



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 March 8, 2023. Vice-President Andrew Crum called the meeting to order at 6:30 p.m. Mr. Crum led the Board Members and guests in the Pledge of Allegiance.

Call to Order: Dr. Janet Rickabaugh, absent Dr. Joseph Khan, present
 Andrew Crum, present 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; 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 February 8, 2023** - Recommendation to approve the minutes from the February 8, 2023 Board of Health Meeting.
- 2. Black Water Holding Tank Variance 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. Huber – 2070 Erion Rd., Batavia Township (2-V-23)
 - c. Perry- 2702 Indian Summer Drive, Tate Township (18-V-22)
 - d. Colwell – 3016 Jackson Pike, Jackson Township (45-V-22)
- 3. Approval of Amendment to Health Commissioner's Contract** - Recommendation to approve the amendment to the Health Commissioner's contract as negotiated during the February 8, 2023 executive session. (Attachment #2)
- 4. Approval to Appoint Bemnet Melaku as a Public Health Intern/Special Projects Assistant in the Nursing Division** - Recommendation to appoint Bemnet Melaku as a Public Health Intern/Special Projects Assistant in the Nursing Division contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet. (Attachment #3)
- 5. Approval to Appoint Robert Eggleton as an Office Specialist 1 in the Administration Division** - Recommendation to appoint Robert Eggleton as an Office Specialist 1 in the Administration Division contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet. (Attachment #4)

6. **Approval to Appoint Colin McClurkin as an Environmental Health Specialist-In-Training** – Recommendation to appoint Colin McClurkin as an Environmental Health Specialist-In-Training in the Environmental Health Division contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet. (Attachment #5)
7. **Accept Resignation of Megan Cox, Environmental Health Specialist-In-Training** – Recommendation to accept the resignation of Megan Cox, Environmental Health Specialist-In-Training, effective March 3, 2023.
8. **Approval to Apply as a Host Site for the CDC Public Health Associate Program** – Recommendation to approve the application to be a host site for the CDC Public Health Associate Program.
9. **Approval to submit request for Regional Harm Reduction Collaborative Funding for SFY2023** – Recommendation to approve submitting request for \$55,000.00 for Regional Harm Reduction Collaborative Funding for SFY2023.

Mr. Brown made a motion to approve consent agenda items #1 through #9. Dr. Khan seconded the motion. The vote was all ayes, motion carried.

NON-CONSENT AGENDA:

Variances:

Connect a New Home to an Existing Household Sewage Treatment System at 2601 SR 131, Wayne Township (7-V-23) – Ms. Nesbit stated the owner, Walter C. Doll, was requesting a variance to connect a new stick-built three-bedroom home to an existing septic system at 2601 SR 131, Wayne Township (7-V-23). Based on the Auditor's website, the previous home was built in 1900 and listed as a two-bedroom home. The septic system consists of a septic tank followed by a below-grade distribution box and leach lines. The septic tank has a riser on the inlet side of the tank and a lid on the surface. The pipe entering the tank is vitrified clay tile. There is no inlet baffle. The exact number or length of the leach lines could not be determined. Aerial photos from 2021 show three to four leach lines approximately 85 feet long. The area of the leach lines has been cleared of trees, but there are some ruts and minor stump holes. Staff stated the septic system is undersized, may not handle modern water usage, and if the system should fail, a replacement system will be required. Staff recommended approval with the following conditions based on the following requirements: 1) The builder and the homeowner ensure the plumbing in the new home is configured to have sufficient fall to the inlet side of the septic tank; 2) The area around the septic tank and leach lines should be protected from construction traffic using orange barricade fencing and T-bar fence posts, not caution tape; 3) An alteration permit must be issued to a registered and bonded septic system installer which should include: a) a new building sewer from the home to the septic tank with a cleanout located at the new home, b) an inlet baffle in the septic tank, and c) the CCPH installation manual must be followed, and the installer should call for inspection before the piping is covered; and 4) The septic tank must be pumped to establish a service baseline.

The homeowner, Mr. Doll, was present. He indicated he had owned the property for over 50 years, and the system had been installed for many of those years. He tore down the existing house and has land set aside if the system should fail. He also hired Clear Creek Environmental to perform a soil sample test in case the system should fail.

Mr. Crum asked Mr. Doll if he agreed with the conditions outlined by the staff. Mr. Doll indicated he agreed.

Mr. Meadors made a motion to approve the variance to connect a new, stick-built three-bedroom home to an existing septic system at 2601 SR 131, Wayne Township (7-V-23). Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #6)

Connect a New Home to an Existing Household Sewage Treatment System at 6210 Roudebush Rd., Wayne Township (8-V-23) – Ms. Nesbit stated the owner, Autumn Breving, was requesting a variance to connect a new three-bedroom home to an existing septic system at 6210 Roudebush Rd., Wayne Township (8-V-23). The existing system consists of a tank covered by large concrete slabs, and the system is followed by 231 linear feet of leach lines and a 728 square-foot leach bed. The centerline has an overflow pipe which previously discharged into the front road ditch and has been sealed off to eliminate potential sewage discharge into the road ditch. It is uncertain if the leach bed is still connected to the septic tank. Two downspout/drainage pipes run through a portion of the leach bed and outlet into the road ditch near the driveway entrance onto the property but are being re-routed out of the leach bed. Staff recommended disapproval based on the unknown overall condition of the septic tank and the leach lines and leach bed not meeting current standards.

The homeowner's husband, William Breving, was present and indicated the previous home was destroyed in a tornado, and there had been no issues with the septic system before then. The home sits on a lot of more than one acre. He stated the downspout lines would no longer be used on the new home, and only two people will live there.

Mr. Wildey stated the bleeder line was discovered at the most recent inspection. Mr. Brown asked Mr. Wildey if there were options for other systems. Mr. Wildey stated there are no options for a soil absorption system, but some type of discharging system could be installed.

Mr. Crum asked Mr. Breving if he agreed to the condition if the system failed, a new system would need to be installed. Mr. Breving indicated he agreed with this condition.

Mr. Brown made a motion to approve the variance to connect a new three-bedroom home to an existing septic system at 6210 Roudebush Rd., Wayne Township (8-V-23). Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #7)

New Black Water Holding Tank at 2435 Crane Schoolhouse Rd., Tate Township (9-V-23) – Ms. Nesbit stated the property owners, John and Cynthia McCoy, are requesting a variance to install a black water holding tank at 2435 Crane Schoolhouse Rd., Tate Township (9-V-23). Ms. Nesbit informed the Board all of the paperwork had been received.

The property owner, Mr. McCoy, was present and confirmed the tank would need to be pumped monthly if approved.

Dr. Khan made a motion to approve the variance request to install a black water holding tank at 2435 Crane Schoolhouse Rd., Tate Township (9-V-23). Mr. Brown seconded the motion. The vote was all ayes, motion carried. (Attachment #8)

PUBLIC COMMENT:

No members of the public were present to offer comments.

Adoption of a Resolution Revising Bylaws of the Clermont County Board of Health – Ms. Nesbit explained to the Board in order to address a possible change in the time for the monthly Board of Health meetings, the language in the current Bylaws needs to be revised. She also explained other minor modifications were made. She stated if revised, the new Bylaws would be posted publicly on the CCPH Website, and changes regarding the meeting dates and/or times would be posted in the lobby of Permit Central, on the CCPH website, and also put on the county calendar.

Mr. Brown made a motion to adopt Resolution 07-23 Revising Bylaws of the Clermont County Board of Health. Dr. Khan seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Mr. Crum, aye; motion carried. (Attachment #9)

Approval of Regular Meeting Date and Time – Ms. Nesbit indicated the Board had previously discussed changing the time of the monthly Board of Health meeting to 3:30 p.m. on the second Wednesday of every month. Since they passed Resolution 07-23 revising the Bylaws to allow this change, they are now in a position to do so.

Mr. Brown made a motion to approve holding the monthly Board of Health meetings at 3:30 p.m. on the second Wednesday of every month. Dr. Khan seconded the motion. The vote was all ayes, motion carried.

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 the results of the most recent inspection at the facility. Haydar David, Michael's father and the owner of Buffalo Wings & Rings, was also present, along with Julia Carney from the Civil Division of the Clermont County Prosecutor's Office.

The Board was provided a packet of information containing the following items: 1) A letter dated February 8, 2023 giving written notification of outstanding violations; 2) An email to Shelby Simmons dated March 6, 2023 from Michael David with photographs taken after the re-inspection on March 6, 2023; 3) A list of violations and corrected actions provided by Michael David; 4) A statement from Michael David indicating the facility has retained a consultant to help address issues with roaches and pests; and 5) A copy of the Food Inspection Report from March 6, 2023. (Attachment #10)

On February 8, 2023, Michael David, the Buffalo Wings and Rings operator, was given a written notification outlining outstanding violations which needed corrected by March 5, 2023. Shelby Simmons, Environmental Health Specialist, and Brian Williams, Director of Environmental Health, performed a re-inspection of the facility on March 6, 2023 between 10:30 a.m.-10:45 a.m. and again found outstanding violations.

Mr. Crum asked Ms. Simmons and Mr. Williamson how long they had been inspecting food facilities. Ms. Simmons stated she had been inspecting food facilities for nearly four years, and Mr. Williams stated he had been with Clermont County Public Health for just over one year.

Mr. Crum asked Ms. Simmons if it was her opinion the violations involving Buffalo Wings & Rings were a habitual pattern. Ms. Simmons confirmed this was her opinion.

Dr. Khan noted in comparing the list of corrected violations provided by Michael David and the March 6, 2023 Food Inspection Report, many items did not correlate. Mr. Williamson agreed there was a difference between what Mr. David listed as corrected and what he and Ms. Simmons observed.

Mr. Meadors asked why the violations could not be corrected. In response, Mr. Woliver stated there was only one critical violation involving one mouse dropping, which was not evidence of an active mouse infestation.

Michael David stated the mouse feces was found in a back storage room in a box and acknowledged there had been past problems with mice in the storage room. He also stated mouse traps had been set in the room for the past four to six weeks, and no mice had been caught.

Mr. Crum asked how the Board can be confident this ongoing pattern of violations spanning 19-21 years can be fixed. Mr. Woliver replied the current inspection report does not justify punitive action. Regarding the future, the Davids are working on correcting the violations in an "ongoing way" by bringing in a consultant to discuss pest control chemicals and give expert insight regarding pests. He also offered to provide a report to the Board from the consultant. Mr. Woliver stated some of the non-critical violations were immediately corrected, but the walls need to be sealed and painted.

Michael David provided a hand-written list of bullet points provided to him by his consultant, Wade Grabowski, regarding pest management techniques and indicated an exterminator had treated the facility on March 6, 2023. (Attachment #11)

Ms. Nesbit stated she had spoken with Mr. Grabowski, who stated although he did review two service tickets for pest control with Mr. David, he did not have an agreement to be a consultant for Mr. David, and he was not receiving any compensation for consulting service. He also stated he did not have a degree in Entomology from Purdue University, as indicated by Mr. David, and he would not be continuing to discuss any matters involving pest control with Mr. David.

Mr. Crum asked Michael David if he had ever received a clean inspection at the facility. Mr. David indicated he had never received a clean inspection. However, he now has hired a cleaning crew in addition to his employees, who have scrubbed and scraped the floor tiles. He has also increased cleaning and pest control.

When asked about the problems with the inspection on March 6, 2023, Michael David stated besides the one mouse dropping in the bottom of a box, there was cheese on the floor, which had fallen behind a shelving unit.

Dr. Khan asked Mr. Williamson to describe the amount of mouse feces found in the most recent inspection. Mr. Williamson stated a low amount of mouse feces was found in the dry storage room. He also stated there was bait missing from the pest control container placed in the room.

Dr. Khan asked Mr. Williamson, based on typical inspections, on average, how frequently roaches are found at food facilities and if any roaches were observed at the most recent inspection of Michael David's facility. Mr. Williamson stated during typical inspections, roaches are found maybe 1 in 100 times, and during the most recent inspection, no roaches were found at Mr. David's facility.

After a discussion was held regarding the options available to the Board regarding the continued outstanding violations, Mr. Meadors made a motion to issue notice to both Michael and Haydar David and Wings Bar and Grill advising them the Board would meet on April 12, 2023 at 3:30 p.m. to

consider an action to suspend or revoke the food service operation license of the facility, and advising the Davids they have the option to request a hearing which would be held on April 12, 2023. Mr. Brown seconded the motion. The vote was all ayes; motion carried. Notice was provided to the Davids and Mr. Woliver at the March 8, 2023 meeting. (Attachment #12)

The Board directed Mr. Williamson to perform a full standard inspection between March 8, 2023 and April 12, 2023. Mr. Crum asked Michael David how soon he would be ready for a full inspection. Mr. David responded he would be ready anytime.

Haydar David stated he had a meeting scheduled with a contractor regarding the walls in the kitchen and back areas and possibly painting the FRP (fiberglass reinforced plastic) board. He further indicated if the boards were loose or in bad condition, he would have them fixed, although he had no timeframe for any necessary repairs.

Adoption of a Resolution Abolishing COVID-19 Contact Tracer/Vaccinator and Contact Tracer Coordinator Positions From The Health District Table of Organization –Ms. Nesbit explained there is not sufficient work, based on the Ohio Department of Health Director's Journal Entry dated March 6, 2023 changing the reporting requirements of COVID-19, to maintain all COVID-19 Contact Tracer/Vaccinators and Contact Tracer Coordinator positions which were previously hired to assist with the COVID-19 public health emergency response. Ms. Nesbit further explained the current Health District Table of Organization has several vacant positions. The current chart reflects ten COVID-19 contact tracers/vaccinators, and she proposes abolishing nine of those positions. No employees would be laid off in this action. The current chart also reflects four COVID-19 contact tracer coordinator positions, and she proposed abolishing three of those positions. This action would result in the lay-off of one employee who currently only works weekends and evenings. The remaining contact tracer/vaccinator and the contact tracer coordinator positions plan to be phased out by the end of the year.

Mr. Brown made a motion to adopt Resolution 08-23 Abolishing COVID-19 Contact Tracer/Vaccinator and Contact Tracer Coordinator Positions From The Health District Table of Organization. Dr. Khan seconded the motion. The vote upon roll was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Mr. Crum, aye; motion carried. (Attachment #13)

Approval of Revisions to Personnel Policy Section 05.02 Vacation – Ms. Nesbit explained in an attempt to recruit qualified candidates for open positions, staff and supervisors have suggested allowing new staff to have vacation time after 90 days instead of 180 days. This policy change will not change the 180-day probationary period but will enable new employees to access a limited amount of leave time sooner. Staff felt 180 days is a long time to go with no vacation or personal leave. Currently, if requested time off is not related to illness or death of a family member, probationary employees have to take leave without pay. They often want time to attend events for kids or their families. Ms. Nesbit recommended approval of the updated policy.

Dr. Khan made a motion to approve revisions to Personnel Policy Section 05.02 Vacation. Mr. Brown seconded the motion. The vote was all ayes, motion carried. (Attachment #14)

Approval of Revisions to Personnel Policy Section 05.08 Personal Leave – Ms. Nesbit indicated the same circumstances referenced in the revisions of the Personnel Policy Section 05.02 Vacation would apply to the one personal day provided to full-time employees in the policy, in that it would

be available at 90 days, but the 180 probationary period would remain. She recommended approval of the updated policy.

Dr. Khan made a motion to approve revisions to Personnel Policy Section 05.08 Personal Leave. Mr. Brown seconded the motion. The vote was all ayes, motion carried. (Attachment #15)

Approval of Four-Day (10 Hr./Day) Workweek – Ms. Nesbit explained the four-day (10 hour/day) workweek was a direct suggestion from staff which has been worked on for several months by the Personnel Policy Committee. It has also been revised by leadership and legal counsel. Many other health departments are operating under this option. The staff was surveyed to ensure it was something most of them were interested in, and of the 43 staffers who took the survey, 65% favored a 4/10 option. Of the 35% who were not interested, 75% of those indicated they may be interested in the future if their situation changed. The overall office hours will not change to the public, except if the opportunity allows increased access to clinic hours. The policy is written that this is a privilege and can be taken away at any point. The effective date would be April 3, 2023.

Mr. Crum asked how the four day/10 hours per day actually looked for staff and if there would be any security issues with people arriving early and leaving late. Ms. Nesbit explained each division would meet to determine who is interested and work out coverage issues. Mr. Kelly indicated those choosing to work the ten-hour days would arrive at 7:30 a.m. and leave at 5:30 p.m., and some current employees arrive and leave at those hours now without any security issues. Ms. Nesbit further explained if the policy is causing a decrease in morale or creating animosity, it can be rescinded.

Mr. Brown made a motion to approve a Four-Day (10 Hr./Day) Workweek. Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #16)

Approval and Payment of Bills - Ms. Nesbit presented the Health District's bills for consideration. Following the Board's review and discussion, Mr. Meadors made a motion to pay the bills as presented. Mr. Brown seconded the motion. The vote was all ayes, motion carried. (Attachment #17)

Adoption of a Resolution Declaring Properties Public Health Nuisances - Ms. Nesbit presented the addresses of five properties to be considered public health nuisances as stated in Attachments A and B of Resolution 09-23 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 09-23, to declare the properties listed on Attachments A and B 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; Mr. Crum, aye; motion carried. (Attachment #18)

BOARD OF HEALTH EDUCATION:

Clear Impact Performance Management System – At 7:58 p.m., Maalini Vijayan presented on the Clear Impact Performance Management System. This system is now used to replace the Vision, Mission, Services, Goals (VMSG) software. Ms. Vijayan explained the Public Health Accreditation Board requires public health departments to use a performance management system that links plans for implementation, data entry, and sharing. Prior to COVID-19, Clermont County Public Health used VMSG software, but overall, the system was hard to navigate. The Ohio Department of Health

transitioned to the Clear Impact Performance Management System shortly before the pandemic and offered free licenses. Ms. Vijayan shared the four active "scorecards" created through Clear Impact and used by Clermont County Public Health: CCPH Strategic Plan 2022-2025, CHIP 2021-2023, Quality Improvement Projects, and Program Metrics. Ms. Vijayan concluded her presentation at 9:00 p.m. (Attachment #19)

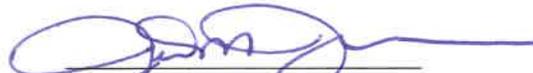
ADDITIONAL INFORMATION:

- 1) **Ohio Department of Agriculture Survey of Clermont County Public Health's Retail Food Establishment Programs** - Ms. Nesbit stated the report from the Ohio Department of Agriculture, which is responsible for surveying the Retail Food Establishment Program, was recently received. ODA conducted the survey during December 12-14, 2022 and January 6, 2023. The report indicates CCPH is performing satisfactorily and complying with the majority of the provisions of the Ohio Revised and Administrative Codes, and the program is classified as "approved." However, an action plan must be completed for one deficiency related to process and wording in an SOG. Tim Kelly and Brian Williamson are working on the report. Ms. Nesbit thanked the Environmental Health Division staff for their work in the program. (Attachment #20)
- 2) **District Advisory Council Meeting** - Ms. Nesbit reminded the Board the District Advisory Council (DAC) Meeting is on March 16, 2023, in the Engineer's Conference Room. The Township Association Meeting is at 6:30 p.m., and the DAC will start at 7:15 p.m. She encouraged all board members to attend the meeting. Clermont County Public Health will be providing dinner.

ADJOURNMENT:

Dr. Khan made a motion to adjourn the meeting at 9:12 p.m. Mr. Brown seconded the motion. The vote was all ayes; motion carried.



SECRETARY

RESPECTFULLY SUBMITTED