

CITY OF KENT, OHIO
LICENSE AGREEMENT

THIS AGREEMENT is made by and between the CITY OF KENT, OHIO, hereinafter called "City" and Genghis Properties LLC (176 E. Main Street, Acorn Corner, AKA Old Hotel), hereinafter called the "Licensee."

The City is the owner, in fee simple, of land, hereinafter known as the "Property." For and in consideration of the covenants, conditions, agreements and stipulations of the License expressed herein, the City does hereby agree the Property may be used by the Licensee for the purpose as outlined in Part 1 below, in accordance with the laws and Charter of the City of Kent. The Property is more particularly described in the attached exhibits listed below.

Exhibit "A" – Site Plans

Exhibit "B" – Detail Drawing with Dimensions East end of North side of building

Exhibit "C" – Detail Drawing with Dimensions West end of North side of building

The parties hereto covenant and agree as follows:

1. NATURE OF INTEREST:

The Licensee understands that by issuing this license, the City has merely granted the Licensee the right to occupy the right-of-way and this license does not grant or convey to the Licensee any interest in the Property.

2. USE:

2.1 The Property shall be used for the purpose of: placement of stairs, ADA ramps, railings and bike racks with in the sidewalk area and within the planter to the north of the building three light poles to illuminate the north side of the building at an Engineering Division approved location and for no other purpose.

2.2 No other structural alterations may be made to the City's property without the express written permission of the City of Kent, Director of Public Service.

3. TERM:

The City does hereby agree the Property may be used by the Licensee for a term of one (1) year commencing on October 22, 2012, and ending on October 21, 2012 unless terminated earlier by either party. This license will automatically renew yearly unless one (1) month before expiration either party notifies the other of its intention to terminate per Paragraph 14.

4. NECESSARY LICENSES AND PERMITS:

- 4.1 Licensee shall be licensed to do business in the State of Ohio and City of Kent, and upon request, Licensee shall demonstrate to the City that any and all such licenses are in good standing. Correspondence shall be addressed as follows:

All correspondence to the City shall be addressed:

Service Director
City of Kent
930 Overholt Road
Kent, Ohio 44240

All correspondence to the Licensee shall be addressed:

Genghis Properties LLC
138 East Main Street
Kent, Ohio 44240

- 4.2 Licensee shall secure all necessary permits required in connection with the use of the Property and shall comply with all federal, state and local statutes, ordinances, rules, or regulations which may affect, in any respect, Licensee's use of the Property. Licensee shall, prior to the commencement of any work, obtain and thereafter maintain, at its sole cost and expense, all licenses, permits, etc., required by law with respect to its business use of the Property.

5. STORAGE AND VENDING:

No storage of materials or supplies of any nature will be permitted on the Property except as directly related to the agreed business use of the Property.

6. TAXES:

Licensee agrees to be responsible for and to timely pay all taxes and/or assessments that may be legally assessed on Licensee's interest, or on any improvements placed by Licensee on said Property, during the continuance of the license hereby created, including any real estate taxes. The Licensee must provide written notice to the City, at the address referenced in Paragraph 4.1, within thirty (30) days of payment of all taxes and/or assessments.

7. DIRECTOR OF PUBLIC SERVICE TO ACT FOR CITY:

The granting of this permit shall not be construed as an abridgment or waiver of any rights which the Director of Public Service has in exercising his jurisdictional powers over the City highway system. The City Director of Public Service shall act for and on behalf of the City of Kent in the issuance of and carrying out the provisions of this permit.

8. **CITY USE OF PROPERTY:**

If for any reason the Director of Public Service or his duly appointed representative deems it necessary to order the removal, reconstruction, relocation or repair of the Licensee's changes to the City's property, then said removal, reconstruction, relocation or repair shall be promptly undertaken at the sole expense of the Licensee's thereof. Failure on the part of the Licensee to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the Director of Public Service deems necessary.

9. **MAINTENANCE OF PROPERTY:**

Licensee shall, at its sole expense, keep and maintain the Property free of all weeds, debris, and flammable materials of every description, and at all times in an orderly, clean, safe, and sanitary condition consistent with neighborhood standards. A high standard of cleanliness, consistent with the location of the area as an adjunct of the City, will be required. Defoliant, noxious, or hazardous materials or chemicals shall not be used or stored on the Property.

10. **MAINTENANCE OF IMPROVEMENTS:**

10.1 Licensee, at Licensee's own cost and expense, shall maintain all of his/her improvements to the Property. Licensee shall take all steps necessary to effectively protect the Property from damage incident to the Licensee's use of such Property, all without expense to the City.

10.2 Licensee shall be liable to, and shall reimburse the City for, any damage to City owned property that in any way results from or is attributable to the use of said Property by the Licensee or any person entering upon the same with the consent of the Licensee, expressed or implied.

11. **HOLD HARMLESS:**

Licensee shall occupy and use Property at its own risk and expense and shall save the City, its officers, agents, and employees, harmless from any and all claims for damage to property, or injury to, or death of, any person, entering upon same with Licensee's consent, expressed or implied, caused by any acts or omissions of the Licensee.

12. **INSURANCE:**

12.1 At the time of the execution of this Agreement, Licensee shall, at its own expense, take out and keep in force during the terms of this Agreement:

(a) Liability insurance, in a company or companies to be approved by the City to protect against any liability to the public incident to the use of, or resulting from injury to, or death of, any person occurring in or about, the Property, in the amount of not less than *Five Hundred Thousand*

Dollars (\$500,000.00), to indemnify against the claim of one person, and in the amount of not less than *One Million Dollars (\$1,000,000.00)* against the claims of two (2) or more persons resulting from any one (1) accident.

(b) Property damage or other insurance in a company or companies to be approved by the City to protect Licensee, and the City against any and every liability incident to the use of or resulting from any and every cause occurring in, or about, the Property, including any and all liability of the Licensee, in the amount of not less than *One Hundred Thousand Dollars (\$100,000.00)*. Said policies shall inure to the contingent liabilities, if any, of the Licensee and the City, and shall obligate the insurance carriers to notify Licensee and the City, in writing, not less than thirty (30) days prior to cancellation thereof, or any other change affecting the coverage of the policies. If said policies contain any exclusion concerning property in the care, custody or control of the insured, an endorsement shall be attached thereto stating that such exclusion shall not apply with regard to any liability of the Licensee and the City.

12.2 A copy of the "Certificate of Insurance" will be submitted to the City at the time of execution of license and annually thereafter.

13. **MODIFICATION:**

The terms of this Agreement may be modified upon agreement of the parties.

14. **REVOCAION AND TERMINATION:**

14.1 The City may revoke this license at any time. The Licensee may terminate this Agreement at any time.

14.2 In the event this license is revoked or the Agreement is terminated the Licensee will peaceably and quietly leave, surrender, and yield up to the City the Property. The Property will be restored to its previous condition at the expense of the Licensee and no costs for removal will be reimbursed by the City.

14.3 Upon revocation of the license or upon termination or expiration of Agreement, any personal property, or other appurtenances, including all footings, foundations, and utilities, placed on the City property will be removed by Licensee. If any such appurtenances are not so removed after ninety (90) days written notice from the City to the Licensee, the City may proceed to remove the same and to restore the Property and the Licensee will pay the City, on demand, the reasonable cost and expense of such removal and restoration.

15. **RELOCATION:**

A Licensee who licenses property from the City shall not be eligible for relocation payments.

IN WITNESS WHEREOF, this Agreement has been executed in duplicate by the parties hereto as of the date herein last written below. Licensee acknowledges receipt of a copy of this Agreement and agrees to comply with the provisions herein contained.

LICENSEE(S):

Signature

Signature

Mailing Address

Telephone

Date

CITY OF KENT, OHIO

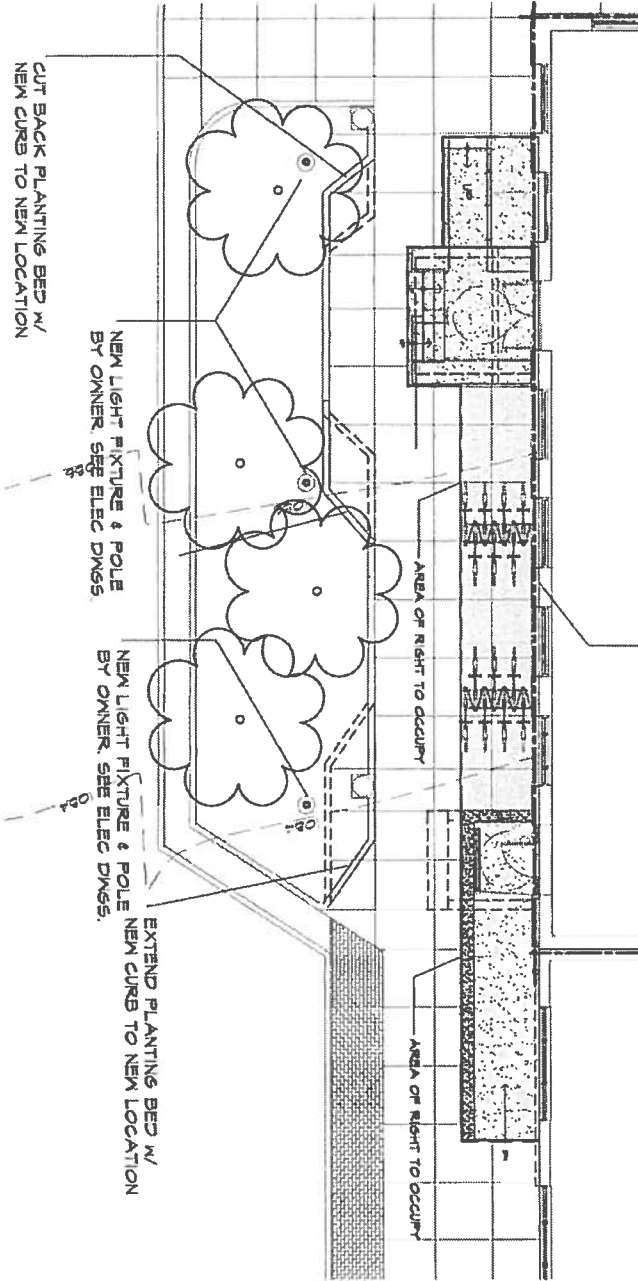
Director of Public Service

Date

APPROVED AS TO FORM:

James R. Silver, Law Director
City of Kent

**EXHIBIT "A"
SITE PLAN**



**EAST MAIN STREET
NEW WALK PLAN**

RECEIVED
SEP 28 2012
Dept. of Public Service


**PRELIMINARY
NOT FOR
CONSTRUCTION**
**REITER
DESIGN
GROUP**
 1111 14th Street, Suite 100
 St. Paul, MN 55102
 Tel: 612.222.1111
 Fax: 612.222.1112
 www.reiterdesign.com

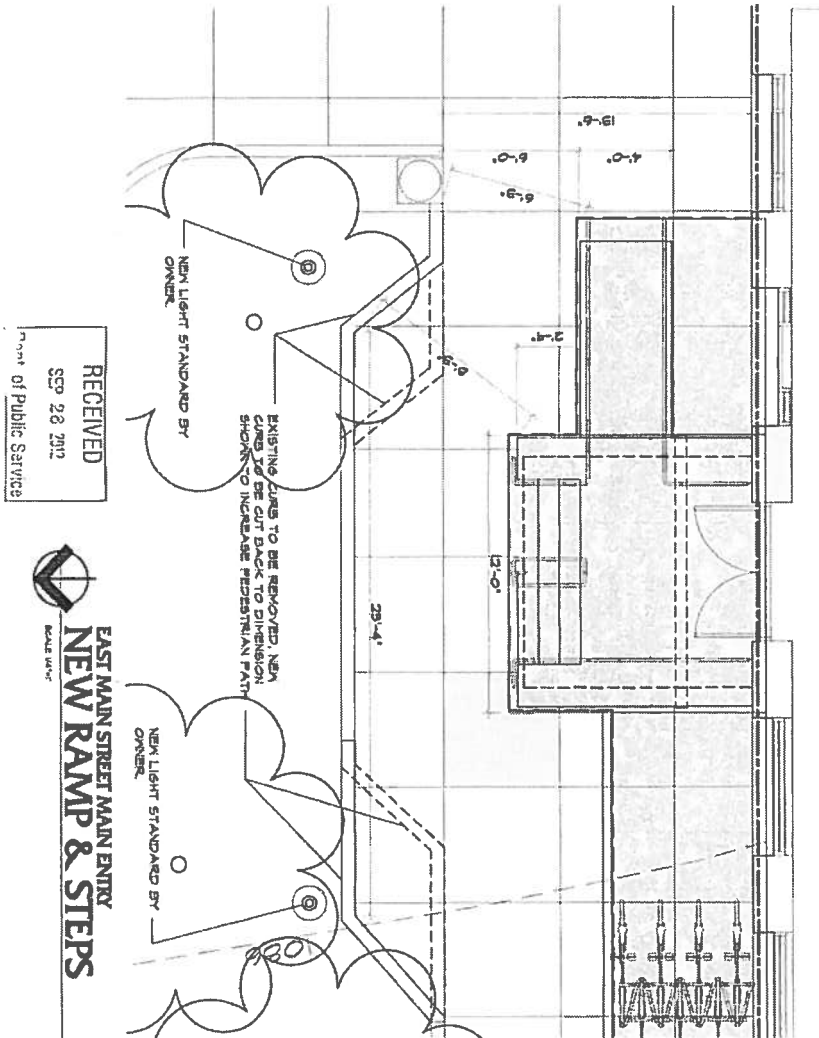
ARCHITECT
Franklin Hotel Rehabilitation
 175 EAST MAIN STREET, EAST CROSSING, MN

DATE: 09/28/12
SCALE: AS SHOWN

PROJECT NO.: 12-001
DATE: 09/28/12

EXHIBIT "B"

Detail Drawing with Dimensions East end of North side of building



PRELIMINARY NOT FOR CONSTRUCTION

HILLIER DESIGN GROUP
 1000 15th Street, Suite 1000
 San Francisco, CA 94103
 Tel: 415.774.2500
 Fax: 415.774.2501
 www.hilliergroup.com

FRANKLIN HOTEL REHABILITATION
 120 MAIN STREET, CHICAGO, ILLINOIS

CONCRETE PRODUCTS, LLC
 120 MAIN STREET, CHICAGO, ILLINOIS

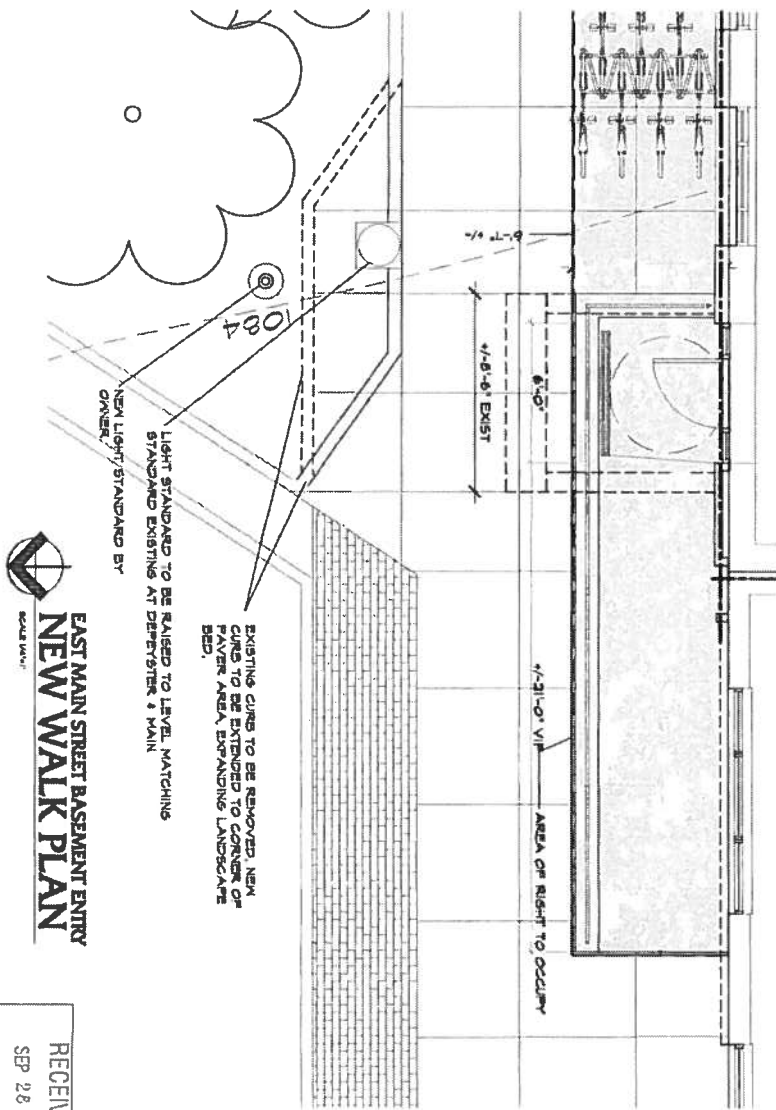
ARCHITECT
 HILLIER DESIGN GROUP

SCALE 1/8" = 1'-0"

RECEIVED
 SEP 28 2012
 Port of Public Service

EXHIBIT "C"

Detail Drawing with Dimensions West end of North side of building



**EAST MAIN STREET BASEMENT ENTRY
NEW WALK PLAN**

RECEIVED
SEP 28 2012
Dept. of Public Service


PRELIMINARY NOT FOR CONSTRUCTION
PERMANENT DESIGN GROUP
FRANKLIN HOTEL REHABILITATION
 175 EAST ARDEN STREET, SUITE 400, CHICAGO, IL 60610
 RECEIVED
 SEP 28 2012
 Dept. of Public Service

**KENT CITY PLANNING COMMISSION
BUSINESS MEETING
OCTOBER 16, 2012
COUNCIL CHAMBERS
KENT CITY HALL
325 S. DEPEYSTER STREET
7:00 P.M.**

A G E N D A

I. CALL TO ORDER

II. ROLL CALL

III. READING OF PREAMBLE

IV. ADMINISTRATION OF OATH

V. MEETING MINUTES September 18, 2012 and October 2, 2012

VI. CORRESPONDENCE

VII. OLD BUSINESS

- A. PC12-023 **DUNKIN' DONUTS**
 525 E. Main Street
 Landscape Plan

The applicant is requesting review and approval of the Landscape Plan for Dunkin' Donuts. The subject property is zoned C-R: Commercial-High Density Residential.

- 1) Public Comment
- 2) Planning Commission Discussion/Action

VII. NEW BUSINESS

- A. PC12-024 **DINA HARLEY**
 1129 Morris Road
 Conditional Zoning Certificate & Site Plan Review

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to operate a massage therapy as a home occupation at the subject property. The subject property is zoned R-3: High Density Residential.

- 1) Public Hearing
- 2) Planning Commission Discussion/Action

IX. OTHER BUSINESS

X. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: October 8, 2012
TO: Kent City Planning Commission
FROM: Jennifer Barone, PE, Development Engineer
RE: Staff Report for the October 16, 2012 Planning Commission Meeting

The following items appear on the agenda for the October 16, 2012 Planning Commission meeting:

OLD BUSINESS:

CASE NO: PC12-023 Dunkin' Donuts

APPLICANT: Dave Sommers & Associates, LLC

SITE LOCATION: 525 East Main Street

STATUS OF APPLICANT: The applicant is the owner's representative.

REQUESTED ACTION: Site Plan Review & Approval to construct a Dunkin' Donuts.

ZONING: C-R: Commercial – High Density Residential

TRAFFIC: The parcel is accessed from East Main Street and University Drive.

SURROUNDING LAND USES: The property is surrounded by residential to the north, commercial to the east and west, and KSU to the south.

APPLICABLE CODE SECTIONS: Chapters 1113 and 1145 of the Kent Codified Ordinances.

ANALYSIS:

PROJECT DESCRIPTION:

At the October 2, 2012 meeting the Planning Commission approved the site plan to construct a Dunkin' Donuts at 525 East Main Street with the condition that the applicant returns with a landscape plan for review and approval. The applicant has submitted the landscape plan for review.

RECOMMENDATION:

Staff recommends approval.

The Planning Commission may approve, approve with conditions, or disapprove the application. Should Planning Commission wish to make a motion for this project the following language may be used:

I move that in Case PC12-023, the Planning Commission approve the Landscape Plan for the Dunkin' Donuts located at 525 East Main Street.

List of Enclosures for This Project:

1. Landscape plan received October 8, 2012.

NEW BUSINESS:

<u>CASE NO:</u>	PC12-024
<u>APPLICANT:</u>	DINA HARLEY – Home Occupation (Massage Therapy)
<u>SITE LOCATION:</u>	1129 Morris Road
<u>STATUS OF APPLICANT:</u>	The applicant owns the property.
<u>REQUESTED ACTION:</u>	Conditional Zoning Certificate and Site Plan Review & Approval for a massage therapy - home occupation use.
<u>ZONING:</u>	R-3: High Density Residential
<u>TRAFFIC:</u>	The site is accessed from Morris Road.
<u>SURROUNDING LAND USES:</u>	The property is surrounded by residential uses on all sides.

APPLICABLE CODE SECTIONS: Chapter 1107, 1113, 1119, 1133 and 1171 of the Kent Codified Ordinances.

ANALYSIS:

PROJECT DESCRIPTION:

The applicant received approval from Planning Commission on October 19, 2010 to operate a home occupation (massage therapy business) in her home contingent upon the following:

1. Limit to one client at any one time
2. Hours of operation are 9:30 am to 6:00 pm weekdays and 10:00 am to 3:00 pm weekends.
3. Install concrete driveway within one year of obtaining permits and conditional zoning approval.

The applicant was unable to comply with condition 3 to install the driveway within one year of approval due to financial hardship and is asking relief from this condition.

Planning Commission approvals are good for two years and in this case the approval will become null & void on October 19, 2012 due to failure to comply with the conditions.

The applicant has applied for a loan from the City through the deferred loan program. This program funds projects on a first come first serve basis. Funds will not be available for Ms. Harley until next year and are pending income verification and final loan approval.

The plan provided is the same as originally submitted and shows the area being used for the business (286 SF) as being between the foyer and the family room and includes a full bathroom. The proposed area to be used is 16% of the total livable area (1857 SF) which is less than 25% maximum allowed by code, and less than the 33 1/3% of the single floor (the house is a ranch style).

The proposed hours of operation for this business would be from 9:30 AM to 6:00 PM, Monday through Friday and occasional weekend day between 10:00 AM and 3:00 PM. No signage is proposed. The applicant currently sees between 10 – 15 clients per week with a maximum potential of 20 clients per week. No noise or odors are anticipated from this operation. The applicant will be the only person working at the establishment.

The proposed use appears to meet the specific conditions set forth in Section 1171.01 (19) of the Zoning Code as presented.

(19) Such uses shall be permitted subject to the following conditions:

- (a) Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
- (b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- (c) Such use shall be conducted only by persons residing in the dwelling unit and not more than one other person.
- (d) There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
- (e) The use shall not involve the use of more than thirty-three and one-third percent of the floor area of only one story.
- (f) One unlighted name plate not more than one square foot in area announcing the name of home occupation shall be permitted.
- (g) Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

TRAFFIC/PARKING:

Traffic generated by this business will be minimal since there is only one client at a time. The driveway does need to be modified to allow a proper configuration to meet code. This is the matter before you.

UTILITIES:

No changes to the utilities are proposed.

STORMWATER:

No changes to the utilities are proposed.

SIGNAGE:

No signs are proposed.

LIGHTING/LANDSCAPING/DUMPSTER:

No changes are proposed.

ARCHITECTURAL ADVISORY BOARD:

This project was not reviewed by Architectural Advisory Board.

VARIANCES:

No variances are required.

RECOMMENDATION:

Staff is recommending that the Planning Commission re-approve the home occupation with the condition listed below. Staff is not recommending relief from the requirement to modify the driveway but suggests allotting additional time to accomplish the modification.

Planning Commission may approve, approve with conditions, or disapprove the application. Should Planning Commission wish to approve this project, the following language may be used:

I move that in Case PC12-023, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to operate a massage therapy business as a home occupation at 1129 Morris Road subject to the following:

1. Limit to one client at any one time
2. Hours of operation are 9:30 am to 6:00 pm weekdays and 10:00 am to 3:00 pm weekends.
3. Obtain a permit and install the concrete driveway in accordance with the code within six months of obtaining financing, whether through the City's program or other means, and no later than September 30, 2014.
4. Obtain a license from the Health Department for massage therapy.

List of Enclosures for This Project:

2. Applicant Cover Letter dated August 28, 2012.
3. Site & floor plans received August 30, 2012.
4. Aerial Topo and Zoning Map.

cc: Bridget Susel, Interim Community Development Director
Jim Bowling, City Engineer
Eric Fink, Assistant Law Director
Heather Phile, Development Planner
Applicant
PC Case File



KENT FIRE DEPARTMENT SEPTEMBER 2012 MONTHLY INCIDENT REPORT

FIRE RESPONSE INFORMATION	CURRENT PERIOD			YEAR TO DATE		
	2012	2011	2010	2012	2011	2010
Summary of Fire Incident Alarms						
City Of Kent	54	53	68	499	392	439
Kent State University	25	35	30	157	165	142
Franklin Township	11	13	9	138	106	106
Sugar Bush Knolls	0	0	0	2	1	0
RESPONSES	90	101	107	796	666	687
Mutual Aid Received by Location						
City Of Kent	2	1	7	14	4	12
Kent State University	0	1	0	2	1	0
Franklin Township	0	0	0	4	0	7
Sugar Bush Knolls	0	0	0	0	0	0
TOTAL	2	2	7	20	5	19
Mutual Aid Given	3	4	2	39	36	36
TOTAL FIRE INCIDENTS	93	105	109	835	702	723
 EMERGENCY MEDICAL RESPONSE INFORMATION						
Summary of Medical Responses						
City Of Kent	172	215	203	1632	1772	1780
Franklin Township	43	37	40	345	260	263
Kent State University	52	65	38	279	251	229
Sugar Bush Knolls	0	1	0	8	6	9
Mutual Aid Given	2	2	1	25	18	30
TOTAL RESPONSES	269	320	282	2289	2307	2311
Mutual Aid Received by Location						
City Of Kent	2	0	3	10	11	16
Franklin Township	0	0	1	7	3	1
Kent State University	0	0	1	3	2	0
Sugar Bush Knolls	0	0	0	0	0	0
TOTAL	2	0	5	20	16	15
Total Fire and Emergency Medical Incidents	362	425	391	3124	3009	3034

**CITY OF KENT
ARCHITECTURAL REVIEW BOARD
OCTOBER 16, 2012**

**COMMUNITY DEVELOPMENT DEPARTMENT
CONFERENCE ROOM
930 OVERHOLT ROAD
4:00 P.M.**

A G E N D A

I. CALL TO ORDER

II. ROLL CALL

III. ADMINISTRATION OF OATH

IV. PROJECT REVIEW

- A. ARB12-022 BAKED IN THE VILLAGE / ANDREA BERRY
123 NORTH WATER STREET**

The applicant is requesting review of new building signage.

- 1) Discussion**
- 2) Recommendation/Action – Certificate of Appropriateness**

- B. ARB12-025 PARTA / KENT CENTRAL GATEWAY BUILDING
SIGNAGE PLAN
201 EAST ERIE STREET**

The applicant is requesting review of the comprehensive signage plan.

- 1) Discussion**
- 2) Recommendation/Action – Certificate of Appropriateness**

- C. ARB12-026 HUNTINGTON BANK
250 SOUTH WATER STREET**

The applicant is requesting review of a proposed ATM machine and awning.

- 1) Discussion**
- 2) Recommendation/Action – Certificate of Appropriateness**

V. MEETING SUMMARY September 18, 2012

VI. OTHER BUSINESS

VII. ADJOURNMENT

CITY OF KENT
HEALTH BOARD MEETING
OCTOBER 9, 2012, 5:30 PM
KENT CITY HEALTH DEPARTMENT OFFICES
325 S. DEPEYSTER STREET
KENT, OH 44240
Phone (330) 678-8109 Fax (330) 678-2082

AGENDA

- I. MINUTES September 25, 2012 Meeting
- II. OPEN COMMENTS
- III. REPORTS
 - A. Statistical Report for September 2012
 - B. Expenditures & Encumbrances September 2012
 - C. Commissioner's Report for September 2012
- IV. OLD BUSINESS
 - A. Solid Waste Non-compliance
 - B. Medical Director Contract
- V. NEW BUSINESS
 - A. Board President's Term Expiration
 - B. Rental Housing Licensing
 - C. Complaint Line/Internet Access
 - D. NPHPSP – December 7th
- VI. EXECUTIVE SESSION
- VII. ADJOURN MEETING

If you require assistance to attend this meeting, please contact the Health Department at (330) 678-8109.

JN/trr

cc: Health Board
City Manager
Clerk of Council
Health Staff
Mayor
News Media
Post
File

Kent City Health Department
 325 S. Depeyster Street
 Kent, Ohio 44240
HEALTH BOARD MINUTES
 September 25, 2012

Board Members Present

Pam Freeman
 Marchelle Bobbs
 Jack Amrhein
 Doug Wagener
 Chris Woolverton
 Susan Roxburgh

Staff Present

Jeff Neistadt
 Anthony Bartholomew

Chris Woolverton called to order the Health Board Meeting of September 25, 2012 at 5:35 p.m.

The minutes from the August 14, 2012 meeting were distributed and reviewed by the Health Board members prior to the meeting.

Motion: A motion to approve the minutes from August 2012 meeting was made by Pam Freeman and seconded by Marchelle Bobbs. The motion passed.

Statistical Report

Expenditures & Encumbrances

VENDOR	ITEM DESCRIPTION	AMOUNT
Treasurer, State of Ohio	FSO transmittal fees for July 2012	\$28.00
Treasurer, State of Ohio	RFE transmittal fees for July 2012	\$28.00
Ohio Div. of Real Estate	Burial Permit fee transmittal for July 2012	\$85.00
Taylor Technologies	Cyanuric Acid Test kits for swimming pools testing	\$86.25
Star Printing	Housing Inspection Forms	\$635.00
Bissler & Sons	Indigent cremation for M. O'Brien (family assisted with \$250)	\$1,000.00
Ohio Dept. of Agriculture	Pesticide license renewal for Jeff & Trevor	\$70.00
Treasurer, State of Ohio	Pool licensing transmittal 1 pool 1 spa	\$144.00
	TOTAL	\$2,076.25

Travel & Reimbursements		
Northeast OEHA	Conference registration for Jeff, Trevor and Justin.	\$300.00
AOHC	Registration fee for Fall conference for Jeff	\$330.00
		\$630.00

Motion: A motion was made by and Pam Freeman and seconded by Doug Wagener to approve the Expenditures and Encumbrances for the month of August 2012. The motion passed.

Commissioner's Report

We have concluded interviews for the Environmental Technician Position and have hired Eric Gorczynski. He started September 10th and he will be splitting his time between the Water Reclamation Facility and our department. He will be mainly working to assure compliance with the Kent Codified Ordinances as well as running our mosquito control program throughout the warmer months. Over the upcoming winter months he will be conducting our housing survey to verify compliance with our Environmental Health and Housing Code. Eric possesses a BS degree in Environmental Science from Cleveland State and has experience with the Ohio Dept. of Natural Resources, housing construction, and the U.S. Marine Corps.

We are continuing to encounter non-compliance with food code regulations such as missing handsinks, 3 compartment sinks, and service sinks. Unfortunately, without service sinks the mop water is currently being dumped outside of these facilities. Unfortunately, many of these food service operators were told that they were "grandfathered in" by the former administration so we have our work cut out for us out there getting these folks into compliance.

We have been continuing to inspect the Farmers Market about every other weekend and have almost everyone in compliance now.

Kent State University applied on our behalf for the Robert Wood Johnson Shared Services Learning Community Program with the potential for \$125K in funding to explore sharing public health services with Portage County and Ravenna. KSU also put in a grant for the Local Government Innovation Fund left it open for Kent to participate if we would like to.

Our staff has worked extremely hard over the past few weeks on an overabundance of solid waste complaints as well as housing issues with the new students moving into town. This includes spending quite a bit of time with The Province apartment complex. The Province complex went past the final minute for several of their units but we were able to verify compliance with applicable codes prior to move in. Unfortunately, one building that is referred to as the "donut" was not finished so they had to provide hotel rooms for 168 students as well as transportation and meal plans for the displaced students.

We have been working with CHC Software on getting us up and running with the Health Department Information System Software. The entire staff went through a demonstration on the software, and the company is in the process of developing our housing program. This new software will enable us to conduct inspections out in the field with a laptop or tablet computer. It will also allow us to keep an electronic record of every establishment in a database including copies of previous inspection reports and/or complaints. Paper copies of inspections may be a thing of the past here eventually! The daily tracking program will also help out immensely with the cost analysis we must conduct annually. There is a three year project underway with the

State of Ohio, getting a program called Health Space. We are looking into this software also.

Some time has been set aside in September for the staff to get together and go through our housing code. Some initial thoughts include requiring unlimited trash service for licensed housing as well as late payment penalties.

Old Business

Solid Waste non-compliance. A draft policy will be going before City Council October 3, 2012. Over a 12 month period, the first offense would be a fine of \$50; second offense \$150, and \$250 for the third offense and every offense thereafter.

Medical Director's Contract will be tabled until the next meeting in October.

Jeff discussed the Public Health Futures Report. He stated that it was a topic of discussion at the AOHC Conference. There was a question whether the minimum Local Public Health Service items will be mandatory or not. On Page 9 of the Report lists those Core services. Every Health district in the State should be offering at least the Core services listed. Kent currently offers most of the Core Services however we are weak on Epidemiology and Health Promotion, which can be increased by contracting with a provider or using college students.

Motion: A motion was made by Doug Wagener and seconded by Marchelle Bobbs to have the Health Commissioner explore and report on the possible contracting of services for an Epidemiology Component for the Kent Health Department.

New Business

New Critical Control Point (CCP) Inspection Procedures. A new step by step procedure/guideline on the proper CCP inspection of food operations was drafted for the Boards review and approval.

Motion: A motion was made Pam Freeman and seconded by Jack Amrhein to approve the new procedure guideline for CCP Inspections. The motion passed.

Akron Regional Air Quality Management District (ARAQMD) contract. Jeff stated that Kent has been in a contract with ARAQMD since 1991. We pay approximately \$3,120 a year for their services. Since Akron and Summit County merged the fees are going to jump from \$3,120 to over \$16,000 a year. Jeff stated that we can continue to pay the fees for the industries as we have in the past, or we turn the program over to Summit County and they will bill the businesses and industries in Kent and collect those fees themselves.

Motion: A motion was made by Doug Wagener and seconded by Pam Freeman to discontinue the contract with ARAQMD and turn the program over to Summit County and allow them to contract directly with the industries in Kent to bill and collect their service fees.

New Food Service Plan Review Procedures have been included in the Health Board Packet. The old Plan Review packet was a total of about 4 forms and it has significantly increased with the addition of a checklist. It has made the Plan Review process more standardized.

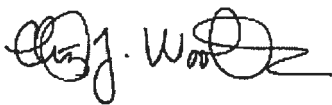
Jeff stated that he has written some articles for the Fall issue of the Tree City Bulletin regarding food safety. He stated that he plans to write about the Health Department and Health Programs and Topics in every issue of the Tree City Bulletin.

Virginia Graeme Baker (VGB) Act. Jeff stated that due to an accident with this young girl who tragically died after being trapped in spa drain, federal legislation was sought in effort to prevent this tragedy from happening to others. The VGB Act went into effect December 19, 2008 and required that all public swimming pools, spas and special use pools have an anti-entrapment and anti-evisceration mechanism in place by December 19, 2008. This has never been enforced here. Jeff stated that he has drafted a letter to send out to all Public Swimming Pool Owners/Operators in Kent that they must be in compliance with this Act by May 18, 2013.

Motion: A motion was made Doug Wagener and seconded by Marchelle Bobbs to approve sending a letter to all Pool, Spa and Special use Pool owners and Operators to comply with the Virginia Graeme Baker Act by May 18, 2013. The motion passed

Motion: A motion to adjourn the meeting of September 25, 2012 was made by Doug Wagener and seconded by Jack Amrhein. With no objection, the motion passed, the meeting adjourned.

Approved:



Christopher Woolverton



Jeff Neistadt, Secretary

KENT HEALTH DEPARTMENT STATISTICAL REPORT 2012

	Sept. 2012	YTD 2012	Sept 11	YTD 2011
HEALTH DEPT. \$ COLLECTED				
FamAbuse fund	\$ 379.50	\$ 4,074.00	\$ 433.50	\$ 3,658.50
Vital Stats Rev.	\$ 2,150.50	\$ 23,086.00	\$ 2,456.50	\$ 20,731.50
Child Abuse	\$ 759.00	\$ 8,148.00	\$ 867.00	\$ 7,317.00
State VS	\$ 2,277.00	\$ 24,444.00	\$ 2,601.00	\$ 21,951.00
B Perm Rev	\$ 9.50	\$ 137.00	\$ 17.50	\$ 133.50
B Perm State	\$ 47.50	\$ 685.00	\$ 87.50	\$ 667.50
Food Estab.	\$ 120.90	\$ 14,177.20	\$ 0.00	\$ 10,378.25
Food Service	\$ 1,467.20	\$ 47,142.90	\$ 419.00	\$ 40,759.30
FSO Vending	\$ 0.00	\$ 700.00	\$ 0.00	\$ 655.00
Home Sewage	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Housing	\$ 6,660.00	\$ 67,085.00	\$ 10,280.00	\$ 62,140.00
Swim Pools	\$ 0.00	\$ 3,836.50	\$ 0.00	\$ 3,262.50
SolWst(Trks)	\$ 0.00	\$ 735.00	\$ 0.00	\$ 780.00
Tattoo Parlors	\$ 0.00	\$ 100.00	\$ 0.00	\$ 300.00
*Misc(Xerox, etc.)	\$ 5.50	\$ 315.20	\$ 60.17	\$ 166.87
0	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
**ST Subsidy	\$ 0.00	\$ 6,650.17	\$ 0.00	\$ 9,908.97
TOTAL COLLECTED	\$ 13,876.60	\$ 201,315.97	\$ 17,222.17	\$ 182,809.89
TO STATE				
FamAbuse fund	\$ 368.13	\$ 3,951.90	\$ 323.03	\$ 3,445.47
Food Estabs	\$ 120.90	\$ 1,380.90	\$ 0.00	\$ 1,092.00
Bur.Permits	\$ 47.50	\$ 685.00	\$ 82.50	\$ 630.00
Child Abuse	\$ 736.23	\$ 7,903.56	\$ 646.02	\$ 6,890.88
State VS QTRLY	\$ 2,277.00	\$ 24,444.00	\$ 1,998.00	\$ 21,312.00
Food Service	\$ 84.00	\$ 3,556.00	\$ 0.00	\$ 3,468.00
Food Vendors	\$ 0.00	\$ 144.00	\$ 0.00	\$ 144.00
Swim Pools	\$ 0.00	\$ 1,174.00	\$ 0.00	\$ 925.00
Wells	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL	\$ 3,633.76	\$ 43,239.36	\$ 3,049.55	\$ 37,907.35
TOTAL ASSETS				
	\$ 10,242.84	\$ 158,076.61	\$ 14,172.62	\$ 144,902.54
+Admin fee to Vital Stats	\$ 34.16	\$ 366.54	\$ 39.02	\$ 337.28
-3% FamAbuse	\$ 11.39	\$ 122.10	\$ 13.01	\$ 112.46
-3% ChildAbuse	\$ 22.77	\$ 244.44	\$ 26.01	\$ 224.82

STATISTICAL REPORT Cont.

	Sept. 2012	YTD 2012	Sept 11	YTD 2011
PERMIT/lic.				
Food Estabs	0	44	0	39
Food Service (7 temps)	10	144	6	160
FS Vending	0	25	0	24
Home Sewage	0	0	0	0
Housing	28	473	55	466
Solid Waste	0	20	0	48
Swim Pools	0	30	0	14
Septic Haul.	0	0	0	0
Tattoo Parlors	0	1	0	4
Other	0	0	0	0
TOTAL	38	737	61	755
MOSQ.CONT.				
Sites Treat.	15.0	43.0	1.0	38.0
Adulticide	0.0	0.0	0.0	7.0
Tot Man Hrs	13.0	56.1	27.0	176.3
COMPLAINTS				
Received	17	145	26	202
Abated	16	136	21	198
LEGAL.COMPL.				
Filed	0	0	0	3
Pre-trials	0	0	0	0
Trials	0	0	0	0
COMM.DISEASE	28	231	26	404
VNA CLINICS IMMUNIZATIONS	25	125	0	47
BIRTH Copies issued	26	391	37	240
DEATH Copies issued	227	2325	252	2354

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
OCTOBER 15, 2012
COUNCIL CHAMBERS – KENT CITY HALL
325 SOUTH DEPEYSTER STREET**

I. CALL TO ORDER

II. PLEDGE

III. ROLL CALL

IV. PREAMBLE

V. ADMINISTRATION OF THE OATH

VI. NEW BUSINESS

**A. BZ12-022 THE LIGHT / LARRY & MARY NOEL
156 NORTH WATER STREET**

Section: 1171.01(1)

Request: The applicant is requesting a 100-foot variance from the 100-foot minimum structure and activity setback, as outlined in Section 1171.01(1), to allow a church to be located in the existing building at 156 North Water Street.

- 1. Public Comment**
- 2. Board of Zoning Appeals Discussion / Action**

**B. BZ12-023 TRAVIS COPEN
501 DODGE STREET**

Section: 1155.04(a)

Request: The applicant is requesting a 48- foot variance from the 50-foot minimum front yard setback requirement to allow a building addition to be 2 feet from the front property line along Dodge Street.

- 1. Public Comment**
- 2. Board of Zoning Appeals Discussion / Action**

**C. BZ12-022 SMITHERS OASIS
919 MARVIN STREET**

Section: 1155.04(d)

Request: The applicant is requesting a 74-foot variance from the 100-foot minimum side yard setback requirement to allow a new greenhouse building to be 26 feet from the side property.

1. Public Comment

2. Board of Zoning Appeals Discussion / Action

VII. MEETING MINUTES

- A. **MEETING MINUTES FROM THE AUGUST 20, 2012 MEETING**
- B. **MEETING MINUTES FROM SEPTEMBER 17, 2012 MEETING**

VIII. OTHER BUSINESS

IX. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: OCTOBER 5, 2012
TO: KENT CITY BOARD OF ZONING APPEALS
FROM: HEATHER PHILE, DEVELOPMENT PLANNER
RE: STAFF REPORT FOR THE OCTOBER 15, 2012 BOARD OF ZONING APPEALS MEETING

The following case appears on the agenda for the October 15, 2012 Board of Zoning Appeals meeting:

NEW BUSINESS

CASE NO.: BZ12-022

APPLICANT: THE LIGHT / LARRY & MARY NOEL

SITE LOCATION: 156 North Water Street

STATUS OF APPLICANT: The applicant is the tenant at the property.

REQUESTED ACTION: The applicant is requesting a 100-foot variance from the 100-foot minimum structure and activity setback, as outlined in Section 1171.01(1), to allow a church to be located in the existing building at 156 North Water Street.

ZONING: This property is currently located in the C-D: Commercial – Downtown Zone District.

TRAFFIC: The property is accessible from North Water Street.

SURROUNDING LAND USES: The property is surrounded by other commercial uses on the north, east, and south sides and by the Cuyahoga River on the west side.

APPLICABLE CODE SECTIONS: 1171.01(1)

ANALYSIS:

This property is located at 156 North Water Street and is currently zoned C-D: Commercial – Downtown. This property was previously home to an accounting office.

The applicant is proposing to start a church in the space at 156 North Water Street. The applicants proposed to have Sunday services, weekly meetings, as well as special campus and

community events at this location. The staff consists of 2 volunteer pastors. The applicant proposes to use on-street parking, as well as other public parking areas.

Churches in the C-D district are conditionally permitted and are also subject to other requirements outlined in Section 1171. This application meets all of the conditions except for number 1, which requires all buildings and activity areas to be 100 feet from any property line. The applicant is proposing to use an existing space within an existing building that is on the front property line. The applicant is therefore requesting a variance from this section of the code. The applicant has presented the application to the Planning Commission, who has granted the conditional zoning certificate for the church contingent upon the BZA granting this variance. The Architectural Review Board has reviewed and approved signage for the church.

CASE NO.: **BZ12-023**

APPLICANT: **TRAVIS COPEN**

SITE LOCATION: 501 Dodge Street

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting a 48-foot variance from the 50-foot minimum front yard setback requirement to allow a building addition to be 2 feet from the front property line along Dodge Street.

ZONING: This property is currently located in the I: Industrial Zone District.

TRAFFIC: The property is accessible from Dodge and Cedar Streets.

SURROUNDING LAND USES: The property is surrounded by railroad property on the east and north, and by residential uses on the west and south.

APPLICABLE CODE SECTIONS: 1155.04(a)

ANALYSIS:

This property is located at 501 Dodge Street and is currently zoned I: Industrial. This property is currently home to Copen Machine. The parcel is on the corner of Dodge and Cedar Streets.

Copen Machine has been operating from this location since 1998. The company has grown since this time, and the applicant is proposing to construct an approximately 5300 square foot addition onto the existing machine shop building. The new addition will extend towards Dodge Street, and sit approximately 2 feet from the front property line. The new addition will be constructed in this area to avoid a storm sewer and easement along the western side of the building. The existing building currently sits approximately 18 feet from the front setback, which does not meet the building setback requirement of 50 feet.

The City of Kent zoning ordinances state that the minimum front yard setback in the Industrial zone district is 50 feet. The applicant is requesting a variance to allow the addition to be approximately 2 feet from Dodge Street. In order to avoid building over the storm drain and storm lines that exist on the property, the applicant is proposing to construct the addition closer

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Board of Zoning Appeals Staff Report
October 15, 2012 meeting

to Dodge Street. This parcel is an odd shape on a corner, with a storm sewer easement that runs through almost the middle of the property, making any addition to the existing building difficult.

- CASE NO.:** **BZ12-024**
- APPLICANT:** **SMITHERS OASIS**
- SITE LOCATION:** 919 Marvin Street
- STATUS OF APPLICANT:** The applicant is the owner of the property.
- REQUESTED ACTION:** The applicant is requesting a 74-foot variance from the 100-foot minimum side yard setback requirement to allow a new greenhouse building to be 26 feet from the side property line.
- ZONING:** This property is currently located in the I: Industrial Zone District.
- TRAFFIC:** The property is accessible from Marvin Street.
- SURROUNDING LAND USES:** The property is surrounded by other industrial uses on the west, north, and east sides, and by residential uses on the south side.
- APPLICABLE CODE SECTIONS:** 1155.04(d)

ANALYSIS:

This property is located at 919 Marvin Street and is currently zoned I: Industrial. This property is home to Smithers Oasis.

The applicant is proposing to construct a new greenhouse on the property. A pole building was previously in this location and was razed several years ago. The applicants would now like to construct a new 36-foot by 96' foot greenhouse. The applicant is proposing to construct the new greenhouse in the southeast portion of the property, approximately 25 feet from the property line. The applicants have looked at other places for to build the greenhouse on the property, but have concluded that this location would be the most beneficial in terms of horticultural factors and requirements. This location will allow for the best angle of the sun, direction of prevailing winds, and proximity to the existing research building. This location will also be favorable when it comes time to add onto the existing production building, as the greenhouse will not have to be relocated. This location is also preferred to avoid existing utility lines to the main production facility.

The City of Kent Zoning Ordinances state in the Industrial zone district, a side yard abutting a residential zone district has a minimum setback of 100 feet. The applicant is proposing to construct the new greenhouse approximately 25 feet from the side property line. This property line is shared with residences that face Lake Street. The residences are zoned R-3: High Density Residential, therefore, the minimum side yard setback is 100 feet. This area has many trees to buffer the new building from the residences.

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cc: Applicant
Case file
Jennifer Barone, Development Engineer
Bridget Susel, Interim Community Development Director
Eric Fink, Asst. Law Director