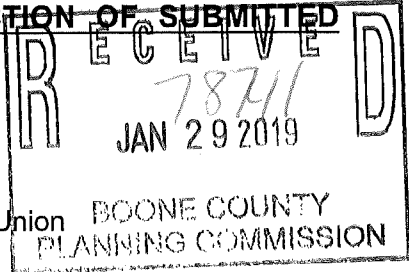


APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

(Check One)

1. Boone _____ Florence Walton _____

Union BOONE COUNTY PLANNING COMMISSION

(Check One)

2. Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____

3. Applicant's Name Little Learners Learning Center

Applicant's Address 18 Needmore St.

Walton City Ky State 41094 Zip

Phone Number 859-743-4491 Fax No. N/A E-Mail Littlelearnerslearning

4. Description of Request: Day Care center@gmail.com

5. Name of Development Little Learners

6. Location of Development 130 Mullen Drive Walton Ky
41094

7. Acreage Under Review 1.996

8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 5, N. WALTON COMMERCE PARK

9. Owner of Property John Eltaroth - Muzzoleum LLC

Address of Property Owner 130 Mullen Dr

10. Walton City Ky State 41094 Zip

Phone Number 859-485-7816 Fax No. N/A E-Mail _____

11. Proposed Use(s) on Site Day care

12. Total Square Footage of Existing and/or Proposed Buildings 6000 approx

13. Current Zoning on Property F-1/CD

14. Deed Book 1066 Page No. 816 Group No. 2080

15. Is the site subject to a zone change? yes

If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? yes

17. Have you submitted a list of adjoining property owners with this request? yes

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: _____

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Regina Daugherty

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-29-19 Fee Received 1,082.00 Receipt # 78741
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
3/18/19 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 3/18/19 meeting
MINUTES + CLR
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Little Learners Learning Center

LOCATION: 130 Mullen Drive, Walton, Kentucky

ZONING: Industrial One (I-1)

DATE: March 4, 2019

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a day care center to occupy an approximate 3,500 square foot tenant space in an existing building and construct an accessory playground that is 2,500 square feet (50' x 50') in area. The applicant has provided a preliminary plan and business outline (see attachments).

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order.

Section 1133 of the Boone County Zoning Regulations permits a "day care center" as a Conditional Use in the Industrial One (I-1) zoning district.

Section 3325 of the Boone County Zoning Regulations provides the following parking requirements for daycare centers and manufacturing uses:

Daycare - 2 spaces per each instructor/care giver, plus 1 space per other employee, plus 1 space for each automobile used in the business, but not less than 6 spaces overall.

Light and heavy manufacturing uses - 1 space per 2 employees on the largest shift and 1 space per company vehicle (this was the code requirement when the property was approved in 2003).

The Board needs to evaluate the request as it relates to the Conditional Use Permit listed in Sections 262 and 1133 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 1133 of the Boone County Zoning Regulations provides the following Conditional Use Permit findings for day care centers in the Industrial One (I-1) zoning district:

- A. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- B. the activity is of integral relation to the purpose of the district;
- C. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- D. provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following 2017 Goals & Objectives relate to the application:

- A. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Objective 4).
- B. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
- C. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy, Goal B, Objective 3).

PERTINENT SITE HISTORY

On March 12, 2001, the City of Walton approved an Ordinance which rezoned an approximate 115 acre site from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) to allow light industrial uses. There were no conditions which limited any of the principally permitted or conditional uses.

On April 25, 2003, Boone County Planning Commission approved a Major Site Plan allowing a 5,616 square foot building, 19 parking stalls (15 outside and 4 inside), and two access points to be constructed on the 1.996 acre site. The approved plans indicate the building was going to be occupied by a crematorium and embalming business.

SITE CHARACTERISTICS

The 1.996 acre site is located in North Walton Commerce Park and has 217 feet of road frontage on the northeast side of Mullen Drive. The property contains a 5,616 square foot metal building, 15 surface parking stalls, two access points, and a detention basin. The surface parking lot is located in front of the building and connects to a one-way driveway loop that wraps around the building. The back of the building contains five oversized garage bays (2 on each side and 1 on the rear). The approved 4/25/03 Site Plan shows that the topography of the lots falls from 932 feet above sea level at the northwest property line to 924 feet above sea level at the southeast property line (Mullen Drive).

SURROUNDING LAND USES & ZONING

- Northeast: 37.5 Acre Agricultural Tract (A-2 and RS)
- Northwest: Vacant Lot Owned by Talbert's Woodworking (I-1)
- Southeast: Undeveloped Lot in North Walton Commerce Park (I-1)
- Southwest: Mullen Drive and AmeriGas (I-1),

STAFF COMMENTS

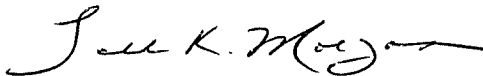
1. The Board needs to analyze the Conditional Use Permit before acting on the request.
2. Staff has the following questions for the applicant:
 - A. What is the maximum number of children that could be enrolled at the facility? What ages are the children that will be cared for?
 - B. How many children could be outside in the play area at any give time? Explain how they are monitored?
 - C. What type of playground equipment is proposed? Will any of the playground equipment be taller than the fence?
 - D. Is any additional exterior lighting being proposed? If so, please explain.
 - E. The business is currently operating on Needmore Street. Will this be a second business location?
3. Staff recommends the applicant check into the location of the sanitary sewer lateral if the play area is constructed. The 4/25/03 Site Plan shows the lateral may be located within the limits of the proposed play area.
4. Staff recommends the following conditions if the request is approved:

- A. The approval is based on the preliminary plan and business outline that was submitted with the application. Minor modifications can be permitted by the Zoning Administrator.
- B. The business shall only be permitted to operate Monday through Friday. Business hours shall be limited from 6:00 a. m. to 6:00 p. m.
- C. The play area shall be limited to a 50' x 50' area.
- D. No more than 7 employees shall work on site at any given time.
- E. No company (daycare) vehicles shall be kept on site.
- F. On-site parking and handicapped signage for both businesses shall comply with the requirements of the Boone County Zoning Regulations.
- G. The parking lot shall be re-stripped so the parking stalls are visible.

CONCLUSION

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

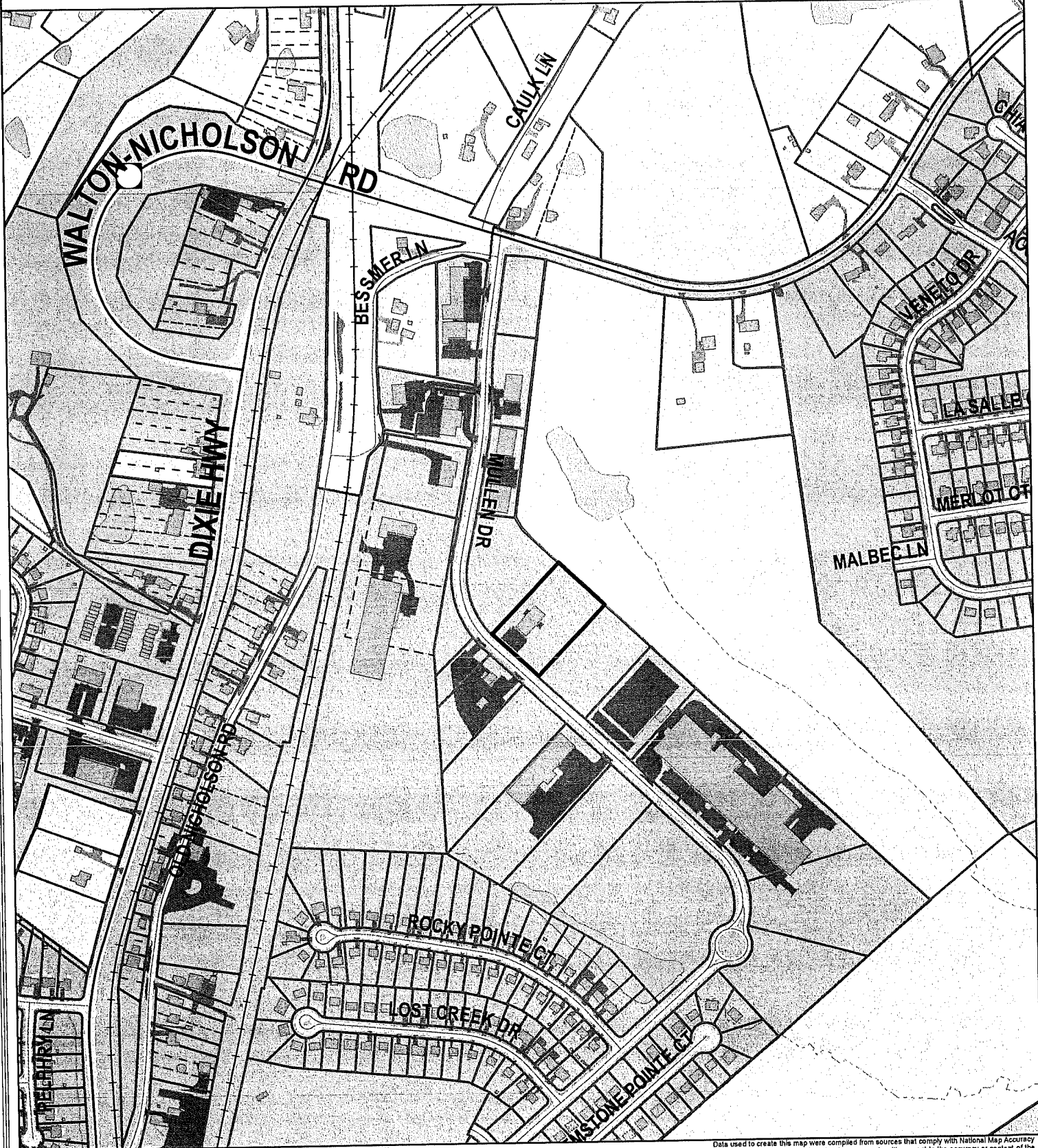
TKM/ss

Attachments

- *Site Vicinity Map
- *Preliminary Plan
- *Email/Business Description from Applicant
- *Daycare Parking Formula and Applicant's Notes
- *4/25/03 Approved Site Plan
- *Zoning Map
- *2035 Future Land Use Map
- *2016 Aerial Map
- *Topographical Map
- *Application

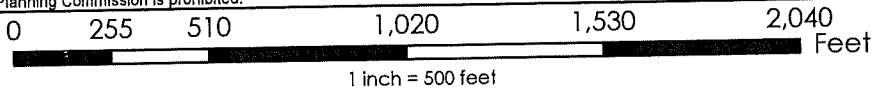
CITE VICINITY MAP

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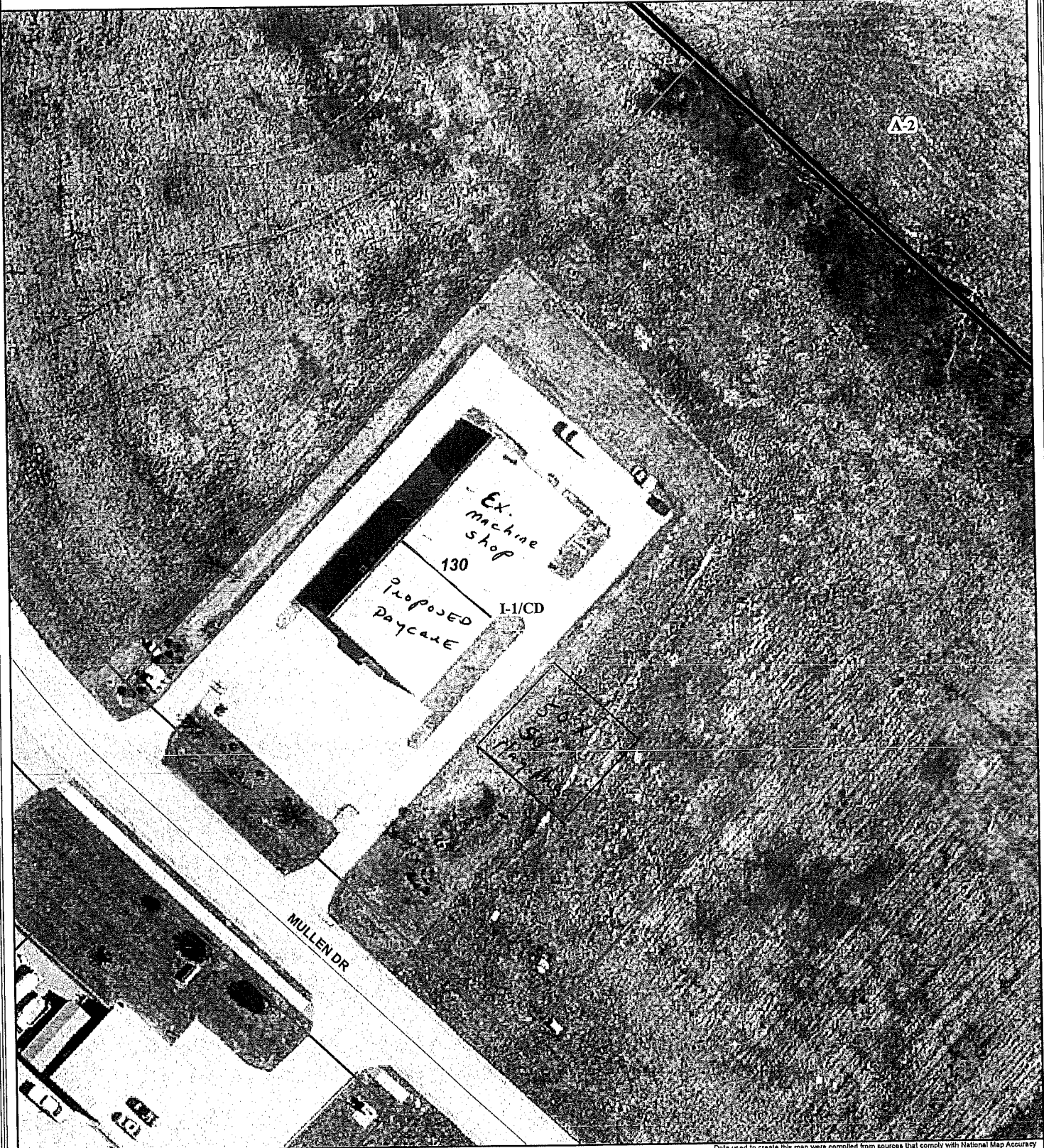
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Boone County GIS Map

www.boonecountygis.com



A2

MULLEN DR

130

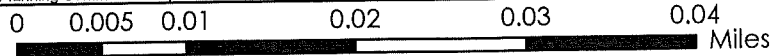
Ex. Machine Shop

Proposed Daycare

I-1/CD

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1 inch = 60 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 2/15/2019

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ArcMap Document: BooneCounty_gis.mxd

Todd Morgan

From: Regina Daugherty <littlelearnerslearningcenter@gmail.com>
Sent: Monday, January 21, 2019 4:04 PM
To: Todd Morgan
Subject: New building
Attachments: mullen drive sketch.pdf

Todd, thank you in advance for helping me through this process again. Attached is a rough sketch of the property.

The building is about 5500 square feet of which I will be using about 3500.

The owner presently operates his business out of the back garage area.

There are presently 15 parking spots which includes handicap parking also.

I will have 8 employees there at a time total. The owner doesnt work until 6 p.m.

I will be operating 6 a.m. to 6 p.m.

I will be adding a playground around 50' by 40' with chain link fencing.

I also would like to add a wood framed sign about 4' by 6' on the street front.

No structural changes will be made to the interior other than paint and carpet.

Please let me know if you have any questions or concerns and what the next steps are. Thanks Gina Daugherty

banquet and reception halls	1.00 space for every 4 seats based on maximum seated occupancy
teen dance clubs	1.00 spaces per 3 occupants based on maximum standing occupancy
medical and dental clinics	1.00 space per 200 gfa.
* nursery and child care centers	2.00 spaces per each instructor/care giver, plus 1.00 space per other employee, plus 1.00 space for each automobile used in the business, but not less than 6.00 spaces overall
7 Caregivers	
⊕ other employees	
⊕ Company Vehicles	
kennels	1.00 space for each employee on the largest shift, plus 1.00 space for each automobile used in the business; for overnight boarding, add 1.00 space for accommodations for every 20 animals; for animal day care, training, grooming, and comparable activities, add 1.00 space for each customer that can frequent the business at any given time

SECTION 3326

General Interpretations

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Administrator;
2. Fractional numbers shall be increased to the next whole number;
3. Where there is adequate public transit system or where for any other reason parking demand is unusually low, such as a use which customarily has a lower parking demand based on credible industry data, then the parking space provisions cited above may be reduced proportionately by the Zoning Administrator.
4. In employment districts, wherever parking of large trucks, vans, or tractor-trailers is planned or may reasonably be expected, a parking area of sufficient size to accommodate such vehicles parked on site shall be required. Such parking areas shall be clearly designated and marked, and shall be exclusive of driveways, aisles, and other circulation areas. The provision of parking areas for such vehicles shall under no circumstances cause a reduction in the minimum required number of automobile parking spaces.

SECTION 3327

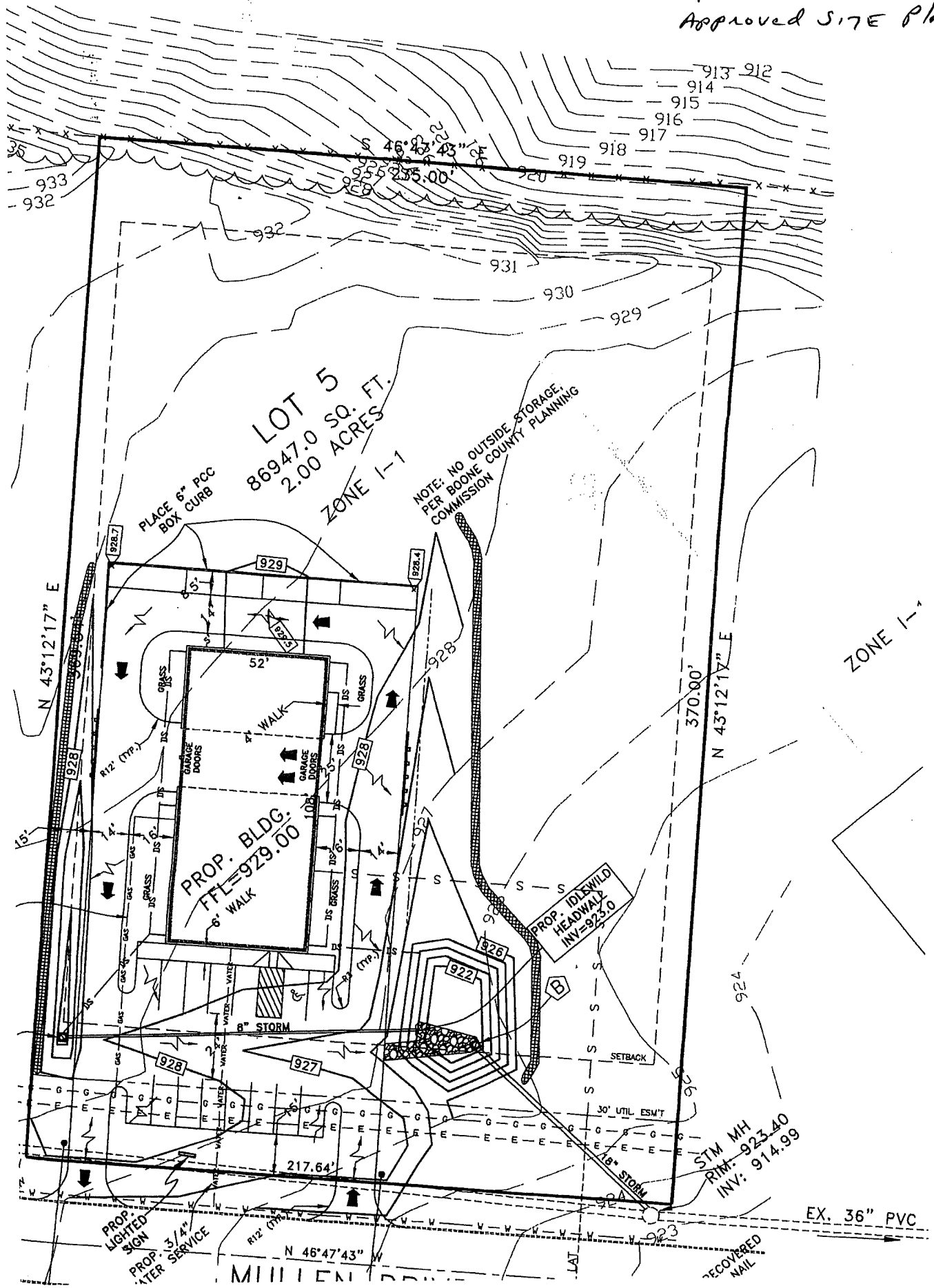
Pedestrian/Bicycle Improvements

Sidewalk construction shall follow the construction requirements of the Boone County Subdivision Regulations. Requirements for the provision of adequate pedestrian walkways are as follows:

1. Walkways between parking areas, building entrances, and adjacent streets shall be provided.
2. Within the interior of a parking lot, landscaping shall be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot;
3. Pedestrian walks shall be lighted;

At Staff *[Signature]*
Date: _____
Boone County
Planning Commission

4-25-03
Approved Site Plan



LOT 5
86947.0 SQ. FT.
2.00 ACRES
ZONE I-1

NOTE: NO OUTSIDE STORAGE,
PER BOONE COUNTY PLANNING
COMMISSION

PROP. BLDG.
FFL=929.00

PROP. IDLEWILD
HEADWALL
INV=923.0

PROP. LIGHTED
SIGN
PROP. 3/4\"/>

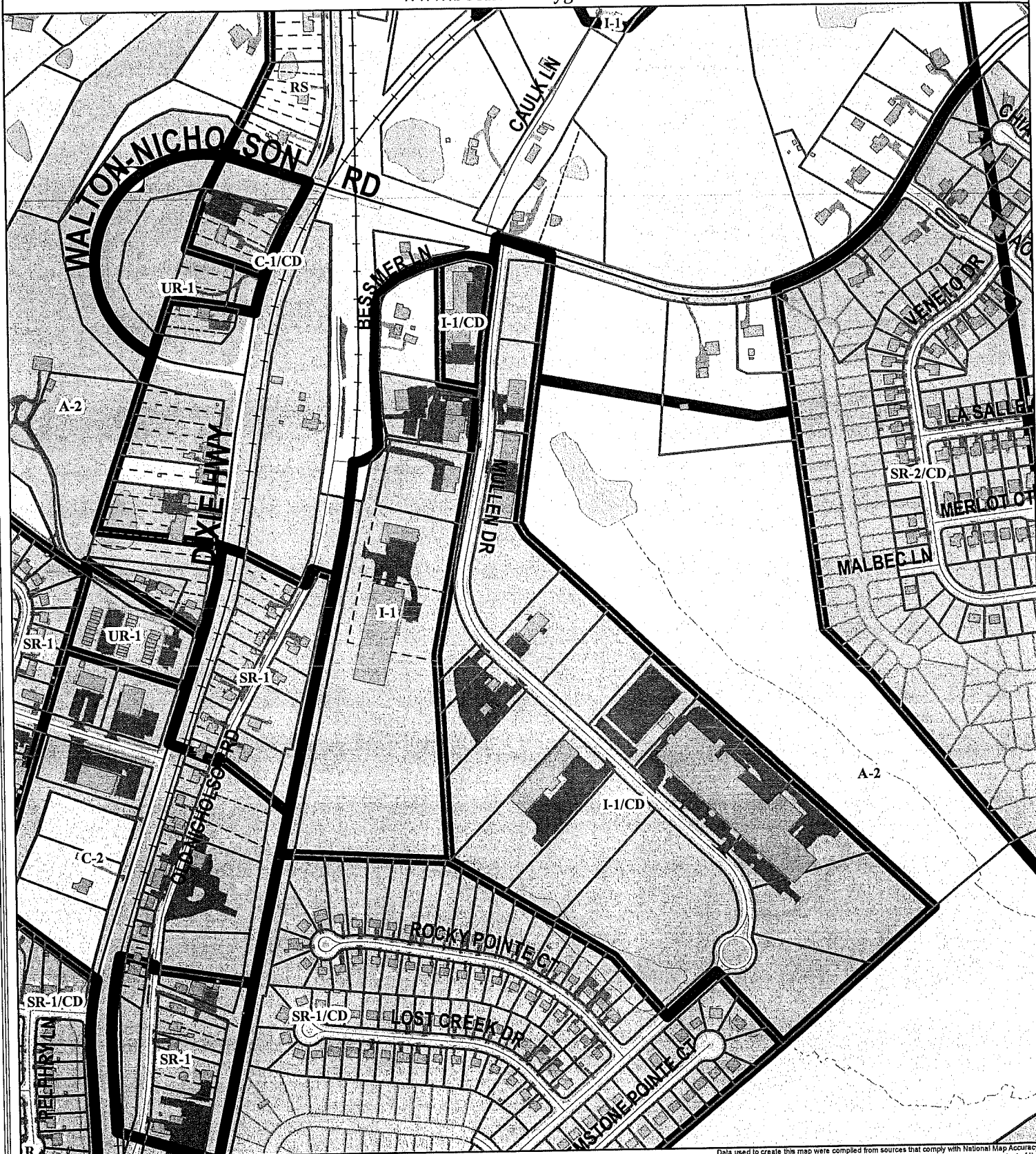
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EX. 36\"/>

MILLEN DRIVE

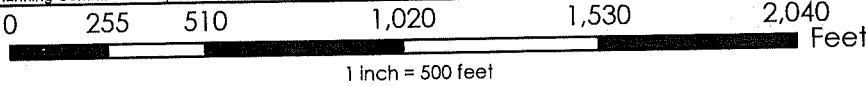
ZONING MAP

www.boonecountygis.com



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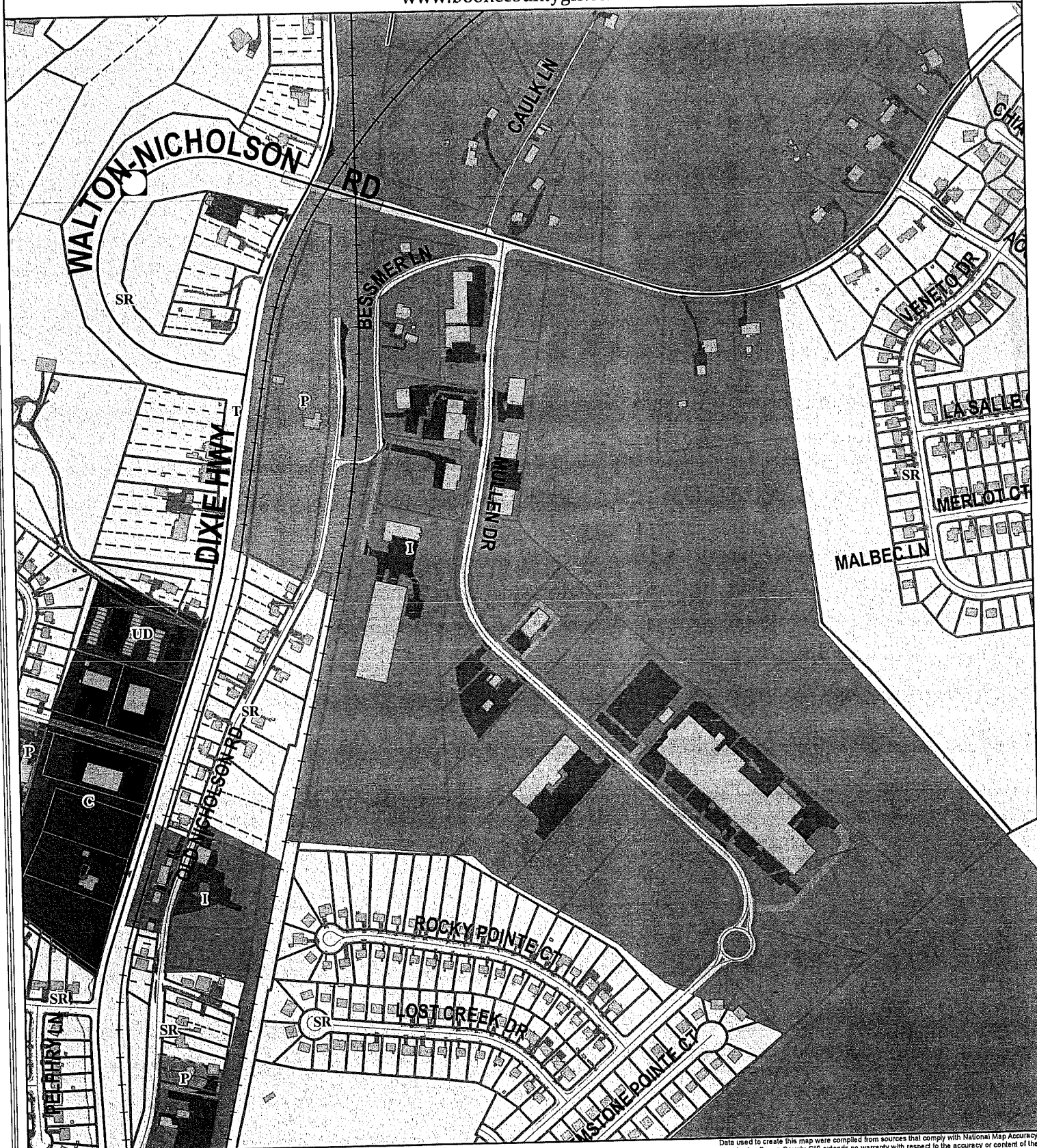


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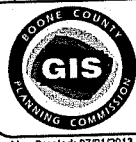
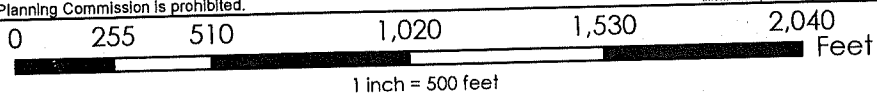
2035 FUTURE LAND USE MAP

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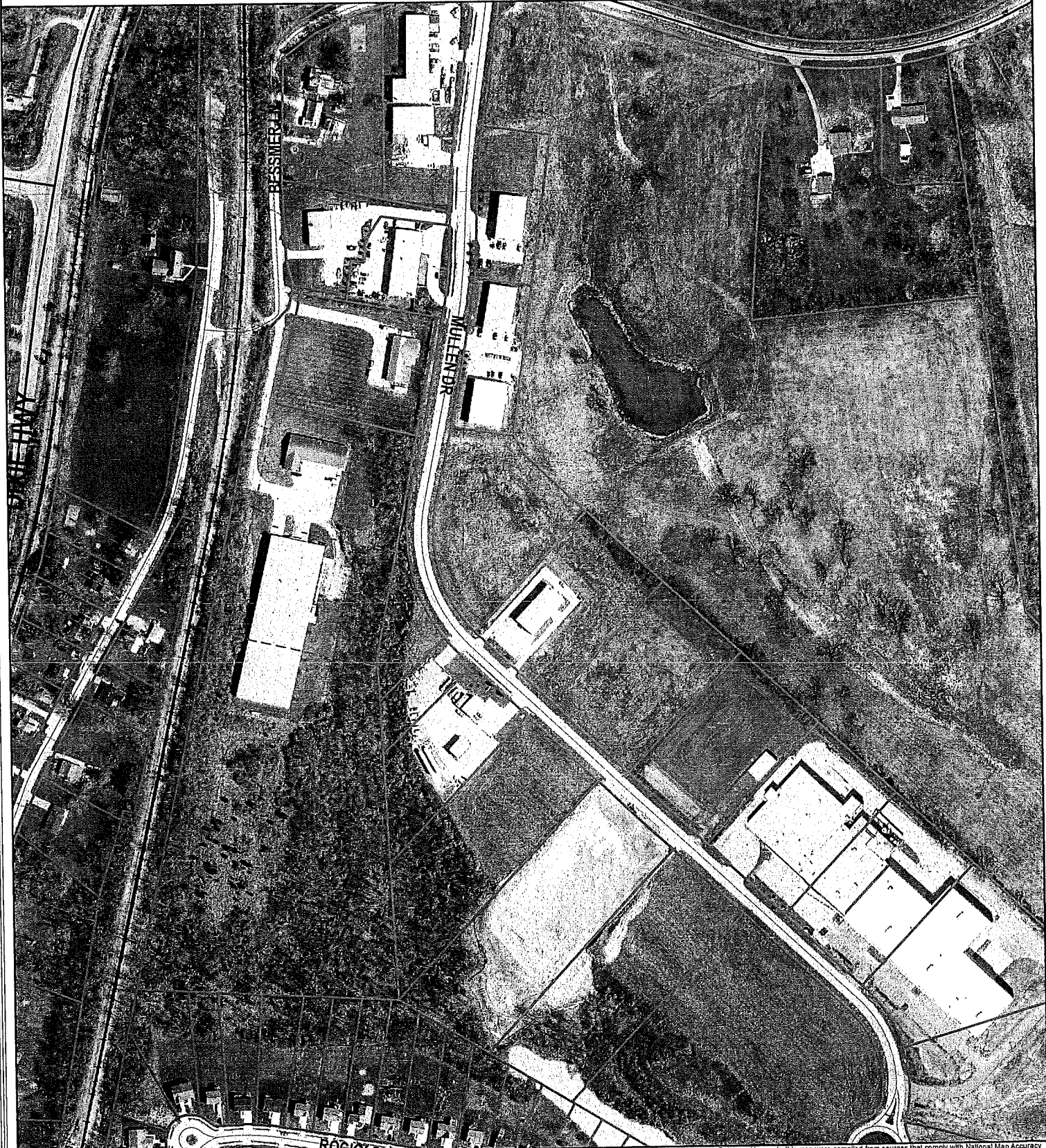
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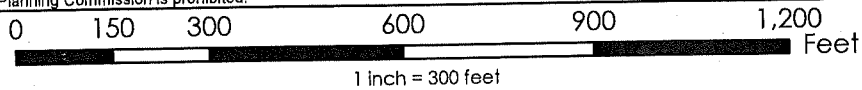
2016 AERIAL MAP

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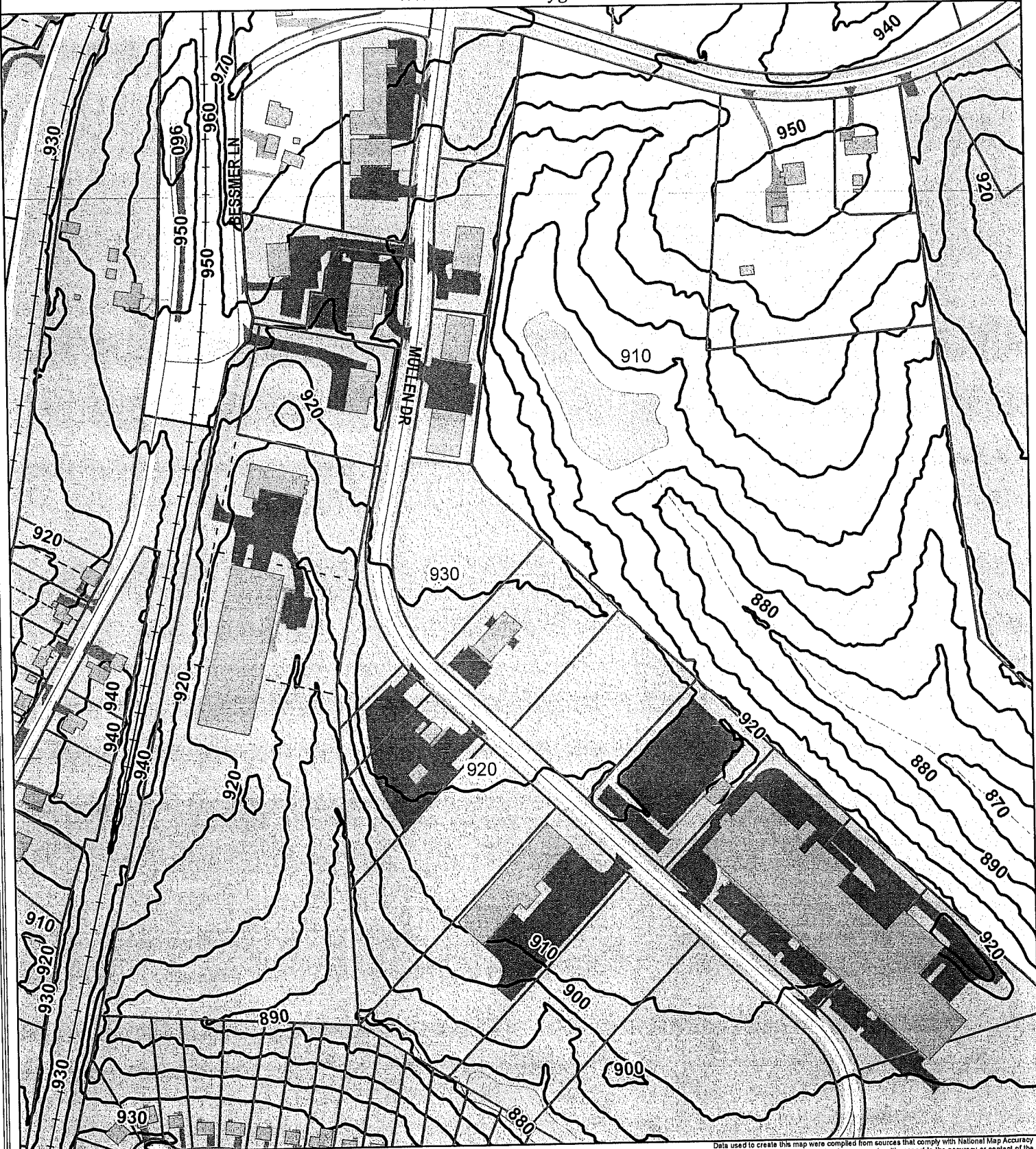
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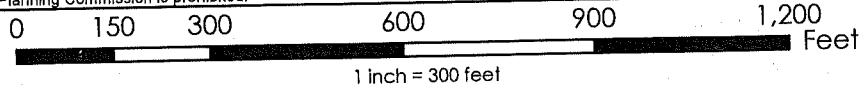
TC TOPOGRAPHICAL MAP

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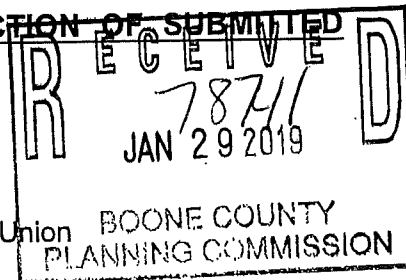
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APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union **BOONE COUNTY PLANNING COMMISSION**
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name Little Learners Learning Center
Applicant's Address 18 Needmore St.
Walton Ky 41094
City State Zip
- 4. Phone Number 859-743-4491 Fax No. N/A E-Mail Littlelearnerslearningcenter@gmail.com
Description of Request: Day Care
- 5. Name of Development Little Learners
- 6. Location of Development 130 Mullen Drive Walton Ky
41094
- 7. Acreage Under Review 1.996
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 5 N. WALTON COMMERCE PARK
- 9. Owner of Property John Elteroth - Muzzoleum LLC
Address of Property Owner 130 Mullen Dr
- 10. Walton Ky 41094
City State Zip
Phone Number 859-485-7816 Fax No. N/A E-Mail _____
- 11. Proposed Use(s) on Site Day care
- 12. Total Square Footage of Existing and/or Proposed Buildings 6000 approx
- 13. Current Zoning on Property I-1/CD
- 14. Deed Book 1066 Page No. 816 Group No. 2080
- 15. Is the site subject to a zone change? yes
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? yes
- 17. Have you submitted a list of adjoining property owners with this request? yes
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Regina Daugherty
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(COPY)

CLUR #19-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
John Eltzroth-Muzzoleum LLC
130 Mullen Drive
Walton, KY 41094

2. ADDRESS OF PROPERTY
130 Mullen Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Little Learners Learning Center

4. DEED BOOK 1066 PAGE NO. 816 GROUP NO. 2080

5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
From _____ To _____
 Development Plan Conditional Zoning
 Subdivision Plat Other:
(Not Recorded)
 Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

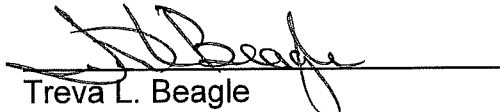
Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

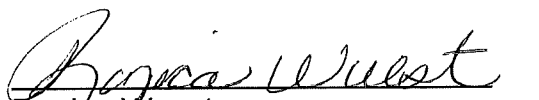
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 25 day of March, 2019.


Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:


Ronica Wuest
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Walton Board of Adjustment and in accordance with the current zoning in effect as of March 18, 2019 Certificate of Land Use Restriction (#19-WBOA-002-A), for John Eltzroth-Muzzoleum LLC, Property Owner(s).

The following conditions will apply:

1. An acceptable air quality test will be done and submitted to the Board. The test will list everything that is present in the air and if the levels are at acceptable EPA standards.
2. A test will be done to show what toxins are present in the floor drains. The test will list everything that is present in the drains and if the levels are at acceptable EPA standards.
3. Any proposed change in use to the back industrial tenant space would require the daycare operator to come back before the Walton Board of Adjustment and address if the new use creates a safety issue.
4. The approval is based on the preliminary plan and business outline that was submitted with the application. Minor modifications can be permitted by the Zoning Administrator.
5. The business shall only be permitted to operate Monday through Friday. Business hours shall be limited from 6:00 a. m. to 6:00 p. m.
6. The play area shall be limited to a 50' x 50' area.
7. No more than 7 employees shall work on site at any given time.
8. No company (daycare) vehicles shall be kept on site.
9. On-site parking and handicapped signage for both businesses shall comply with the requirements of the Boone County Zoning Regulations.
10. The parking lot shall be re-stripped so the parking stalls are visible.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1066

PAGE NO. 816

GROUP NO. 2080

DRAFT

WALTON BOARD OF ADJUSTMENT
WALTON SENIOR CENTER
BUSINESS MEETING
MARCH 18, 2019
6:30 P.M.

Chairman Hincks called the meeting to order at 6:34 P.M.

BOARD MEMBERS PRESENT:

Mr. David Hincks, Chairman
Mrs. Caitlin Fugate
Mr. Kevin Ryan
Mr. Steve Turner

BOARD MEMBERS NOT PRESENT:

Mr. Edward Sedor

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

APPROVAL OF MINUTES:

Chairman Hincks stated the Board members received copies of the minutes of the Walton Board of Adjustment meeting of March 4, 2019. Mr. Turner moved they be approved and Mrs. Fugate seconded the motion. Chairman Hincks asked for a vote and it carried unanimously.

AGENDA ITEMS:

1. Request of Little Learners Learning Center for a Conditional Use Permit. The Conditional Use Permit would allow a daycare center to occupy a tenant space in an existing building and construct an accessory playground. The 1.996 acre lot is located at 130 Mullen Drive, Walton, Kentucky and is currently zoned Industrial One (I-1).

Mr. Wilson said the meeting was tabled on March 4th so the Board would have the opportunity to review the site. The Board first needs a motion to lift the application from the table which is seconded and passed and then needs to discuss what they observed during the site visit. Mr. Ryan should also put into the record that he is familiar with the record that was made since he was not present at the last meeting.

Mr. Hincks asked for a motion to lift the application from the table. Mrs. Fugate made a motion to lift the application from the table and Mr. Turner seconded it. Mr. Hincks called for the vote and it carried unanimously.

Mr. Ryan said he has read the meeting minutes from the last meeting and also attended the site visit today. He feels comfortable acting on the request.

4/15/19

CONDITION #2
was voided by the
3 WBOA members
that voted for
approval. SEE
the attached emails.

TKM

Mrs. Fugate said during the site visit today she witnessed that the facility had its own entrance and several rooms that would be converted to classrooms. She also saw a garage space with some storage and a shop in the back with machines, tools, and equipment.

Mr. Ryan said he observed the owner's oven or kiln in the back of the building. He would like the owner to address fire suppression in that area. Mrs. Daugherty replied there is a Halon system in the back. Mr. John Eltzroth said he owned the building and makes purge plugs in the back of the building. He uses the oven to burn out the plastic that is used to stir the molten steel. The back room in the building has a fire suppression system that was used by the former mortuary business. He said the kitchen area in the back of the building has two tanks and contains something similar to Halon. Those tanks are inspected routinely.

Mr. Hincks said there was a large bag of refractory material in the back and there was some light dust. The refractory material is used in the mixing process. The owner's personal work station was about 10 feet away. He would assume that the owner would not leave the bag open if it were hazardous. He did not notice any dust in the area that is to be rented to the daycare.

Mr. Eltzroth said his desk is about 5 feet away from the tabular alumina. That is the specific refractory he needs to get the best erosion resistance so it can be used at a steel plant. He would not keep the refractory 5 feet away from him if it were hazardous. Mr. Turner asked if the sheet that was in front of them was the MSDS Sheet for the tabular alumina (see Exhibit 1). Mr. Eltzroth said it was. Mr. Turner said the product contains silica and it can cause silicosis in your lungs. Mr. Eltzroth replied there is a small chance. Mr. Turner said silica is listed as a carcinogen. He asked if any tests had been done to show if there was any residual formaldehyde.

Mr. Eltzroth replied he did a Google search on formaldehyde and the $\frac{1}{2}$ life is 1 hour. No formaldehyde has been used at the facility for 5 years since the mortuary was in business. Mr. Turner said there were 6 floor drains in the area where the bodies were kept. He is sure they were a lot of nasty things that went down those drains and he would like to know if any residual matter remains. Ms. Daugherty said she made a lot of calls and cannot find anyone that will test for formaldehyde. She would be glad to pay for a test if someone would come out. Mr. Morgan said he sent Ms. Daugherty the business link that Mr. Turner sent him. She said she tried that number and they do not answer the phone or return calls. She also tried to contact Walton Fire Department but they don't do that type of testing. They sent her to Boone County Emergency Management System and they don't do it. They sent her to the EPA and they don't do it. EPA did direct her to a link on their website that talks about formaldehyde. She submitted a letter she wrote and the formaldehyde information she printed off from the EPA and cancer.org websites into the record (see Exhibits 2 and 3). The formaldehyde information says it doesn't live in the air or water. Formaldehyde is used in wood flooring, furniture, soap, etc.

Mr. Turner said he noticed that the owner had a considerable amount of welding gasses in the back. He said he did not see any MSDS Sheets for those. Mr. Eltzroth said that it's just argon and carbon dioxide gas mix. Mr. Turner said he also didn't see the tanks

chained to the wall. Mr. Eltzroth said a guy from the fire department came by and said that was fine. Mr. Turner asked if the empty buckets he saw in the garage space were full at one time? Mr. Eltzroth said he got them from a guy in Cincinnati and he cleaned them out.

Mr. Hincks asked the owner if he had the drains cleaned since he owned the building? Mr. Eltzroth replied not really. Mr. Hincks asked if those drains have been used since he owned the building? He said he didn't think he had used them. Ms. Daugherty said she plans on installing carpet in the classrooms. Mr. Hincks asked if his space had floor drains? Mr. Eltzroth said there are two floor drains in the garage area and they go to holding tanks.

Mr. Turner said the drop ceiling in the one area and the back area is only separated by one beam. There are penetrations in that beam and he is sure it isn't sealed on the bottom or the top. Ms. Daugherty said that will be done to code. Mr. Turner replied it isn't air tight. Ms. Daugherty said the wall isn't complete yet. There have to be 2 sheets of 5/8 fire wall that go above the beam and any openings for pipe, etc., have to be sealed with fire rated caulk. A contractor will do all that work and it will be inspected. Mr. Turner asked about the doors that go from the front to the back? Mr. Ryan said there was a tag on them saying they were rated at 20 minutes. Mr. Turner said you can see daylight underneath them. Ms. Daugherty said Code Enforcement didn't say anything about them.

Mr. Hincks said he noticed that the front half of the building has central heating and air and the back space does not. He said he also didn't notice any discharge pipes from the oven. Mr. Eltzroth said there are some heat vents and an after burner that would take care of any particulates.

Mr. Hincks said the Board needs to look at safety with a Conditional Use Permit. The attention factor is probably a little bit higher because a daycare is being proposed and there will be children. Ms. Daugherty said Code Enforcement is looking at that as well. They inspect all buildings that children are going in.

Mr. Ryan asked if there charge was to permit a daycare operation? He asked if they should be looking at the fire rating of doors because other agencies will be looking at that? Mr. Morgan said there are other agencies that look at those type of matters. However, the Board needs to apply the Conditional Use Permit criteria to the application. One of those refers to safety and the operation not being detrimental to people. Mr. Ryan said in his opinion the building is currently not fit to house children. Should they be relying on the other agencies to follow up and make sure everything meets code? Ms. Daugherty said she cannot get a daycare license without Code Enforcement signing off. Mr. Morgan said they should rely on Code Enforcement.

Mr. Hincks asked if anybody else in the audience wanted to speak? There was no response.

Mr. Turner said what he can't get beyond is not knowing the contamination factor and not knowing if any other agency will do that testing. Mr. Hincks said he is on the Federal EPA side of things for his job. The State EPA would be able to isolate contaminants coming from this industrial park if something bad was coming from these drains and getting into the

water. He can only assume this hasn't happened. He asked Mr. Eltzroth how long he owned the building? Mr. Eltzroth replied 3 years. He added that the mortuary hasn't operated for 5 years. Ms. Daugherty said formaldehyde doesn't live at water. Mr. Hincks said he is talking about all the chemicals that were used in the embalming process. Mr. Eltzroth said the mortgage company didn't require any type of environmental compliance certificate. Mrs. Fugate said she imagines there was a process for flushing those drains. Ms. Daugherty said there was a handle in the embalming room that released water.

Mr. Ryan asked if all the work she mentioned earlier had to be done before she could apply for her daycare license? Ms. Daugherty replied that was correct. Mr. Turner said if the doors aren't sealed air will flow into the daycare from the back.

Mrs. Fugate asked if they can add conditions about the doors? Mr. Ryan said he doesn't believe they have the expertise to say what the doors should be. Mr. Morgan said they could possibly impose a condition which would violate building or fire codes. Ms. Daugherty said Code Enforcement has been up to the building 3 times and outlined what needed to be done for fire protection. Once they approve the work that has been done the childcare people from the State of Kentucky will come up and do an inspection. She added that she will be required to have a hard wired fire alarm system and if one goes off, they all go off.

Mr. Hincks said it is ultimately up to parents to decide if their children will go here. Mr. Turner said most parents probably will not know about the chemicals that they are discussing. Mr. Hincks said they should know that there is an industrial business in the back of the building and to ask questions. He would think a parent would ask these question if their child had respiratory problems and would dig into what approvals were given. Mr. Eltzroth said he believes his business would be a lot more compatible with a daycare than other industrial businesses. He basically makes concrete and doesn't have any metal shavings. Ms. Daugherty said there are daycares in some bigger industrial plants. Mr. Turner said he would believe that they are pretty far removed from the manufacturing operation.

Mr. Hincks asked for a motion. Mr. Turner motioned to deny the request based on the fact that there are too many unknown questions on contamination and how it will impact public safety. Mr. Ryan seconded the motion. A roll call vote found that Mr. Turner and Mr. Ryan were in favor and Mr. Hincks and Mrs. Fugate were opposed. The motion did not carry because the vote was 2-2. Mr. Wilson said the Board can keep deliberating and someone can make another motion. The Board also has a 5th member that isn't present tonight.

Ms. Daugherty asked what she can do? She would gladly get an inspection if she could find someone to do one. She doesn't know who to call. Mr. Hincks said an environmental remediation company would do testing. Mr. Turner said he would like to see that testing done before they vote. Mrs. Fugate said she would be okay with tabling the request again if further testing is going to be done. She would hope as a parent that the State would be stringent on a matter like this but she doesn't know if they are. Mr. Ryan agreed. Mrs. Fugate said she would also be willing to take documentation from a state agency saying that they would do this type of testing before she opens. Mr. Turner said he doesn't want to hope that another agency will check something without knowing that they will.

Mr. Hincks said they should be careful not to question another agency that would be responsible for this. Mr. Ryan said there has been no documentation presented to them that indicates who would do the testing they are looking for. Mr. Flynn asked if Walton Fire Department would be doing an inspection? Ms. Daugherty said the State would look at it.

Ms. Daugherty showed the Board a copy of her permit from Code Enforcement that allowed her to start the work inside the building. Mr. Morgan said he didn't believe she would receive the final permit until the work was done and it was inspected. Ms. Daugherty agreed. She added the guy from code enforcement determines what improvements need to be made and then inspects them. She said if the building had already been a daycare then the State Fire Marshal would look at it. Mr. Turner said he is not seeing where they do an environmental check. He still isn't sure if any agency would do an environmental check. Mr. Hincks asked if she contacted Kentucky EPA? She said she had and they were the ones that directed her to the information on their website regarding formaldehyde.

Mr. Morgan said he understands the issue to be more than formaldehyde. It sounds like the Board wants her to test the drains and the air. Ms. Daugherty said she can buy a kit online and test the air herself. Mr. Hincks said his primary concern is the drains. Mr. Turner said nothing has been checked and he is not sure if anyone will do an environmental check. Mr. Hincks said they could look at a condition that would require an environmental remediation company to certify that the building is environmentally clean. Mr. Ryan said another thing that concerns him is fire egress. Mr. Morgan said he feels comfortable that all building code and fire code issues would be checked. Ms. Daugherty said the State Fire Marshal and State Childcare will inspect the business once a year after she opens.

Mr. Morgan said Mr. Hincks potential condition would need to be clarified further so he could enforce it. What specific things does she need to test for to satisfy the Board? Without that list, a company could test for mold only. Mr. Hincks said there are certain levels (parts per million) of anything that are considered dangerous. Mr. Morgan agreed and said he should know the list of things the Board wants tested so she can fulfill the condition. Ms. Daugherty asked if the Board could do the testing? She said she would pay for it.

Mrs. Fugate said the concern is what may be in the drains. Mr. Turner added that he is also concerned about the silica in the air. There are people that are more susceptible than others to certain things. He doesn't feel comfortable with children being in the front of the building and they are breathing in air from the back of the building and there is something in the air that could harm them. Mr. Morgan said she could certainly get air quality samples and test the drains for toxins but he doesn't know what toxins would fulfill the Board's list. Mrs. Fugate said the air sample may help them determine if anything is coming up from the drains because the drains haven't been used in the last 5 years. The applicant may not want to have the drains tested if the air quality is bad.

Mr. Turner asked if the drains were going to be shut and closed when the new carpeting is put in? Mr. Eltzroth said there would be no reason to use the drains if carpeting is installed over them. Mrs. Fugate said the flooring contractor may need to do something to cover the drains. Mr. Hincks asked Mr. Turner if his concern about drain toxins would go

away if the drains were sealed? Mr. Turner replied no because it would be an issue down the road.

Ms. Daugherty said she doesn't feel like anything will work unless she gets the name of a company. Mr. Wilson said the Board shouldn't give her the name of company unless they want to endorse the result. Mr. Hincks agreed.

Mr. Ryan said he is looking at cancer.gov and .03 parts of formaldehyde per million is considered an acceptable level. An environmental remediation company could also test for silica. Mr. Turner said the test should be done when the back of the building is being used. Mr. Ryan said there should be parameters for the test. He believes a radon test is done over a week or two week time period. An accredited business would know what to do.

Mr. Hincks said he was going to make a motion to approve the request with the following conditions:

1. An acceptable air quality test will be done and submitted to the Board. The test will list everything that is present in the air and if the levels are at acceptable EPA standards.
2. A test will be done to show what toxins are present in the floor drains. The test will list everything that is present in the drains and if the levels are at acceptable EPA standards.

Mr. Eltzroth recommended the air test be done in his work area and the office area so a comparison can be made. Mr. Turner said he would like to know if any formaldehyde is present. Ms. Daugherty said she doesn't know if she will be able to fulfill the condition. She has called everybody from home inspectors to the EPA.

Mr. Hincks asked Mr. Wilson if they could give her a list of contractors? Mr. Wilson said the burden is on the applicant. The Board can determine if the information is credible when it comes back. If the Board identifies who is doing the test then they are marrying themselves to those results.

Ms. Daugherty said she doesn't know who will test for formaldehyde. Mr. Morgan stated that Mr. Hincks draft condition would require everything that is found to be listed. Mr. Turner said his concern is he is not sure the company will look for every possible thing. Mr. Hincks said a company should use a mass spectrometer and it would test for everything. Mr. Turner said the condition should say that then. Mrs. Fugate said she thinks the test would be like a drug test and anything that shows up is listed. Mr. Morgan said the Board could also require the test list everything that was tested for. Mrs. Fugate said an air quality sample would make her feel comfortable. She assumes that the State knows how this building was used in the past.

Mr. Hincks repeated his motion. Mr. Turner said he suggested adding on another condition which would require the front and rear sections of the building to be air tight from each other unless a door was opened. Mr. Morgan said he doesn't know if he can enforce that condition. That would be a building code issue. Mr. Ryan said the whole purpose of

the rooms being air tight would be negated as soon as someone opened the door between the two spaces. Mr. Hincks said he would leave the motion as it was originally worded. Mr. Turner asked if he wanted to include the condition that was discussed at the first meeting? That condition would require the applicant to come back for another Conditional Use Permit if another industrial user wanted to occupy the back of the building. Mr. Morgan suggested that Mr. Hincks also take a look at the Staff recommendations in the Staff Report.

Mr. Hincks said he would add the following conditions to his motion:

3. Any proposed change in use to the back industrial tenant space would require the daycare operator to come back before the Walton Board of Adjustment and address if the new use creates a safety issue.
4. The approval is based on the preliminary plan and business outline that was submitted with the application. Minor modifications can be permitted by the Zoning Administrator.
5. The business shall only be permitted to operate Monday through Friday. Business hours shall be limited from 6:00 a. m. to 6:00 p. m.
6. The play area shall be limited to a 50' x 50' area.
7. No more than 7 employees shall work on site at any given time.
8. No company (daycare) vehicles shall be kept on site.
9. On-site parking and handicapped signage for both businesses shall comply with the requirements of the Boone County Zoning Regulations.
10. The parking lot shall be re-stripped so the parking stalls are visible.

Ms. Daugherty asked if she would need to come back if the back of the building was vacant? Mr. Morgan replied she would not. She would need to come back if the industrial user changes or if she is proposing to expand the daycare into the back of the building.

Mrs. Fugate seconded the motion. Mr. Hincks called for the vote and it found Mr. Hincks, Mr. Ryan, and Mrs. Fugate in favor and Mr. Turner opposed. The motion carried 3-1.

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Hincks asked for a motion to adjourn. Mr. Ryan so moved and Ms. Fugate seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 7:56 P.M.

APPROVED

**David Hincks
Chairman**

Attest:

**Todd K. Morgan, AICP
Senior Planner, Zoning Services**

Exhibit 1 - MSDS Sheet

Exhibit 2 - Letter From Gina Daugherty

Exhibit 3 - Formaldehyde information from EPA and Cancer.org Websites

RAINBOW ENVIRONMENTAL SERVICES

MOLD REPORT

P.O. Box 54863, Cincinnati, Ohio 45254-0863
Phone: (513) 624.6470 Fax: (513) 231.0301

DATE: 2-Apr-19

Customer: Ms. Gina Daugherty 859-743-4491
212 Edwards Avenue
Walton, Ky 41094

Prepared by: Danny M. Russell
513-624-6470

Job Name: Little Learners Learning Center
130 Mullen Drive
Walton, Ky 41094

Type: Quality Assurance
Air Testing

The following are results from mold sampling that took place on 3/26/2019 at the address listed above. These results will be filed under the customer name and kept confidential. All sampling was performed by trained personnel using calibrated equipment. Please refer to attached report:

QUALITY ASSURANCE TEST RESULTS

See Lab Report

FINDINGS

Currently, there are no regulatory standards published by any governmental agencies with respect to levels of microbiological organisms or bioaerosols in public or private buildings. Based on health hazard evaluations conducted by the National Institute of Occupational Safety and Health (NIOSH), it was suggested in 1984 that a viable microorganisms test result in excess of 1,000 CFUs/m3 indicated a need to proceed to remedial actions if the indoor samples are greater than that of the outdoor (ambient air) sample.

Based on the test results, the indoor air quality has passed and the facility is safe for immediate occupancy.

RECOMMENDATIONS

Controlling the humidity and keeping a dust free environment are key to preventing mold growth.

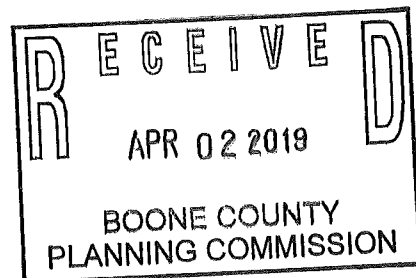
If you have any questions or concerns, please give us a call.

Danny Russell

4/2/2019

Danny Russell
Operations Manager

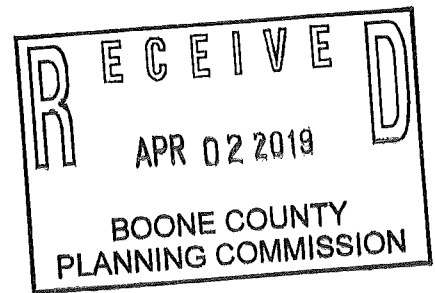
Date





The Identification Specialists

Analysis Report
prepared for
Rainbow Environmental Services



Report Date: 3/29/2019

Project Name: 130 Mullen Drive

Project #: 190414

SanAir ID#: 19014477



1551 Oakbridge Dr. Suite B | Powhatan, Virginia 23139-8061
888.895.1177 | 804.897.1177 | fax: 804.897.0070 | IAQ@SanAir.com | SanAir.com



SanAir ID Number
19014477
FINAL REPORT
3/29/2019 11:08:15 AM

Name: Rainbow Environmental Services
Address: PO Box 54863
Cincinnati, OH 45254
Phone: 513-624-6470

Project Number: 190414
P.O. Number:
Project Name: 130 Mullen Drive
Collected Date: 3/26/2019
Received Date: 3/28/2019 9:30:00 AM

Dear Danny Russell,

We at SanAir would like to thank you for the work you recently submitted. The 3 sample(s) were received on Thursday, March 28, 2019 via FedEx. The final report(s) is enclosed for the following sample(s): 3, 1, 2.

These results only pertain to this job and should not be used in the interpretation of any other job. This report is only complete in its entirety. Refer to the listing below of the pages included in a complete final report.

Sincerely,

A handwritten signature in black ink that reads "L. Claire Macdonald". The signature is written in a cursive, flowing style.

L. Claire Macdonald
Microbiology Laboratory Manager
SanAir Technologies Laboratory

Final Report Includes:
- Cover Letter
- Air Cassette Analysis
- Disclaimers and Additional Information

Sample conditions:
- 3 samples in Good condition.



Name: Rainbow Environmental Services
Address: PO Box 54863
 Cincinnati, OH 45254
Phone: 513-624-6470

Project Number: 190414
P.O. Number:
Project Name: 130 Mullen Drive
Collected Date: 3/26/2019
Received Date: 3/28/2019 9:30:00 AM

SanAir ID Number
19014477
FINAL REPORT
 3/29/2019 11:08:15 AM

Analyst: Acharya, Uttam

Air Cassette Analysis

ND = None Detected. Blank spaces indicate no spores detected.

SanAir ID Number	19014477-001			19014477-002			19014477-003		
Analysis Using STL	105C			105C			105C		
Sample Number	1			2			3		
Sample Identification	Kitchen Area			Front Office Space, Right Hallway			Outdoors		
Sample Type	Air Cassette - Air-O-Cell			Air Cassette - Air-O-Cell			Air Cassette - Air-O-Cell		
Volume	75 Liters			75 Liters			75 Liters		
Analytical Sensitivity	13 Count/M ³			13 Count/M ³			13 Count/M ³		
Background Density	2			2			1+		
Fungal Identification	Raw Count	Count/M ³	%	Raw Count	Count/M ³	%	Raw Count	Count/M ³	%
Ascospores							5	67	22
Aspergillus/Penicillium	12	160	71	42	560	95	1	13	4
Basidiospores	2	27	12				14	187	61
Cercospora species	1	13	6						
Chaetomium species	1	13	6	1	13	2			
Cladosporium species				1	13	2			
Epicoccum species							2	27	9
Rusts	1	13	6				1	13	4
TOTAL	17	227		44	587		23	307	

Signature:

Date: 3/29/2019

Reviewed:

Date: 3/29/2019



Name: Rainbow Environmental Services
Address: PO Box 54863
 Cincinnati, OH 45254
Phone: 513-624-6470

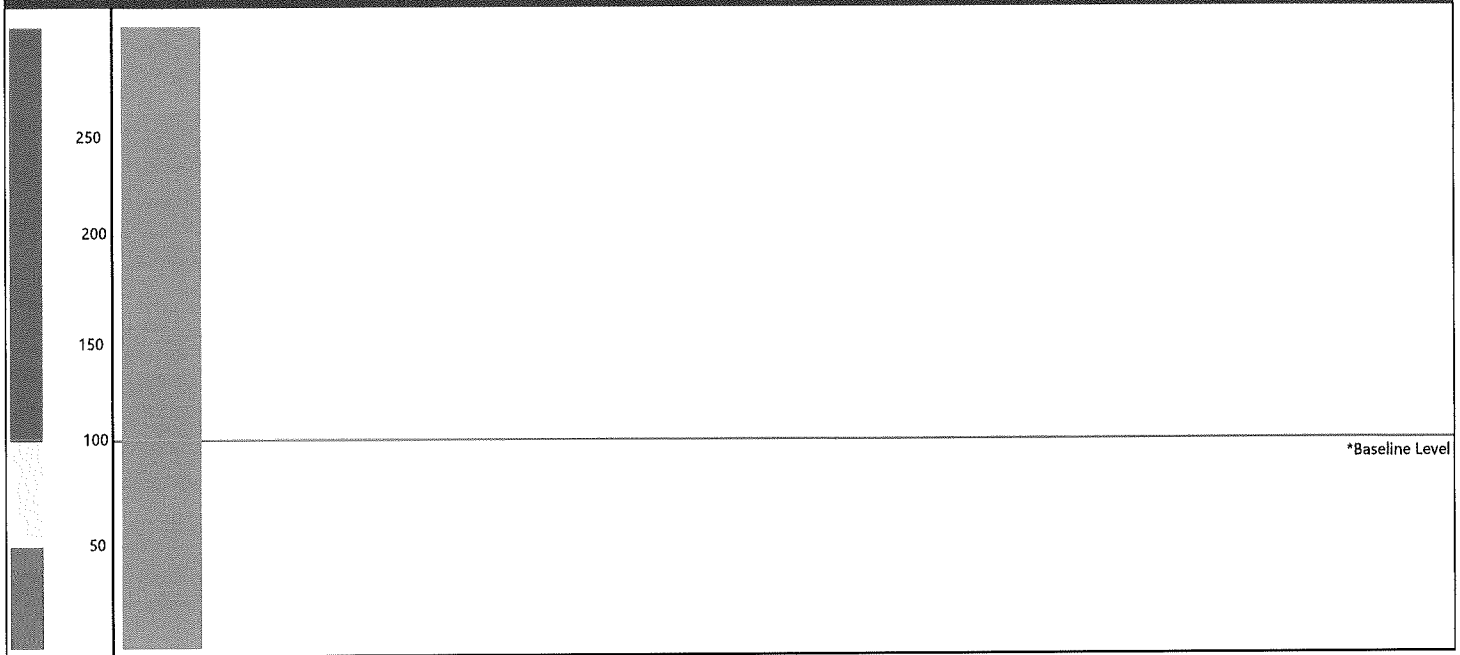
Project Number: 190414
P.O. Number:
Project Name: 130 Mullen Drive
Collected Date: 3/26/2019
Received Date: 3/28/2019 9:30:00 AM

SanAir ID Number
19014477
FINAL REPORT
 3/29/2019 11:08:15 AM

Analyst: Acharya, Uttam

Air Cassette Analysis - Spores % of Outside Air

SanAir ID : 19014477-1 Sample # : 1 ID : Kitchen Area



<ul style="list-style-type: none"> Count/m³ higher than Baseline Count/m³ comparable to Baseline Within 50% of Baseline Count/m³ 	<ul style="list-style-type: none"> A Aspergillus/Penicillium
---	---

*The Baseline Level (100%) represents the average baseline sample counts. Counts above the baseline may indicate higher than expected levels of a given result.



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 Address: PO Box 54863
 Cincinnati, OH 45254
 Phone: 513-624-6470

Project Number: 190414
 P.O. Number:
 Project Name: 130 Mullen Drive
 Collected Date: 3/26/2019
 Received Date: 3/28/2019 9:30:00 AM

SanAir ID Number
19014477
 FINAL REPORT
 3/29/2019 11:08:15 AM

Analyst: Acharya, Uttam

Air Cassette Analysis - Spores % of Outside Air



>999%
A

Count/m ³ higher than Baseline	Aspergillus/Penicillium
Count/m ³ comparable to Baseline	
Within 50% of Baseline Count/m ³	

*The Baseline Level (100%) represents the average baseline sample counts. Counts above the baseline may indicate higher than expected levels of a given result.



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Project Number: 190414
P.O. Number:
Project Name: 130 Mullen Drive
Collected Date: 3/26/2019
Received Date: 3/28/2019 9:30:00 AM

Organism Descriptions

The descriptions of the organisms presented are derived from various reference materials. The laboratory report is based on the data derived from the samples submitted and no interpretation of the data, as to potential, or actual, health effects resulting from exposure to the numbers of organisms found, can be made by laboratory personnel. Any interpretation of the potential health effects of the presence of this organism must be made by qualified professional personnel with first hand knowledge of the sample site, and the problems associated with that site.

Ascospores - From the fungal Subphylum Ascomycotina. Ascospores are ubiquitous in nature and are commonly found in the outdoor environment. This class contains the "sac fungi" and yeasts. Some ascospores can be identified by spore morphology, however; some care should be exercised with regard to specific identification. They are identified on tape lifts and non-viable analysis by the fact that they have no attachment scars and are sometimes enclosed in sheaths with or without sacs. Ascomycetes may develop both sexual and asexual stages. Rain and high humidity may help asci to release, and disperse ascospores, which is why during these weather conditions there is a great increase in counts.
Health Effects: This group contains possible allergens.

Aspergillus/Penicillium - These spores are easily aerosolized. Only through the visualization of reproductive structures can the genera be distinguished. Also included in this group are the spores of the genera Acremonium, Phialophora, Verticillium, Paecilomyces, etc. Small, round spores of this group lack the necessary distinguishing characteristics when seen on non-viable examination.
Health Effects: Can cause a variety of symptoms including allergic reactions. Most symptoms occur if the individual is immunocompromised in some way (HIV, cancer, etc). Both Penicillium and Aspergillus spores share similar morphology on non-viable analysis and therefore are lumped together into the same group.

Basidiospores - From the Subphylum Basidiomycotina which contains the mushrooms, shelf fungi, and a variety of other macrofungi. They are saprophytes, ectomycorrhizal fungi or agents of wood rot, which may destroy the structure wood of buildings. It is extremely difficult to identify a specific genera of mushrooms by using standard culture plate techniques. Some basidiomycete spores can be identified by spore morphology; however, some care should be exercised with regard to specific identification. The release of basidiospores is dependant upon moisture, and they are dispersed by wind.
Health Effects: Many have the potential to produce a variety of toxins. Members of this group may trigger Type I and III fungal hypersensitivity reactions. Rarely reported as opportunistic pathogens.

Cercospora species - Plant pathogen. Cercospora tends to grow on leaves. (Genera of Hyphomycetes, 1980)
References: J.W. Carmichael, W. Bryce Kendrick, I.L. Connors, Lynne Sigler Genera of Hyphomycetes University of Alberta Press, 1980

Chaetomium species - It is an ascomycete. It is found on a variety of substrates containing cellulose including paper and plant compost. It can be found on the damp or water damaged paper in sheetrock after a long term water damage. Several species have been reported to play a major role in decomposition of cellulose made materials. These fungi are able to dissolve the cellulose fibers in cotton and paper, and thus cause these materials to disintegrate. The process is especially rapid under moist conditions.
Health Effects: Chaetomium can produce type I fungal hypersensitivity and has caused onychomycosis (nail infections).
References: Flannigan, Brian, Robert A. Samson, and J. David Miller, eds. Microorganisms in Home and Indoor Work Environments: Diversity, Health Impacts, Investigation, and Control. London and New York: Taylor & Francis, 2001.



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Received Date: 3/28/2019 9:30:00 AM

Organism Descriptions

The descriptions of the organisms presented are derived from various reference materials. The laboratory report is based on the data derived from the samples submitted and no interpretation of the data, as to potential, or actual, health effects resulting from exposure to the numbers of organisms found, can be made by laboratory personnel. Any interpretation of the potential health effects of the presence of this organism must be made by qualified professional personnel with first hand knowledge of the sample site, and the problems associated with that site.

Cladosporium species - The most commonly identified outdoor fungus. The outdoor numbers are reduced in the winter and are often high in the summer. Often found indoors in numbers less than outdoor numbers. It is commonly found on the surface of fiberglass duct liner in the interior of supply ducts. A wide variety of plants are food sources for this fungus. It is found on dead plants, woody plants, food, straw, soil, paint and textiles. Often found in dirty refrigerators and especially in reservoirs where condensation is collected, on moist window frames it can easily be seen covering the whole painted area with a velvety olive green layer.

Health Effects: It is a common allergen. It can cause mycosis. Common cause of extrinsic asthma (immediate-type hypersensitivity: type I). Acute symptoms include edema and bronchospasms, chronic cases may develop pulmonary emphysema. Illnesses caused by this genus can include phaeohyphomycosis, chromoblastomycosis, hay fever and common allergies.

References: Flannigan, Brian, Robert A. Samson, and J. David Miller, eds. *Microorganisms in Home and Indoor Work Environments: Diversity, Health Impacts, Investigation, and Control*. London and New York: Taylor & Francis, 2001.

Epicoccum species - It is found in plants, soil, grains, textiles, and paper products. Frequently isolated from air and occasionally occurs in house dust. Is a saprophyte and considered a weakly parasitic secondary invader of plants, moldy paper and textiles. *Epicoccum* is usually isolated with either *Cladosporium* species or *Aureobasidium* species.

Health Effects: A common allergen. It also has the potential to produce type I fungal hypersensitivity reactions.

References: Flannigan, Brian, Robert A. Samson, and J. David Miller, eds. *Microorganisms in Home and Indoor Work Environments: Diversity, Health Impacts, Investigation, and Control*. London and New York: Taylor & Francis, 2001.

Rusts - From the group Uredinales, called Rusts due to the color of the spores, which are known for causing disease in plants.

Additional Information

Air Cassette Analyses

Air cassette reports indicate the genus and concentration of viable (living) and non-viable mold spores detected on the slide (A2 Analysis). Whether or not these spores are viable cannot be determined using this type of analysis. However, keep in mind that spores can remain allergenic even after cellular death. Other possible allergens include dander, pollen and fibers which are included in air cassette reports for the A1 Analysis. A1 and A2 analyses are performed on several types of air cassettes. Light microscopy at a 400 to 1000x magnification is used for air cassette sample analysis. SanAir always analyzes 100% of the impacted slide.

Explanation of Background Densities

The background density of an air cassette aids in the overall interpretation of results as it indicates the level of background debris present (e.g. dander, pollen, fibers, insect parts, soot, fly ash, etc.). Excessive background debris may mask the presence of fungal spores thereby reducing the accuracy of the count. It may also serve as an alert that the volume of air pulled was too high or too low. The following table explains background densities.

Air Cassette Density	Amount of Particulate on Slide	Explanation
1	Insignificant	Should not skew any counts
1+	Low	Should not skew any counts
2	Low to Moderate	Should not skew any counts
2+	Moderate to High	May cause occlusion of small spores
3	High	May cause occlusion of small to medium spores
3+	Very High	Will cause occlusion of spores
4	Overloaded	Level of particulate too high to perform analysis

A Note About the Fungal Spores

In some instances certain groups of fungi cannot be identified due to a lack of distinguishing characteristics. These fungi will be categorized as "unknown spores" on the final report.

The genera *Aspergillus* and *Penicillium* are typically composed of small, round spores that are difficult to distinguish from each other; therefore, they are grouped into the category *Aspergillus / Penicillium*. Other fungi that produce spores of similar characteristics may also be placed into this category, including *Paecilomyces*, *Gliocladium*, and *Trichoderma*, among others.

Stachybotrys and *Memnoniella* spores are coated with a sticky "slime" layer that may inhibit aerosolization.

Any genus of fungi detected on an air cassette with a high raw count (i.e. exceeding 500 spores) may be estimated. Any estimate higher than 12,000 spores will be reported as >12,000.

Understanding the Air Cassette Report

Each sample has 3 columns of information provided. The left is the raw count which is the number of spores for that fungal type detected on the trace. The middle column is the count per cubic meter (Count/m³) which is the raw count converted based on the total volume pulled for that sample. It represents the number of spores that should be expected in a cubic meter of air from the location in question *if* the spores were distributed evenly throughout the air. This column is helpful for interpreting results when the samples were pulled at different total volumes. In other words, the raw count of a cassette pulled at 75 liters should not be compared to the raw count of a cassette pulled at 150 liters because there may be higher counts associated with the higher volume. By comparing the "Count/m³" columns the difference in volumes are accounted for.

The limit of detection is the lowest spore count detectable with reasonable certainty, and it is calculated this way using a raw count of one. Keep in mind there are 1,000 liters in a cubic meter.

$$1 \times (1,000 / \text{Total Volume in Liters})$$

How to calculate the count per cubic meter:

$$\text{Raw Count} \times (1,000 / \text{Total Volume in Liters})$$

The last column on the right shows the percentage for which each spore type comprised the total spore count.

Understanding the Air Cassette Graph (If included in the final report)

The graph is a visual representation of the baseline sample (usually the outdoor air sample) compared individually against each indoor sample. Each spore type found on the indoor sample is compared to what was found outdoors per cubic meter.

The graph shows the percentile representation of each indoor spore count derived by dividing the indoor Count/m³ by the outdoor Count/m³. If the percentage is below 50% of the outside count, then the bar is below 50 on the chart, which corresponds to "Within 50% of Baseline Count/m³." If the percentage is between 50 and 100%, then the bar on the chart will stop between 50 and 100, which corresponds to "Count/m³ comparable to Baseline." If the percentage is greater than 100%, then the bar will be above 100 on the chart, which corresponds to "Count/m³ higher than Baseline."

Each organism is given a threshold level for the Count/m³. If this threshold level is not met in an inside sample, then the organism will not be graphed on the chart. This is used to prevent the graph from showing every spore type that is commonly found outside and doesn't typically indicate a possible moisture problem inside. For example, most common outdoor spores (e.g. ascospores, basidiospores, and *Cladosporium*) have a threshold level of 100. Therefore, in order to show up on the chart, the inside Count/m³ must be above 100. On the other hand, fungi that may indicate water damage (e.g. *Stachybotrys*, *Ulocladium*, *Chaetomium*, *Memnoniella*, etc.) are given lower threshold levels. These fungi have a higher water activity value and therefore require more moisture to grow. *Stachybotrys* and *Chaetomium* have threshold values of 14 and 30, respectively, as even a low count of those types of spores may indicate an issue with excess moisture.

Keep in mind that this graph is to be used only as a tool in the inspection of a building. Visual examination and knowledge of water damage, past remediation, and weather conditions, among other elements, is essential in the decision regarding the indoor air quality of a building.

Assistance with Remediation Projects

more information pertaining to interpretation of results is available on our website www.sanair.com

For assistance in a remediation project you may consult the Institute of Inspection, Cleaning and Restoration Certification's (IICRC) S500 and S520 protocols. The S500 is a reference guide for water-damage restoration and the S520 pertains specifically to mold remediation. Other standards and guidelines regarding Indoor Air Quality that may assist in remediation projects:

- AIHA (Recognition, Evaluation, and Control of Indoor Mold)
- AIHA (The Facts About Mold)
- NADCA (ACR 2006)
- IESO (Standards of Practice for the Assessment of Indoor Air Quality)
- EPA (Mold Remediation in Schools and Commercial Buildings)
- New York City Department of Health and Mental Hygiene (Guidelines on Assessment and Remediation of Fungi in Indoor Environments)

Disclaimer

SanAir Technologies Laboratory does not make contamination corrections to reports based upon analysis of laboratory and/or field blanks.

This report is the sole property of the client named on the SanAir Technologies Laboratory chain-of-custody. Neither results nor reports will be discussed with or released to any third party without our client's written permission. The information provided in this report applies only to the samples submitted and is relevant only for the date, time and location of sampling. SanAir assumes no responsibility for the method of sample procurement. Evaluation reports are based solely on the sample(s) in the condition in which they arrived at the laboratory and on the information provided by the client on the COC. SanAir will not provide any opinion on the safety of a building as visual inspection and knowledge of water damage, past remediation and weather conditions during sampling, among other elements, is essential in this decision. All samples are disposed of after 90 days unless otherwise requested by the client. SanAir is accredited by AIHA-LAP, LLC in the EMLAP program. Refer to our accreditation certificate or www.aihaaccreditedlabs.org for an up to date list of the Fields of Testing for which we are accredited.

This report does not constitute endorsement by AIHA-LAP, LLC/NVLAP and/or any other U.S. governmental agencies; and may not be certified by every local, state and federal regulatory agency.



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 804.897.1177 / 888.895.1177
 Fax 804.897.0070
 sanair.com

Microbiology
Chain of Custody
 Form 68, Revision 5, 1/20/2017

SanAir ID Number

19014477

Company: Rainbow Environmental Services	Project Number: 190414	Phone #: 513-624-6470
Address: PO Box 54863	Project Name: 130 Mullen Drive	Phone #: 513-498-8037 Brian M
City, State, Zip: Cincinnati, OH 45254	Date Collected: 3/26/2019	Fax #: 513-231-0301
Samples Collected By: D. M. Russell	P.O. Number:	Email: resirusell@aol.com
Account #:		Email:

Sample Types		Analysis Types	Turn Around Time
AC	Air Cassette	A1 - Identification and Enumeration of Fungal spores, plus total dander, fiber, and pollen count	3/6/24/48 Hour
		A2 - Identification and Enumeration of Fungal spores only	3/6/24/48 Hour
T B S	Tape Bulk Swab	D1 - Direct Identification of Fungi	3/6/24/48 Hour
		D2 - Direct Identification of Mites, Insects, Pollen, etc.	3/6/24/48 Hour
		D3 - Direct Identification and Enumeration of Fungi	3/6/24/48 Hour
AP B S	Air Plate Bulk Swab	C1 - Culture Identification and Enumeration of Fungi only	5-10 Days
		C2 - Culture Identification and Enumeration of Bacteria only	2-4 Days
		C3 - Culture Identification and Enumeration of Fungi and Bacteria	5-10 Days
		C4 - Culture Identification and Enumeration of Thermophilic Bacteria with C2 or C3 analysis	2-4 or 5-10 Days
D	Dust	DA1 - Dust Mite Allergen Test	3/6/24/48 Hour

SanAir offers *Legionella* testing and other specialized culture analyses. Please call for details, COC and pricing.

Sample #	Sample Identification	Sample Type	Analysis Type(s)	Turn Around Time	Flow Rate (Liters/min)	Total Volume (L) or Area (in ²)	Time Start - Stop
1	Kitchen area	AC	A2	24 Hrs		75 Liters	
2	Fornt Office Space, Right Hallway	"	"	"		"	
3	Outdoors	"	"	"		"	

Special Instructions	
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Relinquished by	Date	Time	Received by	Date	Time
Danny M. Russell	3/26/2019	1845		MAR 28 2019	930

If no technician is provided, the primary contact for your account will be selected. Unless scheduled, the TAT for all samples received after 3 pm Friday will begin at 8 am Monday morning. Weekend or holiday work must be scheduled ahead of time and is charged at 150% of the 3 hr. TAT rate. There is a minimum charge of \$100 for weekend work. SanAir covers Standard Overnight FedEx shipping. Shipments billed to SanAir with a faster shipping rate will result in additional charges.

Todd Morgan

From: Steve Turner <sturner1254@gmail.com>
Sent: Thursday, April 04, 2019 8:15 PM
To: Todd Morgan
Subject: test results



as you said the only thing they tested for was mold in the air

Todd Morgan

From: Hincks, Dave <Hincks.Dave@epa.gov>
Sent: Friday, April 05, 2019 5:47 PM
To: Todd Morgan
Subject: RE: Testing Results - Little Learners

3

Todd,

Based on the documents submitted, I believe the first condition of an acceptable air quality test has been completed and is satisfactory.

For the second condition requiring a test showing the presence of toxins present in the floor drains, since I did not see where any documentation has been presented, that condition has not been satisfied.

Thank you, and I apologize for the delay in getting back with you.

Dave

David Hincks
Chief, Office of Water Branch
Cincinnati Acquisition Division (OAS/CAD)
Office of Acquisition Solutions
U.S. Environmental Protection Agency
(513) 487-2146
- OAS Advancing EPA's Mission Through Acquisition -

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Friday, April 5, 2019 4:25 PM
To: Hincks, Dave <Hincks.Dave@epa.gov>; 'cshonor@yahoo.com' <cshonor@yahoo.com>; 'kevin.ryan@wv.kyschools.us' <kevin.ryan@wv.kyschools.us>; 'sturner1254@hotmail.com' <sturner1254@hotmail.com>; eandy10@hotmail.com
Subject: FW: Testing Results - Little Learners

2

Board Members,

Can you take a look over the reports that were prepared for the daycare site? I would like to get all your thoughts on if the reports meet the conditions?

The only Board member I heard back from is Steve Turner and he agrees with me that the reports do not completely fulfill the conditions. Ed Sedor doesn't need to reply because he wasn't present at the 3/18/19 meeting.


I have also attached a draft copy of the 3/18/19 Walton Board of Adjustment minutes so you can look at how the conditions were worded.

Thanks for your help. I hope everybody has a nice weekend.

Todd

From: Sara Smith
Sent: Friday, April 05, 2019 4:07 PM

Todd Morgan

From: Ryan, Kevin <kevin.ryan@wv.kyschools.us> 
Sent: Monday, April 08, 2019 9:17 AM
To: Todd Morgan; Hincks, Dave (Hincks.Dave@epa.gov); 'cshonor@yahoo.com'; 'sturner1254@hotmail.com'; eandy10@hotmail.com
Subject: RE: Testing Results - Little Learners

Agreed...they don't seem meet the requirements.

Kevin L. Ryan
Director of Finance
Walton - Verona Independent Schools
District Office
16 School Road
Walton, KY 41094
Office: 859-485-4181
Fax: 859-485-1810
Cell: 859-512-2387

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Friday, April 5, 2019 4:25 PM
To: Hincks, Dave (Hincks.Dave@epa.gov) <Hincks.Dave@epa.gov>; 'cshonor@yahoo.com' <cshonor@yahoo.com>; Ryan, Kevin <kevin.ryan@wv.kyschools.us>; 'sturner1254@hotmail.com' <sturner1254@hotmail.com>; eandy10@hotmail.com
Subject: FW: Testing Results - Little Learners

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Todd

From: Sara Smith
Sent: Friday, April 05, 2019 4:07 PM
To: Todd Morgan
Subject: FW: Testing Results - Little Learners

Todd Morgan

From: Todd Morgan 
Sent: Monday, April 08, 2019 9:54 AM
To: Regina Daugherty (littlelearnerslearningcenter@gmail.com)
Subject: RE: FW: Air Test Results
Attachments: WBOA DRAFT MINUTES 3-18-19.pdf

Gina,

I heard back from 3 of the 5 Board of Adjustment of members. The consensus is the reports do not fully address the conditions. Condition #2 has not been addressed (see conditions on pages 6 and 7 of the draft meeting minutes). Please get back with me after the floor drains have been tested and I will have the Board members evaluate that report.

Sincerely,

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

From: Todd Morgan
Sent: Friday, April 05, 2019 4:27 PM
To: 'littlelearnerslearningcenter'
Subject: RE: FW: Air Test Results

Gina,

I just sent another email out to the Board members. I am hoping that I will have replies from them by Monday.

Sorry for the delay.

Todd

From: littlelearnerslearningcenter [<mailto:littlelearnerslearningcenter@gmail.com>]
Sent: Friday, April 05, 2019 11:02 AM
To: Todd Morgan
Subject: Re: FW: Air Test Results


Have you heard anything? The wait is killing me. Thanks

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Todd Morgan <TMorgan@boonecountky.org>
Date: 4/3/19 3:37 PM (GMT-05:00)
To: "Regina Daugherty (littlelearnerslearningcenter@gmail.com)" <littlelearnerslearningcenter@gmail.com>

Todd Morgan

From: Caitlin Shanor <cshanor@yahoo.com> 
Sent: Monday, April 08, 2019 10:48 AM
To: Hincks, Dave (Hincks.Dave@epa.gov); 'kevin.ryan@wv.kyschools.us'; 'sturner1254@hotmail.com'; eandy10@hotmail.com; Todd Morgan
Subject: Re: Testing Results - Little Learners

Hello

I think the air quality test fulfills the conditions. But is the San Air results from the drains?

On Friday, April 5, 2019, 4:24:45 PM EDT, Todd Morgan <TMorgan@boonecountyky.org> wrote:

Board Members,

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The only Board member I heard back from is Steve Turner and he agrees with me that the reports do not completely fulfill the conditions. Ed Sedor doesn't need to reply because he wasn't present at the 3/18/19 meeting.

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Todd

From: Sara Smith
Sent: Friday, April 05, 2019 4:07 PM
To: Todd Morgan
Subject: FW: Testing Results - Little Learners

Board Members,

I received this email today from Gina Daugherty's environmental testing consultant and would like your input before I respond.

My thoughts - Condition #2 does not ask for an air test. It asks for a test to be done which identifies all toxins that are present in the floor drains. The test is to list everything that is present in the drains and if the levels are at acceptable EPA standards. Can such a test be performed? I would think a company could get samples from the drains and perform the test.

Thanks for your input.

Todd

From: Regina Daugherty [<mailto:littlelearnerslearningcenter@gmail.com>]
Sent: Tuesday, April 09, 2019 3:55 PM
To: Todd Morgan
Subject: air quality test



Hi Gina,

According to IICRC standards, air testing in attics, crawl spaces, drain pipes, etc. is not performed. Due to the amount of airborne particulate in confined spaces such as these, air testing is not recommended. The air cassettes used for the testing will pick up too much debris and will occlude the air cassette and it will overload the cassette and make microscope reading impossible.

Each time an exterior door is opened up, it causes a change in air pressure and will draw up air from pipe drains and it would have been detected in the air sampling.

Thanks,

Danny M. Russell
Operations Mgr.
Rainbow Environmental Services, Inc.
P.O. Box 54863
Cincinnati, Ohio 45254
513-624-6470 Office
513-231-0301 Fax

Todd Morgan

From: Ryan, Kevin <kevin.ryan@wv.kyschools.us> (9)
Sent: Tuesday, April 09, 2019 4:25 PM
To: Todd Morgan; cshanor@yahoo.com; Hincks, Dave (Hincks.Dave@epa.gov); eandy10@hotmail.com; 'sturner1254@hotmail.com'
Subject: RE: air quality test

I like the response...thanks.

Kevin L. Ryan
Director of Finance
Walton - Verona Independent Schools
District Office
16 School Road
Walton, KY 41094
Office: 859-485-4181
Fax: 859-485-1810
Cell: 859-512-2387

From: Todd Morgan <TMorgan@boonecountyky.org> (8)
Sent: Tuesday, April 9, 2019 4:23 PM
To: cshanor@yahoo.com; Hincks, Dave (Hincks.Dave@epa.gov) <Hincks.Dave@epa.gov>; Ryan, Kevin <kevin.ryan@wv.kyschools.us>; eandy10@hotmail.com; 'sturner1254@hotmail.com' <sturner1254@hotmail.com>
Subject: FW: air quality test

Board Members,

I received this email today from Gina Daugherty's environmental testing consultant and would like your input before I respond.

My thoughts - Condition #2 does not ask for an air test. It asks for a test to be done which identifies all toxins that are present in the floor drains. The test is to list everything that is present in the drains and if the levels are at acceptable EPA standards. Can such a test be performed? I would think a company could get samples from the drains and perform the test.

Thanks for your input.

Todd

11

Todd, I also agree with Kevin and Dave when it comes to your thoughts/ response to the floor drain test.

Thanks,

Caitlin Shanor Fugate

Sent from my iPhone

On Apr 9, 2019, at 5:03 PM, Hincks, Dave <Hincks.Dave@epa.gov> wrote:

10

Todd,

I agree with Kevin. Your proposed response is fine and consistent with what the Board came up with as a condition.

The answer to the question about the possibility of a drain test is a yes. One example can be found at <https://blog.puritanmedproducts.com/bid/357343/how-to-collect-an-environmental-sample-floor-drain-video>

I am not advocating this as a recommended solution, and definitely not as an EPA authorized source; however, the collection of environmental samples in floor drains is a common practice in industry. If Gina would contact a funeral business, hospital, medical laboratory, etc., and talk with facilities personnel, they could easily recommend an environmental remediation source to perform the testing. A reputable plumber may also know a source.

Thanks

Dave

David Hincks

Chief, Office of Water Branch

Todd Morgan

From: Steve Turner <sturner1254@gmail.com> 12
Sent: Tuesday, April 09, 2019 6:09 PM
To: Hincks, Dave
Cc: Caitlin Shanor; Ryan, Kevin; Todd Morgan; eandy10@hotmail.com; sturner1254@hotmail.com
Subject: Re: air quality test

I'm not even convinced that condition 1 has been met as all that was tested for was mold. The condition was to show "everything that is present in the air and if it is an acceptable level by the epa".

On Tue, Apr 9, 2019 at 5:33 PM Hincks, Dave <Hincks.Dave@epa.gov> wrote:

Yes, I agree the air quality condition #1 has been met with documentation previously provided. Condition #2 has not.

David Hincks

Chief, Office of Water Branch

Cincinnati Acquisition Division (OAS/CAD)

Office of Acquisition Solutions

U.S. Environmental Protection Agency

(513) 487-2146

- OAS Advancing EPA's Mission Through Acquisition -

From: Caitlin Shanor <cshanor@yahoo.com> 11
Sent: Tuesday, April 9, 2019 5:25 PM
To: Hincks, Dave <Hincks.Dave@epa.gov>
Cc: Ryan, Kevin <kevin.ryan@wv.kyschools.us>; Todd Morgan <TMorgan@boonecountky.org>;
eandy10@hotmail.com; sturner1254@hotmail.com
Subject: Re: air quality test

Do we all agree that condition 1 (air quality) has been met with the results of the other test? because I think it has.

I just think condition 2 needs met.

----- Original message -----

From: Todd Morgan <TMorgan@boonecountyky.org>

Date: 4/10/19 9:07 AM (GMT-05:00)

To: 'Regina Daugherty' <littlelearnerslearningcenter@gmail.com>

Subject: RE: air quality test

13

Gina,

I forwarded Mr. Russell's comments on to the Walton Board of Adjustment members and received comments back from the four members that voted at the 3/18/19 meeting.

Condition #1 - The majority of the Board members have indicated that condition #1 has been addressed. This issue has been resolved.

Condition #2 - The consensus is the condition does not ask for an air test. It asks for a test to be done which identifies all toxins that are present in the floor drains. The test is to list everything that is present in the drains and if the levels are at acceptable EPA standards.

One example can be found at <https://blog.puritanmedproducts.com/bid/357343/how-to-collect-an-environmental-sample-floor-drain-video> (This is not a recommended source). You might be able to contact funeral businesses, hospitals, medical laboratories, etc. and facilities personnel may be able to recommend an environmental remediation source.

Sincerely,

Todd K. Morgan, AICP

Senior Planner, Zoning Services

Boone County Planning Commission

(859) 334-2196

From: Todd Morgan <TMorgan@boonecountyky.org>

Sent: Wednesday, April 10, 2019 1:47 PM

To: 'sturner1254@hotmail.com' <sturner1254@hotmail.com>; Hincks, Dave <Hincks.Dave@epa.gov>; kevin.ryan@wv.kyschools.us; cshanor@yahoo.com; eandy10@hotmail.com

Subject: FW: air quality test

See my email and the response below and let me know if it changes anybody's thoughts.

Thanks,

Todd

From: littlelearnerslearningcenter [<mailto:littlelearnerslearningcenter@gmail.com>]

Sent: Wednesday, April 10, 2019 12:11 PM

To: Todd Morgan

Subject: RE: air quality test

14
Todd, I am trying very diligently to address all concerns. The company I hired, Rainbow Environmental is one of the largest environmental companies in our area. The air test would have picked up toxins from the drain as he explained. There are no companies that do drain testing individually. A swab test will only pick up mold. Why cant I just seal the drains beneath the carpet. I honestly feel I met the toxin inspection with the air quality testing that was done and showed no toxins were present in the building. I cannot complete a drain test as it is an impossible request. Funeral homes do the same testing I just did of air quality. That test cost me nearly 500.00. The state of ky code enforcement has approved the building and the state of Ky division of childcare has inspected the building, neither had issues and they were both aware of the crematorium. I just dont know where to go from here. I have invested a lot of money and I feel the board is asking for something that is just not achievable. Please advise. Thank you Gina

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: Todd Morgan <TMorgan@boonecountyky.org>

Date: 4/10/19 9:07 AM (GMT-05:00)

To: 'Regina Daugherty' <littlelearnerslearningcenter@gmail.com>

Subject: RE: air quality test

Gina,

I forwarded Mr. Russell's comments on to the Walton Board of Adjustment members and received comments back from the four members that voted at the 3/18/19 meeting.

Condition #1 - The majority of the Board members have indicated that condition #1 has been addressed. This issue has been resolved.

Todd Morgan

From: Steve Turner <sturner1254@gmail.com>
Sent: Wednesday, April 10, 2019 2:32 PM
To: Todd Morgan
Cc: sturner1254@hotmail.com; Hincks, Dave (Hincks.Dave@epa.gov); kevin.ryan@wv.kyschools.us; cshanor@yahoo.com; eandy10@hotmail.com
Subject: Re: FW: air quality test

16



i dont see how, if there are drain traps that any air can be pulled back into the rooms on a door opening. And reading the air report the only thing that was looked for was mold spores.

On Wed, Apr 10, 2019 at 1:46 PM Todd Morgan <TMorgan@boonecountyky.org> wrote:

See my email and the response below and let me know if it changes anybody's thoughts.

Thanks,

Todd

From: littlelearnerslearningcenter [mailto:littlelearnerslearningcenter@gmail.com]
Sent: Wednesday, April 10, 2019 12:11 PM
To: Todd Morgan
Subject: RE: air quality test



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Todd Morgan

From: Hincks, Dave <Hincks.Dave@epa.gov>
Sent: Wednesday, April 10, 2019 3:55 PM
To: Todd Morgan; 'sturner1254@hotmail.com'; kevin.ryan@wv.kyschools.us; cshanor@yahoo.com; eandy10@hotmail.com
Subject: RE: air quality test

A concern of mine after talking with a local funeral business was the presence of HIV pathogens in the drains. A quick internet search showed that the virus can live a matter of hours outside of the body, or in certain conditions only a couple of weeks. Outside the body, cancer cells have the same life. Tuberculosis cells can survive up to six months.

In addition, typical embalming fluids contains mixtures of formaldehyde (half life of 50 minutes), glutaraldehyde (half life of 10-14 hours) and methanol (half life between 3 and 30 days).

I do disagree with the applicant that the drain test is an impossible test. I also disagree that a swab test will only pick up mold. I do agree that an air quality test can pick up traces of chemicals/compounds from drains.

While I remain frustrated that a more thorough testing of the potential drain toxins was not completed, I believe that the applicant has shown some diligence in attempting to show the building is safe for proposed use as a child care facility. I believe enough time has passed since the last use of the facility for harmful biological or chemical compounds to potentially formerly present in the drains to be a concern. I further believe that there is credibility in the Kentucky agency responsible for approving the day care services as allowable in that facility.

I see the larger day care center as critical to the health of the City of Walton. Should the unlikely event occur where a future health problem is traced back to the floor drains, I believe the Board of Adjustments has completed its responsibility to bring the concern as a serious matter to the applicant, thus mitigating the future liability of the City of Walton or Boone County.

Given this, I recommend that we remove condition #2, accept documentation provided by the applicant as fulfilling condition #1, and maintain the other conditions of the Board approval. I look forward to seeing the opinions of the other Board members, and I ask for guidance from Todd on how to formalize this in the proper procedural format.

Thanks
Dave

David Hincks
Chief, Office of Water Branch
Cincinnati Acquisition Division (OAS/CAD)
Office of Acquisition Solutions
U.S. Environmental Protection Agency
(513) 487-2146
- OAS Advancing EPA's Mission Through Acquisition -

Todd Morgan

From: Caitlin Shanor <cshanor@yahoo.com> (19)
Sent: Friday, April 12, 2019 2:05 PM
To: Hincks, Dave; Steve Turner
Cc: Todd Morgan; sturner1254@hotmail.com; kevin.ryan@wv.kyschools.us; eandy10@hotmail.com
Subject: Re: air quality test

After further consideration I second Mr. Hincks choice to remove condition #2, which is to accept documentation provided by the applicant as fulfilling condition #1, and maintain the other conditions of the Board approval. After reviewing Mr. Hincks statement of "Should the unlikely event occur where a future health problem is traced back to the floor drains, I believe the Board of Adjustments has completed its responsibility to bring the concern as a serious matter to the applicant, thus mitigating the future liability of the City of Walton or Boone County." I do believe this. I think that it will be the parents choice to allow their child to attend and I believe that the agency responsible for allowing the daycare to be open is credible as well and they see it fit for business.

I do feel comfortable with the safety of these children due to the time that the building has not been an operating crematory.

I would also so move that we have her seal the drains beneath the concrete. (Todd, let me know if this is something we can do)

Thank you all for your time and opinions on this.

Caitlin Fugate

(18) On Thursday, April 11, 2019, 8:33:40 AM EDT, Steve Turner <sturner1254@gmail.com> wrote:

One of the criteria for the BOA to approve a request is for the board to feel comfortable with the safety aspect of the intended use, irrespective of any other agency that will be looking at it. I think we can all agree that that was not met as we imposed the two tests as a condition. I don't think that are any board members that are chemists or pathologists and I for one would rather have SOME evidence (other than a mold test) that shows the levels of contaminates or lack of. These tests may not be easy or cheap but the applicant chose the site knowing its history and has the burden of proof. I do not agree that floor drains can be air tested or your house would smell like sewer gas. there are liquid filled traps in drains to prevent air transfer.

I do agree that day cares are a necessary use. This is a business that confines children to a building for their safety.. and again the burden of proof still exists and there are other sites if she chooses to move on.

On Wed, Apr 10, 2019 at 3:55 PM Hincks, Dave <Hincks.Dave@epa.gov> wrote:

A concern of mine after talking with a local funeral business was the presence of HIV pathogens in the drains. A quick internet search showed that the virus can live a matter of hours outside of the body, or in certain conditions only a couple of weeks. Outside the body, cancer cells have the same life. Tuberculosis cells can survive up to six months.

In addition, typical embalming fluids contains mixtures of formaldehyde (half life of 50 minutes), glutaraldehyde (half life of 10-14 hours) and methanol (half life between 3 and 30 days).

Todd Morgan

From: Ryan, Kevin <kevin.ryan@wv.kyschools.us>
Sent: Friday, April 12, 2019 2:10 PM
To: Todd Morgan; 'sturner1254@gmail.com'; Hincks, Dave (Hincks.Dave@epa.gov); eandy10@hotmail.com; cshanor@yahoo.com
Subject: RE: air quality test

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I agree with Mr. Hincks on this issue. If those pathogens have a finite life as stated we are years beyond the window where anything in the drains should be an issue. If the occupant can get the building into good enough shape to pass inspections from the building department/health department and the preschool board (whoever regulates that) to approve this facility for children to be in it, I say go for it. As an extra precaution if they want to cap the floor drains that may happen to be in the front section of the building that could add an extra level of precaution.

I certainly am not qualified to judge health issues and I don't believe it is our charge to do so. If the professionals working for said agencies responsible for this sort of judgement are willing to pass the building for the stated purpose I don't have any justification for denying it. To that end, I think that we should waive the second requirement and let them proceed with their upgrades to the facility and let the inspection process play out naturally.

Thanks,

Kevin L. Ryan
Director of Finance
Walton - Verona Independent Schools
District Office
16 School Road
Walton, KY 41094
Office: 859-485-4181
Fax: 859-485-1810
Cell: 859-512-2387

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Thursday, April 11, 2019 4:59 PM
To: 'sturner1254@gmail.com' <sturner1254@gmail.com>; Hincks, Dave (Hincks.Dave@epa.gov) <Hincks.Dave@epa.gov>; eandy10@hotmail.com; cshanor@yahoo.com; Ryan, Kevin <kevin.ryan@wv.kyschools.us>
Subject: RE: air quality test

Kevin and Caitlin,

If possible, I would like you to outline your thoughts before I discuss this matter further with the Zoning Administrator and Executive Director of the Planning Commission.

Thanks for your help.

Todd

From: Steve Turner [<mailto:sturner1254@gmail.com>]
Sent: Thursday, April 11, 2019 8:33 AM
To: Hincks, Dave

Todd Morgan

From: Todd Morgan
Sent: Monday, April 15, 2019 10:48 AM
To: Regina Daugherty (littlelearnerslearningcenter@gmail.com)
Subject: Little Learners - Conditional Use Permit

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Gina,

I have heard back from the three Walton Board of Adjustment members that voted to approve your Conditional Use Permit application on 3/18/19 and they have decided to void condition #2. The air testing study you have submitted has fulfilled condition #1.

Please keep in mind that a Minor Site Plan application will need to be submitted and approved to receive final zoning approval. This plan will need to address conditions 4-10 from the 3/18/19 Walton Board of Adjustment meeting.

Call or email me if you have any questions.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196