

**The Lorain District Municipal Board of Health their Regular Meeting on Wednesday –
January 20, 2010 at 4:30p.m.**

PUBLIC HEARING: Public Hearing was held at 4:30p to discuss Regulation No. 976 Establishing Fees for state mandated programs (Swimming Pools, Marinas, Manufactured Home Parks, and Tattoo/Body Piercing. Mayor Krasienko asked Fleming Mosely, Director of Environmental Health, to communicate matters of this public hearing. Mr. Mosely communicated that through cost analysis of all 4 programs and with the Licensing Council the fees are being increased by 15 percent. Mr. Tomaszewski added that all operators have been notified of the public hearing and of the fee increase. These fees have not been increase in 5 years. Mr. Killinger asked that it be explained who the Licensing Council is made up of. Mr. Tomaszewski explained that it is mandated from the legislature to have a representative from each program licensed by the department; who convene to review the cost methodology and approve the fees. OPEN TO PUBLIC: No concerns from the public. Public Hearing closed.

PLEDGE OF ALLEGIANCE:

ROLL CALL: P=denotes presence at meeting; A=denotes absence from meeting:

Mayor Anthony Krasienko-P; Mr. Robert G. Cool, Jr.-A; Mr. Donald Killinger-P; Mr. Don Love-P; Mr. Ben Fligner-P, Ms. Mary J. Santiago-P.

MINUTES: *Mr. Fligner made a motion which was seconded by Mr. Love to accept the December meeting minutes. 4 Ayes, 0 Nays; motion carried.*

MOVING PUBLIC HEALTH NUISANCE REPORTS TO THIS POINT IN THE MEETING *Mr. Fligner made a motion which was seconded by Ms. Santiago to move the Public Health Nuisance Reports to this point in the meeting for all upcoming Board of Health Meetings. 4 Ayes, 0 Nays; motion carried.*

PUBLIC HEALTH NUISANCE REPORTS/HEARINGS:

1756-58 New Jersey – 30 day extension. Mr. Williams explained that the house has been boarded up better but no other changes. Mr. Tomaszewski introduced a receipt and letter received from Attorney Tully regarding boarding up and winterizing the house and also an email to Mr. Goldberg, Community Development Department, from Fred Barck, the real estate broker, stating that the original purchase agreement is no longer valid. Addressing the Board was Deborah Bennett Calabrese, 717 Jaycox Road; Dennis Allen Bennett of Texas is her brother and she owns eight (8) properties and family members own many others in this area. She explained that the Bank did not approve the ‘Below Appraisal Purchase Agreement’ and that the property is going to be reappraised and relisted and that her brother is still interested. Mr. Killinger asked Mr. Williams if the property is still considered a Public Health Nuisance and Mr. Williams replied that it is. After further discussion; *Mr. Fligner made a motion seconded by Ms. Santiago to refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.*

1748 East 28th Street – 30 day extension. (Owner: Ms. Diana Rivera, present) Mr. Williams explained that there has been gutters and downspouts added and once he was able to access the inside he found that the fire didn’t do much internal damage. Ms. Rivera of 813 East 33rd Street stated that with a budget of \$1800 she plans on cleaning, doing repairs, replacing windows and doors and taking care of the electricity on the second floor within the next 30 days. Mr. Williams stated that cleaning, getting a dumpster and taking care of the electricity will abate the public health nuisance. *Mr. Killinger made a motion seconded by Mr. Fligner to grant Ms. Rivera a second 30-day extension. 4 Ayes, 0 Nays; motion carried.*

217 West 15th Street. Mr. Williams explained that we went through this entire process on this property in October but it was found that the incorrect owner was listed so we are going through the paperwork again now with the corrected owners. Martha Pye, sister of John Hough, stated that her brother owns 215 West 15th Street not 217, which she claims is owned by the Moon Family who are all deceased. Mr. Howard Goldberg, Community Development Department and Mr. Budway, Assistant Law Director, discussed the title transfers for both 217 West 15th Street and 215 West 15th Street. Ms. Santiago asked Mr. Budway if his legal opinion was to move forward with this even though we do not have the correct owners listed. Mr. Budway, responded that yes he would move forward. Mr. Fligner abstained from voting on this property. *Mr. Killinger made a motion which was seconded by Ms. Santiago to re-declare this property a Public Health Nuisance, issue a 30-day abatement citation and set a hearing at the Lorain City Health Department for 4:30pm on February 17, 2010. 3 Ayes, 0 Nays; motion carried.*

1517 Fillmore Avenue. *Mr. Fligner made a motion which was seconded by Ms. Santiago to declare this property a Public Health Nuisance, issue a 30-day abatement citation and set a hearing at the Lorain City Health Department for 4:30pm on February 17, 2010. 4 Ayes, 0 Nays; motion carried.*

904 West 7th Court. Mr. Williams advised the board that he did contact the owner (Mr. George Schneider) and he was going to meet to inspect the property but the owner chose not to show up. Mr. Fligner abstained from voting on this property. *Mr. Killinger made a motion which was seconded by Mr. Love to declare this property a Public Health Nuisance, issue a 30-day abatement citation and set a hearing at the Lorain City Health Department for 4:30pm on February 17, 2010. 3 Ayes, 0 Nays; motion carried.*

915 West 6th Court. *Mr. Fligner made a motion which was seconded by Mr. Love to declare this property a Public Health Nuisance, issue a 30-day abatement citation and set a hearing at the Lorain City Health Department for 4:30pm on February 17, 2010. 4 Ayes, 0 Nays; motion carried.*

822 West 21st Street. Mr. Williams explained that he has been in contact with the owner, Mr. Scottie Bowyer, and that since his inspection the siding has been finished and the side has been sealed up. *Mr. Fligner made a motion which was seconded by Mr. Killinger to declare this property a Public Health Nuisance, issue a 30-day abatement citation and set a hearing at the Lorain City Health Department for 4:30pm on December 16, 2009. 4 Ayes, 0 Nays; motion carried.*

CORRESPONDENCE:

Letter and Notice of Award (\$38,000) from Rural AIDS Coordinator regarding grant continuation for fiscal year 2010. Receive and file.

FINANCIAL REPORT:

Year to date Financial Report – December 2009. . Tomaszewski explained that the department did not expend approximately \$95,000 of the budget but the projected revenues were down by approximately \$159,000. Mayor Krasienko commended the Health Department. Mr. Killinger asked about the employees going back to a five (5) day work week. Mr. Tomaszewski responded that effective January 1, 2010 all employees were back to working five (5) days per week. Mr. Tomaszewski also indicated that he has not received a written legal opinion back from the Law Director's office regarding the Board's budgeting authority and that the Board's Budget Work Group (Killinger/Santiago) participate in budget meetings with the administration regarding the 2010 Budget. *Mr. Love made a motion which was seconded by Ms. Santiago to accept the financial report. 4 Ayes, 0 Nays; motion carried.*

Bills: The following bills were presented for payment:

Lorain City Health Department - Monthly Bills - November 2009

VENDOR	DESCRIPTION	AMOUNT	GRANT (if appl)
Accu Medical Waste Services	Medical Waste Pick Up - 9/2/09 & 10/7/09	\$ 84.00	
Centurytel	Phone Charges: Bill date 8/7/09	\$ 387.87	
Centurytel	Installation Charges for new phone system installed end of July	\$ 3,525.00	
Centurytel	Phone Charges: Bill date 9/7/09	\$ 663.20	
Cleveland Dept of Public Health	Lead Samples/Testing - July, Aug, Sept 2009	\$ 224.00	
Columbia Gas	Gas Service 5ccf used - Estimated Reading 10/20/09	\$ 18.27	
Federal Express	Overnight Shipping Charges	\$ 119.74	
First Merit Bank	Visa/MC Fees - September 2009	\$ 94.36	
First Merit Bank	Visa/MC Fees - October 2009	\$ 111.85	
MT Business Technologies	Lease on Aficio Copier Aug & Sept 09	\$ 288.00	
MT Business Technologies	Copy Kits for copier Aug & Sept 09	\$ 275.00	
MT Business Technologies	Billable Copies - July 2009 & August 2009	\$ 13.56	
Ohio Edison	Electric Service - 10/19/09	\$ 2,176.06	
Treasurer, State of Ohio	FSO Fee - October 2009	\$ 28.00	
Treasurer, State of Ohio (EPA)	EPA C&DD Disposal Fee Transmittal - August 2009	\$ 1,223.22	
Treasurer, State of Ohio (EPA)	EPA C&DD Disposal Fee Transmittal - September 2009	\$ 1,152.54	
		\$ 10,384.67	

Mr. Fligner made a motion, which was seconded by Ms. Santiago to forward the presented bills for payment. Roll Call 4 Ayes, 0 Nays; motion carried.

ACTIVITY / COMMITTEE REPORTS:

November 2009 Activity Reports. *Ms. Santiago made a motion which was seconded by Mr. Killinger to accept the November, 2009 Activity Report as presented. 4 Ayes, 0 Nays; motion carried.*

OLD BUSINESS:

Regulation No. 972 and related information; establishing fees for food service operations – third reading. *Ms. Santiago made a motion which was seconded by Mr. Killinger to pass Regulation No. 972 4 Ayes, 0 Nays; motion carried.*

REGULATION NO. 972

A Regulation to repeal Regulation 941 and to establish new local fees for “Food Service Operations/Retail Food Establishments” within the Lorain Municipal Health District; and to comply with Chapter 3717 of the Ohio Revised Code; effective February 1, 2010.

WHEREAS; Section 3717.25 (A) and Section 3717.45 (A) of the Ohio Revised Code indicates that the licensor (Lorain District Municipal Board of Health) may charge fees for issuing and renewing retail food establishment (RFE) and food service operation (FSO) licenses;

WHEREAS; any licensing fee charged under Section 3717.25 (A) and Section 3717.45 (A) of the Ohio Revised Code shall be based on the licensor’s costs of regulating the programs for retail food establishments (RFE) and food service operations (FSO), as determined according to uniform methodologies established under section 3717.07 of the Ohio Revised Code;

NOW THEREFORE; the Environmental Division of the Lorain City Health Department, utilizing the established uniform cost methodologies as per Section 3717.07 of the Ohio Revised Code, has calculated the costs of licensing retail food establishments (RFE) and food service operations (FSO) in the categories specified by the director of agriculture and the public health council;

BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

Section 1 That Section 1 of Regulation 972 read as follows:

<u>Retail Food Establishments/Food Service Operations</u>	<u>Local License Fee:</u>
Commercial Class I	\$174.24
Commercial Class II	\$193.32
Commercial Class III	\$348.20
Commercial Class IV	\$435.19

<u>Retail Food Establishments/Food Service Operations</u>	<u>Local License Fee:</u>
<u>(>25,000 sq. ft.)</u>	
Commercial Class I	\$241.38
Commercial Class II	\$252.83
Commercial Class III	\$836.52
Commercial Class IV	\$885.36

Non-commercial Retail Food Establishments/Food Service Operations based on categories as follows:

Churches, schools, governmental, non-profit youth group and organizations which are described in Sub-section 501 (c) (3) and are tax exempt under Subsection 501 (a) of the Internal Revenue Code of 1986, 100 STAT., 2085 26 USCA 1.

Non-Commercial Class I <25,000	\$87.12
Non-Commercial Class II <25,000	\$96.66
Non-Commercial Class III <25,000	\$174.10
Non-Commercial Class IV <25,000	\$217.59
Non-Commercial Class I >25,000	\$120.69
Non-Commercial Class II >25,000	\$126.44
Non-Commercial Class III >25,000	\$418.26
Non-Commercial Class IV >25,000	\$442.68

Mobile FSO/RFE:

Per Unit	\$107.26
----------	----------

Vending Machine:

Per Location	\$18.47
--------------	---------

Temporary FSO/RFE:

Per event: NOT to exceed five (5) days.	\$ 79.74
---	-----------------

Plan Review Fee:

A fee of thirty percent (30%) of the local license fee will be charged for plan review on all new Retail Food Establishments/Food Service Operations.

Section 2 Fees detailed above are local Health Department fees and **DO NOT** include any state portion of license fee.

- Section 3 That all formal actions relative to the adoption of this Regulation were taken in an open meeting of the Lorain District Municipal Board of Health and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.
- Section 4 That Regulation No. 941 and all other Ordinances, Regulations, Resolutions or Sections or Parts of Sections thereof in conflict herewith, be and the same are hereby expressly repealed.
- Section 5 That this regulation shall take effect and be in force on and after February 1, 2010.

Date: October 21, 2009, Reading # 1

Date: December 16, 2009, Reading # 2

Date: January 20, 2010 , Reading # 3

APPROVED: Tony Krasienko (signed)
Tony Krasienko, President

ATTEST: Terrence J. Tomaszewski
Terrence J. Tomaszewski, Secretary

Regulation No. 976, repealing Regulation No. 967; 716; 737 and establishing fees for state mandated programs Swimming Pools, Marinas, Manufactured Home Parks, and Tattoo/ Body Piercing – second reading. *Mr. Fligner made a motion which was seconded by Mr. Killinger to refer Regulation No. 976 to a third reading. 4 Ayes, 0 Nays; motion carried.*

NEW BUSINESS:

Ohio Department of Health survey of the Lorain City Health Department’s Manufactured Home Park Program conducted on March 13, 2009. *Mr. Fligner made a motion seconded by Ms. Santiago to accept the survey report. 4 Ayes, 0 Nays; motion carried.*

Maternity Licensure Application approval for Community Health Partners (roll call vote). *Ms. Santiago made a motion seconded by Mr. Fligner to approve the application. Roll Call 4 Ayes, 0 Nays; motion carried.*

INFORMATION:

Citizens For A Health Lorain – Annual Finance Report, 2009. Mr. Tomaszewski explained that there is a monthly “dormant account fee” charged by the financial institution reflected in the report. Receive and file.

HIV Prevention Grant, quarterly report ending December 31, 2009. Receive and file.

HIV Prevention Grant, annual report - 2009. Receive and file.

Annual (2009) summary of Lorain County Family Planning (health department site) activity. Receive and file.

H1N1 Clinic summary and future Clinics. Receive and file.

CONCERNS FROM PUBLIC: None

Mr. Fligner made a motion which was seconded by Ms. Santiago to adjourn the meeting. 4 Ayes, 0 nays; Meeting adjourned at 5:45pm.

APPROVED: _____

Tony Krasienko, President

ATTEST: _____

Terrence J. Tomaszewski