

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

The monthly meeting of the Clermont County Board of Health was held on July 11, 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; Dr. James Kaya, Medical Director; Rob Perry, Director of Environmental Health; Kevin Jester, Director of Plumbing; Robert Wildey, Director of Water & Waste; Deena Elliott, Director of Nursing; Donna Hart, Administrative Assistant; and others as listed on Attachment #1. (Attachment #1)

High Weeds Complaints: Ms. Lambert stated that the owners of the three vacant properties with valid high weeds complaints who had not abated the nuisance situations by June 19, 2007 were sent notices to appear before the Board at tonight's meeting. It was noted that none of the homeowners were in attendance. She requested the Board grant approval to have the high weeds nuisances abated by the Engineer's Office and apply the expense as a lien on the listed properties.

Following a review of the files, Dr. Miller made a motion to order the high weeds nuisances abated on the properties located at: 1) 4240 Zagar Drive; 2) 4784 Klatte Road; and 3) 575 Glenrose Lane; and the cost of abatement by the Engineer's Office be placed as a lien on each property to be paid as other taxes are paid. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

New Business

1. Representative from Hamilton County Department of Environmental Services/Air Quality:

Ms. Lambert related that the Health District currently has a contract with Hamilton County Department of Environmental Services (HCDOES), signed in 1990. She noted that HCDOES has requested that Clermont County enter into a new contract which is basically the same as the existing contract except for the provision which would grant HCDOES the ability to do local enforcement.

Ms. Lambert introduced Kerri Castlen, from HCDOES. Ms. Castlen stated that her agency is the local air quality agency for OEPA. She related that the new contract would give HCDOES the ability to do local enforcement in Clermont County rather than referring enforcement issues to OEPA. Ms. Castlen explained that being able to pursue enforcement at the local level typically means faster response and resolution to complaints and issues. She noted that HCDOES currently has similar no-cost contracts with Hamilton, Warren and Butler counties.

Ms. Lambert noted that the no-cost contract would not change how HCDOES currently conducts their investigations, it would only allow them to follow through with enforcement at the local level which usually means less cost to the parties involved. She also noted that it would be an advantage to the Health District staff to have air complaint issues dealt with at the local level. Ms. Lambert stated the Prosecutor's Office was currently reviewing the proposed contract.

2. Approval to Enter into Contract with HCDOES - Mr. Crum made a motion to approve entering into the renewal contract with the Hamilton County Department of Environmental Services, contingent on approval of the contract by the Prosecutor's Office. The motion was seconded by Dr. Miller.

Discussion - Mr. Hamilton stated that he had used a wood boiler for several years, with the boiler being located outside for the past two years. He asked what procedures would be followed if a complaint was received on an outside wood boiler.

Ms. Castlen stated that her agency's first step would be to attempt to document the problem. She noted that most homeowners and businesses are in compliance and those that aren't are willing to cooperate and make any changes which will reduce or eliminate complaints. If a valid problem is identified, the inspectors work with homeowners or businesses to educate them on proper procedures in an attempt to bring the property into compliance. Ms. Castlen stated her agency has monitoring equipment available to use in complaint investigations. She related that most issues can be dealt with in a timely fashion at the local level.

Mr. Hamilton asked who was responsible for the monitoring costs associated with a complaint investigation. Ms. Castlen stated that in most cases her agency covers the monitoring costs. However, in certain instances, when a special test is required the HCDOEC will work with the entity involved to share the costs. She also related that 25% of any penalties levied is returned to the HCDOEC and is used for the purchase of equipment.

There was no further discussion. The vote was as follows: Mr. Hansbauer, aye; Dr. Miller, aye; Mr. Cadwallader, aye; Mr. Crum, aye; Mr. Hamilton abstained due to a conflict of interest. The vote was 4 aye; 1 abstention. The motion carried. (Attachment #2)

Ms. Lambert related the HCDOES had requested that if the Board approved signing the proposed contract, the Board also adopt the pertinent sections of the Ohio Revised Code dealing with air pollution as local code. She noted that this was much the same as the Board had done with the Plumbing Code.

Following a discussion, it was the consensus of the Board to table the 1st reading of the resolution, pending approval of the HCDOES contract by the Prosecuting Attorney's office.

The Board thanked Ms. Castlen for attending the meeting and addressing their questions.

Personnel Issues – a) Part-time Home Visiting Nurse - Ms. Lambert reported that interviews had been conducted and a candidate had been selected for the part-time home visiting nurse position. She recommended the Board hire Denise Franer, contingent on successful completion of Ms. Franer's background and reference checks.

Mr. Crum made a motion to approve hiring Denise Franer to fill the part-time home visiting nurse position, contingent on successful background and reference check, with the starting date and salary listed on Attachment #3. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #3)

b) Search for Communicable Disease Nurse – Due to the approaching retirement of Sandy Edwards, Communicable Disease Nurse, Ms. Lambert requested the Board approve initiating the search for Ms. Edward's replacement in September or October. She noted that this will not be an easy position to fill and she did not expect to have a candidate for the position until January of 2008.

Mr. Crum made a motion to approve initiating the search for a Communicable Disease nurse in September or October of 2007. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

c) Retirement Reception – Ms. Lambert requested the Board approve the approximate amount of \$200 for a retirement gift and reception expenses for Sandy Edwards. She noted that the reception was scheduled for Wednesday, July 18th, 2 p.m. until 5 p.m., in Room 103 of the Medical Social Services Building. Ms. Lambert invited the Board members to attend the reception.

Dr. Miller made a motion to approve the requested amount to cover the retirement gift and reception expenses. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

4. 3rd Reading of Proposed Manufactured Home Installation Inspection Fees – Ms. Lambert conducted the 3rd reading of the proposed resolution establishing manufactured home installation inspection fees.

5. Adoption of Manufactured Home Installation Inspection Fees – Mr. Cadwallader made a motion to adopt Resolution 11-07 establishing fees pursuant to Ohio Revised Code Sections 3709.09 and 3709.21 for the inspection of manufactured home installations in manufactured home parks in Clermont County. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried. (Attachment #4)

6. Resolution Establishing Soil Absorption Requirement and Separation Distance from Limiting Conditions - Ms. Lambert reported that when the legislature revoked the 2007 sewage rules and reinstated the 1977 rules they left some pieces of the new law in place. The result was a combination of a partial revision of some parts the new law and a partial suspension of other parts of the new law. This has basically stopped installation of all systems except leach lines, the only type of permit-to-install the Health District has been able to issue since the first of July. She also noted that although the Prosecutor's Office has determined that the Health District's installer bonds and subdivision regulations are gone, the BSA program, registration program and the service provider requirement were still in effect.

She related that the reinstatement of the 1977 rules also contained one dictated change – that local Boards of Health adopt a standard establishing vertical separation distance from a water table and

soil absorption requirements based on the water table and soils in the applicable health district. Without the establishment of a vertical separation distance and soil absorption requirement, the Health District has no requirement other than a system installed can not create a public health nuisance.

Ms. Lambert related that the proposed resolutions being presented at the meeting address the areas affected and will get the needed rules back in effect for Clermont County. She requested the Board consider waiving the 3 readings for these resolutions in order for them to in effect on July 28, 2007.

Ms. Lambert noted that the first resolution sets a vertical separation distance of 2 ft. to any limiting conditions with the exception of rock strata which will require at least 4 ft of vertical separation distance; and soil absorption system components shall be designed to compensate for any limitation of a soil in order to allow for absorption of wastewater effluent to keep it below the surface of the ground.

Mr. Crum made a motion to waive the 3 readings of proposed Resolution 12-07 establishing soil absorption requirements and separation distances from limiting conditions for construction of onsite systems in Clermont County. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Mr. Crum made a motion to adopt Resolution 12-07 establishing soil absorption requirements and separation distances from limiting conditions for construction of onsite systems in Clermont County. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.
(Attachment #5)

7. Resolution Decreasing State Mandated Fee for Installation Permits – Ms. Lambert reported that one of the revisions in amended House Bill 119 was the reduction of the stated mandated fee for installation permits from \$50 to \$25. She requested the Board waive the 3 readings and take action to adopt the proposed resolution.

Dr. Miller made a motion to waive the 3 readings of Resolution 13-07 reducing the state mandated fee for installation permits. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Dr. Miller made a motion to adopt Resolution 13-07 decreasing the state mandated fee which is collected as part of the local installation permit fee pursuant to Amended Substitute house Bill 119, Section 120-02 (D)(2). The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #6)

Mr. Hamilton asked if any of the \$50 had been collected. Ms. Lambert reported that the \$50 state fee had been collected on all installation permits issued January 1 through July 1, 2007.

8. Resolution Readopting Regulation 415.03 - Ms. Lambert stated that another area affected by the State's action to rescind HB 119 was the Health District's subdivision regulations. The regulations were nullified on 1/01/07 and then subsequently rescinded effective 7/01/07. She requested the Board readopt the subdivision regulations exactly as they were prior to January 1, 2007.

Mr. Crum made a motion to waive the 3 readings for Resolution 14-07 readopting the Health District's Regulation 415.03. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Mr. Crum made a motion to adopt Resolution 14-07 readopting Regulation 415.03 entitled Household Sewage Treatment Systems in Residential Subdivision Developments on One, Two and Three Family Dwellings-Subdivision and Site Evaluations. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #7)

9. Resolution Authorizing Adoption of Local Bond Requirements – Ms. Lambert stated that the new law which went into effect on January 1, 2007 and was rescinded July 1, 2007 negated the Board's previous bond requirements and established a \$25,000 statewide bond. As a result of rescinding the law, contractors must now go back to providing a bond for each county in which they do work. She recommended that bond amounts for Clermont County be set at \$10,000 for plumbing; \$5,000 for septage haulers; \$10,000 for service providers; and \$25,000 for septic system installers. She noted that the service provider bond was new and the septic system installer bond amount was an increase of \$10,000 from the Health District's previous requirement which would make the bond more in line with the cost of current systems. Ms. Lambert asked the Board to consider adopting the proposed resolution as emergency action in order for the bond requirements to take effect immediately. She noted that this action is justified because the Health District has determined that any sewage treatment system installation permits issued to contractors without a bond puts the homeowners at high risk of potential problems during installation without adequate protection for restitution. This has previously resulted in incomplete or improperly installed systems that have exposed the public to untreated or inadequately treated sewage and since untreated or inadequately treated sewage constitutes a serious public health concern, this justifies emergency action on the part of the Board. She noted that the earliest the resolution could become effective using the normal process was July 28th which would leave a 2 week period in which homeowners would be vulnerable if their unbonded installer was issued a permit for their work during this time period.

Mr. Crum suggested the 2006 bond amounts be considered for emergency action but the new amounts and new service provider bond be considered at a later date.

Following a discussion of the issue, Mr. Crum made a motion to adopt Resolution 15-07 as an emergency action authorizing the adoption of a local regulation regarding bond requirements for the installation and repair of plumbing, installation and repair of onsite sewage treatment systems and

septage haulers at the 2006 bond amounts of \$10,000 for plumbing; \$15,000 for onsite sewage treatment system installation/repair; and \$5,000 for septage haulers. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #8)

10. Request to Proceed with Applications Made Prior to Rescinding Law – Ms. Lambert asked the Board to consider honoring any household sewage treatment installation or repair applications that were designed prior to July 1, 2007. She related that without this action homeowners who had made these applications would not be able to proceed with the sewage system installations for their new homes or to make repairs to their existing systems until and if the Ohio Department of Health took some additional action.

Following a discussion of the issue, Mr. Crum made a motion to approve honoring system designs on applications submitted for new installations or replacements prior to July 1, 2007. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried.

Ms. Lambert informed the Board that the Sewage Treatment System Technical Advisory Committee, which was created by the new sewage law and maintained in the revised version, has recommended that the Ohio Department of Health (ODH) approve mounds as a special device but at this point, it is not known how long it will take for ODH to take action on the recommendation. She asked the Board to consider granting approval for mounds on new applications if ODH has not taken action on the Technical Committee's recommendation by July 20, 2007. Ms. Lambert noted that she was basically asking to go back to what the Health District was doing in December, prior to the new law going into effect.

Following a discussion of the issue, Mr. Crum made a motion to approve moving forward with permits on new applications utilizing mounds if the Ohio Department of Health has not adopted mounds as a special device prior to July 20, 2007. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

11. Homeowner/Installer Complaint - The Board acknowledged the complaint made by Daniel Flannery, homeowner, against his installer, Frank Casbar. There was no further discussion of the issue and no action was considered.

12. Move-A- Measured Mile Drawing - Ms. Lambert reported that the Move A Measured Mile activity program for all county employees, sponsored by the Health District and funded by the Workman's Compensation Rebate Fund, has continued to see an increase in participation each year. The 2007 program which ran from April 15th through June 15th had a total of 307 county employee participants moving a total of 23,988 miles. All participants who move 100 miles or more are eligible for the drawing of 1 of 10 - \$10.00 gift certificates from Wal-Mart. She noted that there were 74 employees eligible for this drawing and requested the Board draw the winning names. The winning names drawn were: Bill Hogue; Dave Stubblefield; Mark Salyers; Kevin Dyer; Jeremy Gaskins; Kevin Jester; Kim Gonzales; Kaylee Bell; Romaine Walker; and Darrin Stallworth.

Blackwater Holding Tank Request & Extensions - (#1 - 5) - Mr. Wildey reported that the homeowners requesting an extension to their blackwater holding tank variance requests, with the exception of #1(2238 Clermont Meadows) and #4 (3014 Sugartree), had signed in and their paperwork was in order. Ms. Lambert recommended the Board approve the renewal requests with the exception of #1 & #4.

- 1) ~~Brunk, 2238 Clermont Meadows, Monroe Township (142-V-06)~~
- 2) Dishion - 3082 Sugartree, Tate Township (25-V-04)
- 3) Fink – 16047 Colonial Drive, Williamsburg Township (54-V-06)
- 4) ~~Pickelheimer—3014 Sugartree Road, Tate Township ((7-V-07)~~
- 5)*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 #2, #3, & #5 . 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 the variance renewals.

Approval of Minutes

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

Mr. Cadwallader made a motion to approve the minutes of the June 13, 2007, Board of Health meeting. The motion was seconded by Mr. Hamilton. 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 #9)

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 #10 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 #10)

3. Update on Green Acres MHP – Ms. Lambert reported that Green Acres had signed the revised consent decree and it had been filed with the court. The next inspection will be held in October of 2007 and if more than 54 violations are found, the park will be out of compliance with the decree. She related that the staff will be watching the park very closely during the 2 year period agreed to in the decree.

Other Information -

a) Ms. Lambert reported that the Health District continues to receive smoking complaints but due to the lengthy enforcement procedures, it will be a number of months before any facilities will be brought before the Board. She noted that many of the complaints are difficult to validate due to the time of the alleged occurrence.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 8:45 p.m. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT

CARLOS HAMILTON, V-PRESIDENT

DR. WILLIAM MILLER

ANDREW CRUM

LARRY CADWALLADER

Respectfully Submitted
