



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 May 10, 2023. Vice President Andrew Crum called the meeting to order at 3:35 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; Tara Jimison, Director of Nursing; Brian Williamson, Director of Environmental Health; Robert Wildey, Director of Water and Waste; Jessica Johnson, Administrative Assistant; Paul Sanders, Registered Environmental Health Specialist; and others as listed on Attachment #1.

CONSENT AGENDA:

Ms. Vijayan 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. Vijayan recommended approval of the following items:

1. **Approval of Board of Health Meeting Minutes for April 12, 2023** - Recommendation to approve minutes from the April 12, 2023, Board of Health Meeting.
2. **Approval of Satisfactions of Mortgages Relative to the Septic System Rehabilitation Financing Program**- Recommendation to execute Satisfactions of Mortgages, certifying that the terms of the mortgages and promissory notes they secured have been satisfied, and authorizing the Recorder to release the mortgages of record as they relate to the Septic System Rehabilitation Financing Program
 - a. James Helton and Doll Ann Helton – 6122 Riverview Lane, Miamiville, OH 45147 (Attachment #2)
 - b. Jennifer Robertson – 3394 Legion Lane, Bethel, OH 45106 (Attachment #3)
3. **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)
4. **Approval to Appoint Sydney Hilderbran as a Public Health Intern/Communications Intern in the Administration Division** - Recommendation to appoint Sydney Hilderbran as

a Public Health Intern/Communications Intern in the Administration Division contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet.

5. **Approval to Appoint David Dumford as a Registered Environmental Health Specialist II** – Recommendation to appoint David Dumford as a Registered Environmental Health Specialist II in the Waste and Water Division contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet.
6. **Approval to Appoint Emily Waits as a Public Health Nurse 1 in the Nursing Division WIC Program** – Recommendation to appoint Emily Waits as a Public Health Nurse 1 in the Nursing Division WIC Program contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet.
7. **Approval to Appoint Maribeth Taylor as an Intermittent Public Health Nurse 1 in the Nursing Division** – Recommendation to appoint Maribeth Taylor as an Intermittent Public Health Nurse 1 in the Nursing Division contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet.
8. **Approval to Appoint Nathaniel Owens as a Mosquito Control Grant Intern in the Water and Waste Division** – Recommendation to appoint Nathaniel Owens as a Mosquito Control Grant Intern in the Water and Waste Division contingent upon meeting all pre-employment requirements at the salary indicated on the attached salary sheet.
9. **Accept Resignation of Carrie Brown, Communicable Disease Investigator** – Recommendation to accept the resignation of Carrie Brown, Communicable Disease Investigator, effective May 16, 2023.
10. **Accept Resignation of Orion Holden, Office Specialist** – Recommendation to accept the resignation of Orion Holden, Office Specialist, effective May 18, 2023.
11. **Approval to Apply for the Clermont County Mental Health And Recovery Board Mini-Grant** – Recommendation for approval to apply for the Clermont County Mental Health and Recovery Board Mini-Grant in the amount of \$6,000.00.

Mr. Brown made a motion to approve consent agenda items #1 through #11. Dr. Khan seconded the motion. The vote was all ayes, motion carried.

NON-CONSENT AGENDA:

Variances:

Black Water Holding Tank at 2698 Indian Summer, Tate Township (13-V-23) - Ms. Vijayan stated the property owner, Douglas Planck, is requesting a variance to install a black water holding tank at 2698 Indian Summer, Tate Township (13-V-23). Ms. Vijayan informed the Board all of the paperwork had been received, the tank had been installed, and had passed the water-tight test.

The property owner was not present.

Mr. Brown made a motion to approve the variance request to install a black water holding tank at 2698 Indian Summer, Tate Township (13-V-23). Dr. Khan seconded the motion. There was no further discussion. The vote was all ayes, motion carried. (Attachment #4)

Food Service Operation at 877 St. Rt. 28, Miami Township (14-V-23) – Ms. Vijayan stated the operators, Nicole and Josh House, were requesting a variance approval to purchase and install a new non-commercial offset style smoker, which is not approved by a recognized food equipment testing agency at 877 St. Rt. 28, Miami Township (14-V-23). The operators would like to purchase and use a smoker made by Primitive Pits at their food service operation, All Hail the Biscuit, and also use it to

support their other food service operation, Pickles and Bones Barbeque. The proposed smoker made by Primitive Pits is not approved by a recognized food equipment testing agency as specified in Food Establishment Rule 3717-1-04.1 (KK)(2) – Food Equipment Certification or Classification. In a prior inspection, staff noted the current smoker at Pickles and Bones Barbeque needed to be replaced. Staff recommended disapproval of the variance as the National Sanitation Foundation (NSF) currently lists at least one approved offset smoker manufacturer.

The business owner and operator, Nicole House, was present. She indicated the current smoker at Pickles and Bones Barbeque is eight years old, and they would like to be able to use bigger equipment. Their goal is to grow their business and move Pickles and Bones Barbeque to 877 St. Rt. 28, the current home of All Hail the Biscuit. She also indicated they currently use all-wood smokers, which cook from the top down. The current alternative on the market, which is NSF approved, comes from Cajun Custom Cookers and is a reverse-flow smoker. Mr. and Ms. House have researched this type of smoker and found it notorious for catching on fire. It is also hard to clean and cook from the bottom up. Ms. House provided the Board with pictures of both smokers and an outline comparing the two types of smokers. (Attachment #5)

Mr. Crum asked Ms. House if they are currently using vertical smokers. Ms. House indicated they do not. Mr. Crum also asked her if the baffles on the reverse flow smokers were welded in and if those smokers were hard to clean. Ms. House stated the baffles were welded in, and the smokers were hard to clean. She further elaborated the proposed smoker from Primitive Pits had a contact surface made of three-fourth-inch steel and was smooth and easy to clean.

Dr. Khan asked Ms. House if her current smokers were approved by the NSF. She indicated they were not, and the original application plans were from 2017. Mr. Williamson clarified the last plan review was in 2018, and since then, all smokers must now be NSF approved. Ms. House also stated the Primitive Pits smoker meets all conditions outlined in chapter nine of the ServSafe handbook.

Mr. Crum asked Mr. Williamson if there were any known food safety issues with the Primitive Pits smokers. Mr. Williamson indicated that during the inspections, the facility would be assessed on critical control points, and it is the Board's discretion whether they will approve the use of the smoker. Mr. Crum asked Mr. Williamson if there had ever been any issues with Ms. House's food service operations. Mr. Williamson stated there had not been any issues in the past, and if the variance is approved, the proposal will need to go through plan review.

Mr. Brown made a motion to approve the variance request to approve the purchase and installation of a new non-commercial offset-style smoker, which is not approved by a recognized food equipment testing agency at 877 St. Rt. 28, Miami Township (14-V-23). Dr. Khan seconded the motion. There was no further discussion. The vote was all ayes, motion carried. (Attachment #6)

Connect a New Home to an Existing Household Sewage Treatment System at 6730 Edenton Pleasant Plain, Wayne Township (15-V-23) – Ms. Vijayan stated the property owner, Floyd M. Brown, is requesting a variance to connect a new home to an existing household sewage treatment system at 6730 Edenton Pleasant Plain, Wayne Township (15-V-23). The existing septic system consists of a tank followed by 628 linear feet of leach lines. The system passed inspection in July 2022. It is an older system that does not meet current standards and was saturated at the time of inspection. The inlet and outlet baffles inside the septic tank could not be checked because these compartments were buried. A large pile of dirt was also present over a portion of the leach lines. The soil types at the location are typically poorly draining and have a seasonal high water table. Staff recommended disapproval due to the poorly draining soils, the septic system being older, not meeting current

standards, and the system being saturated at the time of inspection. It was noted the system could also be possibly damaged due to the large pile of dirt being on top of a portion of the leach lines.

The property owner, Floyd Brown, was present and reiterated the system had been tested and approved. Upon questioning by Mr. Crum, Mr. Brown stated two adults and one small child would live in the home.

Mr. Meadors asked what year the system had been installed and if the system should fail, would there be room for a new system. Mr. Wildey indicated the system pre-dated existing records, and if the system failed, there most likely would be room for a new system.

Dr. Khan asked Mr. Wildey if the system was currently failing or if the high water was a common condition. Mr. Wildey stated the system was not currently failing, and the high water was a common condition everywhere in the surrounding area. It was also noted the system is not leaking raw sewage.

Mr. Brown made a motion to approve the variance request to connect a new home to an existing household sewage treatment system at 6730 Edenton Pleasant Plain, Wayne Township (15-V-23). Dr. Khan seconded the motion. After discussion and amendment, Mr. Brown made a motion to approve the variance request to connect a new home to an existing household sewage treatment system at 6730 Edenton Pleasant Plain, Wayne Township (15-V-23), with the stipulation if the system should fail, the failing conditions must be fixed to bring the system into a passing state, or in the alternative, a new system must be installed. Dr. Khan seconded the motion. There was no further discussion. The vote was all ayes, motion carried. (Attachment #7)

Isolation Distance at 6119 Branch Hill Guinea Pike, Miami Township (16-V-23) – Ms. Vijayan stated the property owners, Kelsey and Levi Carter, were requesting an isolation distance variance at 6119 Branch Hill Guinea Pike, Miami Township (16-V-23). The proposed above-ground swimming pool would be 13 inches away from the leach bed and 19 inches away from a gray water leach line, also called a "grease trap line." Staff recommended disapproval because the proposed pool construction does not meet the required isolation distances from the sewage treatment system.

The property owner, Kelsey Carter, was present and stated the area for the proposed above-ground 24-foot swimming pool was the only flat area on the property, and placing the pool in any other area would be cost-prohibitive.

Mr. Crum asked Ms. Carter if she knew what equipment would be needed to install the pool. Ms. Carter stated the installer indicated the equipment would not be large, and she advised him he would need to avoid driving over the gray water leach line. She also stated if there was any damage to the system due to construction, they have the ability to abandon the system and connect to public water/sewage. She also stated the installer would need to dig six inches down for sand placement.

Based on prior experience with septic tank installation, Mr. Meadors stated the proposed current distance from the leach bed was concerning. He also noted that the isolation distance would be less than 13 inches from the leach bed due to the area necessary for the pool pad. He then asked Ms. Carter if she had considered installing a 20-foot pool instead of a 24-foot pool to avoid the isolation distance issues. She stated she would prefer a 24-foot pool, but if it could not be approved in the proposed location, they would install a 20-foot pool.

Regarding the gray water leach line being referred to as a grease trap line, Mr. Wildey stated these lines were sometimes found in older homes. It wasn't clear if they were even in use in this situation, so moving the pool over to encroach on the gray water leach line rather than the leach bed would be preferable in this situation. At this time, the Board requested the presence of Paul Sanders, Registered Environmental Health Specialist, to answer additional questions regarding the gray water leach line. Mr. Sanders subsequently entered the meeting to address the Board's questions and provide insight regarding his inspection of the property.

Upon being questioned by Mr. Meadors, Ms. Carter stated two adults and one child would live in the home. When asked by Mr. Crum if she preferred a smaller pool or risk replacing the system if it were to be damaged, Ms. Carter indicated she would prefer moving the 24-foot pool closer to the gray water leach line.

Mr. Meadors made a motion to approve the isolation distance variance request at 6119 Branch Hill Guinea Pike, Miami Township (16-V-23), with the condition the homeowner installs a 20-foot pool instead of a 24-foot pool. Dr. Khan seconded the motion. After discussion and amendment, Mr. Meadors made a motion to approve the isolation distance variance at 6119 Branch Hill Guinea Pike, Miami Township (16-V-23), with a stipulation being the installation of a 24-foot pool be moved further away from the leach bed, thus encroaching on the gray water leach line and should there be any damage to the septic system or any negative consequences to the gray water leach line, the homeowner must take action to remediate any and all issues. Dr. Khan seconded the motion. The vote was all ayes, motion carried. (Attachment #8)

PUBLIC COMMENT:

No members of the public were present to offer comments.

Approval and Payment of Bills - Ms. Vijayan 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. Brown seconded the motion. The vote was all ayes, motion carried. (Attachment #9)

Adoption of Resolution 10-23 Declaring Properties Public Health Nuisances - Ms. Vijayan presented the address of one property to be considered a public health nuisance as stated in Attachment A of Resolution 10-23 Declaring Public Health Nuisances and Ordering Abatement of Nuisances at the Identified Properties.

Following a review and discussion, Dr. Khan made a motion to waive the three required readings of Resolution 10-23 to declare the property listed on Attachment A a public health nuisance. 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; motion carried. Dr. Khan then made a motion to declare Resolution 10-23 an emergency measure necessary for the immediate preservation of the public peace, health, or safety and for the purpose of the immediate need to abate or remove the dangerous public health nuisance. 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; motion carried. Dr. Khan then made a motion to adopt Resolution 10-23 to declare the property listed on Attachment A a public health nuisance. The motion further stated that if corrections were not made within the allotted time, the nuisance case 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 #10)

Adoption of Resolution 11-23 Abolishing Communicable Disease Investigator Position and Creating an Additional Epidemiologist Position and Updating the Health District Table of Organization – Ms. Vijayan explained to the Board that Carrie Brown, the communicable disease investigator, had recently submitted her resignation. Ms. Vijayan explained the agency would be better suited to have a second Epidemiologist position instead of a Communicable Disease Investigator.

Dr. Khan made a motion to adopt Resolution 11-23 Abolishing Communicable Disease Investigator Position and Creating an Additional Epidemiologist Position and Updating the Health District Table of Organization. Mr. Brown seconded the motion. The vote upon roll call was Mr. Brown, aye; Dr. Khan, aye; Mr. Meadors, aye; Mr. Crum, aye; motion carried. (Attachment #11)

Discussion

Update of Wings Bar and Grill, 2235 Bauer Rd., Batavia, OH 45103 – Ms. Vijayan informed the Board a follow-up inspection at Wings Bar and Grill, 2235 Bauer Rd., Batavia, Ohio, was performed on April 26, 2023, and found the operator had complied with the Board's orders issued on April 12, 2023. The restaurant was released to reopen on April 27, 2023. Ms. Vijayan turned the discussion over to Mr. Brian Williamson, Director of Environmental Health Services, who indicated the entire facility had been stripped, except for the larger pieces of equipment, and the entire facility, including those larger pieces of equipment, had been cleaned. The operator indicated the dry storage room would now be enclosed, the facility will now be offering a limited menu, and was able to keep the entire staff employed throughout the shutdown. The operator was pleasant and appreciative. The next step will be a standard inspection within three to six months.

Update on Centers for Disease Control (CDC) and Prevention Overdose Data to Action (OD2A) Grant – Ms. Vijayan explained to the Board that at the prior month's meeting, the agency had asked for and received approval to apply for the Centers for Disease (CDC) and Prevention Overdose Data to Action (OD2A) Grant. However, after thoroughly reviewing the CDC's OD2A Local Solicitation, the feasibility of the grant application process, and the implementation of the activities, it was determined that while the staff has the technical skills to complete the application process, the staff did not currently have the infrastructure to implement the activities across the community sectors and the partner settings. Additionally, the funding amount may not fully support the required activities of the grant. Therefore, a decision was made not to proceed with the application process. The agency will be looking at the regional grant through the Ohio Department of Health in mid-June to determine the feasibility of the application and explore other funding opportunities to continue supporting injury and drug overdose prevention activities. More information will be presented to the Board at the July meeting.

ADJOURNMENT:

Dr. Khan made a motion to adjourn the meeting at 4:40 p.m. Mr. Meadors seconded the motion. The vote was all ayes; motion carried.

SECRETARY

RESPECTFULLY SUBMITTED