



## **Clermont County Public Health**

Prevent. Promote. Protect.

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

The Clermont County Board of Health held its monthly meeting on April 12, 2023. President Dr. 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 (arrived late)  
                                         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; 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 March 8, 2023** - Recommendation to approve the minutes from the March 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. Perry- 2702 Indian Summer Drive, Tate Township (18-V-22)
  - c. Colwell – 3016 Jackson Pike, Jackson Township (45-V-22)
  - d. Huber – 2070 Erion Rd., Batavia Township (2-V-23)
  - e. McCoy – 2435 Crane Schoolhouse Rd., Tate Township (9-V-23)
- 3. Approval to Appoint Tammi Guffey as a WIC Public Health Nurse** – Recommendation to appoint Tammi Guffey as a WIC Public Health Nurse contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet.
- 4. Accept Resignation of Kara Hoerth, Registered Dietitian** – Recommendation to accept the resignation of Kara Hoerth, Registered Dietitian, effective March 31, 2023.
- 5. Accept Resignation of Doug Disbennett, Environmental Health Specialist II** – Recommendation to accept the resignation of Doug Disbennett, Environmental Health Specialist II, effective April 21, 2023.

6. **Approval of Modification Agreement with Auditor of State Keith Faber and Charles E. Harris & Associates, Inc.** – Recommendation to approve a Modification Agreement with Auditor of State Keith Faber and Charles E. Harris & Associates, Inc. increasing the annual audit cost by \$2,640.00 due to an additional major fund requiring an audit.
7. **Approval of Ohio Environmental Protection Agency Mosquito Control Grant Agreement SFY 2023-2024** – Recommendation to approve the Ohio Environmental Protection Agency Mosquito Control Grant Agreement SFY 2023-2024.

Mr. Brown made a motion to approve consent agenda items #1 through #7. Mr. Meadors seconded the motion. The vote was all ayes, motion carried.

Dr. Khan arrived.

#### **NON-CONSENT AGENDA:**

##### **Variances:**

**Isolation Distance at 5537 Wolfpen Pleasant Hill Rd., Miami Township (11-V-23)** – Ms. Nesbit stated the owners, William A. Martin and Anna Laun, were requesting an isolation distance variance at 5537 Wolfpen Pleasant Hill Rd., Miami Township (11-V-23). The proposed pool construction does not meet the minimum required isolation distance of ten feet from the sewage treatment system, with the pool being located eight feet four inches away from the septic tank and four feet six inches away from the sand filter. In 2012, a code violation was issued regarding cutting and maintaining a four to six-foot wide path to the end of the discharge pipe to allow for system maintenance and not allowing trees or bushes to grow at the end of the discharge pipe. The violation was corrected by the next inspection. The system passed its routine inspection in December 2012. The staff recommended approval of the variance.

The homeowner, Mr. Martin, was present at the meeting and indicated he moved into the home in July and has downsized the pool plan.

Mr. Crum asked if any equipment would be placed on the sand filter. Mr. Martin indicated all equipment would be near the home and not on the sand filter.

Mr. Crum made a motion to approve the request to grant an isolation distance variance at 5537 Wolfpen Pleasant Hill Rd., Miami Township (11-V-23). Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #2)

**Isolation Distance at 5106 Tecumseh Lane, Jackson Township (12-V-23)** – Ms. Nesbit stated the owner, Joseph Ferguson, was requesting an isolation distance variance at 5106 Tecumseh Lane, Jackson Township (12-V-23). The septic system effluent line is within the area designated for the proposed road leading to a barn construction project. The pipe is 20 inches below ground. A chlorinator is near the proposed road. Staff recommended approval contingent upon removing the chlorinator and encasing the effluent line where the road to the barn crosses the line.

The homeowner, Mr. Ferguson, was present at the meeting and indicated he was in a rush to complete the project. He also indicated his neighbor worked for Midwest Plumbing and was scheduled to come to his home to perform the requested work on April 17, 2023.

Mr. Crum made a motion to approve the request to grant an isolation distance variance at 5103 Tecumseh Lane, Jackson Township (12-V-23), with the condition the chlorinator be removed and the

effluent line be encased to prevent future damage. Mr. Brown seconded the motion. The vote was all ayes, motion carried. (Attachment #3)

**Reorganization of the Board-** Dr. Rickabaugh relinquished the Chair to Ms. Nesbit. Ms. Nesbit asked for nominations for the President of the Board of Health position. Mr. Brown made a motion to nominate Dr. Rickabaugh to the position of President of the Board of Health. The motion was seconded by Mr. Crum. The vote was all ayes; Dr. Rickabaugh was elected to the position of President of the Board of Health.

Ms. Nesbit returned the Chair to Dr. Rickabaugh. Dr. Rickabaugh asked for nominations for Vice President of the Board of Health. Mr. Brown made a motion to nominate Mr. Crum as Vice President of the Board of Health. The motion was seconded by Dr. Khan. The vote was all ayes; Mr. Crum was elected Vice President of the Board of Health.

**PUBLIC COMMENT:**

No members of the public were present to offer comments.

**Hearing to Suspend or Revoke the Food Service Operation License of Wings Bar and Grill, 2235 Bauer Rd., Batavia, OH 45103** – At 3:42 p.m., Ms. Nesbit called to order the hearing to suspend or revoke the food service operation license of Wings Bar and Grill, 2235 Bauer Rd., Batavia, OH 45103. She indicated the Health District was represented by Clermont County Assistant Prosecutor Julia Carney, and Wings Bar and Grill was represented by John Woliver. Ms. Nesbit went on to outline how the presentation of testimony and opportunities for questions would proceed during the hearing.

Julia Carney, Clermont County Assistant Prosecuting Attorney, then swore in all witnesses who would be giving testimony.

Ms. Carney introduced herself and stated the hearing was being held pursuant to Section 3717.49 of the Ohio Revised Code, and appropriate notice of the hearing was given on March 8, 2023, personally delivered at a previous Board of Health meeting. She indicated the hearing was for the Board of Health to decide if this facility's food service operation license should be revoked or suspended or if no action would be taken.

Ms. Carney entered Exhibit A into the record, which listed the types of inspections, dates of inspections, and violations found since January 2020. The document's front page included a summary, and the following pages included inspection reports outlining critical and noncritical violations from each visit. (Attachment #4)

She then called Brian Williamson to give testimony. Mr. Williamson stated he is a Registered Environmental Health Specialist and is currently the Director of Environmental Health for Clermont County Public Health. He explained his role includes supervising the food program. He has been inspecting food service operations for approximately 20 years. Ms. Carney asked Mr. Williamson to summarize the inspections and violations found at Wings Bar and Grill from January 2020 to the present, focusing on the most recent ones. Mr. Williamson indicated the history included multiple follow-up inspections due to critical violations or seeking corrective actions on the written violations. These were predominantly pest control issues and have been the major concern of the facility. He also noted sanitation and cleanliness issues over time at the facility; some due to observed build-up or things seen in the facility, others possibly due to maintenance issues. When asked if it was typical to have the number of inspections and violations at a food facility, Mr. Williamson replied it was not typical for a food facility to have administrative meetings and be brought before the Board of Health

when there has been a lack of compliance achieved. When asked how many times a year a typical restaurant is inspected, Mr. Williamson replied a Risk Level IV facility in good compliance is required to be visited twice per year, and during those two visits, four inspections are conducted – two standard and two critical control point inspections. When asked how this compared with inspections at Wings Bar and Grill, Mr. Williamson stated Wings Bar and Grill has had multiple follow-up inspections, where they worked on health promotion, education, and corrective action for the violations.

Mr. Woliver then asked Mr. Williamson if he had been the inspector for the last one and one-half years at Wings Bar and Grill. Mr. Williamson stated the inspections for this restaurant were assigned to and conducted by Environmental Health Specialist Shelby Simmons. Mr. Williamson confirmed his presence at the most recent three or four inspections. Mr. Williamson then agreed with Mr. Woliver, who noted pest control was one of the biggest concerns with the facility. Mr. Woliver asked Mr. Williamson to confirm that he was aware of changes in the level of pest control treatment or procedures for pest control at the facility within the last few months. Mr. Williamson acknowledged invoices had been provided. Mr. Woliver asked Mr. Williamson to confirm that the amount of treatment has been increased to once per week. Mr. Williamson stated he did not recall the frequency but acknowledged the frequency had been increased. Mr. Woliver noted, and Mr. Williamson agreed, some of the critical violations dating back to 2022 cited pest infestation and cockroach evidence. Mr. Woliver noted since that time, by looking at the last few reports, this has not been a problem. Mr. Williamson stated in the last standard inspection there was evidence of mice droppings. Mr. Woliver clarified he was only referencing cockroach or insect infestation not being a problem. Mr. Williamson stated there were dead roaches observed but no live roaches. Referencing the last couple of inspections, Mr. Woliver noted no observations of dead roaches. Mr. Williamson stated one dead roach was observed in the rear area by the mop sink on the March 25<sup>th</sup> standard inspection. To orient everyone, Mr. Woliver stated this area was past the kitchen and to the left in a cleaning supply area. Mr. Williamson stated it was very close to the ice machine in an open hallway with no door or other barrier. When asked by Mr. Woliver, Mr. Williamson confirmed mouse droppings were found on the last inspection and in the March inspection. When asked if he observed mouse traps, Mr. Williamson stated he observed one glue trap on the floor at the door to the dry storage room. Mr. Williamson confirmed he did not see any mice in the trap. Mr. Woliver then asked Mr. Williamson if he had spoken with Mr. David regarding activity in the traps. Mr. Williamson indicated that at-length discussions had been held with Mr. David regarding pest control and other things which could be done to correct the problems. Mr. Woliver then noted there seemed to be an increase in treatment for insects, and Mr. Williamson confirmed this is what the inspectors had been told. Mr. Williamson confirmed the mouse droppings were found in the cleaning supply area. Mr. Woliver asked Mr. Williamson if an indicator of a mouse infestation would be if the traps were catching any mice. Mr. Williamson agreed this would be one indicator. Mr. Woliver asked if another indication would be evidence of nesting by mice and asked how they like to nest. Mr. Williamson agreed nesting would be another indicator and stated mice like to pull materials and take them back to their nesting areas. Mr. Woliver asked if these materials would be paper products or cloth and if any evidence of nesting was found. Mr. Williamson confirmed when the mouse droppings were found on the storage room's top shelf, there were toilet paper rolls which appeared to be chewed. Mr. Woliver asked Mr. Williamson if he found any evidence of infestation in the last inspection when the mouse droppings were found in the cleaning room. Mr. Williamson replied he did not remember seeing torn toilet paper rolls, but he did see mouse droppings. Mr. Woliver asked if mouse droppings can be present through various other ways. Mr. Williamson confirmed that mouse droppings could be carried into a facility and could be carried through deliveries and supplies. Mr. Williamson agreed with Mr. Woliver that if there was no evidence of an infestation, this could be another way mouse droppings could appear. Mr. Woliver asked if all the other violations were corrected by the April 3<sup>rd</sup> follow-up.

Mr. Williamson indicated this was correct, except for the cleaning violations involving the mouse droppings not being cleaned up. Mr. Woliver asked if one event could cause more than one violation. Mr. Williamson confirmed this and stated the food code has multiple examples where cleaning and sanitizing are required. Mr. Woliver asked if the one violation involving the removal of the mouse droppings could be immediately corrected. Mr. Williamson agreed the violation could be corrected; however, the mouse droppings were not removed while the inspectors were present. Mr. Williamson stated pictures are often sent back to the inspectors after they leave. Mr. Woliver asked Mr. Williamson if the two violations, one critical and one noncritical, were for the same issue. Mr. Williamson confirmed this was the case. Mr. Woliver then cited the report, saying the one violation indicated new mouse droppings were observed on shelves in the back storage room and along the wall. The second violation was basically the same under sanitation. He then asked if the second violation had been corrected. Mr. Williamson indicated he did not recall what the actual inspection stated, but upon review, he indicated the first violation was not checked for corrective action. The second violation said an employee was instructed to clean the area at the time of the inspection, but the inspectors did not observe the mouse droppings being cleaned up. The inspector checked the corrective action box for the violation and gave credit because an employee was instructed to clean up the mouse droppings. Mr. Woliver then reiterated that the same event caused the two violations, one of which was corrected under the regulations, and the other could not be corrected on-site at that time. Mr. Williamson clarified the initial violation was due to evidence of pests being observed, and the second violation addressed cleaning up the droppings. Mr. Woliver asked Mr. Williamson if it was his opinion that there had been a good-faith effort to try to correct the problems through evidence of increased pest control and other activity such as cleaning the walls. Mr. Williamson stated the last follow-up inspection was announced, and there was still evidence of pest activity and mouse droppings in places where they were not previously observed. As a sanitarian or environmental health specialist, he is concerned. Mr. Woliver noted, and Mr. Williamson agreed, in the recent past, there were concerns about the condition of the walls. He also noted, and Mr. Williamson agreed, there were concerns about the condition of the floor and things of that nature. Mr. Williamson agreed with Mr. Woliver that these particular issues were corrected. Mr. Woliver again asked Mr. Williamson if he had noted efforts to correct these problems. Mr. Williamson confirmed he has noted these efforts have been made. Mr. Woliver asked, with respect to the main concern of the mice and pest problems, if Mr. Williamson was aware of the increased treatment efforts. Mr. Williamson agreed they have been told and have seen records to verify increased efforts to control pest activity, specifically, paperwork documenting these efforts.

Mr. Crum asked Mr. Williamson to explain what would be a common factor or causation when there is a pest issue in a restaurant. Mr. Williamson stated pests generally need food, water, and shelter, and in restaurants, pests often feed on unclean situations such as food debris or build-up in and around equipment. In this facility, one of the concerns over time is there have been sanitation issues which were thought to be possibly affecting the roach activity, now mice, and even possibly drain flies moving forward. Mr. Crum then asked Mr. Williamson if a facility is noted as having pests in the past, and corrective action has been taken, would a pattern or a problem typically continue. Mr. Williamson replied at times, facilities may have flare-ups, but you usually see fairly quick corrective action when professional pest control is involved. Mr. Williamson explained that using a pest control contractor does not mean a violation will never exist. Still, most pest control contractors use integrated pest management to target the things which could allow that to happen. They minimize opportunities for it to be there. Mr. Crum asked Mr. Williamson if the issues are minimized in cases where corrective action has been taken regarding pest issues and the cleanliness has been maintained. Mr. Williamson stated this is usually the case, and professional pest control and some sanitation measures are usually taken for a severe pest infestation.

Mr. Crum asked Mr. Williamson if toilet tissue was noted to be chewed up during a recent standard inspection. Mr. Williamson explained there were toilet paper rolls placed on menus or advertising papers on the wire rack in the rear storage room. There were mouse droppings and evidence of urine with the droppings on the papers, and there was also evidence of what appeared to be torn and chewed-up toilet paper rolls. Mr. Williamson confirmed the toilet paper rolls were out of the box. Mr. Crum asked if it was safe to say they were not delivered that way and the mouse droppings were not delivered with the toilet paper rolls. Mr. Williamson explained the only way he could see the rolls being damaged would be if they were put on the shelf after they were already damaged.

Mr. Crum asked if it was common for this facility or other facilities of the same risk level to see a pattern of long periods with follow-up inspections with the violations eventually getting corrected, but as soon as there is another standard inspection, there are multiple critical violations. Mr. Williamson indicated it was not common for the food facilities to have this happen. He explained that there are facilities which do have problematic periods, but they are usually responsive to follow-up inspections, administrative hearings, or other actions that the health department can take.

Dr. Khan then asked Mr. Williamson, in his opinion, if a restaurant came into compliance after having a pest problem with roaches and mice, how quickly would one notice complete cessation of mouse droppings and roaches after the issue is addressed? Mr. Williamson indicated for most infestations, a drastic change is seen within the initial time period between the standard inspection and the follow-up, which may be one to two weeks, depending on the situation. Mr. Williamson stated control or correction of the infestation is usually achieved quickly. Dr. Khan then how frequent dead roaches or mouse droppings are found in a substantially compliant restaurant that runs a tight ship. Mr. Williamson stated he estimates it is about five to ten percent of the time they have comments on an issue or see something similar to this. It is usually then handled within the time between the standard and follow-up inspection. Dr. Khan asked if pests would be a problem in a restaurant with cleanliness issues if a pest control company that treats with the maximum amount of chemicals and traps is utilized or if the pest control treatment would solve the problem, despite the issues with cleanliness. Mr. Williamson stated that it is possible in that particular incident that pests may still be seen, but most pest control contractors use integrated pest management to look at the whole situation and not just apply chemicals or treatments. Mr. Williamson added some pest control companies do document guidance or recommendations to the operators when performing inspections. However, in the Wings Bar and Grill situation, when you look at the paperwork of the pest control company, it reflects no pest activity and/or no recommendations given regarding sanitation.

Dr. Khan then asked if it was possible that pest control would never be needed in a pristinely clean restaurant. Mr. Williamson stated that it is possible, but facilities are still recommended to have a monthly pest control service. The service may entail a visual inspection or walk-through of the facility, and there may be no product application. The companies may also recommend things such as traps to verify that there is no pest activity. Dr. Khan asked if this was a common practice. Mr. Williamson stated each pest control company has its own procedures, but usually, there is evidence in the paperwork of how they are doing their walk-throughs and monitoring and following back up to show the customer that they are doing a service and verifying that these things are being done and not just applying chemicals unnecessarily. Dr. Khan asked if it was common not to need those measures. Mr. Williamson stated he believes most commercial facilities are doing some type of maintenance treatment for roaches, but maybe not necessarily mice.

Mr. Meadors asked Mr. Williamson if the Wings Bar and Grill building was connected directly to any other restaurants. Mr. Williamson indicated the restaurant was located in a strip mall facility with

other businesses attached. Mr. Meadors asked if there was any evidence of infestation in the other businesses. Mr. Williamson indicated there were none that he was aware of.

Mr. Woliver then proceeded with follow-up questions for Mr. Williamson. Mr. Woliver asked if the other non-restaurants in the strip mall are inspected. Mr. Williamson stated there was one restaurant that is inspected, and complaints have not been received on the other facilities that are not inspected. Mr. Woliver addressed the other businesses in the strip mall where Mr. Williamson stated no pest activity was found and asked if they were inspected. Mr. Williamson stated they were not licensed and not inspected. Mr. Woliver asked if Mr. Williamson would know what exactly is happening regarding pest issues in the other businesses. Mr. Williamson stated that it is possible but could say complaints have not been received.

Mr. Woliver then addressed the questions about pest control services and the reports from the pest control service handling Wings Bar and Grill. He asked Mr. Williamson if he felt their pest control company was doing an appropriate job or if there were defects. Mr. Williamson explained one of his questions was why there were no statements about the facility's sanitation and cleanliness, and the reports indicated no pest activity while the inspectors were seeing pest activity. Mr. Woliver asked Mr. Williamson if he had any reason to disbelieve the reports. Mr. Williamson stated it was simply a question he had and could only verify the documents were indeed pest control invoices. Mr. Woliver then asked Mr. Williamson if he had recently seen the same level of insect infestation that was seen in the past. Mr. Williamson stated at the moment, the level of activity, other than the mouse droppings, which are new since December, the roach activity has declined, but mouse activity is now being seen with the change of seasons, and drain flies were probably going to be a new concern. Mr. Woliver asked if drain flies were spring and summer problems. Mr. Williamson answered affirmatively. Mr. Woliver asked Mr. Williamson to clarify for the Board if he had concerns about the pest control company used by Wings Bar and Grill. Mr. Williamson stated his concerns involve still seeing rodent or pest activity. Mr. Woliver asked if the levels of activity were different. Mr. Williamson agreed the levels are different but cannot say the facility is pest-free. Mr. Woliver asked if Mr. Williamson believes the pest control company used by Wings Bar and Grill should be doing anything different. Mr. Williamson indicated he could not speak as to what he thinks the company should do, but he could look at the results when standard and complaint inspections are performed. Mr. Woliver asked Mr. Williamson if he agreed the pest infestation levels were much improved based on this year. Mr. Williamson agreed the levels have improved since January.

Mr. Crum asked Mr. Williamson if it was common for the same pest control company to always be used. Mr. Williamson stated there are many pest control companies. Mr. Crum asked if the ones who eradicate the issue quickly typically provide procedures on their documentation that need to be taking place to help facilitate the eradication of the pests. Mr. Williamson stated pest control companies usually make additional guidance and recommendations when they follow integrated pest management. Mr. Crum asked if the company used by Wings Bar and Grill provided documentation on any of the invoices seen by Mr. Williamson for recommendations moving forward that would fall in line with the recommendations made by the sanitarians. Mr. Williamson indicated he could not recall seeing any documentation to that effect.

Mr. Woliver was then given the opportunity to present evidence on behalf of Wings Bar and Grill. Mr. Woliver called Michael David to testify, who identified himself as the vice president of Wings Bar and Grill. Mr. Woliver asked Mr. David to explain his responsibilities. Mr. David indicated he was responsible for scheduling the store, staffing the store, daily food operation, ordering beverages and food, being involved with health department inspections, advertising, and marketing. Mr. Woliver asked Mr. David about his involvement in the last few health department inspections and his efforts

to address what was found in the inspections concerning cleanliness and sanitation. He was also asked to describe his response in dealing with sanitation issues since the beginning of the year. Mr. David responded regarding sanitation only that in the past three to four months, he has had Jani-King, a professional cleaning company, come out once per week on Monday nights. He has also brought a crew of two of his employees to come in on Tuesday evenings to clean the floors behind equipment, the sides of all equipment, equipment in general, front-of-house, and to move everything. He also stated he has implemented new daily, weekly, and monthly cleaning lists, which have been provided to the Board and Shelby Simmons (Registered Environmental Health Specialist with Clermont County Public Health). Mr. Woliver asked Mr. David if he has switched out his equipment, pans, or containers. Mr. David responded that all containers are brand new within the last three months, the deep fryers are brand new within the last six months, the ice machine is brand new within the last two months, the wire racks in the storage area or walk-in closet are either all new or have been pressure washed within the last six to eight months because they were asked to be switched out during prior inspections. The stainless steel food prep tables, one for the grill and one for the food prep area, are brand new within the last year. He also stated a food prep table similar to a reach-in cooler is brand new within the last year, and a white chest-type freezer is brand new within the last six months. Mr. Woliver asked Mr. David if it would be correct to say that many of these changes resulted from Shelby's recommendations. Mr. David stated affirmatively saying that Shelby saw the issue, and they purchased new items if that was the best option at the time to start fresh.

Mr. Woliver then addressed the issue of the walls in the back being an area of concern this year and asked Mr. David to describe the problem and what he has done to fix it. Mr. David stated the walls were constructed of old FRP boards and had a lot of build-up. He stated they tried to use a degreaser and scrub them to get them back to a normal state, but there was too much build-up, so a contractor was hired in mid-to-early March who cleaned and painted all of the walls and then replaced some of the FRP boards and some floor tiles that were damaged. Mr. David indicated the walls had been taken care of and shown to Brian and/or Shelby during one of their last inspections.

Mr. Woliver then addressed pest control with Mr. David focusing on the last three and one-half months. He asked Mr. David if he had done things differently to address pest control. Prior to the last three months, Mr. David indicated All Gone pest control company performed an every other-week visit and is now coming weekly for the initial cockroach issue. There was a large fumigation at the end of February which seemed to control the problem, with only one dead cockroach observed in the last several inspections. They are still coming in once a week, and they were informed about mouse droppings in the back approximately two months ago. They treat the mice with glue traps and ensure the dry storage area is clean. Mr. Woliver asked Mr. David if he had specific discussions with All Gone regarding the cockroaches and asked them to give recommendations. Mr. David indicated as far as documentation is concerned, All Gone provided Wings Bar and Grill with a pest control plan, which was sent to Shelby. Mr. David indicated he speaks with Brian Hendricks, the technician, every morning about such things as water build-up in certain spots, using specific types of containers, or making sure the trash cans have particular types of lids. He further indicated these were recommendations from Mr. Hendricks. Mr. Woliver asked if Mr. Hendricks provided education on potential spots where cockroaches reside. Mr. David replied he had provided education about potential spots, including those where there is food, water, grease, and warm areas. He indicated when All Gone did the fumigation, one of the large areas where they would congregate was above a refrigerator or walk-in cooler with a compressor. Mr. Woliver asked if this area was above the ceiling. Mr. David indicated the area was above the ceiling, consisting of ceiling tiles that can be moved out and spray applied. Mr. Woliver asked if a change has been noted, to which Mr. David replied there has been a huge change for the better.

Mr. Woliver then addressed the mouse droppings and traps. Mr. David indicated All Gone has put out glue traps concentrating on the dry storage area on the ground and placed a couple of traps higher up. When asked if any mice have been caught, Mr. David stated no mice have been caught. He stated All Gone comes out and checks the traps and the room for nesting. Mr. Woliver asked Mr. David if he noticed any nesting. Mr. David said he had not noticed any nesting other than the evidence found during the March inspection where paper towels or toilet paper rolls were torn up, and they were immediately thrown away. He stated the paper products being referenced were out of the box and moved to the wire rack, so the torn areas could have been caused by the activity or by being moved around the room multiple times. Since then, the remaining towels have been in the same spot, and no activity has been noticed. Mr. Woliver asked Mr. David to describe where the last mouse droppings were found. Mr. David stated that upon reviewing the photograph, a couple of droppings were found on a shelf approximately four to six feet high. He asked if deliveries were brought into the location in boxes. Mr. David stated almost every paper product is delivered in a box and set on the shelves on Tuesdays, Thursdays, and Fridays.

Mr. Woliver asked, in terms of seeking additional help to address the problems, if Mr. David was prepared to hire an expert to come in to help. Mr. David indicated he was prepared to do so, was committed 110% to doing so, and brought in a witness to the hearing regarding this matter.

Julia Carney then asked Mr. David how long he has been in charge of operations at Wings Bar and Grill. Mr. David stated he had been in charge for eight years. Ms. Carney then asked him if he had been aware of the ongoing problems for numerous years. Mr. David then rephrased his answer to state that he started working in the restaurant eight years ago and has been in charge for maybe five to six years. Mr. David confirmed he has been in charge of operations for the past three years. She then asked him if he was aware of the inspections going back to 2020, where there were critical violations regarding pests and sanitation. He stated he was unsure of the timeline, but he was aware. Ms. Carney asked him to explain why no action was taken two or three years ago to address the issues. Mr. David stated he disagreed that no action was taken. He explained that this period was around when they started using All Gone twice a month instead of monthly. He stated he also worked with Shelby during that time, and he underwent educational training and obtained Level II certification. He also started his cleaning lists at that time. He indicated at that time he did not have much of that stuff ready to go, but working with Shelby over the 18-month to two-year period and after two meetings with Shelby and Tim Kelly, it started to ramp up significantly prior to what it was. Ms. Carney asked Mr. David to explain why multiple violations were found each time a standard inspection was done. Mr. David and Mr. Woliver asked Ms. Carney to be more specific about the violations. Ms. Carney stated it typically involved maintenance and operations, including pest issues. Ms. Carney also stated Mr. David indicated he had taken additional actions to increase the number of pest control treatments and the grease build-up on the tile and floors and asked why these particular issues were not previously addressed. Mr. David stated regarding the maintenance issues, the facility is old, with the business being opened in 1996. He further indicated the building was built before then. The maintenance issues were things they worked on over time with Shelby, such as replacing ceiling and floor tiles and re-sealing parts of the floor to make sure there was no water leaking anywhere. He stated that although he cannot remember all of the violations from that time, he does remember many of the issues being fixed, such as replacing floorboards, painting walls, and replacing some of the lights in the ceiling to become more satisfactory to what Shelby expected. He further stated the building was an old building, and they had a long way to go with things they found, such as grout on the floors and cracked floor tiles and replacing all of them and using Shelby's guidance to tell them what they needed to do to get the facility to where it is today. As far as sanitation is concerned, Mr. David stated what they thought they were doing as far as cleanliness did not line up with what Shelby thought was the code or what would put them in compliance. They addressed this

with cleaning lists, and a company, Jani-King, was brought in this year on a yearly contract to help reach the compliance number to appease the health department. He also confirmed all cleaning lists with Shelby as well as the opening and closing lists and attempted to get their level of cleaning to the same level as expected by Shelby. Regarding pest control, Mr. David stated they continued to see a problem with cockroaches and then began working more directly with All Gone to increase the facility services to weekly. Ms. Carney asked Mr. David if he agreed it was his responsibility as the operator to know the food service operation requirements and not rely on the health department to come out and teach him. Mr. David agreed this was his responsibility.

Mr. Crum then asked Mr. David if his follow-up inspections were noted to have a specific time and date and if the standard inspections were surprise inspections. Mr. David confirmed this was the case, but there have been times when Shelby has contacted him to ensure he would be at the restaurant before a standard inspection. Mr. Crum then asked Mr. David if he managed other restaurant operations. Mr. David said he managed the Poked Yolk in Batavia and had a 50/50 situation with Amelia's Wings Bar and Grill. Mr. Crum asked Mr. David how much of his time is split between the Bauer Road Wings restaurant, the Amelia location, and the Poked Yolk. Mr. David stated the Amelia Wings has the highest volume, and the staff there is the strongest, but with everything going on, his focus has been the Wings Bar and Grill in Batavia. He stated with the Poked Yolk and Wings Bar and Grill being located in the same strip mall, he usually splits his time 50/50, leaning toward the Wings location in Batavia because it is busier and open more hours. Mr. Crum asked Mr. David if he contributed the critical violations during the standard inspections to be due to the inspections being surprise inspections or if it was a situation wherein the staff had been unprepared or neglected the cleaning schedules provided to them. Mr. David stated it was a little of both. Mr. David agreed with Mr. Crum that it was fair to say spending more money to pay for extra sanitation or clean up and/or pest control is costly. Mr. Crum asked how the employees are being coached moving forward. Mr. David stated he thought they were at a good point within the last few months with employee and training logs, cleaning schedules being created, and stronger management personnel within the last one to two years. When asked how long those management people have been in place, Mr. David stated that it shuffles a lot, but currently, the longest and best manager has been on site for approximately eight months. Mr. Crum then reviewed the number of some of the past critical violations and asked Mr. David how moving forward, he could train or coach the management people and train the staff so the violations do not continue. Mr. David indicated his staff is aware of the current situation, and he shares the inspection reports if they ask for them. If there is a recurring issue, it is immediately marked and noted to be watched and checked on so both current and future staff are aware of the issue. Mr. Crum asked Mr. David how he educates the staff after an inspection. Mr. David stated they typically meet with the people present to discuss the issues and provide corrective measures. Mr. Crum asked if the staff at the Poked Yolk is also used at Wings Bar and Grill. Mr. David stated staff is shared only in emergencies. Regarding the challenges faced by Wings Bar and Grill, Mr. Crum asked what Mr. David thought the difference was between the Poked Yolk and Wings Bar and Grill since they are in the same strip mall. Mr. David stated he took over operational control of Wings Bar and Grill approximately four years ago. In contrast, the Poked Yolk is newer, and he had the opportunity to establish measures with the Poked Yolk from its inception with new staff, new equipment, and new training and had a fresh start. Whereas, with Wings Bar and Grill, many of the staff had been there for quite a while. He was a new person coming in, and it took a while to get some of the older faces out and redevelop with new people who have significantly improved with training, obtaining the new equipment, and becoming more compliant overall. He indicated the Poked Yolk was like a brand-new toy. In contrast, there were bad habits built-in with the Wings Bar and Grill that he is currently trying to overcome, including issues with maintenance, equipment, and procedural issues.

Dr. Rickabaugh asked Mr. David how many staff he has on a normal shift and the length of a normal shift. Mr. David indicated a normal shift for lunch is four to five employees, with five employees minimum for dinner, with six to seven employees for dinner on a busy day. Dr. Rickabaugh asked what the hours were. Mr. David stated the hours are 10:30 a.m. to 10:00 p.m. during the week and 10:30 a.m. to 11:00 p.m. on the weekends. Dr. Rickabaugh then asked about staff turnover. Mr. David stated turnover used to be high, but they are currently in a good spot, with the most recent back-of-house employee having been with Wings Bar and Grill for four to five months. He indicated there is more turnover with the servers. He stated the main people are the managers who have been present for almost one year. Dr. Rickabaugh asked if individuals have specific duties every shift they work. Mr. David indicated they have floaters who do whatever is necessary, but for the most part, people have specific duties.

Dr. Khan asked if there was an onboarding procedure. Mr. David indicated they now have comprehensive training manuals, which they began using less than a year ago, with some pieces being present before then. Dr. Khan asked what prompted them to start using these training manuals. Mr. David stated he was tired of having to be present at the restaurant "babysitting" every second of every day, and he needed to relinquish some control and trust people if he was ever going to be able to open other facilities. Dr. Khan asked if Mr. David ever asked himself why he had so many problems with Wings Bar and Grill and not at Poked Yolk. Mr. David indicated he has wondered why Wings Bar and Grill has problems with certain things or why they serve so many more customers. He related it to having a shiny new toy and keeping it new with the Poked Yolk, then having the older facility, Wings Bar and Grill, and being complacent with how things have been for many years, realizing he needed to make changes.

Mr. Crum clarified with Mr. David that the Amelia Wings restaurant is the busiest, with the Bauer Road location being second. Mr. Crum then asked about the difference in sales between the Amelia and the Bauer Road locations. Mr. David estimated Amelia Wings was serving approximately 150 more customers per week at \$15.00-\$17.00 per customer. Mr. David stated the Amelia location also served more alcohol, and the staff is a little older and a little stronger. Mr. Crum asked if Mr. David considered having the Amelia staff mentor the Bauer Road staff. Mr. David said it had been discussed, and he had a general manager who he wanted to run both locations, but she does not work for them anymore.

Mr. Woliver then had a few follow-up questions for Mr. David. He asked Mr. David if the restaurant business had more turnover than a regular business. Mr. David confirmed this statement. Mr. Woliver asked how Mr. David had addressed this. Mr. David stated the COVID era was the worst. To address it, they gave every employee a particular responsibility and streamlined it so the employee would know exactly what they were doing. They are also very flexible with hours. They also pay more than other competing restaurants. Mr. Woliver then asked if Mr. David was committed to upholding the standards the Board was asking of him. Mr. David stated he was willing to do anything they asked of him.

Mr. Woliver indicated he had one additional witness. Kevin Shoe then introduced himself. He indicated he attended chef school, worked for Sysco for 16 years, and now works for Performance Foods. Before working for Sysco, he was an executive chef at multiple restaurants, including having his own bed and breakfast in Carlisle, Kentucky and being the executive sous chef at the Cincinnati Hotel. He also was an executive chef at the Sharonville Convention Center and the executive chef at the Oasis in Loveland after the Brilyn Company purchased it. Mr. Shoe indicated he had worked as a chef for 20 years. Mr. Woliver asked if in his last two positions as a food supplier if he was present in restaurants. Mr. Shoe indicated he was in the kitchens every day, from high-level restaurants down

to fast food restaurants. Mr. Woliver then asked if Mr. Shoe dealt with Board of Health issues and general health, sanitation, and pest control issues as a chef. Mr. Shoe confirmed this was true. Mr. Woliver asked if Mr. Shoe was familiar with the restaurant in question, i.e., Wings Bar and Grill. Mr. Shoe stated he dealt with them for seven years when he was with Sysco but is no longer affiliated with them. He indicated they contacted him to give testimony regarding what he has seen in the past regarding their restaurant. When asked about his initial observations, Mr. Shoe stated he was somewhat scared by the cleanliness because of the age and the build-up around the deep fryers. He indicated he probably would not have eaten there in the beginning. However, what he has seen as recently as in the last two weeks, the strides being made with new floors, the cleanliness of the walls behind the fryers, and the lack of crumbs, have made an unbelievable improvement with the facility. It showed him they are spending time and money to correct problems he has seen. He stated pest problems are huge in the restaurant business and can come from several places, including coming in on supplies. He stated he saw a cockroach running up the wall in Wings Bar and Grill approximately two years ago, but he has also seen cockroaches in fine dining restaurants. He also stated he had seen gnats in many facilities where water is found. He stated he did look into the mouse problem at Wings Bar and Grill and spoke with Michael, giving him suggestions for corrective actions. He stated Michael was willing to take those corrective actions and is making maximum efforts. Mr. Woliver asked about the mouse droppings found in the cleaning room at Wings Bar and Grill and asked him what he did to address a possible infestation. Mr. Shoe indicated he looked around and looked for places mice could be attracted to, such as possible places for bedding and did not see any signs of infestation. He also looked for possible routes around the walls where the mice would be running, looking for food and water, and saw no evidence of infestation. Mr. Woliver asked Mr. Shoe how mouse droppings could have gotten into places like Wings Bar and Grill without mice living there. Mr. Shoe stated they can come in or on boxes which have been setting in dry storage areas or on equipment which has been setting in warehouses. Mr. Shoe indicated he has been out to Wings Bar and Grill three times so far and, with what he has seen so far, would take his family there to eat. He indicated there may be little things which can be done and older equipment which needs to be fixed, but other than that, he has no issues. Mr. Woliver asked Mr. Shoe if, as a chef, he has ever had critical and noncritical violations as determined by the health department. Mr. Shoe indicated he has and feels there is no possible way not to have these violations if you have been in the restaurant business because there are so many things that can be inspected. Mr. Woliver asked Mr. Shoe if, moving forward, he could be a consultant for Wings Bar and Grill. Mr. Shoe indicated this was something he could do to give an extra pair of eyes to this business. Mr. Woliver asked if there was also assistance to be given in systems regarding set-up, training, and operation and asked how critical this would be. Mr. Shoe stated he felt this was very critical, and training was huge. He felt Wings Bar and Grill was moving in the right direction, and he would like to help more.

Ms. Carney asked Mr. Shoe if he had any food safety certifications. Mr. Shoe stated he had gone through ServSafe when he was a chef but not lately. She then asked him if he was being paid to advise Wings Bar and Grill or to give testimony at the hearing. He stated he was not being paid. Ms. Carney asked Mr. Shoe, in his opinion, how being 25 years old made a restaurant "old." Mr. Shoe stated that older places tend to have older equipment that looks run-down and look dirtier than it actually is. He stated upkeep makes things look brand new again, and people tend to slow down on the maintenance. He went on to say that cleaning is a different issue and can be caused by many different things, such as experience of employees and/or cleaning schedules.

Mr. Crum asked Mr. Shoe what the timeframe was that he worked at the Oasis. Mr. Shoe indicated he was there from approximately 2000-2001. Mr. Crum asked Mr. Shoe how long he had worked for the Brilyn Company. Mr. Shoe stated he worked for the Brilyn Company for one year and then went to another company for seven years as a corporate chef, mainly catering to large companies. Mr. Crum

asked Mr. Shoe how long he was in the food service industry as a food service operator. Mr. Shoe indicated he was in the food service industry as a food service operator for 20 years, 16 of those years in sales, and he currently works for Performance Foods as a salesperson. Mr. Crum asked Mr. Shoe if Wings Bar and Grill was his customer. He indicated they were not customers for Performance Foods, but they were customers for Sysco, and they are not switching to Performance Foods. Based on his knowledge, Mr. Crum asked Mr. Shoe what the life cycle of a deep-fryer is. Mr. Shoe stated that five years is pushing the maximum life cycle in a wing restaurant, depending on the use. He stated buying a new deep-fryer was usually cheaper than fixing it. Mr. Crum asked Mr. Shoe if he knew how old the deep-fryer was at Wings Bar and Grill when it was replaced. Mr. Shoe stated he did not know. Mr. Crum asked Mr. Shoe if it was fair to say that most restaurants have deep-fryers, and if so, was the build-up as common on the deep-fryers in most restaurants he has been in? Mr. Shoe stated he believed most restaurants had deep fryers, and in restaurants that do 90% deep-frying, it is common, but he sees them typically replaced in five years.

Ms. Nesbit explained at this point in the hearing that the Board could go into deliberative session or choose to deliberate in open session. If the Board goes into deliberative session, all action must be taken once the Board comes out deliberative session.

At 5:12 p.m., Mr. Crum made a motion to go into deliberative session. Mr. Brown seconded the motion. The vote upon roll call was as follows: Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Mr. Crum, aye; Dr. Rickabaugh, aye. Motion carried.

At 6:14 p.m., Mr. Crum made a motion to return from deliberative session. Dr. Khan seconded the motion. The vote upon roll call was as follows: Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Mr. Crum, aye; Dr. Rickabaugh, aye. Motion carried.

Mr. Crum then made a motion to suspend the food service operation license of Wings Bar and Grill, 2235 Bauer Rd., Batavia, OH 45103. Mr. Crum then read the order titled "Clermont County Board of Health Order to Suspend the Food Service Operation License of Wings Bar and Grill, 2235 Bauer Road, Batavia, Ohio 45103 – April 12, 2023." Mr. Brown seconded the motion. (Attachment #5)

It was noted the Order was subsequently amended after being read to strike the word "revocation" and insert the word "suspension" in the last paragraph of the Order. No other amendments were requested or made.

Dr. Rickabaugh asked if there was any discussion regarding the motion.

Mr. Brown then explained that the Board concluded it would take 14 days to prepare for the reinspection.

Dr. Khan stated he believed the Board was not convinced there was no remaining pest problem.

Mr. Crum indicated he felt like a fresh start may be beneficial, with completely pulling everything out and doing a serious deep clean. He indicated when the Poked Yolk was discussed, everyone was excited about the newness of the restaurant and how it was appreciated and better cared for, and that attitude would be beneficial in this case for the employees to take it seriously and keep it clean.

The vote upon roll call was as follows: Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Mr. Crum, aye; Dr. Rickabaugh, aye. Motion carried.

Dr. Rickabaugh signed the Order, which was also signed by Haydar David, the facility's owner, and copies were hand-delivered to the Davids and Mr. Woliver.

For clarification purposes, Mr. Woliver asked if the food could all be removed within one day, and the pest control treatment could be quickly scheduled and performed, and if the restaurant owner/operator felt the restaurant was acceptable, could the reinspection occur sooner than 14 days? Mr. Brown stated the suspension was 14 days. Mr. Woliver confirmed the inspection would occur on April 26, 2023, and the owners would immediately be notified of the results. Mr. Crum indicated if there are critical violations, they must be corrected before a follow-up inspection. Mr. Woliver clarified if there were no critical violations, the restaurant could re-open on April 27, 2023. Mr. Crum confirmed this statement. Mr. Woliver asked, for the record, who took part in the deliberations. Ms. Carney confirmed she was present, along with Mr. Williamson, Ms. Nesbit, and the Board members.

Mr. Crum then stated he believed Michael David made a great point about the Poked Yolk, and instead of revoking, the Board thought it would be better to suspend and let him and his crew make it new again and make it nice to take pride where they work. He stated that testimony revealed that at the Poked Yolk there was a greater sense of taking care of the place because it looked new, and given the opportunity, hopefully, the people at Wings Bar and Grill will do the same thing.

Haydar David asked how the timeframe of 14 days was determined. Ms. Carney advised the question was not appropriate to ask the Board. Haydar David then asked why it was not appropriate to ask. Ms. Carney advised Mr. David it was part of their private deliberations.

Ms. Nesbit stated all information concerning the action to suspend or revoke the food service license issued to Wings Bar and Grill, located at 2235 Bauer Road, Batavia, Ohio 45103, had been heard. The hearing was closed at 6:26 p.m.

**Approval of 2023 Clermont County Public Health Workforce Development Plan** – Ms. Nesbit stated Tim Kelly recently updated the Clermont County Public Health Workforce Development Plan. This plan must be reviewed and updated every two years, but because of COVID, the plan update was delayed. The plan also needed to be updated to meet reaccreditation requirements. The plan defines the training and development of the staff and is one part of a comprehensive strategy toward agency quality improvement. It works to identify gaps in knowledge, skills, and abilities through the assessment of both organizational and individual needs and addressing those gaps through targeted training and development of core competencies.

Mr. Kelly explained to the Board that the Workforce Development Plan is one of the primary documents needed for reaccreditation, reiterating that it had not been updated since 2019. He further explained this document outlines the framework for training and workforce development with staff and is also used to fill knowledge gaps within the agency as a whole.

Mr. Brown made a motion to approve the 2023 Clermont County Public Health Workforce Development Plan. Dr. Khan seconded the motion. The vote was all ayes, Motion carried. (Attachment #6)

**Approval of Revisions to Personnel Policy Section 03.01 Employment Status** – Ms. Nesbit explained the need to add an intermittent classification and unclassified intern positions to the definitions in Personnel Policy Section 03.01 Employment Status. This revision will clarify internship

positions and allow the addition of the equivalent of a pro re nata (PRN) Nurse. The policy also clarifies intermittent employees and interns are not entitled to paid leave benefits.

Mr. Crum made a motion to approve revisions to Personnel Policy Section 03.01 Employment Status. Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #7)

**Approval of Revisions to Personnel Policy Section 08.03 Outside Employment** – Ms. Nesbit explained to the Board, due to the shrinking pool of qualified applicants, by adding a statement to the policy giving the Health Commissioner permission to approve outside employment for employees performing work where the services provided require permits, inspections, and approvals from the CCPH, will provide some flexibility to facilitate hiring qualified candidates while ensuring there is no conflict of interests.

Mr. Crum made a motion to approve revisions to Personnel Policy Section 08.03 Outside Employment. Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #8)

**Approval to Create an Intermittent Public Health Nurse 1 Position and Approval of Updated Organizational Chart** – Ms. Nesbit indicated as a part of the continued phase-out of COVID funding and workers, Clermont County Public Health would like to create an Intermittent Public Health Nurse 1 Position. There is one COVID Temporary Vaccinator/Contact Tracer on staff that assists as needed with clinics. There are various times of the year when clinics need assistance, including flu season and back-to-school clinics. Additionally, the position could assist when other staff is on leave or during staffing shortages. Ms. Nesbit recommended the Board of Health create an Intermittent Public Health Nurse 1 Position and approve the updated Organizational Chart. Once this is done, the position will be opened, and the remaining position in the classification will be abolished. Funding for this position ends at the end of June. One other position will remain through June 2024.

Dr. Khan made a motion to approve creating an Intermittent Public Health Nurse 1 Position and approving an Updated Organizational Chart. Mr. Crum seconded the motion. The vote was all ayes, motion carried. (Attachment #9)

**Approval to Apply for the Centers for Disease Control and Prevention Overdose Data to Action (OD2A) Grant** – Ms. Nesbit explained the Injury Prevention and Drug Overdose Prevention grant (ID) that funded the Injury Prevention program was funded by the Centers for Disease Control (CDC) Preventative Health and Health Services Block Grant (PHHSBG) funds. The CDC will no longer offer this funding as they are reallocating it to other injury prevention projects. Instead, the CDC has released two new funding opportunities, one for the state (to fund the local health departments) and the other for the local health departments to apply directly. The grant opportunities are referred to as State and Local Overdose Data to Action (OD2A State and Local, respectively).

The State Solicitation is yet to come out, but information regarding the funding structure has been released. Instead of funding individual local health departments, the Ohio Department of Health intends to provide the funds to five regional areas and create five Regional Prevention Leads roles housed in the lead agency. The leads will be tasked with creating 25 Linkage Projects that are navigator-based within Healthcare Settings, Public Safety, SSPs, and Community-Based Organizations. There are several unknowns about this funding opportunity. It is hoped the solicitation will provide additional details to help decide whether or not to apply for this funding.

The CDC has already released the OD2A Local Solicitation. OD2A Local will fund up to 40 local health departments for five years. A letter of intent has already been submitted to the CDC to inform them

that Clermont County Public Health intends to apply for the OD2A Local funds. The application is due on May 8, 2023. Funding will be determined by formulas reflecting a base funding amount based on jurisdiction population size and overdose burden. Clermont County Public Health is eligible for up to \$1,000,000. The deliverables of the OD2A Local grant will be centered on implementing prevention strategies across the community, public safety, and healthcare settings.

Mr. Brown asked Ms. Nesbit if this grant would affect reaccreditation. Ms. Nesbit indicated it would have very little if any, effect. If Clermont County Public Health is awarded the grant, it would need to be reflected.

Dr. Khan made a motion to approve applying for the Centers for Disease Control and Prevention Overdose Data to Action (OD2A) Grant. Mr. Brown seconded the motion. The vote was all ayes, motion carried.

**Approval of Engagement Letter with Charles E. Harris & Associates for the 2022 Financial Audit** – Ms. Nesbit explained the Engagement Letter with Charles E. Harris and Associates outlined a summary of services provided by the company and their auditor for the 2022 financial audit of the Clermont County General Health District and requested the Board allow her to sign on behalf of the Health District.

Dr. Khan made a motion to approve the Engagement Letter with Charles E. Harris & Associates for the 2022 Financial Audit and allow Ms. Nesbit to sign such as Health Commissioner. Mr. Crum seconded the motion. The vote was all ayes, motion carried. (Attachment #10)

**Approval and Payment of Bills** - Ms. Nesbit presented the Health District's bills for consideration. Following the Board's review and discussion, Dr. Khan made a motion to pay the bills as presented. Mr. Meadors seconded the motion. The vote was all ayes, motion carried. (Attachment #11)

### **Discussion**

**Plumbing Mutual Aid Request** – Ms. Nesbit stated the plumbing inspector who contracted for Clinton County tragically died recently in an automobile accident. Clinton and Highland counties have formally requested mutual aid for the next 90 days from Clermont, Hamilton, Warren, and Greene Counties. The plumbing division at Clermont County Public Health already provides backup for inspections when needed. The mutual aid request would include plan review services and anything new.

**Black Water Holding Tank Requirements** – Ms. Nesbit indicated staff has been reviewing the black water holding tank requirement paperwork and the various processes in order to address the meeting time change and would like the Board to consider eliminating some of the requirements. The first issue to be addressed involves changing the deadline for the pump tickets required for black water holding tanks. Currently, in order for the Board to extend a variance for a black water holding tank, the pump tickets are due by noon on the day of the Board meeting. This policy is somewhat confusing to homeowners and septic pumpers because even though the Board meeting is the second Wednesday of every month, the actual date of the meeting can change from month to month. The proposal is to have the pump tickets due by the last day of the month prior to the Board meeting for the Board to extend the variance at the following month's meeting. All members of the Board were in agreement with this.

The second issue involves requiring black water holding tank customers to set up escrow accounts with banks pending the completion and final inspection of newly installed septic systems. Many

banks do not like to set up escrow accounts for this purpose and do not always understand what is being asked of them. Frequently homes are being built and funded by builders, not the individual homeowner. The Board is being asked to eliminate the escrow account requirement and require the installation permit be pulled before considering the black water holding tank variance. When a permit to install is pulled, an agreement should be established between the builder/homeowner and the contractor to complete the services. Mr. Meadors, based on his previous experience as a septic installer, was asked his thoughts on this issue. He indicated he sees no problem with eliminating the escrow account requirement. All other members of the Board were also in agreement.

**ADJOURNMENT:**

Dr. Khan made a motion to adjourn the meeting at 7:00 p.m. Mr. Brown seconded the motion. The vote was all ayes; motion carried.

---

SECRETARY

---

RESPECTFULLY SUBMITTED