

**THE CITY OF KENT, OHIO  
STREETS, SIDEWALKS, AND UTILITIES COMMITTEE  
WED., JULY 21, 2010**

This meeting of the Streets, Sidewalks, and Utilities committee was called to order by Michael DeLeone, Chair, on Wed., July 21, 2010, at 7:20 p.m. Chair DeLeone explained the only item on the agenda was a request by Cajun Dave's for a license to occupy.

**PRESENT:** MR. AMRHEIN, MR. DeLEONE, MR. FERRARA, MR. KUCHAR, MS. SHAFFER, MR. TURNER, MR. VALENTA, MS. WALLACH, AND MR. WILSON

**ALSO PRESENT:** J. FIALA, MAYOR; W. LILlich, ACTING CITY MANAGER; J. SILVER, LAW DIRECTOR; AND L. COPLEY, CLERK OF COUNCIL

**ABSENT:** D. RULLER, CITY MANAGER

**James Silver, Law Director**, explained these are normally handled by the Service Director, who was on vacation. He said that Cajun Dave's has requested permission to use one of the three parking spaces in front of their business to set out a cooker no more than two days a week, for no more than sixteen hours per day. He said they are requesting permission, and said permission must be obtained from Council. Mr. Silver said this is a little different from the ones they normally do, as it is requesting the use of a parking space, and not the sidewalk. He said staff does not have any objections.

Mr. Silver said they previously sent a draft to Council, and included in the draft is that the business works with the Fire Department to be sure it is safe, as they need to have some fencing. He said they need to add language that removes the license during times they agree to shut down that part of South Water Street for festivals, parades, etc. Mr. Silver said he spoke with Mr. Beder who did not seem to have too much concern. He said that would require Mr. Beder to ask permission of whomever holds the permit. He said that otherwise, the agreement is the same as the others they approve.

**Brian Bower, Chef, Co Owner, Cajun Dave's:** Mr. Bower said he is familiar with the condition Mr. Silver wants added, adding they have no problem. He thanked everyone for their time and hospitality. Mr. Bower said he was a little nervous when they told him he would be speaking. He said he was available to answer their questions.

Mr. Kuhar asked if they are going to set a precedent for some other business if they allow this business to occupy two spaces, and Mayor Fiala noted they are requesting one space. Mr. Kuhar said he is concerned that they may lose half of their parking spaces with vendors wanting their equal share.

Mr. Ferrara asked if they would set it up in the morning, fire it up, and break it down after lunch, and Mr. Bower said they asked for up to sixteen hours per day. He said although they would not be using it the entire time, it would occupy the space. He said he transports it from his home, and many times, he is there twelve to fourteen hours a day. He said the perfect scenario would be to get there at 10:00 a.m., heat it up, use it for service at 5:00 p.m., and allow it to cool down. He said it would occupy the space from 5:00 p.m. until he left. He said it would be hot for seven to eight hours. Mr. Ferrara asked if they would not use it for lunch, and Mr. Bower said they would for a special event like a Chamber luncheon. He said their intention is to use it on Fridays for dinner, and to coincide with special events. He said it would be offsite for catering otherwise.

Mr. Ferrara asked if the Administration felt they could not put it in the alley for safety reasons, and Mr. Lillich said the alley is used for a lot of deliveries to keep vehicles off Water Street. He said they would not want to block the alley, adding he did not think it was level enough. Mr. Bower agreed, adding that the alley is a tight space, with people walking from Water Street to Franklin Avenue, and would be too constricted.

Mr. Turner said they have signatures from a number of businesses, and asked if these were his neighbors,

and Mr. Bower said that was correct. Mr. Turner asked if any chose not to sign, and Mr. Bower said that Sue Nelson did not sign, as she had concerns about the homecoming parade. He said he was unsure what she was saying. Mayor Fiala said it currently goes down Franklin Avenue, and Mr. Bower said she wants it down Water Street.

Mr. Turner asked if the Administration was comfortable that this would not cause any logistical problems, and Mr. Lillich said they are relying on the signatures in the document. Mr. Silver said the agreement allows for either side to terminate it at any time. He said that would be an option if there were enough unresolved problems.

Ms. Wallach asked if the parade goes down Water Street, if they would be willing to not put out the cooker, and Mr. Bower said he would be willing to keep their neighbors happy. Ms. Wallach said the signatures were all on the opposite side of the street, except for one. Mr. Bower said they just obtained signatures from the owners, not the employees, adding they are unsure who owns Guy's. He said they did this with quite a time constraint. He said the comic store was closed when they went around the neighborhood, adding they went across the street to 157 Lounge, Kent Jewelry, and Woodsy's. Mr. Bower said everyone seemed excited except Sue Nelson.

Ms. Shaffer said she wanted to raise some safety concerns, and asked if it would be attended to when hot. Mr. Bower said he would be manning the smoker, while it is hot. He said they have ordered, but not yet received forty stanchions that they can hook chains to them, around the smoker. He said there would be a buffer zone so no one could touch it. He said they will also have some writing on the smoker, saying "Caution - Hot."

Mayor Fiala asked if this was a one year agreement, and Mr. Lillich said that was correct.

Mr. Lillich said he wished to respond to Ms. Shaffer. He said both the Health and Fire Departments have met with the owners to identify the safety and health issues. Mr. Bower agreed, adding the Fire Department told them what they need to do, adding they have the appropriate commercial fire extinguisher. He said the Health Department requires them to work off their food service license for the inside.

Mr. Valenta asked if they have liability insurance, and Mr. Bower said their policy is with State Auto, through Hall-Greene. He said it was just updated to cover the smoker with liability coverage.

Mr. Kuhar asked what days they are using it, and Mr. Bower said they are only using it one day. He said they put "up to two days" in the request in case there was a special event that may warrant it, like the Kent State Homecoming weekend. He said they are only planning on using it on Fridays. Mr. Kuhar asked if it is too large to incorporate on the edge of the sidewalk, and Mr. Bower said it would be too close to the building overhang.

**MOTION TO AMEND THE AGREEMENT SO THAT IT IS NOT VALID WHEN THIS SECTION OF S. WATER STREET IS INCLUDED IN A SPECIAL PERMIT, AND REQUIRING THEM TO OBTAIN PERMISSION FROM THE FESTIVAL SPONSOR.**

Motion made by Mr. Wilson, seconded by Ms. Shaffer.

At this time, it was noted they had not authorized the agreement, so the motion made was inappropriate.

There was no further audience comment at this time.

Mr. Turner asked Mr. Bower if the amendment was reasonable to him, and Mr. Bower said he was confused by the terminology, but understood they would apply with the sponsors. Mr. Wilson said they are saying the agreement would not supersede any permits, parades, or festivals.

**MOTION TO AUTHORIZE THE REQUEST, CONTINGENT ON THEM ACCEPTING RESPONSIBILITY TO WORK WITHIN THE CONFINES OF SPECIAL EVENTS.**

Motion made by Mr. Ferrara, seconded by Mr. Valenta.

Mr. Ferrara said that the Water St. Tavern was one of the first businesses to start the downtown revitalization. He said they added Cajun Dave's, and they participate in the community and with university events. He said this is one way to thank them, and also support local businesses. Mr. Ferrara said it was a great thing, adding he is glad they are continuing their presence in the downtown.

Ms. Shaffer said there is a feeling of vitality with the outside cafes, cooking, and street musicians. She said she hopes this helps their business, and contributes to a festive downtown.

Mr. Turner said he wished to second what was said by Ms. Shaffer and Mr. Ferrara. He said it will benefit the downtown, adding he supports it.

Mr. Wilson asked Mr. Ferrara if the motion included his proposed amendment, and Mr. Ferrara said that was correct. Mr. Wilson noted an amendment was not needed. He said it is a good thing that the businesses are starting to realize they are competing with the little carts.

Mr. Kuhar said he has mixed feelings, adding it is a good thing and he probably would enjoy a snack. He said he is concerned about the snowball effect, and will support it as long as it does not interfere with Friday night parking.

The motion carried by a voice vote of 8-0-1, with Mr. DeLeone abstaining.

Hearing no further business before this Committee, Chair DeLeone adjourned this meeting at 7:39 p.m.

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Linda M. Copley, Clerk of Council

**ACTION RECOMMENDED:**

- 1) TO AUTHORIZE THE LICENSE TO OCCUPY, CONTINGENT ON THEM ACCEPTING RESPONSIBILITY TO WORK WITHIN THE CONFINES OF SPECIAL EVENTS**