

CITY OF MIDDLETOWN  
BOARD OF HEALTH  
Minutes  
April 12, 2022

The City of Middletown Board of Health met in regular session at 7:30 AM on April 12, 2022.

Members Present

Mayor Nicole Condrey, BS, President  
Jeff Bonnell  
Margie Davis, RN  
Sally Kash, MS, RN  
Charlene Kurtz, BSN, RN  
Ruth Lolli  
Dr. Ken Patrick, DVM  
David Schul, Vice President

Health Department Staff Present

Jackie Phillips Carter, MPH, BSN, RN  
Carla Ealy, BS, REHS  
Chandra Corbin, BSN, RN  
Amanda McDonald  
Janay Mourer, BS, REHS

City Staff Present

Ashley Bretland, General Counsel  
Zachary Barnhart, General Counsel

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ROLL CALL

All board members were present.

CITIZEN COMMENTS

No citizens were present.

Mayor Condrey asked the board if they would be interested in recording board of health meetings so that citizens would be able to view the meetings online.

All board members were in favor of recording meetings to make them available to the public.

Ms. Kash stated that she would prefer audio recordings over video recordings stating that board members may see an influx in calls received at home by the public in regards to the board of health.

Ms. Phillips Carter stated that the health commissioner represents the board of health and if individuals are unable to attend board of health meetings all questions can be directed to her.

APPROVAL OF MINUTES-March 2022

Mr. Schul pointed out a spelling error on the second page of the March meeting minutes.

**Motion:** Ms. Kash moved, seconded by Mr. Schul to approve the March 2022 Board of Health Meeting Minutes with the spelling error corrected.

**Roll call vote:** Yes-7 (Bonnell, Davis, Kash, Kurtz, Lolli, Patrick, Schul). No-0. Motion Passed.

RECEIVE AND FILE FINANCIAL REPORT-March 2022

**Motion:** Ms. Kurtz moved, seconded by Ms. Lolli to receive and file the March 2022 Financial Report.

**Roll call vote:** Yes-7 (Bonnell, Davis, Kash, Kurtz, Lolli, Patrick, Schul). No-0. Motion Passed.

**OLD BUSINESS****Septic Update**

Ms. Phillips Carter introduced City of Middletown General Counsel, Ashley Bretland and Zachary Barnhart. Ms. Phillips Carter informed the board that Mayor Condrey received a complaint from a citizen residing on Lefferson Road who was mandated to connect to sanitary sewer. The Citizen stated that while she complied with health department orders, some of the other neighbors had not and the health department is not holding them accountable.

Ms. Phillips Carter states that there is a process that the health department must follow for failing to connect to the sewer.

Mayor Condrey stated that the citizen mentioned that her neighbor was fined \$150 in Middletown Municipal Court for failure to comply, while it cost her over \$5,000 to comply with connection orders. Mayor Condrey stated that the citizen also made complaints regarding the way she was treated by health department staff.

Ms. Phillips Carter stated that she is confident in her staff and their treatment of the public. Ms. Phillips Carter stated that she understands that the process can be frustrating.

Ms. Ealy stated that the health department must follow due process. Sanitary sewer connection orders were first issued in 2011. There were forty-seven homes that had not connected by 2019, those property owners were issued certified letters and twenty-five of them connected to sanitary sewer within the given timeframe. Orders were rescinded on ten of the homes due to exemptions. The remaining eleven property owners were turned over to the Prosecutor's office for failure to connect.

Mayor Condrey asked if 4821 Lefferson had connected to sanitary sewer.

Ms. Ealy stated that the court ruling had given the property owner until June 4, 2022 to connect.

Ms. Bretland stated that the Ohio Administrative Code is what requires homeowners to abandon a septic tank and connect to the sanitary sewer in certain instances, it is not decided by the Health Department. This process began with the Health Department in 2011. Notice of the requirement to connect was sent by the Health Department to owners in January 2019, and a second in July 2019. The prosecutor's office sent a letter in November 2019 to inform them of the possibility of criminal charges should they fail to connect. The initial charge is for failure to obey an order of board of health, which is a minor misdemeanor, carrying only a fine of up to \$150 plus court costs. The second, and any subsequent, charge is a 4<sup>th</sup> degree misdemeanor, carrying a possible fine of up to \$250 and up to 30 days in jail.

Mayor Condrey asked what would happen if the citizen still did not connect after their second court appearance.

Ms. Bretland stated that the judge gives the homeowner a timeframe to complete the connection within and if the homeowner does not comply, it is considered another fourth-degree misdemeanor. Ms. Bretland states that sentencing is up to the judge.

Ms. Kurtz stated that she would like to thank the health department for all of their hard work. Ms. Kurtz continued that she has always been impressed with the health department staff's customer service.

Mayor Condrey asked how many houses are left that still need to connect to sanitary sewer.

Ms. Ealy stated that there are six homes that still need to connect.

Ms. Ealy informed the board that there is a house on Central Avenue where the septic system is failing. The health department recommended having the septic system inspected before the house was sold due to previous failure issues. The health department had discussed these septic issues with the realtor before the home was sold. The health department contacted the new property owner informing them that the house is uninhabitable until the septic system is replaced or connected to city sewer.

Ms. Phillips Carter informed the board that there are approximately 600-700 septic systems still active and located within the city of Middletown.

### EDUCATION PRESENTATION-Mental Health

Ms. Phillips Carter shared a video discussing mental health and reminds everyone that "it is okay to NOT be okay."

Ms. Phillips Carter states that is especially important to give ourselves and others both grace and mercy during difficult times.

Mayor Condrey informed the board that Middletown Hope Squad is organizing a walk focused on bringing awareness and support to mental health issues. The walk will be held at Middletown High School on April 23, 2022 from 6-9pm.

### OLD BUSINESS

#### COVID

Ms. Phillips Carter informed the board that there could be mild upticks of COVID cases with new variants emerging. Everyone, especially high- risk individuals should continue to practice caution.

#### PHAB

Ms. Phillips Carter informed the board that health department staff continues to work on PHAB documentation.

#### Workforce Development Grant

Ms. Phillips Carter informed the board that the workforce development grant will run anywhere from 2-5 years.

Ms. Phillips Carter stated that she will be bringing forward an Environmental Health Specialist in Training for approval of appointment at the May Board of Health meeting. Ms. Phillips Carter informed the board that the health department is continually trying to acquire necessary space in the city building to accommodate staff.

### NEW BUSINESS

#### Travel Authorizations

None.

#### Approval of CMHD Public Health Worker Agreement

Ms. Phillips Carter explained that the finance department has added a line item in the health department budget. The workforce development grant is reimbursable up to \$180,000. The public health worker agreement will be paid entirely by the grant.

**Motion:** Ms. Kurtz moved, seconded by Ms. Kash to approve the CMHD Public Health Worker Agreement Contract.

**Roll call vote:** Yes-7 (Bonnell, Davis, Kash, Kurtz, Lolli, Patrick, Schul). No-0. **Motion Passed.**

#### Indigent Services

Ms. Phillips Carter informed the board that CMHD has received a complaint from one of the local funeral homes regarding our indigent services program. CMHD requires that the decedent as well as applicant are both indigent in order to have burial/cremation expenses paid for by the City of Middletown. This funeral home states that this practice is illegal, only the decedent should have to be proven to be indigent and the financial status of the individual claiming the body should be of no concern to CMHD.

Ms. Phillips Carter provided board members with indigent services information from 2016-2021. Ms. Phillips Carter explained that in 2017 the City's finance director brought it to our attention that City of Middletown was paying more for indigent services than any other surrounding area, including much larger cities.

At that time, CMHD had the law department review and revise a new indigent services application. Among the changes made to the application was the requirement that the person claiming the body also be indigent and provide supporting paperwork. Indigent costs were reduced in 2018 and again in 2019.

Ms. Phillips Carter inquired about the legality of requiring the applicant to be indigent as well as requiring the decedent to be indigent. The law department states that if there is an unclaimed body, the city will cover cremation expenses. If someone claims the body, they are then responsible for cremation services, unless they too can prove indigency. The law department created a memo addressing these concerns and the memo was included in the board of health packet. Mr. Bonnell stated that in Ohio the only person financially responsible for the decedent is the surviving spouse or the parent of a minor child.

Ms. Phillips Carter stated that the law department did not interpret the Ohio Revised Code (ORC) the same way and CMHD has referred all legal questions to the law department.

Mr. Bonnell stated that he did not agree with the way the ORC was being interpreted.

Ms. Phillips Carter asked for and received Mr. Bonnell's information. Ms. Phillips Carter stated that she would follow up with the legal department.

#### Name, Address, Phone, Health History (NAPH) Form Update

Ms. Phillips Carter explained to the board that this form is updated every year. Ms. Phillips Carter instructed board members to notify Ms. McDonald of any updates to their NAPH forms.

#### 1<sup>st</sup> Quarter Report 2022

The 1<sup>st</sup> Quarter Report was included in the board of health packet.

#### REPORTS

##### Health Commissioner

Ms. Phillips Carter stated that Public Health week was wonderful and thanked Ms. Brown for all of her hard work throughout the week in getting city staff and the public involved with Public Health Week. Ms. Phillips Carter thanked Mayor Condrey for the Public Health Proclamation that was presented at City Council.

Ms. Phillips Carter informed the board that she continues to serve on unhoused initiatives trying to find solutions.

##### Medical Director

In Dr. Jennewine's absence, Ms. Corbin presented the board with the March 2022 communicable disease numbers.

Campylobacteriosis	1
Chlamydia infection	38
COVID-19	41
Giardiasis	1
Gonococcal infection	26
Hepatitis B	3
Hepatitis C	18
HIV	2
Influenza-associated hospitalization	3
Salmonellosis	1
Streptococcus pneumoniae	2
Streptococcal-Group A- invasive	3

##### Director of Nursing

Ms. Corbin reported to the board that the number of COVID cases continues to decrease dramatically. There were 126 cases of COVID entered into the system in March, however; 83 of those cases were late entries.

Ms. Corbin informed the board that we are seeing an increase in the number of flu cases with many of those individuals having not received the flu vaccine.



City of Middletown Health Department  
Middletown, Ohio

*A Connected and Healthy Community to Live, Work and Play*

#### Environmental Director

Ms. Ealy informed the board that CMHD has received plans for the following: Hunan Bistro on Breiel Boulevard, Ice Cream Dreams on Dixie Highway, an ice cream shop on Roosevelt Boulevard and a tattoo shop on Central Avenue.

Ms. Ealy informed the board that she has submitted Tobacco 21 to the law department for them to create a rough draft ordinance.

Ms. Ealy informed the board that CMHD has received the RFE survey report from Ohio Department of Agriculture (ODA). There were two action plans included in the survey results. The first action item is that CMHD must provide a policy for investigating complaints. The second action item is an enforcement policy to rescind/revoke food licenses. The Action Approval Plan letter is included in the board of health packet.

#### ADJOURNMENT

The meeting was adjourned at 9:00 AM. The next meeting will be held on May 10, 2022 at 7:30 AM.



Jacquelyn D. Phillips Carter, MPH, BSN, RN  
Secretary

Nicole Condrey, President  
City of Middletown Board of Health