



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 January 9, 2019. Janet Rickabaugh, President, called the meeting to order at 6:30 PM. Dr. Rickabaugh led the Board members and guests in the Pledge of Allegiance.

Roll Call: Dr. Janet Rickabaugh, present Dr. Joseph Khan, present
Andrew Crum, present Dennis Brown, present
Larry Cadwallader, present

Others present included Julianne Nesbit, Health Commissioner; Tim Kelly, Assistant Health Commissioner; Jackie Lindner, Director of Nursing; Maalini Vijayan, Director of Environmental Health; Bela Perler, Sanitarian-In-Training; Bethany Bertsch, Administrative Assistant and others as listed on Attachment #1.

VARIANCES:

Black Water Holding Tank Extension Request- Mr. Kelly reported that the property owners listed below requested approval to renew their black water holding tank variance request until completion of their septic system. Mr. Kelly stated all paperwork was in order for homeowners #1 through #4 listed below.

1. Martin- 6138 St. Rt. 727, Wayne Township (51-V-18)
2. Bond- 2534 Woodville Pike, Goshen Township (54-V-18)
3. Brown- 6778 Garrison Spurling Rd, Wayne Township (55-V-18)
4. Brashear- 1952 Erion Rd, Batavia Township (56-V-18)

Mr. Crum made a motion to approve the extension request for the black water holding tank variance for homeowners #1 through #4. Dr. Khan seconded the motion. The vote upon roll was all ayes; motion carried.

Hearing to Suspend or Revoke License of Popeye's Chicken- Mr. Kelly called to order the hearing to suspend or revoke the license of Popeye's Chicken, 4402 Glen Este-Withamsville Rd., Cincinnati, OH 45245, at 6:32 PM and presented the protocol that would be followed for the hearing.

Mr. Perler gave a summary of the history of issues with complaints and inspections at the restaurant. He stated an inspection was completed on November 1, 2018 where he discovered large amounts of water leaking into the dining and food prep areas from the ceiling. Water was leaking onto a table where food was being prepared and he asked staff to move the prep table to reduce the risk of contamination. He then contacted Ms. Vijayan to discuss the actions needed for the restaurant to make suitable repairs and the facility chose to voluntarily close the dining area to make repairs. He stated the following day, November 2, 2018, roofers were attempting to repair the damaged roof and the facility was given additional time since they had shown effort to repair the damage. He explained a re-inspection was completed on November 5, 2018 and found the roof was

continuing to leak. Mr. Perler stated a follow up inspection was conducted on November 6, 2018 where he was joined by Ms. Nesbit and Ms. Vijayan. They found water dripping through the ceiling where food was being prepared in the prep area and in the dining area. He explained the findings led to the facility voluntarily closing until all active roof leaks were repaired, all water damaged ceiling tiles and wet insulation were replaced, and the clogged floor drain of the prep sink was repaired. He stated the facility re-opened on November 9, 2018 after he found the required repairs had been made. Mr. Perler concluded by stating on multiple re-inspections the replaced ceiling tiles showed continued water damage after the required repairs were completed.

Mr. Kelly asked Anthony Torlone if he had any questions for Mr. Perler. Mr. Torlone had no questions.

Mr. Kelly asked the Board if they had any questions for Mr. Perler.

Dr. Kahn asked Mr. Perler if he had been back to the facility after November 13, 2018. Mr. Perler stated he had returned to the facility for re-inspections on November 15 and 16, 2018 and December 6 and 20, 2018 and ceiling tiles showed water damage in the dining room, but no water damage was found in the food prep area of the facility.

Mr. Crum asked if an ongoing leak in the dining area can cause mold issue concerns. Mr. Perler stated issues can arise from mold and that is why the facility was asked to remove the wet ceiling tiles and insulation. If the leaks continued, mold could be a concern.

Mr. Crum asked if the insulation and ceiling tiles were inspected to ensure the wet materials were completely removed. Mr. Perler stated he was able to see the insulation and ceiling tiles being replaced during the November 9, 2018 inspection.

Dr. Khan asked if Mr. Perler had been back to the facility since his December 20, 2018 inspection. Mr. Perler stated Ms. Vijayan was at the facility earlier in the day on a complaint inspection and did not note any leakage issues in the prep area. He stated a bulging ceiling tile was noticed in the dining room where the leak is still occurring.

Dr. Khan asked if there were leaks found anywhere in the facility when Ms. Vijayan was there. Mr. Perler stated there are still leaks in the dining area but not the food prep area where they would have concerns with contamination.

Mr. Crum asked if the dining room is currently open. Mr. Perler stated the dining room is currently open.

Dr. Rickabaugh asked if the ceiling tile that was bulging is still in the dining room. Mr. Perler stated the bulging ceiling tile is still in the dining room where the leak is occurring.

Mr. Crum asked if the current bulging ceiling tile was one of the replaced ceiling tiles. Mr. Perler stated it was a tile that had been previously replaced after the repairs were completed.

Mr. Kelly asked the Board if they had any further questions for Mr. Perler; the Board declined.

Mr. Kelly asked Mr. Torlone if he would like to offer any testimony.

Mr. Torlone stated the company they have contracted to replace the roof needs the weather to cooperate and have better conditions to complete the work. He stated they are in contract to have the roof replaced by April due to the poor weather conditions and had recently made repairs totaling approximately \$5,000. He stated he was unaware of the bulging ceiling tile in the dining area but he could have it replaced the next day if need be. He stated Popeye's has complied with all the requests of Clermont County Public Health. He stated he has an estimate to replace the roof and his boss has signed off on the estimate to complete the work.

Mr. Cadwallader asked if the roof was a metal roof. Mr. Torlone stated it was a rubber roof and would be replaced as a rubber roof.

Mr. Crum asked if the roof was ballasted. Mr. Torlone stated it was not.

Mr. Crum asked if the leaks are located around the roof drains or if they were in open areas. Mr. Torlone stated the leaks are from open areas on the roof. He claimed the dining room had water damage from small leaks located by the front door during the summer months. That area of the building was repaired, including the roof, due to a vehicle accidentally damaging the building. He concluded that the overabundance of rain during the summer caused more damage to the roof, and therefore the leaks in question.

Mr. Crum asked what the estimate was to replace the roof and how much was already put into the roof in repairs. Mr. Torlone stated the estimate to replace the roof was \$24,200 and there has been at least \$5,000 put into the roof in repairs already.

Dr. Kahn asked if the roofing company recommended the roof be replaced. Mr. Torlone said that the recommendation was for replacement of the roof and it was known that the roof needed replaced.

Mr. Crum asked what the square footage of the roof was. Mr. Torlone stated he did not know the square footage of the roof and the data was not listed on the estimate, which a copy was then presented to the Board.

Dr. Kahn asked if the estimate was procured on November 16, 2018. Mr. Torlone stated it was.

Dr. Kahn asked how many locations. Mr. Torlone stated HZ OPS Holding, Inc. is the largest Popeye's franchise with just under three hundred locations, nine of which are in the Cincinnati area. Dr. Kahn asked if there was a maintenance system setup for the restaurants in the area. Mr. Torlone stated that when he first took over the area there was not but now, since he has built up his area, there is. He explained that he uses AA Plumbing and Restoration to complete all the work needed to be done to the restaurants in the area.

Mr. Brown asked if the roofing company is local. Mr. Torlone stated they were out of Fairfield.

Dr. Rickabaugh asked if the company was a plumbing company. Mr. Torlone stated they are a plumbing company but they also do restorations.

Mr. Brown asked if he knew what the temperature had to be to replace the roof. Mr. Torlone stated the company felt the temperature had to be at least fifty degrees to replace the roof.

Mr. Crum stated that AA Plumbing's website did not reference roofing as an offered service. Mr. Torlone stated they have a restoration company as well and subcontract roofers.

Dr. Rickabaugh asked if any other bids had been acquired to complete the job. Mr. Torlone stated another bid was done by another company but it was much higher than the one from AA Plumbing. A copy of the additional bid was not provided to the Board of Health.

Mr. Cadwallader asked how old the building was. Mr. Torlone stated it is at least twenty five years old.

Mr. Kelly asked if Mr. Perler had any questions for Mr. Torlone. Mr. Perler declined.

Mr. Kelly asked if the Board had any further question for Mr. Torlone. The Board had no further questions for Mr. Torlone.

Mr. Kelly explained the Board had the option to deliberate in open session or enter deliberative session.

Mr. Crum made a motion to enter deliberative session with Ms. Nesbit, Mr. Kelly, Ms. Vijayan, and Mr. Perler at 6:52 PM. The motion was seconded by Mr. Brown. The vote upon roll was all ayes; motion carried.

Mr. Crum made a motion to come out of deliberative session at 7:41 PM. The vote was seconded by Mr. Cadwallader. The vote upon roll was all ayes; motion carried.

Mr. Crum made a motion to order HZ OPS Holdings, Inc., operator of Popeye's Chicken, to repair/build over/replace the roof of the facility located at 4402 Glen Este Withamsville Rd, Cincinnati, OH 45245 by 2/13/19. Furthermore, all sagging ceiling tiles must be replaced by 3:00 pm, 1/10/19 and on an as needed basis to prevent sagging due to water leakage. Documentation of all repair/buildover/replace including photos of work completed, receipts of payment for work completed must be produced prior to or at the 2/13/19 Board of Health meeting. This order is the result of continued failure to maintain the facility in accordance with Ohio Revised Code 3701-21 and Ohio Uniform Food Safety Code 3717-1. A full replacement of the roof may require building permits, you must contact Clermont County Building Department at (513)732-7213 to determine if permits are needed. Failure to comply with this order will result in additional action including suspension or revocation of the food operation license. The motion was seconded by Mr. Brown. The vote upon roll was all ayes; motion carried. (Attachment #2)

Mr. Torlone stated he received confirmation that the roof is no longer leaking but condensation may have caused the water damage that caused the bulging ceiling tile. He claimed after speaking with Mr. Perler that he was under the impression he only needed to show an estimate that the company had plans to replace the roof and was not aware the hearing would be as involved as it was.

Ms. Nesbit indicated that a notice was sent stating the hearing was to determine if the food license would be suspended or revoked at the December 12, 2018 Board meeting. That hearing was requested to be rescheduled by Mr. Torlone. She stated a second notice was sent clearly detailing that the current hearing would be to suspend or revoke the Popeye's Chicken food license. She stated it was her opinion the Board's order stands due to the work needing to be completed.

Mr. Torlone was provided with an original copy of the orders that were signed by himself and Dr. Rickabaugh.

Mr. Crum made a motion to suspend the hearing of the action to suspend or revoke the food license of Popeye's Chicken, 4402 Glen Este-Withamsville Rd., Cincinnati, OH 45245 until the February 13, 2019 Board of Health hearing. The motion was seconded by Dr. Kahn. The vote upon roll was all ayes; motion carried. The hearing was closed at 7:51 PM.

ACTION ITEMS:

Approval to Appoint Siara Petrey as Part-Time Temporary Intern (Clerk) in the Administration Division- Mr. Kelly reported that Siara Petrey was selected for the part-time temporary Intern position in the Administration Division. He requested Ms. Petrey be appointed as part-time temporary Intern in the Administration Division contingent on meeting all pre-employment requirements.

Dr. Kahn made a motion to appoint Siara Petrey as part-time temporary Intern in the Administration Division contingent on meeting all pre-employment requirements. Mr. Brown seconded the motion. The vote upon roll was all ayes; motion carried. (Attachment #3)

Approval for Purchase of Board Appreciation Gift for Larry Cadwallader- Mr. Kelly requested approval to purchase an appreciation gift to be presented to Mr. Cadwallader at the March 13, 2019 meeting.

Mr. Crum made a motion to approve purchasing an appreciation gift to be presented to Mr. Cadwallader at the March 13, 2019 meeting. The motion was seconded by Dr. Kahn. The vote upon roll was Dr. Rickabaugh, aye; Mr. Crum, aye; Dr. Khan, aye; Mr. Brown, aye; Mr. Cadwallader abstained; motion carried.

Approval of Resolution 01-19 to enter into a Water Pollution Control Loan Fund Agreement- Mr. Kelly reported notice was officially received from Ohio EPA that the agency would be funded \$150,000 for replacement or repairs of septic systems and connections to sanitary sewer for 2019.

Ohio EPA requires a resolution from the board giving approval to administer the program. Mr. Kelly requested approval of Resolution 01-19 authorizing entering into a Water Pollution Control Loan Funding Agreement.

Dr. Kahn made a motion to adopt Resolution 01-19 authorizing entering into a Water Pollution Control Loan Fund Agreement. The motion was seconded by Mr. Crum. The vote upon roll was all ayes; motion carried. (Attachment #4)

Approval of Sick Leave Utilization Reward Program- Mr. Kelly presented a summary of leave usage for the year.

16 hours or less-\$500:

Charlie Benjamin, Tyler Braasch, Karen Crump, David Dumford, Julie Richmond, Keith Robinson, Paul Sanders, Katrina Stapleton, and Daniel Warren

24 hours or less- \$300:

Mackinzie Dickman, Marcella Ranieri, and Stephanie Shinkle

40 hours or less-\$200:

Sharon Ausman, Doug Disbennett, Jessica Hunt, Mark Owens, Tom Racke, and Kimmy Williams
Katherine Schneider (prorated to \$160 for 32 hours or less)

This represents a total of \$6,760 that will be paid to Public Health employees for good attendance.

Mr. Kelly reminded the Board that the sick leave reward program is approved on a year-to-year basis and requested the Board approve the continuation of the sick leave reward program for 2019.

Mr. Crum made a motion to approve the continuation of the Sick Leave Utilization Reward Program for 2019. The motion was seconded by Dr. Kahn. The vote upon roll was all ayes; motion carried.

Approval to Accept the NACCHO Local Health Department Strong Systems, Strong Communities (SSSC) Grant 2018-2019 and Sign Contract- Mr. Kelly explained that Ms. Nesbit completed and submitted the grant application that was due December 21. The grant was for technical assistance for a population health quality improvement project in collaboration with Mercy on sexually transmitted infections. There was no funding involved with the grant, only technical assistance. Mr. Kelly requested approval for Ms. Nesbit to accept the grant and sign the NACCHO grant contract if it is awarded.

Dr. Kahn made a motion to approve to accept the NACCHO Local Health Department Strong Systems, Strong Communities (SSSC) Grant 2018-2019 and sign the contract if awarded. The motion was seconded by Mr. Crum. The vote upon roll was all ayes; motion carried.

Adopt Resolution 2-19 Declaring Properties Public Health Nuisances- Mr. Kelly presented the addresses of two properties to be considered public health nuisances as stated on Attachment A of Resolution 1-19 Declaring Public Health Nuisances and Ordering Abatement of Nuisances at the identified properties.

Following a review and discussion, Mr. Crum made a motion to adopt Resolution 2-19 to declare the properties listed on Attachment A public health nuisances, to declare the resolution an emergency order, and to waive the required three readings. The motion further stated if corrections were not made within the allotted time, the nuisance cases would be referred to the Health District's legal counsel for appropriate action. Dr. Kahn seconded the motion. The vote upon roll was all ayes; motion carried. (Attachment #5)

Approval of Board of Health Meeting Minutes for December 12, 2018- Dr. Rickabaugh inquired if there were any additions or corrections to the minutes from the December 12, 2018 Board of Health Meeting. There were no additions or corrections.

Dr. Khan made a motion to approve the minutes of the December 12, 2018 Board of Health meeting. Mr. Crum seconded the motion. The vote upon roll was all ayes; motion carried.

Approval and Payment of Bills- Mr. Kelly presented the Health District's bills for consideration. Following the Board's review and discussion, Dr. Kahn made a motion to pay the bills as presented. Mr. Crum seconded the motion. The vote upon roll was all ayes; motion carried. (Attachment #6)

DISCUSSION ITEMS:

Update on the Appointment of a Full-Time Sanitarian-In-Training in the Environmental Health Division- Mr. Kelly stated that Ms. Vijayan had met with three candidates but has extended the deadline for applications to be open until January 31, 2019 in hopes of more applicants.

WIC Management Evaluation FY19 Post Visit- Mr. Kelly explained that Connie Gelfer with the Ohio Department of Health conducted the Fiscal Year 2019 WIC Management Evaluation of the WIC Program on November 6 – 8, 2018. There were three requirements indicated on the post report and all three are fixes that were easily implemented. He stated in the report, Ms. Gelfer said the Clermont County WIC Program offers quality, creative, and innovative services to meet the needs of their participants. Observations of all staff shown excellent cooperation and a friendly atmosphere that makes it easy for clients to relate and participate in WIC services.

WIC Budget Related to Government Shutdown- Mr. Kelly stated the Ohio Women, Infants, and Children (WIC) Program receives funding through the U.S. Department of Agriculture which has been affected by the partial government shutdown. The Ohio Department of Health has informed the agency that sufficient funds are in place for the WIC program through late January.

Mr. Crum asked if funds can be appropriated from cash reserves to continue to pay staff.

Ms. Nesbit stated funds can be appropriated from the general fund reserves to continue the operations of the WIC Program but the funds would not be reimbursed when the shutdown ends.

Health District's 2018 Close of Year Financial Standing- Mr. Kelly stated the 2018 fiscal year ended with a \$2,348,945.94 cash balance. He stated \$237,967.69 is in open purchase orders from 2018, which includes the furniture from the double state subsidy and septic rehab projects. He reported this represents a reserve of 62% of the total 2019 appropriated budget, which leaves the agency secure. A total of \$57,605.36 (\$112.00 unencumbered) remained in the Health Fund. Only the unencumbered \$112.00 will reduce the amount the Townships and Villages will be required to fund Clermont County Public Health this year.

Mr. Kelly reported about 10% of the cash balance is in grant funds that are restricted to grant activities and 37% of the remaining cash is in other restricted funds such as the food service, pool, and sewage funds which are also restricted for use in those programs. He stated this meant 53% of the cash reserves are restricted and the remaining are unrestricted funds that can be used as the Board sees fit. He reported that Trina is currently working on the 2020 budget, which will be brought to the Board in February for approval.

Health Commissioner's Performance Evaluation- Mr. Kelly reminded the Board that Ms. Nesbit's annual evaluation would be conducted during the February 13, 2019 meeting. Mr. Kelly asked if the Board would like any additional information. The Board had no additional requests.

Update on EnerGov Software Implementation- Mr. Kelly stated the EnerGov software went live on January 2, 2019. He explained it has and will continue to be a process to work through issues and will require patience on the part of everyone involved. Anthony Lesink, Senior Implementation Consultant with Tyler Technologies, was on-site until January 4 to help with the transition.

Update on Bloodborne Infectious Disease Prevention (Syringe Services) Program- Ms. Nesbit stated that the Bloodborne Infectious Disease Prevention (Syringe Services) Program had been contracted with Hamilton County to provide mobile service to the community in Clermont County. She explained to the Board that Hamilton County is requesting a fee increase with the renewal of the contract in February. Due to the increase, Ms. Nesbit began to consider other options that included offering the program locally without the assistance of an outside party. She stated she has begun researching the option of running the program out of a rented space at Mercy Clermont. The Nursing Division's building cannot be used for the program because of zoning issues. She stated

another option that she has started researching would involve partnering with Butler and Brown Counties to apply for federal funding, which would service the three counties. Ms. Nesbit presented a PowerPoint provided by Hamilton County to depict the population in Clermont County that has been using the program and what locations they are visiting. She explained that she will continue to research the options for the program and will present her findings to the Board at a later date. A discussion ensued on the topic. The presentation of this topic was timed and used as Board of Health Education.


Update on hepatitis A case- Mr. Kelly stated a press release was issued earlier in the day to inform the public of a hepatitis A case identified at the IHOP located at 5699 Romar Drive in Milford. He also informed the Board that a second press release will be issued Thursday morning of an identified case at the McDonald's located at 625 W. Plane Street in Bethel. A discussion ensued on the topic of hepatitis A amongst the Board.

BOARD OF HEALTH EDUCATION:

Bloodborne Infectious Disease Prevention (Syringe Services) Program - At 8:07 PM the Board listened to the presentation on "Bloodborne Infectious Disease Prevention (Syringe Services) Program" given by Ms. Nesbit. An explanation of the current program and options for the continuation of the program was presented. The presentation was followed by a brief discussion that concluded at 8:35 PM.

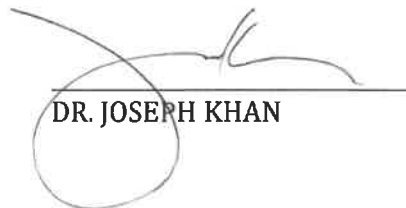
ADJOURNMENT:

Mr. Khan made a motion to adjourn the meeting at 8:40 PM. Mr. Crum seconded the motion. The vote upon roll was all ayes; motion carried.

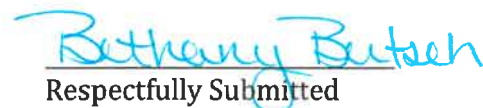

DR. JANET RICKABAUGH


ANDREW CRUM


LARRY CADWALLADER


DR. JOSEPH KHAN


DENNIS BROWN


Respectfully Submitted