

CITY OF GEARHART
Special Meeting with Public Hearing of the City Council
Tuesday, October 12, 2021
6:00 pm On-site and Virtual via Zoom

The special meeting of the Gearhart City Council was held Tuesday, October 12, 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 6:00 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. A quorum of the Council was present.

Mayor Cockrum stated that the Council would move into a public hearing regarding the proposed contractors work hours ordinance #930. She clarified that this was not a new ordinance but a revision. She gave historical reference. The hearing was declared open. Mayor Cockrum went over the process for individuals to testify. She asked if there was any conflict of interest by any member of the Council. Councilor Smith recused himself. Councilor Jesse stated a potential conflict of interest; however, clarified that his business does not work on the weekends. Councilor Warren clarified if any of Councilor Jesse's subcontractors worked on weekends and Councilor Jesse indicated that the subcontractors that he uses do not work on the weekends on his jobs. Councilor Fackerell, Councilor Warren and Mayor Cockrum declared no conflict of interest.

Administrator Sweet went over the Staff Report, Ordinances/Resolutions - Ordinance #930 An Ordinance Regulating Contractor Work Hours in the City of Gearhart. He read the synopsis, went over the Council options and stated that the staff did not have a recommendation.

Mayor Cockrum asked if any proponents would like to speak.

- Sheila Nolan (724 Creekside). One of the advocates that put forth the proposal. Property owners and taxpayers have seen an increase in construction. She gave a comparison to Carmel, California. Believes that every citizen is entitled to have one day off. She stressed there was no conflict of interest because she nor her husband have any ties to any contractor or landscaper. She felt that being married to a Councilor did not restrict her vote or her voice.

- Rob Murphy (747 Creekside). New to the community and his residence is a second home. He views it as a place of rest. He stated that he does see both sides because he lives in new construction and does value the need for moderate growth; however, he does support time to enjoy the community. He is okay with delaying construction in order to enjoy family time.
- Bebe Michel (661 10th Street). Supports proposed change. It only excludes Sundays. Residents should be entitled to one day off from the noise. She understands companies' needs; however, they should also understand residents also need a day off.
- Chris Bell (PO Box 2833). Support the changes.

Mayor Cockrum asked if any opponents would like to speak. No oral testimony given.

Mayor Cockrum asked if any neutral testimony would like to be given. No oral testimony given.

The public hearing section of the meeting was closed at 6:20 pm.

Mayor Cockrum opened the special City Council meeting. She asked if there was any conflict of interest by any member of the Council. Councilor Jesse again stated a potential conflict of interest; however, after clarification did not recuse himself. Councilor Smith recused himself. No other conflicts were declared.

Correspondence. *Additional documents were submitted and distributed to Council members (Bob Morey, Sheila Nolan, Bebe Michel and Eric Halperin, David and Betty Smith).* In the packet written correspondence was submitted by Tim Mancill and Deanna Mancill.

Visitors. Mayor Cockrum gave a reminder that individuals who would like to speak should email chadsweet@cityofgearhart.com. No emails were sent requesting to speak. Individuals were asked if they would like the opportunity to speak.

- David and Lisa Koller (967 N Cottage). He discussed his house fire on Cottage. They expressed deep gratitude to the first responders. They were so impressed with the quick response and the professionalism of the fire fighters. They appreciated Chad Sweet's personal attention and his quick response in saving sentimental belongings. He stressed that the volunteers are an asset to the community. He also supports a new fire station. He expressed his sincere appreciation.

Ordinances/Resolutions. Mayor Cockrum opened the discussion on Ordinance #930 - An Ordinance Regulating Contractors Work Hours in the City of Gearhart. The proposed changes to the ordinance are

regulating days of the week. Mayor Cockrum asked for a motion to move forward with Councilor discussion.


- ON MOTION by Councilor Fackerell, 2nd by Councilor Warren to approve the changes to Ordinance #930 - An Ordinance Regulating Contractors Work Hours in the City of Gearhart which eliminates work on Sundays. There was discussion.
 - Councilor Fackerell wanted additional clarification on the Exemptions (specifically #3) and Enforcement sections. Attorney Watts clarified that the wording was specifically chosen to allow some flexibility. Mayor Cockrum clarified that the sections Councilor Fackerell was referencing did not have any revisions or changes from the original ordinance. Attorney Watts again clarified that the City wants some ability to work with contractors in emergency situations and would like the ability to give warnings to comply before citations.
 - Councilor Jesse wanted clarification on how the professionals impacted in the Ordinance would be impacted working on their personal residences on Sundays. Administrator Sweet clarified definitions in the Ordinance and pointed out that if the contractors are not being paid to work on their personal residences, they would not be restricted to work on their own homes on Sundays.
 - Councilor Warren commented that the original changes brought forward to the Council were focused on noise; however, based on recommendations by Chief Officer Bowman, the changes were scaled back. The collaboration of input seems to have made a good compromise.
 - Mayor Cockrum did not take this issue lightly. She discussed with residents and feels an obligation to work through issues in the community.
 - MOTION was approved 3-1; Councilor Smith abstained from the vote.

Mayor Cockrum requested adjournment.

ON MOTION by Councilor Jesse, 2nd by Councilor Smith to adjourn the meeting, MOTION was approved 5-0. Mayor Cockrum adjourned the regular Council meeting at 6:38 pm.



Chad Sweet, City Administrator



Mayor Paulina Cockrum