

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, October 6, 2021
7:00 pm On-site and Virtual via Zoom

The regular meeting of the Gearhart City Council was held Wednesday, October 6, 2021. Council members and city staff were able to attend on-site and/or online via Zoom. The public was able to attend online via Zoom. 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, City Treasurer Justine Hill, Chief of Police Jeff Bowman and Interim Fire Chief Josh Como. A quorum of the Council was present.

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

ON MOTION by Councilor Warren, 2nd by Councilor Smith to approve the minutes of the September 1, 2021 regular meeting of the City Council with corrections on page two (spelling of Bonamici) and page four (rewording two sentences regarding the noise ordinance), 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 requested additional clarification about the false chimneys referenced in the report. Administrator Sweet reported they were on the new portion of the McMenamins building. Councilor Jesse asked if there were any additional correspondence letters from Mr. Morey.

Mayor's Report. Mayor Cockrum presented her report.

- Held first "Coffee with the Mayor," which was a time to talk about all things Gearhart. It was a very positive experience and some items discussed were: fire/police station questions; curbside green recycling options; and, plans for the old Gearhart School, which Mr. Morey was there and able to provide input.
- There was a court hearing and the City prevailed in the ballot measure title challenge. The fire/police station will not make the November ballot but she stressed the importance of voting.

- It is important that people are aware that the Blog and the City of Gearhart website are the official communication areas for the City. She will be working with City staff to make sure that it is current, accurate and easy to use.
- Still working on a children's play area. Reviewing different vendors and pieces of equipment.

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

- Councilor Smith had no new information to report.
- Councilor Warren reported that there was progress on local business leaders starting a Business Association in Gearhart, which was one of the recommendations that came out of the Small Business Committee. He has been doing additional research and follow-up in regards to getting the City of Gearhart an independent US Postal Service zip code. He has also created a social media Facebook group called "Gearhart Fire Station Discussion Group." The goal of the group is to share objective information and personal opinions in a respectful, polite manner. He also wrote a guest column for the local newspaper. He wanted to clarify that he was not writing as a Council member but as a citizen of Gearhart.
- Councilor Jesse had no new information to report
- Councilor Fackerell referenced seeing the guest column in the Seaside Signal.

Mayor Cockrum gave a reminder that individuals who would like to speak later in the visitor section should email chadsweet@cityofgearhart.com.

City Officer Reports.

- Chief of Police. Chief of Police Bowman reported that the police department completed an audit, which looks at employment records and training requirements. There were no issues and the department received a "Gold Star." Chief Bowman also went over the specific timeline and process of hiring the new police officer. He discussed the number of applicants, application process and requirements, interview process and the potential need of a November special meeting to finalize an employment agreement.
- Fire Chief. Interim Fire Chief Como presented information to the Council. He reported information on the number and type of calls, mutual aid given, training and certification process and water rescue protocols. Interim Chief Como also addressed several points in a letter printed in the local paper. He discussed regional response, water rescue, number and type of calls, response times, location of fire station in terms of insurance, rating system and location in terms of elevation and impact on equipment. He indicated he had talked with the author of the letter and had a good,

positive conversation. Mayor Cockrum again stressed the importance of looking to the City's website and Blog for the most current, accurate information.

- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill gave a brief summary of revenues and expenditures as they compare to last year at this time. It was reported that at this time, there does not seem to be any warning flags for revenues and expenditures. It was also noted that the bond refinance had to be recorded, which impacts the overall debt service fund.
- City Attorney. Attorney Watts discussed the successful ruling for the City of Gearhart in the election ballot title challenge that was submitted to the Clatsop County Circuit Court by Zimmerman/Gable. He also updated that the US Bank court case has been scheduled for November 6. He commented on the most recent US Census report that was released. Portland State University (PSU) had estimated the City's growth rate over the last 10 years at 5.6%, actual growth was 22.6%. Of the jurisdictions that he checked, all of them were underestimated with the exception of the City of Portland. PSU had Portland's growth at 13.9%, actual was 11.8%. The PSU estimates are not only used for land use, they are also used to allocate State and federal monies. He would like to talk with other City Officials in Clatsop County about the impacts. He has been in discussion with Senator Betsy Johnson and she is well aware of the impacts of the new census data. The buildable lands inventory will probably need to be reevaluated. He also gave a reminder that at a certain point during an election process, public employees may not use their work time to support or oppose measures, candidates, recalls, political committees or petitions; however, he indicated the rules of advocacy are different for Council members. Councilor Smith asked if another delay of the fire/police station measure would again be a possibility in the May election. Attorney Watts feels that the Clatsop County Judge is now more familiar with the process and the critical timeline. He did not feel there should be any delay issues since the ballot title language has already been cleared as concise and fair. Councilor Warren was curious on the time and expense that may have been created by the ballot title challenge. Attorney Watts did acknowledge that there were costs; however, due to his experience, not as much as there could have been. There was discussion on misinformation out in the community, setting a clear vision and educating voters. He stressed that there are so many positives in the new location. Councilor Warren was also interested in how the new property at the fire/police site impacted the buildable lands inventory.
- City Administrator. Information had also been sent to the Council in advance. He gave a summation of his written report. He clarified to the Council that there are over 1,500 people signed up for the City of Gearhart Blog, which was higher than originally reported to the Mayor. He specifically addressed: the potential of eliminating the building modular and renegotiating the

current contract, tree cutting, water main break, fire chief hiring process, emergency cache program, ODOT Highway 101 update in November, completion of the ridge path, elk collaboration update, playground vendors, public hearing on contractors work hours ordinance and the Great Oregon Shakeout. Councilor Warren asked for clarification on the fire chief interview committee and city staff vaccination rates. Administrator Sweet said that the interview committee has not yet met and that there will not likely be any volunteer responder shortages due to vaccination requirements.

Correspondence. *An additional document was submitted and distributed to Council members (Department of the Navy).* Mayor Cockrum noted that there was a late correspondence and asked Councilors if they had any comments or questions. She also noted that the correspondence from Sharon Kloefer regarding establishing a City Tree Board may coordinate well with Councilor Fackerell's Tree City initiative. She felt it may also tie in with the Parks Master plan and their desire to create a new Parks Commission.

- Councilor Warren requested final clarification on the continued allegations of conflict of interest between himself and the noise ordinance and Administrator Sweet and the new fire/police station measure. Attorney Watts stated that there are review criteria for conflict of interests. There does not seem to be any ethics codes being violated. Neither Councilor Warren or Administrator Sweet will financially benefit nor will either have a business relationship that would be positively impacted by their involvement in the City's decision making process (noise ordinance/new facility). In Attorney Watts' professional career, he has been exposed to many different situations and based on the nature of the issues, he does not feel there would be any Oregon Government Ethics violations.

Visitors. Before visitors were given an opportunity to speak, Mayor Cockrum clarified that the Council would first be addressing two agenda items.

- Mayor Cockrum introduced the staff report on the 66th Anniversary of Constitution Week Proclamation prepared by the Daughters of the American Revolution. ON MOTION by Councilor Warren, 2nd by Councilor Smith to approve the 66th Anniversary of Constitution Week Proclamation as submitted, MOTION was approved 5-0.
- Mayor Cockrum introduced the staff report on Domestic Violence Awareness Month Proclamation submitted by The Harbor. ON MOTION by Councilor Fackerell, 2nd by Councilor Jesse to approve the Domestic Violence Awareness Month Proclamation for October 2021, MOTION was approved 5-0.

Mayor Cockrum requested that visitors online use the raise hand function. Administrator Sweet said that there were no emails submitted by visitors requesting to speak. Mr. Morey gave a brief update on the old

Gearhart School property. He discussed the continued clean up, DEQ review, test pits and future planning timelines. Council Warren commented on how nice the location looks since the improvements.

Ordinance/Resolutions. None.

Old Business.

Fire/Police Station Update. City Administrator Sweet gave an update on the proposed bond measure, location work, land acquisition status and related correspondence. Administrator Sweet is confident that there will not be another ballot title challenge delaying the May election. He has concerns that the ballot challenge delay may have financial consequences; such as, bond rates and building costs.

Gearhart Zip Code. Councilor Warren presented his research and information gathered on the pursuit of the City of Gearhart having its own US Postal Service zip code. A draft resolution was submitted for review. There was discussion. Councilor Smith requested consensus from the Council to direct City staff to move forward on the resolution for the City of Gearhart to obtain an independent zip code. Councilor Jesse has never had an issue with having the same zip code as the City of Seaside. He does not feel there needs to be a new zip code. Mayor Cockrum, Councilor Warren, Councilor Smith and Councilor Fackerell supported having staff move forward with a resolution. Councilors would like to have the local Community Post Office Postmistress come to speak about Gearhart obtaining its own zip code.

New Business. None.


Council Concerns.

- Councilor Fackerell would like additional information on the location of the training and testing activities that the Department of the Navy discussed in their correspondence. She was unable to find a specific map or information on their website.
- Councilor Warren hoped there was finally resolution to the conflict of interest issues that keep getting brought up. He appreciates updates on the fire chief hiring process. He also gave a reminder that the Oregon Air National Guard would be conducting routine F-15 night training missions in the area.

- Councilor Jesse brought up the zip code discussion again. He wanted to stress that many Gearhart residents actually have their mail processed and delivered from the City of Seaside post office. He just wanted it noted that there are other logistics associated with changing a City's zip code.
- Councilor Smith confirmed that residents on Avene F are served by the City of Seaside post office; however, he feels there are enough issues associated with the zip code issue that it does warrant looking into an independent Gearhart zip code.

Mayor Cockrum requested adjournment.

ON MOTION by Councilor Smith, 2nd by Councilor Warren to adjourn the meeting, MOTION was approved 5-0. Mayor Cockrum adjourned the regular Council meeting at 8:40 pm.



Mayor Paulina Cockrum



Chad Sweet, City Administrator