

Brown County Board of Health

Board Meeting Minutes

December 13, 2023

The Brown County Board of Health met in regular session on Wednesday, December 13, 2023, at 5:00pm with the following members present; Ralph Jennings, Mark Klump, and Dr. McHenry. Also attending was Health Commissioner, Kyle Arn, Emergency Response Coordinator, Liz Pemberton, Deputy Health Commissioner/ Director of Nursing, Pam Williams, Fiscal Officer/Administrative Assistant, Jennifer Feters, Environmental Health Director, Stephen Dick, and Public Health Nurse, Ami Yelton. Board President Ralph Jennings called the meeting to order at 5:01pm. Mrs. Rachael Jodrey arrived at 5:10pm

Approval of Board Minutes:

Mr. Jennings asked if there were any questions or corrections to the minutes for the meeting on November 8, 2023, provided to the board? A motion to approve the minutes was made by Dr. McHenry. Mr. Klump seconded the motion. All members voted aye. Motion passed. Mr. Jennings asked if there were any questions or corrections to the minutes for the Special meeting on November 27, 2023? Dr. McHenry made a motion to approve the minutes. Mr. Klump seconded the motion. All members voted aye. Motion passed.

Approval of Bills and Supplemental Appropriations:

Mr. Jennings asked if there were any unusual bills for the month. Mr. Arn and Mrs. Williams discussed the bills on the nursing side regarding the reimbursement of the COVID shots. Mr. Jennings asked about the turnaround time on getting the vaccine and Mrs. Williams said around 2 days, but reimbursement rate is very slow. Mr. Jennings asked about the ECW dues. Mrs. Williams explained that it's the program that the nursing staff uses to bill and schedule shots. Mr. Jennings asked about the Wiseway Supply bill, and Mr. Dick explained that is for mound inspection equipment. Dr. McHenry motioned to approve the bills. Mr. Klump seconded the motion. All members voted aye. Motion passed.

Miss Feters explained the Supplemental Appropriations to the Board. Mr. Jennings asked if any of the grant reimbursements were going to go to the contingency fund? Mr. Arn explained that it is required to go to the general fund first, then we could move any we don't need to the contingency fund. Dr. McHenry motioned to approve the Supplemental Appropriations. Mrs. Jodrey seconded the motion. All members voted aye. Motion passed.

The Board of Health completed the 3rd reading of Resolution 2023-96, 2024 Food Licensing Fees based on Cost Methodology. Mr. Klump made a motion to approve Resolution 2023-96. Dr. McHenry seconded the motion. Roll Call Vote:

Mr. Jennings, aye
Mr. Klump, aye
Mrs. Jodrey, aye
Dr. McHenry, aye
Mr. O'Hara, absent
Motion passed.

Mr. Arn discussed sewage treatment system variances, regarding giving Mr. Arn the authority to also approve two additional variances: general liability insurance and surety bonds for homeowners completing their own septic systems. Mrs. Jodrey made a motion to approve. Mr. Klump seconded the motion. Roll Call Vote:

Mr. Jennings, aye

Mrs. Jodrey, aye
Mr. Klump, aye
Dr. McHenry, aye
Mr. O'Hara, absent
Motion passed.

Environmental Division:

Mr. Dick discussed there are four applications for the 2023 HSTS Grant. Mr. Dick discussed with the board the numbers for the septic applications and permits for the last several years (2021-2023 to date). Mr. Arn stated there have been 26 mounds and 14 leach lines so far this year. Mrs. Jodrey asked if we saw the most homes being built in the Mt. Orab area? Mr. Dick stated yes, there were a lot of homes going in at the Mt. Orab area. Mr. Jennings asked about the Loan applications, what are those? Mr. Dick explained those are for when people are trying to purchase a property and want the septic inspected. Mr. Jennings and Mr. Dick discussed how many people are licensed for Food in Brown County.

Mr. Dick discussed the 2024 Rumpke License and the situation at Rumpke is getting fixed. Mr. Dick stated there were no issues with the license. Mr. Jennings, Mr. Dick and Mr. Arn explained the Rumpke license to Mrs. Jodrey. Mrs. Jodrey motioned to approve; Mr. Klump seconded the motion. All members voted aye. Motion passed.

Variance for a subdivision review: Mr. Dick explained that the property owner came in previously for this but did not complete it. The property owner sold the property before the split was completed. Part of the property line will run through the existing leach field and the house. The planning commission approved this survey. The board asked how? We aren't sure. Mr. Dick has spoken with Mrs. McMullen, Assistant County Prosecutor, who spoke with County Building Inspector, James Berry with planning commission who stated that a variance was passed for this by the planning commission. The variance with our office will be for approving the septic system to be on two parcels. It has been 8 years since the property owner originally started this split. Mr. Dick spoke with one of the new homeowners and she is aware of this situation. He talked to Brown County Engineer, Todd Cluxton, who told him that if the other homeowner wanted to, they could run a fence right up to the other home if he so chose to, which could potentially cause a problem. The original property owner stated that his realtor advised him that this split was fine. They were trying to create a flag lot. Mr. Jennings asked what happens if we do not approve this? Mr. Dick stated that it would not go any further then. Our office must approve these as well as the planning commission and tax map. Mr. Jennings asked if we sign off on this, will Mr. Cluxton? Mr. Berry was aware of it, but we can't say what Mr. Cluxton will do. This will be an issue in the future should it be granted. Mrs. McMullen advised not to approve it in her opinion. Mr. Jennings asked how often we have these types of variances. Mr. Dick stated that we try to look at each variance request on an individual basis. It has been a long time since we provided any easements for septic's crossing property lines, due to the 2015 ODH sewage rules. Dr. McHenry asked if we could deny it and have the person go back to the planning commission to have this redone? Mr. Dick and Mr. Arn stated yes, we could. Mrs. Jodrey asked if the planning commission was aware? Mr. Dick stated yes, there is a drawing of theirs that shows the line through the home. The issue may be that this is an unrecorded land contract so both properties

are still in the same name. Mr. Jennings asked the timeframe for this process. Mr. Dick stated 2017 he sent a letter, and the property owner came back in June 2023; Mr. Dick resent an updated letter. Mr. Jennings called for a motion to approve/deny; no motion was made; the variance is tabled for the time being.

Mr. Dick discussed NPDES systems, what they were and when they were necessary. We have 13 in the county, currently. In the past we have sent out letters telling the homeowner that they must have the effluent tested and the system inspected. Mr. Dick talked to State about this, and they advised that we should revise the process because it has been difficult getting these systems tested and maintained and sometimes, they end up in court. These systems are the last resort when installing a septic. The state will be surveying us, and it is going to take work to get these systems inspected. These systems have been failing these tests, they aren't able to meet the EPA standards. In the past some of the companies did not complete proper NPDES systems for example. Now all Aeration systems must have UV filters. Mr. Dick is asking for the boards thoughts on how to proceed with the NPDES inspection process. Mr. Arn explained that the homeowner has the option to hire someone to test the effluent, but some counties will do the testing themselves, but it is not a simple process. The ideal scenario is to have the homeowner get the sample and send in the results to us. Mr. Jennings asked about if the property sells, how is the new owner supposed to know they need to do this? Mr. Dick stated that when state comes to survey us, they will flag this as an issue because technically we can't issue an Operation Permit without proof that the system is working and tested. The board discussed possibly giving the owner an option to have us do it. This matter is being tabled for later discussion. This was mainly information provided to the board in case it became an issue. We will continue to send out the letters for now.

Nursing Division:

Mrs. Williams provided an update on the flu shots and covid vaccine hold. She has been taking the Mobile unit out, last day for the year is tomorrow. We should receive the title at the end of the year. Pam has been keeping a spreadsheet of the items passed out to people from the van.

Emergency Preparedness:

Mrs. Pemberton stated we were invited to the emergency tabletop exercise at Kings Island, and she will be participating. Mrs. Pemberton also stated that we submitted the NOI to apply for PHEP24.

Administrative:

Mr. Arn discussed the 2024 holiday schedule and board meeting schedule. The holidays have not changed. Dr. McHenry motioned to approve; Mrs. Jodrey seconded the motion. All members voted aye. Motion passed. Mr. Arn asked the Board to sign the CEU's for the 2023 year.

The board discussed a resolution to possibly remove the requirement of the DLC member from the Board members. Mr. Jennings explained what the DLC member requirement was. The state made a change several years ago that stated that the BOH could change that and make that position an "at large" position. Mr. Arn discussed this with Mr. O'Hara, who is the current DLC

member, and he is not opposed to making this change. Mr. Arn has asked several other County HDs about this and there are several that have done this. This will be tabled until the next meeting when Mr. O'Hara can attend. Mrs. Jodrey had to leave the meeting early.


Executive Session:

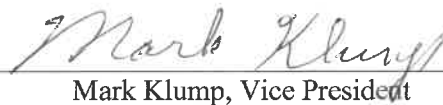
Mr. Arn asked to go into Executive Session for personnel reasons at 6:18pm. Mr. Jennings called for a Roll Call Vote:

Mr. Jennings, aye
Mr. Klump, aye
Dr. McHenry, aye
Motion passed.

The Board left Executive Session at 6:37pm. Dr. McHenry made a motion to approve staff salary changes for 2024 not including Mr. Arn. Mr. Klump seconded the motion. All members voted aye. Motion passed. The Board discussed the Health Commissioner contract and asked Mr. Arn to have Mrs. McMullen possibly review it. Mr. Arn said he would do that. The proposed contract currently states that it would go into effect January 1, 2024, through December 31, 2028. Dr. McHenry made a motion to approve the new Health Commissioner contract with the proposed salary changes. Mr. Klump seconded the motion. All members voted aye. Motion passed.

Mr. Klump made a motion to adjourn the meeting at 6:47pm. Dr. McHenry seconded the motion. All members voted aye. Meeting adjourned.


Ralph Jennings, President


Mark Klump, Vice President

Not Present

Rachael Jodrey, Member

Not Present

Tim O'Hara, Member (DLC)


Michael McHenry, MD, Member


Kyle D. Arn, MS, REHS
Health Commissioner