

Clermont County General Health District
Board of Health Meeting

The monthly meeting of the Clermont County Board of Health was held on October 13, 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
 Dr. Janet Rickabaugh, present Andrew Crum, present
 Larry Cadwallader, present

Others present included: Marty Lambert, Health Commissioner; Julianne Nesbit, Assistant Health Commissioner; Robert Wildey, Director of Water and Waste; Rob Perry, Director of Environmental Health; Deena Elliott, Director of Nursing; Melissa Jones, Administrative Assistant; and others as listed on Attachments #1 & #2

Black Water Holding Tank Requests and Extension – (#’s 1&2) – Ms. Lambert noted that paperwork for homeowner #1 requesting renewal for their blackwater holding tank variance was in order. Ms. Lambert stated that the Health District is still in the legal process as indicated on the blackwater holding tank variance for the homeowner at 6555 Goshen Road.

Dr. Rickabaugh made a motion to grant a 1 month extension for the blackwater holding tank renewal #1.

1. Stubbe - 3517 Nordyke Road, Pierce Township (15V09)
2. Payne – 6555 Goshen Road, Goshen Township (6V10) -- Expired

The motion was seconded by Mr. Crum. The vote was all aye, motion carried. Homeowner #1 will receive a letter indicating the terms and conditions of their variance renewals.

Isolation Distance Request – Ms. Lambert presented the variance request for the property located at 6018 Felicity Meadows, Franklin Township (23-V-10). The owner requested approval to vary from the 50 ft. isolation distance requirement for the construction of a new household sewage treatment system. The new sewage system would be located approximately 12 ft. from an existing pond.

Following a review of the variance request and accompanying documentation, Dr. Miller made a motion to approve the isolation distance variance request for the property located at 6018 Felicity Meadows, Franklin Township (23-V-10), contingent on the homeowner’s agreement to all terms and conditions stipulated by the Health District. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment # 3)

Two Systems on One Parcel -- Ms. Lambert presented the variance submitted for the property located at 3002 Leeds Road, Monroe Township (22-V-10). The homeowner requested approval for two residences, each with its own septic system, to be located on the same parcel. Ms. Lambert noted this

was an existing situation which was identified when the owner made application to replace the existing manufactured home with a new unit.

Following a review of the variance request and accompanying documentation, Mr. Crum made a motion to approve the variance request for 3002 Leeds Road, Monroe Township (22-V-10) allowing the existing situation of two residences, each with a separate household sewage treatment system, to be located on one parcel. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment # 4)

Two Systems on One Parcel – Ms. Lambert presented the variance submitted for the property located at 6138 Hunt Road, Wayne Township (24-V-10). The homeowner requested approval for two sewage treatment systems on one parcel. Ms. Lambert noted that the homeowners had applied to build a new home on this parcel. An existing barn with its own sewage treatment system already exists on this parcel.

Following a review of the variance request and accompanying documentation, Mr. Cadwallader made a motion to approve the variance request for 6138 Hunt Road, Wayne Township (24-V-10) allowing the construction of a new household sewage treatment system on a parcel that already has an existing sewage treatment system being used for the barn. The motion was seconded by Mr. Crum. The vote was all aye, motion carried. (Attachment #5)

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 October 13th 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.

1. 3435 Dale Lane, Pierce Township
2. 3502 Virginia Drive, Batavia Township

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

Board of Health Hearing on Proposed Environmental Health Fee Changes -- Ms. Lambert called the hearing to order concerning the Clermont County Board of Health 2011 proposed fees for Food Service Operations, Retail food establishments, temporary food service operations, temporary food establishments, mobile food operations and vending machine locations, Manufactured Home Parks, Food Service and Food Establishment plan reviews, swimming pools, spas and special use pools,

recreational vehicle parks, recreation camps and combined park camps, tattoo and body piercing operations, marinas and resident camps.

She related to the Board that on September 8, 2010 the Board of Health accepted the Health Commissioner's recommendation for proposed fee changes. Notices to all current licensees were mailed on September 10, 2010 that a hearing would be held at the October 13th Board of Health meeting for public discussion on the proposed fees. She further stated that the fees have been posted on the Health District's web site since September 9, 2010.

Ms. Lambert opened the hearing for testimony. Mr. James Liming, owner of two small manufactured home parks, was present and addressed the Board asking what percentage increase the manufactured home parks had received and if all licensed programs also received a similar increase. Ms. Lambert stated to Mr. Liming that the manufactured home parks would actually be receiving a decrease in fees for 2011. The base fee for parks comprised of less than 50 lots would stay the same and parks with more than 50 lots would see a 13% decrease in the per lot charge. She further indicated that most fees increased this year but several decreased including the Manufactured Home Parks.

Mr. Liming stated that he is the owner of two small manufactured home parks and that with increasing licensing fees and installation fees it is difficult for him to stay in business. He recently purchased an installation permit to set up a used home in one of his parks. After purchasing the permits he contacted the Health District for an inspection prior to proceeding with the work and was told that no inspection was needed and that he could proceed with the work. He was very hesitant to pay an installer for improvements on the lot not knowing if it would be done correctly. He eventually abandoned the project because he didn't want to invest any more money into upgrading the lot.

Ms. Lambert asked Kevin Jester if he had any knowledge of this particular installation permit. Mr. Jester stated that he had spoken to Mr. Liming several times about this project and that he isn't sure what miscommunication took place. He further indicated that the requirements for installation are driven by the Ohio Manufactured Home Commission not the Health District.

Ms. Lambert read a letter had been received by Dawn Management, the management company for Magnolia Point Apartments in Union Township. The letter stated that they adamantly oppose any increase in swimming pool fees in this time of financial crisis. (Attachment #7)

Ms. Lambert asked Mr. Perry if any additional comments had been received regarding the proposed fee changes. Mr. Perry stated that he had received verbal comments from Mr. Clasgens, owner of a Recreational Vehicle Park and the owner of Snappy Tomato Pizza in Batavia. Both operators expressed displeasure with the proposed increase.

Ms. Lambert asked the Board if they had any questions regarding the above testimony or modifications to the proposed fees. The Board had no questions or modifications.

Ms. Lambert stated that the hearing was now closed.

NEW BUSINESS:

1) 2nd Reading of Resolution Establishing Revised fees for Risk Levels I, II, III and IV Food Service Operations and Retail Food Establishments, Temporary Food Service Operations and Temporary food Establishments, Mobile Food Operations, and Vending Machine Locations -- Ms. Lambert conducted the 2nd reading of the resolution establishing revised fees for Risk Levels I, II, III and IV Food Service Operations and Retail Food Establishments, Temporary Food Service Operations and Temporary food Establishments, Mobile Food Operations, and Vending Machine Locations by title only.

2) 2nd Reading of Resolution Establishing Revised fees for Manufactured Home Park Licenses -- Ms. Lambert conducted the 2nd reading of the resolution establishing revised fees for Manufactured Home Park licenses by title only.

3) 2nd Reading of Resolution Establishing Revised Fees for Food Service Operation and Retail Food Establishment Plan Reviews – Ms. Lambert conducted the 2nd reading of the resolution establishing revised fees for food service operation and retail food establishment plan reviews by title only.

4) 2nd Reading of Resolution Establishing Revised fees for Swimming Pools, Spas, and Special Use Pools; Recreational Vehicle Parks, Recreation Camp, and Combined Park Camps; Tattoo and Body Piercing Operations; Temporary Tattoo and Body Piercing Operations; Marinas; and Resident Camps – Ms. Lambert conducted the 2nd reading of the resolution establishing revised fees for Swimming Pools, Spas, and Special Use Pools; Recreational Vehicle Parks, Recreation Camp, and Combined Park Camps; Tattoo and Body Piercing Operations; Temporary Tattoo and Body Piercing Operations; Marinas; and Resident Camps by title only.

5) 1st Reading of Resolution Establishing Vital Statistics Fees for Birth and Death Abstracts -- Ms. Lambert conducted the 1st reading of the resolution establishing vital statistics fees for birth and death abstracts by title only.

6) Approval of Vital Check as Provider for Credit Card Purchases of Vital Statistics Records – Ms. Lambert stated that the Ohio Department of Health recommended that the Health District be able to provide the service of obtaining records on-line. Vital Check is a third party vendor that will partner with the Health District to provide this service. Vital Check charges the consumer additional charges for processing and shipping and will provide the Health District with pre-paid shipping materials to send the requested records. Ms. Lambert further stated that central issuance of abstract birth records is expected to be in effect by January 1, 2011 and that using this service would greatly benefit the residents of Clermont County and people who needed copies of Clermont County birth and death certificates but live outside of Clermont County.

Dr. Rickabaugh made a motion to approve Vital Check as a provider for credit card purchases of vital statistics records. Mr. Crum seconded the motion. The vote was all aye, motion carried.

7) Approval of Tek Collect Additional Accounts – Ms. Lambert stated that the Health District has had an agreement with Tek Collect for collection services for several years and that accounts are purchased from them in bundles of two hundred and fifty. Ms. Lambert requested approval to purchase two hundred fifty additional accounts for delinquent sewage program fee collection purposes.

Mr. Crum made a motion to purchase two hundred fifty additional accounts from Tek Collect. Mr. Cadwallader seconded the motion. The vote was all aye, motion carried.

8) Approval for Rapid Response Mentoring Project – Ms. Lambert stated that the Health District became aware of an opportunity to submit a grant proposal to Hamilton County Public Health as part of their multi-million dollar CDC grant called Strategic Alliance for Health. Ms. Lambert indicated that the Health District is proposing a Clermont CAN community-based project that is directly linked with Goshen School District to improve a nature trail for both school and community use.

Dr. Miller made a motion to approve the Rapid Response Mentoring Project. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

9) Update on purchase of Environmental Health Software – Ms. Lambert related to the Board that the Health District evaluation group has been looking for software that has an in-field inspection component, provides a framework for the entire application, licensing, inspection process, has good reporting capability and has an internet public access component. The group has narrowed the options to two. One of the programs being considered is used by Hamilton County and the other is used by Summit County.

Mr. Crum stated that he believed that the Health District should use the same program that is used by Hamilton County. Ms. Lambert stated that there has been discussion of Hamilton County changing to the same system used by the City of Cincinnati Health Department. The City of Cincinnati Health Department uses a program that was developed “in house”. She also indicated the program currently used by Hamilton County does not expand beyond food service.

10) Discussion on Process for Requesting Board of Health Hearings and Financial Hardship Variances – Ms. Lambert stated that due to the increase in the number of citizens that are requesting to be placed on the Board’s agenda to “appeal” a decision by Health District staff or the Board of Health she has drafted some language that will help guide the Board of Health appeal process. She further stated that this proposed regulation had been sent to the Prosecutor’s Office for review and that Allan Edwards, Assistant Prosecuting Attorney, had made some changes. One change that Mr. Edwards made to the proposed regulation was to require homeowners, or their attorney, be present for testimony at an

appeal. If someone, other than an attorney, attends on behalf of the homeowner they would be permitted to give testimony but could not ask questions on the homeowner's behalf.

Mr. Crum asked if a person who had a Power of Attorney could attend on behalf of the homeowner. Ms. Lambert stated that she wasn't sure and that she would consult with Mr. Edwards.

Ms. Lambert stated that she is also proposing a process for individuals who indicate that they are unable to move forward with a Board order due to financial hardship. Homeowners would be required to submit verification from a debt counselor, accountant or other qualified financial expert when filing a variance based on financial hardship. It was the consensus of the Board to continue establishing this process and to bring it back for formal consideration.

11) Update on Emergency Operations Plans -- Julianne Nesbit, Assistant Health Commissioner, presented a brief summary of the updates made to the Health District's Emergency Operations Plan during the past year. (Attachment # 8)

Approval of Minutes – Mr. Hansbauer asked if there were any additions or corrections to the minutes of the September 9, 2010 Board of Health Meeting. There were no additions or corrections.

Mr. Crum made a motion to approve the minutes of the September 8, 2010, Board of Health meeting. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

Amended Certificate/Additional Appropriations -- Ms. Lambert requested the Board approve an Amended Certificate/Additional Appropriations in the WIC Fund.

Mr. Cadwallader made a motion to approve the Amended Certificate/Additional Appropriations. The motion was seconded by William Miller. The vote was all aye, motion carried. (Attachment #9)

Payment of Bills – Ms. Lambert presented the Health District's bills for consideration. Following the Board's review, Mr. Crum made a motion to pay the bills as presented. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment # 10)

OLD BUSINESS:

1) Public Health Nuisances/Code Violations – Ms. Lambert presented the addresses of 3 properties to be considered public health nuisances/code violations.

Following a review of the files, Mr. Crum made a motion to declare the properties listed on Attachment #11 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 Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #11)

Other Information

- 1) Ms. Lambert advised the Board that the vehicle that had been on order from 32 Ford was scheduled to be delivered the week of October 10, 2010.

- 2) Ms. Lambert advised the Board that Robert Wildey has been accepted as a member of the State Sewage Rules Committee.

- 3) Ms. Lambert stated that the Drug Take Back Day is scheduled for November 13, 2010 from 10:00 a.m. to 2:00 p.m. at several different sites in the County. The Health District is working with the Sheriff's Office and the Mental Health and Recovery Board on this event.

- 4) Ms. Lambert advised the Board that a drive-thru flu vaccination clinic/dispensing exercise had been held on October 2, 2010 in Neville. She indicated that the exercise was successful including addressing the challenge of frozen vaccine. All but one vial of vaccine became frozen during transport and a Health District staff person had to return to the office to get more vaccine in order to complete the clinic.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 8:25p.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