

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, February 2, 2022
7:00 pm On-site and Virtual via Zoom

The regular meeting of the Gearhart City Council was held Wednesday, February 2, 2022. Council members and City staff were able to attend on-site. 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 Kerry Smith, Councilor Brent Warren, City Administrator Chad Sweet, City Attorney Peter Watts, Fire Chief Josh Como, Planning Commissioner Austin Tomlinson and City Treasurer Justine Hill. Councilor Dan Jesse was absent due to resignation. A quorum of the Council was present.

Mayor Cockrum clarified that there was an addition to the agenda regarding City Councilor appointment.

There were no conflicts of interest declared by any member of the Council.

City Council Appointment. In January, Councilor Jesse called Mayor Cockrum and notified her that he was resigning his position. He sold his home and is relocating. Mayor Cockrum has found a qualified person to fill the vacancy. She would like the Council to consider Austin Tomlinson. Mr. Tomlinson is currently a Gearhart Planning Commissioner. Mayor Cockrum has worked with him on the development of the Parks Master Plan. There were no additional questions.

- ON MOTION by Mayor Cockrum, 2nd by Councilor Smith to appoint Austin Tomlinson to the vacant position on City Council, MOTION was approved 4-0.
- Administrator Sweet swore in Austin Tomlinson, who agreed to the oath of office.

ON MOTION by Councilor Fackerell, 2nd by Councilor Smith to approve the minutes of the January 5, 2022 regular meeting of the City Council with a correction on page three (spelling of Cockrum), MOTION was approved 5-0.

The Council received a Planning Commission report in their council packet prepared by Virginia Dideum, Planning Commission President. It was noted that Mayor Cockrum's first name was misspelled. There were no additional questions or comments.

Mayor's Report. Mayor Cockrum presented her report. She requested feedback from the City Council.

- Ridge Path. She would like to work on a more current ordinance specifically addressing the preservation of the Ridge Path. There is an old ordinance, which focuses on horses and signage. With new people living and visiting, she would like to keep the path from being destroyed or damaged.
- Legacy Trees. She would like to work on a revision to the tree ordinance to protect legacy trees.
- Homeless/Houseless. After conversations with Chief Bowman, the City will need to be prepared to address issues with homelessness/houselessness, which may require an ordinance.

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

- Councilor Smith had no new information to report.
- Councilor Fackerell thanked Attorney Watts for his worksession on election law and found it beneficial. She enjoyed the fire station open house and felt there was great discussion.
- Councilor Warren also favorably commented on the fire station open house. He thought it was a great event and provided an opportunity to educate residents. He presented information in regards to the Seaside Airport Advisory Committee. The local airport is in jeopardy of losing federal funding because of the lack of an adequate number of housed airplanes. Hanger space and expansion are priorities, which may require development within the City of Gearhart's boundaries. He also mentioned the Clatsop County Tsunami Improvement Plan (evacuation routes, funding sources, evacuation towers).
- Councilor Tomlinson thanked the Council for their support and approval of his appointment.

City Officer Reports.

- Chief of Police. Chief Bowman did not attend the meeting but the police statistical report information was blogged out.
- Fire Chief. Fire Chief Como presented information to the Council. He reported information on the number and type of calls; as well as mutual aid given. He felt that the fire station open house was very successful. There was great weather and lots of questions. He gave a presentation on the call breakdown for 2020 and 2021. He shared some original fire station construction photos, which documents the use of unreinforced cinder block construction. He went over the Training Officer interview schedule and timeline, which is the position that he vacated when promoted to Fire Chief.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill followed up with a franchise fee question from last month. NW Natural gas pays an annual franchise fee in early March and CenturyLink pays an annual franchise fee in February or March. The Gearhart Rural Fire District also makes an annual payment between March and May. She discussed a large payment

on the City's local marijuana tax collection due to some confusion about where the local three (3) percent tax for recreational marijuana sales was to be paid. This issue has been resolved and payments should be coming quarterly to the City of Gearhart. A payment was also received for conflagration/mobilization reimbursement, which leaves one reimbursement outstanding (Patten Meadows Fire). In expenditures there was a payment in Fund 71 Water Reserve for the City's Water Management and Conservation Plan.

- City Attorney. Attorney Watts discussed the marijuana local tax collection in regards to the State and City of Gearhart. He mentioned the Shannon Smith case is still in process. Smith's side requested a move to amend, which was the fourth one; however, the judge did not allow. Attorney Watts went over the ballot challenge in November 2021. He explained that the court hearing was scheduled after the required date for the ballot title to be submitted to the County to be eligible for the November ballot. Even though the voters would not see the ballot title in November, he moved forward with the court hearing to verify that the ballot title was accurate. Because a near exact copy of the original ballot title would be used again, he felt it was prudent to have it reviewed since a court hearing had already been established. He explained the ruling was in favor of the City of Gearhart. He chose not to file an order with the County Clerk for the November election since the ballot title submission timeline had already expired. He also discussed that the City Council and staff should be aware of homeless requirements and the reasonable person standard. He appreciated the positive feedback on the election law worksession.
- City Administrator. Information had also been sent to the Council in advance. He gave a summation of his written report. Specific items discussed were: the start-up of the Water Management and Conservation Plan; gathering feedback from property owners in regards to the ODOT highway 101 corridor project; playground equipment deposit, lead time and Planning Commission approval; grants; worksession scheduled on March 29 at 6:00 pm; and clean-up day, which may be combined with another City emergency cache day.

Correspondence. Mayor Cockrum asked Councilors if they had any comments or questions. Andrew Stein addressed pickleball and Whitney Brown requested funds for an overseas high school music trip. There was discussion on Whitney Brown's request. There was a consensus amongst City Council that the nature of the request for funds is an individual Council member's choice. The information for donating is available for any person who wishes to privately contribute.

Visitors. Mayor Cockrum went over visitor protocols. She gave a reminder that individuals who would like to speak in the visitor section should email chadsweet@cityofgearhart.com or use the raise hand feature.

- Mayor Cockrum introduced Sarah Lu Heath, Programs Manager from Columbia Pacific Economic Development District (Col-Pac). She and Lydia Ivanovic, Program Analyst, gave a presentation and explained that there has been a full transition in staff so they wanted to reach out to local communities to introduce themselves. Their presentation topics included: how they can help local Cities; community development block grants; Northwest Oregon Transit Alliance; Northwest Oregon Area Commission on Transportation; USDA Regional Food System Partnership Grant; Loan Program for Business Start-up or Expansion; Upcoming Initiatives; Comprehensive Economic Development Strategy; impacts; and contact information.
 - Councilor Warren asked questions specifically related to the police/fire station project and potential funding support from Col-Pac. There was discussion around the low/moderate threshold requirement; emergency funds due to COVID; the use of the police/fire benefiting the entire community; and their loan program.
- Due to connection issues there was a technology break called at 7:58 pm until 8:01 pm.
- Tom Thies (292 Woodland) expressed support for the fire/police station project. He has been a resident for many years and has been actively involved in the relocation of the fire station. He mentioned three proposed sites (Lesley Miller Dunes Meadow; High Point; Cottage property). He encouraged everyone to join the City Blog to get accurate information. He feels that the project should be on the May ballot so that voters can vote. He also discussed the number of acres of Gearhart parks.
- Mayor Cockrum confirmed there were no additional visitors wishing to speak.

Ordinances/Resolutions. Mayor Cockrum introduced the discussion of Resolution #967 Fire/Police Station Bond Measure. City Administrator Sweet went over the staff report. Also available for input was Jonas Biery of D A Davidson (finance); as well as, Scott Clarke and Larry Banks from PIVOT Architecture. There was discussion on the general obligation pricing, levy analysis, projected bond levy rate, project budget worksheet, project costs and contingency, conceptual plan layout, and cost consultants. Mayor Cockrum wanted confirmation that the costs presented are the most accurate figures that City Council has seen. Administrator Sweet expressed that he felt the numbers are solid. Larry Banks, PIVOT Architecture indicated that having contingency is important and in an uncertain financial market, it can be used as a tool. Councilor Smith wanted confirmation that approving this resolution and going for a May vote was not approving any specific vendor contracts on the fire/police project. Attorney Watts confirmed that the City will need to follow all Oregon procurement requirements. Councilor Fackerell had no questions but mentioned that the City audio was having technical issues. Councilor Warren wanted to know if PIVOT Architecture thought the police/fire project seemed oversized and opulent. PIVOT Architecture's response was that the project is not a Taj Mahal or excessive. It provides adequate space to meet essential functions

and is a “dial back” from desires. It would serve the needs for Tsunami and seismic activity in the community. Councilor Smith wanted clarification on the pitched roof in the rendering drawings instead of a flat roof design, which could be used for an evacuation center. He also inquired about the site’s ability to stay dry in an XXL event, due to a concern about the elevation of the site subsiding during a seismic event, lowering it to the extent that it becomes inundated. Councilor Tomlinson inquired about the access road, the impacts to it after a seismic event, a secondary road access, easements and an actual needs alternative analysis being done. Administrator Sweet explained that water will potentially inundate the access road; however, it is assumed that it will quickly recede. He explained that the owners of the current location are aware of the need and supportive of a secondary road access. He also said that in planning, each component was looked at and then linked to the bigger picture. There is adequate space in the plan. Mayor Cockrum indicated she had no additional questions at this time. Jonas Biery, D A Davidson, clarified financing, key assumptions, current market trends, TIC, scenarios (level rate vs deferred principal), and interest rates. He also reminded City Councilors that they are not authorizing the financing at this meeting, but simply allowing the ballot title with the maximum project amount to move forward in the May election process. Mayor Cockrum thanked everyone for the information provided. There was one final comment on property rate increases.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Warren to submit a fire/police bond measure to the County for a May vote as presented in Resolution #967 Fire/Police Station Bond Measure, MOTION was approved 5-0.

Old Business. None.

New Business.

OLCC License Renewal - Administrator Sweet went over the synopsis and options. Councilor Warren asked if Chief Bowman had weighed in on the list. Councilor Smith wanted to know if all of the McMenemy’s facilities (including any auxiliary building) were included under one license. Administrator Sweet responded that based on his experience in hospitality, the license is associated with the business, which would be inclusive of any auxiliary buildings. There was discussion on whether or not a condition should be set in the MOTION based on input by Chief Bowman. Attorney Watts stated that reasons OLCC denies or restricts a license are very specific and that if the City has specific recommendations for denial, they would need to have facts and documentation. Councilor Warren felt that there should be value in the ability to make recommendations.

- ON MOTION by Councilor Smith, 2nd by Councilor Tomlinson to approve to “do nothing” with the OLCC renewal notification process, MOTION was approved 5-0.

Appoint Budget Officer. Mayor Cockrum opened discussion for appointing the new budget officer. There was discussion on having Justine Hill, as the City Treasurer as the Budget Officer.


- ON MOTION by Councilor Smith, 2nd by Councilor Warren to approve Justine Hill as the Budget Officer, MOTION was approved 5-0.

Council Concerns.

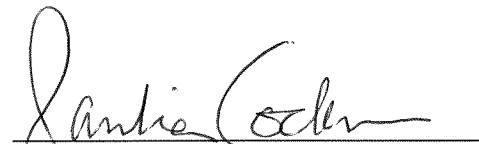
- Councilor Smith reiterated the technology issues during this Council meeting.
- Councilor Warren discussed the budget process in terms of the State Revenue Share grant allocation and the CEDR program. He also mentioned the start of a capital campaign for the fire/police station.
- Mayor Cockrum reminded City staff about being aware of the restrictions of their involvement in a City initiated measure while on work time. Council members have less restrictions and can lead the effort for the next three months, which will help alleviate any concerns of Attorney Watts. She reminded Administrator Sweet that he needs to be careful in his involvement due to his position with the City. Councilors and the Firefighter's Association can lead the initiative.
- Councilor Fackerell had no concerns but welcomed Austin!
- Councilor Tomlinson had no concerns but appreciated all the support.

Mayor Cockrum requested adjournment.

ON MOTION by Councilor Smith, 2nd by Councilor Fackerell to adjourn the meeting, MOTION was approved 5-0. Mayor Cockrum adjourned the regular Council meeting at 9:00 pm.



Chad Sweet, City Administrator



Mayor Paulina Cockrum