.
- Participated in the Council work session in June, which included topics on Council goals, homeless/parking and construction noise.

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

- Councilor Warren reiterated the Mayor's comments about the progress of the Small Business Committee report that will be presented to the Council. He mentioned the committee members (Jenny Frank and Andrew Stein) and noted member Jessica Newhall, from CEDR, will be stepping down. He also mentioned that while having a conversation with an out-of-town based contractor that was working in Gearhart, our local community received positive feedback and praise.
- Councilor Smith reiterated his meeting with the Mayor.
- Councilor Fackerell had a productive meeting with Police Chief Bowman. They talked about a variety of topics around City Ordinance 660 (i.e., impacts, resolutions, overnight parking, tents).
- Councilor Jesse had no new information to report.

City Officer Reports.

- Chief of Police. Although Chief Bowman was not present, information had been sent to the Council in advance.
- Fire Chief. Interim Chief Josh Como presented information to the Council. He discussed the number of calls in June (49) and the breakdown. He talked about training, went over data, praised the ISO class 3/C rating, discussed the status of the current fire station, went over 4th of July information and specifically addressed correspondence submitted to the Council.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill gave an audit update, timeline information on the bond refinance, clarifications on the June financial

reports, fire reimbursement project and mentioned the employer rate increase to the Public Employees Retirement System (PERS). City Administrator mentioned the favorable potential ending fund balance.

- Public Works Director. Mark McFadden, Public Works Director gave an update on the Public Works department (which includes Water, Parks and Street). The pandemic has only increased the requirements of his departments. He praised his crew and is striving to expand their training and knowledge base. He gave an update on the water plant. He talked about its age and increased maintenance requirements. He also addressed consumption, shortage of water pipe, chlorine issues, control updates, issues with transducers, the water distribution system, water main projects, meter replacement and water conservation plan. He went over projects in the Street and Parks departments. He discussed vegetation control, paving, sidewalk upgrades, contractor scheduling issues, catch basin maintenance, striping/painting crosswalks, garbage patrol and building maintenance. Public Works Director, McFadden recommends that response to complaints about a smell in the water be that the City takes their water production very seriously. They are bound by very defined laws that outline the process for water distribution. The City follows all of these requirements. It is likely the chlorine mixing with the natural composition of the local water. The City's goal is to circulate water which creates healthy water flows. Mayor Cockrum thanked Public Works for their service and reminded Public Works Director McFadden to ask for what is needed for his departments to be successful.
- City Attorney. Attorney Watts complimented the Fire Department on their ISO class 3/C rating. He mentioned that a court date has been set in early December in regards to the US Bank Smith case. He is hoping for resolution before trial. He addressed one item of correspondence from Mr. Morey, which was related to the UGB/land swap. He mentioned impacts of the US Supreme Court's Nollan and Dolan cases. Attorney Watts went over concerns. In other business, he has been in contact with the property planner regarding access to the City's potential donation parcels. There will be access granted to Highway 101 (east) and Highland Lane (north). At this time, there is no plan for south access. Attorney Watts also stressed the importance of buildable lands data. Councilor Warren clarified the required terms Highland Lane access in the land agreement. Councilor Smith wanted clarification and discussion on the City's Comprehensive Plan and the State's Land Conservation and Development Commission (LCDC) requirements. Attorney Watts did emphasize that local comprehensive plans must be consistent with the Statewide Planning Goals. There was discussion on specific goals. Attorney Watts stated that LCDC goals one (1) and two (2) are the most important and are elevated to a different level in comparison to other goals.

There was discussion on Oregon Department of Transportation (ODOT) data; impacts in wetlands areas; and, looking at Shamrock Pines Highway 101 access as an example/resource.

- City Administrator. Information had also been sent to the Council in advance. He gave a summation of his written report. As per Clatsop County's request, he asked Councilors to provide any input on the County's request for a short-term rental moratorium. Council members did not have any concerns and understood the County's need for due diligence. Other items discussed were: organizing emergency cache items; ODOT corridor project, ridge path, elk collaborative update, playground equipment and fire station update. He also mentioned that there is a work session scheduled for Tuesday, July 27, 2021. Administrator Sweet clarified an article published in The Daily Astorian on May 12, 2021 by Nicole Bales. He went over information provided by the Utah Geological Survey regarding liquefaction and The Department of Geology and Mineral Industries (DOGAMI) regarding tsunami impacts. Councilor Jesse also mentioned that geotechnical reports dictate specific information on land development. Councilor Warren asked for clarifying information on the insurance and liability of adding a playground. It was indicated that the City should not see an increase in their insurance premium amount.

Correspondence. *Two additional documents that were submitted late were distributed to Council members at the meeting (Smith and Nolan).* Mayor Cockrum commented that she does respond to correspondence that she specifically receives. She asked Councilors if they had any comments or questions. Councilor Jesse brought up discussion on the proposed idea of a moratorium on fireworks. There was discussion on the City's obligation to monitor and enforce, types of fireworks, impacts on animals, debris left after the event and geographic responsibilities. There was clarification that the beaches are the Oregon Parks and Recreation Department's jurisdiction. Mayor Cockrum, with Council's support, requested that the City staff work on drafting an ordinance for the ban of 4th of July fireworks. Attorney Watts suggested best practice would be to approve months before the fireworks go on sale so that people are aware of the local ban.

Visitors. Mayor Cockrum went over visitor instructions. There were no emails submitted requesting comment. Mayor Cockrum did a visitor roll call. There were no comments.

Ordinance/Resolutions. Mayor Cockrum pointed out that although there was no specific item to discuss in this area, City Staff are being asked to work on an appropriate ordinance/resolution that specifically deals with contractors working on the weekend. The Council felt that based on correspondence and their work session information, exploration on dealing with this noise issue should be addressed. Administrator Sweet will provide solutions with information heard and collected. He encouraged Councilor members to let him

know if they have specific ideas. Attorney Watts stressed the importance of community notification about the potential change. He emphasized being community collaborative in the process of drafting and implementing this type of change.

Old Business. Mayor Cockrum opened discussion on old business on agenda item Resolution 960 Follow-up, which was a report in the Councilor's packet. Administrator Sweet addressed the way the resolution has been being used; and noted, the Council agenda heading of City Officer Reports has been revised to City Staff Reports. Administrative Assistant Ficker, did a lengthy search for historical information and two previous city administrators were consulted. There does not appear to be any official documentation outlining that the Fire Chief has a City Officer designation. Councilor Smith wants a motion to move the Fire Chief position to the designation of City Officer since they are the Incident/Operational Commander for the City. Mayor Cockrum also pointed out that during the pandemic, the Fire Chief was also the primary liaison to countywide response efforts. Attorney Watts would like additional time to investigate if this type of activity is more appropriate under a Charter amendment. He will collaborate with Administrator Sweet and report back to the Council next month on the best approach to officially moving the Fire Chief position to have a City Officer designation.

New Business. There was a staff report provided in the Councilor's packet. Mayor Cockrum opened the discussion on the Banta Partition Appeal. Attorney Watts clarified to the City Council that they need to make a determination of the scope of the appeal review by one of the following options: 1) restricted to the record made in the decision being appealed; 2) limited to the presentation of additional evidence on such issues as the reviewing body determined necessary for property resolution of the matter; 3) de novo; or 4) remand of the matter to the planning commission for additional consideration. Carol Connell, City Planner, clarified information for Council members that was in the packet in regards to being considered "new." Mayor Cockrum and City Council members determined that the appeal review will follow the scope of option one (1), restricted to the record made in .


Feedback. Due to meeting time constraints, Mayor Cockrum moved through this section.

Council Concerns. Councilor Jesse stated that he would save his concerns for next month. Councilor Fackerell wanted clarification on the playground timeline. There was discussion on the relationship between the Parks Master Plan and implementation, funding gaps, playground lead time and the desire to have it ready for the community. Councilor Smith requested clarification from Attorney Watts regarding the LCDC Goals, specifically one (1) and two (2). He also requested clarification on recording the

meetings and the public record requests for accessing the meetings. There was discussion. Attorney Watts went over LCDC requirements, recordings, public minutes and executive sessions. Administrator Sweet went over the current process and platforms of recording City meetings. Council Smith would like final clarification next month. Councilor Warren noted that access to Highland Lane is essential in the property agreement. Attorney Watts also expressed a concern on the Elk Collaborative Agreement. There were certain requirements that were mandatory by the Oregon Department of Fish and Wildlife (ODFW) in the beginning of this process. The updated agreement has some undefined items and lacked original ODFW requirements. Attorney Watts has substantial concerns over land use requirements, especially in regards to fencing. He stressed that the agreement needs to be reflective of "Gearhart's Character" and suggests that it be flagged for more review.

Mayor Cockrum requested adjournment.

ON MOTION by Councilor Fackerell, 2nd by Councilor Smith to adjourn the meeting, MOTION was approved 5-0. Mayor Cockrum, with no further business, adjourned the regular Council meeting at 9:18 pm.


Chad Sweet, City Administrator


Mayor Paulina Cockrum