

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, August 4, 2021
7:00 pm On-site and Virtual via Zoom

The regular meeting of the Gearhart City Council was held Wednesday, August 4, 2021. Council members, City staff and the public were able to attend on-site and/or 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 7:02 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, City Treasurer Justine Hill and Police Chief Jeff Bowman. Interim Fire Chief Josh Como was present during his report. A quorum of the Council was present.

Mayor Cockrum stated health and safety protocols. All individuals attending the meeting in person were asked to wear masks regardless of their vaccination status. Visitors were reminded they needed to sign-in to speak.

Mayor Cockrum asked Council member authorization to change items on the agenda. The request was to delete the feedback section at the end of the agenda due to time constraints and to have City Staff Reports read City Officer Reports. All Council members approved (5-0) the changes by consensus.

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

ON MOTION by Councilor Smith, 2nd by Councilor Fackerell to approve the minutes of the July 7, 2021 regular meeting of the City Council with a correction on page five (5) changing the word Office to Officer, 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. Councilor Fackerell wanted clarification on the Speakman Conditional Use (1368 Pacific Way) mentioned in the report. She specifically wanted information on the staff recommendations. City Administrator Sweet

will get that information. Councilor Smith also requested that more clarifying information be provided in the report other than comments like “reported on several things.”

Mayor’s Report. Mayor Cockrum presented her report.

- Attended a meeting with CEDR, a regional Economic Development Organization for Clatsop County. She was exposed to a local program called Clatsop WORKS, which provides local students with professional internships in Clatsop County. Mayor Cockrum felt this may be a positive partnership in terms of recruiting a new police officer because the college has a criminal justice program.
- Provided an exit interview with retiring Police Officer Vince Yokoyama. Mayor Cockrum’s goal was to have an open conversation about his experiences working in the City of Gearhart. Officer Yokoyama enjoyed his employment and had favorable comments. His area of improvement focused on the lack of police physical space. He stressed that there was just no area for any type of secure police storage (i.e., evidence, lost items).
- Followed up with the Parks Master Plan Citizen Advisory Committee. They are finishing up and reviewing draft policies. Committee members were giving final feedback.
- She has been tracking the planning efforts by the Oregon Department of Transportation (ODOT) to identify improvements to the Oregon Coast Bike Route. Mayor Cockrum was hoping a route through Gearhart may be considered; however, a Lewis and Clark pathway seems to be the focus of an alternative route. She mentioned that the transportation plan should be used as a model to improve pathways (i.e, restriping project).

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

- Councilor Jesse attended a meeting with vested parties to provide feedback on roadway improvements. They walked sections of Highway 101. He felt that the discussion was interesting and fruitful. He felt ODOT appreciated the input.
- Councilor Warren had no new information to report.
- Councilor Fackerell had no new information to report.
- Councilor Smith met with Mayor Cockrum to go over some specific items.

City Officer Reports.

- Chief of Police. Although Chief Bowman was present, he did not present a specific report. The police department 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 and the breakdown. He discussed mutual aid, which is an agreement between fire departments to help each other across jurisdictional boundaries. He went over manpower, equipment, auditing requirements and training standards. He stressed the City of Gearhart's volunteers are at the same professional training level as paid firefighters in Portland and Seattle. They selflessly sacrifice their time to protect and serve our community.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill talked about a change discovered in the audit that required a new audit to be distributed; updates to the Revenue and Expenditure financial report; and completion of the fire mobilization information that Councilor Smith requested.
- City Attorney. Attorney Watts gave a brief update on the lawsuit that claims that the City of Gearhart is responsible for water pipe issues. He reiterated that the pipe was in place prior to annexation of the various properties into the City. The City is working with a new attorney within the same law firm.
- City Administrator. Information had also been sent to the Council in advance. He gave a summation of his written report. He specifically addressed the bond refinance and the overall debt service savings. He discussed the lack of overall debt by the City. He gave a Fire Chief hiring update. He mentioned that the Ridge Path enhancement was continuing to move forward. In terms of the Fire Station update, City Administrator Sweet also went over highlights in a document distributed at the meeting by Foundation Engineering. The information in the report may favorably impact the foundation of the new fire/police facility. Tsunami induction maps prepared by the Oregon Department of Geology and Mineral Industries (DOGAMI) were also distributed at the meeting. There was discussion on grants, specifically in terms of FEMA's Building Resilient Infrastructure and Communities (BRIC) grant. The BRIC program supports local communities as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards. City Administrator Sweet has been working with local Jay Raskin, Resilience Planning and Architect to complete the application process. There was also mention of upcoming work sessions, the date of the grade school property project public hearing, the local park concert and the art walk.

Correspondence. *Additional documents were submitted and distributed to Council members at the meeting (Creekside Construction, Nolan, Davis, Clean-Sweep Maintenance, Osburn).* Mayor Cockrum noted that there was late correspondence and asked Councilors if they had any comments or questions. There was none.

Visitors. Mayor Cockrum clarified with Attorney Watts on the order of hearing public testimony. Attorney Watts clarified that Council can hear public testimony now in regards to the contractors work hours ordinance draft. Mayor Cockrum clarified that the Council would hear the visitors' testimony during this section. Mayor Cockrum went over visitor instructions and specifically covered sign-in requirements to speak. Mayor Cockrum did a visitor roll call by sign-in sheet and on-line identifiers. The following spoke in opposition of the restricted work hours: Jon Shelton (80073 Polo Ridge Rd, Warrenton), Ryan Osburn (33485 SW Old Pine Dr, Warrenton), Dana Gould (454 1st, Gearhart), Andrew Silvis (PO Box 553, Seaside), Daniel Sturgell (5399 Drummond, Gearhart), Matt Spoko (PO Box 263, Warrenton), Ben Olson (2025 Maple St, Seaside), Tim Wirkhala (PO Box 451, Naselle), Casey Smith (5260 Drummond, Gearhart), Wes Hover (80362 Polo Ridge Rd, Warrenton), Tory O'Donnell (1395 Sunrise Rd, Gearhart), Kristin Kabanuk (770 16th Ave, Seaside), Jason Chrupp (783 SW Jade Ave, Warrenton), Jason Kraushaar ("North" Gearhart), Cory Bigelow (Warrenton), Arlene Cogen (117 Ridge Dr, Gearhart) and Robert Morey (Gearhart). The following spoke in support of the restricted work hours, David Smith (Gearhart). There were also comments by Jo Banta (PO Box 2134, Gearhart) and William Caplinger on the Banta appeal requesting consideration for new evidence to be submitted to their hearing due to the relevance and distribution date of materials. Attorney Watts responded they could comment because he did not know the context of their request.

Council approved a five minute break; the meeting resumed at 8:35 pm.

Mayor Cockrum, at the recommendation of Attorney Watts, asked Council members if they had any questions from the visitors.

- Councilor Jesse had no questions at this time. He pointed out that he was familiar with the trade.
- Councilor Warren's question revolved around if the work week was reduced by one day, would that allow workers' hours to be spread out over a longer period of time, which would assist in reducing lay-offs? Contractors' consensus was no because the current working environment is chaotic and pushing subcontractors schedules just one day jeopardizes the entire timeline. Contractors also commented about continued constraints on the construction industry and weatherability.
- Councilor Smith had no additional questions at this time.
- Councilor Fackerell thanked the contractors for coming and sharing information.
- Mayor Cockrum requested follow-up clarification on holidays. There is no language in the draft ordinance in terms of holiday restrictions. It was referenced in Officer Bowman's notice.

Mayor Cockrum introduced visitor Jenny Frank to present the Small Business Committee's survey results. She went over the committee's goals, mission and the 2021 small business survey results. The survey had sections based on demographics, real estate, business income, feedback to City of Gearhart, formation of a business owners association or chamber of commerce, what kind of new/compatible business participants would like to see, what can be done to enhance business environments and next steps. The Small Business Committee requested guidance from the City Council on how to proceed with their group. With approval, they feel comfortable proceeding on working with the City staff to create a Small Business Directory and listing available commercial real estate spaces on the City's website. There was discussion on whether they should remain an ad hoc committee or become a standing committee; whether providing specific real estate information on the City's website would give the impression that the City was endorsing specific real estate companies; financial costs and impacts of creating/joining a Chamber of Commerce; budget to help fund and incentivise businesses to participate; establishing a Small Business group lead by the City or local business leadership; the feasibility of creating a Business Directory; and, the impacts on City staff workloads. Councilor Fackerell requested clarification information on why committee members resigned. It was pointed out that individual members felt that the lack of serious committee direction did not merit continuing to prioritizing their time to the committee. Mayor Cockrum supports an ad hoc committee structure; continuing website work (directory, rental information) and getting applications for new members to the committee. Councilor Smith supports ad hoc committee structure, website directory access and brainstorming other ideas on how to engage local businesses. Overall Council felt that supporting local businesses is important, that the Small Business Committee provided valuable input and that a Business Directory seems feasible. Administrator Sweet said that the City staff will work on developing ways to support the local businesses. Thanks was given to Jenny for her work!

Ordinance/Resolutions. There were no ordinances/resolutions.

Old Business. Mayor Cockrum opened discussion.

Contractor Work Hours Ordinance Draft. There was a staff report provided in the council packet. There was discussion. Councilor Jesse is opposed to the changes. He felt that the information presented by the Contractors was accurate and depicted a clear message. He stressed how hard it has been to conduct business in the current economic environment. He reiterated the critical need and timelines of subcontractors. Attorney Watts discussed the unique situation that the City of Gearhart has in terms of a contractors ordinance instead of a noise ordinance. Councilor Smith stressed the importance of protecting the health and well being of residents in our community. He feels that it is appropriate that Gearhart is quiet one day a week and that the Council has the right

and duty to provide peace to the community. He supports ordinance draft #1. Councilor Fackerell was appreciative to everyone who gave their input. She also supports Councilor Smith's comments about quiet in the community one day a week. She likes the idea of extending work hours. She supports ordinance draft #1. Mayor Cockrum realizes that noise is a big area of concern in the community. She understands restrictions and enforcement issues. She likes the idea of Sundays to rest and spend time with family; but, maybe now with everything being so busy, it is not the time. She was moved by what was said at the meeting. Councilor Warren clarified between landscaping (mowing) and construction noises. He also hears the concerns of the contractors and thinks a compromise is the solution. He does not think that one day per week is going to have that large of an impact. He supports ordinance draft #1. There was discussion on landscaping versus contractor noise. Mayor requested a motion.

ON MOTION by Councilor Smith, 2nd by Councilor Fackerell to amend Resolution 930 (Option 1), which restricts contractor work hours on Sundays, MOTION was approved 3-2. Roll call was requested. Yes votes were Councilor Smith, Councilor Fackerell and Councilor Warren; No votes were Councilor Jesse and Mayor Cockrum.

Fire Chief as a City Officer. There was a staff report provided in the council packet. Attorney Watts explained that he had reviewed the Charter agreement and that in order to change things in it, it had to be referred to the voters. Because this is one issue, he recommended that due to the complexity of the Charter change requirements, it may behoove the Council to review all items that need revisions and submit them at one time to the voters. He was not sure if doing a robust evaluation of the Charter was feasible for this election period. Mayor Cockrum discussed Charter changes versus Code changes. She recommended amending the Charter to add the Fire Chief if that is the direction the Council would like to pursue. There was discussion. Councilor Smith disagrees with the interpretation of Charter versus Code approach and would like to move forward with using Code 30.13 to amend the Fire Chief's employment status to City Officer. Attorney Watts gave clarifying information. Councilor Smith felt Code is an adequate pathway to amend the Fire Chief's status and stands that a motion should move forward. Mayor Cockrum agrees with Attorney Watts that it seems appropriate to review the Charter and work on making necessary revisions. She does not appreciate City staff changing terminology on the agenda without Council consensus. She felt that the Council should have been actively involved in the hiring of the next Fire Chief. She has been shepherding the application process. Councilors must be part of the committee and vote on the hiring. Mayor Cockrum felt that if changes needed to be made to the

Charter and it impacts critical hiring timelines, it should be done piecemeal to get the work correctly done. Councils' decision to move forward on Fire Chief Officer status would need to come down to either: 1) change the Charter or 2) interpreting Code changes. The process for changing the Charter is a different process than changing using Code. At 10:00 pm, Attorney Watts excused himself from the meeting due to time constraints. There was continued discussion on the benefits of moving forward with the change of employment status, Charter requirements, City staff's input, supervisory roles and options. Councilor Fackerell had no further questions.

ON MOTION by Councilor Smith, 2nd by Councilor Warren to change the Fire Chief's status to an Officer as per Code interpretation 30.13, MOTION was approved 3-2. Yes votes were Councilor Smith, Councilor Fackerell and Councilor Warren; No votes were Councilor Jesse and Mayor Cockrum.

Feedback. Mayor Cockrum moved through this section due to consent approval earlier in the meeting.

Council Concerns. This section was also eliminated due to time constraints.

Mayor Cockrum requested adjournment due to the length of the meeting. Items that were not discussed (Fire Station Survey; Annual Audit Report; and Playground Equipment Quotes) will be added to a future meeting agenda. Mayor Cockrum wants reassurance that City staff are working on audit recommendations. Councilor Fackerell would like an opportunity to comment and/or ask questions on the audit.

ON MOTION by Councilor Warren, 2nd by Councilor Smith to adjourn the meeting, MOTION was approved 5-0. Mayor Cockrum adjourned the regular Council meeting at 10:11 pm.


Chad Sweet, City Administrator


Mayor Paulina Cockrum