

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, May 3, 2023
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, May 3, 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 Preston Devereaux, Councilor Kloefer, City Administrator Chad Sweet, City Attorney Peter Watts, Sergeant Ian Brown, Fire Chief Josh Como, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the regular meeting of the City Council to order at 7:00 pm.

Appoint Council Vacancy. Because of the resignation of Councilor Austin Tomlinson, Mayor Smith recommended for appointment, Sharon Kloefer, to fill the Councilor Position 4.

- ON MOTION by Mayor Smith, 2nd by Councilor Fackerell to approve the appointment of Sharon Kloefer to fill the Councilor Position 4 vacancy, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Smith) - 0 nays.

Oath of Office. Sharon Kloefer accepted the Oath of Office.

There were no conflicts of interest declared by any member of the Council. Mayor Smith declared there may be a potential future conflict of interest due to his business and the Building Official; however, there currently was not one.

Approve Minutes.

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the minutes as amended of the April 5, 2023 worksession meeting of the City Council, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Smith) - 0 nays.
- ON MOTION by Councilor Fackerell, 2nd by Councilor Devereaux to approve the minutes of the April 5, 2023 regular meeting of the City Council, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the minutes of the April 19, 2023 executive session meeting of the City Council, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Smith) - 0 nays.

The Planning Commission report was in the Councilors' packets. Mayor Smith asked if there were any questions or discussion. Councilor Gould requested clarification on the zone change item. Attorney Watts explained the application was being withdrawn. He mentioned that during the hearing there was a lack of more detailed supporting data (e.g., septic approval) that the Planning Commission would like to have before approving the recommendation of a zone change.

Mayor's Report. Mayor Smith mentioned the AuxCom (Clatsop County Auxiliary Communication System) practice test done in the local area, which went well.

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

- Councilor Gould gave a reminder about the Firefighter's Annual Ball. If individuals cannot attend, they can contribute using paypal. She gave a shout-out to Sergeant Brown in the police department and Karynn at the Post Office. The City is still working on a plan of action to address the unhoused issues. She has been learning from surrounding areas and feels Gearhart is making progress. She attended a Warrenton City Council meeting and the LOC Spring Conference. She will be participating in the Budget Committee and the LOC Regional Small Cities meeting.
- Councilor Kloepper talked about the local CERT (Community Emergency Response Team), which Division Chief & Training Officer Hutch is the City's liaison. CERT is requesting that locals start putting together a list of emergency response supplies that they have in their residence and share it with the CERT team. The goal would be to know where supplies are in an emergency situation.
- Councilor Fackerell attended the community Easter Egg hunt. She enjoyed seeing the community together. She also attended informative meetings (Helping Hands, Regional Housing Task Force, Clatsop Community Action).
- Councilor Devereaux had nothing new to report.

City Officer Reports.

- Chief of Police. Sergeant Brown stated that the statistical report and police log have been uploaded to the City's webpage. Administrator Sweet was going to reach out to the Clatsop County Sheriff's office to get their statistical data on Gearhart calls. Sergeant Brown has also been assisting with the development of the City's camping ordinance.
- Fire Chief. Fire Chief Como gave an April data report, including a call breakdown, mutual aid, and grant awards. The fire department has been awarded two grants, one for a new water tender vehicle and one for providing seasonal staffing. He also reminded everyone about the 59th Firefighter's Ball on Saturday, May 27, 2023 starting at 8:00 pm, which is a 21 or older event.

- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned appropriation allotment assessment, a new technology building revenue account, a \$20,000 grant donation, interest revenue, expenditure account transfers, a voided check issue, and acknowledgement of the budgeting process.
- City Attorney. Attorney Watts attended the Planning Commission meeting where a potential zone change was being reviewed. He attended because the applicant had legal representation present. He was comfortable defending either the interim City Planner's recommendations for approval or the desire of the Planning Commission to have more solidified reporting data before recommending approval. After the Planning Commission meeting, the applicant withdrew the application for a zone change. Attorney Watts also mentioned his statement on the City's Blog regarding social media comments alleging that the City had engaged in unethical or illegal conduct. He read a screen shot post by a specific individual. He felt uncomfortable with the accusations being made on social media because the Planning Commission takes their job very seriously. They are volunteers trying to enforce Gearhart's policies. He stressed we should appreciate our volunteers and not accuse them of prejudice without adequate evidence. Attorney Watts also agrees with Tom Thies' comment on the lack of clarity with the term "reasonable" in HB 3115. He agrees that it is too vague and would likely not stand up if legally challenged. Legal language should be clear and objective.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He briefly discussed staring negotiations with Warrenton on water rates; water modeling project; police officer interview; police chief candidates' reception; proposal from Necantium Watershed on a planting project; grant submittal for court resurfacing; upcoming worksession date; and City Hall being closed on Memorial Day.

Visitors. There were two scheduled visitors.

Melissa Eddy - Street Dance Permission Request. Melissa Eddy gave a brief history of the street dance celebration in Gearhart. She already has the support from the Gearhart Homeowners Association. She is requesting permission from the City to hold the street dance on July 3; as well as a \$1,000 financial contribution.

- There was consensus by all City Council members to approve the street dance and financial contribution (Devereaux, Fackerell, Gould, Kloefer Smith).

Edward Martinez, Senior Manager of Government Affairs - Charter Communication/Spectrum Franchise Renewal Presentation. Edward Martinez went over generalized information regarding Charter Communication/Spectrum in our area. His presentation covered Charter's impact across Oregon; pricing; low income and bulk offerings; affordable connectivity program & Spectrum internet assistant; and contact information. Councilor Devereaux commented on a recent experience with Charter and poor

connection. He also requested clarification on the 30 mbps offered on the Spectrum Internet Assist program. Councilor Kloefer was interested in the 10 year contract agreement arrangement. She requested clarification on if this timeframe was standard or varied by entity. Edward Martinez did say that contract agreements were usually 10 years with an automatic five year renewal. She also wanted to know if the five percent was also a standard rate franchise fee. Attorney Watts provided clarification that the franchise fee rate is capped at five percent. Mayor Smith thanked Edward Martinez for his presentation.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Necanicum Watershed Council (Gearhart Community Pollinator Garden); Tamera Smith, Water Resources Department (Water Management and Conservation Plan); Clatsop Community Action (Food, Housing, Veteran Services); Sally Miller (Pickleball); Rae Marie Zimmerling (Elk Management Plan); Jack Zimmerman (Watts City Blog - Planning Commission); Austin Tomlinson (Resignation); Kathry Gimre Wolfard (Zone Change). Councilor Kloefer commented on the correspondence submitted by Necanicum Watershed Council. She has some concerns over some of their proposed pollinator garden plantings in Gearhart. She requested additional input and discussion before implementation. Administrator Sweet said there would be additional follow-up before plantings were done.

- Beth Cameron (2906 Pine Court) read a letter written by Mayor Smith from October 2018, which outlined his philosophy for Gearhart. She rhetorically wanted to know what happened to the person writing the letter. She feels that Mayor Smith can continue down his current pathway or pivot. Beth Cameron feels that the City is often disingenuous, and she hopes everyone can move back towards honesty, integrity, and trust.
- John Lansing (707 5th, Hammond) introduced himself. He is currently running for the Port of Astoria Commissioner Position 4. He would like a stronger voice on the Port Commission from the South County residents. He encouraged anyone to reach out to him if they have any questions.
- Susan Spring (641 3rd) is not on social media. She continues to hear repeated claims of City dishonesty without specific examples. She feels that if individuals have accusations, they should also have facts to back them up.

Ordinances/Resolutions.

Ordinance 937- An Ordinance Amending Rules and Orders of Business for Meetings of the City Council. Mayor Smith opened the discussion and requested that Administrator Sweet read the ordinance title. There were no questions.

- ON MOTION by Councilor Devereaux, 2nd by Councilor Fackerell to approve Ordinance 937 by reading once by the title only, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays.

Ordinance 938- An Ordinance Charter Franchise Agreement Renewal. Mayor Smith opened the discussion and requested that Administrator Sweet go over the ordinance information. Administrator Sweet went over the synopsis and read the title. There were no questions or discussion.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve Ordinance 938 reading once by the title only, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays.

Ordinance 939 - An Ordinance Amending the Municipal Code to Regulate Camping Activities on City Property. Mayor Smith opened the discussion and requested that Administrator Sweet go over the ordinance information. Administrator Sweet went over the staff report. He read the synopsis, options, recommendations, and the legal analysis.

- ON MOTION by Mayor Smith, 2nd by Councilor Fackererell to approve by emergency declaration Ordinance 939 reading once by the title only, MOTION was approved by roll call 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays.
- There was additional discussion before the vote. Councilor Fackerell wanted clarification on when the rules would take effect. Administrator Sweet said notification would start at the beginning of next week. Attorney Watts said that the City would move forward with the "reasonable" language until it was invalid by the State. Councilor Gould felt the ordinance was an excellent start to addressing issues in the community. The goal would be to have voluntary compliance.

Old Business. None.

New Business.

Planning Commission Appointment. Because Councilor Kloefer has been moved to fill the Councilor Position 4, a Planning Commission position was vacant. Mayor Smith recommended Paulina Cockrum to fill the vacant position.

- ON MOTION by Councilor Mayor Smith, 2nd by Councilor Fackerell to approve Paulina Cockrum to fill the vacant Planning Commission position, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays.

Request for Proposal (RFP) - Water Rights Compliance and Reporting Services. Mayor Smith opened the item and requested that Administrator Sweet go over the information. Administrator Sweet went over the staff report, synopsis, and recommendations.

- ON MOTION by Councilor Mayor Smith, 2nd by Councilor Fackerell to approve the submitted RFP for Water Rights Compliance and Reporting Services to SoundEarth Strategies, Inc, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays.

Request for Proposal (RFP) - City Building Official, Inspections, and Plan Review Services. Mayor Smith opened the item and requested that Administrator Sweet go over the information. Administrator Sweet went over the staff report, synopsis, and recommendations.

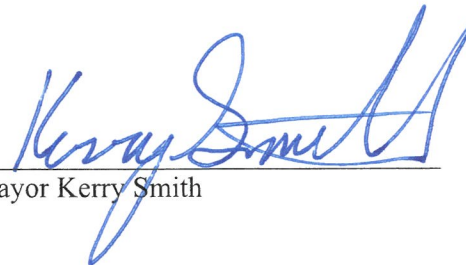
- ON MOTION by Councilor Gould, 2nd by Councilor Kloefer to approve the submitted RFP for City Building Official, Inspections, and Plan Review Services to Leonard Brogden (LB Building Services LLC and Consulting), MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays.
- There was discussion before the vote. Councilor Devereaux felt Leonard Brogden was easy to get along with. Councilor Fackerell mentioned the possibility of creating a building reserve fund. Attorney Watts talked about the difficulty in Oregon trying to find Building Inspectors and new legislation that has made it more difficult to contract with third-party officials.

Council Concerns.

- Councilor Fackerell welcomed Councilor Kloefer.
- Councilor Kloefer reported no concerns.
- Councilor Gould would like additional discussion on preparing for upcoming events. She is especially concerned about July 4th. She would like to look at additional dumpster placement, law enforcement coverage, and clean-up.
- Mayor Smith reported no concerns.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Devereaux to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:28 pm.


Mayor Kerry Smith


Chad Sweet, City Administrator