

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, July 6, 2022
7:00 pm On-site and Virtual/Telephonic

The regular meeting of the Gearhart City Council was held Wednesday, July 6, 2022. Council members and City staff were able to attend on-site, virtually or by dialing in on a telephone. The public was able to attend virtually or by dialing in on a telephone.

Mayor Smith called the meeting to order at 7:08 pm directly following the special council meeting. Present were Mayor Kerry Smith, Councilor Dana Gould, Councilor Reita Fackerell, Councilor Austin Tomlinson, Councilor Brent Warren, City Administrator Chad Sweet, City Attorney Peter Watts, Fire Chief Josh Como, Police Chief Jeff Bowman, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

There were no conflicts of interest declared by any member of the Council. Councilor Warren noted that he has a LLC to do real estate and investments outside of Oregon. This business relationship does not create a conflict in Gearhart or Oregon.

There were several sets of minutes that needed to be approved.

- ON MOTION by Councilor Warren, 2nd by Councilor Tomlinson to approve the minutes of the May 31, 2022 executive session meeting of the City Council, MOTION was approved 4 yeas (Fackerell, Smith, Tomlinson, Warren) - 0 nays.
- ON MOTION by Councilor Fackerell, 2nd by Councilor Tomlinson to approve the minutes of the May 31, 2022 work session meeting of the City Council, MOTION was approved 4 yeas (Fackerell, Smith, Tomlinson, Warren) - 0 nays.
- ON MOTION by Councilor Warren, 2nd by Councilor Tomlinson to approve the minutes of the June 1, 2022 regular meeting of the City Council, MOTION was approved 4 yeas (Fackerell, Smith, Tomlinson, Warren) - 0 nays.

The Council received a Planning Commission report in their council packet prepared by Virginia Dideum. There was no additional discussion.

Mayor's Report. Mayor Smith presented his report.

- Mayor Smith explained that he wants to make a positive difference and understands that there are a number of challenging tasks ahead of the Council. He wants to move forward in a healthy environment.

- He thanked the many people who came forward and expressed interest in the Council. He reiterated that Mayor Cockrum's resignation was sudden and unexpected.
- He explained that recent situations have demonstrated that Gearhart does have some complicated and conflicted issues. He would like to see the community step back and take a deep breath so that everyone can collaboratively work together.
- He mentioned that recent information that had been posted on the City's Blog by Police Chief Bowman has been removed. He talked about social media and communication of accurate information.
- He feels that the message was clear with the vote on the fire/police resiliency bond; however, he does feel that there is a majority that do support the need for a new fire hall. In an effort to begin the process of understanding what the community would like, he mentioned an upcoming, informal survey and encouraged participation.

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

- Councilor Fackerell met with local resident, Wally Hamer, about pickleball courts. She explained some of his plans and felt there were some good ideas.
- Councilor Tomlinson enjoyed the local festivities. He attended the street dance and the community 4th of July parade. He thanked everyone for supporting their community. He mentioned a lack of restroom facilities during activities and thought this was an area that could be improved.
- Councilor Warren has joined the Clatsop County housing group. He assisted with setting up the staging area for the community 4th of July parade. He participated in the beach clean-up after the 4th. Congresswoman Bonamici's office staff have indicated that Gearhart's efforts for an independent zip code have passed one hurdle and have moved on to the next level in the approval process.

City Officer Reports.

- Chief of Police. Police Chief Bowman went over highlights in his statistical report that was distributed. He talked about the four main "social" crimes that were violated over the fourth: illegal fireworks; complaints about legal fireworks; underage drinking; and, overall disruption of quality of life. He felt that the weekend activities were better than last year.
- Fire Chief. Fire Chief Como gave congratulations to the new Mayor and Council member Gould! He presented information to the Council. He gave a June data report, including a call breakdown, mutual aid given, and community events. Chief Como went over 4th of July, including the emergency call center, preventative measures, and parade events. He mentioned dispatch and radio communication and grants. Fire restriction season will be in effect July 11 and he went over

protocols and changes in fire regulations. He told Councilors a fire station safety concerns list was distributed to them.

- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned a final revenue payment for the parks master plan grant, transfers, account distribution adjustments, fuel tank project expenditure, and new accounts being added due to a new fire labor grant award.
- City Attorney. Attorney Watts gave another update on the continuing US Bank/Shannon Smith case. Councilor Warren asked about US Bank settling on errors and omissions instead of dragging the case out. Attorney Watts indicated that this may not be an option for US Bank based on their situation in obtaining the debt; however, acknowledged it had been discussed. Attorney Watts also mentioned he has received questions concerning the fire/police bond election outcome. Although he does not have information at this time to report, he is working on some of the items brought forward.
- City Administrator. Information had also been sent to the Councilors in advance. He gave a summation of his written report. He talked about the fuel tanks being installed, code enforcement signage issues, water conservation and seismic reports, the loss of one short-term rental permit, congratulations to fire staff on a recent grant award, and the continued efforts with the Necanicum Watershed group in the removal of invasive species on the Ridge Path. He requested that community members keep their eyes on the City Blog for upcoming events.

Correspondence. Mayor Smith acknowledged correspondence. Correspondence included a resignation letter (Cockrum); an email regarding water discussion questions (Zimmerman); an email regarding pickleball in Gearhart (Hamer); and, an email regarding Gearhart elk and wildlife (Reetz). There was late correspondence submitted (article from Daily Astorian, letter Michel, email Morey). Councilor Fackerell asked if a response had been given in regard to the Gearhart elk and wildlife. Administrator Sweet indicated he would follow-up.

Visitors. Mayor Smith invited visitors to speak.

- Pat Roberts (366 N Ocean) felt that Mayor Smith had already answered her questions. She was supportive and felt it was the correct thing to do by removing the information posted on the City's Blog (Chief Bowman's posts); however, it was still unclear to her how that decision to post/remove the information was reached.
- Beth Cameron (2906 Pine Court) also supported Mayor Smith's decision to remove the information on the City's Blog. She felt she needed to explain the actions behind the report made to the Sheriff's office. In her opinion, there was enough credible information of a potential safety issue to report to

a responsible party. She felt she was being made a criminal for making a good, honest effort to protect the community.

- Bebe Michel (661 10th Street) read her correspondence. She thanked the Mayors, Councilors and the City Administrator for their work on behalf of the citizens of Gearhart. She was disappointed in the comments directed at Mayor Cockrum. She wants everyone to come together. She appreciated the proactive approach to potential violence at public meetings, and encouraged the City to move forward with the Highlands land parcel.
- Bob Morey (271 D Street) mentioned that like Mayor Smith, he is also not on social media and relies on information from others. He was also supportive of the decision to remove Chief Bowman's post from the City's Blog; however, he felt additional information should be given on the information removed. He feels there was no evidence that there was a threat of gun violence at any public meeting. The photo that was referenced and posted on the City's Blog was from a private, family website and that the context should be explained. The photo was created by the family's Marine Corps veteran son in 2016. He feels that by the City using the post out of context on the City's Blog that the City's intent was to imply gun violence. He believes the family deserves an apology.
- Harold Gable (714 H Street) advised that due to legal advice, he would speak at a later date. He expressed concerns over the online meeting platform (Zoom). He felt it was often difficult to understand all of what speakers were saying and that the system should be reconfigured.
- Jane Gable (714 H Street) advised that based on legal counsel's advice, she would not speak at the meeting. She expressed concern over actions and behaviors by Chief Bowman and the City Council.
- Kathryn Redekop (306 N Marion) talked about her residency and participation in the local beach clean-up. She thanked everyone who came out and assisted with clean-up after the 4th of July. She explained in the 15 plus years she has been doing this, she felt this was the worst. She felt there was an excess amount of debris (e.g. cans, bottles, vap pens, glass, clothes) found this year. She invited the Council and community to work together to find a solution to the beach clean-up issue.

Ordinances/Resolutions. None.

Old Business. There was discussion on the potential addition of a political sign ordinance in Gearhart. Attorney Watts explained he had done more research since the last conversation. He again cautioned regulating political signs and suggested looking at implementing reasonable limitations. Attorney Watts referenced US Supreme Court Municipal Bans on Residential Political Signs and the decision by Justice Stevens. He also mentioned courts treat political signs differently than regular City signs. There was continued discussion on sign ordinance impacts, grandfathering specific signs, and abandonment of signs.

Mayor Smith would like to see something prohibiting nailing signs to public trees. Councilor Tomlinson agrees that signs should not be allowed on a public right-of-way. Councilor Fackerell does not want any sign to damage plants or wildlife. Councilor Warren feels public safety is a priority and that tree safety is also critical. Councilor Gould was interested in reviewing time limit requirements for political signs being allowed to remain up after the election is over. There was consensus that the Council would move forward with political sign ordinance with reasonable limitations.

New Business.

Water Rights Compliance and Reporting Services. Administrator Sweet went over the Staff Report. There was discussion on how the RFP was advertised, length of contract, and the company selected. Councilor Tomlinson mentioned that the Water Resource Board may be a good reference for future RFP like this one.

- ON MOTION by Councilor Tomlinson, 2nd by Councilor Warren to approve the recommendation to issue a one year contract to SoundEarth Strategies, Inc for water rights compliance and reporting services as defined in the RFP, MOTION was approved 5 yeas (Gould, Fackerell, Smith, Tomlinson, Warren) - 0 nays.

Building Official Intergovernmental Agreement (IGA) with Cannon Beach. Administrator Sweet went over the Staff Report. He explained that there are situations when cities need the flexibility to assist each other when the City building official is temporarily unavailable (e.g., vacations, illness).

- ON MOTION by Councilor Warren, 2nd by Councilor Fackerell to approve the recommendation to enter into the Building Official IGA with Cannon Beach, MOTION was approved 5 yeas (Gould, Fackerell, Smith, Tomlinson, Warren) - 0 nays.

Request for Funds - Storefront Door Installation. Administrator Sweet went over the Staff Report. He explained that the need was beyond the issues of security. The doors need to be replaced. City staff recommended the acceptance of the lowest bid. There are no metal detectors in this request.

- ON MOTION by Councilor Warren, 2nd by Councilor Gould to approve the recommendation to approve the request for funds up to \$13,000 for doors at City Hall, MOTION was approved 5 yeas (Gould, Fackerell, Smith, Tomlinson, Warren) - 0 nays.

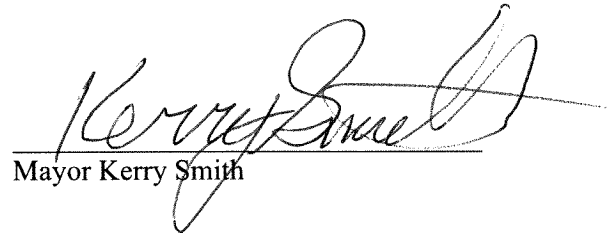
Council Concerns.

- Councilor Warren assisted in the beach clean-up and felt that this year there were more dangerous items (e.g., broken bottles) than in previous years. He suggested the possibility of additional trash cans, perhaps modified concrete culvert pipe. He also thought that additional signage may be beneficial.

- Councilor Fackerell participated in the ODOT US 101 Gearhart facility plan open house. She was curious about the placement of the roundabout feature. She welcomed Councilor Gould.
- Councilor Tomlinson had no concerns and also welcomed Councilor Gould.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Tomlinson to adjourn the meeting, MOTION was approved 5 yeas (Gould, Fackerell, Smith, Tomlinson, Warren) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:33 pm.



Mayor Kerry Smith



Chad Sweet, City Administrator