

**Clermont County General Health District
Board of Health Meeting**

The monthly meeting of the Clermont County Board of Health was held on October 14, 2009. James Hansbauer, President, called the meeting to order at 7:30 p.m. Mr. Hansbauer led the Board members and guest 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; Dr. James Kaya, Medical Director; Rob Perry, Director of Environmental Health; Robert Wildey, Director of Water & Waste; Deena Elliott, Director of Nursing; Donna Hart, Administrative Assistant; and others as listed on Attachments #1 & #2.

Blackwater Holding Tank Request & Extensions - (#1, #2 & #3) - Ms. Lambert noted that paperwork for homeowners #1 & #2 who were requesting renewal for their blackwater holding tank variances was in order. Homeowner #3, Davis, was not in attendance.

Dr. Rickabaugh made a motion to grant a 1 month extension for the blackwater holding tank renewals:
1. Callahan - 6897 Goshen Road, Goshen Township (31-V-03)
2. Steinmann – 1687 Swope Road, Tate Township (3-V-09)

The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. The homeowners will receive a letter indicating the terms and conditions of their variance renewal.

Mr. Davis will be sent a letter regarding the non-renewal of his blackwater holding tank variance.

New Blackwater Holding Tank Variance Request – Ms. Lambert reported the owner of the property located at 3517 Nordyke Road was requesting approval to use a blackwater holding tank until such time as the property could be connected to public sewers. She stated the homeowner had a failing system but was pursuing public sewers for her road and had petitioned neighbors to obtain their agreement to the project. Ms. Lambert related that although the county was considering extending the sewer line up Nordyke and says it would be a 2 to 3 year project, the actual timeframe is typically much longer. Ms. Lambert stated that if the Board approved the blackwater holding tank variance she wanted to be very sure Ms. Stubbe fully understood the timeframe that may be involved.

Ms. Stubbe addressed the Board and stated that the estimates for installing a new septic system on her property were \$20,000 to \$25,000. She felt it would not be a good investment for her to install a new system and then be required to abandon it in 2 to 3 years and connect to sewers if public sewers became available. Ms. Stubbe stated she was aware of the potential timeframe for installing public sewers on her road.

Ms. Lambert informed the Board the staff recommended approving the blackwater holding tank variance as long as Ms. Stubbe was aware of the timeframe and was agreeable to proceeding with replacing the failing septic system if the sewer project does not go forward.

Following a discussion of the request, Dr. Miller made a motion to approve a blackwater holding tank variance request for the property located at 3517 Nordyke Road, Pierce Township (15-V-09) contingent on the homeowner's agreement to immediately proceed with the process of replacing the malfunctioning sewage disposal system if the proposed sewer project for Nordyke Road does not move forward. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

The homeowner will be given a letter indicating the terms and conditions of the approval, including a reminder that from this date forward she must attend the Board of Health meeting each month until the property is connected to public sewers or a new septic system has been installed, inspected and has received a "yellow tag". In addition, she must bring a copy of the pump ticket(s) to the meeting to verify the blackwater holding tank is being pumped every month.

Private Water Variance Request – Ms. Lambert presented the private water system variance request submitted by the owner of the property located at 5421 Hoffman Road, Miami Township. The owner proposed improvements to his private water system by converting the existing cistern into a hauled water storage tank for water pumped from a new drilled well. She noted that current regulations require a homeowner to bring the existing system up to current standards anytime an improvement is made. Ms. Lambert stated this is counterproductive since it usually discourages homeowners from improving their private water systems. She related that staff recommended approval of the variance.

Dr. Rickabaugh made a motion to approve a private water system variance for the property located at 5421 Hoffman Road, Miami Township (13-V-09) contingent on the homeowners agreement to all terms and conditions specified by the Health District. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Glendon Biofilter System - Ms. Lambert noted the Glendon Biofilter System was still considered an experimental household sewage system by the Ohio Department of Health and presented the variance request submitted for a Glendon installation on property located at 743 McClelland Road.

Following a review of the variance, Mr. Crum made a motion to approve the request for the use of a Glendon system on the property located at 743 McClelland Road, Miami Township (14-V-09), contingent on the homeowner's agreement to all terms and conditions specified by the Health District. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

High Weeds Abatement - Ms. Lambert stated the owner of the property with a valid high weeds complaint who had not abated the nuisance by the specified date was sent a notice to appear before the Board at tonight's meeting. It was noted the owner of the property located at 1823 Lois Lane, Goshen Township, was not in attendance and Ms. Lambert requested the Board grant approval to have the high weeds nuisance abated by the Engineer's Office.

Following a review of the file, Mr. Crum made a motion to order the high weeds nuisance abated by the Engineer's Office on the property located at 1823 Lois Lane, Goshen Township. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Fee for Abatement of High Weeds Complaint Certified by Board - Ms. Lambert requested the Board certify the invoice from the Engineer's Office for abatement of the high weeds complaint on the property located at 4130 West Fork Ridge Drive, Williamsburg Township. The abatement was invoiced at \$97.52, the minimum charged itemized by the Engineer's Office.

Mr. Cadwallader made a motion to approve certifying the cost charged by the Engineer's Office for abating the high weeds nuisance complaint at 4130 West Fork Ridge Drive, Williamsburg Township, and to proceed with the process of placing the cost of abatement as a lien on the property's taxes. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment # 3)

New Business:

1. Hearing for Revised 2010 Food Service Operations, Retail Food Establishments, Mobile Food Operations and Vending Machine Locations – Ms. Lambert opened the public hearing for comments on the proposed 2010 license fees for food service operations, retail food establishments, mobile food operations and vending machine locations. She stated that notices had been mailed to all known entities affected by the proposed fee revisions and no comments had been received regarding the proposed fees. As there were no comments, Ms. Lambert closed the hearing.

2. 2nd Reading of Resolution Establishing Revised License Fees for Risk Levels III and IV Food Service Operation and Retail Food Establishments, Mobile Food Operations and Vending Machine Locations - Ms. Lambert conducted the 2nd reading of the resolution establishing revised license fees for risk levels III and IV food service operations and retail food establishments, mobile food operations and vending machine locations. She noted that all current license holders had received notice of the proposed revisions and no comments had been received.

3. Personnel Issues – a) Resignation of Sarah Pounder, Sanitarian-In-Training, Environmental Health Division - Ms. Lambert informed the Board Sarah Pounder had submitted her resignation and she had accepted it on October 9, 2009. Ms. Pounder's last day with the Health District will be October 16, 2009. (Attachment #4)

4. Resolution Recognizing the H1N1 Response as a Public Health Emergency – Ms. Lambert requested the Board consider adopting a resolution recognizing the current H1N1 response as a public health emergency. She indicated this would serve two purposes. First it formally acknowledges the significance of the H1N1 response to the Health District and second, it serves as a trigger for other actions that may be needed such as implementation of internal emergency response policies. Ms. Lambert stated that this emergency authority would be limited to a specific timeframe as listed in the resolution.

Dr. Rickabaugh made a motion to adopt Resolution 10-09 declaring a public health emergency in Clermont County effective October 14, 2009. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #5)

5. Resolution Authorizing Temporary Advance of Cash from Fund 708 to Fund 722 – Ms. Lambert stated the Health District had been notified it would be receiving an addition \$389,000 in late November from the Ohio Department of Health for H1N1 response activities. In order to cover the immediate expenses for printing, equipment, etc., she requested the Board approve a temporary advance from fund 708 to 722. Ms. Lambert noted the money would be transferred back to Fund 708 when the

additional funds were received in November.

Mr. Crum made a motion to approve Resolution 11-09 authorizing the temporary advance of cash in the amount of \$100,000 from the Environmental health Fund (#708) to the Infrastructure Fund (#722). The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #6)

6. Memorandum of Understanding with Stonelick Township – Ms. Lambert presented the Memorandum of Understanding with Stonelick Township for storage space. She noted the trustees had offered to store the trailers two containing two wings of the Alternative Care Units in an unused bay of their new fire station. Ms. Lambert stated that since trustees change from time to time, the MOU would provide the Health District and Stonelick Township with written documentation of the details that were agreed upon.

Mr. Crum made a motion to enter into a Memorandum of Understanding with Stonelick Township for the storage of two trailers containing two wings of the Alternative Care Units. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #7)

7. Revision of Chapter 4 of the personnel Policy to Recognize Public Health Emergency Response Time – Ms. Lambert requested the Board consider a revision to the Personnel Policy which would specify emergency response policies that would go into effect during a Board declared Public Health Emergency and remain in effect until the expiration date of the declared emergency. The policy would give the Health Commissioner authority to sign necessary contracts, make capital purchases and commit Health District funds without prior approval from the Board of Health if such action was needed to effectively respond to the declared emergency. It would also provide compensation to all employees for all hours worked during the response. Non-exempt employees would be paid rates as provided by law for all approved time worked. Exempt employees would be paid their regular hourly rate for all approved hours worked. This would result in exempt employees being paid over 80 hours in a pay period during the emergency response but paid hours over 80 hours would only be applicable to hours worked on the actual response.

She indicated that for this response non-exempt employees would be paid for both regular and overtime hours out of appropriate response funds if available. Regular pay for exempt employees working on the response would be paid out of appropriate response funds if available but hours worked over their normal 80 hours per pay period would be paid out of the General Fund.

The final component of the revised personnel policy gives each employee 1 personal day for each 80 hours of Public Health Emergency hours worked with the personal days to be used within 12 months of the termination of the declared Public Health Emergency. She noted that while this would give something back to staff who were giving up evenings and weekends to assist with the H1N1 response efforts, it would be a policy that would only be used in the event the Board declared a Public Health Emergency.

Dr. Miller made a motion to adopt the proposed revision to Chapter 4 of the Personnel Policy effective October 14, 2009. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #8)

8. Approval to Return to Staff Any Lost Vacation Time Resulting from the H1N1 Emergency Response – Ms. Lambert noted that revisions to the Personnel Policy made in 2007 placed a limit on the

number of vacation hours an employee could accumulate. She noted that due to the restrictions placed on taking annual leave during the current H1N1 activities there were a few employees whose accumulated time may go over the allowed 200 hours. Ms. Lambert requested the Board's approval to return any annual leave that is deducted from an employee's accumulated total during the Public Health Emergency. Lost time would be returned after the Public Health Emergency is declared to be over.

Mr. Cadwallader made a motion to approve the return of any annual leave lost to employees due to going over the limit of 200 hours during the declared Public Health Emergency with the lost time to be returned after the end of the event. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

9. 3rd Reading of Resolution Establishing Revised License Fees for Recreational Vehicle Parks, Recreation Camps, Combined Park Camps and Temporary Tattoo and Body Piercing Operations

Ms. Lambert held the 3rd reading of the resolution establishing revised license fees for recreational vehicle parks, recreation camps, combined park camps and temporary tattoo and body piercing operations. There were no comments.

Mr. Crum made a motion to adopt Resolution 12-09 establishing revised license fees for recreational vehicle parks, recreations camps, combined park camps and temporary tattoo and body piercing operations pursuant to Ohio Revised Code Section 3709.09 and 3709.21. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #9)

10. 3rd Reading of Resolution Revising Fees for Manufactured Home Park Licenses – Ms. Lambert held the 3rd reading of the Resolution Revising Fees for Manufactured Home Park Licenses. There were no comments.

Mr. Crum made a motion to adopt Resolution 13-09 establishing revised fees for manufactured home park licenses pursuant to Ohio Revised Code Section 3709.09 and 3709.21. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #10)

11. 2nd Reading of Resolution to Revised Local Onsite Sewage Treatment System Regulation 415 – Ms. Lambert held the 2nd reading of the resolution revising Local Onsite Sewage Treatment System Regulation 415. She noted the proposed revisions were posted on the website for review and to date, no comments have been received.

12. 2nd Reading of Resolution Establishing Revised Fees for Food Service Operation and Retail Food Establishment Plan Reviews – Ms. Lambert held the 2nd reading of the resolution establishing revised fees for food service operation and retail food establishment plan reviews. She noted the proposed revisions were posted on the website and information had been mailed to each licensed facility. To date, no comments have been received.

13. Approval to Join County's Benefit Plan – Ms. Lambert informed the Board she had received the final information concerning joining the County's benefits plan. She noted that although there were significant savings to the Health District, there would be some changes for the employees. Ms. Lambert stated one of the biggest changes involves the tiers of coverage offered by the county. The county is self-insured and the health benefit program administered by Humana only offers two tiers of coverage. The Health District has had 4 tiers for many years and this would mean that employees currently covered under an employee/spouse or employee/child plan would have to move to a family plan. She noted the

benefits provided by the two county health plans are similar to the current Health District plans with Anthem. However, the county's benefit plan does not contribute to the offered dental plan which has been a part of benefits provided to Health District staff in the past. The county plan provides \$25,000 of life insurance for each employee while the Health District currently provides \$15,000. Ms. Lambert stated that since the county is self-insured, if in the future Health District claims would ever put a drain on the County's fund, the County could increase the Health District's rate of contribution. She noted the biggest change will be that the Health District will no longer have total control of benefits for the staff. If the Health District joins the county, it is bound to accept the changes the county proposes each year. Ms. Lambert related she felt that financially this was the only option the Health District has since its small group continues to pay more each year while benefits are being reduced. She recommended the Board approve joining the county's benefit plan.

Following a discussion of the recommendation, Mr. Cadwallader made a motion to approve the Health District joining the Clermont County's Benefits Plan. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #11)

14. Update on the Emergency Operations Plan – Julianne Nesbit, Assistant Health Commissioner, presented a brief summary of the updates made to the Health District's Emergency Operations Plan during the past year. (Attachment #12)

15. Request for Closure of Office at Noon on Christmas Eve – Ms. Lambert noted the Board has typically approved closing the office at noon on Christmas Eve, but due to the lack of business on that day, she requested the Board consider closing all day.

Dr. Rickabaugh made a motion to approve closing the Health District offices all day on Christmas Eve. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Approval of Minutes - Mr. Hansbauer asked if there were any additions or corrections to the minutes of the September Board of Health Meeting. There were no additions or corrections.

Mr. Cadwallader made a motion to approve the minutes of the September 9, 2009, Board of Health meeting. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

Mr. Hansbauer asked if there were any additions or corrections to the minutes of the September Special Session Board of Health Meeting. There were no additions or corrections.

Dr. Rickabaugh made a motion to approve the minutes of the September 30, 2009, Special Session of the Board of Health. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Payment of Bills – Ms. Lambert presented the Health District's bills for consideration. Following the Board's review, Dr. Rickabaugh made a motion to pay the bills as presented. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #13)

Amended Certificate/Additional Appropriation – Ms. Lambert requested the Board approve an Amended Certificate/Additional Appropriation for the temporary cash advance of funds from Fund 708 to Fund 722.

Mr. Crum made a motion to approve an Amended Certificate/Additional Appropriation in the amount of \$100,000 as listed on Attachment #14. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #14)

Amended Certificate/Additional Appropriation – Ms. Lambert requested the Board approve an amended certificate and additional appropriation due to receipt of unanticipated funds in the Infrastructure Fund.

Mr. Crum made a motion to approve an Amended Certificate/Additional Appropriation in the amount of \$387,313 in Fund 722 as listed on Attachment #15. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #15)

OLD BUSINESS

1. Public Health Nuisances/Code Violations- Ms. Lambert presented the addresses of 10 properties to be considered as public health nuisances/code violations.

Following a review of the files, Dr. Miller made a motion to declare the properties listed on Attachment #16 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 #16)

2. Sewer Connection Notices - Ms. Lambert presented the address of the property to receive orders to connect to public sewers.

Following a review of the file, Dr. Rickabaugh made a motion to require the property listed on Attachment #17 receive orders to connect to public sewer within the time frame given. The motion was seconded by Mr. Crum. The vote was all aye, motion carried. (Attachment #17)

5. Update on ARRA Program (ODH HSTS Repair Program) – Ms. Lambert reported that even with the changes made by ODH/EPA the issues surrounding the ARRA Program could not be resolved satisfactorily in order for the program to go forward. She noted that applicants had been notified and they would be contacted in the spring of 2010 and offered the opportunity to apply for CDGB funds if they meet the requirements.

Other Information:

1) Ms. Lambert informed the Board the Health District is scheduling H1N1 clinics for the schools with the schedule starting on October 26th. The rotation will go through the school districts and then go back to the elementary schools since these children require two vaccinations. Ms. Lambert reported the Health District had received numerous compliments on the drive-thru seasonal flu clinic and when the vaccine

becomes available she had hoped to use the fairgrounds in late November to hold a H1N1 drive-thru clinic. However, she stated she had recently learned the Fair Board rented the commercial building for storage in the winter months so it could not be used. She related that other options were being explored for holding a large H1N1 clinic.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 8:50 p.m. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT

ANDREW CRUM, V-PRESIDENT

DR. WILLIAM MILLER

LARRY CADWALLADER

DR. JANET RICKABAUGH

Respectfully Submitted
