COUNTY DEPARTMENT AGENDA REQUEST

Department:	Environmental Health	Presenter(s):	Rick Fehr
Meeting Date:	12/10/2009	Type of Request:	New Business

Wording for the Agenda:

Consideration of the Board of Health's recommendation to implement a permitting fee of $100 for mobile food cart applications.

Background/History/Details:

Environmental Health is responsible for food service inspections throughout the entire county, including mobile food vendor carts. Currently there is no fee associated with the applications for mobile food service carts as there is with other food service applications. The Board of Health is recommending that a fee of $100 be imposed for each mobile food cart application, as is the practice in other locales.

Although recommendations for fees come from the Board of Health, the Governing Authority (Commissioners) actually sets the fees for services provided by Environmental Health.

What action are you seeking from the Board of Commissioners?

Approval of the request from the Board of Health for establishing a fee of $100 for each mobile food cart application.

If this item requires funding, please describe:

No expenditure of funds is required. If approved, this will be an additional source of revenue for the Health Department.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Yes	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

The Fayette County Board of Health met on Tuesday, November 17, 2009 in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Board of Health Members Present:

Robert Horgan
Harold Logsdon
Lyn Redwood
Lynette Peterson
Michael Strain, MD

Staff Members Present:

Glenda Bryant, RN, MN, FNP
Merle Crowe, BA
Rick Fehr, BS

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CALL TO ORDER: Dr. Strain called the meeting to order at 7:41 AM.

APPROVAL OF MINUTES FROM April 14, July 14, 2009 and October 13, 2009: Ms. Peterson made a motion to approve the minutes as written for all three meetings. Ms Redwood seconded the motion. The minutes were unanimously approved with no further discussion.

OLD/UNFINISHED BUSINESS / PUBLIC COMMENT:
There was no Old/Unfinished business or Public Comment.

NEW BUSINESS:
Legal Easement Agreements: Mr. Fehr went over this issue form the October meeting again: he explained that when property owners had insufficient area for sewage disposal systems, they might enter into a legal easement agreement with owners of unoccupied adjoining property, to allow placement of their sewage systems on that adjoining property. The problem could then become an issue when the unoccupied property was sold, because there was no requirement to disclose the easement agreement to the next purchaser. The purchaser would then be unaware that the total area of the property was unavailable for use in the event of need to install their own sewage disposal system. Legal easements never expire and are not revoked, which is a concern. Environmental Health (EH) staff checked with surrounding counties in the district and found that no other county was accepting legal easements on undeveloped properties. The Board of Health has the ability under regulations to determine whether such easements would be allowed, and Mr. Fehr requested that the board consider not allowing these agreements for undeveloped property. Such easements are not often requested, and none are currently in process. Existing easements would not be affected.

Motion to disallow Legal Easement agreements between owners of unoccupied property was made by Mr. Horgan, seconded by Mr. Logsdon. The motion passed unanimously.

The board expressed concern regarding the difference between allowing legal easements between unoccupied and occupied property. Mr. Fehr clarified that when two adjoining properties were occupied, owners were usually reluctant to allow a legal easement into their property for the purpose of placing a sewage system, once the

owner understood that they were giving up the use of that land in perpetuity. During the 1990s requirements for sewage systems on proposed building sites were amended to require both the initial site and a backup site, thus if a property owner allowed a legal easement they would reduce the availability of sewage system placement for their own property. Therefore, most property owners therefore are very reluctant to allow such a reduction.

The board directed Mr. Fehr to follow up with an issue that had come up some time ago regarding a septic system in Tyrone: that the board had put in place requirement such that changes in septic systems be "tagged" at property sale closings so that the purchaser would at least be aware of changes and/or other legal easement agreements. At some point in the future, then, property owners desiring a legal easement would then have the option to come before the board to request a variance, which would allow the board to have oversight. The board will consider his findings at the next meeting.

Environmental Health Public Hearing:
Mr. Fehr reviewed this issue from the October meeting: applications for permits for mobile food carts were being requested, and there was currently no fee to review those applications, since there had been little interest in food carts in Fayette County in the past. These would not be food vendors for a weekend or short term event, but vendors who would expect to operate a cart for several months.

Currently such food vendors must meet county and municipal codes, and EH staff members spend an average of 45-60 minutes reviewing their applications. Lately applications from mobile food vendors have increased, and Mr. Fehr requested that the board consider implementation of a fee to compensate for staff time. Three other counties in the district are charging fees of $100 to $150 per review per application. Ms. Redwood made a motion to instigate a permitting fee of one hundred dollars ($100) per mobile food cart per application; Ms. Peterson seconded the motion. The motion passed unanimously with no further discussion.

Staff Reports:
Mr. Fehr reminded the board that Fayette County had made the decision to hire a full time attorney in place of the services of McNally and associates. He said that in the event that legal counsel was needed, there was no longer a full staff of attorneys available as there had been in the past, and therefore there could be delay in getting legal advice on health department questions. Mr. Fehr mentioned that Jack Krakeel, County Administrator, had said the situation was not likely to change in the foreseeable future. There might arise some challenges with clients who wanted answers more quickly than was currently possible under these conditions, and he wanted the board to be aware in case they would get phone calls. The board asked that any really pressing issue be brought to their attention so that a solution could be expedited, and Mr. Fehr said that certainly would be done.

Ms. Bryant said that flu shot season was in full swing, and that another 730 doses of seasonal flu vaccine was expected sometime this week. She reminded the board that seasonal flu vaccine production had been interrupted for production of H1N1 vaccine, but said that the vaccine expected this week should complete the total order for this year. About 1200-1500 doses of seasonal flu vaccines were given so far this season.

The *FluFree Schools* project was implemented as planned, and this week follow up is being completed for those people who need a second dose, or who missed the first

clinic. About 500 students in seven schools were vaccinated, which was an excellent result. However, some issues arose regarding difficulty verifying coverage for Medicaid or insurance eligibility, and that might possibly eat up any small amount of profit expected from this project. Issues discovered made for a good learning curve and correcting those issues will help make next year's project better. The H1N1 vaccine supply has run out, after approximately 900 doses were given: either in mist or injectable form. Most people refused the mist, preferring the injectable vaccine. More mist vaccine will be received today.

FCHD has worked diligently on Emergency Preparedness preparation, because it is expected that the Centers for Disease Control (CDC) will select FCHD for audit during the month of January. The instrument used by the CDC to judge readiness for emergencies is the Technical Assistance Review (TAR) score, which has gone from about 40% to about 95%. The improvement is scoring is due to recent efforts to improve and to working closely with community partnerships. There had been a gap with communication of needs with Piedmont Fayette Hospital, but that gap appears to be closed now. There is a good relationship with their EP representative, Mr. Rudy Castorina. It is expected that these efforts should result in a good CDC audit.

Mr. Logsdon: said this would be his last meeting, as he was not running for reelection for Mayor of Peachtree City. He said he would be glad to serve on the Board of Health if a position opened up that he could fill.

ADJOURNMENT: Motion to adjourn was made by Dr. Strain, seconded by Ms. Redwood. The meeting was adjourned at 8:07 AM.

Merle Crowe

Michael Strain, MD, Chair

Merle Crowe, BA, CCFO, Board of Health Secretary