

**Board of Health Meeting
Wednesday, March 7, 2012
MINUTES**

Members Present:

Jane Weber, Chairman & Commissioner
Bill Bronson, Member & City Representative
Cheryl Crawley, Member
Ryan Burke, Member
Marcus Johnson, MD, Member
Don Jelinek, DDS, Member
Alicia Thompson, Secretary

Staff/Visitors Present:

Sandy Johnson, Environmental Health Manager
Janelle Olberding, Preparedness & Communications Assistant
Brian Hopkins, Deputy County Attorney
Trixie Smith, Prevention Services Manager
Tanya Houston, Preparedness & Communications Officer
Sean Thomas, IT Specialist

Jane Weber called the meeting to order at 12:00pm and stated that a quorum was present.

Ms. Weber suggested an agenda change for following meetings. Due to the change in time of County Department Head meetings, she suggested that Board of Health meetings begin at 11:30. Dr. Johnson made the motion to approve this change. Mr. Bronson seconded the motion, and all were in favor of changing the time of Board of Health meetings to 11:30am.

ACTION ITEMS:

1. Approve Minutes from the February Meeting: Jane Weber- Dr. Jelinek reported that he was not listed as present on the minutes of the last Board of Health meeting and would like to be added. Dr. Johnson made the motion to approve the minutes with this change. Mr. Bronson seconded the motion, and all were in favor of approving February's minutes with this change.

2. Prevention Services Report: Trixie Smith- Ms. Weber suggested that items a) and b) be covered in reverse order.

b)*Update on litigation – Guest – Brian Hopkins* Adjourn to Executive Session

a)Clean Indoor Air Act – Smoke Shack Policy-No action was taken on the proposed Smoke Shack Policy during the closed session. Dr. Johnson made the motion that no action be taken on the proposed policy until litigation is over. Dr. Jelinek seconded the motion, and all were in favor of waiting to take further action on the proposed Smoke Shack Policy until litigation has ended.

Ms. Weber inquired as to how CCHD could proceed with educating proprietors on acceptable smoke shack construction. Ms. Thompson would like to provide proprietors with photo examples of smoke shacks that CCHD believes to be within the guidelines. These examples would be proposed as recommendations only, and proprietors informed that the law supersedes any educational materials

provided by CCHD. Mr. Bronson made that motion that CCHD staff write a proposal for educating proprietors on smoke shack construction, with the addition that CCHD will also refer proprietors to City Planning for further guidelines. Mr. Burke seconded the motion, and all were in favor of having CCHD staff write a smoke shack education proposal for the Board of Health to review.

In the interest of time, a communicable disease report has been tabled until the next meeting.

3. Reconvene- Environmental Health Report: Sandy Johnson

a)Variance Request- Clarification was made that the Board of Health previously denied the variance request for two reasons: 1) a permit was not previously issued, and 2) it was not clear on whether or not fill would be used in the project. Ms. Johnson clarified that fill will only be used for the cabin site. The property owner has requested a separation to groundwater. Although a pressure-dosed system is optimal, the site sees limited use in winter, and the property owner is concerned about the possibility of freezing and other cold-related issues.

Dr. Jelinek asked whether the EPA had studied the lead and arsenic levels on this particular piece of property. Ms. Johnson reported that the property owner can deny EPA access; however, the lead levels on this property are 401 parts per million (ppm), just over the level where treatment is suggested (400 ppm). Cleanup efforts will remove 6 inches of topsoil and replace with clean soil; there is no guarantee after this that contamination no longer exists. Instead of having any topsoil removed, the property owner prefers to instead just add a large layer of soil to the area. In this way, he believes contamination will be capped. Mr. Bronson believes the property owner needs to fill out a property disclosure, stating his awareness of the contamination. Ms. Weber asked how it would be possible to grant a variance, since the property owner's plan is not totally in line with the policy in place. Ms. Johnson answered that a variance can be granted by the Board of Health if considerations are met. Ms. Johnson would prefer that the property owner install a pressure-dosed system, but believes that his proposal is preferable to the current system, especially considering the property's seasonal use. Mr. Bronson suggested granting the variance on the understanding that the property is for seasonal use only.

Ms. Weber pointed out that similar situations will most likely take place in this area, and this initial decision will set a precedent for future variance requests. For this reason, the Board of Health must have specific documentation about why the particular variance was granted. Dr. Crawley asked if there was information available on the history of variances granted in that area. Ms. Johnson replied that that Board of Health has 90 days from the request to respond; during this time, she and her staff can compile a list of past variances in that area for the Board of Health's review. Mr. Bronson made the motion that this issue will be deferred to the next meeting when review of variance history can take place. Dr. Johnson seconded the motion, and all approved that the issue will be deferred until a review of the variance history of that particular area can be reviewed. Ms. Thompson also requested that the Board of Health be able to view a draft of the written variance.

4. Financial Report: Carol Benoit- This item has also been tabled due to Ms. Benoit's absence at the meeting.

5. Health Officer Report: Alicia Thompson- In the interest of time, the Health Officer's report will be deferred to the next meeting.

6. By-Laws Sub-Committee Report: Bill Bronson- This item has been tabled until the April meeting due to lack of time. Ms. Weber did comment that she believes the action taken on the by-laws thus far has been good.

7. Continue Self-Assessment: Alicia Thompson- In the interest of time, this item was tabled until the next meeting.

8. BOH Manuals: Alicia Thompson- Ms. Thompson checked with all Board of Health members to ensure that they each have a binder to keep all materials in at the next meeting.

MEMBER COMMENTS/OTHER: Ms. Weber suggested that April's meeting open with a discussion on the variance request, followed by the Health Officer's report.

Ms. Thompson introduced Sean Thomas, CCHD/CHCC's IT Specialist to the Board of Health. Sean will split his time equally between the Health Department and Community Health Care Center, Inc.

Dr. Johnson made a motion to adjourn the meeting at 1:00pm. Dr. Jelinek seconded the motion and with all in favor the meeting was adjourned at 1:00pm.

Respectfully Submitted,

Jane Weber, Chair

Date