

Clermont County General Health District
Board of Health Meeting

The monthly meeting of the Clermont County Board of Health was held on January 12, 2011. James Hansbauer, President, called the meeting to order at 6:30 p.m. Mr. Hansbauer led the Board members and guests in the Pledge of Allegiance.

Roll Call:	James Hansbauer, present	Dr. William Miller, present
	Dr. Janet Rickabaugh, present	Andrew Crum, present
	Larry Cadwallader, present	

Others present included: Marty Lambert, Health Commissioner; Julianne Nesbit, Assistant Health Commissioner; James Kaya, M.D., Medical Director; Robert Wildey, Director of Water and Waste; Rob Perry, Director of Environmental Health; Deena Elliott, Director of Nursing; Kevin Jester, Director of Plumbing; Melissa Jones, Administrative Assistant; Jon Streater, CDC Public Health Associate and others as listed on Attachments #1 & #2.

Black Water Holding Tank Requests and Extension – All homeowners had not reported and this item was deferred until later in the meeting.

Board of Health Hearing – Hong Kong Wok – 1117 Main Street, Milford Ohio 45150

Ms. Lambert called the hearing to order and introduced the Board of Health members, Megan Delane, S.I.T., Robert Perry, Stephen Kwong, Owner of Hong Kong Wok and Ada Kwong.

Ms. Lambert presented a brief overview of the reason for the meeting and how the hearing would proceed. Ms. Lambert stated that Ada Kwong, niece of Stephen Kwong, was attending the hearing to assist with interpretation.

Ms. Lambert asked Ms. DeLane to state her position and duties at the Health District. Ms. DeLane stated that she is a Sanitarian-In-Training and is assigned to the Milford area. Ms. DeLane further stated that she has been employed as a Sanitarian-In-Training for two years and has inspected Hong Kong Wok since November 2009.

Ms. Lambert asked Ms. DeLane to state what prompted this hearing. Ms. DeLane replied that numerous critical violations exist at this facility on a continual basis. Violations such as unsafe food temperatures, date marking of prepared products, improper food storage in coolers that could create cross-contamination problems, lack of hand washing and sanitary issues that have contributed to a roach infestation. Ms. DeLane stated that she routinely finds food sitting out at room temperature. Ms. DeLane further stated that many non critical violations also exist in the facility. Ms. DeLane stated that plates on the buffet are continually not inverted or shielded and a non-commercial grade freezer continues to be used. Mr. Kwong removes the freezer from the facility after an initial inspection but then returns it to the facility when reinspections are complete so it turns up at a future routine inspection.

Ms. Lambert asked Ms. DeLane what type of problem exists with not properly date marking food products. Ms. DeLane stated that if the food is not properly date marked it could not be determined how long the food has been in the coolers and when it needs to be discarded.

Ms. DeLane stated that on several occasions food products stored in the refrigerator at night that have not been properly cooled are still out of temperature upon her inspection the next day. Ms. DeLane further stated that Mr. Kwong and the other employees begin correcting potential violations upon her arrival to the facility so for this reason she believes that they do have an understanding of how the facility should operate.

Ms. Lambert asked Ms. DeLane to explain the types of things that were corrected when Mr. Kwong and the other employees saw her enter the facility for an inspection. Ms. DeLane stated that the employees would begin rearranging the products in the cooler to correct cross contamination concerns, inverting the plates on the buffet and removing stored items from the floor.

Ms. DeLane stated that upon review of the food service file it shows a long history of these same violations. She has conducted training with Mr. Kwong and his staff and given them food handling instructions in Chinese that include photos. Mr. Kwong has also completed Person-In-Charge training conducted by Health District staff. Ms. DeLane stated that the same violations continue to exist in the facility.

Ms. Lambert asked Ms. DeLane if there was any additional information that she wanted to present. Ms. DeLane stated that she did not.

Ms. Lambert presented Mr. Kwong with a summary of the violations that have been found at the facility and asked if he needed clarification on any of the information that Ms. DeLane had offered.

Ada Kwong translated the information from Ms. Lambert to Mr. Kwong. Mr. Kwong stated that he understood the information and had no questions.

Ms. Lambert asked the Board of Health if they had any questions for Ms. DeLane or needed clarification on the information provided.

Mr. Crum asked Ms. DeLane if the administrative meeting held in May, 2010, was the first administrative meeting that Hong Kong Wok had attended. Ms. DeLane stated that from what she could see from a file review it was the first administrative meeting.

Ms. Lambert asked the board members if they had any more questions for Ms. DeLane. The Board of Health had no more questions.

Ms. Lambert asked Mr. Kwong to explain to the Board what has been happening at the facility and comment on any of the statements that Ms. DeLane had made.

Mr. Kwong stated that he has problems with employees not doing things the right way. Mr. Kwong doesn't understand the problems with leaving food out because it is fried "really hot" in the deep fryer or the wok before it is served to customers.

Ms. Lambert stated that the problem with leaving food out was the amount of time that it was kept out. Ms. DeLane stated to Mr. Kwong that all foods should be returned to the cooler when not being used or it should be kept hot.

Ms. Lambert stated to Mr. Kwong that part of the problem is that the inspectors feel that there is a good understanding of proper food handling procedures because food is handled generally properly when an inspector is present. Ms. Lambert continued by stating that Ms. DeLane has witnessed food being arranged properly in the cooler, storing cooked food properly, removing stored items from the floor and inverting plates on the buffet when she enters the facility.

Mr. Kwong stated that his employees continue to do things wrong and that he has recently given them the ultimatum of doing things the right way or being without a job. Mr. Kwong stated that he has told the cook not to leave food out but it continues to happen.

Ms. Lambert asked Mr. Kwong how long the current employees have been employed at Hong Kong Wok. Mr. Kwong stated "a long time." Mr. Kwong continued by stating that his cooks only leave food out during the rush hour and then return the food to the cooler. Ms. Lambert told Mr. Kwong that Ms. DeLane has seen food sitting out on numerous occasions for longer than an hour and the food is not being kept hot.

Mr. Crum asked Mr. Kwong if he was at the facility every day. Mr. Kwong stated that he is there every day.

Mr. Crum asked Mr. Kwong if the cooling equipment in the facility was experiencing any mechanical problems. Mr. Kwong stated that the equipment didn't have any mechanical problems.

Mr. Crum asked Ms. DeLane if the facility kept temperature logs. Ms. DeLane stated that no temperature logs were being kept. Mr. Crum asked Mr. Kwong if he was familiar with temperature logs and how they are kept. Mr. Kwong stated that he was not familiar with temperature logs.

Mr. Crum asked Ms. Lambert if the available Board actions have been explained to Mr. Kwong. Ms. Lambert stated that at the time of the administrative meeting it is explained that the purpose of the meeting is to get voluntary compliance with correcting violations and if compliance is unsuccessful it will result in action to revoke or suspend the license. Ms. Lambert stated that the operator has the option of requesting a hearing which is what brought this matter to the Board of Health.

Upon hearing Mr. Kwong speaking to his niece Ada, Ms. Lambert asked Ada Kwong if further explanation was needed so that this information could be properly interpreted to Mr. Kwong. Ada stated that neither her uncle nor she understood the licensing action conversation. Ms. Lambert told Ada that the meeting held in May, 2010 was the administrative meeting that they are referring to and at that time there was a discussion to identify the problems that were occurring at the facility and to get voluntary compliance of these problems. At the time of that meeting Mr. Kwong signed a document stating that he understood the violations at the facility and would voluntarily correct them. Also explained at the meeting was the possible license action by the Board of Health if compliance was not obtained. Ms.

Lambert further stated that the corrections were not made so the Board of Health hearing tonight was to discuss possible license action for the facility.

Mr. Crum asked Mr. Kwong how many employees were on staff at the facility. Mr. Kwong stated that there were 5 employees including him. He has two cooks, one part-time dishwasher and 2 waitresses.

Dr. Rickabaugh stated that according to the five year violation chart provided it appears that upon the initial inspection many violations are found and upon re-inspection only a few minor violations are noted.

Dr. Rickabaugh asked Ms. DeLane if Mr. Kwong had ever been told that he needed to keep temperature logs. Ms. DeLane stated that Mr. Kwong had not been told to keep temperature logs.

Ms. Lambert stated that temperature logs are not required but can be used as a tool by facilities.

Ms. Lambert stated that it is not entirely clear whether there is a communication problem or if there is a knowledge gap on Mr. Kwong's part about the proper way to manage the facility. Health District staff required Mr. Kwong to attend Person-In-Charge training in October, 2010 but it is unclear whether that was useful information.

Mr. Kwong stated that he thought that the Person-In-Charge training was useful but he has a problem with the employees only doing as he asks for a few days and then they revert back to doing it the wrong way. Ms. Lambert told Mr. Kwong that as the owner of the facility the Health District recognizes that he is ultimately responsible for making sure that the employees do what they need to do correctly.

Mr. Crum stated that based on the five year history of this facility he would recommend severe license action to the other board members. He further stated that the history of this facility is very bad and unacceptable.

Mr. Cadwallader asked Ms. DeLane if the cleaning issues have improved. Ms. DeLane stated that the general cleanliness level has not improved.

Ms. Lambert asked the board members if they had any more questions for Mr. Kwong. The Board members had no further questions.

Mr. Crum made a motion to go into Executive Session to deliberate on this matter. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. Executive Session began at 7:05 p.m.

The Board came out of Executive Session at approximately 7:20 p.m.

Dr. Rickabaugh made a motion to return to regular session. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

Mr. Crum made a motion that Mr. Kwong be given an opportunity to clean the facility, make needed repairs, complete proper training, begin using temperature logs and any other items that are required for proper food service operation within the time frame to be determined by the Health Commissioner and documented in a written corrective action plan. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Ms. Lambert told Mr. Kwong that he needed to return to the office to discuss a plan for correction of violations and timelines in which the corrections would need to be completed. (Attachment #3)

The meeting was scheduled for Friday, January 14th and 1:00 p.m.

Ms. Lambert asked Mr. Kwong if he had any questions. Mr. Kwong indicated that he did not have any questions.

The hearing ended at 7:25 p.m.

Black Water Holding Tank Requests and Extension – Ms. Lambert reported that the homeowners listed below were requesting approval to use a blackwater holding tank until such time as the soil conditions were favorable for the completion of the septic system.

Ms. Lambert noted that paperwork for homeowner #1 and #2 who was requesting renewal for their blackwater holding tank variance was in order.

Dr. Rickabaugh made a motion to grant a 1 month extension for the blackwater holding tank renewal for homeowners #1 and #2.

- 1.) Stubbe – 3517 Nordyke Road, Pierce Twp. (15-V-09)
- 2.) Payne – 6555 Goshen Road, Goshen Township (28-V-10) (Renewal)
- 3.) McCarty – 2863 State Route 132, Ohio Township (29-V-10) – did not attend

The motion was seconded by Dr. Miller. The vote was all aye, motion carried. Homeowners #1 & 2 will receive a letter indicating the terms and conditions of their variance renewal. Homeowner #3 will receive a letter advising them of the expiration of the blackwater holding tank variance.

Citizen Presentation on Sewage Program – Mr. Cann attended the meeting to discuss the sewage system program but left early due to illness.

Mr. Crum made a motion to table the presentation from Mr. Cann until the February 9, 2011 Board of Health meeting. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

NEW BUSINESS:

1) Personnel Issues – Ms. Lambert reported there were no personnel issues to be considered.

2) Sick Leave Utilization Reward Program for 2010-2011 – Ms. Lambert reported that 10 employees were eligible for the annual sick leave reward program bonuses, representing a total of \$2,288 to be paid to staff for good attendance. She related that the program is a relatively inexpensive way to recognize employees for their dedication and contributions without penalizing the employees who have legitimate illness-related absences. Ms. Lambert noted the program was reinstated on a yearly basis and requested the Board approve continuing the program for 2011. (Attachment #4)

Mr. Cadwallader made a motion to approve continuing the Health District's Sick Leave Utilization Reward Program for 2011. The motion was seconded by Mr. Crum. The vote was all aye, motion carried

3) 2nd Reading of Resolution Establishing Revised License Fees for Swimming Pools, Spas and Special Use Pools – Ms. Lambert conducted the 2nd reading of the Resolution Establishing Revised Fees for Swimming Pools, Spas and Special Use Pools by title only.

4) 2nd Reading of Resolution for Establishing Process for Board of Health Hearings and Financial Hardship Variances – Ms. Lambert conducted the 2nd reading of the Resolution for Establishing Process for Board of Health hearings and financial hardship variances by title only.

5) Water Pollution Control Loan Fund Septic Rehab Program – Ms. Lambert reported that the Health District had been informed by the Ohio Department of Health of funding opportunities available through Ohio EPA. The funding would be specifically for replacement household sewage treatment systems and would be handled much like the CDBG septic rehab program. Ms Lambert further stated that this project would provide 100% forgiveness to homeowners below 100% of poverty and 80% forgiveness for homeowners between 100% and 200% poverty. She noted that this funding would be through the Water Pollution Control Fund and the agreement was actually with Board of County Commissioners. Because the application deadline was 1/4/2011 Ms. Lambert had worked with the County Administrator to get the application approved by the Board of County Commissioners and submitted. She was now making sure the Board of Health was aware of the project and was requesting approval to proceed with the project. (Attachment #5)

Dr. Rickabaugh made a motion to grant approval for the Health Commissioner to proceed with the Water Pollution Control Loan Fund Septic Rehab Program. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

6) Approval to Request Authority from the State to do Medical Gas Inspections – Ms. Lambert reported that Hamilton County General Health District had expressed interest in doing medical gas inspections in Clermont County. Ms. Lambert further stated that currently Clermont County contractors must have these inspections performed by the State of Ohio. Ms. Lambert believes that having Hamilton County perform these non-flammable medical gas inspections will result in faster response to local builders. Before entering into an agreement with Hamilton County she indicated the Health District was required to request authority to do the program from the Ohio Department of Commerce. (Attachment #6)

Mr. Cadwallader made a motion to contact the State of Ohio to request their approval for the Health District to assume responsibility for medical gas inspections. Dr. Rickabaugh seconded the motion. The vote was all aye, motion carried.

7) Approval to Sign Contract with Hamilton County General Health District for Medical Gas Inspections – Ms. Lambert requested that the contract with Hamilton County General Health District for non-flammable medical gas inspections be entered into after the Health District receives approval from the State of Ohio. (Attachment #7)

Mr. Crum made a motion to contract with the Hamilton County General Health District for medical gas inspections after approval from the state is received. Mr. Cadwallader seconded the motion. The vote was all aye, motion carried.

8) Approval to Sign Medical Reserve Corps (MRC) Contract – Ms. Lambert requested the Board approve signing the agreement with the National Association of County and City Health Officials (NACCHO) to support building the volunteer pool in Clermont County. Ms. Lambert stated that the agreement in the amount of \$5,000 will better prepare Clermont County for an emergency response. (Attachment #8)

Mr. Crum made a motion to approve the signing of the agreement between NACCHO and the Clermont County Health District to support the Clermont County Medical Reserve Corps Unit. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

9) Manufactured Home Park Administrative Meeting Update – Robert Perry addressed the Board and stated that three administrative meetings had been held since the December, 2010 Board of Health meeting.

a) Eastgate Manufactured Home Park attended an administrative meeting on January 6, 2011. The reason for the meeting was continued non-compliance issues. Upon the 5th reinspection of the manufactured home park twelve violations remained. The deadline for compliance from the administrative meeting is January 21, 2011.

b) Green Acres Manufactured Home Park attended an administrative meeting on January 6, 2011. The reason for the meeting was continued non-compliance issues and the severity of the violations that exist in the park. Upon the 5th reinspection of the manufactured home park fourteen violations remained. The deadline for compliance from the administrative meeting is February 18, 2011.

c) Deerfield Estates Manufactured Home Park attended an administrative meeting on January 10, 2011. The reason for the meeting was continued failure to comply. Mr. Perry stated that Deerfield Estates is typically a very well maintained park. The deadline for compliance from the administrative meeting is February 9, 2011.

Approval of Minutes – Mr. Hansbauer asked if there were any additions or corrections to the minutes of the December 8, 2010 Board of Health Meeting. There were no additions or corrections.

Mr. Cadwallader made a motion to approve the minutes of the December 8, 2010, Board of Health meeting. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

Payment of Bills – Ms. Lambert presented the Health District’s bills for consideration. Ms. Lambert pointed out the addition of hand typed bills with a revised total due to small problems with entering several invoices into the County’s new financial database.

Following the Board’s review, Mr. Crum made a motion to pay the bills as presented. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment # 9)

OLD BUSINESS:

1) Public Health Nuisances/Code Violations – Ms. Lambert presented the addresses of 9 properties to be considered public health nuisances/code violations.

Following a review of the files, Dr. Miller made a motion to declare the properties listed on Attachment #10 public health nuisances/code violations and if corrections are not made within the allotted time, to refer the cases to the Health District’s legal counsel for appropriate action. The motion was seconded by Mr. Crum. The vote was all aye, motion carried. (Attachment #10)

Other Informaton

Ms. Lambert reminded the Board that the reception in honor of Ralph Benson’s retirement will be held January 28, 2011 from 3:00 p.m. to 4:30 p.m.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 7:30 p.m. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT
PRESIDENT

ANDREW CRUM, V-

DR. WILLIAM MILLER

DR. JANET RICKABAUGH

LARRY CADWALLADER

Respectfully Submitted