



Clermont County Public Health

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Clermont County General Health District Board of Health Meeting

The Clermont County Board of Health held its monthly meeting on February 8, 2023. President Janet Rickabaugh called the meeting to order at 6:30 p.m. Dr. Rickabaugh led the Board Members and guests in the Pledge of Allegiance.

Call to Order: Dr. Janet Rickabaugh, present Dr. Joseph Khan, present
 Andrew Crum, absent Dennis Brown, present
 Steve Meadors, present

Others present included Dr. James Kaya, Medical Director; Julianne Nesbit, Health Commissioner; Tim Kelly, Assistant Health Commissioner of Environmental Health Services; Maalini Vijayan, Assistant Health Commissioner of Community Health Services; Tara Jimison, Director of Nursing; Brian Williamson, Director of Environmental Health; Robert Wildey, Director of Water and Waste; Jessica Johnson, Administrative Assistant; Shelby Simmons, Environmental Health Specialist II, and others as listed on Attachment #1.

CONSENT AGENDA:

Ms. Nesbit stated a consent agenda was prepared for the Board and asked if any member wanted items moved to the non-consent agenda for further discussion and consideration. No members requested further discussion of items on the consent agenda. Ms. Nesbit recommended approval of the following items:

- 1. Approval of Board of Health Meeting Minutes for January 11, 2023-** Recommendation to approve the minutes from the January 11, 2023, Board of Health Meeting.
- 2. Approval of Satisfaction of Mortgage Relative to the Septic System Rehabilitation Financing Program-** Recommendation to execute Satisfaction of Mortgage, certifying the terms of the mortgage and promissory note it secured have been satisfied and authorizing the Recorder to release the mortgage of record as it relates to the Septic System Rehabilitation Financing Program. (Attachment #2)
 - a. James C. Raymond III and Amy J. Raymond – 3535 Island Trail Dr., Williamsburg, OH 45176
- 3. Variances Black Water Holding Tank Extension Requests -** Recommendation to approve extending the variances for black water holding tanks for an additional month.
 - a. CCET, LLC- 880 Roundbottom Road, Union Township (44-V-21)
 - b. Perry- 2702 Indian Summer Drive, Tate Township (18-V-22)
 - c. Huber – 2070 Erion Rd., Batavia Township (2-V-23)
- 4. Approval to Apply for the OEPA Mosquito Control Grant FY23-** Recommendation to apply for OEPA Mosquito Control Grant FY23.
- 5. Accept Resignation of Cheryl Adams, Office Specialist I –** Recommendation to accept the resignation of Cheryl Adams, Office Specialist I, effective February 17, 2023.
- 6. Approval to Appoint Rachel Moore as an Environmental Health Specialist-in-Training in the Water and Waste Division -** Recommendation to appoint Rachel Moore as an

Environmental Health Specialist-in-Training in the Water and Waste Division at the salary indicated on the attached salary sheet. (Attachment #3)

Mr. Brown made a motion to approve consent agenda items #1 through #6. Dr. Khan seconded the motion. The vote was all ayes, motion carried.

NON-CONSENT AGENDA:

Variances:

Black Water Holding Tank Extension Request – Ms. Nesbit stated no pump ticket was received for the black water holding tank variance extension request for Colwell – 3016 Jackson Pike, Jackson Township (45-V-22). She suggested tabling approval of the extension until the March 8, 2023, meeting.

Dr. Khan made a motion to table approval of the black water holding tank variance extension request for Colwell – 3016 Jackson Pike, Jackson Township (45-V-22) until the March 8, 2023, meeting. Mr. Brown seconded the motion. The vote was all ayes; motion carried.

Use of Continuing Education Hours Obtained in 2023 for the Same Year's Registration (OAC/REG: 3701-29-03-C(5)) – Matthew Brinkman – Prof. License #: 002042-2023 (3-V-23) -

Ms. Nesbit stated Matthew Brinkman, Professional License No.: 002042-2023, is requesting a variance from the regulations requiring a contractor to have six continuing education hours for registration. This variance will allow the contractor to get 12 hours in 2023 and use six for 2023 and six for 2024. She indicated this particular variance had been granted to a different contractor in the past.

Dr. Khan made a motion to approve the variance allowing Mr. Brinkman – Prof. License #: 002042-2023 (3-V-23) to get 12 continuing education hours in 2023 and use six for 2023 and six for 2024. Mr. Brown seconded the motion. The vote was all ayes, motion carried. (Attachment #4)

Use of Continuing Education Hours Obtained in 2023 for the Same Year's Registration (OAC/REG: 3701-29-03-C(5)) – Sam Whalen/Blue Ridge Const. – Prof. License #: 002073-2023 (6-V-23) -

Ms. Nesbit stated Sam Whalen/Blue Ridge Const., Professional License No.: 002073-2023, is requesting a variance from the regulations requiring a contractor to have six continuing education hours for registration. This variance will allow the contractor to get 12 hours in 2023 and use six for 2023 and six for 2024.

Mr. Wildey indicated Mr. Whalen had provided proof of completion of six of those hours at the time of the Board of Health meeting.

Mr. Brown made a motion to approve the variance allowing Mr. Whalen/Blue Ridge Const. – Prof. License #: 002073-2023 (6-V-23) to get 12 continuing education hours in 2023 and use six for 2023 and six for 2024. Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #5)

Isolation Distance at 8 Marlene Dr., Williamsburg Township (4-V-23) – Ms. Nesbit stated the owners, Jeff and Kristy Cummins, are requesting an isolation distance variance at 8 Marlene Dr., Williamsburg Township (4-V-23). The owners are installing a concrete walkway and patio surrounding their pool. The walkway will be six feet from the septic tank and headline pipe, and the patio will be nine feet from the sand filter. The system had a drainage problem in June 2008, wherein

the chlorinator flooded; however, the problem was corrected in July 2008. Staff recommended approval.

Mr. Cummins was present at the meeting and indicated the variance involved the proposed concrete only.

Mr. Meadors made a motion to approve the request to grant an isolation distance variance at 8 Marlene Dr., Williamsburg Township (4-V-23). Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #6)

Isolation Distance at 1876 Trees Rd., Tate Township (5-V-23) – Ms. Nesbit stated the owners, Tim and Shawna Paul, are requesting an isolation distance variance at 1876 Trees Rd., Tate Township (5-V-23). The owners are constructing a front porch, the corner of which will be 9'5" from the septic tank corner. The tank is set at an angle, and only the front corner area of the porch is less than ten feet away from the septic tank corner. There have been no major issues found in the history of the system. Staff recommended approval.

Mr. Paul was present at the meeting.

Mr. Brown made a motion to approve the request to grant an isolation distance variance at 1876 Trees Rd., Tate Township (5-V-23). Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #7)

PUBLIC COMMENT:

No members of the public were present to offer comments.

Discussion to Suspend or Revoke the Food Service Operation License of Buffalo Wings & Rings, 2235 Bauer Rd., Batavia, OH 45103 - Ms. Nesbit informed the Board the manager of Buffalo Wings & Rings, Michael David, was present with his attorney, John Woliver, to discuss repeated violations at the facility and the possible ramifications thereof. Haydar David, Michael's father and the owner of Buffalo Wings & Rings, was also present, along with Brian Shrive and Julia Carney from the Civil Division of the Clermont County Prosecutor's Office.

Documentation was provided to the Board, Michael David, Mr. Woliver, and Mr. Shrive. The documentation noted two previous administrative meetings, and the facility has still not maintained compliance. The last standard/complaint inspection at the facility noted 47 violations. The follow-up inspection included issues such as mice feces, live and dead cockroaches, rust on the ice machine, food containers in poor condition, and a broken gasket on the prep cooler. The hand-washing sink, the inside of the chest freezer, the prep cooler, and the prep sink drain were all dirty. The floors under the ice machine, the soda rack, the prep sink, and the walls and ceiling near the three-compartment sink were all dirty. There was significant grease build-up on the tops of the fryers, the side of the stovetop, and the hood. There was significant food and grease debris on the floors under the stove and fryers, and there was no protective shielding on the light in the kitchen above the prep cooler. The Board was provided with information outlining the inspections and violations. (Attachment #8)

Ms. Nesbit asked Environmental Health Specialist Shelby Simmons to explain the facility's inspection history and her findings to the Board. Ms. Simmons indicated since 2020, Buffalo Wings & Rings has received seven standard inspections, 31 follow-up inspections, six complaint inspections, and nine consultations. She advised the first administrative meeting was on November 12, 2020, and Mr.

David was presented with a corrective action plan. After repeated violations, a second administrative meeting was held on August 3, 2021, and the facility was again given a corrective action plan. (Attachment #10) Standard and follow-up inspections were again conducted in January 2022, twice in March 2022, July 2022, December 2022, and January 2023. The inspections all resulted in repeated violations. In January 2023, Ms. Simmons referred the case to her supervisor, Brian Williamson, due to the history of violations. On February 8, 2023, another inspection showed repeated violations involving cleanliness and the presence of both live and dead cockroaches. (Attachment #9, #10, and #11)

Mr. Brown asked if repeat violations were often found when inspecting food facilities. Ms. Simmons indicated this sometimes happens, but most critical violations are usually corrected immediately during the inspection.

Dr. Khan asked if he was correct in understanding these violations had been repeated over the past two to three years and if this was typical before the issue is brought before the Board of Health. Ms. Nesbit stated there had been a pattern of violations concerning this facility over the past two to three years. She also explained administrative meetings occur to attempt to bring the facility into compliance before any action is brought before the Board.

Dr. Khan asked Ms. Simmons what the average number of violations was when inspecting a facility, how many of those are usually critical, and how long it takes, on average, for the facility to come into compliance. Ms. Simmons stated the average number of violations is typically between five and 15, and the number of critical violations depends on the nature of the violation, with food safety and pest violations being deemed critical. She indicated after violations are found, follow-up inspections occur within one to two weeks, and most violations are corrected within 30 days. She also stated the inspectors work with the facility operators to correct critical violations while on site.

Upon review of the paperwork previously discussed, Dr. Rickabaugh noted there seemed to be a pattern of critical violations, and the seriousness of the violations, such as keeping food at temperature, can cause illness. She also referenced the presence of insects at almost every inspection, as well as mouse feces and live and dead cockroaches.

Attorney John Woliver stated Michael David and his father, Haydar, operate two other restaurants in this area with no problems. He further stated Buffalo Wings & Rings is listed as being owned under the name Shuk, Inc. He indicated the Davids are not newcomers to the restaurant business, and they take violations very seriously. Mr. Woliver stated upon receipt of the violations, meetings were held, and the violations were corrected. He said as a procedural matter, the law anticipates a notice being given regarding the violations, and then there should be an opportunity to meet and discuss an action plan. He indicated there was a scheduled meeting on January 6, 2023 which did not happen because of a miscommunication. The Davids received notice of the meeting, and Michael contacted Ms. Simmons on January 5, 2023 to request the meeting be rescheduled. Ms. Simmons advised Mr. David she would check with her supervisor, Brian Williamson, regarding the meeting. Haydar David stated he left a message for Mr. Williamson and did not receive a return phone call. When the Davids did not receive a response regarding their request to reschedule the meeting, they assumed the meeting was canceled. Mr. Woliver stated the meeting never occurred and was required by statute. Mr. Woliver stated the Davids would like to have a meeting, as they acknowledge there are problems. He indicated the number of violations from the past two inspections had decreased from 16 to approximately three or four, with some of the violations being the same under multiple regulations. He further contended if the effort to achieve compliance exists, there needs to be an opportunity to do so.

Michael David presented the Board with pictures of some of the issues raised in the previous inspection, which documented 16 violations. He explained the pictures demonstrate the progress of correcting the violations and efforts being made to come into compliance. Mr. David indicated he has purchased a new ice machine and food containers and has ordered a new gasket for the prep cooler. He has also added a daily cleaning list and has cleaned the existing gaskets, chest freezer, walls, and sink. He has also replaced the protective shield on the light in the kitchen above the prep cooler. He stated his hoods will now be pressure washed quarterly. He also uses a cleaning service weekly to clean the floors, but they do not move equipment. He will now move the equipment for cleaning purposes, and staff has requested extra hours to help clean. He also provided a list of the 16 documented violations and the corrective actions he has taken. He stated due to the nature of his business, there will be some daily grease build-up, and since the facility is older and smaller, this residue tends to build up quickly. (Attachment #12 and #13)

Mr. Meadors asked if the corrections in the photographs were all made on February 8, 2023. Mr. Woliver and Michael David indicated they were not made on this day. Mr. Woliver further indicated there was still an ongoing problem with insects.

Michael David confirmed he had attended administrative meetings with Tim Kelly, Shelby Simmons, and Brian Williamson. He stated after a standard inspection and follow-up inspection in July 2022, he received an email from Clermont County Public Health indicating his facility was in compliance. Mr. David acknowledged a meeting was scheduled after the December 2022 and January 2023 inspections, but he believed the meeting was being rescheduled due to a miscommunication. He indicated he has asked for walk-throughs of his facility and has closed the restaurant once to attempt to correct the violations.

Michael David then addressed the issue of the violations regarding pests. He stated he has made significant progress with the pest problem since 2020 and is willing to keep working to correct the problem. Mr. David presented the Board with a Service Inspection Report and invoices from Allgone Pest Control. He indicated he previously used exterminator services to address the pest issues monthly, but he has since increased the frequency of inspections and treatments to weekly. He stated the pest control business owner advised him the signs of pest activity have lessened. (Attachment #14 and #15)

Haydar David stated the building which houses the restaurant was built in 1995, and the restaurant opened in 1996. Michael David indicated if the persistent violations are due to the age of the building, they would consider a remodel.

When asked, Ms. Simmons stated the facility does make progress in correcting the violations at the time they are given, but after the inspections, the problems recur.

Mr. Woliver asked for any potential actions to be tabled in order to determine if the actions taken by Michael David and the systems he has put in place will resolve all of the issues.

Brian Shrive, Assistant Clermont County Prosecuting Attorney, addressed the Board and pointed out the Davids own and operate several other restaurants, which also have multiple violations; therefore, the problems are not with only one of their restaurants.

Dr. Rickabaugh inquired how long the Davids have operated Buffalo Wings & Rings. Michael David stated his father, Haydar, operated the restaurant from 1996 to 2017 then he took over. He also indicated the violations at Buffalo Wings & Rings are more numerous than compared to his other

restaurants. Dr. Khan asked Mr. David if he thought the inspectors treated Buffalo Wings & Rings differently than his other restaurants. Michael David answered affirmatively but stated he did not believe they were unfair due to the inspection history. He indicated there were sometimes two inspectors instead of one, and the inspections seemed to take a long time.

Dr. Khan asked Ms. Simmons how often she found bugs or mouse feces at other restaurants she inspected. Ms. Simmons stated she does not encounter these particular issues very often.

Dr. Khan asked the Davids how often their other restaurants were treated for pests. The Davids advised their other restaurants were treated for pests monthly. Dr. Khan then asked for the Davids' opinions on why pest control seemed more of an issue at this particular restaurant. Michael David stated the cockroaches were brought into the restaurant in a box of supplies several years ago. They killed all live bugs at the time but admitted the problem was probably "ignored for a while." He started the extermination process when the pests were seen, and the inspections noted a pest problem. He also believes due to the age of the building, the pest problem has increased.

Dr. Khan asked when Mr. David saw a decrease in pest activity. Mr. David advised the pest activity decreased when he increased the extermination services to weekly in January 2023. Dr. Khan then asked if the need for weekly extermination services could be due to food left on the floor. At this point, Ms. Nesbit reminded the Board she is a licensed commercial pesticide applicator. She then explained monthly pest control via extermination services would be appropriate in a standard facility, but the facility must be kept clean. She stated if there is an active infestation, applications must be increased and tailored to the life cycle of the pests. This treatment procedure is based on integrated pest management principles.

Mr. Shrive asked Brian Williamson, the Director of Environmental Health, if there was a program or certification class available for the operator to take to help improve the management operations of the facility. Mr. Williamson explained each shift in a restaurant must have a certified "Person-In-Charge." To become a certified "Person-In-Charge," there is a two-hour training course. There is also a two-day ServSafe course which is available. Michael David stated two individuals were ServSafe Level 2 certified, and one individual has "Person-In-Charge" certification.

Upon reviewing the pest control invoices previously provided by Mr. David, Mr. Shrive asked about the discrepancies regarding the number of inspections and treatments and the pests being referred to as "fruit flies" instead of cockroaches and mice. Michael David stated he could not explain why the invoices were written as monthly or bi-monthly inspections and treatments instead of weekly. He also did not know why the invoices referenced fruit flies instead of mice or cockroaches. He stated he asked the exterminator to treat inside the walls and the attic and to urgently step up his pest control treatments. Mr. Meadors asked if the invoices noted service as "twice monthly" due to the prior frequency of services. Michael David said he was unsure why the invoices were notated as "twice monthly," but the exterminator was scheduled to be at the facility the following week.

Dr. Khan asked when Michael David requested his exterminator to step up his pest control treatments. Mr. David stated he spoke with his exterminator in mid-January.

Mr. Shrive asked Michael David if the restaurant had ever been completely shut down for treatment purposes. Michael David stated they shut down New Year's Day to do a large treatment and will do it again if necessary. He further explained a large spray included a pest-control bomb being used wherein all food and food trays were covered. Mr. Woliver added at this point, the restaurant is only four weeks into weekly treatments.

Mr. Williamson asked Michael David if his invoices ever noted pest activity. Mr. David was unsure if the invoices ever mentioned pest activity, but the exterminator had advised him about pest activity in person.

Dr. Khan asked Ms. Simmons what remedies were suggested to correct the violations. Ms. Simmons suggested no food debris or standing water being left out, especially overnight, checking packages for pest infestation, keeping all food off the ground, and keeping the building clean. She indicated she had discussed using appropriate cleaning products with Michael David and presented him with corrective action plans. Dr. Khan asked when the corrective action plans were made. Ms. Simmons stated two corrective action plans were made on November 12, 2020 and August 3, 2021.

Mr. Shrive commented the corrective action plans did not work and proceeded to ask Michael David for the name of the legal owner of the business. Haydar David advised Mr. Shrive the legal owner of the business was Shuk, Inc., he owns the building, and Michael operates the business. When questioned by Mr. Shrive regarding using the trade-marked name "Buffalo Wings & Rings," Michael explained the business was previously a part of the Buffalo Wings & Rings franchise but separated from the franchise in 2014. Mr. Shrive pointed out the 2022 Application for a License to Conduct a Food Service Operation states the facility's name is Buffalo Wings & Rings, as is the name of the License Holder. Haydar David stated this was an oversight, and Michael David stated he would correct the name. Ms. Nesbit indicated they could correct the name at any time. (Attachment #16)

Mr. Shrive addressed the Board, stating it seems every hurdle the Davids encounter, such as paperwork or running the restaurant, they want the inspectors to tell them what to do. He further stated they need to take responsibility for their actions.

Mr. Woliver asked if the Davids and Clermont County Public Health could work collaboratively and also stated the statute anticipates if progress is being made to correct the violations, they should be given a chance to do so. He stated they believe progress is being made. Ms. Nesbit indicated Clermont County Public Health has been working collaboratively with the Davids for two years. The Davids continue to ask and are told what they need to do to stay compliant, but they do not remain compliant after being told. She advised the restaurant owner has the responsibility to stay in compliance. Mr. Woliver said he believes moving forward, they can fix the issues. Michael David added he takes full responsibility for being out of compliance and feels they are making progress.

Mr. Shrive asked the Davids to state their plan to stay compliant and if someone needed to be hired to help them do so. He also noted inspection notes from February 8, 2023, the date of the meeting, indicated the presence of live and dead cockroaches. Michael David said he is attempting to correct the issues with specific cleaning lists and cleaning the equipment.

Dr. Khan stated he believed the idea, as the Board's culture, is to try and promote business in the county. He also thinks the Board of Health and Clermont County Public Health works hard to do this. However, when faced with this issue which has been ongoing for two years and is only becoming a real issue to the facility's owners within the last month, he finds this to be a recalcitrant disregard of the compliance rules and wonders how the Board should balance these issues.

Mr. Williamson again addressed the scheduled Administrative Meeting of January 6, 2023, and stated the intent of the meeting was to address violations that have not been corrected, but the decision was made to present the issues to the Board of Health. Michael David indicated this particular complaint was never confirmed via an inspection of the dining room. Mr. Woliver reiterated his client missed

the meeting due to a miscommunication. Mr. Williamson stated after the January 6, 2023, Administrative Meeting was canceled, he chose not to reschedule the meeting but rather present the issue to the Board of Health.

At this point, Mr. Shrive explained before the Board can suspend or revoke a food service license, a written notice must be provided to the establishment, and they must be given reasonable time to correct the violations. If the establishment makes good faith efforts to correct the violations, an extension can be granted if additional time is needed. If the establishment fails to correct the violations, the action to suspend or revoke can go forward. The establishment must also be provided a notice regarding appeal rights. He further indicated as of February 8, 2023, the Board was not in a position to revoke the food service license of Buffalo Wings & Rings. He advised they could send a notice stating a timeframe for compliance, and if noncompliance continued, they could proceed with a hearing. Mr. Woliver indicated he agreed with Mr. Shrive's outlined procedure. Ms. Nesbit also agreed with this plan.

Mr. Shrive also suggested the Board pass a resolution which would authorize the Clermont County Prosecutor to file suit against Buffalo Wings & Rings and the Davids if they failed to maintain compliance in the future.

Michael David expressed his concern regarding having all violations corrected and what would then happen if one minor violation should occur. He stated he could not control the active problems he is working to resolve. Dr. Khan noted if the violations have been addressed, there should be no future problems. He also reiterated the Board's desire to see them succeed.

Mr. Brown asked if any training should be required to correct the violations. Mr. Williamson stated the only requirement is the Person-In-Charge training, which Buffalo Wings & Rings already has.

At this time, the discussion was halted to allow Mr. Shrive and Assistant Health Commissioner, Tim Kelly, to draft the notice and a resolution as previously discussed.

Approval of Board of Health Letter of Support for Public Health Accreditation Board for Reaccreditation - Ms. Nesbit stated the application for reaccreditation was ready to be submitted. Once submitted, documents can start to be uploaded. There is a six-month grace period to submit the documentation, but most of the documentation is ready, so the upload should be completed earlier than the six-month timeframe. In order to submit the documentation, a letter of support from the Board of Health is required. The Board was supplied with a draft of the letter, which was approved and signed by Dr. Rickabaugh. (Attachment #17)

Adoption of a Resolution Authorizing Submittal of Application for FY 2023 Community Development Block Grant Funds To Be Used For The Septic System Rehabilitation Financing Program To The Board of Clermont County Commissioners - Ms. Nesbit requested the Board adopt a Resolution Authorizing Submittal of Application For FY 2023 Community Development Block Grant Funds To Be Used For The Septic System Rehabilitation Financing Program To The Board Of Clermont County Commissioners.

Ms. Nesbit explained the application is the standard application submitted yearly for septic rehabilitation financing, and this year funds in the amount of \$200,000 would be requested. The grant funds were not awarded in 2022.

Mr. Brown asked if there were a lot of applications for the septic system rehabilitation financing program so far. Ms. Nesbit stated she was unsure because the application paperwork is not mailed until the Health District receives approval for the grant funds.

Mr. Brown made a motion to adopt Resolution 02-23 Authorizing Submittal of Application For FY 2023 Community Development Block Grant Funds To Be Used For The Septic System Rehabilitation Financing Program To The Board Of Clermont County Commissioners. Dr. Khan seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Dr. Rickabaugh, aye; motion carried. (Attachment #18)

Adoption of a Resolution Authorizing Submittal of Application for FY 2023 Community Development Block Grant Funds To Be Used For Newtonville Sewer Connections To The Board of Clermont County Commissioners - Ms. Nesbit requested the Board adopt a Resolution Authorizing Submittal of Application For FY 2023 Community Development Block Grant Funds To Be Used For Newtonville Sewer Connections To The Board Of Clermont County Commissioners.

Ms. Nesbit stated she recently met with Economic Development regarding the Newtonville Sewer Plant, which will be completed this year. It is her understanding people will start to be connected upon completion, and the grant funds intend to help low-income homeowners to be able to do this. Under certain circumstances, those people may be eligible for the standard Community Development Block Grant funds. The Newtonville application will request funds in the amount of \$200,000.

Dr. Khan made a motion to adopt Resolution 03-23 Authorizing Submittal of Application For FY 2023 Community Development Block Grant Funds To Be Used For Newtonville Sewer Connections To The Board Of Clermont County Commissioners. Mr. Meadors seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Dr. Rickabaugh, aye; motion carried. (Attachment #19)

Adoption of a Resolution Authorizing The Clermont County General Health District To Accept And Enter Into A Water Pollution Control Loan Fund Agreement For The Repair And Replacement Of Home Sewage Treatment Systems - Ms. Nesbit requested the Board adopt a Resolution Authorizing The Clermont County General Health District To Accept And Enter Into A Water Pollution Control Loan Fund Agreement For The Repair And Replacement Of Home Sewage Treatment Systems.

Ms. Nesbit informed the Board the Health District was applying for \$150,000 in funds.

Mr. Brown made a motion to adopt Resolution 04-23 Authorizing The Clermont County General Health District To Accept And Enter Into A Water Pollution Control Loan Fund Agreement For The Repair And Replacement Of Home Sewage Treatment Systems. Dr. Khan seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Dr. Rickabaugh, aye; motion carried. (Attachment #20)

Approval of 2024 Budget - Ms. Nesbit provided the 2024 proposed budget to the Board and requested approval. She indicated in the past, the Health District has tried to be conservative in the estimates. COVID funding is expected to cease on June 30, 2023; however, permit fees will hopefully rebound to pre-pandemic revenues. Flat funding is proposed in seven of the fifteen funds, with decreases in three funds and increases in five funds. A summary of the funds was provided to the Board.

Ms. Nesbit further stated overall, the proposed 2024 budget represents a 1.5% decrease from what was appropriated for 2023. There is currently a 2% raise pool factored into the 2024 budget, and a 3% increase in healthcare costs is budgeted. The budget reflects a 1.4% decrease in salaries, a 2.07% increase in benefits, and a 7.71% decrease in other expenses.

Mr. Brown made a motion to approve the 2024 budget. Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #21)

Approval and Payment of Bills - Ms. Nesbit presented the Health District's bills for consideration. Following the Board's review and discussion, Mr. Brown made a motion to pay the bills as presented. Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #22)

Adoption of a Resolution Declaring Properties Public Health Nuisances - Ms. Nesbit presented the addresses of two properties to be considered public health nuisances as stated in Attachment A of Resolution 05-23 Declaring Public Health Nuisances and Ordering Abatement of Nuisances at the identified properties.

Following a review and discussion, Dr. Khan made a motion to adopt Resolution 05-23, to declare the properties listed on Attachment A public health nuisances, to declare the resolution an emergency order, and to waive the required three readings. The motion further stated if corrections were not made within the allotted time, the nuisance cases would be referred to the Health District's legal counsel for appropriate action. Mr. Brown seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Dr. Rickabaugh, aye; motion carried. (Attachment #23)

Discussion to Suspend or Revoke the Food Service Operation License of Buffalo Wings & Rings, 2235 Bauer Rd., Batavia, OH 45103 (continued) - Mr. Shrive presented the Board with a notice and Resolution 06-23 based upon the prior discussion regarding Buffalo Wings & Rings. He indicated the resolution is for an injunction if violations at the facility occur in the future. He elaborated the Board does retain discretion to grant extensions or proceed to a hearing. After a discussion, it was determined Buffalo Wings & Rings would have until March 5, 2023 to correct the violations outlined in the notification. (Attachment #24 and #25)

Michael David stated several violations were corrected on February 8, 2023.

Dr. Khan stated the Board's intentions were to be fair, not punitive.

Dr. Khan made a motion to provide written notice outlining the violations to Buffalo Wings & Rings and stating the violations must be corrected by March 5, 2023 and also to approve Resolution 06-23 authorizing and requesting the Clermont County Prosecutor to file suit against Mike David, Haydar David, and Shuk, Inc., DBA Buffalo Wings & Rings & Patio also known as Wings Bar & Grill, pursuant to R.C. 3707.50 and to seek any and all appropriate remedies. Mr. Brown seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Dr. Rickabaugh, aye; motion carried.

DISCUSSION ITEMS

1) Health District's 2022 Close-of-Year Financial Standing - Ms. Nesbit reminded the Board the budget called for spending some cash reserves for several years before 2022; however, cash reserves grew in those years. In 2022, the appropriations budget was balanced, but the agency's overall cash reserves decreased by \$87,530.96. Approximately

\$40,000 of the Food Service Fund's cash reserves were used, leaving \$458,761 at the end of the year. She noted a stipend was received from ODH to cover the anticipated shortfall in the Food Service Fund over the next few years. A little more than \$83,000 of the Infrastructure (PHEP) Fund was used due to the timing of spending and reimbursements. The Sewage Fund ended with a \$507,220 cash balance despite spending \$65,000 of its cash reserves in 2022.

Ms. Nesbit stated the 2022 fiscal year ended with a \$3.87 million cash balance. She reported the agency's cash balance represents a reserve of 86% of the total 2023 appropriated budget, which leaves the agency secure. She reported 40% of the cash balance was in restricted funds, 7% was limited to grant activities, and 33% was in restricted funds such as food service, pool, and sewage funds. That left 60% of the cash reserves unrestricted to be used as the Board deemed fit.

Best practices call for a reserve of 100% of the budgeted expenses in the general fund and 50% in all other funds. Except for the grant funds, which ebb and flow with the timing of reimbursements, and the Health Fund, which is spent down every year, the only fund which did not meet this benchmark was the CMH fund. Ms. Nesbit recalled several personnel changes in the CMH program over the last few years and a steep learning curve for the billing process, causing a lag in receiving revenue. An initiative to catch up on billing was launched at the end of 2022, and she expected a boon to that fund's balance in early 2023. All other funds were well above the recommended reserve level.

2) Health District 2022 Annual Report - Ms. Nesbit presented the Board with the 2022 Annual Report of Clermont County Public Health, which is prepared annually by Communications Coordinator Keith Robinson. Ms. Nesbit stated certain items, such as financials and information on the Bloodborne Infectious Disease Prevention Program, must be included in the report by law. She commended Mr. Robinson on the preparation of the report. (Attachment #26)

3) Southwest Ohio Air Quality Report 2022 - Ms. Nesbit presented the Board with the end of year summary on air compliance and complaint programs from the Southwest Ohio Air Quality Agency. (Attachment #27)

4) Standing Meeting Date/Time - A discussion was held regarding changing the Board of Health meeting time. The Board discussed changing the time of the meetings to 3:30 p.m. in the future. The meeting would still be held on the second Wednesday of every month. Ms. Nesbit will update the Board of Health Bylaws and bring the proposed changes to the March 2023 meeting to be presented for a vote and formal approval.

ADDITIONAL INFORMATION

1) Ohio Department of Health Administrative & Field Review of Clermont County Public Health's Campground and Public Swimming Pool Programs 2022 - Ms. Nesbit presented the Board with the Ohio Department of Health surveys of Clermont County Public Health's Campground and Public Swimming Pool Programs which were completed on July 13, 2022. The surveys were recently received, and the programs met the acceptable minimum standards as specified in the survey methodology. She commended the Environmental Health Division for their work in the programs. (Attachment #28 and #29)

- 2) **Ohio Environmental Protection Agency Annual Survey Evaluation of Clermont County Public Health's Solid and Infectious Waste Programs and Demolition Debris Programs 2022** – Ms. Nesbit presented the Board with the Ohio Environmental Protection Agency's annual survey of the health district regarding the Solid and Infectious Waste Programs and Construction and Demolition Debris Programs, which included the time period between December 11, 2021 and December 2, 2022. The district was in substantial compliance and was approved to administer and enforce solid and infectious waste, construction, and demolition debris rules. She thanked the Water and Waste staff for their efforts in the program. (Attachment #30)

EXECUTIVE SESSION

Pursuant to Section 121.22 (G)(1) of the Ohio Revised Code to discuss contract negotiations for compensation of the health commissioner - At 9:17 p.m., Mr. Brown made a motion to enter into executive session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code to discuss contract negotiations for compensation of the health commissioner. Dr. Khan seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Dr. Rickabaugh, aye; motion carried.

At 9:48 p.m., the Board returned from executive session and resumed regular session after discussing contract negotiations for compensation of the health commissioner, with no action taken and no decisions made.

ADJOURNMENT:

Mr. Brown made a motion to adjourn the meeting at 9:53 p.m. Dr. Khan seconded the motion. The vote was all ayes; motion carried.



SECRETARY



RESPECTFULLY SUBMITTED