

CITY OF GEARHART  
Regular Meeting of the City Council  
Wednesday, August 3, 2022  
7:00 pm On-site and Virtual/Telephonic

The regular meeting of the Gearhart City Council was held Wednesday, August 3, 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 7:00 pm. Present were Mayor Kerry Smith, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Austin Tomlinson, Councilor Brent Warren, City Administrator Chad Sweet, City Attorney Peter Watts, Fire Chief Josh Como, 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.

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

- ON MOTION by Councilor Fackerell, 2nd by Councilor Tomlinson to approve the minutes of the July 6, 2022 special meeting of the City Council, MOTION was approved 5 yeas (Fackerell, Gould, Smith, Tomlinson, Warren) - 0 nays.
- ON MOTION by Councilor Warren, 2nd by Councilor Gould to approve the minutes of the July 6, 2022 regular meeting of the City Council, MOTION was approved 5 yeas (Fackerell, Gould, Smith, Tomlinson, Warren) - 0 nays.

The Council received a Planning Commission report in their council packet prepared by Virginia Dideum. Councilor Tomlinson noted there were two nay votes on the Cutler Partition Application section. Administrator Sweet gave clarifying information and explained that the public hearing would be reopened due to new evidence. Attorney Watts recommended limiting the discussion on this topic since it may eventually come to the City Council if it is appealed. At this time, the decision making process is at the Planning Commission level.

Mayor's Report. Mayor Smith presented his report. He attended a meeting to discuss the land transfer of the Cottages at Gearhart property. In attendance was North Coast Land Conservancy, Administrator Sweet, Councilor Tomlinson, and the Cottages at Gearhart owners/representatives.

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

- Councilor Fackerell has agreed to step in on behalf of the Mayor to present the annual Trail's End Art Association Mayor's Choice Art Award.
- Councilor Tomlinson mentioned attending the meeting with North Coast Land Conservancy. He also had the opportunity to meet with local pickleball advocate and resident, Wally Hamer, regarding the pickleball courts in Gearhart. Their discussion included topics such as: support from the City, the local association applying for funding, connection to the Parks Master Plan, and the limited number of available local pickleball courts in the County. He also visited a location with Administrator Sweet regarding a tree permit in the Little Beach area.
- Councilor Gould has been getting oriented as a new Council member. She has been doing inquiries and gathering information. She is interested in learning more about what has happened with the fire/police project. Overall, she indicated that it appears a good job has been done; however, based on her past experience, she feels that a needs assessment should be completed on the fire/police project. A needs assessment provides clarity to what has been done in the past, what is currently being done, and the goals for the future. It would create project continuity. A needs assessment can also assist with grants. Her recommendation is for the City to start working on a needs assessment, which she is happy to assist with.
- Councilor Warren reported participating in two events this last month. He attended the Clatsop Regional Housing Taskforce meeting, which has decided to meet monthly so it can keep working on its goal of helping local communities address their housing needs. Housing is an issue in all local communities. Discussions will continue concerning urban growth boundaries, zoning changes, and alternative financing options. He also attended a meeting with the Board Members of the Gearhart Rural Fire Protection District, which supports the local volunteer firefighters and is a legal entity that owns Hertig Station. He hopes to work with them to improve communication and educate residents on the relationship between the City's fire department and Gearhart Rural Fire Protection District.

#### City Officer Reports.

- Chief of Police. Chief Bowman did not present a specific report at the meeting, but the statistical report was distributed. There were no questions.
- Fire Chief. Fire Chief Como gave a July data report, including a call breakdown, mutual aid given, and community events. He reported that calls are still up compared to this time last year. Staff have been very busy. He stressed the fantastic job that local firefighters do and how they perform with fewer resources than larger Cities. He gave an update on the dispatch and radio communication project. He went over the fire department grants (AFG, SAFER, OSFM). He requested permission from the City Council to donate surplus communication equipment to Lewis & Clark Volunteer Fire

Department and the Columbia River Fire and Rescue. He explained that there is no financial value on the equipment and the recipients cannot afford to purchase new equipment.

- City Council approved by consensus to allow the surplus communication equipment to be donated.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned the 2022-2023 fiscal year is officially underway. The City's general fund is starting with a very strong beginning fund balance. In revenues, Property Taxes - Prior Years has already exceeded the budgeted expectations due to three payments received by Clatsop County for Potential Refund Credit (PRC) accounts from CenturyLink 2019, 2020, 2021 that the County has been holding pending appeals. The fire department has received a restricted grant of \$35,000, which has created new revenue and expenditure accounts. In expenditures, the City paid its annual workers' compensation premium; annual liability auto/insurance premium; and the annual League of Oregon Cities membership dues. The July 1 budgeted COLA has been implemented on salaries, which was based on the Social Security Administration COLA. The City is also preparing for its annual audit. City staff have also started the process of software exploration.
- City Attorney. Attorney Watts mentioned the American Rescue Plan Act (ARPA), which created the Coronavirus State Fiscal Recovery Fund. Regulations on spending these funds are very specific and only recently has final legislation been updated. The two primary uses are water system upgrades (e.g., meters, pipe replacement) and broadband connectivity. Attorney Watts discussed the critical housing crisis. It is very important that the misrepresented growth figures are acknowledged. They translate to financial impacts on Cities. He also gave a brief update on the US Bank/Shannon Smith case, which is at the Oregon Board of Appeals.
- City Administrator. Information had also been sent to the Councilors in advance. He gave a summation of his written report. He talked about the buildable lands inventory, the building department keeping busy, the Mayor's survey, wildfire season, the continued efforts with the Necanicum Watershed group in the removal of invasive species on the Ridge Path, the upcoming worksession, and the beach wheelchair.

Correspondence. Mayor Smith acknowledged correspondence. Correspondence included an email regarding the poll about the fire station (Brooks) and an email on supporting the City (Thies).

Visitors. Mayor Smith invited visitors to speak.

- Beth Cameron (2906 Pine Court) expressed thanks for sending out the Mayor's survey. Although she feels a yes/no survey is limited, it does demonstrate a beginning. She advocated for the City Council to review the survey taken on A Million Friends of Gearhart Facebook page. She feels honest, transparent dialogue is important. She is looking forward to the Town Hall meeting.

- Tom Thies (292 Woodland) read his email correspondence. He thanked City staff, Mayors (past/previous), City Councilors, Planning Commission members, the Police Department, the Public Works, and the Fire Department for all their work.
- Brian Habecker (664 Creekside) expressed concern over Ridge Path access. He would like the City to assist in ensuring Ridge Path access in the area of Meadow Court and Creekside Drive. He had reached out to Max Richie, but was unsuccessful in negotiating any resolution. He was hoping perhaps City intervention may be an option (e.g., ordinance).
- Jane Gable (714 H Street) inquired about plans and organizational things that have been done to have Town Hall meetings. She was unclear on how Town Hall meetings could be open to the public but not City Council meetings. Mayor Smith responded that nothing had been planned in regards to Town Hall meetings. He indicated that meetings would remain closed until adequate safety measures were in place to mitigate confrontation.
- Harold Gable (714 H Street) requested additional information on the reauthorization of the urban growth boundary agreement that he feels is in opposition to the community vote. He thought it was to terminate at the end of August.
- Mitch Cogen (117 Ridge Drive) welcomed Councilor Gould. He was initially encouraged by comments made in the beginning by Mayor Smith when he took over as Mayor; however, he quickly became discouraged. He feels the community is now relegated to online meetings, spending money on new doors, making plans to purchase a magnetometer, and looking at a restrictive ordinance regarding guns in town. He requested that the gun threat be defined. Attorney Watts explained that the City was responding to information that people were bringing guns to City Council meetings. He mentioned concealed weapons permits, increased shootings nationally, taking precautionary actions, and not sharing information that would make the situation worse.

#### Ordinances/Resolutions.

Ordinance #934 - AMENDING THE GEARHART CITY CODE TO FOLLOW STATE PUBLIC CONTRACTING RULES AND PROCUREMENT PROCESSES. Mayor Smith requested to table this item by consensus so that the City Council could review and discuss at an upcoming worksession. Attorney Watts explained the ordinance is to align with State procurement laws; however, the City is able to be more restrictive than the law.

- There was consensus by all City Council members to table the discussion and move the topic to a worksession (Fackerell, Gould, Smith, Tomlinson, Warren).

#### Resolution #974 - WEAPONS BANNED FROM GEARHART CITY COUNCIL MEETINGS.

Mayor Smith stated that this resolution was not trying to ban guns or limit residents' rights in Gearhart. The focus of the resolution was only for City Hall. Administrator Sweet read the staff

report, which included the subject, synopsis, recommendation, legal analysis, and the financial analysis. Attorney Watts talked about being respectful to the second amendment while allowing the Council members and the public to feel safe. Additional clarification was requested by Council members on topics such as: what type of meetings this resolution applies to; staff costs required to set-up/tear down a metal detector; the portability of the metal detector; and security measures at other local Cities (e.g., Seaside, Astoria). A MOTION was requested to move forward with discussion.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the Resolution #974.
  - Councilor Gould expressed understanding for the heightened awareness of gun violence across the nation. Her profession exposed her to situations that perhaps has impacted her threshold of fear, but she does not feel a free standing metal detector would be beneficial. She thought having a uniformed officer present at meetings would be beneficial. She explained that the presence of an officer sends a message and can often improve behavior. She has no issue with the hand held meter detector for the case of an emergency situation; however, the larger free standing metal detector that is being proposed has too many limitations. Mayor Smith stated that he valued Councilor Gould's expertise and wants to improve security. Councilor Tomlinson wanted clarification on whether or not Councilor Gould supported the weapons ban at meetings. Councilor Gould does support the weapons ban at City meetings and feels a police presence would be a very proactive approach instead of a reactive one. Councilor Fackerell clarified with Councilor Gould that in her opinion a metal detector was not needed at this time, which Councilor Gould confirmed was accurate. Councilor Warren supported the wand metal detector, felt like there could be some flexibility in the language of the resolution, and supported the concept of using permissive language.
- Councilor Gould requested to remove the MOTION to approve Resolution #974 as submitted to the City Council.

Old Business. None.

New Business.

- Metal Detector Purchase. Mayor Smith requested by consensus to remove discussion on the metal detector purchase, which was 2nd by Councilor Tomlinson and approved by City Council (Fackerell, Gould, Smith, Tomlinson, Warren).

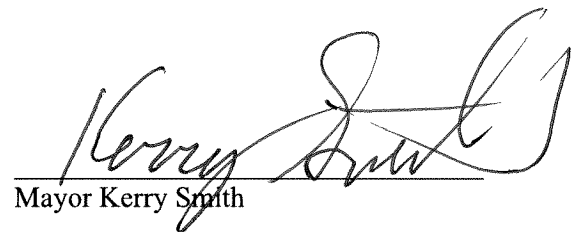
Council Concerns.

- Councilor Gould shared no concerns. She encouraged everyone to help with the Necanicum Watershed Council's efforts to remove invasive species along the Ridge Path.
- Councilor Tomlinson expressed concern over the lack of daycare facilities available to parents. He feels there is a childcare crisis for working families. He encouraged families to reach out to the County Commissions to voice concerns. Unfortunately, without child care parents are unable to go to the workplace.
- Councilor Fackerell mentioned a presence of coyotes in her neighborhood. She just wanted to remind small animal owners to watch their pets.
- Councilor Warren mentioned that Gearhart is still short-handed in the police department. The City has not had any success in attracting applicants. He suggested looking at alternative strategies. Possible ideas included recruiting retirees that may be interested in filling the gap until a regular officer is hired, and implementing non-sworn community safety officers that could do tasks such as wellness checks.

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 8:39 pm.

Minutes were amended at the November 2, 2022 meeting.



Mayor Kerry Smith



Chad Sweet, City Administrator