

SPECIAL MEETING OF THE PIQUA HEALTH BOARD  
TUESDAY, AUGUST 28, 2012  
9:00 A.M. – COMMISSION CHAMBER – 2<sup>nd</sup> FLOOR  
201 WEST WATER STREET  
PIQUA, OHIO 45356

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PIQUA HEALTH BOARD SPECIAL MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES  
Approval of the minutes from the November 1, 2011 Piqua Health Board

NEW BUSINESS

2. RES. NO. H-301  
A Resolution to revoke the food service license issued to the Piqua Sports Grill

ADJOURNMENT

**MINUTES  
PIQUA CITY COMMISSION  
Tuesday November 1, 2011  
7:30 P.M.**

Piqua City Commission met at 7:30 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Fess called the meeting to order. Also present were Commissioners Vogt, Martin, Terry, and Wilson. Absent: None.

**PIQUA HEALTH BOARD**

**Consent Agenda**

**Approval of Minutes**

Approval of the minutes from the November 2, 2010 Piqua Health Board Meeting

Moved by Commissioner Martin, seconded by Commissioner Wilson, that the minutes of the November 2, 2010 Piqua Health Board Meeting be approved. Voice vote, Aye: Wilson, Fess, Martin, Terry, and Vogt. Nay: None. Motion carried unanimously.

**NEW BUSINESS**

**RES. NO. H-300**

A Resolution appointing Gary A. Huff as Commissioner of the Piqua City Board of Health

Mayor Fess stated that Gary Huff will act as Commissioner for the Piqua City Board of Health.

Moved by Commissioner Terry, seconded by Commissioner Wilson, that the Resolution No. H-300 be approved. Roll vote, Aye: Fess, Wilson, Terry, Vogt, and Martin. Nay: None. Motion carried unanimously. Mayor Fess then declared Resolution No. H-300 adopted.

**Adjournment**

Moved by Commissioner Martin, seconded by Commissioner Terry, to adjourn from the Piqua Health Board Meeting. Voice vote, Aye: Martin, Wilson, Terry, Fess, and Vogt. Nay: None. Motion carried unanimously.

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK OF COMMISSION

**RESOLUTION NO. H-301**

**A RESOLUTION TO REVOKE THE FOOD SERVICE LICENSE ISSUED TO  
THE PIQUA SPORTS GRILL**

WHEREAS, the Piqua City Health Department issues Food Service Licenses in accordance with Ohio Revised Code Chapter 3717 (Ohio Food Code) and Ohio Administrative Code Chapter 3701-21; and

WHEREAS, the Piqua City Health Department routinely inspects those facilities with Food Service Licenses and has found the Piqua Sports Grill not in compliance with provisions of the Ohio Food Code and Ohio Administrative Code Chapter 3701-21; and

WHEREAS, the Piqua City Health Department wishes to protect the public health, safety, and welfare from foodborne diseases, unsafe practices, and potential harm;

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the City of Piqua, Miami County, Ohio, the majority of all members concurring, that:

SEC. 1: The License holder for the Piqua Sports Grill did not request an evidentiary hearing as allowed by law, but the Board of Health heard testimony by the Health Director and allowed for a public comment period.

SEC. 2: The evidence presented on behalf of the City of Piqua Health Department shows that several meetings and inspections, including food preparation training, has been held with the Piqua Sports Grill owner and employees on violations of the Ohio Food Code and how those violations needed remedied.

SEC. 3. As of the last date of inspection and follow-up meetings, the Piqua Sports Grill remains in violation of the Ohio Food Code, including documented failure to maintain sanitary conditions, where no effort has been taken to remedy the violations.

SEC. 4: The Piqua City Health Board revokes the 2012 Food Service License issued to the Piqua Sports Grill.

SEC. 5: The Piqua City Health Board orders the license holder of the Piqua Sports Grill, Julie Melvin, to surrender the 2012 Food Service License number 227 to the Piqua City Health Department Director immediately;

SEC. 6: The Piqua City Health Board orders the Piqua Sports Grill to cease and desist from the preparation, service, and sale of food immediately;

SEC 7: This Resolution shall take effect and be in force on August 28, 2012.

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LUCINDA L. FESS, MAYOR

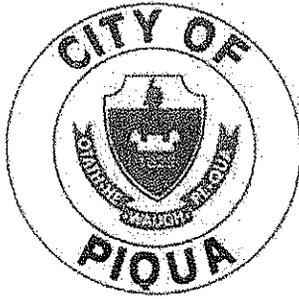
PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
REBECCA J. COOL  
CLERK TO HEALTH BOARD



# Board of Health Agenda Staff Report

<b>MEETING DATE</b>	August 28, 2012 – Special Meeting		
<b>REPORT TITLE</b> <small>(Should match resolution/ordinance title)</small>	A Resolution to Revoke the Food Service License Issued to the Piqua Sports Grill		
<b>SUBMITTED BY</b>	Name & Title: Amy Welker, RS Director of Health & Sanitation		
	Department: Health Department		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #:		Resolution #:
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input checked="" type="checkbox"/> Law Director
	<input checked="" type="checkbox"/> Department Director;		<input type="checkbox"/> Other:
<b>BACKGROUND</b> <small>(Includes description, background, and justification)</small>	The Health Department has been dealing with various violations of the Ohio Food Code at this facility for some time and has attempted to gain compliance on multiple occasions. The Health Department has offered a food safety class to the facility; has also offered suggestions as to how to gain compliance; and has held an administrative hearing with the operator all in an attempt to get the facility into compliance. All efforts have failed and the department has no faith that the facility operator will be able to gain and keep the facility in substantial compliance with the rules.		
<b>BUDGETING AND FINANCIAL IMPACT</b> <small>(Includes project costs and funding sources)</small>	Budgeted \$:		
	Expenditure \$:		
	Source of Funds:		
	<b>Narrative:</b>	No effect on 2012 budget.	
<b>OPTIONS</b> <small>(Include Deny /Approval Option)</small>	1.	Pass the resolution to revoke the license	
	2.	Amend the resolution to suspend the license for a set amount of time	
	3.	Take no action	
	4.		
<b>PROJECT TIMELINE</b>			
<b>STAFF RECOMMENDATION</b>	Pass the resolution to revoke the license which will immediately protect the public health, safety, and welfare.		
<b>ATTACHMENTS</b>	Timeline of events; Administrative hearing findings.		



## HEALTH DEPARTMENT

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Amy Welker – Director of Health & Sanitation  
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(937) 778-2060 - FAX (937) 778-0050  
E-Mail: [awelker@piquaoh.org](mailto:awelker@piquaoh.org)

July 10, 2012

Julie Melvin  
c/o Piqua Sports Grill  
1254 ½ E. Ash St.  
Piqua, OH 45356

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**Subject:** Administrative Hearing Findings & Decision

**Background:** On July 10, 2012, Julie Melvin, owner of Piqua Sports Grill, attended an administrative hearing before Amy Welker, Director of Health regarding the repeated violations of the Ohio Food Code at the restaurant.

The Piqua City Health Department requested the hearing due to repeated violations at the facility with no effective solution reached prior to this hearing.

**Hearing:** Chris Boeke, RS presented a timeline of the facts which included a history of the inspections conducted at the facility since the purchase by Julie Melvin in 2010. Mr. Boeke explained the repeated violations and his efforts to date to get the violations corrected. Mr. Boeke expressed his concern that the likelihood of a foodborne outbreak occurring at this facility continues to increase due to the repeated and uncorrected violations. Mr. Boeke further explained his efforts to help the facility gain compliance by conducting Class I food service operator training for the facilities employees. Mr. Boeke concluded by saying his efforts have not been successful to date and that the facility has a long history of violations which continually are repeated and left uncorrected.

Julie Melvin was given the opportunity to present her side of the facts. Ms. Melvin stated she agreed with everything Mr. Boeke had presented. She further agreed that many of the violations were repeated and were due to employees not doing their jobs. Ms. Melvin stated she was indecisive at this time as to how to proceed with the operation of the facility; meaning she was contemplating closing the facility. She expressed remorse for the conditions.

Ms. Melvin was asked what her plan of action was to correct the violations and keep the facility in compliance. She stated the issue was the employees not doing their jobs. She stated she hired a cleaning person and placed two employees on suspension. She also stated she hired a manager, but he was fired due to a drug violation.



At this point we discussed the possibility of limiting the food menu to eliminate the potential for a foodborne outbreak. Ms. Melvin was reluctant to do that because the food sales help sustain the business.

We next discussed the difficulties of staffing a restaurant and the need for good strong leadership and management of employees. Ms. Melvin agreed this is a weakness at the facility. She offered no effective solution to this issue.

Ms. Melvin did state most of the violations are now corrected with the exception of the plumbing problems. She offered no solution to the question of keeping the facility in compliance. Mr. Boeke stated his concern with future inspections, the ability to keep the facility in compliance in light of the history of violations.

Findings: The Piqua Sports Grill has a history of repeated violations to the Ohio Food Code.

The Piqua City Health Department staff, Mr. Boeke specifically, has gone above the course of his duties to try to help the facility gain compliance.

The Piqua Sports Grill lacks the needed management and expertise to correctly run the facility.

The nature of the violations noted in the inspections pose an escalating risk to the public.

The Piqua Sports Grill did not offer any convincing arguments or plan of action that would lead to continued compliance with the Ohio Food Code.

Decision: Proceed with recommendation to the Board of Health to suspend the Food Service License at the Piqua Sports Grill.

The date of the Board of Health meeting to discuss this topic is pending. All parties will be notified of the date, time, and place of the meeting.

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Amy Welker, RS  
Health Director  
Piqua City Health Department



# Piqua Sports Grill

August 10, 2010

Julie Melvin purchases Piqua Sports Grill

September 9, 2010

Standard Inspection – 4 Violations – Improper holding temperature, improper storage of raw meats, no date marking of TCS foods and no paper towels at hand sink

November 23, 2010

Standard Inspection – 5 Violations – Improper Storage of raw meats, no date marking of TCS foods, no thermometer in walk-in cooler, thermometer on the dishwasher not showing sanitizing cycle temperature, dirty kitchen equipment.

March 3, 2011

Standard Inspection – 6 Violations – Bulk food containers not labeled, wiping cloths on counter, no date marking of TCS foods, thermometer on the dish washer not showing sanitize cycle temperature, dirty kitchen equipment, large number of ants.

December 1, 2011

Standard Inspection – 15 Violations – Raw meat stored improperly, unlabeled bulk spray bottle, wiping cloths on the counter, food employee washed hands without hand soap, no date marking on TCS foods, frozen hamburger thawing at room temperature, no metal stem thermometer or thermometer in walk-in, continuous use equipment not washed every 4 hours, multiple pieces of food equipment in need of cleaning, items stored in hand sinks, no soap at back hand sink, no paper towels at front hand sink, chemical cleaner stored on top of food scale.

December 2, 2011

Follow-Up Inspection – 6 Violations (1 New Violation and 5 Violations from Previous Inspection) – Food kept on walk-in floor.  
Bulk spray bottle without a label, no date marking on TCS foods, broken door on prep unit and a broken lid on chest freezer, floors and equipment still in need of cleaning.

December 6, 2011

Follow-Up Inspection - 4 Violations (1 New Violation and 3 Violations from Previous Inspection) – No person-in-charge with food safety knowledge. Broken door on the prep unit and broken lid chest freeze, dirty equipment and dirty floors.

February 1, 2012

Standard Inspection – 9 Violations – No person in charge with knowledge of food safety, wiping cloths on counter, improper storage of raw meats, unlabeled bulk food container, no date marking of TCS foods, broken door on the prep unit, food equipment in need of cleaning, floors and walls need cleaning, holes in that walls, drain on the dishwasher repaired with duct tape.

February 28, 2012

Level One Food Safety Class provided by the Piqua City Health Department.

April 13, 2012

Second Level One Food Safety Class provided for food employee who failed first training by Piqua City Health Department.

June 21, 2012

Standard Inspection – 10 Violations – Severely dented cans, unlabeled bulk containers of food products, date marking of TCS food done incorrectly, improper TCS holding temperature, multiple pieces of food equipment in need of cleaning, floors and ceiling in need of cleaning, thermometer of sanitizing cycle of the dish washer not working, large number of ants, dishwasher / disposal plumbing help together with plastic ties, damaged screen door.

July 5, 2012

Follow-Up Inspection – 13 Violations (6 New Violations and 7 Violations from Previous Inspection) – No metal stemmed thermometer, no thermometer in pizza prep unit, uncovered food items in freezer, improper thawing, front hand sink blocked, no hand towels at back hand sink, no hand washing signage in the men's restroom.

Severely dented cans, no date marking on TCS foods, improper holding temperature of TCS foods, thermometer of the dishwasher not showing sanitize temperature, multiple food equipment items need to be cleaned, floors and ceilings need to be cleaned, dishwasher / disposal plumbing held together with plastic ties.

July 6, 2012

Requested an Administrative Hearing with Amy Welker, Director of Health and Sanitarian, to review the problems with the facility and to discuss the Health Department options to gain compliance or take action against the food service license.

July 10, 2012

Held an Administrative Hearing with Amy Welker, Director of Health, Chris Boeke, Sanitarian, and Julie Melvin, owner of Piqua Sports Grill.

July 10, 2012

Findings and Decision of Hearing mailed to Julie Melvin.

July 24, 2012

Notice of Board of Health meeting mailed certified to Julie Melvin. Date of Delivery confirmed as July 27, 2012 by signed certified form.