

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, February 1, 2023
7:00 pm On-site and Virtual/Telephonic

The regular meeting of the Gearhart City Council was held Wednesday, February 1, 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.

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

Approve Minutes.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve the minutes of the January 4, 2023 regular meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.
- ON MOTION by Councilor Tomlinson, 2nd by Councilor Fackerell to approve the minutes of the January 17, 2023 worksession meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

There were no questions or comments on the Planning Commission report in the Councilors' packets.

Mayor's Report. Mayor Smith attended the City Day at the Capitol, organized by the League of Oregon Cities (LOC). He was able to meet with Senator Weber and Representative Javadi. They were very supportive of local Gearhart issues and are willing to provide assistance when needed. Mayor Smith was also able to attend an elected officials meeting with Senator Merkley; as well as attend a Town Hall meeting with Senator Wyden.

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

- Councilor Gould has been listening and talking to local citizens about the growing unhoused issue in Gearhart. She has reached out to other local jurisdictions on how they are addressing the needs and concerns of the homeless in their communities. She has talked with Seaside, Warrenton, Clatsop County, Administrator Sweet, Chief Bowman, and Attorney Watts. She stressed that from a legal

standpoint, being unhoused or homeless is not illegal. She understands that citizens and business owners are frustrated. She asks for patience while best practices are developed.

- Councilor Devereaux is also aware of the homeless issue. He has also talked with Administrator Sweet about possible solutions and relocation options. He has also heard from the local business owners regarding their frustrations. He inquired about the possibility of the City vacating the street.
- Councilor Tomlinson also had discussions with local business owners regarding the homelessness issues. He has shared these concerns with Administrator Sweet and suggested a possible worksession. He also was able to connect with the Police Chief recruiters.
- Councilor Fackerell spoke with Administrator Sweet regarding some legal issues; as well as connected with retired Seaside School District Superintendent about some Council issues.

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 January data report, including a call breakdown, mutual aid, a tree issue, and a water rescue. He addressed the firefighter overtime budget line item and assured Council that they are working on solutions. He mentioned moving the Fire department annual report from this month to next month.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned that the percent of the budget column has been added to the monthly revenue & expenditure report and briefly went over what the percentage means. Quarterly tax revenues came in for marijuana tax and short-term rental transient taxes. A final conflagration revenue check was received. The annual 2023 State Shared Revenue Report has been released by the LOC and the ePermitting financial process is underway.
- City Attorney. Attorney Watts mentioned regulating issues around homelessness. He stressed that possible solutions should be made with the health and safety of everyone impacted. It is essential to use universal enforcement. He reminded the Council that it is not illegal to be houseless, and the City cannot punish individuals for sleeping. Situations should be approached with compassion and empathy. He went over the history of the RV ordinance and how the process is applicable to approaching the current houseless situation. The Council should never use selective enforcement when dealing with these types of issues, and with any successful implementation, the public should be educated on ordinances. Attorney Watts also briefly mentioned the litigation filed against the City. Service has been accepted by the City's insurance company (CIS) and he will be available as needed.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He announced the Clatsop County jail ribbon cutting ceremony on February 10th from 1:00-3:00 pm.

He mentioned code enforcement issues; playground construction; ePermitting; the water rates study; short-term rentals; worksession; and Police Chief and Officer recruitment.

Visitors. Lindsey Wolfe, President of the Gearhart Volunteer Fire District (GVFD) was introduced and requested permission to have the Annual GVFD Ball. This has been an annual fundraising event.

- ON MOTION by Councilor Tomlinson, 2nd by Councilor Gould to approve a request by the GVFD to hold the annual ball, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Sadler (Street Lights), French (Homeless Issue), and Nuveen Natural Capital Lewis & Clark Timberlands (Timber Harvest).

- Tom Thies (292 Woodland) mentioned the declining number of short-term rentals and the potential financial impact of the loss on City revenues. He suggested the Council have further discussion on this topic. He also suggested some form of acknowledgement to Berkley Sturgell for her contribution to the playground (e.g., plaque, park renaming). Tom would also like to see the reintroduction of the Pledge of Allegiance at City Council meetings.
- Sharon Kloepfer (PO Box 2512) discussed a proposal submitted to Administrator Sweet to allow the planting of 30 trees in Gearhart (Pacific Way, Gearhart Lane, 5th/Highway 101). She has a supplier who is willing to provide the trees at a discounted rate, and she is willing to personally cover the expense. She would like the City to dig the holes, provide the infill dirt, and provide a source for watering them. She commented on the types of trees and the timeline. Mayor Smith deferred discussion to the New Business discussion on the agenda.

Ordinances/Resolutions.

Second Reading - 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 ordinance requirements.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the second reading of Ordinance 935 by 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.

Second Reading - 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 ordinance requirements.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve by second reading Ordinance 936 as amended 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 976 - A Resolution Authorizing Gearhart to Apply for the Oregon Parks and Recreation Department (OPRD) Local Government Grant Program (LGGP). Mayor Smith introduced the resolution and allowed Administrator Sweet to go over the staff report. Administrator Sweet provided a draft conceptual diagram of the potential reorganization of the tennis courts area. Councilor Tomlinson was under the impression that there would be no loss of tennis courts. Councilor Fackerell wanted clarification on why there needed to be a resolution for this specific grant when many other grants do not require one. Councilor Devereaux feels that many will be in an uproar if a tennis court is eliminated. He suggested that something go out in the water bills to notify the public and get feedback. Councilor Gould also felt that public input was important.

- Resolution 976 was tabled. There was no action.

Resolution 977 - A Request for Clatsop County to be Included in State Emergency Declaration Due to Homelessness. Mayor Smith introduced the resolution and allowed Administrator Sweet to go over the staff report. There was discussion on the distributed map of Governor Kotek's continuum of care boundaries. Councilor Gould gave a brief update on changes to the Governor's plan.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve Resolution 977, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

Old Business. None.

New Business. Mayor Smith requested by consensus the addition of two new business items: Tree Proposal and Proclamation for Teen Dating Violence Action and Prevention Month. There was consensus by all City Council members to allow the additional agenda items under this section. (Devereaux, Fackerell, Gould, Smith, Tomlinson).

Tree Planting Proposal - (Extended from Public Communication Section). Mayor Smith opened the discussion. There was discussion on native trees, cost of each tree, flowering trees, location, access to water, timeline, and communicating with the golf course.

- There was no action, potentially a future agenda item next month.

Teen Dating Violence Action and Prevention Month Proclamation (The Harbor). Mayor Smith introduced the new business item and read the Proclamation.

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

Request for Funds - Water Reserve Fund. Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the staff report. Because it is the Special Water Reserve Fund, the City Council needs to approve the expenditure. City staff will be using the sole source procurement method because the items are trademarked. Attorney Watts confirmed the sole sourcing procurement does have a process that allows for a protest period.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the request for funds up to \$85,000 using the sole source procurement method, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

Oregon Department of Transportation (ODOT) - Letter of Support. Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the new business item. Councilor Gould commented on areas that she had been made aware of by residents (e.g., impact on businesses, number of sidewalks, roundabout). Councilor Devereaux wanted clarification on the process and the connection between the eastside and westside of Gearhart. Administrator Sweet explained there was a lengthy public process. ODOT Project Manager Ken Shonkwilder also commented on the process, long-term aspirational goal of the roundabout, addressing transportation needs in the Gearhart corridor, and the need for a letter of support to move forward with the proposal.

- There was consensus by all City Council members to approve the ODOT letter of support (Devereaux, Fackerell, Gould, Smith, Tomlinson).

Appoint Budget Officer. Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the staff report.

- ON MOTION by Mayor Smith, 2nd by Councilor Devereaux to approve the City Treasurer as the designated budget officer, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

Approve Budget Calendar. Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the staff report.

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

Gearhart Clean Up Day. Mayor Smith introduced the new business item and allowed Administrator Sweet to go over the staff report.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve Gearhart Clean Up Day, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays.

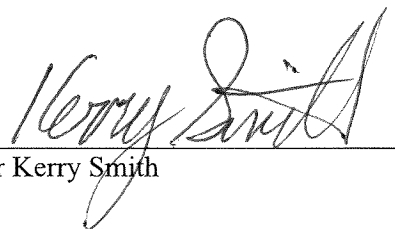
Council Concerns.

- Councilor Fackerell reported no concerns.
- Councilor Tomlinson reported no concerns.
- Councilor Devereaux reported no concerns.
- Councilor Gould reported no concerns.
- Mayor Smith reported no concerns.

Mayor Smith requested adjournment. Resident Harold Gable expressed concerns over areas in the ODOT proposal, public comment, and homelessness in the community.

- ON MOTION by Councilor Tomlinson, 2nd by Councilor Devereaux to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Smith, Tomlinson) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:36 pm.


Chad Sweet, City Administrator


Mayor Kerry Smith