

CITY OF GEARHART
Regular Meeting of the City Council
Wednesday, November 6, 2024
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, November 6, 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 Smith, Councilor Preston Devereaux, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, City Planner Garrett Phillips, Police Officer Jeremiah Mares, Sergeant Ian Brown, Fire Chief Josh Como, Public Works Director Mark McFadden, 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.

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

Approve Minutes.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Gould to approve the amended (*page 4*) minutes of the October 2, 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 Fackerell to approve the minutes of the October 15, 2024 worksession 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 October 29, 2024 worksession of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Mayor Smith asked if there were questions or comments on the Planning Commission minutes that were in the Councilors' packets. Councilor Kloepfer asked about the minutes being from August and it was clarified that with the new process of minutes needing to be approved before going to the City Council, August was the last minutes approved by the Planning Commission.

Mayor's Report. Mayor Smith acknowledged Councilor Fackerell and expressed that she will be missed!

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

- Councilor Fackerell had nothing new to report.
- Councilor Devereaux attended the Klosh Group workgroup meeting and reminded the Council they should have access to the meeting information.
- Councilor Kloepfer had nothing new to report.
- Councilor Gould mentioned she had traveled to Florida and witnessed firsthand the damage of the recent hurricanes. She attended the League of Oregon Cities (LOC) conference in Bend, Oregon. At the conference there was discussion on water infrastructure challenges and the Oregon Legislature's Water Caucus is asking cities to share water project needs by responding to a survey by December 15. Other topics covered were on the FEMA BiOp and investigating changes to the limitations on spending transient lodging tax. She also attended a Public Safety Building (PSB) workgroup kick-off meeting with the architects and engineers. She received the guiding principles created for the PSB decision making process. She feels that the Council will play a minor role in the upcoming PSB public meetings because it will be more community driven. She continues to hear input from citizens on the tree ordinance and continues to gather information on septic systems. Councilor Gould spoke to Ms. York's students at Seaside High School about Civics, her role as a City Council member, and background in law enforcement.

City Officer Reports.

- Chief of Police. Officer Mares mentioned the statistical data was not yet available. He indicated he has had more arrests in the last month than in his career in Gearhart. He noted that the department has been focusing on traffic violations.
- Fire Chief. Fire Chief Como went over the department's October data report, including a call breakdown and mutual aid.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned the collection of property tax and quarterly transient room tax, which are the City's two largest revenue sources. She talked about property tax continuing to increase higher than the standard 3% and how the transient room tax has remained stable but is not growing. She went over noteworthy expenditures, which included the retainer fee for the City's attorney; a payment in the audit account; a payment for an annual volunteer firefighter accident insurance policy; a payment for the resurfacing and stripping of the existing courts at the Water treatment facility; a partial payment towards the Hypochlorite Generation system; a payment for the purchase of a generator located at the water reservoir; and a payment for the purchase of a new Public Works vehicle. She mentioned the City was notified in September that Standard and Poor's (S&P) has changed their methodology for rating US Governments, which resulted in an updated S&P rating review for the City. She also gave a special thank you to all the voters that supported the Gearhart

Rural Fire Protection District five-year operating levy for fire and emergency services. Councilor Gould asked about an email she received regarding a questionnaire. Treasurer Hill did indicate this was a legitimate email and request from the City's auditors, Accuity.

- City Attorney. Attorney Watts mentioned a project he has been working on with Division Chief of Training & Operations Park. The project is developing an ordinance that allows a fee recovery for services provided by the Gearhart Fire Department. This type of process is being done in other Cities to recover costs. There was some discussion on ambulance services in Clatsop County; reimbursement for "free paramedic" work; potential intervention by State Legislature; Tualatin Valley Fire & Rescue; Oregon Solutions; and liability. Attorney Watts also noted that he will be continuing his work with City Planner Phillips on the FEMA BiOp issues, and that he is scheduled to represent the City in a Municipal Court trial.
- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He gave an update on the water rights application submitted by the City to the Oregon Water Resources Department (OWRD). Chris Hyatt, who has been contracted by the City to assist with the application process, has been in communication with OWRD. The application is currently in a six to nine month response queue. He mentioned the delivery of a portable generator located at the water reservoir, which was funded by a FEMA grant. The City is awaiting final approval from the grant to purchase a shed to store the generator. Other topics he mentioned were: Operation Green Light, election day, save the date for the first PBS community meeting, and geotechnical work scheduled on the City Hall site. Councilor Kloefer inquired about the Elk Cooperative Agreement. Administrator Sweet indicated that the Declaration of Cooperation is gearing up to be reviewed. Mayor Smith inquired about the dune access applications that were on Administrator Sweet's report. Administrator Sweet went over the location and purpose of the permits. There was continued discussion on the purpose of mowing noxious weeds; requirement to avoid bird nesting season; and no jurisdiction beyond the State vegetation line. Councilor Gould requested clarification on who requested the inquiry under code enforcement regarding tree cutting. Administrator Sweet responded that one was from a private citizen and one from a Councilor.

Visitors. Mayor Smith introduced the topic and Jay Blake, Clatsop County Planning Manager gave a presentation on Clatsop County Economic Opportunities Analysis Plan. His presentation covered the following: Economic Opportunity Analysis; Initial Findings (General Economic, Human Resource); Public Questionnaire Results; Targeted Sectors (Living Wage Jobs of the Future); and Next Steps (Foundational Concepts, Goal Statements, Strategic Areas). Councilor Devereaux inquired about how tourist revenues can be reversed so that the municipalities benefit more than the tourists. Jay Blake indicated that creating more flexibility with the transient room tax dollars has been a topic of conversation.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by Bob Shortman (Tree Ordinance); Victoria Frye (Gearhart Elk); Jack Zimmerman (Flawed Guidance); Deanna Mancill (Turner Weeping Willow); Deanna Mancill (Tree Ordinance).

- Deanna Mancill (2945 Hwy 101 N) expressed concern over the Turner's property being combined (from two taxlots into one taxlot). She explained that one of these taxlots was the abandoned railroad right-of-way. She has concerns over the legality of the merging of the lots. She feels based on information received by Clatsop County, the combining of lots also violates the DEQ easement, coverture, and servitude agreement in regard to the Turner's septic system. She is interested in confirmation that land use laws were followed by the Gearhart City Planning Department when the lots were combined. She plans to submit additional paperwork for the next meeting. She would also like to know which agency will handle any enforcement. She has concerns over her neighbor's willow tree damaging her septic system.
- Shannon Smith (774 Pacific Way) gave an update on the preservation, conservation, and protection of Neacoxie Creek. She read an excerpt from the Comprehensive Plan. She wants to continue protecting Gearhart's treasures (Trees, Estuary, Beach, Creek). She is proposing a petition for efforts to gather the community to support protection of Neacoxie Creek. She is continuing to investigate funding sources to assist with protecting Gearhart's treasures. She will be submitting additional information to the Council.

New Business. *(Mayor Smith made a minor change to the order of an agenda item.)*

Discussion and Consensus on reallocation of American Rescue Plan Act (ARPA) Funds for Critical Water Infrastructure Needs. Mayor Smith introduced the item. Administrator Sweet and Public Works Director McFadden talked about the need to spend the ARPA funds and projects that the funds could go to support. Three critical priorities identified were: emergency replacement of the sodium hypochlorite generator; replacement of the chlorine storage tank; and purchase of radio-read water meters. After the critical projects are allocated, any remaining funds in the ARPA account will go to support other essential water infrastructure needs. Treasurer Hill explained during the budgeting cycle, the ARPA funds had all been moved to the Water Reserve Fund with a dedicated account to track expenditures.

- By consensus, the reallocation of ARPA funds for critical water infrastructure needs was approved (Devereaux, Fackerell, Gould, Kloepper, Smith).

Ordinances/Resolutions.

Ordinance 942 - Section 6.070(8) Preservation & Removal of Trees GZO Text Amendments. Mayor Smith introduced the item. City Planner Phillips noted that changes have been made to Ordinance 942 based on additional worksessions and a Council meeting in October. He highlighted three themes of the Ordinance, which were that the public has had many opportunities for comments through the process; the Planning Commission objective was improving City Staff's awareness of tree removals; and additional language to assist in protecting a wider range of trees (e.g., larger sized, unique value). He also went through changes that were reflected on a table in the Staff Report (Definitions, Applicability, Requirements, Major Tree Removal Permit, Exceptions, Heritage Tree Designation, Trees in the Right-of-Way). He also noted additional public comment that had been submitted and confirmed that the last public hearing regarding the Ordinance had been closed. Councilor Gould requested clarification on language addressing the placement of structures. City Planner Phillips confirmed this language was still in the Ordinance; however, it had been moved to require a minor tree removal permit to allow for tree removal tracking.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Fackerell to approve Ordinance 942 - Section 6.070(8) Preservation & Removal of Trees GZO Text Amendments, MOTION was approved 3 yeas (Fackerell, Kloepfer, Smith) - 2 nays (Devereaux, Gould).
- Councilor Gould expressed concerns over the Ordinance. She feels that all of the impacts of implementing the Ordinance have not been fully vetted. She has concerns over the required amount of staff time; the enforcement component (e.g., weekends); financial impacts; and septic challenges. She feels the citizens should be asked if this is something that they want to financially support because it will come at a cost to enforce.

Old Business. None.

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

Liquor License Application Review. Mayor Smith introduced the item and asked if there was any additional information that should be added. Administrator Sweet indicated there was nothing additional and that the applicant was available to answer any questions. Mayor Smith requested clarification on a discrepancy on seating numbers. Applicant Megan Masterson explained due to the winter season and current budget, she plans to open only one section of the area with the intent to potentially expand in the spring. She explained they are a neighborhood cafe that has a bar that is built in. She indicated that no hard alcohol will be served.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Devereaux to approve the Daughter's liquor license application, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Request for Funds - Police Vehicle Rifle Mounts. Mayor Smith introduced the item. Sergeant Brown explained that the Police Department now has three patrol rifles but no way of securing them in their vehicles. He explained they received quotes from Day Wireless. Councilor Fackerell inquired on how the rifle mounts enhance safety. Sergeant Brown explained how the mount works and that it will be placed in the trunk of the vehicle. Councilor Kloepfer inquired about the need for rifles. Sergeant Brown explained that rifles provide more accuracy under pressure; have more points of contact with the body; and have different ballistics capabilities over handguns. He mentioned that there have been many times in the line of duty where he wished he had access to a rifle over just a handgun. Councilor Devereaux inquired the rationale behind choosing rifles over shotguns. Sergeant Brown indicated that rifles are more precise and have better accuracy at long range.

- ON MOTION by Mayor Smith, 2nd by Councilor Gould to approve the Police Department's request for reserve funds up to \$3,500 to purchase and install a rifle mount in each patrol vehicle, MOTION was approved 5 years (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

City Council's Public Safety Building Guiding Principles. Mayor Smith introduced the item and inquired if there were any issues with the Gearhart City Council's Guiding Principles.

- By consensus, the Council agreed to adhere to the guiding principles throughout the public safety building project process (Devereaux, Fackerell, Gould, Kloepfer, Smith).

Columbia River Estuary Study Taskforce (CREST) Planning Intergovernmental Agreement (IGA) Renewal. Mayor Smith introduced the item and mentioned the purpose is to retain services of the City Planner. Administrator Sweet explained that our City Planner is a contracted service through CREST. This IGA is simply a continuation of what the City is currently doing.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Kloepfer to approve the City to enter into the IGA renewal with CREST, MOTION was approved 5 years (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Council Concerns.

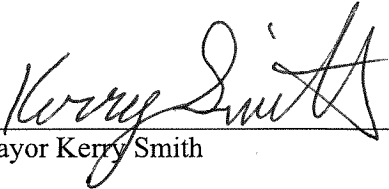
- Councilor Fackerell did not have a concern. She wanted to thank the City Council and let them know she enjoyed serving with them. She appreciates the honesty of Mayor Smith and his no-nonsense attitude. She appreciates the way Councilor Kloepfer questions things and does not just go for the status quo. She has learned a lot from Councilor Dana. She expressed the

importance of having historical perspective that Councilor Devereaux provides and mentioned that when he is not yelling, he is a good Councilor.

- Councilor Devereaux reported no concerns.
- Councilor Kloepfer thanked City Planner Phillips for all of his hard work on the tree ordinance. She also wanted Councilor Fackerell to know she was going to be missed!
- Councilor Gould wants to further discuss water infrastructure and continue to work with Representative Cyrus Javadi on the recreational immunity issue.
- Mayor Smith thanked everyone who supported him in the election. He mentioned that next meeting they will welcome Paulina Cockrum to the Council.

Adjournment.

- ON MOTION by Councilor Gould, 2nd by Mayor Smith to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 9:11 pm.



Mayor Kerry Smith



Chad Sweet, City Administrator