M I N U T E S

Clark County District Board of Health Meeting
625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, April 25, 1996

The regularly scheduled meeting of the District Board of Health was called to order at 8:00 A.M. by Chairman Ferraro and the Pledge of Allegiance was held. Chairman Ferraro noted that he had been provided with Affidavit of Posting of Agenda and the public notice, as required by Nevada's Open Meeting Law. The Affidavit will be incorporated into the Official Minutes.

Present:

Robert Ferraro	Chairman, Councilman, Boulder City
Donalene Ravitch, RN	Appointee, Boulder City
Amanda Cyphers	Councilman, Henderson
Erin Kenny	Commissioner, Clark County
Mary Kincaid	Councilman, North Las Vegas
Gary Reese	Councilman, Las Vegas
Bruce Woodbury	Commissioner, Clark County
William Robinson	Councilman, North Las Vegas

Absent:

Kirk Cammack, MD	Physician Member At Large
Sherry Colquitt, RN	Appointee, Las Vegas

Executive Secretary:
Otto Ravenholt, MD, MPH

Legal Counsel:
Ian Ross, Esquire

Staff: Clare Schmutz; David Rowles; Mike Naylor; Fran Courtney, RN.; Roy Soffe; Karl Munninger; Ed Wojcik; Vic Skaar; Lonnie Empey; Roy Soffe; Curt Taipale; David Lee; Felix Havis; Mary Hahn; Daniel Maxson (and daughter); Mary Ellen Harrell; Alice Costello; Diane Lewis; Jeanne Palmer; Angie Negrete and Recording Secretaries Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

NAME	REPRESENTING:
Arturo Melkessetian	Nevada Division of Agriculture
Tom Porter	Nevada Division of Env. Protection
Corey-Lynn Kern	Nevada Division of Env. Protection
Frank Rumers	Subway
Keith Brazeau	In-n-Out Burger
Craig Dusenberry	In-n-Out Burger
Chuck Jenner	Clark County
Richard Bunker	Nevada Resort Association
Clayton Ramberg	Lucky Stores
Lori Wohletz	City of Las Vegas
Nathaniel Morrell	Clark County School District
Jerry Micheal	Las Vegas Hilton
Bill Taraschi	ARCO
Barbara Orcutt	NRA & Mt. Charleston Resort
Marsha Sunderland	City of North Las Vegas
Sharon Harter	HKM III / Burger King
Tom Pike	Glencoe Management / Burger King
Daniel Flores	Jack In The Box
Jesse Vargas	Jack In The Box
Lisa Wright	Jack In The Box
Michael Kissel	Carl's Jr. Restaurants
Stacy L. Marler	Del Taco Inc.
Van Heffner	NV Hotel & Motel Assoc. & NV Restaurant Assoc.
Alfredo Alonso	Lionel Sawyer & Collins - ARCO
Helen Foley	Western Ethanol
Michael Alonso	Vargas & Bartlett/Western States Petroleum Assoc.
Troy Sandoval	Las Vegas Hilton
Jerry Horn	Chevron
Deweyn Dook	Taco Bell
Robert Fabel	Self
Mike Alber	Self

PRESENTATION:
Chairman Ferraro on behalf of the Board and Staff presented a certificate of appreciation to Dr. Luther Creed for the time and effort contributed toward the control and elimination of Tuberculosis in Clark County, Nevada.

I. CONSENT AGENDA:

These are matters considered to be routine by the District Board of Health and which may be enacted by one motion. Any item, however, may be discussed separately per Board Member request.

Member Robinson moved to approve the Consent Agenda. Motion was seconded by Member Cyphers and carried unanimously approving the following Consent Agenda:

1. **Minutes/Board of Health Meeting** - 03/28/96

2. **Payroll/Overtime** for Periods of 03/09/96 - 03/22/96 & 03/23/96 - 04/05/96

3. **Claims Register -** #685, 03/22/96 - 04/04/96 & #686, 04/05/96 - 04/18/96

II. PUBLIC HEARING/POSSIBLE ACTION (Approximately 8 A.M.)

1. **Variance Request** To Connect a proposed Guest House to an Existing Individual Sewage Disposal System (ISDS) Serving an Existing Residence on Property Served by a Community Water Supply. **Petitioner**: Robert M. Fabel

   Chairman Ferraro opened the public hearing.

   Clare Schmutz stated that Mr. Robert Fabel, owner, is requesting a Variance to connect a proposed guest house to an existing individual sewage disposal system (ISDS) that is serving an existing residence on a lot served by a community water supply. The lot is 23,675 square feet in size and is located 4875 Tioga Way, Las Vegas, Nevada. Legal description: S 2 SW 1/4, S34, T19S, R60E, Clark County, Nevada.

   The District board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management, Section X.4., prohibits more than one (1) single family swelling or one (1) single building to be served by a single individual sewage disposal system.

   Mr. Fabel is requesting this Variance to accommodate living quarters for his mother-in-law who is ill with cancer and her nurse. There will be no kitchen facilities in the guest house.

   The existing residence has 27 plumbing fixture units; the guest house will have 8 plumbing fixture units for a total of 35. A 1,500 gallon septic tank and 1,200 square feet of absorption area are required which is the size of the existing ISDS.

   The City of Las Vegas maintains a public sewer line at the corner of Lone Mountain Road and Monte Cristo Way, approximately 1,500 feet east of the subject property. A building permit has been issued to construct the guest house with a stipulation that no framing inspection will be made until a septic permit is received or approval by the Health District is granted.

   Staff has reviewed this Variance request and has determined that the granting of this Variance will not create a public health hazard. Staff recommends approval with the following conditions:

   a. The residence and guest house will be connected to public sewer when a public sewer line comes within four hundred (400) feet of the property and the ISDS abandoned.
   b. Kitchen facilities will never be installed in the guest house.
   c. The guest house will not at anytime become a rental unit.

   Chairman Ferraro asked Mr. Fabel if he understood and agreed with the conditions recommended by Staff. Mr. Fabel stated that he totally understood and agreed with the conditions recommended by Staff.

   After reiterating that the guest house not become a rental unit, Chairman Ferraro closed the public hearing.

Member Reese moved for approval of the Variance with all of the conditions recommended by Staff. Finding that there are circumstances or conditions which are unique to the applicant that do not generally affect other persons subject to the regulations. Also, there are circumstances which make compliance with the regulations unduly burdensome; and would cause a hardship to and abridge a substantial property right of the applicant. Granting the Variance is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property right; and will not be detrimental or pose a danger to public health and safety. Motion was seconded by Member Kenny and carried unanimously.

2. Memorandum #08-96- Public Hearing To Consider Amendments to Clark County Health District Regulations Governing the Sanitation of Food Establishments

Clare Schmutz explained that on January 25, 1996 the Board approved holding a Public Hearing on April 25, 1996, for comments on proposed amendments to the Health District regulations governing the sanitation of food establishments.

Public notices have been published in local newspapers for several workshops that were held together with the Nevada Restaurant Association and the Nevada Resort Association.

All recommendations and suggestions received from the workshops to the proposed amendments were considered and incorporated into the amendments as determined by Staff. Proposed major amendments are parallel to those of the State and in some cases exceed the State regulations.

Mary Hahn remarked that the amendments include more stringent requirements in the preparation and serving of ready-to-eat food to eliminate bare hand contact with the food by requiring use of gloves or other means (convenient and suitable utensils and/or waxed paper, napkins, or equivalent barriers) to present bare hand contact. The wording is similar to that in the new state of New York Code as well as the U.S. Food and Drug Administration 1993 Food code. The amendments also include lowering the temperature of cold food storage from 45 degrees to 40 degrees in line with the Nevada State Health Regulations and the U. S. Food and Drug Administration.

Chairman Ferraro opened the public hearing.

Van Heffner, representing the Nevada Hotel & Motel Association & Nevada Restaurant Association briefly discussed information on Listeria and stated that they were comfortable with the amendments as proposed by Staff.

Richard Bunker, representing the Nevada Resort Association expressed appreciation for the workshops held in each jurisdiction and for the public hearing process.

Barbara Orcutt, representing the Nevada Resort Association and the Mt. Charleston Resort expressed appreciation for Staff being made available to answer questions and supported the proposed changes to the regulations.

Lisa Wright, representing Jack In The Box commended the Board for adding the mandatory temperature requirement for ground beef. However, expressed concern that several of their restaurants had not received nor were aware of the proposed amendments to the regulations and requested that the Board postpone the public hearing until they had the opportunity to further review the proposed changes.

At this time the Board and Staff discussed the notification process.

Deweyn Dook, representing Taco Bell remarked that they had no notification of the proposed changes and asked that the Board postpone the hearing.

Mark Kissel, representing Carl Jr. Restaurants, also stated they were unaware of the hearings on the proposed regulations until approximately 2 weeks ago. He expressed concern about the clarity of the regulations and asked that the hearing be postponed.

Tom Pike of Burger King expressed concern about the use of wearing gloves as they are bound to have tears and bacteria growth on them.

Stacy Marler representing Del Taco echoed the concerns of the use of gloves, especially with the possibility of melting from handling heating elements, and stated they were in favor of postponing the hearing until they had time to further review the proposed amendments.

After discussion by the Board and Staff concerning the number of expressions from major food chains to not having had adequate opportunity to look at the regulations in depth, Member Kenny moved to continue the public hearing until the June 27, 1996 meeting. Motion was seconded by Member Kincaid and carried unanimously.

Dr. Ravenholt commented that notices would be sent directly to each owner of a food establishment and several more workshops would be held by Staff.

III. REPORT/DISCUSSION/POSSIBLE ACTION:

1. **Petition #22-96** - Interlocal Agreement with Nevada Department of Motor Vehicles (DMV) for Air Pollution Control Funding from Excess Reserve for Reid Vapor Pressure Study

   David Rowles remarked that pursuant to provisions of statute, this Interagency agreement provides for distribution of reserve DMV smog certificate funds to the Clark County Health District to fund a cooperative study to improve the technical basis for estimating the benefits of reducing Reid Vapor Pressure for FY 95-96. The Health District will, in turn, contract with Chevron Research and Technology Company to carry out the project. A portion of these funds have been earmarked for supplemental programs supportive of efforts to minimize noxious automobile exhaust.

   Michael Naylor added that three petroleum marketers (Chevron, ARCO and Texaco) have collectively pooled most of the funds for the experiment designed to quantify the benefits of reducing RVP in two simulated situations: a) Las Vegas wintertime fuel and temperature; and b) Los Angeles wintertime fuel and temperature.

   Alfredo Alonso with Lionel Sawyer & Collins, representing ARCO stated that entering into this contract would be a win-win situation for all parties. The study will provide information that is currently not available.

   Jerry Horn, representing Chevron gave a brief overview of the conditions under which the test would be conducted and stated that the study would help advance the state of knowledge as to the efficiency and effectiveness of the Reid Vapor Pressure program. Also the study will improve technical understanding of the benefits of reducing RVP under the climactic conditions representative of the Las Vegas area during high Carbon Monoxide episodes.

Tom Porta of the Nevada Department of Environmental Protection commented that they were interested in looking at additional control measures for reducing CO emissions and supported the study.

Member Kincaid moved for approval of Petition #22-96, Interagency Agreement with Nevada Department of Motor Vehicles (DMV) for Air Pollution Control Funding from Excess Reserve for Reid Vapor Pressure Study. Motion was seconded by Member Robinson and carried unanimously.

2. Petition #23-96 - Agreement to Fund a Reid Vapor Pressure (RVP) Study

Michael Naylor asked that the Board approve the participation agreement with Chevron Research and Technology Company to participate in a study of benefits of various levels of RVP in control of CO.

David Rowles commented that the proposed process to permit Nevada's participation is for the DMV to allocate $100,000 of Smog Reserve Funds to the health District and for the health District to contract with the project Coordinator, to assist them in studying the benefits of various RVP levels. This allocation of funds was approved by the Interim Finance committee in December 1995.

The District will receive pass through funding of $100,000 from DMV for the period of July 1, 1995 to June 30, 1996 for this purpose as provided in Petition #22-96. This will be the total funding sought from the Health District or Nevada for the study. The Health District Staff believes it would be desirable to participate in this study with the State allocated funds.

Member Woodbury moved to approve by reference Petition #23-96 with the proposed amendment. Motion was seconded by Member Robinson and carried unanimously.

3. Petition #24-96 - Air Pollution Control Hearing Board Selection (Resignation of Member Anderson)

Michael Naylor commented that Mr. Warren Anderson, who was re-appointed to one of the four "at-large" Hearing Board positions in 1995 and has served seven (7) years, or 2 1/3 terms, is resigning because of illness. His appointment expires June 30, 1998. The District appreciates his thoughtful services.

The last time the District Board filled a vacancy for an at-large position, the Board appointed a screening committee, advertisements were placed in local newspapers and invitations to submit resumes were sent to the names on the APC mailing list.

After brief discussion by the Board concerning filling the position before upcoming APC issues, Chairman Ferraro appointed the following Board Members to the Screening Committee: Members Cyphers, Ravitch and Woodbury

IV. STAFF REPORTS

Environmental Health

Clare Schmutz commented that at the March meeting a variance request was granted Ms. Mekelburg to build a swimming pool in her subdivision without the required bathhouse. Ms. Mekelburg had written a letter to Chairman Ferraro (handed out to the Board) which indicated that she had met with her tenants and they had mutually decided to build the bath room facilities.

Felix Havis gave a brief overview on the inspections being done on the Queen of Hearts Hotel/Casino. Our involvement originated at the request of Metro for a joint inspection in January 1996. At time of that inspection there were 13 rooms available for inspection. The District posted all 13 rooms closed for various violations. Our follow up inspections, at the request of the owner, reflected considerable renovation of the noted rooms. In April of this year, 87 of the 100 rooms had been inspected. Of these, 18 remained closed for renovation or other reasons. Thirteen (13) of the rooms were not available for inspection because of long-term occupants, who according to the owner had installed locks on the inside of rooms for which no key was available.

Dr. Ravenholt added that it has been District policy that we normally do not inspect occupied rooms unless there is a special public health reason brought to our attention. This is to avoid invading an occupant's privacy and to guard against potential accusations of wrong doing by District Staff members. We do give notice to the operator that upon departure of the guest, the room must be held from further use until we have inspected and approved it.

Felix Havis remarked that to date, a full room-by-room inspection of the Hotel has been done. Twenty-nine (29) of the 100 rooms for various reasons remain unavailable for new tenant occupancy. These must be remedied prior to such use and remediation is in progress.

Administration

David Rowles stated that staff is progressing on the landscape bid process and will have recommendations back to the Board in May for consideration.

Health Cards continue to be brisk. In the Vital Records section 2,158 birth certificates and 5,288 death certificates were sold.

Clinics & Nursing

Fran Courtney, RN, introduced two (2) new members of the Clinics & Nursing Staff as Public Health Supervisors, Alice Costello and Mary Ellen Harrell.

In recognition of National Immunization Week, a proclamation will be presented to the Health District on April 25, 1996 between 4 and 7 p.m. Also, we have held several drive-thru immunization clinics throughout the Valley and to date we have had very good response from the community. We tried to identify schools in the Valley whose children are least percentage wise immunized and notices were sent out to the parents of the children asking that they also bring in other siblings with them to be immunized.

Dr. Ravenholt remarked that the District was looking at the possibility of implementing a shared data base whereby all the information on the children would be reconciled.

In the Tuberculosis program we have approximately five (5) active cases a month identified. Prophylactic treatment is given free of charge for active case.

Earlier this month, we identified a resident with non-cavitary active disease. The individual has been very active in the community with church and school activities. Therefore, we are rapidly and thoroughly back tracking contacts and have skin tested 137 children to date. A repeat test will be performed in three (3) months as there is an interval of a month or two (2) after exposure before learning whether someone has acquired the infection. We will offer prophylactic treatment to any who might have the condition. Staff will be getting back to the physician involved in this case with the details. Also, the medical community will be alerted that at least an x-ray should be done as a

minimum step, if a patient presents with some bloody sputum, rather than just antibiotic treatment. We have had good cooperation from the community that relates to the church and school. Staff has prepared and handed out a flyer that emphasizes availability of free treatment for Tuberculosis. Generally, if the person is identified early, they can be back to work in a month even though treatment goes on a year thereafter.

Air Pollution Control

Michael Naylor stated that approximately a year ago Chemical Lime applied for an authority to construct an additional kiln at the Apex facilities. The kiln will be started up in June after which the Henderson kilns will become non-functioning by July 1997.

We have had two relative high olive pollen counts in the last few weeks. Also, Mulberry pollen counts were high for March and appear to be getting higher each year.

Staff still continues dialogue with EPA Region IX on the results of the East Charleston Monitoring station. The Sunrise Acres site, which is closest to the East Charleston site, will become the new National Air Monitoring Station. Staff will keep the Board apprised of the monitoring results.

V. CITIZEN PARTICIPATION

The Board of Health cannot act upon items raised under this portion of the Agenda until notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any actions on such items are considered at a later meeting.

Nathaniel Morrell, a Clark High School Teacher, commented that he was working under a grant to provide job shadowing to help local seniors. The program will allow a teacher to spend the day with different officials and take that information back to the classrooms to share with the students to help them become better citizens. They would be contacting government officials in the future.

VI. INFORMATIONAL ITEMS

1. Financial Data
2. Emergency Medical Services Advisory Board Meeting Minutes and Annotated Agenda, 03/06/96
3. Listing of Food Establishments in Plan Review for the Period of 03/01/96 to 03/31/96 Environmental Health Division
4. Present Emergency Medical Services On-Scene Physician Advisory

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 10:25 A.M.

SUBMITTED FOR BOARD APPROVAL

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Otto Ravenholt, MD, Chief Health Officer
Executive Secretary

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