

**Galion City Board of Health**  
**Galion City Health Department, 113 Harding Way East, Galion**  
**Tuesday, April 12, 2016 7:30 am**  
**Regular Meeting**



**Present:** Mr. Tom O'Leary, Mayor, City of Galion/Board of Health President; Ms. Katelyn Strickler, President- Pro Tem; Ms. Wendy Kerr, Board member; Ms. Trish Factor, Health Commissioner; Stephanie Zmuda, Environmental Director

**Guests:** Barbara Brown, FSO License Holder; Richard Brown, FSO

**1. Call to Order**

Mr. O'Leary called the meeting to order at 7:42 am.

**2. Approval of Agenda**

Motion to amend the agenda to incorporate all agenda items from the March 15, 2016 meeting; due to lack of quorum by Mr. Long Second by: Mr. Cramer Abstentions: N/A

A Voice Vote was taken.

Motion carried.

Motion to approve the amended Agenda by: Ms. Kerr Second by: Mr. Cramer Abstentions: N/A

A Voice Vote was taken.

Motion carried.

**3. Approval of Minutes**

Motion to approve the March 15, 2016 Minutes was dismissed due to lack of quorum.

Motion to approve the February Minutes as presented by: Ms. Kerr Second by: Mr. Cramer Abstentions: N/A

A Voice Vote was taken.

Motion carried.

Motion to approve the April 11, 2016 Special Meeting Minutes as presented by: Mr. Long Second by: Mr. Cramer Abstentions: N/A

A Voice Vote was taken.

Motion carried.

**4. Community Member Comments**

No public comments at this time

**5. Approval of Finance Reports/ Warrants**

Motion to approve the January 2016 Finance Reports and Warrants by: Ms. Kerr Second by: Mr. Cramer Abstentions: N/A

A Roll Call Vote was taken.

Long- Y      Kerr-Y      Cramer-Y

Motion carried.

Motion to approve the February 2016 Finance Reports and Warrants by: Mr. Long Second by: Mr. Cramer Abstentions: N/A

A Roll Call Vote was taken.

Long- Y      Kerr-Y      Cramer-Y

Motion carried.

March finance reports were not able to be provided at the time of the BOH meeting. The City Auditor's Office had not yet completed month end for March, therefore financial reports could not be pulled to verify our information and add in any expenses not paid directly by the health department.

## **6. New Business**

### **6.1 BJ's BOH Hearing**

7:45 am (3/15/16) FOR DOCUMENTATION PURPOSES ONLY

After an Administrative Hearing was held on February 15, 2016 and subsequent follow-up inspection conducted, it was found that BJ's Family Restaurant was not in compliance with the guidelines set forth during the Administrative Hearing and therefore the issue is coming before the Board of Health. A letter sent to Ms. Brown on February 17, 2016 covering the documentation that was reviewed with Ms. Brown as well as action steps moving forward was also shared. \* See attached.

Ms. Zmuda began by supplying the BOH members a detailed summary of critical violations dating back to October 17, 2013. Within the summary Ms. Zmuda described the critical violations that had been found upon standard, critical control point, and follow-up inspections; in addition she pointed out the numerous Administrative Hearings, informational letters detailing violations, Compliance Hearings, and license renewal deadlines missed. Ms. Zmuda was also able to show the BOH members the numbers of critical violations for each of the past 3 food licensing periods, the average number of critical violations per visit, and the total number of visits required of the facility in each of the 3 years. This data was also compared to the total number of critical violations for all FSO's in the city of Galion as well as the average number of visits required for such facilities. \*See handout. In addition, the 2 most recent inspection reports were provided, which showed greater detail of the issues surrounding the violations described by Ms. Zmuda. Ms. Factor wished to point out the average number of visits made to BJ's Family Restaurant versus the average number of visits made to all other FSO's. She went on to explain that the additional time required by Ms. Zmuda to keep up with the higher than average inspection numbers is something that must be factored into the State of Ohio's Food Licensing Cost Methodology; which in turns increases the licensing fees for all FSO's in the city of Galion, and increases the expense to the department (an expense that cannot be charged directly). Ms. Zmuda shared that there has been quite a bit of one on one time spent providing education at this particular FSO; including, but not limited to, a level 1 Food Safety Course held at their facility.

Mr. Brown spoke out regarding the fact that he felt that over half of the violations are due to the cook. He feels he needs to go through the food safety training course again. He also described the hiring of the cook and determination of hours when asked if the current cook was the best choice for the position; issues surrounding decreased business and the need to cut staffing was brought up. Mr. Brown also made a point to discuss the roadwork occurring in front of the FSO and how he felt it had negatively affected the business. Mr. O'Leary made a point that not everything could be blamed on the roadway project, seeing as how the pattern of violations dates back to before the roadway projects began. Ms. Brown stated that she took responsibility for "throwing" the FSO at Mr. Brown after her husband had passed away.

Ms. Kerr asked if there was a manager that was in charge of day to day operations. Mr. Brown said that would "technically" be him. Ms. Brown was asked if the building was owned and it was determined that the building itself was under a land contract.

Mr. O'Leary questioned how we had gotten to this place? How can the staff better let the BOH know where operations like this are at before it gets to this point. Ms. Zmuda and Ms. Factor reiterated that they were doing their best to follow Ohio Revised Code and taking all the intermediary steps, as well as educating and attempting to work with the FSO to come back into compliance. Further policy and protocol will be determined internally.

Mr. O'Leary stated that it sounds like the fault is being placed on the cook; however, it is not his license, his name is nowhere on the license. Ms. Strickler asked what else, other than the training provided had the facility done to attempt to correct violations. Mr. Brown shared that signage and charts that were provided by Ms. Zmuda had been put into use.

Ms. Zmuda asked how long the cook had been there. Mr. Brown stated a few years. Ms. Zmuda asked if he was hired to be the cook. Mr. Brown stated that no, initially he was hired in as a dishwasher but with staffing cuts he was moved into the position about a year ago. Ms. Zmuda asked if he was the only cook on staff. Mr. Brown said yes. Ms. Zmuda stated that she didn't feel it was realistic for 1 cook all day, every day to keep up with things (in terms of public health requirements).

Ms. Kerr stated, "I feel that when you own a business you need to have a personal investment in it." You

need to show an interest, make sure staff is accountable, and invest your own time. Ms. Strickler followed up by asking Mr. Brown, "When you knew Stephanie (Ms. Zmuda) was coming in and the (the cook) said he had checked date markings did you ever verify those?" Mr. Brown said, "I can't babysit everyone." Ms. Strickler stated, "It sounds like (the cook) can't do this on his own."

Mr. O'Leary commented on the financial condition of the restaurant, no time, money, and/or resources being put into the facility. He stated that he will take some of the responsibility due to the roadwork; but that it seems that there was a "drop-off" since the opening of their new facility in Crestline (October '14). He also said that the safety and quality of the business is the owners' responsibility. "Quality control is your responsibility." Mr. O'Leary asked for clarification, "If we take action on this license, does it do anything to their Crestline business?" Ms. Zmuda stated, "No, that facility is licensed by the county. Since they are licensed by two different entities they are not linked."

Discussion regarding options ensued. Options were license suspension, revocation, or take no action and continue increased inspection frequency. Mr. O'Leary said this is a public safety, public health issue. Ms. Strickler asked, "What would you do to correct the issues if you were not given a suspension?" Mr. Brown said he would continue with the checklists and he would put more hours in. Ms. Strickler recommended that we do one more visit. Mr. O'Leary explained that license fees are not covering them (BJ's Family Restaurant) being "high maintenance"; we can't just charge them more. Ms. Strickler and Ms. Kerr agreed that checks and balances must be put into place. Mr. O'Leary asked about the possibility of getting a commitment to having an owner/ operator at the facility at all times in order to ensure corrective actions are being taken. Ms. Kerr asked if a decision could be made regarding this issue. After minimal discussion the BOH made a motion.

A motion to require Ms. Zmuda to conduct a follow-up inspection of BJ's Family Restaurant on or before March 18, 2016, and in which said inspection may not result in any critical violations or else actions will be taken to revoke said license; motion was made by: Ms. Kerr Second by: Ms. Strickler.

A Roll Call Vote was taken.

O'Leary- Y      Kerr-Y      Strickler-Y

Motion carried.

**\*\*FOR DOCUMENTATION PURPOSES ONLY (VOTE DID NOT COUNT DUE TO LACK OF QUORUM)**

## **6.2 Resolution #2016-144**

A motion to approve Resolution #2016-144, A Resolution authorizing the Health Commissioner to issue a cease and desist order and refer for criminal prosecution and/or a temporary restraining order or injunctive relief an unlicensed retail food establishment, was made by: Mr. Cramer Second by: Ms. Kerr.

A Roll Call Vote was taken.

Long- Y      Kerr-Y      Cramer-Y

Motion carried.

## **6.3 Resolution #2016-145**

A motion to approve Resolution #2016-145, A Resolution authorizing the Health Commissioner to issue a cease and desist order and refer for criminal prosecution and/or a temporary restraining order or injunctive relief an unlicensed food service operation, was made by: Mr. Cramer Second by: Mr. Long.

A Roll Call Vote was taken.

O'Leary- Y      Kerr-Y      Strickler-Y

Motion carried.

## **6.4 Resolution #2016-146**

A motion to approve Resolution #2016-146, A Resolution to define the responsibilities and timeframes for

filling of vacant seats within the Galion City Health Department Board of Health, was made by: Ms. Kerr Second by: Mr. Long.

A Roll Call Vote was taken.

Long- Y            Kerr-Y            Cramer-Y

Motion carried.

**6.5 Resolution #2016-147**

A motion to approve Resolution #2016-147, A Resolution to define the receipt of health insurance benefits for employees of the Galion City Health Department Board of Health, was made by: Mr. Long Second by: Ms. Kerr.

Discussion: Mr. O'Leary had concern that there would be issues and/or questions regarding the 30 day timeframe due to union issues through negotiation. It was discussed that the Health Department employees are not City of Galion employees falling under any union contract and are in fact their own separate entity. Ms. Durbin (community member) stated that she would expect that professionals receive benefits soon after hire. Move for a vote.

A Roll Call Vote was taken.

Long- Y            Kerr-Y            Cramer-Y

Motion carried.

**6.6 2015 GCHD BOH Activity & Attendance Review**

A motion to accept the 2015 Board of Health Activity & Attendance Review, was made by: Ms. Kerr Second by: Mr. Cramer.

Ms. Factor discussed the annual review and how it will be maintained in order to allow the BOH members to see actions taken, and attendance records year by year/ month by month.

A Roll Call Vote was taken.

Long- Y            Kerr-Y            Cramer-Y

Motion carried.

**6.7 2015 GCHD Annual Report**

A motion to approve the 2015 Galion City Health Department Annual Report, was made by: Ms. Kerr Second by: Mr. Cramer.

Ms. Factor discussed the annual report and its new template. Multi-year data trends were shown and discussed for various programs. The annual report will be posted to the GCHD website and open for public comment/ questions.

A Roll Call Vote was taken.

Long- Y            Kerr-Y            Cramer-Y

Motion carried.

**6.8 ServSafe Test Proctor Fee Setting**

A motion to approve ServSafe Test Proctor Fee at \$50.00per person, was made by: Ms. Kerr Second by: Mr. Cramer.

Ms. Zmuda explained the process she had gone through in order to be able to proctor the exam. She also discussed that method she utilized to set the fee.

A Roll Call Vote was taken.

Long- Y          Kerr-Y          Cramer-Y

Motion carried.

\*Ms. Strickler arrived @8:09am

**6.9 GCHD Emergency Operations Plan**

A motion to approve the Galion City Health Department Emergency Operations Plan (Base Plan), was made by: Mr. Long Second by: Mr. Cramer.

A Roll Call Vote was taken.

Long- Y          Kerr-Y          Strickler-Y          Cramer-Y

Motion carried.

**6.10 Director of Nursing**

A motion to approve the hiring of DeEtta Shaffer for the Director of Nursing position, was made by: Ms. Kerr Second by: Ms. Strickler.

A Voice Vote was taken.

Motion carried.

**6.11 Performance Mangement**

A motion to appr

**7. Monthly Reports**

**7.1 March Health Commissioner's Monthly Report- Ms. Factor reported**

**Funding**

Contracts for services provided by our department are being reviewed.

**Building**

Mr. Swain- City Safety Service Director approved painting to be done by a group of volunteers as part of a Community Day project through Pioneer. It has not yet been determined whether there will be enough groups of students to complete our project, but we are hoping to hear back soon.

Mr. Bute and I were asked to obtain quotes on previously proposed projects; this time together as one large quote. Due to his extended absence this has been delayed but plans are to meet within the next week.

**Accreditation**

**AOHC Regional Meetings with Director Hodges**

I was able to attend a few of these sessions and we were lucky enough to have our Board of Health represented by Ms. Kerr on March 4<sup>th</sup>. There are many changes coming our way in public health; however, we are proactive and meeting these head on.

**PHAB Board of Directors Approves New Five-Tiered Fee Structure**

PHAB announced a new fee structure to manage and maintain the national accreditation process.

Approved by PHAB's Board of Directors in December 2015, the new five-tiered structure bases accreditation fees on the size of the jurisdictional population served by the health department. Applicants who submit an application as a Tribal, state, local, or territorial health department after June 30, 2016 must use the new five-tiered fee schedule. The fee structure was shown and attached for review.

**Website**

The vendor was not able to fully recover our website. We have been working diligently to get all pages current and are verifying that current information is and/ or is able to be placed on our website.

#### **Administrative**

Continued work on administrative policies and procedures is being done.  
Data and information was gathered for the 2015 Annual Report. See attachment.

#### **Training/ Conferences**

February's Staff Development in Performance Management Training was successful; all staff were present.  
Public Health Combined Conference May 9-11, 2016  
PERRC March 21-24, 2016

#### **Internet Services to Local Health Departments**

Based on rates determined by the state department of health it was found that maintaining our current @odh.ohio.gov email addresses would cost our department (at minimum) \$1,543.68 per year. It was also determined that remaining on the ODH provided fiber optic internet connection would cost our department (at minimum) \$13,776 per year. These figures are far out of our budget. Therefore we will be looking into alternatives for email and internet services. \*The state will begin charging for these services effective 7/1/2016.

### **7.2 April Health Commissioner's Monthly Report- Ms. Factor reported Funding**

Contracts for services provided by our department are being reviewed.

#### **Website**

The vendor was not able to fully recover our website. Staff worked diligently to get all pages current and attempting to verify that current information is and/ or is able to be placed on our website.

#### **Administrative**

Continued work on administrative policies and procedures is being done.

#### **Training/ Conferences**

PERRC March 21-24, 2016

#### **Preparedness**

Work has been done in order to complete an Emergency Operations Plan for the GCHD. See attached.

#### **Internet Services to Local Health Departments**

Based on rates determined by the state department of health it was found that maintaining our current @odh.ohio.gov email addresses would cost our department (at minimum) \$1,543.68 per year. It was also determined that remaining on the ODH provided fiber optic internet connection would cost our department (at minimum) \$13,776 per year. These figures are far out of our budget. Therefore we will be looking into alternatives for email and internet services. \*The state will begin charging for these services effective 7/1/2016.

Due to these costs, our office has been diligently looking at alternative internet and email options.

### **7.3 March Nursing Monthly Report- Ms. Factor reported**

#### **BCMH**

Theresa has been working on patient status updates and billing. She has done a few home visits also. We have not had any new clients this month but have had a few requests to get new things provided for existing clients.

#### **Immunizations**

Clinics by appointment have been working well. At this time Theresa is ordering vaccines for VFC and private as needed. All nurses (with Olivia's tech savvy help☺) are learning how to use the EMR Medisoftware for the scheduling of appointments and documenting patient visits. The use of this program will continue to

expand as we learn how to use it. Chris has been going through back records and getting all past immunization patients into IMPACT so we will have less "paper" records and all vaccine records will be available online.

### **Schools**

Trish and Kara have been reviewing contracts for next school year. There will be some additional requirements re: immunizations, record review, and screening to consider. We continue to have RN/BSN students from Ashland University on Tuesdays for their clinical experiences.

### **Communicable Disease**

Kara has been working on re-organizing the way this is reported with Trish's assistance. As a 2016 spread sheet is completed and sort out things like chronic vs. new Hepatitis C cases, it will be easier to report. Due to the change in DON and vacation, complete monthly numbers are not compiled at this time. The usual suspects of chlamydia and hepatitis C are the majority of the cases. Numbers will be reported out next month.

### **Nursing Staff Meetings**

The nursing division is continuing to have nursing staff meetings after the whole dept. meeting once a month. We revised who was doing what, with Ashley leaving, for the majority of this last meeting.

## **7.4 April Nursing Monthly Report- Ms. Factor reported**

### **BCMH**

Theresa continues to work on patient status updates & billing. She did 2 home visits. We have added 2 new patients & we have 4 previous patients that have moved or no longer need services. Our total caseload is 44 patients in the combined diagnostic & treatment programs.

### **Car Seats**

Theresa did 7 car seat education sessions this month.

### **Immunizations**

Staff continue to learn to use Medisoft for clinic documenting & scheduling. We have set a consistent inventory scheduled for the first Monday of every month when there is no clinic to keep better track of order needs & expiring vaccines. We are trying to coordinate with the schools re: the new Fall 2016 Immunization requirements to perhaps set up some specific school clinics. Chris continues to work on going through back records & getting all past immunization patients into IMPACT.

### **Schools**

Screenings are almost completed except for Galion preschoolers. No updates on any school contracts for next year at this time. We continue to have RN/BSN students from Ashland University on Tuesdays for their clinical experiences.

### **Communicable Disease**

Case counts for the month of March 2016:

Chlamydia: 8

Hepatitis C: 3 (all appear to be newly dx cases)

Influenza (Hospitalized): 1

### **Nursing Staff Meetings**

Nursing is continuing to have nursing staff meetings after the whole dept. meeting once a month. I have assigned an educational requirement from the CDC's "You Call the Shots" program for each month. It will keep nursing up to date & educated on the vaccine program as well as give us a free ceu each month. It must be completed before the next staff meeting each month.

## **7.5 March Environmental Monthly Report- Ms. Zmuda reported**

### **Food Safety**

I earned the designation of National Restaurant Association Registered ServSafe Proctor in February, with the goal of helping local food service and retail food operators achieve Level 2 certification that will be required for each facility beginning March 1, 2017.

License renewal for 2016-17 has been a challenge. Each year food service operation and retail food

establishment licenses expire on March 1. Renewals must be received or at least postmarked by March 1 to avoid the 25% penalty fee required in Chapter 3717 of the Revised Code. More operators have renewed late and the degree of lateness is greater than in recent years. Consideration will be given to process improvements for next year in order to eliminate late renewals.

Charts were shared to depict statistics within this program.

February was a busy months for inspections, as all inspections had to be completed before the end of the license year on February 29. Forty-two standard inspections and 20 critical control point inspections were completed in food service operations, and 3 process reviews and 17 standard inspections were completed in retail food establishments. A summary of critical violations observed is attached.

#### **Public Health Nuisances**

Six new solid waste nuisance complaints were reported in February. One ongoing solid waste case was heard in Crawford County Municipal Court on February 23. It is set for pre-trial on March 15.

#### **Tattoo & Body Piercing**

Galion Codified Ordinance Chapter 769 sets forth regulations for tattooing establishments in Galion. The effective date of the ordinance cannot be determined. Chapter 3730 of the Revised Code and 3701-9 of the Administrative Code also govern tattooing and body piercing at the state level. The state law and rules are comprehensive, reflect current trends in the body art industry, and place responsibility for enforcement with the local health department. Updates to the state rules became effective most recently in 2014. By comparison the ordinance is antiquated and responsibility for administration and enforcement are shared by the Mayor's office and the health department. I approached City Law Director Thomas Palmer about eliminating discrepancies between the codes and ordinance. He proposed to the Police, Fire & Health Committee and City Council that the ordinance be repealed. Trish and I were at the meetings to answer questions and speak in support of the repeal. It passed a first reading at Council on March 8.

### **7.5 April Environmental Monthly Report- Ms. Zmuda reported**

#### **Food Safety**

Galion City Health Department sponsored a ServSafe Food Protection Manager (Level 2) certification course on March 30 and 31. I partnered with Chef Sheila Hamm of Tri-Rivers Career Center in Marion to bring the course to Galion. The course meets the Level 2 certification requirement for at least one person per facility that begins March 1, 2017. I was a student in addition to being a sponsor, and earned my certification as well.

License renewal for 2016-17 was a challenge. Food service operation (FSO) and retail food establishment (RFE) licenses expire on March 1. Renewals must be received or at least postmarked by March 1 to avoid the 25% penalty fee required in Chapter 3717 of the Revised Code. More operators renewed late (7 FSOs, 2 RFEs) and the degree of lateness (last non- seasonal renewal issued March 16) was greater than in recent years. A total of \$892.99 in mandatory penalty fees was received. Consideration will be given to process improvements for next year in order to eliminate late renewals.

#### **General Environmental Health**

Lara Becker of Ohio Department of Health conducted a personnel needs assessment of the Environmental Health division on March 29. We also hosted 2 of Lara's ODH colleagues so she could train them in the assessment process. The written report will be available within 30 days.

#### **Public Health Nuisances**

Six new solid waste nuisance complaints were reported in March. One ongoing solid waste case went to pre-trial on March 15 in Crawford County Municipal Court. Sentencing has been set for April 12.

#### **Tattoo & Body Piercing**

City Council voted to repeal Chapter 769 relating to tattooing establishments, upon a third reading on April 5. This will allow the comprehensive, up-to-date state law and rules Chapter 3730 of the Revised Code and 3701-9 of the Administrative Code. This action of Council will streamline oversight and enforcement in the program should we ever have licensed facilities.

**Not incorporated in the written Environmental Report:** Clean Plate Award winners have been determined and awards will be distributed next month. A level 2 food course will be offered March 30-31,



2016.

**8. Executive Session**

There were no motions to go into Executive Session.

**9. Next BOH Meeting**

The next Board of Health meeting is set to take place on May 17, 2016 at 7:30 am in the Galion City Health Department Board Room (this was changed to the Galion Community Hospital Board Room in order to allow for space for Clean Plate Award winners).

Mr. Long stated that he will not be able to be in attendance at May's BOH meeting.

**10. Adjournment**

Motion to adjourn was made at 8:33 am by: Mr. Long Second by: Ms. Kerr Abstentions: N/A

A Voice Vote was taken.

Motion carried.

Respectfully Submitted,

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Trish Factor, Health Commissioner

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Tom O'Leary, President/ Mayor