

The Fayette County Board of Health met on Tuesday, May 13, 2003 in the Public Meeting Room in the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Board of Health Members Present:

Dr. John DeCotis
Lynette Peterson
Lyn Redwood
Dr. Michael Strain
A.G. VanLandingham

Staff Members Present:

Michael Brackett, MD
Laurie Cook
Merle Crowe
Rick Fehr
Cynthia Grant
Carl Knapp
Dennis Davenport, Attorney

CALL TO ORDER:

Dr. Strain called the meeting to order at 7:30 a.m.

APPROVAL OF MINUTES FROM March 11, 2003:

Motion was made by Ms. Redwood to approve the minutes, seconded by Dr. DeCotis. There was no discussion. The minutes were unanimously approved as written.

OLD / UNFINISHED BUSINESS:

OFFICE SPACE RECOMMENDATION: Ms. Redwood said on April 15th she had met with representatives from Physical, Environmental, and Mental Health to get a feel on office space needs. She said it was a very informative meeting. She mentioned that she had taken a tour of the Physical Health facility, which was bursting at the seams. She said staff shared office space, that many rooms serve as multi-purpose rooms and that exam rooms were doubling as nurses' offices, which as a nurse she felt created a real problem with patient confidentiality. She presented pictures to the board: office space shared by 3 people. a file room without room to walk through when the files are open, etc. She reminded the board that even if an additional nurse position was funded there were no more exam rooms to put him/her in, as the building is at full capacity. She said the situation was becoming critical and would become more so as the county grows. She said Environmental Health is also very cramped at about 800 square feet, housing 7 employees. She presented a picture of the room used for a laboratory, which served as the kitchen, and was also where the refrigerator was located which stores dead birds for West Nile testing. She expressed concern about the issue of confidentiality in shared offices for Environmental Health customers.

Ms. Redwood said she had visited the Fayette Community Services building, with which she had not previously been familiar. She stated that they served the needs of consumers with mental health issues who are not able to go out into the community to work, and who therefore work in that building. She said the facility was about 2500 square feet, wherein 27

consumers work on the same table that they eat their meals. She said about 400 children currently enrolled in the Fayette County school system are expected to need these services in the future, and that current facilities will not be able to accommodate them. She said that Fayette Counseling would like to have a day program for adults and children. She said one idea discussed with Mental Health staff was approaching the board of education to set up an after-school program, and that Dr. DeCotis felt that idea might be feasible in the old Fayette County High School building. She said another short-term solution would be for Environmental Health to relocate some of their employees out in the community. She mentioned that currently 2 employees were housed in Peachtree City offices, which worked very well, and that possibly other communities might be willing to house Environmental Health staff. She said another temporary solution would be housing the Health Department in the old library building, which had approximately 5000 square feet. She thought a longer-term solution would be for Fayette Community Services to move into that building. She said moving Fayette Community Services into the old library would offer rent income to the county. She said they currently pay \$24,900 a year to rent elsewhere, which could then go to the county. She said she was open to suggestions to short or long-term remedies.

Ms. Peterson said she had read in the paper that the old library building had to be torn down because it now belongs to the builder.

Mr. VanLandingham said the building, valued at about \$200,000, did not have to be torn down: that the contract could be re-directed and the building saved. He suggested that these needs be presented to the Board of Commissioners, since 6 or 7 other agencies were also wanted the building. He said some elected officials had promised that the building be torn down and that it was very difficult to go back on a promise. He said that since the promise had been made, several potentially beneficial uses for the building had come to light, which would save money and allocate desperately needed space. He said the commissioners had received several letters from the general public asking to save the building, and that he was in favor of that. He said a few modifications would remedy structural problems, allowing the building to be put to good use. He said he would like the board of health to express its need of the building to the board of commissioners, although there were no guarantees. He said that decision would be based on the greater need.

Ms. Peterson requested that the pictures go with the report to the board of commissioners.

Ms. Redwood asked for direction on the next course of action. She said Mr. VanLandingham had suggested that she be placed on the county commissioner's schedule and she had done so.

The board agreed that she make a presentation at the next board of commissioners meeting.

Dr. Stain felt that the letter was excellent and that it was a first step. He felt that her pictures were very moving and should be presented to the board of commissioners.

Ms. Redwood said she would put them into a PowerPoint Presentation. She said she had left Fayette Community Services in tears; that it was a real statement about society on how the disabled are treated and that she was appalled. She felt that there were a lot of unmet needs which should be addressed. She said she had gone to Henry County and viewed their beautiful new facility. She said their Community Service building had 10,000 square feet, a separate cafeteria and work areas. She said Ms. Crowe had spoken with Henry

County personnel and obtained information on how they got their grant. She felt that would be the ultimate solution for Fayette County: to build a large, multi-service building for Physical, Mental, and Environmental Health, but that it did come with a big price tag.

Mr. VanLandingham made a motion that Ms. Redwood be allowed to proceed with her presentation to the board of commissioners, and that the board of health endorse the letter suggesting that the library building be preserved. Mr. VanLandingham added that Ms. Crowe's information on a block grant indicated that such grant money would pay to renovate the building, thus saving the county these costs.

Ms. Peterson seconded the motion.

The board and staff commended Ms. Redwood for her hard work and time on this issue.

Ms. Redwood commented that her position on the board was that of Representative of Mental Health and that these were her people. She said that was why she took on this issue.

Ms. Crowe said that Ms. Patsy Allen was the grant writer who successfully got the Henry County grant. She said Ms. Allen said that it was necessary to raise the required balance of the funding prior to application for the \$500,000 Block grant; so if the necessary funding was \$2 million, \$1.5 million would need to be raised before application could be made for the grant. Ms. Allen informed Ms. Crowe that the old library building and land could count toward the required \$1.5 million, which could pay to renovate and enlarge the building to fit the health department's needs.

Ms. Peterson commented that might put the health department ahead of other applicants.

Dr. Brackett mentioned that part of the Henry County Health Department's success was a close alliance with the hospital. He said they did primary and preventative care, such as stroke prevention. He said they had developed a pharmacy program wherein the hospital bought medicine then dispensed through the health department. He said the idea was to keep people out of the emergency room. He suggested a similar scenario with Fayette Community Hospital.

Dr. Strain asked for any other comment. There was none. He called for a vote on the motion. The motion passed unanimously.

Dr. DeCotis asked staff if it would be acceptable to use a portable office such as the school used for portable classrooms. Dr. DeCotis said the school system might be able to lease such portable buildings as a temporary solution. He felt that would be more appropriate for Environmental Health than for Physical Health.

Mr. Fehr said Environmental Health was open to any solution to the space problem. He said there were no particular specifications or requirements. He mentioned that other counties used such trailers: sometimes temporarily, sometimes permanently.

Ms. Redwood said that Dr. DeCotis had mentioned the possibility of using part of the old high school for an outpatient day treatment program or an after school program. She said the program would be after school from 3 to 6 for school age children. She asked what process should be followed to put such a program in place.

Dr. DeCotis said a brief proposal would need to be put together, directed to him, and he could then discuss it with the school board. He said next year would be tight because they were housing the new high school, but when it moved into its new building space would be available. He said 3 groups were using that facility now: the Community School--colleges and universities; the evening high school, and the new high school.

Ms. Redwood asked if a proposal could be put together to submit to Dr. DeCotis, and if the board was in favor of sending a letter to surrounding municipalities requesting office space for environmental health staff.

Dr. Strain felt that was a reasonable action to take. The other board members agreed.

Mr. VanLandingham mentioned that indigent care was an issue that would affect Fayette County more as time goes on. He said the legislature was making the effort to pass more of this expense to counties, and a facility would be needed for such care. He said planning needed to be started even with a tight budget, because this legislation was going to pass, and that counties were going to be required to provide this service.

SMOKING ORDINANCE: Mr. Davenport recalled that at the last meeting he was asked to put together a resolution to send to the various governing jurisdictions to encourage them to pass a smoking ordinance. He said that in 1997-98 he had worked on this issue extensively for the county. He said he thought that issue had died, but when he researched it he discovered that such an ordinance had passed in June 1998, in an amended fashion. He said the ordinance makes a business a prohibited smoking area if it is open to the public. He said that certain businesses are exempt: for example, pool halls, bars, restaurants, hotels/motels, and tobacco stores. He said the ordinance allows certain businesses some choice: they may opt to be a non-smoking facility, a ventilated facility, or allow smoke throughout the facility. He felt that it would be unnecessary to send the resolution to the Fayette Board of Commissioners since they already have an ordinance on the books. He mentioned that Peachtree City had an ordinance; that he did not know the status of other municipalities in the county but felt that the others did not have one. He mentioned that the resolution he brought was rather generic and meant for the board of commissioners, but that it could be adapted for the board of health and could go out to any of the cities in Fayette County, if it met with the board's approval.

Dr. Strain said that the city of Boston had passed a smoking ordinance on May 4th, making all restaurants and bars smoke-free. He felt that the larger, more health-conscious municipalities were leading the way.

Ms. Redwood said she was familiar with the Red-Light/Green-Light program that was instituted and she felt that it was inadequate. She felt that the board of health needed to voice its concern to Fayette municipalities that a stronger ordinance was needed to protect Fayette citizens from environmental tobacco smoke.

Mr. Davenport clarified that his research showed entities such as boards of health had the authority to pass an ordinance, as did boards of commissioners or mayors and councils. He said the difference was that a board of health had no discretion to grant exemptions: it was either smoking or no smoking. He said governing authorities were legislative bodies and do have discretion—they may exempt bars or pool halls, for example. He said generally that was how ordinances were passed. He said largely due to strong lobbying the current ordinance exempts bars and restaurants. He said bars and restaurants made the

case that they would go out of business if smoking were not allowed. He mentioned that had not been the case in Boston. He said the current ordinance reflected the decision of the board of commissioners in June 1998.

Ms. Redwood felt that the ordinance represented a beginning in 1998. She mentioned studies that showed that cities with strong smoking ordinances had lower absentee rates; lower incidences of heart attacks, and so such an ordinance represented a tremendous savings to the community.

Dr. Strain mentioned that DeKalb county had passed an ordinance but exempted some municipalities. He said that ordinance did not have a lot of teeth; he did not know of a more stringent one than the Boston ordinance. He felt that the resolution should be forwarded to municipalities, every year if necessary, to reinforce the board's concern with this issue. He said the board of health's job was to bring information to elected authorities. He said he considered Red Light/Green Light an educational tool, not an ordinance, and that more progressive cities were enacting ordinances and he felt that Fayette County should also.

Mr. Davenport asked if the board wanted the resolution forwarded to all jurisdictions. He asked if the board wanted to let municipalities with ordinances already on the books know that it encouraged a stronger ordinance.

Ms. Peterson felt that Fayette County Board of Health's opposition to smoking should be continually driven home. She said that ordinances on the book could be changed if they were not strong enough.

Dr. DeCotis asked exactly what the resolution said.

Mr. Davenport offered to read the resolution into the record, which the board requested that he do. **(Attachment 1)**

Ms. Peterson said the resolution did not mention the health of the smokers.

Dr. Strain said that could not be legislated.

Ms. Redwood asked if the resolution should say "prohibit" instead of "regulate." She thought that municipalities might consider current ordinances sufficient.

Mr. Davenport said that the resolution would need revision.

Dr. Strain said he was not aware of any studies that refute the deleterious effect of environmental tobacco smoke, and he felt that was a powerful statement. He felt that it would be beneficial to mention some of the cities that have already passed similar legislation and its effect.

Dr. DeCotis mentioned that the school board had a non-smoking policy for all school property and functions.

Mr. VanLandingham said Fayette County had a policy prohibiting smoking in any county building or vehicle. He asked how the resolution would be presented to each entity. He felt that presentation of the resolution in a public forum would have more impact.

Ms. Peterson wanted a knowledgeable person to present the resolution.

Dr. Brackett cautioned that the person who was assigned this task should be given specific instructions on what the board wanted conveyed. He said that some people would come to the table with their own agenda. He said the person should have their task made easier and the board's risk less by giving him/her very specific instructions on what the board wanted accomplished, and how.

Ms. Redwood asked Dr. Brackett if he would be interested.

Dr. Brackett replied that he would help the board in any way he could.

Ms. Peterson said to have a doctor present the resolution would convey the health aspect of the issue.

Dr. Strain said he lived in unincorporated Fayette County and that he could present it to the board of commissioners. He felt that it was beneficial to have a representative from the jurisdiction present to the governing body of that jurisdiction. He said it would be better to get on the agendas of municipalities meetings, especially the larger ones. He said that when the smoking issue was previously addressed the health department was perceived as being out on the fringe, and that there was a lot of fuel added to that fire. He thought that it was time to address this issue again, since many other places had done so. He asked if Mr. Fehr knew which other cities had passed ordinances.

Mr. Fehr said over 1200 communities had adopted smoke-free ordinances, as well as 3 or 4 states; most recently New York, and that Massachusetts was considering one. He offered to share current information with the board.

Ms. Redwood questioned the liability of municipalities without smoke-free ordinances, and she quoted a case of a waitress who developed lung problems as she worked in a bar. She expressed concern for health department employees who monitor restaurants where smoking is allowed. She felt that the issue should also be looked at from that perspective.

Mr. VanLandingham suggested having staff put a presentation together and then find someone to present it.

Dr. Brackett mentioned that District IV had a Tobacco Use Prevention Coordinator, Natasha Howard, who could serve as a strong resource for research and putting a presentation together. He said if the board could tell her exactly what they wanted then he felt it could be made to happen.

Ms. Peterson asked if the revised resolution that Mr. Davenport had would state the board's position.

Mr. VanLandingham asked if the stated resolution would be sufficient.

Dr. Brackett said if it was not they would ask for clarification. He wanted to be sure that whatever the district office put together would be what the board wanted.

Dr. Strain asked Mr. Davenport to amend the resolution and send it to the board, since the next meeting was 2 months away.

Mr. VanLandingham asked if that would be enough time.

Dr. Brackett replied that it would be, and asked if the board would appoint someone to act as liaison for Ms. Howard should she have questions. He said there might be 1 or 2 calls, probably not more.

Dr. Strain agreed to act as liaison for Ms. Howard. He asked that the presentation be put on the agenda for the next meeting.

NEW BUSINESS/PUBLIC COMMENT:

Ms. Kathy Chaney: Ms. Chaney said she lived at 24 Parkgate Lane, Peachtree City. She said she had a prepared statement that should last 5 minutes. She said secondhand smoke had destroyed her life. She asked the board to bear with her. She said she had come to appreciate how important the health department was to the community, because it protected citizens when others refuse to even acknowledge danger. She said in the same way that drunk drivers refuse to admit their inability to safely drive, smokers and businesses still insist that sitting in environmental tobacco smoke would not hurt anyone. She said that even though she had never smoked, she discovered that she had smoker's throat cancer when her son was 9 months old. She said she had a handout for the board on the points she would cover. She said she had worked as a flight attendant during the time passengers were allowed to smoke. She said that she had helped set up smoker's sections on her airline 30 years ago, which contained the smokers, not their smoke. She said today these same meaningless smokers' sections are being used in Fayette County businesses. She said citizens deserve the same protection now afforded airline passengers. She declared that it is now well known that second hand smoke is dangerous, but this fact is still ignored. She said 2 of her friends discovered their tobacco-related cancer during pregnancies, but that neither of them lived long enough to see their children's second birthday. She said that was why she was present today: to state that smoker's convenience was not worth dying over, leaving children too young to remember their mothers. She said the board had the ability to protect future mothers and their children, if it was willing to use it. She said she had appeared before the board of commissioners 5 years ago to ask that they protect citizens from this danger, but they had chosen limited protection. She said Peachtree City allowed signs, but provided no protection. She said until smoke free environments are required, too many businesses would choose not to provide them. She said she recognized by their smoking sections businesses whose priority was profit, not health. She said for that reason their priorities could not be trusted, and she felt that it was health department inspections which protected health over profit. She asked why tobacco smoke could not be kept outside. She said the right to smoke should not include the right to needlessly endanger and kill others. She asked the health department to help fix this problem--that current ordinances were not working. She thanked the board.

Ms. Redwood asked Mr. Davenport if the board of health had the authority to prohibit smoking in the entire county.

Mr. Davenport replied that it did; however, he said the previous issue had been that the board of health had no enforcement authority or staff. He said that was why it was decided that entities with enforcement authority, such as boards of commissioners or mayors/councils, should adopt ordinances. He said for instance if the board of health passed an ordinance and issued a citation, that person would not appear before the court

system, but would be cited before the board of health at an administrative hearing, which could then be appealed to the state board of health. He said the end result could be a fine. He said that a cost-benefit analysis might make some business owners decide that such a fine was not much of an inconvenience—a cost of doing business—since a fine and possible hearing/appeal would be the end of it. He said an ordinance passed by a governing authority had the possibility of a fine and jail time; that once a person's liberty was at risk there was a greater incentive to follow the ordinance. He said if the board passed an ordinance regularly scheduled administrative hearings would be necessary.

Ms. Redwood asked how other municipalities had handled this issue.

Dr. Stain said this could be checked out online.

Mr. VanLandingham said it was interesting that Boston had not declared bankruptcy over this issue. He said that businesses' claim of lost money did not seem to hold water.

Ms. Peterson said studies showed this to be a bogus excuse; that many bars made more money when non-smokers came in.

FAYETTE SAMARITAIANS REQUEST: Mr. Fehr said that this was a non-profit group that had recently constructed a building and requested that their sewage system inspection fee of \$275 be waived. He said the department was agreeable if the board of health agreed.

Ms. Peterson made a motion to waive the fee as an in-kind donation to a non-profit organization that serves the community, due to its community support and involvement.

Mr. VanLandingham seconded the motion, commenting that he felt that the Fayette Samaritains organization did excellent work in the community.

STAFF REPORTS:

MS.GRANT: Ms. Grant brought to the boards' attention the ongoing problem of cleaning of the facility. She said that over the last four years attempts had been made to impress upon the cleaning crew that physical health is not like other offices in the complex, but is a medical office which requires cleaning on a different level. She said that children and toddlers crawl on the floor. She said when this fact is brought to the attention of the cleaning crew, things improve for a week or two, but then it is back to business as usual. She felt that the crew was willing but understaffed, and that there was a lot of square footage to be cleaned. She said the new maintenance director had visited physical health, and an attempt to clean the carpets had been made. She said that had caused them to buckle, come unglued and therefore become a hazard. She said new carpets were now on order due to that problem. She said the cleaning crew was trying to work with physical health as much as possible; but that she wanted the board to know that price quotes from outside medical facility cleaning services needed to be obtained. She said that she was aware that some cleaning was being outsourced and perhaps physical health could be outsourced as well. She mentioned that the suggestion was made that staff carry out trash. She said that nurses were already cleaning their own exam rooms, and she felt that it was counterproductive to pay licensed staff to do janitorial functions. She said that medical office cleaning information would be brought back to the board if the problem persisted.

MS CROWE: Ms. Crowe informed the board that the November 11 regularly scheduled meeting fell on a state holiday. She mentioned that it would be left to the pleasure of the board to decide how to handle that meeting.

She also informed the board that unfortunately Tom Bowman had resigned, due to his move to Coweta County. She said that Mayor Brown was currently seeking a replacement.

MR. FEHR: Mr. Fehr updated the board on the increase in sewage system failures. He said January-March there were 153 reported failures, with 39 in April. He said in order to deal with this problem it had been necessary to reduce food service inspections to 2 per year as well as to reduce Safe Kids activities, although much of that was done on weekends and at night. He said it was hoped that would be a temporary solution.

Ms. Redwood asked if the increase in rainfall was responsible for sewage system failures, or if the problem required a reevaluation of the permitting process. She wondered how Fayette's failure rate compared to surrounding counties.

Mr. Fehr felt that this year's rainfall compared to the recent drought was a major factor, but said that the more systems installed in a given area the more systems that can fail. He said there were many factors that could contribute. He said other communities were experiencing similar problems. He said that within the last year the district had instituted an environmental computer program that would allow better access to what is going on in communities. He felt that it would be a valuable tool to assess the situation.

Ms. Cook shared with the board that District IV was the only district in Georgia keeping track by product the kinds of systems that are installed. She said data was in hand for the last 3 years that tells what kind of systems that were put in and that tracked information told whether the failure was a product or user related problem. She said there was insufficient data to review yet. She said there were now more people living on septic systems than ever before, and that many of them were used to sewage systems and had no idea how to care for septic systems. She said information on systems that fail would be given to the state, with the hope that such systems would then not continue to be approved for Georgia. She said any significant issues would be brought before local boards of health.

Mr. VanLandingham mentioned the work that had gone into the sewage systems brochure, and that later there would be a North Fayette Homeowner's Association meeting on clean water. He said that one of Fayette's representatives was scheduled to present the program. He suggested that this would be a good time to present Fayette County's brochure and that it should be made available to all new septic system users. He said the data being collected would provide a good tool.

MR. DAVENPORT: Mr. Davenport gave a brief update on the Jarrett Price legal action. He said that he had moved to dismiss the case last Thursday in the magistrate court. He reminded the board of his previous request to be notified of any lawsuit service upon board members, and that no member was so served. He felt that members would be served and repeated his request to be informed if any member was served.

DR BRACKETT: Dr. Brackett commented that septic system data was being gathered and that if it could be applied with mapping capability that had been developed he felt that

cutting edge data could compare soil types, installation types: even down to individual installers.

He said Severe Acute Respiratory Distress (SARS) was a corona virus and that he felt it would certainly be introduced into the United States either this year or next. He thought it would have similar results as currently seen. He said that he had attended a debriefing by the CDC about 2 weeks ago, and the Emory University world authority on corona viruses had been there. He said progress made on this virus was phenomenal. He said President Bush had added this new disease to the Quarantinable Disease List and it was the first to be added in 20 years. He said the CDC identified the brand new disease, gene sequenced it, and were working on a vaccine, all within 2 months of notification. He felt that this was a very bad virus that would be a big problem. He said Smallpox preparations were being transitioned into SARS preparations, since it was an entity that currently existed.

He commented that on the smallpox front, saying that Phase I preparations were going forth, with the vaccination of hospital trauma staff and outlying non-trauma hospitals if desired. He suspected there would be a low response. He said there might or might not be a Smallpox Clinic; if not there would be a SARS mock clinic. He offered to answer questions. There were no questions.

ADJOURMENT:

Motion was made to adjourn by Mr. VanLandingham, seconded by Dr. DeCotis. The motion carried unanimously.

The meeting was adjourned at 8:48 am.

Michael Strain, Chair

Merle Crowe, Secretary