

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, January 4, 2023
7:00 pm On-site and Virtual/Telephonic

The regular meeting of the Gearhart City Council was held Wednesday, January 4, 2023. 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 Preston Devereaux, 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.

Mayor Smith requested by consensus to approve the appointment of Councilor Fackerell as the Council President.

- There was consensus by all City Council members for the approval of Councilor Fackerell as the Council President (Devereaux, Fackerell, Gould, Smith, Tomlinson).

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

Approve Minutes.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Tomlinson to approve the minutes with corrections in the zone change amendment section of the December 7, 2022 regular meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Tomlinson to approve the minutes of the December 13, 2022 special council meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

There was no Planning Commission report in the Councilors' packets because there was no Planning Commission meeting in December.

Mayor's Report. Mayor Smith wished everyone a Happy New Year and hopes it will be a good year for Gearhart. He will be attending the City Day at the Capital as part of the Oregon Mayors Association and the League of Oregon Cities. He gave a personal shout-out to Justine Hill, Krysti Ficker, and Angoleana Brien for a good job done last year.

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

- Councilor Deveraeux had no new information to report.
- Councilor Tomlinson had no new information to report but wished everyone a Happy New Year.
- Councilor Fackerell enjoyed the tour of the Clatsop County jail facility.
- Councilor Gould expressed her gratitude and thanks for City employees and volunteers during the recent storm clean-ups, which included supporting other local areas. They worked hard with smiles on their faces. The public was very appreciative.

City Officer Reports.

- Chief of Police. Police Chief Bowman's statistical report was available to the Council members.
- Fire Chief. Fire Chief Como gave a December data report, including a call breakdown, mutual aid given, and local storm incident information. The fire department is still ahead of calls compared to last year.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned noteworthy revenue and expenditure transactions; as well as the budget calendar, and completion of the annual June 30, 2022 audit. Councilor Gould requested that staff investigate the feasibility of modifying the revenue and expenditure report.
- City Attorney. Attorney Watts mentioned the US Bank/Shannon Smith case, but had no additional resolution information. He briefly talked about the litigation filed by Mitch Cogen for his clients against the City. The case has been turned over to the City's insurance company (CIS), which handles these types of cases for municipalities. To his knowledge, no one named in the litigation has been served legal papers. He requested that if anyone does receive notification from the County, to please immediately notify him so he can notify CIS. As the litigation moves forward, an executive session may need to be held to discuss the allegations. He encourages everyone to read the complaint.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He requested that the land division case be removed from his report. He also mentioned that he is still working on an alleged illegal long-term rental case and does not have information to report at this time. He went over the ODOT sidewalk grant; police chief recruitment process and timeline; playground update; worksession on January 31; and planning commission training session with DLCD.

Visitors. Mayor Smith welcomed Kori Sarrett, Accuity, LLC. Kori Sarrett discussed highlights for the City's June 30, 2022 audit. She noted the City's improvements and reminded everyone that staff have to be collaborative partners to be in compliance. Due to the City's size and financial limitations, segregation of

duty will probably always be an audit finding. She stressed that the City needs to continue to be diligent in monitoring financial controls. She also reminded City Council members of their role in providing oversight and monitoring accountability. She mentioned the water fund balance; ending fund balance; adjusting journal entries; and Oregon Senate Bill 866.

Dan Gaffney, Clatsop Child Care Retention and Expansion Program, gave a powerpoint presentation. He talked about Clatsop childcare advocacy group, complexities of the child care challenge, advisory group discoveries, Clatsop's retention and expansion child care grant, the program model, fiscal agent, funding, program staffing, grant committee, strengthening business program and cohort, initial program timeline, project outcomes, and questions. Dan Gaffney stressed the essential need of childcare for the local communities and the lack of availability. Councilor Fackerell requested follow-up on the number of licensed child care providers in the local area. Councilor Devereaux inquired if regulation requirements for child care providers created barriers for them to operate. Dan Gaffney confirmed that requirements do create a lot of barriers. His organization recognizes these obstacles and is trying to help improve this area.

Public Communications - Written & Oral. Mayor Smith acknowledged that there was no public comment; however, there was a letter from Congresswoman Suzanne Bonamici submitted in the Council packet.

Ordinances/Resolutions.

Ordinance 935 - An Ordinance Approving an R-1 to R-3 Zone Map Amendment. Mayor Smith introduced the ordinance and allowed Administrator Sweet to go over the staff report.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve Ordinance 935 reading once by the title only, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays. Administrator Sweet read the title only for Ordinance 935, AN ORDINANCE AMENDING THE ZONING MAP FOR THE CITY OF GEARHART BY CHANGING THE ZONING DESIGNATION FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) FOR PROPERTY DESCRIPTION ON ASSESSORS PLAT 61003BA, TAX LOTS 1700 AND 1800, WEST OF HIGHWAY 101, ADJOINING PINE RIDGE DRIVE AT THE INTERSECTION OF GEARHART LANE.

Ordinance 936 - An Ordinance Establishing the Process to Acquire a Liquor License in the City of Gearhart. Mayor Smith introduced the ordinance and allowed Administrator Sweet to go over the staff report. Administrator Sweet discussed changes in the proposed draft ordinance. With Councilors' input, changes included Section 5(A); Section 7(B); Section 8(A); Section 9(C); Section 10(A); and Section 11.

- ON MOTION by Councilor Tomlinson to suggest changes to the draft and have staff bring it back to a future meeting.
 - There was discussion on the timeline of the ordinance requirements and the option of an emergency meeting.
 - After discussion, Councilor Tomlinson withdrew his MOTION.
- ON MOTION by Councilor Tomlinson, 2nd by Councilor Gould to approve Ordinance 936 as amended and reading once by the title only, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays. Administrator Sweet read the title only for Ordinance 936, AN ORDINANCE ESTABLISHING THE PROCESS TO ACQUIRE A LIQUOR LICENSE IN THE CITY OF GEARHART.

Resolution 975- A Resolution Establishing a Fee Schedule in Order to Acquire a Liquor License in the City of Gearhart. Mayor Smith introduced the resolution and allowed Administrator Sweet to go over the staff report. There was clarification on the fee terminology of privilege and non-profit. There was also discussion on the fee schedule amount, covering costs associated with implementing the fees, and revising the “where as” statement to more clearly give an explanation of why the fees are necessary. Attorney Watts did stress the importance of transparency. Councilor Gould stressed the relevance of making decisions based on the comprehensive plan, especially the citizen involvement component.

- ON MOTION by Councilor Gould, 2nd by Councilor Tomlinson to approve Resolution 975 as amended, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

Old Business. None.

New Business.

ePermitting IGA with Clatsop County. Administrator Sweet went over the staff report and explained that the City is trying to streamline operations. The building department is moving forward with an online system through the State of Oregon, which will result in the need for integration of data housed with Clatsop County. The data exchange will require an Intergovernmental Agreement (IGA) and a financial commitment.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the City to enter into the APO Upload Service IGA with Clatsop County, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

Planning Intergovernmental Agreement (IGA) with Columbia River Estuary Taskforce (CREST).

Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the staff report. Denise Lofman, Director of CREST, was introduced. Discussion items were on advertising for a new City Planner; the possibility of sharing with other cities; and maintaining a contractor relationship instead of hiring a regular City employee. Administrator Sweet is appreciative of the support from CREST while the City searches for a regular City Planner.

- ON MOTION by Councilor Tomlinson, 2nd by Councilor Gould to approve the City to enter into an IGA with CREST, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

City Business License. Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the staff report. City staff have been following past practice procedures when implementing City business licenses and it is not in alignment with the current City code.

- There was consensus by all City Council members for City staff to use the procedures outlined in the current City business license code (Devereaux, Fackerell, Gould, Smith, Tomlinson).


Council Concerns.

- Councilor Devereaux reported no concerns.
- Councilor Tomlinson reported no concerns.
- Councilor Fackerell reported no concerns.
- Councilor Gould reported no concerns.
- Mayor Smith reported on the exploration of allowing a question period during City Council meetings.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Tomlinson, 2nd by Councilor Fackerell to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:44 pm.


Chad Sweet, City Administrator


Mayor Kerry Smith