

CITY OF GEARHART  
Regular Meeting of the City Council  
Wednesday, October 5, 2022  
7:00 pm On-site and Virtual/Telephonic

The regular meeting of the Gearhart City Council was held Wednesday, October 5, 2022. Council members, City staff and the public were able to attend on-site, 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, Police Chief Jeff Bowman, 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.

Mayor Smith requested that an additional item be added in the New Business section in regard to a Domestic Violence Awareness Month Proclamation 2022. There was consensus by all City Council members (Fackerell, Gould, Smith, Tomlinson, Warren).

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

- ON MOTION by Councilor Warren, 2nd by Councilor Fackerell to approve the minutes of the September 7, 2022 executive session meeting of the City Council, MOTION was approved 5 yeas (Fackerell, Gould, Smith, Tomlinson, Warren) - 0 nays.
- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve the minutes of the September 7, 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. There were no questions by Council members. It was noted that the Elk Management Plan Strategy is a priority.

Mayor's Report. Mayor Smith attended a Candidates' Forum moderated by the AAUW for applicants for Seaside's and Gearhart's City Council positions.

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

- Councilor Fackerell viewed the Candidates' Forum via live-stream.

- Councilor Tomlinson had nothing new to report.
- Councilor Warren participated in the Candidates' Forum. He also assisted the Necanicum Watershed group in the removal of invasive species on the Ridge Path. He continues his participation with the Clatsop Regional Housing Taskforce and again mentioned the potential opportunity for Gearhart to access foreclosure properties to help address local housing and public service needs, which may require a letter of interest to the County.
- Councilor Gould apologized for not being able to attend the Council meeting in person. She also participated in the Candidates' Forum. She shared that she had talked with Clatsop County Sheriff Phillips to discuss pitfalls with their capital project. Two take- aways were: 1) not to be disheartened because bonds often fail and there will eventually be consensus; and 2) managing the project is critical and using a construction management style format may be a viable option. She has been continuing her work with Administrator Sweet on gathering data for a needs assessment on the fire/police relocation project. The public will be asked for their input.

#### City Officer Reports.

- Chief of Police. Chief Bowman did not add additional information to his department's **police statistical report that was distributed to the Council.**
- Fire Chief. Fire Chief Como gave a September data report, including a call breakdown, mutual aid given, and mobilizations (Estacada and Joseph).
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill reported noteworthy revenues and expenditures. She also mentioned Public Employee Retirement System rates, property tax statements, and a police vehicle purchase.
- City Attorney. Attorney Watts requested that staff look at a way to post the video recordings of public meetings. He felt that it would allow the public easier access instead of relying on video that had been edited and posted on social media.
- City Administrator. Information had also been sent to the Councilors in advance. He indicated that the City staff are working on a way to get the public meetings posted for easy access. He stressed that the City does not determine qualifications and registrations of electors (ORS Chapter 247). He also briefly mentioned sidewalks on Pacific Way, playground equipment installation, work session, and political signs. Councilor Tomlinson inquired about the Emergency Operating Procedures plan.

Visitors. Mayor Smith invited Chris Janigo, Civil West Engineering to follow-up with the Seismic Resiliency and Mitigation Plan (SRAMP). Chris Janigo appreciated the invitation. He worked with City staff to complete the plan. The purpose was to document findings regarding the City's water system seismic resiliency and how it connects with capital improvements. There was discussion on comments and questions submitted about the

SRAMP; the specific 49 ft elevation in terms of the City's preparedness level for mitigation; assembly areas, and experts ensuring the system is resilient.

Public Communications - Written & Oral. During the meeting, this section is for oral public comment for anyone wishing to address the City Council concerning items of interest not on the agenda. Mayor Smith stressed that it was not a question and answer section. Written correspondence was submitted by Marino, Lund, Mancill, Zimmerman, Voelke, Womble, Cameron, Schulz.

- Susan Edy (707 F Street) expressed concern over messages about her that were inaccurately circulated on social media. She feels that cyberbullying is a real issue. She has the right to support the candidate of her choice. She does not like the lies, hypocrisy, and deceit being circulated in the community and feels that threats should not have to be tolerated.
- Deanna Mancill (2945 Highway 101 North) spoke about public health in relation to Gearhart septic systems. She has concerns over her neighbor's weeping willow tree planted in 2010 that is impacting septic systems. She has requested support and intervention from the City. She recommended reviewing other Cities' nuisance ordinance to help protect property owners.
- Mitchell Cogen (117 Ridge) addressed two issues in Gearhart, the active voter suppression and the gun threat. He referenced the issues as scandals. He believes in individuals' First Amendment freedom of speech and expression. He feels that the City Council is refusing to release documents. He stated the gun threat was a hoax. He is providing local residents with legal counsel. He feels the City has zero transparency.
- Jane Gable (714 H Street) felt that when the Mayor was appointed he was going to follow through with three things: transparency; town hall meetings; and a survey, which she feels he has not been adequately done. She mentioned the gun threat hoax, fire bond outcome, an anonymous letter, the Mayor's survey, voters suppression, in-person Council meetings, and Gearhart being broken.
- Harold Gable (714 H Street) wanted to know why information on the gun threat had not been released. Mayor Smith responded that he cannot comment on something that may or may not have an active investigation. Attorney Watts interjected that Mr. Cogen had mentioned that he is representing several parties and is contemplating a lawsuit. Attorney Watts suggested not commenting.
- Bob Carson (226 Ridge Drive) wanted to address properties around Neacoxie Creek. He is expressing concern over building in that area, which has wetlands, risk of septic tank damage, and old growth spruce. He would like the City to consider restricting building permits near Neacoxie creek. He would like to see the area protected.
- Shannon Smith (774 Pacific Way) distributed handouts from Cool Amphibious Manufacturers International, LLC. This manufacturer produces amphibious responder search and rescue vehicles. She feels they would be beneficial to the local community.

- Susan Farrington (1325 Sunrise Ridge Rd) is retired and felt compelled to speak on behalf of the highway 101 project. She does feel that residents on the eastside are at a disadvantage in terms of safe crossing of highway 101. Pacific way is the only current crossing area. She thinks that adding a crosswalk on the eastside would be beneficial and improve quality of life.
- Sherry Prendergast (510 D Street) feels it is clear that citizens want to be heard. She encourages transparency at City Hall. She feels residents are having their freedom of speech suppressed and it is an unacceptable situation. She thinks things need to change.
- Pat Gilroy (307 Nita) feels that the local government is throwing out rumors and supporting neighbors doing negative things against neighbors. He has been working with Attorney Watts to get information regarding the voter residency challenges.
- Elizabeth Bunce (1145 N Marion) is questioning what is going on in our community. She is alarmed by things being shared at social gatherings. Issues going on in Gearhart are not small issues, they are big issues. People need the ability to be able to speak.
- Anne Mesch (684 F) asked the meeting attendees to join her in singing Happy Birthday to Justine.

#### Ordinances/Resolutions.

Ordinance #934 - AN ORDINANCE AMENDING THE GEARHART CITY CODE TO FOLLOW STATE PUBLIC CONTRACTING RULES AND PROCUREMENT PROCESSES. There was a second reading by title only of the ordinance. Administrator Sweet briefly talked about the ordinance. Councilor Fackerell wants compliance, but also wants to feel comfortable with the thresholds allowed for City staff to spend without Council authority.

- ON MOTION by Councilor Tomlinson, 2nd by Councilor Warren to approve the second reading by title only of Ordinance #934 - An Ordinance Amending the Gearhart City Code to follow State Public Contracting Rules and Procurement Processes. MOTION was approved 5 yeas (Fackerell, Gould, Smith, Tomlinson, Warren) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Tomlinson to finalize the approval of Ordinance #934 - An Ordinance Amending the Gearhart City Code to follow State Public Contracting Rules and Procurement Processes. MOTION was approved 5 yeas (Fackerell, Gould, Smith, Tomlinson, Warren) - 0 nays.

#### Old Business.

Seismic Resiliency and Mitigation Plan Adoption. Administrator Sweet talked about the plan, approval of the City Council and implemented changes that had been recommended.

- ON MOTION by Councilor Warren, 2nd by Councilor Fackerell to approve the Seismic Resiliency and Mitigation Plan. MOTION was approved 5 yeas (Fackerell, Gould, Smith, Tomlinson, Warren) - 0 nays.

## New Business.

Domestic Violence Awareness Month Proclamation 2022. Administrator Sweet read the proclamation.

- Consensus was requested by Councilor Gould, 2nd by Councilor Fackerell to approve the Domestic Violence Awareness Month Proclamation 2022, which was approved 5 yeas (Fackerell, Gould, Smith, Tomlinson, Warren) - 0 nays.

City Technology Upgrade & Replacement Proposal. Administrator Sweet was asked by Mayor Smith to go over the new business item. Administrator Sweet reported that due to the City's IT consultant moving out of the area, the City needs to find a local contact. He talked about the financial impacts. Councilor Fackerell asked for clarification on the bid process. Councilor Warren commented on ransomware attacks that other organizations have experienced and how prevention is a good thing. This was a discussion item and did not require a motion.

New City Software - Seek Proposals. Administrator Sweet went over the new business item. He wanted to inform the City Council that City staff would be posting a request for proposal to replace and upgrade the City's computer software. This was an informational new business item and did not require a motion.

Security Cameras and Door Wiring - Seek Proposals. Administrator Sweet went over the new business item. He wanted to inform the City Council that City staff would be posting a request for proposal to install entryway, exterior security cameras; as well as, provide electrical requirements for the installation of crash doors with keycode access at City Hall. This was an informational new business item and did not require a motion.

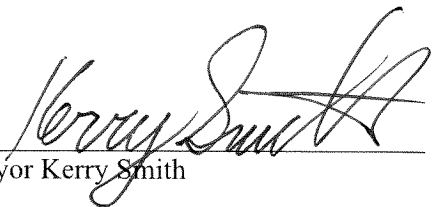
## Council Concerns.

- Councilor Gould talked about the highway 101 transportation project. Some people are unhappy about the plan. There were opportunities for input and crosswalk options are part of the plan; however, she was wondering if more investigation should go into project options. Mayor Smith commented that he had sent a letter to ODOT requesting a crosswalk option at Shamrock. Councilor Gould felt like communication was the key word of the night. She understands that people are passionate about topics; however, Council meetings need to follow guidelines and have structure. Communication is successful when someone is able to speak, and others respectfully listen. We need to be a little better at effectively communicating.

- Councilor Warren discussed the process of the City filling vacant appointed positions on City Council. He does not clearly understand the comments in the community against appointed positions because the process is outlined in the Charter.
- Councilor Tomlinson shared no concerns.
- Councilor Fackerell shared no concerns.

Councilor Fackerell requested adjournment.

- Consensus was requested by Councilor Fackerell to adjourn the meeting, which was approved 5 yeas (Gould, Fackerell, Smith, Tomlinson, Warren) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:45 pm.



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Mayor Kerry Smith



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Chad Sweet, City Administrator