

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

The monthly meeting of the Clermont County Board of Health was held on May 9, 2007. James Hansbauer, President, called the meeting to order at 7:30 p.m. Mr. Hansbauer led the Board members and guests in the Pledge of Allegiance.

Roll call:	James Hansbauer, present	Dr. William Miller, present
	Carlos Hamilton, present	Andrew Crum, present
	Larry Cadwallader, present	

Others present included: Marty Lambert, Health Commissioner; Julianne Nesbit, Assistant Health Commissioner; Kevin Jester, Director of Plumbing; Rob Perry, Director of Environmental Health; Robert Wildey, Director of Water & Waste; Donna Hart, Administrative Assistant; and others as listed on Attachment #1. (Attachment #1)

**Variations for Distance from Limiting Layer (#16 – 18)** - Ms. Lambert presented the variations submitted for the properties that will not meet the State's new sewage rules requiring a minimum of 12 inches between the surface of the ground and the first limiting layer of soil.

Following a review of the variations Mr. Hamilton made a motion to approve the distance from limiting layer requests for the properties located at:

- 16. Klenke – 2776 Jackson Pike, Stonelick Township (26-V-07)
- 17. Kellum – 3796 SR 131, Jackson Township (24-V-07)
- 18. Yoro – 5118 Fox Run, Batavia Township (27-V-07)

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.

**19. Isolation Distance Variance Request** – Ms. Lambert presented the variance request submitted for the property located at 5407 SR 286 Jackson Township. The property owner requested approval to vary from the 10 ft. isolation distance requirement for the existing septic system. The owner wants to replace the existing single wide manufactured home with a doublewide which will be located approximately 5 ft. from the existing septic system.

Following a review of the variance request, Mr. Cadwallader made a motion to grant an isolation distance variance for the property located at 5407 SR 286, Jackson Township (25-V-07), contingent on the owner's agreement to all terms and conditions stipulated by the Health District. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

**20. Request to Vary From Ohio Plumbing Code** – Ms. Lambert presented the variance request submitted for the property located at 897 Barg Salt Run Road, Union Township. The owner requested approval to install a waterless composting toilet for the residence. Ms. Lambert related that during the BSA inspection at this property it was determined that there was no septic system on this property and untreated sewage was being discharged over the hill. The home does have plumbing and a private water system.

Kevin Jester, Director of Plumbing, stated that the proposed composting toilet was not recognized by any agency in the state for residential use. The use of composting toilets is typically applied to primitive, commercial settings.

Mr. Applegate stated that he felt the composting toilet was the quickest way to eliminate the human waste

in the run-off from the home. He also stated he felt the topography of the property would make it very difficult to install a regular septic system and using the composting toilet would allow a smaller septic system to be installed to treat the greywater.

Ms. Lambert related that the homeowner had not made an application for replacement of the septic system therefore a sanitarian had not been to the site to assess the type of system that would be needed for the property. She noted that even if the Board granted the variance, the homeowner would need to move forward with the application process for the septic system. Ms. Lambert stated she was confident the staff would be able to design a system for the property but a consideration would be whether it would need to treat all wastewater from the home or just the greywater if a variance was granted for the composting toilet.

Following a discussion of the request, Dr. Miller made a motion to table the variance until the homeowner had completed the application process for replacing the septic system and the staff had evaluated the site to determine the options available. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried.

**Blackwater Holding Tank Variance Extension Requests (#1 - 14)** - Mr. Wildey reported that the homeowners requesting an extension to their blackwater holding tank variance requests, with the exception of #5, 3310 Taylor Road, had signed in and their paperwork was in order. Ms. Lambert recommended the Board approve the renewal requests for # 1 – 14 with the exception of #5.

- 1) Bolmer – 2661 Freedom Trail, Jackson Township (3-V-07)
- 2) Breuer, 1958 Antioch Road, Tate Township (144-V-06)
- 3) Brunk, 2238 Clermont Meadows, Monroe Township (142-V-06)
- 4) Dishion - 3082 Sugartree, Tate Township (25-V-04)
- 5) Eaton & Diehl – 3310 Taylor Road, Wayne Township (8-V-06)
- 6) Fink – 16047 Colonial Drive, Williamsburg Township (54-V-06)
- 7) Middendorf – 4507 Concord Meadows, Williamsburg Township (9-V-07)
- 8) O’Connor, 2229 SR 232, Monroe Township (140-V-06)
- 9) Pickelheimer – 3014 Sugartree Road, Tate Township ((7-V-07)
- 10) Piening, 3046 Bachelier Road, Pierce Township (143-V-06)
- 11) Pope - 3140-A Shirley Drive, Monroe Township, (1-V-07)
- 12) Reese – 4717 Creekstone Ridge, Goshen Township (2-V-06)
- 13) Walker – 2739 Davis Road, Tate Township (4-V-07)
- 14) \*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 #1,2,3,4,6,7,8,9,10,11,12,13 &14. 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.

**New Blackwater Holding Tank Variance Requests** – Mr. Wildey reported that the homeowner requesting approval to use a blackwater holding tank was present. Ms. Lambert recommended the Board approve the new blackwater holding tank variance request, #15: Sheppard – 2016 West Road, Monroe Township (23-V-07)

Mr. Cadwallader made a motion to grant a blackwater holding tank variance to the new applicant #15. The motion was seconded by Mr. Crum. The vote was all aye, motion carried. The homeowner received a letter indicating the terms and conditions of the approval, including a reminder that all homeowners must obtain a temporary occupancy from the Building Department before they occupy their new home. Ms. Lambert also stressed to the homeowner that from this date forward she must attend the Board of Health meeting each month until the sewage system has been installed, inspected and has received a "yellow tag". In addition, after the home is occupied, she must bring a copy of the pump ticket(s) to the meeting to verify the blackwater holding tank was pumped every month.

## **NEW BUSINESS**

**1. Proposed Guidelines for Sewer Connections** – Ms. Lambert presented the draft guidelines for properties that are identified through the Health District's routine inspection processes and are accessible to public sewers. The proposed guidelines include a way to internally manage the onsite systems while waiting for sewer connections to be completed and gives varying times for connection depending on the difficulty and cost involved in the connection and the status of the existing system. The proposed guidelines would only apply to properties with septic systems that are working properly and the extension would be void if the onsite system is found to be failing any time during the extension period. Properties with failing systems would still be ordered to connect to accessible public sewers within 30 days.

Ms. Lambert presented a brief summary of the guidelines: 1) if the sewer main is on the same side of the road as the house or runs on the side or back of home – property will be given 2 years to connect; 2) if the sewer main is on the opposite side of the road and requires a cut or bore – property will be given 6 years to connect; 3) properties with a reimbursement clause will not be required to connect to sewer until the reimbursement clause expires if it is greater than the 2 or 6 years; 4) the new guidelines will be tied to the property, not the owner, and the tie-in date would not be extended if the property changed ownership; 5) all connections notices that are currently in process will be revisited and the new guidelines will be applied to these properties to establish revised deadlines for connection based on the original notice to connect; 6) homeowners with discharging systems will be given information about the proposed OEPA NPDES general permit and told that while they would not be forced to connect to sewers until the 2 or 6 year time had expired, they would still be expected to comply with any future OEPA requirements for their discharging systems; and 7) the staff would investigate the possibility of attaching the tie-in order date to the county's legal records on the property. She noted that any exception to the guidelines would still be brought to the Board as a variance.

Following a discussion of the proposed guidelines, Dr. Miller made a motion to accept the guidelines as presented. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried.

Ms. Lambert noted that the new guidelines would be applied to agenda item #21 and the owner would be notified of the adjusted tie-in date. She also requested the Board approve the refund of Ms. Haverkos's variance fee since she had essentially paid for a variance which was benefiting the entire county.

Mr. Crum made a motion to refund the variance fee to Julie Haverkos, 5963 Cook Road, Miami Township. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried.

**21. Request to Vary from Connection to Public Sewers** – The guidelines accepted by the Board for

sewer connections will be applied to the variance request tabled at the March Board of Health meeting - 5963 Cook Road, Miami Township.

**2. Executive Session – Green Acres Consent Decree** - At 8:08 p.m. Mr. Crum made a motion to go into Executive Session to discuss legal issues. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

At 8:48 p.m. Mr. Crum made a motion to return to Regular Session. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried.

Mr. Crum made a motion to accept Elizabeth Mason's negotiations on their behalf regarding the Green Acres Manufactured Home Park consent decree. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

**Blackwater Holding Tank Extension Request #5** – The documentation for the remaining blackwater holding tank extension request was received by the staff while the Board was in Executive Session.

Mr. Cadwallader made a motion to grant a blackwater holding tank extension to the property located at 3310 Taylor Road, Wayne Township. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried. The approval letter will be mailed to the homeowner.

### **3. Personnel Issues**

**a) Hire Breastfeeding Peer** - Ms. Lambert reported that interviews had been conducted and the Director of Nursing and the Director of WIC recommended that Amy Buschard be hired to fill the vacant breastfeeding peer position.

Mr. Crum made a motion to hire Amy Buschard to fill the vacant breastfeeding peer position at the salary listed on Attachment #2, effective May 15, 2007. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #2)

**b) New Part-time Position for Newborn Home Visits** – Ms. Lambert reported that the Health District had received a request from MRDD, the program coordinator of the Help Me Grow program, to increase the number of newborn home visits done by the Nursing Division in order for Help Me Grow to meet program goals. However, increasing the number of newborn home visits would require hiring an additional part-time RN. If established, the new part-time position would only do the newborn home visits, would be funded entirely by the program and if funding was reduced or eliminated, the person would be terminated. Ms. Lambert requested the Board approve creating the new position and begin the process of advertising to fill the position with an approximate start date of July 1, 2007.

Following a discussion of the request and recommendation of the Health Commissioner, Dr. Miller made a motion to approve the creation of a new part-time nurse position to conduct Help Me Grow program newborn home visits and to approve advertising to fill the position. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

**4. Revised Personnel Policies** - Ms. Lambert noted that the Health District reviews and updates its Personnel Policies every five years to ensure all recent legal changes are included. The recent review was

completed by a committee consisting of representative of each division, under the coordination of Julianne Nesbit, Assistant Health Commissioner. She noted that there were 4 significant changes proposed:

1) vacation time accrual; 2) limit on vacation time accrued; 3) vacation time for part-time employees; and 4) limit on comp-time accrued. The remaining changes are mainly clarification of existing policies and procedures or adjustments to bring the policies up-to-date with current laws.

The proposed vacation accrual revision would add a mid-point adjustment in the existing accrual schedule. Instead of receiving 5 days at the existing milestones, 2 days would be given at a mid-point and the remaining 3 days at the existing milestones.

Ms. Lambert noted that placing limits on accruals of vacation would reduce the large pools of time that a few employees have accumulated over the years. She stated this time could present a huge liability for the Health District if an employee would retire with a large amount of accumulated time. If adopted, employees with large amounts of leave time will be given 2 years to reduce their time to the maximum accumulation limit of 200 hours.

Ms. Lambert stated that if the proposal to grant vacation time for part-time employees, using the same accrual rate as full time employees but adjusted to reflect their actual FTE, was approved, part-time employees would no longer accumulate comp time. They would simply be paid for any time worked over their normally scheduled hours.

A maximum of 80 hours comp time would also be established. Ms. Lambert noted that the Health District will focus on encouraging employees to use flex time instead of accumulating comp time. Overtime would primarily be for employees who were required to inspect on weekends for festivals, fairs, etc.

Wording was also revised to reflect the new Civil Service law which states that any time off – vacation, personal or sick - is not considered active work status. An employee must be in active work status for 40 hours before any additional time worked would be considered overtime.

Following a review of the proposed Personnel Policy revisions, Mr. Hamilton requested additional information on what effect the proposed vacation adjustments would actually have for the Health District. He noted that he felt adding additional time off costs the Health District in work loss which in turn can affect the cost of conducting programs.

Mr. Crum suggested wording in the section involving a Drug Free Workplace be clarified to state that disciplinary action could include termination.

The requested information and clarification will be presented at the June Board Meeting.

**5. 2<sup>nd</sup> Reading of Proposed Resolution to Adopt Plumbing Regulation** – Ms. Lambert conducted the 2<sup>nd</sup> reading of the proposed resolution rescinding Regulations 4-97 and 9-98 and all subsequent amendments to those regulations and adopting regulation establishing standards governing them installation, maintenance, testing and inspection of all plumbing; establishing a plumbing regulation and its enforcement as local regulation; adopting the Plumbing Code of the Ohio Basic Building Code by incorporation by reference; requiring a register of persons engaged in the plumbing business; and

requiring permits and the approval of plans and specifications for plumbing work in order to protect the public health and welfare and to prevent the contamination of water supplies and to provide for sanitary collection of wastes in the Clermont County General Health District.

The 3<sup>rd</sup> and final reading will be held at the June Board of Health meeting.

**6. Proposed Manufactured Home Installation Inspection Fees – 1<sup>st</sup> Reading** - Ms. Lambert presented the proposed inspection fees for manufactured homes installed in manufactured home parks in Clermont County. The proposed fees cover services for the footer inspection, electric inspection, and final inspection; the cost of the Manufactured Home Commission Inspection seal; and reinspection services if needed. She noted that these fees would be in addition to the sewer connection inspection which is performed by the Health District's Plumbing Division.

Following a review of the proposed fees, Ms. Lambert conducted the 1<sup>st</sup> reading of the resolution establishing fees pursuant to Ohio Revised Code Sections 3709.09 and 3709.21 for the inspection of manufactured home installation in manufactured home parks in Clermont County as follows:

Inspection of Manufactured Home Installation (includes footing inspection, electric inspection, and final inspection)	\$200.00
Manufactured Home Commission Inspection Seal	\$ 75.00
Manufactured Home Installation Reinspection	\$ 65.00

The 2<sup>nd</sup> reading will be held at the June Board of Health meeting.

**7. WIC Lead Screening Contract** - Ms. Lambert presented a contract with the Ohio Department of Health to expand the WIC lead screening program. The contract covers the period of July 1, 2007, through June 30, 2008, and provides payment to the Health District in the amount of \$10 for every lead test submitted, up to 200, plus an incentive bonus of \$2 per test after 50% of the quota of 200 is reached. Lab fees and mailing fees are covered by ODH. She stated that the staff felt the increased blood lead testing was important for the children in Clermont County and requested the Board approve entering into this agreement.

Following a review of the proposed contract, Mr. Crum made a motion to enter into a contract with the Ohio Department of Health to provide payment for conducting blood lead tests at the WIC clinics. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #3)

**8. Proposed Guidelines for Addressing High Weeds** - Ms. Lambert presented the proposed guidelines for dealing with valid high weeds complaints on vacant properties. She related that the staff had worked with the Engineer's Office to determine the cost of having that office abate the nuisance if a homeowner did not comply after a 2 week notice. The minimum cost would be \$97.52 which will cover the cost of cutting up to 1 acre. Larger properties would be billed on an hourly rate for personnel and equipment. The Health District would pay the Engineer's Office for their services and then proceed with the process of having the cost placed as a lien on the tax duplicate. These guidelines would allow the Health District to

recover the cost of abating the high weeds nuisance; reduce staff time in trying to obtain compliance; and provide assistance to township trustees who hear the high weeds complaints over and over again. She noted that the high weed nuisances would be moved through the process as quickly as possible. It was the

consensus of the Board to accept the proposed guidelines for dealing with valid high weeds complaints on vacant properties.

**9. Approval to Enter Into a MOU With Engineer's Office to Abate High Weeds Nuisances -**

Ms. Lambert requested the Board approve entering into a memorandum of understanding with the Engineer's Office to provide services to abate high weeds nuisances on vacant properties.

Mr. Crum made a motion to enter into a memorandum of understanding with the Engineer's Office to provide services to abate high weeds nuisances on vacant properties. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #4)

**10. Air Quality Investigation and Enforcement by Hamilton County Department of Environmental**

**Services -** Ms. Lambert stated that recent complaints originating from a wood boiler in Pierce Township had brought the need for air pollution enforcement assistance to her attention. She noted that currently a lot of air pollution complaints originate in Clermont County but the Hamilton County Department of Environmental Services (HCDES) can not do any enforcement due to the lack of a contract, therefore the Health District must rely on OEPA for assistance in dealing with the complaints. Ms. Lambert related that although the Board had chosen not to enter into a contract with HCDES in the past, she asked if they would be receptive to having a representative of HCDES attend a board meeting to explain what services they could provide to Clermont County. She noted that if the Board decided to contract with HCDES there would be no cost – HCDES efforts are paid through permit fees.

Following a discussion of the issue, it was the consensus of the Board to invite a representative of HCDES to a Board meeting to discuss their services.

**11. Contract with Greater Cincinnati Health Council for Shared Administrative Assistant –**

Ms. Lambert informed the Board that the contract approved at the March meeting to assist in funding an administrative assistant with a portion of Medical Reserve Corp grant funds was originally \$2,000. She noted that this amount had been adjusted to \$2,400 and requested the Board approve the adjusted amount.

Mr. Cadwallader made a motion to approve the adjustment to \$2,400 for the contract with the Greater Cincinnati Health Council for a shared administrative assistant. The motion was seconded by Mr. Hamilton. 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 April Board of Health Meeting. There were no additions or corrections.

Mr. Cadwallader made a motion to approve the minutes of the April 11, 2007, Board of Health meeting. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

**Payment of Bills -** Following a review of the bills listed on the summary sheet, 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 #5)

### **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 all properties listed on Attachment #6 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. Hamilton. The vote was all aye, motion carried. (Attachment #6)

### **Other Information -**

a) The Health District received payment from the Auditor's Office for the BSA collection liens submitted in the fall of 2006. A total of \$4,394 was collected which closed 21 open accounts. Ms. Lambert noted that the collection process has been working well.

b) Smoking ban - to date 8 complaints have been received in Clermont County involving 7 facilities. The first step in the process is to send letters to the facilities and then follow-up with an investigation. The Environmental Health Division staff is handling the smoking ban complaints and investigations.

c) Ms. Lambert informed the Board that in the past annual staff performance evaluations have been conducted in May with salary adjustments presented to the Board at the June meeting. She stated the performance evaluations would be conducted in May as usual but due to the budget concerns, she would be postponing consideration of salary adjustments until September. Ms. Lambert noted that delaying the process until the end of the summer would provide better information on the status of the Health District's budget.

### **ADJOURMENT**

Dr. Miller made a motion to adjourn the meeting at 9:30 p.m. The motion was seconded by Mr. Cadwallader. 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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