

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, July 3, 2024
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, July 3, 2024. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

Present were Councilor Preston Devereaux, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, Police Chief Josh Gregory, Public Works Stephen Petersen, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present. Due to the planned absence of Mayor Kerry Smith, Councilor Reita Fackerell conducted the meeting under her role of President of the Council.

President of the Council Fackerell called the regular meeting of the City Council to order at 7:00 pm.

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

Approve Minutes.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the minutes of the June 5, 2024 executive session meeting of the City Council, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Kloepfer) - 0 nays - 1 absent (Smith).
- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the minutes of the June 5, 2024 public hearings and regular meeting of the City Council, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Kloepfer) - 0 nays - 1 absent (Smith). Councilor Kloepfer asked clarifying questions regarding the annexation process, but there was no requirement to amend the minutes.

There was no Planning Commission report due to no meeting being held in June.

Mayor's Report. President of the Council Fackerell said there would be no Mayor's report due to the Mayor's absence.

Councilor Reports. President of the Council Fackerell opened discussion for each Council member's report.

- Councilor Gould thanked Public Works staff for keeping the City's appearance clean and trimmed. She also gave a shout-out to Tina Popke and Cynthia Bricca for their contribution to the 4th of

July awareness campaign, which included a segment that aired on the news. Councilor Gould also participated in the beach clean-up meeting; as well as, plans to attend a county-wide elected officials meeting, and a CIS virtual training regarding the Supreme Court homelessness decision.

- Councilor Devereaux has been participating in the Klosh Group meetings regarding the public safety building project. He gave a brief overview of the public safety building process, which included publishing the RFP for Architectural & Engineering Services; planning community engagement meetings; and gathering the essential components from the police and fire departments. He stressed that the size, location, cost, nor the scope of the project has been determined. Councilor Devereaux also met with the planning department regarding the feasibility of annexation of a property outside the City's UGB to obtain access to City's water services.
- Councilor Kloepfer, due to personal health issues, had nothing new to report.
- Councilor Fackerell attended the beach clean-up meeting. She was glad to see so many collaborative partners interested in participating (e.g., Police, Fire, Sons of Beaches, Clatsop County Sheriff's staff, City Administrator).

City Officer Reports.

- Chief of Police. Chief Gregory shared that the June statistical data will be available shortly. The police department has been preparing for 4th of July. He mentioned areas of focus will be on the 10th Street access; illegal fireworks and fires; MIP; disorderly conduct; DUII; and monitoring the additional vehicle traffic in town. Chief Gregory is aware that there will be one Clatsop County Sheriff's deputy dedicated to the beach on the 4th. He also gave a reminder that there are challenges for law enforcement in monitoring illegal fireworks on the 4th.
- Fire Chief. There was no fire report due to unavailability of staff, who were preparing/training for 4th of July.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned that the fiscal year was completed. She gave a brief overview in reviewing the Expenditure & Revenue Budget vs Actual monthly financial report. Noteworthy June transactions included the receipt of the annual Gearhart Fire Protection District contractual payment in 10-0018; a transfer from the Water Reserve Fund to the Water (Operating) Fund; a transfer from the General Fund to the Fire Apparatus Reserve Fund; the quarterly payment to the Gearhart Volunteer Fire Department for volunteer gas & clothing reimbursements; and a payment in 79-7900 for owner's representative services on the Public Safety Building project.
- City Attorney. Attorney Watts talked about an annexation issue with a property in the Palisades. He talked with their legal representative, who shared a water agreement from 2000 between the City and the Palisades. He believes that the agreement could prohibit the City from forcing

annexation of a property in the Palisades. Attorney Watts has also been contacted regarding a property located on S Ocean regarding property development. He is still unclear of the issue; however, he believes it may have to do with the statutory buildable line restrictions.

- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He talked about a donation from Bob Morey for providing EMT training for firefighters; a tree by the old grade school that may need to be removed; 4th of July activities and proactive safety measures; Street Dance reminder; Gearhart Association's annual meeting; court resurfacing at the Water Treatment facility; a thank you to Jane Paulson for donating two new commercial pickleball court nets; update on the generator grant project; November elections; and City Hall closure for the 4th of July. Councilor Fackerell inquired about obtaining Gearhart's own zip code, which Administrator Sweet indicated did not look like a feasible option at this time.

Visitors. None.

Public Communications - Written & Oral. President of the Council Fackerell read the oral public comment statement on the agenda. There was written correspondence submitted by Jeanne Nordmark (Thank you - Sidewalk). There was no oral communication.

Ordinances/Resolutions.

Ordinance 944 (second reading) - An Ordinance Naming a Private Road McAdam Court. President of the Council Fackerell introduced the item and Administrator Sweet read by title only.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve the second reading by title only of Ordinance 944 naming a private road McAdam Court, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Kloepfer) - 0 nays - 1 absent (Smith).

Old Business. None.

New Business.

Reserve Fund Request - Public Works Truck. President of the Council Fackerell introduced the item and Administrator Sweet went over the staff report. Public Works Petersen was also available for questions. Councilor Fackerell inquired what happens to the 22 year old vehicle being replaced, which Public Works Petersen said will likely be declared surplus and sold. There was consensus that any revenue generated from the sale should go back into the public works major equipment reserve fund.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to approve public works major equipment reserve funds up to \$49,000 for a public works truck, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Kloepfer) - 0 nays - 1 absent (Smith).

Discussion - Public Safety Building Process. President of the Council Fackerell introduced the discussion. Administrator Sweet went over the staff report, which included the process outline; what has been decided; timeline; and what has not yet been decided. Administrator Sweet reiterated that although there have been meetings with the Klosh group, there have been no decisions made on the scope of the building. He indicated that certain parameters had to be established to publish a RFP for Architectural & Engineering Services. He stressed that there will be community engagement and that public input is essential. Attorney Watts mentioned that moving forward with a general obligation bond would only be pursued if there is adequate community support. Administrator Sweet clarified there had been three meetings with selected Council and staff members. Councilor Kloepfer expressed some concerns over the transparency of the public safety building process and inquired about other ways that Klosh meeting information could be disseminated. Councilor Gould mentioned the dangers of creating serial meetings or quorum meetings; using experts to gather necessary preliminary information before public involvement; role of Council members; and the inability to make every decision at a community level. Councilor Devereaux mentioned his construction background; the City's past negatively perceived attempts at a public safety building; gathering critical preliminary information to present to the public; and involving the public. He reiterated that no decisions have been made in the Klosh group meetings about the public safety building. Attorney Watts confirmed that no decisions have been made regarding the building. He mentioned that the RPP for Architectural & Engineering Services was being brought to the entire Council; that the Klosh group will be making recommendations; and that all decisions cannot logistically happen in a public meeting.

- President of the Council Fackerell recommended by consensus the posting and collection of proposals from architect and engineering firms, which was approved 4 yeas (Devereaux, Fackerell, Gould, Kloepfer) - 0 nays - 1 absent (Smith).

Discussion - STR Transferability Interpretation / Clarification. President of the Council Fackerell introduced the discussion. Attorney Watts explained that City staff need further interpretation on language regarding the transferability of short-term rental (STR) eligibility. The STR ordinance does allow the continuation of the STR property eligibility through inheritance. He explained that there are some grandfathered STR properties that are jointly owned. He specifically wanted to

know if one of the original owners remains an owner, is it acceptable for the additional owner(s) to sell off their share to anyone and the property still be classified as an eligible STR property.

Councilor Devereaux clarified that if one owner decides to sell their share of a combined ownership, unless one of the original owners was the purchaser, the property would no longer be STR eligible. There was continued discussion.

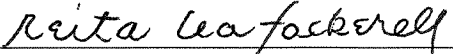
- There was consensus on clarifying interpretation of the STR language. It was agreed that selling off a portion of property ownership, unless one of the original owners was the purchaser, would dissolve all STR eligibility (Devereaux, Fackerell, Gould, Kloepfer).

Council Concerns.

- Councilor Kloepfer had no concerns.
- Councilor Devereaux had no concerns.
- Councilor Gould wanted to give out a reminder for the LOC Small Cities Meeting that Gearhart is co-hosting at the Seaside Library, August 2 from 11 am - 1 pm. It is free and requires registration.
- Councilor Fackerell had no concerns.

President of the Council Fackerell requested adjournment.

- ON MOTION by Councilor Gould, 2nd by Councilor Devereaux to adjourn the meeting, MOTION was approved 4 yeas (Devereaux, Fackerell, Gould, Kloepfer) - 0 nays - 1 absent (Smith). President of the Council Fackerell adjourned the regular Council meeting at 8:22 pm.


Reita Fackerell, President of the Council


Chad Sweet, City Administrator