



**Public Health**  
Prevent. Promote. Protect.

Fairfield Department of Health

## BOARD OF HEALTH RECORD OF PROCEEDINGS

Fairfield Department of Health  
Minutes of the Board of Health  
February 12, 2020 at 3:00 P.M.

**Meeting Location:** Fairfield Department of Health (FDH), Conference Room, Lancaster, Ohio

**Call to Order:** President David Petty called the Board of Health meeting to order at 3:00 p.m.

### Board Members Present

Tina Childers  
Dr. Steven Kapetansky  
Brian Oliver  
Dave Petty  
Dr. Teresa Wood

### Board Members Absent

A quorum was established. The meeting began with the Pledge of Allegiance.

### Staff Present

Larry Hanna, Administrator; Kathie Whitlock, Administrative Assistant; Jamie Ehorn, Fiscal Officer; Tiffany Nash, Nursing Director; Kelly Spindler, Environmental Director; Kevin Barlow, R.S.

### Others Present

Michael Moore, Herrenhaus Elflein; Keith Elflein, Herrenhaus Elflein

### Approval of Minutes

**Tina Childers moved to approve the January 8, 2020 board meeting minutes as presented. Dr. Steven Kapetansky seconded the motion. The motion passed by with 4 "aye" and 1 "abstained".**

### Herrenhaus Elflein Winery

Michael Moore, Attorney for Mr. Elflein, addressed the board. He gave the background of how and when he became involved in this case. He stated that Mr. Elflein is the owner of the Herrenhaus Elflein Winery and he is claiming an exemption under the Ohio Revised Code Rule 3717.42(B)(13). The rules state that *"A private home that prepares and offers food to guests, if the home is owner-occupied, meals are served on the premises of that home, the number of meals served does not exceed one hundred fifteen per week, and the home displays a notice in a place conspicuous to all of its guests informing them that the home is not required to be licensed as a food service operation"*.

Mrs. Spindler obtained a legal opinion from the County Prosecutors office regarding the ORC Rule. Mr. Moore stated that he had a problem with the County Prosecutors analysis of the rule since the argument was that the food had to be prepared or served in a home.

He felt that the home was viewed as a structure. Mr. Moore stated that there is a difference between a house and a home. He stated that ORC 3717.42 defines the premises and includes land and structures. Food can be served on any part of the property. He stated that the County Prosecutor didn't address this in the analysis of the rule.

Board Member Teresa Wood asked Mr. Elflein what his objections were to obtain a food license. Mr. Elflein has no objections, but he believes he is entitled to the exemption.

Mrs. Spindler read a letter from the Building Department that states that the building doesn't meet the exemption of Ohio Building Code. The section of code exempts: *"buildings or structures which are incident to the use for agricultural purposes of the land on which buildings or structures are located, provided such buildings or structures not uses in the business of retail trade for the purposes of this Section, a building or structure is not considered in the business of retail trade for the purposes of this Section a building or structure is not considered in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned and operated by the seller"*.

Board Members discussed this and stated that the Prosecutor has ruled that this building has to have an operational license. The Board does not have the authority to act on this issue until the owner obtains the operational license.

Attorney Moore stated that the Prosecutors should have looked at the "intent" of the rule. He felt that we are playing with the word "home". Board members felt that this situation has gone beyond the Board of Health's jurisdiction. **Tina Childers moved to refer this matter to the Prosecutor's office. Dr. Teresa Wood seconded the motion. The motion passed by a unanimous voice vote.**

Board Member Brian Oliver stated that the BOH is not in the business to shut businesses down. The board must follow the advice that is given and must follow the rules and guidelines from the State.

Attorney Michael Moore stated that this situation is based on more of a misinterpretation of statute. Mr. Barlow explained the procedure to the BOH. He stated that the Ohio Food Code requires a Certificate of Occupancy which shows compliance with the building regulations. Mr. Elflein already obtained a sewage alteration permit from the health department; he has a septic system. To move forward, he needs to acquire a Certificate of Occupancy, an FDH Plumbing Permit and a Food Service License. He has not obtained the required Plumbing Permit.

#### **Financial Division**

The written report was submitted and filed appropriately in health department files. Mrs. Ehorn highlighted the written report. The department collected 9% of the revenue, while spending 11% of the budget.

Update on Employee Wellness Incentive Program – Mrs. Ehorn explained the process. The Wellness Incentive program recognizes staff who have low sick leave usage during a calendar year.

Employees that meet the established criteria can choose from three options and can receive anywhere from additional personal days; personal time; converting sick days to personal days or they can be paid out. In 2019 only one employee achieved this reward. Cindy Sharpe, Environmental Office Manager, had used 7.75 hours of sick time in 2019 and was eligible to receive one additional personal day or choose from one of the three options. Mrs. Sharpe chose to be paid out and received one day of pay (7.5 hours).

Resolution 2020-04 – The purpose of Resolution 2020-04 is to amend a certificate, appropriation of unappropriated monies and update the receipt line item for the Health Insurance Fund in the amount of \$576,000.00.

Resolution 2020-05 – The purpose of Resolution 2020-05 is to appropriate unappropriated monies in the Solid Waste Disposal fund in the amount of \$2,000.00.

Resolution 2019-05 – The purpose of Resolution 2019-95 is to appropriate unappropriated monies in the District Health Fund in the amount of \$3,741.71.

Resolution 2020-07 – The purpose of Resolution 2020-07 is for a cash transfer to the Public Health Nursing fund in the amount of \$30,000.00.

Resolution 2020-08 – The purpose of Resolution 2020-08 is for a cash transfer to the Food Services Fund in the amount of \$14,000.00.

Resolution 2020-09 – The purpose of Resolution 2020-09 is to memo expense \$599.30 for OPERS payment for the former employee now working at the Fairfield Community Health Center.

**Approval of Resolutions – Tina Childers moved to approve Resolution 2020-04; Resolution 2020-05; Resolution 2020-07; Resolution 2020-08 and Resolution 2020-09. Dr. Steven Kapetansky seconded the motion. The motion passed by a unanimous voice vote.**

#### Miscellaneous

- Mrs. Ehorn discussed the expenses not budgeted or unexpected expenses (over \$1,000.00)
  - o None for January 2020
- The invoices paid during the month over \$3,000.00 were discussed.
  - o Daily Services – Surge Temporary Employees \$3,504.10
  - o Kevin Edmonds – WPCLF Project \$23,337.00
  - o Sanofi Pasteur – Vaccine \$18,634.57
  - o Spohn Excavating – WPCLF Project \$20,850.00
  - o Toyota Direct – Silver Corolla for Food Program \$17,278.50
  - o Treasurer, State of Ohio – Landfill License, C&DD, Vitals - \$94,689.21
  - o Treasurer, State of Ohio – Water, BWC Refund (WIC), Sewage, Food State Fees \$5,999.63

Health Insurance/Dental Updates as of December 31, 2019 – The health insurance ending balance deficit is \$11,462.93. The dental insurance ending balance is \$1,931.03.

Cash Balance – The cash balance as of January 31, 2020 for all programs is \$1,917,440.22. District health balance (not including WPCLF, Garden Towers or Manufactured Home Parks) is \$1,158,369.05.

2021 Budget – Mrs. Ehorn distributed the 2021 Budget for board members to review, discuss and approve. Two budgets were presented to the board. One had a deficit of \$433,151.05. The other showed a deficit of \$466,000.00. The reason for the second budget is because the department currently has a position that is filled by a temporary agency employee. We would like to make this position a full-time health department position. This position is the switchboard/receptionist and runs the nursing clinic check-in. It is an important position for FDH. If the board approves this position, there is a \$35,000.00 difference in the budget. Discussion on the difference in the budget ensued. Board Member Brian Oliver stated that if we remove the purchase of a new vehicle and a copier from the 2021 budget, it would bring the deficit down to the \$438,000.00 range. **Dr. Teresa Woods made the motion to make the switchboard/receptionist position a full-time health department position. Tina Childers seconded the motion. The motion passed by a unanimous voice vote.**

**Tina Childers made the motion to approve the 2021 budget and remove the purchase of a new vehicle and a new copier. Brian Oliver seconded the motion. The motion passed by a unanimous voice vote.**

Approval of Financial Report & Out-of-County Travel – **Tina Childers moved to approve the Financial Report and Out-of-County travel as presented. Brian Oliver seconded the motion. The motion passed by a unanimous voice vote.**

#### Environmental Division

The written report was submitted and filed appropriately in health department files. Mrs. Spindler highlighted the written report.

Resolution 2019-55 – The purpose of Resolution 2019-55 is to send public health nuisance #2018-094 (Jeff & Dawn Lindsey, 6467 Refugee Road, Pickerington, OH) to the city prosecutor's office for failing to connect their home to Fairfield County Utilities Sewer. The existing household sewage treatment system has failed and is creating a public health nuisance and is in violation of the Ohio Administrative Code Section 3701-29-06(E)(3). Mrs. Spindler stated that as of the end of November, the tap fee has been paid in full. It is ready for connection and Mr. Lindsey is working on this. FDH Sanitarian inspected the property and the system has not been installed yet. Discussion ensued. Board Member Brian Oliver suggested that we continue to monitor and discuss this at the March Board meeting. Board members agreed.

Resolution 2019-94 – The purpose of Resolution 2019-94 is to decrease the fee for the Risk Level Food Services Operations/Retail Food Establishment. The fee currently is \$352.00, and it will be decreased to \$349.00. Dave Petty read this into the record as the third reading and public hearing.

No comments were noted at the public hearing. **Brian Oliver made the motion to approve Resolution 2019-94. Dr. Steven Kapetansky seconded the motion. The motion passed by a unanimous voice vote.**

Resolution 2020-02 – The purpose of Resolution 2020-02 is to authorize Kelly Spindler, Environmental Director, to apply for, accept, and enter into a Water Pollution Control Loan Fund (WPCLF) agreement on behalf of the Fairfield Department of Health for the repair and replacement of home sewage treatment systems. **Tina Childers moved to approve Resolution 2020-02. Dr. Steven Kapetansky seconded the motion. The motion passed by a unanimous voice vote.** Mrs. Spindler stated since receiving the WPCLF grant award beginning in 2016, we have spent \$837,000.00 to help repair and replace septic systems for Fairfield County residents.

Resolution 2020-06– The purpose of Resolution 2020-06 is to waive the required minimum 10 feet required between the house and the septic tank located at 2810 Carroll-Southern Rd. NW, Carroll, Ohio 43112 for Kasey Massatti. The required distance is not able to be met as stated in OAC 3701-29-06(3)(1) due to spacing constraints on the property. Discussion ensued. **Dr. Teresa Wood made the motion to approve Resolution 2020-06. Tina Childers seconded the motion. The motion passed by a unanimous voice vote.**

Resolution 2020-10 – The purpose of Resolution 2020-10 is to grant a variance for Mervin Hooley of Hooley Grading LLC, for the 2020 registration year from Ohio Administrative Code 3701-29-03(C)(5), which states: *“Beginning with the registration year starting January 1, 2016, proof of completion of at least six continuing education hours during the previous calendar year through educational program...”*. Mr. Hooley received his continuing education hours on February 6, 2020, the year in which he was registering, rather than the previous calendar year (2019) as required by rule.

Resolution 2020-11 – The purpose of Resolution 2020-11 is to grant a variance for Gerry Zufall of Integrity Plumbing Systems, Inc. for the 2020 registration year from OAC 3701-29-03(C)(5) which states: *“Beginning with the registration year starting on January 1, 2016, proof of completion of at least six continuing education hours during the previous calendar year through educational programs...”*. Mr. Zufall received his continuing education hours in February 2020, the year in which he was registering rather than the previous calendar year (2019) as required in rule.

**Tina Childers made the motion to approve Resolution 2020-10 and Resolution 2020-11 as presented. Brian Oliver seconded the motion. The motion passed with 4 “ayes” and 1 “nay”.**

Approval of Environmental Review Committee – **Dr. Steven Kapetansky moved to approve the Environmental Review Committee recommendations as presented. Brian Oliver seconded the motion. The motion passed by a unanimous voice vote.**

#### **Nursing Report**

The written report was submitted and filed in health department files. Tiffany Nash highlighted the report.

Approval of contract with MMCAP for ordering vaccine. This is a national cooperative for government. There is no term length to this contract. **Dr. Teresa Wood made the motion to approve the contract with MMCAP for ordering vaccine for the clinics. Dr. Steven Kapetansky seconded the motion. The motion passed by a unanimous voice vote.**

Approval of Get Vaccinated Ohio Grant – Mrs. Nash asked for approval to apply for the Get Vaccinated Ohio grant. **Dr. Teresa Wood made the motion to approve applying for the Get Vaccinated Ohio grant. Dr. Steven Kapetansky seconded the motion. The motion passed by a unanimous voice vote.**

#### **Administrator Report**

The written report was submitted and filed in health department files. Larry Hanna, Administrator, highlighted the report.

Approval of Cooperative Agreement with Job & Family Services – The cooperative agreement is for the Work Experience Program (WEP). Participation in this program provides participants with experience and training to assist them in securing employment. This is a renewal contract. **Tina Childers made the motion to approve the Cooperative Agreement with Jobs & Family Services for the WEP program. Brian Oliver seconded the motion. The motion passed by a unanimous voice vote.**

Mosquito Control Grant – Mr. Hanna stated that FDH will be hosting a tire collection day. He will be working with Liberty Tire in March to get the date scheduled. The mosquito grant funds will pay for the costs associated with the tire collection day. Mr. Hanna asked for approval from the board if we are not awarded the mosquito control funds that we can use the Phoenix Tire funding to pay for the collection day. Board members agreed to this.

District Advisory Council Meeting – Mr. Hanna stated that the next District Advisory Council meeting is March 2, 2020 at 7:00 p.m.

Operation and Maintenance Forum – The operation and maintenance forum will be held on February 13, 2020 from 9:00 – 12:00 noon at the health department facility. The purpose of the forum was to work with the stakeholders to establish the operation and maintenance program. District Advisory Council members were invited to attend.

Information Forum – The informational forum on FDH services provided by District Advisory Council funding will be held on February 19, 2020 from 1:00 – 7:00 p.m. at the health department facility. District Advisory Council members were invited to attend.


City of Pickerington – Mr. Hanna reported that he was trying to obtain information from Franklin County Health Department on the services that they provide to the City of Pickerington.

**Public Comments** – There was no public comments noted.

**Adjournment**

The meeting adjourned at 4:31 p.m. on motion by Brian Oliver. Tina Childers seconded the motion.  
The motion passed by a unanimous voice vote.

  
\_\_\_\_\_  
Dave Petty, President  
Fairfield Department of Health

  
\_\_\_\_\_  
Mark Aebi, M.D., Secretary  
Fairfield Department of Health