

CITY OF GEARHART  
Regular Meeting of the City Council  
Wednesday, May 1, 2024  
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, May 1, 2024. 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 Preston Devereaux, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, Police Chief Josh Gregory, 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 7:20 pm, which had a delayed start due to an executive session meeting running late.

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

Approve Minutes.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Fackerell to approve the minutes of the April 3, 2024 executive session meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve the minutes of the April 3, 2024 regular meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.
- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to approve the minutes of the April 16, 2024 special meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

The Planning Commission report contained draft Gearhart Planning Commission minutes from the April 11, 2024 meeting. Councilor Kloepfer commented on a potential correction on page 5 in the neutral comment section.

Mayor's Report. Mayor Smith attended a League of Oregon Cities (LOC) Strategic Planning & Visioning in Newport; attended a North Coast Regional Solutions team meeting; participated in interviewing for the owner's representative service (Klosh Group / HMK); participated in interviewing for water modeling services; attended a Sea Level Rise presentation by Carl Hendrickson sponsored by Necanicum Watershed

Council; attended the annual LOC Conference and Coastal Mayor's Coalition meeting in Klamath Falls; had several meeting with Administrator Sweet about City business; and spent a lot of time working on the post office issue. He thanked Karynn and Kim for all of their hard work at the Gearhart post office.

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

- Councilor Devereaux had nothing new to report but did note that the post office is a federal issue.
- Councilor Fackerell met with Councilor Kloepfer and Administrator Sweet about the City bench project. She also gave a shout-out to the people who helped on the City's clean-up event. She felt the event was beneficial and appeared well attended.
- Councilor Kloepfer attended a meeting to discuss the process of updating Clatsop County Comprehensive Plan Goals 16, 17, and 18, which was led by the Columbia River Estuary Study Taskforce (CREST). She complimented City Planner Phillips, who works for CREST, on doing a nice job presenting information. She has been continuing to do research because of concerns on property development along the Neacoxie (1st / 2nd Streets).
- Councilor Gould also dedicated a lot of time to the Gearhart postal service issues, which included conversations with citizens and elected officials. She went to a Clatsop County Commission meeting to briefly discuss 4th of July preparedness, but due to time restrictions was only able to talk about the Gearhart post office and the delivery of residents' ballots. She did receive confirmation from State Representative Javadi that a Gearhart postal contract was approved and mail should be continuing in Gearhart. She wanted to stress the importance of keeping attention on Gearhart's postal delivery issues (e.g., zip code, street delivery). Councilor Gould also attended the Strategic Planning & Visioning in Newport. She plans to attend the LOC Small Cities meeting in St. Helens, which has a focus on fiscal health. She gave a reminder about the Firefighters' Ball on Saturday, May 25, 2024 and being able to donate online.

City Officer Reports.

- Chief of Police. Police Chief Gregory will have the monthly report out soon. It was delayed due to the Council meeting being the first day of the month. He mentioned that Officer Mares has been doing well and has been able to get some on-the-job training with the Seaside Police Department. Officer Mares is slated to complete the shadowing portion of his training on May 17, 2024.
- Fire Chief. There was no representative from the fire department. Fire Chief Como had a prepared statement. Administrator Sweet gave a shout-out to Division Chief of Training & Operations Park for the completion of a collaborative project of training firefighters through the Recruit academy. The Gearhart Volunteer Fire Department is looking at gaining four new volunteers.

- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill referenced a few notable revenues (County first responder grant; quarterly marijuana tax; donation for "If I Were Mayor"). She mentioned a few account code adjustments (10-1344 Telephone to 10-1372 Tech-Software/Hardware; 30-3061 System Operations & Repair to 30-3047 Supplies/Services/Chemicals; transfers and new charges to 30-3072 Engineering). Treasurer Hill stressed the financial significance of June (budget approval, financial resolutions, salary distribution adjustments). She gave a reminder of the next Budget Committee meeting on May 14, 2024.
- City Attorney. Attorney Watts mentioned several litigations that are potentially impactful to cities. He talked about the Grants Pass case that is now with the US Supreme Court (city restrictions on outdoor sleeping); and, a California case regarding the cause and effect of implementing development fees (showing fee to be reasonably related to and proportional with development impacts). Attorney Watts also received a call and talked with staff from Governor Kotek's office regarding the Portland State University population impacts. He briefly summarized the annexation agenda item. He talked about budgetary issues, growth in Gearhart, and pressures on City staff for meeting more demands.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He also attended the LOC Conference in Klamath Falls. He was able to make some valuable contacts and hear what other cities have going on. He also mentioned public works projects; code enforcement; and elk.

Visitors. Melissa Eddy, community member, talked about the proposed "Music in the Park" event, Saturday, August 10, 2024 at the Trails End Park. She briefly went over City staff requirements (large white tent, garbage cans). Mayor Smith wanted to know the purpose of the event, and Melissa Eddy clarified it was for anyone to enjoy an afternoon in the park without the intent of increasing tourism.

- ON MOTION by Councilor Devereaux, 2nd by Councilor Gould to approve the request for the Gearhart Association to have the "Music in the Park" event on Saturday, August 10, 2024 MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloefer, Smith) - 0 nays.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Deanna Mancill (Seaside Municipal Airport) and WHA Insurance (SB1576 Recreational Immunity);

- Shannon Smith (774 Pacific Way) has several items to share. A citizen group has organized an invasive species removal day, which they would like in June with the Council's input (equipment, public works). She attended the Clatsop County Comprehensive Plan Goals meeting and thought there was good information. She mentioned climate change; sea level rise studies; restricting

building; and the need for water right expansion discussions. She also spoke with Noah from the Necanicum Watershed Council about local culverts and a potential grant opportunity, which she feels would be beneficial.

#### Ordinances/Resolutions.

##### Ordinance 943 - An Ordinance Amending the City of Gearhart Zoning Ordinance Section 3.2 Medium Density Residential R-2 Zone

- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve Ordinance 943 reading by the title only, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

#### Old Business.

Post Office / Zip Code Update - Mayor Smith went over the staff report, which included a brief timeline, elected official and citizen involvement, new postal contract, and new zip code information expected in 30 days.

New Business. Mayor Smith invited the public to comment on the new business items.

Discussion - Annexation of Undeveloped Properties in the City's Urban Growth Boundary (UGB) during the Development Application Process. Attorney Watts explained the potential of annexation of undeveloped properties in Gearhart's UGB and the policy implications associated with future planned developments. He referenced an undeveloped property located in the Palisades that could be used as a precedent setting annexation situation. He went over the legal highlights of SB 1573, which requires that annexations meet specific criteria to be approved without a vote by city electors.

- There was continued discussion on the requirements of a no vote annexation process (contiguous to the City limits; UGB property owner requests). Councilor Devereaux felt that in the case of the Palisades, it should be all properties in, not just one. Councilor Kloepfer wanted to know the impacts of providing additional police coverage and the dynamics of some properties in the City and some still unincorporated in the same neighborhood.
  - By consensus the Council felt having Attorney Watts draft conditionals and language on annexation of undeveloped properties in the City's UGB during the development application process would be beneficial.

Discussion - 4th of July Celebration. Mayor Smith went over the staff report, which referenced building collaborative partnerships to keep the beaches clean, keep people and pets safe, and everyone being able to enjoy the 4th of July. Administrator Sweet talked about the traditional 4th of July activities (e.g., parade, hot dogs at fire station) and staff coverage (police, fire, volunteers). He explained some of the newly implemented processes to assist with providing a safer event (e.g., signs around town, partnering with other agencies). Some of the key issues that Gearhart would like to see addressed are: the treatment of the beaches (Oregon State Parks); overwhelming public safety concerns (all law enforcement and fire); managing garbage and increasing public access to trash bins; ordering more signs; and making sure that partnerships are willing to be collaborative. Councilor Gould wanted to clarify that Gearhart is responsible for boundaries within the Gearhart community, which does not include the beaches. Councilor Gould feels those who are responsible for the beach should be proactive. Although she understands that Gearhart staff do assist outside their jurisdiction, she feels this can lead to bigger issues when a situation pulls time from Gearhart's very limited police staff. She talked about comparisons with Cannon Beach, which she pointed out, has more resources and more favorable geography. Councilor Gould requested that a letter from Council be drafted insisting that State and County agencies be responsible partners and more aggressively patrol their jurisdictions. Councilor Kloepper felt that limited personnel will be a key crux. Councilor Fackerell wanted to know if the City had ever put any requests for support in writing. Administrator Sweet said no. Councilor Devereaux reiterated that the City Council is responsible for Gearhart. He suggested that the request for assistance and the managing of other agencies' jurisdictions should be done at the top governmental level, Governor Kotek's office. Mayor Smith asked Police Chief Gregory if he had any additional input. Police Chief Gregory said that local agencies are very supportive of each other and that staffing will be an issue. He has been talking with the Oregon State Police regarding special services. Administrator Sweet mentioned Councilor Gould's effort to involve volunteer groups in the beach clean-up. Attorney Watts suggested sending a letter to specific schools in the metropolitan area that clarifies the long-term ramifications of illegal actions on the 4th of July. There was discussion on the implication of sending a letter that was multi-jurisdictional. Mayor Smith ended the discussion; and, Attorney Watts confirmed that he and Administrator Sweet would draft a letter to specific schools that indicates multi-jurisdictional agencies will be involved in the monitoring activities during the 4th of July. Administrator Sweet also felt that a letter should be sent to other partnering jurisdictions; however, clarified it would be done after a few more conversations with them.

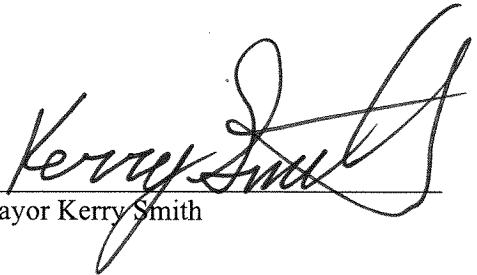
#### Council Concerns.

- Councilor Devereaux had no concerns.

- Councilor Fackerell had no concerns.
- Councilor Kloepfer had no concerns.
- Councilor Gould had no concerns.
- Mayor Smith had no concerns.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Gould, 2nd by Councilor Kloepfer to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 9:00 pm.



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Mayor Kerry Smith



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Chad Sweet, City Administrator