

CITY OF GEARHART
Public Hearing and Regular Meeting of the City Council
Wednesday, March 1, 2023
6:30 pm On-site and Virtual/Telephonic

A public hearing and regular meeting of the Gearhart City Council was held Wednesday, March 1, 2023. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

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, Building Assistant Angoleana Brien, Interim Building Official Leonard Brogden, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the public hearing to order at 6:30 pm to hear input on the City of Gearhart building program fee changes. He asked if there were any objections, and hearing none, he proceeded with the hearing. There were no conflicts of interest declared. Building Assistant, Angoleana Brien went over a brief explanation of the proposal, history of rate increases, and the transition to ePermitting. Administrator Sweet explained that the City would like to explore creating a reserve account for the Building Department, which would allow any excess funds to be set aside to adequately support the department when revenues fall short. He also mentioned increased revenue may allow increased support for code enforcement. Mayor Smith transitioned into public testimony. There was no correspondence submitted. He asked if there were any proponents, which there were none. He asked if there were any opponents, which there were none. Hearing no public testimony, there were no summary responses. Mayor Smith asked for Councilor questions. Councilor Devereaux requested clarification on the "Uniform Fee Methodology New SFD" calculation that was in the packet. Mayor Smith closed the public hearing at 6:36 pm.

The regular meeting of the City Council was called to order at 6:36 pm.

There were no conflicts of interest declared by any member of the Council. Mayor Smith requested by consensus from the Council to add agenda items, Building Program Fee Changes Resolutions 978-983, under New Business. There was consensus by all City Council members (Devereaux, Fackerell, Gould, Smith, Tomlinson).

Approve Minutes.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the minutes of the February 1, 2023 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 Fackerell to approve the minutes of the January 31, 2023 worksession meeting of the City Council with a correction on page 2, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

There was no Planning Commission report because they did not meet in February.

Mayor's Report. Mayor Smith attended a meeting with a northwest representative from Senator Merkley's office. He learned that federal funding may not be a viable option for the fire station project because there is currently no engineering; however, there may be funding options for City culvert replacements. He also attended the Town Hall and was appreciative of those that participated.

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

- Councilor Devereaux attended a meeting with Councilor Gould and Administrator Sweet regarding the situation on Glen avenue. Everyone is aware of the situation and are looking for solutions and the best way to keep the community informed.
- Councilor Fackerell had no concerns.
- Councilor Gould completed the four FEMA ICS courses. She feels the classes have a lot of facts. She would like to work with City staff to help provide some information to Councilors to help give some additional support when taking the classes. Councilor Gould also attended the League of Oregon Cities (LOC) Small Cities meeting in St. Helens. She felt the meeting was very beneficial and that she was able to make some valuable connections. She requested permission to have the City of Gearhart host one of the meetings. Councilor Gould met with local residents (Hamer/Stein) regarding the pickleball courts. She gave a tribute honoring retiring Police Chief Bowman. She expressed gratitude for his years of selfless contribution. She correlated many of his attributes to those that the community expressed as ones they would like to see in a new police chief.
- Councilor Tomlinson has nothing to report, but apologized for not being able to attend in person due to illness.

City Officer Reports.

- Chief of Police. Police Chief Bowman's statistical report was available to the Council members. There were no additional questions.
- Fire Chief. Fire Chief Como gave a February data report, including a call breakdown, mutual aid, an issue with a recreational vehicle, and firefighter training that was out of town. He also gave the 2022 Annual Report, which included the mission, organizational function, message from the Fire Chief, response calls and breakdown, mutual aid, city versus district response, message from the Division Chief of Training and Operations, volunteer hours and training, insurance service office, and apparatus list.

Councilor Gould requested clarification on what types of access fire department volunteers have to mental health support services. Fire Chief Como indicated there was a Chaplain assigned to provide support to victims and the volunteers. Councilor Fackerell was interested in the water rescue certification timeline. Fire Chief Como indicated volunteers have been trained, but not certified.

- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned the merger with Umpqua Bank, ePermitting implementation, building chart of account code name changes (building to structural), debt service payments, and tree removal expenditures (State Street Fund). She also reminded the Mayor, Councilors, Budget Committee members, and Planning Commission that they may be eligible for travel reimbursement costs when attending City related events.
- City Attorney. Attorney Watts indicated that the last month was relatively calm in terms of legal activity. He is aware of several of the community issues that are being raised. He reminds everyone that the objective is providing a safe community. City staff will be looking at ordinances, legislative laws passed, and the changing legal landscape of handling homelessness in the community. Mayor Smith inquired on recreational vehicles being classified as a residence. Attorney Watts clarified that there was case law to support that a recreational vehicle could be considered a domicile. He did not believe it mattered if the recreational vehicle was motorized or pulled by another vehicle. Mayor Smith also asked about sewage in recreational vehicles in terms of health and safety. Attorney Watts was unable to provide additional information.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He briefly talked about the recreational vehicle situation; code enforcement; Public Works Petersen's certification; building department; transient room tax; playground installation; ODOT sidewalk project; bee pollinator project; worksession; and Town Hall. Councilor Gould requested follow-up information on the book nook and the desire to possibly have the playground park completed by Easter.

Visitors. There were no visitors.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Spear (Speed); Friedman (Pickleball); Felan (Pickleball); Stein (Pickleball); Thies (Ordinance 937); Freeman (Pickleball); and Sabol (Community Safety).

- Bebe Michel (661 10th St) is appreciative of the work done on Duncan's Crossing. She feels the signs are helpful. She feels fortunate to have a great trail in the heart of the community.
- Jane Gable (714 H St) is thankful for the Town Hall meeting. She feels it is a start to regaining trust in the community. She expressed concern over hiring a new police chief in regards to the process and the costs. She hopes there is a fair, transparent hiring process.
- Mayor Smith commented on correspondence. He informed Tom Thies that the Council had no deliberate intention to use the emergency clause; however, it will remain an option.

Ordinances/Resolutions.

Ordinance 937- An Ordinance Amending Rules and Orders of Business for Meetings of the City Council. Mayor Smith introduced the ordinance and allowed Administrator Sweet to go over the staff report. One of the objectives of the ordinance was to provide more opportunity through the agenda for community input. There was discussion. Councilor Fackerell was concerned that people would not be able to ask questions. Mayor Smith clarified that the LOC and the Oregon Mayor's Association stress that Council meetings are to focus on City business, not a time to engage in community questions and answers. Councilor Devereaux feels overall perception by the community is that the City and Council do not do a good job communicating with the public. He suggested that people could submit questions in advance so that they could be reviewed prior to the meeting. Councilor Gould reiterated Mayor Smith's point that the agenda is set to attend to specific City business. She clarified the ordinance would allow more opportunity to speak. She understands people have amendment rights to speak; however, the Council meetings have specific objectives that have to be accomplished. In order to be fair and equitable, setting and implementing standards are appropriate.

- Resolution 937 was tabled.

Old Business. Mayor Smith introduced the proposed conditional use - pickleball OPRD LGGP grant update. Administrator Sweet summarized the staff report. He indicated that a poll of the Council before the meeting indicated that there was need for more public comment before moving forward with increasing the number of pickleball courts. After reviewing the proposal closer, he is recommending that the best approach would be to go through the conditional usage process. The City would be the applicant. It would also allow a designated process for public comment. Councilor Gould was concerned about the lost opportunity for grant funding. She inquired about altering the specific scope of the project in order to meet the requirements and timeline of the grant. Attorney Watts recommended the scope focus more on the resurfacing of the area rather than on the reconfiguration. He supported the idea of going through the conditional use process. City staff were directed to revise the original resolution for flexibility while still meeting the grant deadlines.

- There was consensus by all City Council members to revise the resolution (Devereaux, Fackerell, Gould, Smith, Tomlinson).

New Business.

Building Program Fee Changes. Mayor Smith opened the discussion. After clarification from Attorney Watts, it was determined that each resolution could be read by title only. The City is required to meet State standards, which requires an updated building program fee schedule. The municipal code, however, requires a resolution for each category. The resolutions need to be adopted to implement the

new fee schedules. Administrator Sweet read each resolution by number and title, and members of the Council voted.

- Resolution 978 - A Resolution Adopting a Revised Building Fee Schedule for Structural Permits in the City of Gearhart.
 - Resolution 978 was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.
- Resolution 979- A Resolution Adopting a Revised Building Fee Schedule for Manufactured Dwelling Permits in the City of Gearhart.
 - Resolution 979 was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.
- Resolution 980- A Resolution Adopting a Revised Building Fee Schedule for Mechanical Permits in the City of Gearhart.
 - Resolution 980 was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.
- Resolution 981 - A Resolution Adopting a Revised Building Fee Schedule for Plumbing Permits in the City of Gearhart.
 - Resolution 981 was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.
- Resolution 982 - A Resolution Adopting a Revised Miscellaneous Fees Schedule for Building Permits in the City of Gearhart.
 - Resolution 982 was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.
- Resolution 983- A Resolution Adopting a Revised Plan/Site Review Fee Schedule for Building Permits in the City of Gearhart.
 - Resolution 983 was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

American Red Cross Month Proclamation. Mayor Smith introduced the new business item and he read the proclamation. Mayor Smith approved the American Red Cross Month 2023. There was no discussion.

Emergency Operations Plan (EOP) Adoption. Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the information. There was no discussion.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve the Emergency Operations Plan, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

Discussion - Councilor Goals. Administrator Sweet went over the staff report synopsis. These goals will be the focus of a worksession. He requested Councilors' input on a date. Dates suggested were between March 20, 2023 and March 24, 2023. There was discussion on changing the format (e.g., size, color) of the document.

- There was no action on this item. It will be discussed at a future worksession.

Council Concerns.

- Councilor Tomlinson reported no concerns.
- Councilor Devereaux reported no concerns.
- Councilor Fackerell reported no concerns.
- Councilor Gould expressed some concerns over discussion with having an outside Police entity provide long-term, contracted services to the City of Gearhart's residents. She talked about requirements in the City's Charter regarding the Police Chief's status; salary costs and expectations; and an appropriate staffing model. She also pointed out the unique responsibilities of our Police Chief also providing services as a working patrol officer. She assured residents that the Clatsop Sheriff's office will provide support as the City works through the process of police staffing.
- Mayor Smith reported no concerns but felt that a continued discussion about the police staffing issue should come back to a Council meeting.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:29 pm.



Chad Sweet, City Administrator



Mayor Kerry Smith