

MANAGER'S CONFERENCE MINUTES
Portsmouth City Council Meeting on
August 22, 2016 – 7:45 p.m.

All members of Council were present except Councilman Kevin W. Johnson who was excused, Manager Allen, Solicitor Haas, and City Clerk Ratliff. Auditor Williams was absent.

1. Code Cleanup 705.22 Used Car Dealers CM-16-105

Manager Allen said he debated on whether to delete this section because we have not sold business license to Used Car Dealership. After speaking to the Police Department they thought this would be one that should be kept because we have had situations where fly-by-night auto sales open up, sell cars and then close up and when their clients come back with problems the dealer can't be found. He requested that the fee be raised from \$70.00 to \$250.00 to be sure that they were legitimate businesses and not preying on people. Mayor Kalb added that there was also problems with people selling multiples cars from the street which took up street parking. Councilman Meadows asked if Used Car Lots were regulated by the State and would our regulation be in conflict with the State. Solicitor Haas replied that as long as they didn't conflict with the State law (inaudible).

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no further questions or comments. VOTE: 5 Ayes – 0 Nay

2. Code Cleanup 705.25 Peddlers of Goods CM-16-106

Manager Allen stated that we had issued licenses but not been charging the \$20.00 and when he ask why the fee hadn't been collected, he was told that we had issued a no cost permit to Kirby Vacuum Salesmen. The issue was raised that it was for individuals with goods in hand and they don't carry the sweepers with them. He brought up the issue of Girl Scouts selling cookies in the neighborhoods as well as other youth organizations selling items door to door. He said the \$20.00 fee was from 1975 and would like to increase it to \$100.00 but it wouldn't apply to any Civic Organizations, Non-Profits or Youth Fund Raising. Mayor Kalb stated that it could read "Door to Door sale of items or service contracts or services" and leave out the "by-hand". Solicitor Haas said he could probably take out carrying the goods by hand. Councilman Meadows said change it to Peddlers of Goods and Services. Mayor Kalb asked about "or his designee" and Manager Allen said that it could be removed.

Councilman Kevin E. Johnson recommended alternative #1 as requested. Councilman Meadows asked if we could amend it to remove "by hand". Councilman Kevin E. Johnson withdrew his recommendation of alternative #1 and recommended alternative #2 to amend to Peddlers of Goods and Services door to door and take out "by hand".

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

3. Deletion of 705.26 Peddlers of Goods/Vehicles CM-16-107

Manager Allen said this was another old ordinance in which it referred to fruit, vegetables, farm produce, butter, eggs, fish, poultry, or meat from vehicles drawn by animals or motor power and the only one he could think of was the Schwans Company. Councilwoman Aeh referenced Omaha Steaks.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

4. Deletion of 705.27 Peddlers License CM-16-108

He said this one referenced a sailor or soldier having an honorable discharge and a County Auditor's Certificate and we don't issue Peddlers licenses.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

5. Deletion of 705.27 Hucksters and Peddlers CM-16-109

He said this was another old one, because the City doesn't have parking meters any longer and he wasn't sure if he had seen a true huckster.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no further questions or comments. VOTE: 5 Ayes – 0 Nay

6. Code Cleanup 705.29 Street Vendors CM-16-110

He said currently the fee is \$5.00 per day and he recommended increasing that to \$30.00. The Mayor should be switched to City Manager. Removal of the word "shall" as it was a typo. He would like to remove "Nothing herein shall prohibit the sale of live plants upon the public sidewalks without a license providing that the display does not protrude more than two feet onto the sidewalk in front of the store owning the display". There was discussion whether River Days vendors would fall under this ordinance.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

7. Code Cleanup 705.31 Itinerant Vendors CM-16-111

Manager Allen said this was a change from Mayor to City Manager.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

8. Code Cleanup 705.33 Open Markets CM-16-112

Manager Allen said that the "Farmers Market" fell under this particular ordinance. He's raised the fee from \$5.00 to \$50.00 and changed Mayor to City Manager and removed the word "huckster". Councilman Kevin E. Johnson ask if we were going to charge each one of those vendors that set up at the Farmers Market to pay \$50.00. Manager Allen said the whole Farmers Market was only getting one license.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

9. Code Cleanup 709.02 Posting Prohibited CM-16-113

Manager Allen said this was a good codified section to have because we don't want people sticking bills or advertisements on poles. The issue with this ordinance was that it spoke of telegraph poles and trolley line poles and that needed to be removed and "Utility Poles" added. Mayor Kalb asked how this would be enforced. Solicitor Haas stated that anyone in the city could tear the signs down or an officer would have to see someone putting a sign up otherwise he would not be prosecuting because he wouldn't win and Councilwoman Aeh said that she and her son went and took down signs.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

10. Deletion of 709.14 Scattering Offal CM-16-114

Manager Allen said he wasn't sure why this was implemented but it needed removed.

Councilman Kevin W. Johnson recommended alternative #1 to delete the section.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

11. Code Cleanup 709.15 Posting on City Property CM-16-115

Manager Allen stated that it referenced telegraph poles and requested it to be changed to Utility Poles.

Councilman Kevin E. Johnson recommended alternative #1 to delete the section.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

12. Deletion of 711 Ambulances CM-16-116

Manager Allen said that it was illegal for the City to charge ambulance companies. Solicitor Haas stated that he had written an opinion over a year ago for Auditor Williams stating that we couldn't collect fees. Manager Allen said that as of July 2016 we collected \$8,400 in licenses and we shouldn't have.

Councilman Kevin E. Johnson recommended alternative #1 to delete the section.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

13. Deletion of 733 Fortunetelling CM-16-117

Manager Allen said back in 2013 we were charging \$100 per month license fee and he's not sure if the lady on Scioto Trail was out of business or not. The language in the ordinance stated that the Mayor was to investigate the applicant and determine if they appear to possess such qualifications.

Councilman Kevin E. Johnson recommended alternative #1 to delete the section.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

14. Code Cleanup 735.03 Garage Sale Hours CM-16-118

Manager Allen said that garage sales were prohibited on Sunday and he's removed that but it would be up to City Council and the time needed to be changed from 10:00 a.m. to 8:00 a.m. because people show up way earlier than that. Clerk Ratliff asked if there would be a charge per day and Mr. Allen said it would be discussed in the next legislation.

Councilman Kevin E. Johnson recommended alternative #1 as requested.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

15. Code Cleanup 735.07 Garage Sale License

CM-16-119

Manager Allen said the intent was to keep people from setting up continuous summer long garage sales. Manager Allen said if you're having a 3-day sale it should be one fee not per day. Mayor Kalb stated that he thought the fee should be \$10.00 with a limit on the number you can have per year and a notice be given out with the license that if you post on poles there would be a penalty. Councilman Lowe asked how it would be enforced and Manager Allen said that it would only be investigated if there was a complaint. Changing Mayor to City Manager and remove "his designee". Councilman Meadows ask if that were two 3-day sale per house and Councilwoman Aeh replied "yes".

Councilman Kevin E. Johnson recommended alternative #2 changing it from \$6.00 to \$10.00 per day with a limit of 3 days per sale and a limit of 2 sales per calendar year.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

16. Resolution for a Rainy Day Fund

CM- Added 8-22-116

Manager Allen said that he got a letter advising that there were a couple of State Representatives that were upset by the fact that there's \$2 billion dollars in the rainy day fund and many cities that were in fiscal watch or caution. The bill they're proposing would have the State Legislature giving the money back to these communities. Portsmouth was one of the named communities and they want us to have \$3.6 million dollars back and he thought we could pass a Resolution showing our support.

Councilman Kevin E. Johnson recommended alternative #1 as proposed.

There were no questions or comments. VOTE: 5 Ayes – 0 Nay

Councilman Lowe stated that he'd received a lot of complaints in the 6th Ward of people working without building permits. He said there were people building houses without permits and he wanted to know who it went through and Manager Allen told him Mike Winters was over that. Mr. Lowe ask if he was allowed to get with Mr. Winters and Mr. Allen told him he could ask Mr. Winters if they had a permit. Solicitor Haas said that it would be the contractor that would get in trouble not the home owner.

Councilwoman Aeh stated that she would be appointing Amy Hartlage-Partlow to the Cultural Affairs Panel to replace Valerie Owens who had moved from the State. Clerk Ratliff advised Council that those terms were ended in December and for Council to be thinking about re-appointments or appointments.

The meeting adjourned at 8:30 p.m. on a motion by Councilman Kevin E. Johnson

Submitted by: *Diana Ratliff* – City Clerk