DATE: October 11, 2011
TO: Kent City Planning Commission
FROM: Jennifer Barone, PE, Development Engineer
RE: Staff Report for the October 18, 2011 Planning Commission Meeting

The following item appear on the agenda for the October 18, 2011 Planning Commission meeting:

OLD BUSINESS:

CASE NO: PC11-019
APPLICANT: Hookah Caffe
SITE LOCATION: 1417 South Water Street
STATUS OF APPLICANT: The applicant will be renting space from Tammie Shirey the owner of the plaza.
REQUESTED ACTION: Conditional Zoning Certificate and Site Plan Review & Approval to open a coffee/hookah shop.
ZONING: R-C: High Density Multifamily-Commercial District
TRAFFIC: The parcel is accessed from South Water Street and from Rellim Drive.
SURROUNDING LAND USES: The property is surrounded by commercial uses on the north, west and south and residential uses on the east side.
APPLICABLE CODE SECTIONS: Chapters 1107, 1113, 1137 and 1171 of the Kent Codified Ordinances.
ANALYSIS:
This project was tabled at the September 20, 2011 meeting because the applicant was not present. The applicant has verbally expressed his wishes to withdraw the application, but staff as not received written confirmation of this request. The following is from the September 20, 2011 staff report.

PROJECT DESCRIPTION:
The applicant would like to open a coffee shop serving coffee, tea, smoothies, beverages and apparatus/tobacco to smoke hookah at 1417 South Water Street (previously Curves).

Establishments engaged in retail trade are conditionally permitted in the R-C zoning district and are subject to some other requirements outlined in Sections 1171.01(4), (5), (8), (10), (11), and (46) of the Kent Codified Ordinances as listed below. These conditions have either been met or are “grandfathered” into the existing plaza.

(4) There shall be no more than one advertisement oriented to each abutting road identifying the activity.
(5) No lighting shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
(8) Such development shall be located adjacent to nonresidential uses such as churches, parks, industrial or commercial districts.
(10) Site locations shall be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
(11) Such uses shall be properly landscaped to be harmonious with surrounding residential uses.
(46) The architectural design should be developed with consideration given to this district and commercial use shall be so designed as to minimize possible disruptive effect on the character of properties in adjacent residential zones. Parking shall be provided for each commercial use according to the provisions of Chapter 1167. Parking for commercial uses shall be in addition to that required for the multifamily dwellings. Parking areas should be designed to separate parking oriented to commercial enterprises from parking oriented to the multifamily portion of the structure. Signs shall conform to the provisions of Chapter 1165, except as otherwise provided in this Code.

TRAFFIC/PARKING:
Ingress and egress is from South Water Street or Rellim Drive. The project is required to provide 7 spaces. The existing parking lot has more than adequate spaces (45) to accommodate this use.

UTILITIES:
Existing water and sanitary mains will service the utility needs.

STORMWATER:
There is no change to the impervious area of the site, hence, no storm water management is required.
SIGNAGE:
A sign will be placed on the front of the building replacing the previous signage. Resurfacing of the existing pole sign may also be done.

LIGHTING/LANDSCAPING/DUMPSTER:
This is an existing site with existing lighting, landscaping and dumpster(s).

ARCHITECTURAL ADVISORY BOARD:
The Architectural Review Board is not required to review this project.

VARIANCES:
No variances are required.

OHIO SMOKING LAW:
The current law in Ohio requires that any retail tobacco store be located in a freestanding structure occupied solely by the business and that smoke from the business may not migrate into an enclosed area where smoking is prohibited.

RECOMMENDATION:
Staff cannot recommend approval as submitted because of the Ohio Smoking Law.

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 PC11-019, the Planning Commission not approve the Conditional Zoning Certificate and Site Plan to open a coffee/hookah shop at 1417 S. Water Street.

NEW BUSINESS:

CASE NO: PC11-020

APPLICANT: CVS

SITE LOCATION: 500 South Water Street

STATUS OF APPLICANT: Zaremba Group is the authorized representative for the property owners.

REQUESTED ACTION: Comprehensive Sign Plan approval.

ZONING: R-C: High Density Multifamily - Commercial District
Traffic: The parcel is accessed from South Water Street, West Summit Street and Alley #11.

Surrounding Land Uses: The property is surrounded by commercial uses on the north and east and residential (multifamily) on the west and south sides.

Applicable Code Sections: Chapters 1165 of the Kent Codified Ordinance

Analysis:

Project Description: The Planning Commission approved the Conditional Zoning Certificate and Site Plan Review & Approval to raze the existing CVS Drug store & two adjacent structures and rebuild a new CVS Drug store with a drive-thru pharmacy at the August 16, 2011 Planning Commission meeting. A condition of this approval was for CVS to obtain approvals for the signage through the Comprehensive Sign Plan process.

Since this is the first such sign package to be presented per the new code, a review of the code may be in order. I have listed the purpose and standards below. You may wish to review the remainder of Section 1165.12.

Purpose - A Comprehensive Sign Plan is intended to integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Chapter.

Standards - A Comprehensive Sign Plan shall comply with the following standards:

1. The Planning Commission may allow signage which otherwise exceeds the number, type, size and placement as otherwise permitted in this Chapter when it determines that such additional signage is warranted due to the size, nature, number of tenants or other features of the site as they may exist.

2. The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign plan, to the structures and/or developments they identify, and to surrounding development;

3. The Plan shall accommodate future revisions that may be required because of changes in use or tenants; and

4. That the Plan is consistent with the Design Guidelines that may be applicable to a designated area as may be identified in Chapter 1121 of the Kent City Zoning Code. In areas of the City not governed by the Design Guidelines identified in Chapter 1121, the Plan, to the degree feasible, shall comply with the recommended Sign Design Guidelines set forth in Appendix B of the Zoning Code.
ARCHITECTURAL ADVISORY BOARD:
The Architectural Review Board approved the sign package at the October 4, 2011 meeting. There was some concern about the movement of monument sign text being a distraction to motor vehicles.

VARIANCES:
Should the Planning Commission approve the comprehensive sign plan, variances from the Board of Zoning Appeals would not be required.

RECOMMENDATION:
Staff is recommending approval with the conditions listed below.

The 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 PC11-020 Planning Commission approve the Comprehensive Sign Plan for the proposed CVS at 500 South Water Street subject to the following conditions.

1. Obtain a zoning permit within two years of Planning Commission approval.
2. Obtain a sign permit and submit the performance guarantee prior to installation of the signs.

List of Enclosures for this Project:

1. Applicant Cover Letter dated September 20, 2011
2. Plans dated April 25, 2011
3. Aerial Topo and Zoning Map

CASE NO: PC11-021

APPLICANT: Golden Pond LLC/NRP Group

SITE LOCATION: Sunnybrook Road at SR 261

STATUS OF APPLICANT: Golden Pond LLC is the owner working in conjunction with NRP Group as the developer.

REQUESTED ACTION: Conceptual site plan for a senior housing complex.

ZONING: N-C: Neighborhood Commercial District
The parcel is accessed from Sunnybrook Road using a shared driveway with Kent Ridge.

The property is surrounded by commercial uses on the north, and residential uses on the east, west and south sides.

Chapters 1107, 1113, 1139 and 1171 of the Kent Codified Ordinances.

PROJECT DESCRIPTION:
NRP Group is presenting a conceptual plan for a 70 unit (120 bed) senior housing facility to be located in the Golden Pond Project on Sunnybrook Road at SR 261. This is a conditional use in the N-C zoning district with the following conditions.

(35) All facilities and structures shall meet all City, County and/or State of Ohio health, building, electrical and other applicable codes.

(47) Multifamily dwelling uses shall be permitted only where such uses occupy the upper floors of a commercial structure and are so designed as to provide maximum practical safety and visual and auditory privacy. All applicable multifamily dwelling criteria and requirements of this Zoning Ordinance shall apply and any additional condition imposed as deemed necessary by the Commission to insure the intent and objectives of this Ordinance. Parking shall be provided in accordance with Chapter 1167. Parking for multifamily uses shall be in addition to that required for commercial uses. Parking areas shall be designed to separate parking oriented to commercial enterprises from parking oriented to commercial traffic from parking oriented to the multifamily portions of the structure. Multifamily dwellings shall conform to specified density requirements.

The Golden Pond project was originally designed to have commercial development on this parcel.

TRAFFIC/PARKING:
Ingress and egress is from Sunnybrook Road via a shared access drive with Kent Ridge (assisted living facility). When the Golden Pond project was initially designed, the intent was for this to be a shared access. SR 261 is a limited access highway and cannot have a driveway unless approved by ODOT, which is not likely. For senior housing the parking requirement is one space per unit. The project is required to provide 70 spaces and has 100 spaces depicted on the conceptual plan.

UTILITIES:
Water and sanitary mains were constructed during the previous phases of the Golden Pond project. A sanitary sewer main runs through this parcel such that the buildings have to be arranged to avoid the sanitary sewer easement. The water main loops from
Sunnybrook Road through the assisted living facility and along Shaw Drive where it connects back into the City’s water main. Two tees were installed to provide service to this parcel.

**STORMWATER:**  
The project site contains several wetland areas. The buffer areas are shown. The conceptual plan has an area labeled as retention where the storm water management area will be constructed. More specific details will follow when the site plan is presented.

**SIGNAGE:**  
This will be discussed when the site plan is presented.

**LIGHTING/LANDSCAPING/DUMPSTER:**  
These matters will be discussed when the site plan is presented.

**ARCHITECTURAL ADVISORY BOARD:**  
This will be discussed when the site plan is presented.

**VARIANCES:**  
Two variances from the Board of Zoning Appeals are necessary.

1. The Conditionally Permitted Use requirement 47, listed above, stipulates that the multi-family use be on upper floors. The applicants wish to use the first floor for the senior housing.
2. The N-C zoning district requires two story building as a minimum. The applicants wish to construct cottage style units which will only be one story.

**RECOMMENDATION:**

No action is required. This is a conceptual review for comments only.

**List of Enclosures for this Project:**

1. Applicant Cover Letter dated September 28, 2011  
4. Aerial Topo and Zoning Map.

cc: Gary Locke, Community Development Director  
Jim Bowling, City Engineer  
Eric Fink, Assistant Law Director  
Heather Phile, Development Planner  
Applicants  
PC Case Files
CITY OF KENT
HEALTH BOARD MEETING
October 11, 2011 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 13, 2011 Meeting

II. OPEN COMMENTS

III. REPORTS
   A. Statistical Report for September 2011
   B. Expenditures & Encumbrances September 2011
   C. Commissioner's Report for September 2011

IV. OLD BUSINESS
   A. Fill vacancy - Task Force for Public Health Improvement in Portage Co.
   B. Request to transfer Health Dept. Laboratory to Service Dept.

V. NEW BUSINESS
   A. Statistics from Town Hall II from 2009 – 2011
   B. Proposed Food License fees for 2012

VI. EXECUTIVE SESSION

VII. ADJOURN MEETING

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

JBB/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 13, 2011

Board Members Present  
Doug Wagener  
Pam Freeman  
Jack Amrhein  
Chris Woolverton  
Susan Roxburgh

Staff Present  
Jeff Neistadt  
John Bradshaw  
Dr. Bartholomew

Guests Present  
Trevor Jones  
Ralph Kletzien  
Gene Roberts  
Bob Howard  
Ken Slenkovich  
Marchelle Bobbs  
John Gwinn

Chris Woolverton called to order the Health Board Meeting of September 13, 2011 at 5:31 pm.

An agenda modification was requested to review the Medical Director’s contract to accommodate the need for Dr. Bartholomew to make an early departure. John Bradshaw presented the contract for Dr. Bartholomew to continue serving as the Medical Director for the Kent City Health Department.

**Motion:** A motion was made by Chris Woolverton and seconded by Doug Wagener to approve the Medical Director’s Contract. The motion passed.

**Old Business**

Chris Woolverton introduced and welcomed new Health Commissioner, Jeff Neistadt. He then thanked John Bradshaw for stepping in as Acting Commissioner.

Chris stated that the Board offered an invitation to several guests from the Task Force to Improve Public Health in Portage County, to provide an update on their work. The guests that arrived to speak are: Ralph Kletzien from KSU, Ken Slenkovich from KSU and Bob Howard from NOEUCOM.

**Update on the Task Force to Improve Public Health in Portage County**

Ralph Kletzien began the discussions by stating that the Task Force process started in approximately March 2011. Ken Slenkovich, Bob Howard and himself have held meetings throughout the County with different jurisdictional groups identifying the ten (10) essential services of the Public Health Departments as well as speaking on accreditation issues. He explained that there have been intensive reviews of programs & services provided by all health departments. The goal is to have a written report on their findings/recommendations ready for distribution by the end of December 2011.

Ken Slenkovich stated that the Task Force was put together as an initiative to look for ways to improve the entire Public Health System. They are charged with identifying ten
the (10) essential services of Public Health to capture the scope of what public health systems should be able to provide to a community. The purposes for Public Health systems have changed since they began near the turn of the century. In the past, deaths were occurring from communicable diseases, infectious diseases, sanitation issues, and water born illnesses. Today we are dying from chronic diseases, which are mostly lifestyle based, such as heart disease, cancer and diabetes. These chronic diseases are effects of the way we eat, the amount of activity we are engaged in and other risky behaviors. Treatment of these diseases is what is driving health care costs up. There is a growing expectation that the Public Health System be the preventative resource for these diseases and promote healthy active living. That is what the Task Force has joined to do.

Bob Howard stated the Task Force is very interested in input from Kent Health Board Members regarding what Kent faces with public health issues. The Task Force can then look at the issues and concerns of Kent before making any recommendations in their Task Force reports. Bob stated that a big concern right now in Public Health is financing. Health Boards are thinking how they can take on a list of new responsibilities in conjunction with mandated programs, while there is reduced federal, state and local funding. Bob explained that the Task Force is trying to find a way to organize a Public Health System in Portage County, whether it is one or multiple departments, to cover many issues and concerns, but to offer improved quality and improved services that allow better use of the financing currently available. Currently each Health Department in Portage County performs tasks that the others do not. Some of those tasks are not what a traditional Public Health System does, so refining or discontinuing some tasks may also be a recommendation.

Chris Woolverton stated that the Board has had some conversations regarding the direction they want to go with the new Health Commissioner, Jeff Neistadt. Meetings have begun and the scheduling of strategic planning meeting process is underway. There will be some discoveries of our concerns and issues for the City of Kent during that planning process and as those issues arise and are discussed they will be relayed to the Task Force for consideration. A timeline has yet to be developed.

Chris thanked the guests for updating the Board. More discussions and decisions will be made in the near future.

**Update on the Role of the Laboratory in the Health Department**

Kent Service Director, Gene Roberts was invited to the meeting to discuss the Laboratory being placed back under the Service Department. Gene explained that the majority of laboratories associated with Water Reclamation Facilities (or wastewater treatment plants), operate as part of the Plant typically under the Plant Manager. Gene stated that there were two issues in history as to why the Lab was placed under the Health Department in the first place. One issue was relative to inappropriate activities by the Plant Manager and the staff operating in the laboratory. Allegedly, there was some falsification of reports that had occurred. The second issue was that the Health Department had no place to operate. The Service Department offered the Health Department space in the new lab facility. However, because the lab was built with federal funds specifically for the Water
Reclamation Facility, the Health Department could not move into the new lab facility. It was agreed to let the Health Department take over the Laboratory. This solved the two issues occurring at that time.

Chris Woolverton asked Gene to address what effects this change would have on the Board of Health and Health Department as a whole. Gene stated that one benefit would be freeing up the time of John Bradshaw to do more for Health Board.

Chris Woolverton thanked Gene for attending the meeting and providing his report on the laboratory role in the Health Department.

The Board returned to normal business.

The minutes from the August 9, 2011, meeting were distributed and reviewed by the Health Board members prior to the meeting.

Motion: A motion was made by Doug Wagener and seconded by Jack Amrhein to approve the minutes of the August 2011 meeting. Susan abstained due to her absence from the meeting. The motion passed.

Statistical Report for August 2011

John Bradshaw offered information as requested by the Board regarding the numbers reported for animal bite inspections. The two numbers indicate the number of bites (in parenthesis) and the number of inspections. Susan requested a row be added for reporting the number of bites separate from the inspection line.

Discussions developed on the Town Hall II Quarterly Report distributed prior to the meeting. A concern of the Board is that the care being provided by Town Hall II through the Health Department’s Medically Indigent contract, is primarily care provided for chronic health conditions. Chris Woolverton requested Jeff Neistadt to put together an analysis of the last couple of years for the Board to gather a broader assessment of the actual cost per visit on a historical basis rather than a quarterly basis.

Pam Freeman asked Doug and/or Susan to update her on what the Portage County Community clinic does and explain the distinction between the clinic and Town Hall II. Doug stated that the Town Hall clinic is essentially a “free” clinic staffed by volunteers, they get private funding and they do fundraising. It is very part-time, just a couple days a week. The Portage County Community Clinic on the other hand is a HRSA funded national network of qualified Health Centers. There are some competitive advantages that allow them to survive. They have a higher rate of Medicaid reimbursement than private practices and less of chance of lawsuit. They do require minimum payments, but they offer care at the rate of government poverty level on a sliding fee scale. Chris stated that if we are going to reinvent public health in the County then we have to take a look at what
our expenses are and determine if we are paying towards the greater good of the entire community of Kent or are we paying for individual citizens to get health care.

**Expenditures and Encumbrances for August 2011:**

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<th>VENDOR</th>
<th>ITEM DESCRIPTION</th>
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<td>Replacement LCD Monitor for Health Lab</td>
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<td>Ohio Department of Health</td>
<td>Payment of security paper received for duplication of Birth and Death records 1 box abstract Birth 4 boxes death. (Credit memo and refund to be issued for $10.17 for overcharge)</td>
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<td>Payment of portion of services provided for the burial/cremation of an indigent Kent resident. ($270.97 was released to the Funeral Home from an open account at the nursing home which assisted in the services)</td>
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<td><strong>TOTAL</strong></td>
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<td>$2,705.39</td>
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**Travel & Reimbursements**

|                                      |                                                                                  |         |
|--------------------------------------|                                                                                  |         |
| Jonnette Demboski                    | Reimbursement for Mileage during the month of July 2011                         | $64.05  |
| OEHA                                 | Pre-registration fee for full conference (non-member price) for John Bradshaw to attend OEHA Conference October 12 –13 | $165.00 |
|                                      |                                                                                  | $229.05 |

**Motion:** A motion was made by Pam Freeman and seconded by Doug Amrhein to approve the Expenditures and Encumbrances for the month of August 2011. The motion passed.

**Commissioner's Report**

John Bradshaw stated that he had spoke to Linda Copley regarding confirmation of Marchelle Bobb’s nomination for the Health Board open seat. Linda had stated to him that it will be voted on by Council September 21, 2011.

Tom Beckett has announced his retirement effective December 31, 2011. He will have 34 years of service at that time.

Ruth Annuzzi’s planned retirement will be February or March.

A report was prepared and distributed by request for the Laboratory role in the Health Department.

Smoke Free Workplace MOA, state has received it and approved by signature.
A press release was issued to the Record Courier announcing John Gwinn’s retirement.

There has been a significant increase in garbage monitoring with the new KSU semester beginning.

John stated that he made an overture to the KSU Art Department, where one of his colleagues works, to look at the sandwich board type of signage for the Farmer’s Market.

Public Entities Pool Liability insurance has been raised by approximately $400, due to their insurance Board voting to no longer offer discount.

Portage County Nursing Division called to alert Jeff to the contract Kent has with them to perform services and that it is expiring at the end of the year.

Since 2005 the Kent Health Department has administered the Portage County Child Fatality Review Program. The Portage County staff have taken training through Tracy Radovic who had largely administered it with John Ferlito. Portage County has now taken it back.

**Old Business**

John Bradshaw presented the data he collected on the History of the Lab. From 1983 to present operations. John stated that he would speak on 2 directives, what is critical to know and second the workload then and now. The actual transfer of the Laboratory took place in 1983. When the Industrial Pretreatment standards were added to the Lab responsibilities, 1 Lab Tech was added to the staff with the understanding that the Sanitarians would supplement the fieldwork and adjunct laboratory work. When the storm water monitoring program and a host of other process control analyses were required by EPA, another Lab Tech was added to the staff. The Laboratory is made up of one chemist, and 2 Lab Techs being overseen by John Bradshaw.

There have been other discussions in the past regarding the issue of transferring the Lab back to Service Department and they were all evaluated and rejected. John concluded his history of the Laboratory by asking the Board to read the remaining report at their leisure, that they consider that there is both union and non-union people in the lab. John declared his recommendation is to maintain the Laboratory and the Laboratory Operations Staff within the Public Health Domain under the Board of Health work policies and rules. As we get more time for follow-up on these issues, he would be glad to expand on any of the topics in his reports.

**New Business**

Chris Woolverton stated that the Board does have to address the issue of the empty seat on the Task Force to improve Public Health in Portage County. The replacement on the Task Force will be Pam or Marchelle. Marchelle stated that she would consider it after she finds out what the time commitment is and when the meetings are scheduled. John
Bradshaw stated that typically the meetings are held the first Tuesday of the month from 6 to 8:00 p.m.

**Motion:** A motion was made by Doug Wagener and seconded by Jack Amrhein to adjourn the meeting of September 13, 2011. The meeting adjourned.

Approved:

______________________________  ______________________________
Chris Woolverton, President     Jeff Neistadt, Secretary
### HEALTH DEPT. $ COLLECTED

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<tr>
<th>Service</th>
<th>Sept. 2011</th>
<th>YTD 2011</th>
<th>September 10</th>
<th>YTD 2010</th>
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<td>*Misc(Xerox, etc.)</td>
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**TOTAL COLLECTED**

|               | $ 17,221.17 | $ 180,687.07 | $ 15,258.00 | $ 177,189.17 |

* R&R $50 & State Paper $10.17

### TO STATE

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<th>Service</th>
<th>Sept. 2011</th>
<th>YTD 2011</th>
<th>September 10</th>
<th>YTD 2010</th>
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**TOTAL**

|               | $ 3,978.00 | $ 40,760.42 | $ 3,049.55 | $ 37,261.40 |

### TOTAL ASSETS

<p>|               | $ 13,244.17 | $ 139,926.65 | $ 12,208.45 | $ 139,927.77 |
| +Admin fee to Vital Stats | $ 39.00 | $ 347.08 | $ 29.97 | $ 314.05 |
| -3% FamAbuse          | $ 12.99    | $ 115.60   | $ 9.99      | $ 104.71   |
| -3% ChildAbuse        | $ 26.01    | $ 231.48   | $ 19.98     | $ 209.34   |</p>
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*( ) Number of Bites Reported

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37 Births / 252 Deaths
4 Bir / 218 Dea

BIRTHS / DEATH CERTS. ISSUED 289 2568 222 2328