

Clermont County General Health District
Board of Health Meeting

The monthly meeting of the Clermont County Board of Health was held on July 14, 2010. 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
 Andrew Crum, present Larry Cadwallader, present

Others present included: Marty Lambert, Health Commissioner; Kevin Jester, Director of Plumbing; Deena Elliott, Director of Nursing; Linda Walsh, Environmental Health Sanitarian; Dr. James Kaya; Melissa Jones, Administrative Assistant; and others as listed on Attachments #1 & #2.

Black Water Holding Tank Requests and Extension – (#’s 1,2,3 & 4) – Ms. Lambert noted that paperwork for all homeowners requesting renewal for their blackwater holding tank variance was in order with the exception of #5 Payne – 6555 Goshen Road, Goshen Township. Ms. Payne has not provided pump receipts or attended Board of Health meetings and is therefore in violation of the blackwater holding tank variance. The Health District will proceed in the legal process as indicated on the blackwater holding tank variance agreement.

Mr. Cadwallader made a motion to grant a 1 month extension for the blackwater holding tank renewals #1,2,3 &4.

1. Callahan – 6897 Goshen Road, Goshen Township (31V03)
2. Stubbe - 3517 Nordyke Road, Pierce Township (15V09)
3. Burgher – 1220 Mulligan Lane, Miami Township (16V09)
4. Helton – 2231 West Road, Monroe Township (19V09)

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

Glendon Biofilter – Ms. Lambert presented the variance for an experimental system submitted for the property at 6036 Belfast Road, Stonelick Township (15-V-10). The request was for approval to install a Glendon Biofilter system.

Following a review of the variance, Mr. Crum made a motion to approve the request for the use of a Glendon Biofilter system on the property located at 6036 Belfast Road, Stonelick Township (15-V-10), contingent to the owner’s 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. (Attachment #3)

Mama’s Grill Hearing – The hearing to consider suspension or revocation of the food service operation license of Mama’s Grill at 4227 All Star Drive, Batavia, Ohio 45103 that had been continued from the June 9th meeting was reconvened at 7:40 p.m. Ms. Lambert advised the Board that as directed, an agreement and timeline were established to ensure immediate steps were taken to correct the ongoing failure to maintain at the operation. A copy of the signed agreement had been sent to the Board on July 8th. She stated that temperature logs have been implemented and that Spiro Kritikos, owner of

Mama's Grill and Ginger Hamilton, Manager, have taken and obtained ServSafe Certification. Chris Kritikos had taken the ServSafe course but hadn't received his certification yet. She further stated that eight of the eleven HACCP plans had been received and approved by Scott Bradley, R.S., Environmental Health Division and that Chris Kritikos had three additional HACCP plans ready to submit for approval.

Ms. Walsh stated that she had inspected the facility two times since the June 9, 2010 Board of Health meeting. A standard inspection was done on July 6th and two critical violations were found. The two critical violations were outdated food in the walk-in and cleaning issues. Ms. Walsh further stated that the inspection report consisted of two pages which was an improvement from prior inspections.

Ms. Walsh further stated that she did a re-inspection on July 12th and that all violations had been corrected.

Mr. Crum asked Ms. Walsh if she found any unlabeled bottles or dented cans in the facility. Ms. Walsh stated that she had not and that the facility looked good.

Ms. Lambert asked Ms. Walsh to clarify the statement about the inspections only being two pages. Ms. Walsh responded that this facility has a large menu and that a two page inspection was very good for this facility risk classification.

Ms. Lambert stated that the personnel at Mama's Grill have shown the Board that they can maintain the facility in substantial compliance. She further stated that they have done everything that the Board had asked to this point. She advised the Board members that at this time they needed to revoke or suspend the license or to close the hearing without license action with continued monitoring of the facility's progress.

Mr. Crum stated that he would make a motion to close the hearing and to continue to monitor the facility. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Mr. Crum further stated that at any time the facility reverted back into non-compliance he would make a motion to revoke the license.

Ms. Lambert stated that a letter would be sent to Mama's Grill advising them that the hearing was closed without license action.

High Weed Abatements – Ms. Lambert stated the owners of the properties with a valid high weeds complaint who had not abated the nuisance by the specified date were sent a notice to appear before the Board at the July 14th meeting. It was noted that the owners of the following properties were not in attendance. She requested the Board grant approval to have the high weeds nuisance abated by the Engineer's Office.

Dr. Miller made a motion to abate the high weeds conditions on the following properties.

1. 4029 Alexander, Williamsburg Twp.
2. 3036 Old State Route 32, Williamsburg Twp.

3. 1161 Nature Run, Union Twp.
4. 2285 Chesterfield Ln. Batavia Twp.
5. 3877 Cooper Ridge Ct., Batavia Twp.
6. 1425 Maple Ridge, Monroe Twp.
7. 4211 East Fork Hills, Williamsburg Twp.
8. 4628 Vermona Drive, Union Twp.
9. 449 Beech Tree Ln., Union Twp.
10. 3834 B Bennet Road, Pierce Twp.
11. 1403 Antiben Pl., Pierce Twp.
12. 1548 Maryan Ave., Batavia Twp.

The motion was seconded by Mr. Crum. The vote was all aye, motion carried. (Attachment #4)

High Weeds Abatements for Property Liens – Ms. Lambert requested the Board certify the invoices from the Engineer’s Office for abatement of high weeds complaints on the following properties. The abatement was invoiced at \$97.52, the minimum charged itemized by the Engineer’s Office.

1. 4063 Maple Drive, Williamsburg Twp.
2. 4206 Edinburgh Drive, Union Twp.
3. 4238 Zagar Drive, Union Twp.
4. 837 Veralois Lane, Miami Twp.
5. 11 McCarthur Drive, Batavia Twp.
6. 3915 Pebble Creek Lane, Batavia Twp.

Mr. Crum made a motion to approve certifying the charge by the Engineer’s Office for abating the high weeds nuisance complaints on the above properties 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. Miller. The vote was all aye, motion carried. (Attachment #4)

NEW BUSINESS:

1) Personnel Issues

a) Ms. Lambert requested the Board’s approval to sign the agreement with the Centers for Disease Control (CDC) to host an apprentice for a period of two years. She indicated that Jon Streater was scheduled to start his apprenticeship on July 19, 2010.

Mr. Cadwallader made a motion to grant the Health Commissioner approval to sign the agreement with CDC in order to host an apprentice for two years. The motion was seconded by Dr. Miller. The vote was all aye, motion carried (Attachment # 5)

b) Ms. Lambert noted that Cheryl Belmont had submitted notice of her retirement and requested the Board approve approximately \$250 to cover the cost of reception expenses and a retirement gift. She related that a tentative date for the reception was on the afternoon of August 31st.

Mr. Crum made a motion to approve the expenses as presented for a retirement reception for Cheryl Belmont. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #6)

c) Ms. Lambert indicated that she thought the Health District would be best served by not filling the Administrative Secretary position currently filled by Cheryl Belmont and instead creating a new full time entry level Clerk 1 position. Ms. Lambert further requested permission to fill the Clerk 1 position as soon as possible. She stated that the opening had been posted on the county website and over 150 resumes had been received for the position.

Mr. Cadwallader made a motion to create and fill the Clerk 1 position. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

2) Strategic Directions 2010-2011 -- Ms. Lambert presented the Board with the updated Strategic Directions document. She stated that this document was updated from staff work plans created to address gaps in services and improve service delivery.

3) Executive Session -- It was the consensus of the Board to discuss the 2009 Audit Report later in the meeting.

4) 3rd Reading of Resolution to Adopt Establishing a Plan Review Fee for Proposed Tattoo & Body Piercing Establishments -- Ms. Lambert conducted the 3rd and final reading of the resolution establishing a fee pursuant to Ohio Revised Code Sections 3709.09 and 3709.21 for the purpose of establishing a plan review fee for proposed Tattoo & Body Piercing establishments by title only. She noted the proposed resolution was posted on the Health District's website for public comment and no comments had been received.

5) Adoption of Resolution Establishing a Plan Review Fee for Proposed Tattoo & Body Piercing Establishments -- Dr. Miller made a motion to adopt Resolution 8-10 establishing a fee pursuant to Ohio Revised Code Sections 3709.09 and 3709.21 for the purpose of establishing a plan review fee for proposed Tattoo & Body Piercing establishments. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #7)

6) 2nd Reading of Resolution to Waive the Vaccine Administration Fee For Adults Receiving Low Cost or No Cost Vaccines Provided by the Ohio Department of Health When Said Individuals Represent They Have No Ability to Pay the Administration Fee -- Ms. Lambert conducted the 2nd reading of the resolution waiving the administration fee for low cost or no cost vaccines when individuals represent they have no ability to pay by title only.

7) Emergency Adoption of Resolution Rescinding Established Penalty Fees for Late Plumbing Installation Permits (Adopted Resolution 10-07, Revised Resolution 8-08), HSTS Installation Permits (Adopted Resolution 2-08, Revised Resolution 3-10), Private Water Installation Permits

(Adopted Resolution 6-90) and Adopting State Mandated Penalty Fee of 25% of the fee established when payment of any Health District fee established under 3909.09 is not received by the day on which payment is due.— Ms. Lambert related to the Board that the language in the 2009 budget bill made changes to sections of the Ohio Revised code that impacts previously established penalty fees. The revision limits the penalty fees to 25% of the cost of the permit. She requested that the Resolution Rescinding Established Penalty Fees for Late Plumbing Installation Permits (Adopted Resolution 10-07, Revised Resolution 8-08), HSTS Installation Permits (Adopted Resolution 2-08, Revised Resolution 3-10), Private Water Installation Permits (Adopted Resolution 6-90) and Adopting State Mandated Penalty Fee of 25% of the fee established when payment of any Health District fee established under 3909.09 is not received by the day on which payment is due be adopted and that the Board dispense with the three readings and adopt the resolution as an emergency measure.

Mr. Crum made a motion to adopt Resolution 9-10 Rescinding Established Penalty Fees for Late Plumbing Installation Permits (Adopted Resolution 10-07, Revised Resolution 8-08), HSTS Installation Permits (Adopted Resolution 2-08, Revised Resolution 3-10), Private Water Installation Permits (Adopted Resolution 6-90) and Adopting State Mandated Penalty Fee of 25% of the fee established when payment of any Health District fee established under 3909.09 is not received by the day on which payment is due . The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #8)

8) Personnel Policy Revisions for On-Call and Holiday Pay – Ms. Lambert presented revisions to two sections of the personnel policy. Changes to Section 3.4: *Hours of Work* will clarify the Health District's current on-call policy. Changes to Section 5.3: *Holidays* will clarify the holiday pay policy. If an employee is required to work on the day that the Health District observes the holiday the Health District will pay the employee for their full holiday pay AND overtime for all hours worked. Staff required to work on a holiday that does not coincide with the day the Health District observes the holiday will receive regular overtime pay for their hours worked. (Attachments # 9& #10)

Mr. Crum made a motion to revise Sections 3.4: *Hours of Work* and 5.3: *Holidays* for the purpose of clarification. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

9) Mental Health & Recovery Board Mini Grant -- Ms. Lambert requested that the Board approve acceptance of this mini grant should the submitted proposal be approved.

Mr. Crum made a motion to accept the mini grant. Dr. Miller seconded the motion. The vote was all aye, motion carried.

10) Family & Children First 2010 MOU – Ms. Lambert requested the Board's approval to continue providing a modest amount of funding, in the amount of \$1750, to the Clermont County Family & Children's First Council.

Mr. Crum made a motion to grant approval for the Health Commissioner to sign the 2010/2011 Memorandum of Understanding which provides funding in the amount of \$1750 to Clermont County

Family & Children's First Council. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #11)

11) Approval to Sign Smoke Free Ohio Contract -- Ms. Lambert noted the current Smoke Free Ohio Contract expired at the end of June and requested the Board grant her approval to sign the renewal contract. Ms. Lambert further stated that all hearings are now being held in Warren County and that Megan Delane, S.I.T. will be attending a hearing on July 21, 2010. After much discussion it was the consensus of the Board to continue with the enforcement contract. (Attachment #12)

Mr. Crum made a motion to grant approval for the Health Commissioner to sign the Smoke Free Ohio Contract. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

12) Approval to Sign Vaccine Agreement with Ohio Department of Mental Health -- Ms. Lambert requested approval to sign the agreement with the Ohio Department of Mental Health which allows the Health District to order pharmaceuticals from the State at a reduced rate.

Dr. Miller made a motion to grant approval for the Health Commissioner to sign the Vaccine Agreement with the Ohio Department of Mental Health in order for the Health District to purchase pharmaceuticals from the State at a reduced rate. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #13)

13) Approval to Sign Drug & Poison Information Center Agreement – Ms. Lambert requested the Board grant her approval to sign the renewal agreement with the Drug & Poison Information Center (DPIC) in the amount of \$917.88 which is paid out of Public Health Infrastructure funds. She noted that DPIC serves as a Class A communicable disease reporting entity for all health districts in Southwest Ohio. This provides easy access for doctors and labs in reporting communicable diseases to one entity rather than each area having to report to a different agency.

Mr. Cadwallader made a motion to grant approval for the Health Commissioner to sign the renewal agreement with the Drug & Poison Information Center, with the amount of \$917.88 to be paid out of Public Health Infrastructure grant funds. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #14)

14) Food Service Administrative Meeting Update – Ms. Lambert addressed the Board and related that one administrative meeting had been held since the June 9, 2010 Board of Health Meeting. On June 9th, the owners of Batavia Station attended an administrative meeting for failure to maintain the facility in substantial compliance. All non-compliance issues were discussed, free food safety training was offered and a follow-up letter was issued outlining the points of discussion and the Health District's expectations for future compliance.

Mr. Crum asked Ms. Lambert how much time facilities are given between the administrative meeting and Board of Health meeting and what guidelines the sanitarians use to determine when a facility is cited to an administrative meeting or to the Board.

Ms. Lambert stated that there weren't written guidelines indicating specific timelines but that all sanitarians discuss each situation with Rob Perry to determine the next step for each facility.

Approval of Minutes – Mr. Hansbauer asked if there were any additions or corrections to the minutes of the June 9, 2010 Board of Health Meeting. Mr. Cadwallader stated that a correction was needed on page 8. The time that the Board went into Deliberative Session should be 8:55 p.m. instead of 8:55 a.m. There were no additional corrections.

Mr. Cadwallader made a motion to approve the minutes of the June 9, 2010, Board of Health meeting as corrected. The motion was seconded by Mr. Crum. 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, Mr. Cadwallader made a motion to pay the bills as presented. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #15)

Additional Appropriation – Swimming Pool Fund – Mr. Crum made a motion to approve the additional appropriation as listed on Attachment #16. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

OLD BUSINESS:

1) Public Health Nuisances/Code Violations – Ms. Lambert presented the addresses of 12 properties to be considered public health nuisances/code violations.

Following a review of the files, Dr. Miller made a motion to declare the properties listed on Attachment #17 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. Cadwallader. The vote was all aye, motion carried. (Attachment #17)

Other Information – Ms. Lambert related to the Board that remaining H1N1 money would be used to try to recruit citizens to the Medical Reserve Corps. Flyers will be mailed to residents in the near future.

Mr. Crum asked about purchasing a back up UPS, battery back-ups, surge protectors, etc. with the remaining funds.

Ms. Lambert stated that a generator is being purchased and surge protectors had already been purchased.

Executive Session – At 8:20 p.m. Mr. Crum made a motion to go into Executive Session to discuss the 2009 Audit report. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

At 8:22 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.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT

ANDREW CRUM, V-PRESIDENT

DR. WILLIAM MILLER

DR. JANET RICKABAUGH

LARRY CADWALLADER

Respectfully Submitted