

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

The monthly meeting of the Clermont County Board of Health was held on September 14, 2011. Andrew Crum, Vice President, called the meeting to order at 6:30 p.m. Mr. Crum led the board members and guests in the Pledge of Allegiance.

Roll Call:	James Hansbauer, absent	Dr. Joseph Khan, absent
	Andrew Crum, present	Larry Cadwallader, present
	Janet Rickabaugh, present	

Others present included: Marty Lambert, Health Commissioner; Kevin Jester, Director of Plumbing; Deena Elliott, Director of Nursing; Robert Perry, Director of Environmental Health; Dr. James Kaya, Medical Director; Julianne Nesbit, Assistant Health Commissioner; and others as listed on Attachment #1.

Reconvene Hearing on Timmy's Wok License – Ms. Lambert reconvened the hearing concerning the Clermont County Board of Health proposed license revocation for Timmy's Wok, 784 Loveland Miami Rd, Suite 500, Loveland OH 45140. She indicated that the hearing had been continued after the April, 2011 Board of Health meeting to allow the facility time to make necessary corrections. Mr. DeBra, the Timmy's Wok attorney, and Mr. Cheung, owner of Timmy's Wok were present for the hearing. Ms. Lambert indicated that all of the information outlined in the Order of Compliance had been submitted to the Health District by Mr. DeBra per the indicated timeline. Rob Perry, Director of Environmental Health gave the Board an update of the most recent inspection conducted on September 7, 2011 by Scott Bradley, Registered Sanitarian. Three critical violations were found during the inspection and were immediately corrected on site. None of the violations found were part of the original problems presented to the Board. Mr. Perry reported that temperature logs were in place and were being used and a Hazard Analysis Critical Control Point (HACCP) plan had been submitted and reviewed by the Health District.

Mr. Debra stated that Mr. Cheung had worked very hard to meet all of the requirements and wants to remain in compliance. Mr. DeBra stated that Mr. Cheung has the issues of concern under control and is comfortable with the processes that are in place.

Mr. Crum stated that if, during future inspections, sanitarians find any of the violations recurring that brought the facility to the Board in the first place, he would expect the issues to be brought to the Board quickly.

Dr. Rickabaugh made a motion to close the hearing concerning the proposed revocation of the Food service license for Timmy's Wok without any further action since the facility was now operating in substantial compliance. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Ms. Lambert stated that the hearing was closed.

Request to Vary from Sewer Connection Order – 2203 State Route 28, Goshen Township – Ms. Lambert informed the Board that Mr. Don Benz was requesting that the property at 2203 State Route 28 not be required to connect into sewers. She pointed out that the system has failed Basic System Assessments routinely and has not been well maintained since 2003. Mr. Benz was sent an order to connect to sewers on July 21, 2011. Mr. Benz stated that the home would be difficult and expensive to tie into sewers due to the elevation of the sewer line and the plumbing in the basement. Mr. Crum discussed his concern that the system was routinely found to be failing during regular inspections. Mr. Benz indicated that the system was working currently and that he recently spent a great deal of money to replace the motor and timer. Ms. Lambert questioned when this was done and Mr. Benz indicated that he did it after receiving the notice to connect to sewers. Dr. Rickabaugh asked Mr. Benz if he lived in the home and he indicated he did not reside in the home.

Mr. Cadwallader made a motion to table the variance for 60 days until Mr. Benz could bring back information concerning the elevations. The Board discussed this option but there was no second to the motion so the motion was not considered. The Board discussed denial of the variance but allowing Mr. Benz six additional months to complete the connection. Mr. Benz indicated that if the Board was not going to grant the variance he would simply tie into the sewer.

Dr. Rickabaugh made a motion to disapprove the variance request to not connect the property at 2203 State Route 28, Goshen Township, into the sewer but to allow a six month extension to the order to connect. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Isolation Distance Variance – 2580 Snider Rd., Monroe Township – Ms. Lambert informed the Board that Mr. Jason Cox and Mrs. Tara Cox were requesting a variance for the isolation distance from their proposed residence to the existing sand filter. The property previously had a single wide manufactured home that is being replaced by a single family residence. In order to meet the set back requirements the home will come within 8.3 feet of the sand filter. Mr. Cox indicated that there was nowhere else to place the home on the existing lot. Ms. Lambert asked Mr. Cox if he had informed workers at the site about staying off the sand filter and Mr. Cox indicated he had and the area was staked off. Ms. Lambert further informed the Board that staff recommended approval of the variance.

Mr. Cadwallader made a motion to approve the variance request for the isolation distance for the property at 2580 Snider Rd., Monroe Township. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

Hardship Variance – 5095 Sugar Camp Rd., Miami Township - Ms Lambert informed the Board that Mr. Jeffry Brockman at 5095 Sugar Camp Rd, Milford Ohio was given orders by the Board of Health to connect to the available sewer in August 2009. At that time the homeowners were given two years to complete the connection. In August 2011, Mr. Brockman submitted a hardship variance requesting additional time to connect. He has submitted the required information concerning his financial situation and the debt manager he is working with suggests that he would be in the financial position to complete this connection in about seven years. It will take three more years to pay off his current debts and then the money he is paying each month would be placed in an escrow account for the sewer tie in. The home has a leach line system that was working properly at the last inspection in January 2011. Staff recommend granting the variance contingent on the onsite system continuing to function as designed.

Dr. Rickabaugh made a motion to approve the hardship variance request allowing an additional 78 months to connect the property at 2095 Sugar Camp Rd., Miami Township into sewer, contingent upon the system continuing to be maintained and not cause a public health nuisance. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Certification of High Weeds Abatement Liens – Ms. Lambert informed the Board there were three high weed abatements sent to the Engineer's Office for mowing but only two properties still required mowing when the mowers actually arrived on site. The two abatements have been completed and Ms. Lambert requested the Board approve placing the cost of this abatement as a lien.

Dr. Rickabaugh made a motion to place the cost for the abatement of the high weeds as a lien on the following properties.

112 Harris Ave	TA Twp
3691 Weaver Rd.	JK Twp

The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

New Business:

1) Personnel Issues –

a) Ms. Lambert requested the Board approve the appointment of Emily Wallace as WIC Breastfeeding Peer effective September 19, 2011 contingent upon receipt of acceptable pre-employment requirements. Ms. Wallace will be working Wednesday through Friday each week.

Mr. Cadwallader made a motion to appoint Emily Wallace as WIC Breastfeeding Peer contingent upon acceptable pre-employment requirements. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #2)

b) Ms. Lambert requested the Board approve the appointment of Katrina Stapleton as Secretary I effective September 28, 2011 contingent upon receipt of acceptable pre-employment requirements. Ms. Stapleton will work Wednesday through Friday each week.

Dr. Rickabaugh made a motion to appoint Katrina Stapleton as Secretary I contingent upon acceptable pre-employment requirements. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #3)

2) Approval of Employee Recognition Dinner – Ms. Lambert informed the Board that the Health District would like to continue to honor employees with a recognition dinner at the Pattison Park lodge in Owensville. The event is set for December 1, 2011 and 10 employees will be honored for their dedicated service to the Health District. Ms. Lambert indicated the Health District would request the Park District reduce the lodge rental from \$200 to \$150. Ms. Lambert requested the Board approve paying for the lodge rental and for dinner for the honorees and their guests at the banquet once again this year.

Mr. Cadwallader made a motion to approve paying for the lodge rental and dinner for the 10 honorees and their guests. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

3) Third Reading of Resolution to Revise Private Water System Fees – Ms. Lambert conducted the third reading of the resolution to revise Private Water System Fees by title only.

4) Adoption of Resolution to Revise Private Water System Fees – Ms. Lambert informed the Board that no comments had been received about the proposed revised Private Water System Fees. Ms. Lambert requested the Board approve the revised fees. The new fees will be published in the paper this month and will be effective October 1, 2011.

Dr. Rickabaugh made a motion to approve Resolution #5-11 revising the Private Water System Fees. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #4)

5) First Reading of Resolution to Revise Food Program License Fees – Ms. Lambert discussed the revised *Food Program Fees for 2012*. The fees are required to be evaluated annually. Ms. Lambert indicated that all of the Food Program Fees would either be reduced or remain the same for 2012 with the exception of the vending fees. Ms. Lambert held the first reading of the Resolution to Revise Food Program License Fees by title only. Ms. Lambert indicated a hearing would be held next month on the proposed fee changes.

6) First Reading of the Resolution to Revise Pool, Resident Camp and Temporary Tattoo Operations License Fees – Ms. Lambert discussed the revised Pool, Resident Camp and Temporary Tattoo Operations Fees for 2012. Ms. Lambert held the first reading of the Resolution to Revise Pool, Resident Camp and Temporary Tattoo Operations Fees by title only. Ms. Lambert indicated a hearing would be held next month on the proposed fee changes.

7) Approval to accept second wing of Alternate Care Center – Ms. Lambert reminded the Board that the Health District received one wing of the Alternate Care Center (ACC) about a year ago and it has been temporarily housed in a nearby location. A wing consists of two 32 foot trailers and a generator. Ms. Lambert has been working with the SOSINK (Southwest Ohio, Southeast Indiana and Northern Kentucky) Urban Area Security Initiative (UASI) to provide funding for housing the ACC. Ms. Lambert informed the Board she was able to obtain this funding but now SOSINK was requesting that CCGHD take possession of a second wing. Ms. Lambert requested approval to take possession of two additional 32 foot trailers containing a second wing of the ACC and another generator.

Dr. Rickabaugh made a motion to approve acceptance of a second wing of the ACC. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

8) Approval to use funds to support Health District Strategic Planning Session – Ms. Lambert informed the Board that in 2006 the Health District conducted a strategic planning session and the result of that session was the development of the Health District Strategic Priorities. The Priorities were meant to provide guidance for the Health District for 5 years, so the time has come to have another planning session. Ms. Lambert requested spending \$250 to \$300 for the upcoming strategic planning session.

Dr. Rickabaugh made a motion to approve spending for a strategic planning session. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

9) Discussion on proposed change to local Sewage Regulation 415 – Ms. Lambert discussed with the Board that onsite system design for new construction is currently done by professional designers outside of the Health District. The Health District chose to move that direction several years ago to help move staff away from doing both the design end and the inspection end of the onsite system construction. However, she noted that remediation and replacement system designs are still typically completed by Health District sanitarians because this is typically the least expensive option. Use of an outside designer adds cost to the systems. Most of the systems being remediated are difficult, complicated situations that designers don't want to do because of potential liability.

Ms. Lambert informed the Board that the Water and Waste staff have been struggling with how best to deal with proprietary system manufacturers who contact the Health District about using their products in Health District designed systems. This is causing some conflict between system entrepreneurs and the staff and not necessarily benefitting homeowners. The Health District can help to keep costs down for homeowners by limiting Health District designed systems to publicly available, simpler system designs and ensuring that there are several options for service providers including homeowners who can and want to do their own maintenance. Proprietary systems would still be a viable option but homeowners would need to work with independent designers for their remediations or replacement systems if they wanted or needed to use these advanced systems.

Ms. Lambert informed the Board that she was proposing to revise Regulation 415 to eliminate the use of proprietary pretreatment system components from all Water and Waste designs and from layout plans submitted by installers. Homeowners are still free to choose an advanced system from a designer and they would be made aware of that option. The proposed change would encourage a swing toward somewhat less complicated systems and allow the Health District to train more homeowners to be their own service providers, if they choose.

The Board supported the proposed change. Ms. Lambert indicated she would prepare a resolution with the proposed changes and the Board could begin with the first reading at the October, 2011 meeting.

Approval of Minutes – Mr. Crum asked if there were any additions or corrections to the minutes of the August 10, 2011 Board of Health meetings. There were no additions or corrections.

Dr. Rickabaugh made a motion to approve the minutes for the August 10, 2011 Board of Health meeting. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Approval and 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. Rickabaugh. The vote was all aye, motion carried. (Attachment #5).

Additional Appropriations for Environmental Health Fund, Vision and Hearing Fund, Infrastructure Fund – Ms. Lambert requested the Board approve an additional appropriation to the Environmental Health Fund 7301 in the amount of \$30,000 for the advance of cash to the WIC Fund. Ms. Lambert requested the Board approve an additional appropriation to the Infrastructure Fund 7323 in the amount

of \$42,950. The budget was not adjusted after receipt of additional H1N1 funding during 2011. Ms. Lambert also requested the Board approve an additional appropriation to the Vision and Hearing Fund 7317 in the amount of \$400 for the purchase of prepaid appointment reminder post cards using cash carryover from 2010.

Dr. Rickabaugh made a motion to approve the additional appropriations. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #6)

Old Business

1. Public Health Nuisances/Code Violations – Ms. Lambert presented the addresses of 15 properties to be considered as public health nuisances/code violations.

Following a review of the files, Dr. Rickabaugh made a motion to declare the properties on Attachment #7 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 #7)

2. Ms. Lambert discussed the Ohio Attorney General's opinion concerning the issue of Board of Health members as employees. Ms. Lambert discussed the issue that occurred at Guernsey County Health District where an IRS finding came with the county audit and the county Auditor signed off and accepted the finding before informing the Board of Health; therefore they lost the ability to appeal. The Board agreed to discuss that matter further at the next Board meeting when all members should be present.

3. Ms. Lambert provided an update on the issues concerning Green Acres, Eastgate and Lake Remington Manufactured Home Parks. Ms. Lambert indicated the Health District had been informed by the Clermont County Prosecutor's Office that an escrow account had been set up for rent of the tenants to ensure that water services are maintained. Health District staff are scheduled to meet with the Prosecutor's Office to discuss outstanding violations that exist at the parks. Ms. Lambert informed the Board that there was no specific license action required at the present time and that the situation will continue to be monitored as license renewal approaches.

4. Ms. Lambert informed the Board that the next court date for the property 1503 State Route 28 in Goshen is set for September 23, 2011 at 11:00 AM. The Ohio Environmental Protection Agency will be onsite for the hearing also.

Black Water Holding Tank Extension Requests – Ms. Lambert reported the homeowners listed below were requesting approval to renew their black water holding tank variance requests until such time as the soil conditions would allow the completion of the septic system. She noted the paperwork was in order for homeowner # 1.

1. Stubbe – 3517 Nordyke Road, Pierce Township (15-V-09)
2. McCarty – 2863 State Route 132, Ohio Township (29-V-10)

Dr. Rickabaugh made a motion to grant a 1 month extension for black water holding tank variance for #1 (Stubbe). The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Homeowner #2 (McCarty) was not in attendance – no action was taken on the black water holding tank extension for this property.

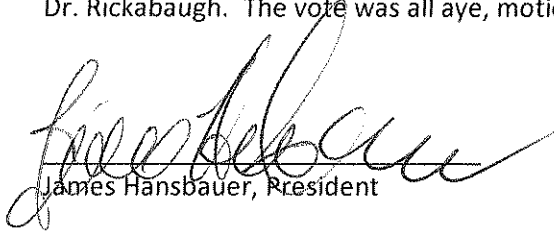
Executive Session to Discuss to address Health Commissioner’s performance evaluation - At 7:57 p.m. Mr. Cadwallader made a motion to go into Executive Session to discuss the Health Commissioner’s performance evaluation. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

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

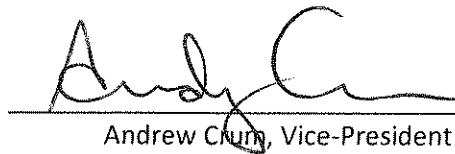
Dr. Rickabaugh stated that the Health Commissioner’s performance evaluation was acceptable.

Adjournment

Mr. Cadwallader made a motion to adjourn the meeting at 9:03 p.m. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.



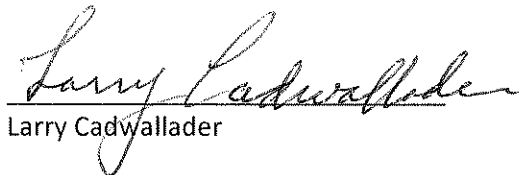
James Hansbauer, President



Andrew Crum, Vice-President

Dr. Joseph Khan

Dr. Janet Rickabaugh



Larry Cadwallader



Respectfully Submitted