

CITY OF MIDDLETOWN
BOARD OF HEALTH
Minutes
October 11, 2022

The City of Middletown Board of Health met in regular session at 7:30 AM on October 11, 2022.

Members Present

Sally Kash, MS, RN, Acting President Pro Tem
Jeff Bonnell
Margie Davis, RN
Charlene Kurtz, BSN, RN
Ruth Lolli
Dr. Ken Patrick, DVM

Health Department Staff Present

Jackie Phillips Carter, MPH, BSN, RN
Carla Ealy, BS, REHS
Dr. Paul Jennewine, MD
Chandra Corbin, BSN, RN
Amanda McDonald, Vital Statistics Registrar

Absent and Excused

Mayor Nicole Condrey, BS, President
David Schul

Guests

Kristina Latta-Landefeld, M.S., OCPS
Natalie Rickard, MCSD Student
Bailey Warner, MCSD Student

ROLL CALL

Motion: Ms. Kurtz moved, seconded by Ms. Lolli to excuse absent board members.

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

CITIZEN COMMENTS

None.

Ms. Phillips Carter acknowledged two Middletown High School interns and asked them to introduce themselves and tell the board a little about their program. Natalie and Bailey will be with CMHD for one hour four days a week until December 20, 2022.

PUBLIC HEARING

Motion: Ms. Lolli moved, seconded by Ms. Kurtz to open the public hearing.

MBHE Ordinance No. 2022-01-Food Fees, MBHE Ordinance No. 2022-02-Campground Licensing Fees and
MBHE Ordinance No. 2022-03-Tobacco 21

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

Ms. Ealy explained that notices were sent out to all affected business regarding 2023 fees. Ms. Ealy indicated that she spoke with one operator in regards to questions about fee changes.

No citizens or business owners were present for the public hearing.

Motion: Ms. Davis moved, seconded by Dr. Patrick to close the public hearing.

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

APPROVAL OF MINUTES- September 2022

Motion: Ms. Kurtz moved, seconded by Ms. Lolli to approve the September 2022 Board of Health meeting minutes.

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

RECEIVE AND FILE FINANCIAL REPORT-September 2022

Motion: Ms. Kurtz moved, seconded by Dr. Patrick to receive and file the September 2022 Financial Report.

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

Education Presentation- Tobacco Retailer License, Kristina Latta-Landefeld, M.S., OCPS

Ms. Latta-Landefeld, Chief Operating Officer, Envision Partnerships, presented the board with information regarding the Tobacco Retailer License (TRL). Ms. Latta-Landefeld stated that in October of 2019, Ohio implemented a statewide Tobacco 21 law. This law made it illegal to give, sell or otherwise distribute cigarettes, other tobacco products, or alternative nicotine products like e-cigarettes/vaping products to any person under the age of 21. Ohio did not implement a comprehensive compliance strategy to enforce the new minimum legal sales age of 21. The Food and Drug Administration, which is empowered to enforce federal tobacco sale laws, has failed to consistently enforce underage sale laws in Ohio. It is up to local authorities to require local retailers to abide by youth protection laws.

Ms. Latta-Landefeld explained that according to a study by the Centers for Disease Control, 1 in 20 middle school students and 1 in 5 high school students reported using an e-cigarette in the past 30 days. Adolescent vaping quadruples the risk of becoming a long-term smoker and 95% of current adult smokers began before the age of 21.

As a solution to this problem, the TRL is a comprehensive, non-criminal, regulatory tool that enables localities to monitor tobacco sales, fund compliance efforts and create effective penalties and suspension structures for repeat violations. It requires all businesses that sell tobacco products (including e-cigarettes) to get a license and pay an annual fee. The income will go to the local health department for education and enforcement. It helps to close the gap in tobacco regulation by federal and state Tobacco 21 laws.

Benefits of a TRL include: protecting youth from harmful tobacco products, holding retailers accountable and funding enforcement. Ms. Latta-Landefeld explained that we have seen TRL's work successfully in Columbus, Cuyahoga County, Cincinnati and Norwood. All three health departments in Butler County have agreed on a license fee of \$250.00. The license term is one calendar year.

All violations are classified as civil penalties. The following is an example of the civil penalties set forth by Hamilton City Health Department: for a first violation, a fine no less than \$500; for a second violation within a 36-month period, a fine no less than \$750 and the license shall be suspended for a minimum of 30 days; for a third violation within a 36-month period, a fine no less than \$1,000 and the license shall be suspended for a minimum of 30 days; and for a fourth and any subsequent violations within a 36-month period, the license shall be revoked.

Interact for Health is willing to fund the start up cost of the TRL program in said city of municipality until the program is able to fund itself and be sustainable. The first step of implementation is to establish a comprehensive list of all retailers of nicotine and tobacco products in the jurisdiction and then to fund enforcement of tobacco sales regulations at no cost to the taxpayer. This will prevent illegal sales of nicotine and tobacco products by providing weight to current sales laws by imposing a threat of suspension for repeated violations. This will reduce productivity loss, health insurance costs (including Medicaid) and related illnesses and death and thereby advance public health through prevention and substantially increase health equity.

Discussions

Ms. Lolli asked if retailers are willing to distribute Tobacco 21 information.

Ms. Latta-Landefeld stated that part of the money received to get Tobacco 21 up and running will go towards providing information for retailers to distribute and display.

Dr. Jennewine asked what would happen if retailers fail to comply and refuse to pay the civil fines.

Ms. Latta-Landefeld stated that the license could then be revoked and misdemeanor charges could be filed.

OLD BUSINESS

PHAB

Ms. Phillips Carter informed the board that CMHD will find out accreditation status in November. CMHD is working towards beginning the Community Health Assessment (CHA).

NEW BUSINESS

Travel Authorizations

Ms. Phillips Carter informed the board that Ms. Corbin will be attending an all-day epidemiology training. The training is required to be completed face-to-face, there are no fees associated with the in training.

Motion: Ms. Lolli moved, seconded by Ms. Kurtz to approve the travel request.

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

Motion to Read MBHE Ordinance No. 2022-01, 2022-02, 2022-03, 2022-04 and 2022-05 by Title Only.

Motion: Ms. Lolli moved, seconded by Ms. Davis to read MBHE Ordinance No. 2022-01, 2022-02 and 2022-03 by title only.

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

Second Reading of MBHE Ordinance No. 2022-01 An Ordinance Amending Fees for the Licensing of Food Service Operations, Mobile Food Service Operations, Temporary Food Service Operations, Vending Machine Locations, Retail Food Establishments, Mobile Retail Food Establishments, and Temporary Retail Food Establishments

Second Reading of MBHE Ordinance No. 2022-02 An Ordinance Amending the License Fees for Recreational Vehicle Parks, Recreational Camps, Combined and Temporary Park-Camps

Second Reading of MBHE Ordinance No. 2022-03 An Ordinance Requiring a License to Sell Tobacco Products Within the City of Middletown-Tobacco 21

Second Reading of MBHE Ordinance No. 2022-04 An Ordinance Authorizing the Health Commissioner to Take Action That May be Taken by the Board of Health as Licensor Pursuant to Ohio Revised Code Sections 3717.29(D)(1) to Suspend a License Issued to a Retail Food Establishment or a Food Service Operation

Second Reading of MBHE Ordinance No. 2022-05 An Ordinance Authorizing the Health Commissioner, Any Registered Environmental Health Specialist or Environmental Health Specialist-In-Training Employed by the Board of Health to Take Action That May be Taken by the Board as Licensor Pursuant to Ohio Revised Code Sections 3717.29(c)(1) or 3717.49(B)(1) to Suspend a License Issued to a Retail Food Establishment or a Food Service Operation

Approval of Agreement between City of Middletown Health Department and Emergency Preparedness Coordinator

Ms. Phillips Carter explained that this position is covered by the Workforce Development grant. The Emergency Preparedness Coordinator selected for the position is a graduate of Miami University, with a Bachelor of Arts in Public Health.

Motion: Ms. Lolli moved, seconded by Ms. Kurtz to approve the Emergency Preparedness Coordinator Agreement.

Roll call vote: Yes-5 (Bonnell, Davis, Kurtz, Lolli, Patrick). No-0. **Motion Passed.**

2022 Third Quarter Report

Ms. Phillips Carter informed the board that the Customer Service Survey Report has been added to the quarterly report and is included in the packet.

REPORTS

Health Commissioner

Ms. Phillips Carter informed the board that only three cases of monkeypox have been reported in Butler County. Two cases in Hamilton and one in Fairfield.

Ms. Phillips Carter informed the board that CMHD has reached out to area churches and places of worship in an effort to coordinate a booster clinic. The next CMHD COVID clinic is fully booked and scheduled in-home vaccinations have also increased.

Ms. Phillips Carter informed the board that she met with Health Improvement Partners (HIP) regarding OHIZ Grant implementation on September 28th to conduct a data walk in the identified census tracts. The data walk revealed that there are no dollar stores, laundry mats or healthy food opportunities in any of the three identified census tracts (130, 131, 132).

Ms. Phillips Carter informed the board that the CMHD 2023 budget will be presented to City Council on October 18th. Ms. Phillips Carter stated that the number of overdose deaths continue to increase with a year-to-date total of 37 and 26 causes of death still pending at the coroner's office.

Ms. Phillips Carter informed the board that a City Council member will be holding a meeting tonight with downtown business owners and addressing their concerns regarding the unhoused population. There was a large group that met with State Representative Hall addressing mental health concerns. Ms. Phillips Carter stated that a meeting with the Executive Director of Family of Addicts will be meeting to gather information of possibly starting a new chapter in Middletown.

Medical Director

Dr. Jennewine reported the communicable diseases for September 2022.

Botulism	1
Chlamydia infection	13
COVID-19	324
Gonococcal infection	14
Hepatitis C	8
Salmonellosis	1
Streptococcal-Group A-invasive	1

Director of Nursing

Ms. Corbin informed the board that the last CMHD COVID clinic was robust, with 82 COVID boosters and 6 flu vaccines administered. Ms. Corbin informed the board that individuals can receive the COVID and flu vaccines at the same time. The bivalent COVID booster shot is now the only licensed booster vaccine.

Environmental Director


Ms. Ealy informed the board that all first-round food inspections have been completed and second-rounds will be completed by February 28th. All 5-year septic inspections have been completed.

Ms. Ealy stated that there have been two mobile food trucks that have had plans disapproved for turning in incomplete plan review packets. CMHD is working with them on obtaining all needed information.

Ms. Ealy informed the board that the Hocus Pocus event was held the first weekend of October with multiple temporary vendors licensed and operating at the event. A new bar, The Rusty Nail, will be opening on Roosevelt Boulevard later this month.

ADJOURNMENT

The meeting was adjourned at 8:26 AM. The next meeting will be held on November 8, 2022 at 7:30 AM.



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



Nicole Condrey, President
City of Middletown Board of Health