

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

The monthly meeting of the Clermont County Board of Health was held on November 14, 2007. Carlos Hamilton, Vice-President, called the meeting to order at 7:30 p.m. Mr. Hamilton led the Board members and guests in the Pledge of Allegiance.

|            |                            |                             |
|------------|----------------------------|-----------------------------|
| Roll call: | James Hansbauer, absent    | Dr. William Miller, present |
|            | Carlos Hamilton, 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 Attachment #1. (Attachment #1)

**Blackwater Holding Tank Request & Extensions - (#1 & 2)** - Mr. Wildey reported the paperwork for the homeowners requesting an extension to their blackwater holding tank variance request was in order. Ms. Lambert recommended the Board approve the renewal requests for:

- 1) Brunk, 2238 Clermont Meadows, Monroe Township (142-V-06)
- 2) Callahan - 6897 Goshen Road, Goshen Township (31-V-03)

Mr. Crum made a motion to grant a 1 month extension for the blackwater holding tank renewals #1 & 2. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. The homeowners will receive a letter indicating the terms and conditions of the variance renewals.

**Isolation Distance Request for Cistern** – Ms. Lambert presented the variance request submitted by the owner of the property at 5300 Rapp Lane, Stonelick Township. The owner requested approval to vary from the 50 ft. isolation distance for the placement of a cistern. The proposed cistern site would be approximately 41 ft. from the household sewage treatment system. Ms. Lambert stated the staff reported the sewage treatment system was located down grade from the cistern site.

Following a review of the request, Mr. Cadwallader made a motion to approve the isolation distance variance for the placement of the cistern at 5300 Rapp Lane, Stonelick Township, (41-V-07), contingent on the homeowners agreement to all terms and conditions specified by the Health District. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

**Isolation Distance Request for Pole Barn** – Ms. Lambert presented the variance request submitted by the owner of the property at 3263 Lindale Mt. Holly Road, Monroe Township. The owner requested approval to vary from the 10 ft. isolation distance for the placement of a proposed pole barn. The proposed barn site would be approximately 5 ft. from a leach line in the household sewage treatment system. Ms. Lambert stated the staff recommended approval with the contingency that no digging take place between the leach line and the pole barn. She noted that staff reported allowing the variance would leave more of the septic system replacement area intact.

Following a review of the request, Dr. Miller made a motion to approve the isolation distance variance for the placement of the proposed pole barn at 3263 Lindale Mt. Holly Road, Monroe Township (42-V-07), contingent on the homeowner's agreement that no digging take place in the 5ft. area between the pole barn and the sewage treatment system. Approval was also 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.

**Fee for Abatement of High Weeds Complaint** – Ms. Lambert requested the Board certify the cost of abating the high weeds nuisance complaint on the property presented to the Board at the September meeting.

It was the consensus of the Board that Mr. Hamilton sign the certification requesting the cost charged by the Engineer's Office for abating the high weeds nuisance complaint at 6003 Newtonsville Hutchinson Road, Wayne Township, be placed as a lien on the property's taxes. (Attachment #2)

### **New Business**

**1. 3<sup>rd</sup> Reading of Resolution for Revised Food Service Operation and Retail Food Establishment Fees, Vending Fees, Mobile Fees, and Temporary Fees** – Ms. Lambert conducted the 3<sup>rd</sup> reading of the resolution for the proposed fee revisions. She noted that no comments had been received from license holders regarding the proposed fees other than those presented at the fee hearing held at the October Board meeting..

**2. Resolution Adopting Revised Food Service Operation and Retail Food Establishment Fees, Vending Fees, Mobile Fees, and Temporary Fees** - Mr. Crum made a motion to adopt Resolution 18-07 establishing revised license fees for risk levels I, II, III, and IV food service operations and retail food establishments, mobile food operations, vending machine locations, and temporary food operations per day, pursuant to Ohio Revised Code Section 3709.09 and 3709.21. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #3)

**3. 3<sup>rd</sup> Reading of Resolution for Revised FSO/FE Plan Review Fees** – Ms. Lambert conducted the 3<sup>rd</sup> reading of the resolution for the proposed fee revisions. She noted that no comments had been received regarding the proposed fees.

**4. Resolution Adopting Revised FSO/FE Plan Review Fees** – Mr. Crum made a motion to adopt Resolution 19-07 establishing revised fees for food service operation and retail food establishment plan reviews pursuant to Ohio Revised Code Section 3709.09 and 3709.21. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #4)

**5. 3<sup>rd</sup> Reading of Resolution for Revised Manufactured Home Park License Fees** - Ms. Lambert conducted the 3<sup>rd</sup> reading of the resolution for the proposed fee revisions. She noted that the manufactured home park representative on the Health District's Licensing Council was delighted to see the license fees reduced for this program.

**6. Resolution Adopting Revised Manufactured Home Park License Fees** – Mr. Cadwallader made a motion to adopt Resolution 20-07 establishing revised license fees for manufactured home parks pursuant to Ohio Revised Code Section 3709.09 and 3709.21. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #5)

**7. 2<sup>nd</sup> Reading of Resolution of Revised License Fees for Public Swimming Pools & Spas, Individual Special Use Pools, and Public School Swimming Pools** – Ms. Lambert conducted the 2<sup>nd</sup> reading of the resolution for the proposed fee revisions. She noted that all license holders had been notified of the proposed fees and to date no comments had been received.

**8. 2<sup>nd</sup> Reading of Resolution of Revised License Fees for Recreational Vehicle Parks, Recreation Camps, Combined Park Camps, and Temporary Parks and Camps** – Ms. Lambert conducted the 2<sup>nd</sup> reading of the resolution for the proposed fee revisions. She noted that all license holders had been notified of the proposed fees and to date no comments had been received.

**9. 2<sup>nd</sup> Reading of Resolution of revised license fees for Tattoo Operations, Body Piercing Operations, Combined Tattoo/Body Piercing Operations and Temporary Tattoo/Body Piercing Operations** – Ms. Lambert conducted the 2<sup>nd</sup> reading of the resolution for the proposed fee revisions. She noted that all license holders had been notified and the fees had been discussed at the Licensing Council meeting but no additional comments had been received.

**10. 2<sup>nd</sup> Reading of Resolution of Revised License Fees for Marinas** - Ms. Lambert conducted the 2<sup>nd</sup> reading of the resolution for the proposed fee revisions. She noted that all license holders had been notified of the proposed fees and to date no comments had been received.

**11. 2<sup>nd</sup> Reading of Local Sewage Rules** – Ms. Lambert related that based on input received from the community and staff's review of the proposed sewage rules following the 1<sup>st</sup> reading in September, minor modifications had been made. She noted that Mr. Wildey, Director of Water and Waste, had compiled the summary of the modified proposed rules which the Board had received.

Ms. Lambert noted that in the proposed rules the Health District was attempting to move away from doing system design for new construction. The new rules would require that household sewage treatment system designs on new construction be done by an outside source. She related that designs for repairs or remediations could still be done by the Health District if the homeowner preferred since designers and installers have been hesitant to do these designs.

Ms. Lambert stated that one of the primary reasons for requiring systems for new construction be done by outside designers was the possibility of a conflict of interest when Health District staff design a system and then perform inspections on their own design. In addition, if there is a problem with the design made by the Health District staff, the homeowner has little recourse. If there was a problem with an outside design, the homeowner would have an avenue of recourse with the designer.

Mr. Hamilton noted that over the years staffing levels and fees were adjusted due to the increased work involved with sewage system design and inspection. He asked how the proposed rules would effect these areas. Mr. Wildey related that the staff would continue to check the site, review the design, and conduct the inspections on the system installation.

The issue of possible ramifications of staff's failure to detect a problem during the review of a design was discussed. Ms. Lambert reported that typically, unless it will cause a major problem, the staff will stand by the original approval. If this is not possible, staff would work with the homeowner and designer to identify a solution that is acceptable to everyone involved.

Mr. Hamilton asked if the outside designers would be required to meet Health District rules. Mr. Wildey stated that the system designs by outside designers must meet both Health District and State rules.

Mr. Cadwallader asked the approximate cost of a system designed by an outside designer. Mr.

Willey reported that the typical cost for a site evaluation and design is \$1,000 to \$1,200.

Ms. Lambert stated that if this was an area of the proposed sewage rules the Board would like to reconsider, the rules were still in draft form and there was ample time to discuss the issue.

Mr. Crum related that he had received a complaint from a homeowner regarding service providers. The homeowner reported two different service providers he had contracted with told him his system was OK even though it was giving an alarm signal. The homeowner had asked if he could do his own service.

Mr. Willey stated that homeowners can do their own service if they are trained. He related that he had heard other generic complaints relating to service providers but without specific information the Health District could not pursue the issue.

Ms. Lambert stressed that if homeowners would provide actual names, addresses and other pertinent information, the staff could investigate the complaints. However, without this information, there is little that can be done.

Mr. Crum suggested a note be added to the Septic Gazette urging homeowners to alert the Health District of problems they are experiencing with service providers. Ms. Lambert stated that the Health District could survey homeowners under service contracts and solicit their feedback on the service they are receiving.

Mr. Hamilton noted that on the new system designs, he hoped there would no longer be the requirement that only certain brands of components be used. Mr. Willey reported that he totally agreed and on the advanced systems, required components were performance based with no particular brands being specified.

Ms. Lambert asked the Board if they would like different input or direction on the proposed rules. As there was no further discussion, Ms. Lambert conducted the 2<sup>nd</sup> reading of the resolution establishing local sewage rules.

**12. Resolution Adopting Public Records Policy** – Ms. Lambert related that in 2007 the Ohio Public Records Law was modified by House Bill 9 in order to ensure uniformity in meeting the requirement of the law throughout county government. The revised law requires that each political subdivision establish a policy relating to public records and how citizens can access those records. She noted that it also requires all agencies that maintain public records display a poster describing public records availability and make retention schedules and the entire policy available to the public. Ms. Lambert stated the information will be posted on the Health District's website and posters will be displayed at Permit Central and the Nursing Division. Ms. Lambert proposed the new policy be made a part of the Personnel Policy in a new chapter entitled "General Administrative Policies". She noted that the Health District has always had a procedure for records requests from the public but adopting this resolution would make it a formal policy.

Mr. Crum made a motion to adopt Resolution 21-07 establishing a policy for access to public records of the Clermont County General Health District. The motion was seconded by Mr. Cadwallader. The

vote was all aye, motion carried. (Attachment # 6)

**13. Resolution to Establish Internal Service Fund** – Ms. Lambert informed the Board that the Auditor’s Office had recommended the Health District establish an internal service fund that will serve as a holding fund for Health District and employee contributions for health, dental and long term disability insurance. Each month the revenue funds would be automatically charged for the benefits based on the salaries charged in that fund. The monthly bills would then be paid out of one account rather than being divided between several accounts, simplifying accounting for both the Health District and the Auditor.

Mr. Cadwallader made a motion to adopt Resolution 22-07 authorizing the establishment of an Internal Service Fund to be named “Health Insurance Fund”. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #7)

Ms. Lambert noted that a letter would be submitted to the Auditor of State requesting approval to create the new fund.

**14. Appropriations for 2008** – It was the consensus of the Board to table discussion on the proposed appropriations for 2008 until later in the meeting.

#### **15. Personnel Issues**

**a) Executive Session** – At 8:25 p.m. Mr. Crum made a motion to go into Executive Session to discuss personnel issues. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

At 9:00 p.m. Mr. Crum made a motion to return to Regular Session. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

**14. Appropriations for 2008** – Mr. Crum made a motion to approve the Health District appropriations for 2008 as presented. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #8)

#### **15. Personnel Issues, continued**

**b) Registered Sanitarian status for Ryan Peltier** – Ms. Lambert informed the Board that Ryan Peltier, Environmental Health Division, had received the status of Registered Sanitarian in October. She recommended the Board approve the customary salary adjustment, effective November 15, 2007.

Mr. Crum made a motion to approve the customary salary increase for attaining the status of Registered Sanitarian to Ryan Peltier, effective November 15, 2007. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #9)

**c) Resignation of Donald Blom, Part-time Plumbing Inspector** – Ms. Lambert related that Mr. Blom had continued to work part-time, as needed, following his retirement and was still listed as a

Health District employee in the County’s records. She noted that Mr. Blom would not be working in the future and his official resignation would remove his name from the list of employees.

Mr. Cadwallader made a motion to accept the resignation of Donald Blom, part-time plumbing inspector, effective October 23, 2007. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #10)

**d) Resignation of Amy Buschard, Breastfeeding Peer** – Ms. Lambert presented the resignation submitted by Amy Buschard, breastfeeding peer. She requested the Board accept the resignation and approval filling the part-time position after the first of 2008.

Mr. Crum made a motion to accept the resignation of Amy Buschard, effective 11/13/2007, and to approve advertising and filling the part-time position after the first of 2008. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #11)

**e) Appointment of Angela Lipps, RN, to Position of Communicable Disease Nurse** – Ms. Lambert noted that she proposed to reassign one of the Health District's BCMH nurses, to the position left vacant by the retirement of Sandy Edwards in July. She requested the Board approve the reassignment and to grant a salary adjustment to the rate that would have been paid to an outside hire.

Mr. Cadwallader made a motion to approve the reassignment of Angela Lipps, RN, to the position of communicable disease nurse and to approve the requested salary adjustment, effective 12/01/2007. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #12)

**16. Approval to Apply Current Application Fee to Remediation Applications** – Ms. Lambert requested the Board approve applying the current application fee of \$400 to remediation applications. She noted that when the Sewage Nuisance Abatement Remediation Plan (SNARP) was first implemented it was the intent that installers would do the design work and the staff would be minimally involved. Originally, there was no charge for the SNARP application and only a permit fee to install was required. However, installers have been reluctant to do the SNARP designs and in order to get the program off the ground, the staff has been doing the designs and spending a great deal of time with the homeowners and installers. To recover the cost for staff time in completing this design work, Ms. Lambert proposed that the current application fee of \$400 be applied to the SNARP applications. The installer would still be required to obtain a \$105 alteration permit and the remediation work would be inspected by the Health District.

Mr. Crum made a motion to approve applying the current application fee of \$400 to remediation applications. The motion was seconded by Dr. Miller.

Mr. Hamilton asked about the steps in the remediation process. Mr. Wildey reported that the remediation process is typically designed in three or four steps. If the first step is completed and the sewage nuisance is abated and does not reoccur, the homeowner does not have to move on to the next step. If and when the nuisance reoccurs, the homeowner would complete the second step in the remediation plan. He noted that at each step, when work was completed by an installer, an alteration permit of \$105 would be required and staff would do an inspection. However, the \$400 application fee would only be paid one time, when the homeowner originally applied for a SNARP.

There was no further discussion. The vote on the motion to apply the current application fee of \$400 to remediation applications was all aye, motion carried.

**17. Resolution for Temporary Advance of Funds** – Ms. Lambert informed the Board that the State had initiated a new system for moving grant funds from the State Treasurer to the County Treasurer. There were problems with the system in the beginning and for several months during the summer the Health District did not receive any grant funds. As a result, payroll for the grants was charged to the general fund. These charges need to be reversed to their appropriate fund prior to the end of the fiscal year but the grant funds have not caught up with what is still outstanding. She requested the Board approve a temporary cash advance of \$22,500 from the Environmental Health fund to the WIC fund in order to ensure WIC is charged for the expenses. Ms. Lambert stated that she anticipated the money would be transferred back to the Environmental Fund in late December.

Dr. Miller made a motion to adopt Resolution 23-07 authorizing the temporary advance of cash in the amount of \$22,500 from the Environmental Health Fund (#708) to the WIC Fund (#723). The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #13)

**18. Health Insurance Renewal for 2008** – Ms. Lambert stated that the renewal from Anthem for health insurance coverage for Health District employees reflected a 3% increase in the premium over the 2007 rate for the same coverage. She noted that although this was a small increase, given the Health District's current budget issues, she was not asking the Board to increase their dollar contribution over the 2007 amount. Ms. Lambert reported she had met with staff and they preferred to stay with the current level of coverage and pay the additional 3%. This would take the contributions from the current 80/20 split to a 77.7%/22.3% split. There was no increase in the 2008 premiums for dental and long term disability coverage.

Mr. Crum made a motion to approve the 2008 medical insurance coverage for staff with a 0% increase in contributions from the Board over the 2007 amounts. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Ms. Lambert noted that in the future, when funding allowed, she would request the Board return to the 80/20 split in medical coverage premiums.

**19. Approval to Obtain Independent Audits** – Ms. Lambert informed the Board that the option of obtaining independent audits had been discussed with the County Auditor's office and they were in support of this action. She noted that Greene County saved nearly 50% of the cost charged by the Auditor of State when their Health District used an independent auditor. She requested the Board's approval to proceed with obtaining independent audits.

Dr. Miller made a motion to approve obtaining independent audits for the 2007 fiscal year, if possible, and for all following fiscal years. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

**20. Approval to Submit Smoke Free Grant from Ohio Tobacco Foundation** – Ms. Lambert requested the Board approve submitting a grant application for approximately \$6,000. She noted that the grant is a 3 month grant and if awarded, funds would be used to cover a portion of the costs the

Health District is incurring in the enforcement of Ohio's smoking ban. The grant funds would cover overtime costs for inspections done after hours at facilities that have numerous complaints against them originating in the evening or weekend hours.

Mr. Crum made a motion to approve submittal of a grant application for a Smoke Free Grant from the Ohio Tobacco Foundation. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

**21. Abatement of Garbage Nuisances** – Ms. Lambert reported that she had received a call from a township trustee who had been contacted by a homeowner regarding the length of time it was taking to have a garbage nuisance abated on a neighboring property. She related that following their conversation, the trustee had suggested she discuss with the Board the possibility of the Health District abating garbage nuisances. Ms. Lambert stated that she would not recommend this action until it was further explored with all of the township trustees and funding issues were resolved.

Following a discussion, Mr. Crum made a motion to table the issue. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Ms. Lambert will compile information for the Board on the potential number of garbage nuisances and the abatement costs that would be involved in undertaking this type of activity.

### **Approval of Minutes**

Mr. Hamilton asked if there were any additions or corrections to the minutes of the October Board of Health Meeting. There were no additions or corrections.

Mr. Cadwallader made a motion to approve the minutes of the October 10, 2007, Board of Health meeting. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

**Additional Appropriations** – Dr. Miller made a motion to approve additional appropriations for the Swimming Pool Fund, Mobile Home Park Fund, Solid Waste Fund, TB Clinic Fund, Vision & Hearing Fund, and Preventive Fund. The motion was seconded by Mr. Crum. The vote was all aye, motion carried. (Attachment # 14, 15, 16, 17, 18 & 19)

**Payment of Bills** – Ms. Lambert presented the Health District's bills for the Board's consideration. Following the Board's review, Mr. Crum made a motion to pay the bills as presented. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #20)

### **OLD BUSINESS**

**1. Public Health Nuisances-** Ms. Lambert presented the addresses of the properties to be considered as public health nuisances.

Following a review of the files, Dr. Miller made a motion to declare the properties listed on Attachment #21 public health nuisances and if corrections are not made within the allotted time frame, 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 #21)

### **Other Information -**

Ms. Lambert reminded the Board that the annual employee recognition dinner would be held on December 6<sup>th</sup> at Pattison Park Lodge. Doors open at 5:30 and dinner will be served at 6:30. She encouraged everyone to attend.

**ADJOURMENT**

Dr. Miller made a motion to adjourn the meeting at 9:35 p.m. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

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JAMES HANSBAUER, PRESIDENT

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CARLOS HAMILTON, V-PRESIDENT

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DR. WILLIAM MILLER

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ANDREW CRUM

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LARRY CADWALLADER

Respectfully Submitted

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