

The Fayette County Board of Health met on Tuesday, July 12, 2005 in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Board of Health Members Present:

Thomas Faulkner, MD
Lynette Peterson
Judi-ann Rutherford
Lyn Redwood
Michael Strain, MD
A.G.VanLandingham

Staff Members Present:

Susan Ayers
Michael Brackett, MD
Carolyn Callison
Merle Crowe
Rick Fehr
Dennis Davenport, Attorney

CALL TO ORDER: Dr. Strain called the meeting to order at 7:26 a.m.

APPROVAL OF MINUTES FROM March 8, 2005: Motion was made by Ms. Redwood to approve the minutes, seconded by Mr. VanLandingham. There was no discussion. The minutes were approved as written.

OLD/UNFINISHED BUSINESS / PUBLIC COMMENT: Ms. Redwood expressed concern that houses in Tyrone were being advertised as 5 bedroom but were only permitted for 3 bedrooms. She wondered if there was a process in place to match up approved septic permits with what was actually built.

Mr. Fehr answered that the current system was an honor system; the applicant would inform the health department of the number of rooms to be used predominately as bedrooms. He said staff had attempted to get clarification of the state definition of "predominate" use of the room; that it could be defined as an office, sewing room, etc. but used as a bedroom. He said if it was used 50% of the time as a bedroom it would be declared a bedroom. He said it was important to let homeowners know that the number of bedrooms normally determined the size of the septic system. He mentioned that after homes were re-sold, additional bedrooms could be added and thus overload the system. He said the county building department routinely sent additional room building applications to the health department for comparison of number of bedrooms to approved permits, which allowed routine recommendation of additional field line if indicated.

Ms. Redwood asked if there was a way to review new home building plans to verify that number of bedrooms built actually agreed with permitted number. She asked if that was the way it used to be done.

Mr. Fehr replied that builders had once been required to submit actual house plans with rooms labeled as bedrooms. He said there had been other criteria as well: an added closet, a separate entrance, etc. made it a bedroom; but then builders would leave closets out of the plans, or find other ways to get around the bedroom label. He said the situation could get complicated, and that the plan review process took staff time. He felt that the old way did a better job, even if some builders found a way around it, and could be implemented again. He said there was

probably not a foolproof way to handle this situation. He said some lending institutions required plan review as a part of the lending process, which caught some of the discrepancies. Mr. Fehr clarified that regulations to be followed were first state, and then county. He said the county's regulations could be stricter than the state's but not less so.

Mr. VanLandingham felt that if a room *could* be used as a bedroom it *should* be so designated. He felt that homeowners of resells might want to use rooms as bedrooms even if they were not designated as such in the original plan. He said the second owner would not know the size of the septic system, and might overload the system by finishing basement rooms to add bedrooms, for example.

Ms. Rutherford felt that stricter regulation of septic systems should be the county goal, since a second owner could potentially overload their system by adding bedrooms.

Ms. Redwood thought that staff should resume plan review, and asked how much additional staff time would be necessary.

Mr. Fehr estimated that about 20--35% of one staff member's time would be necessary.

Dr. Strain mentioned that staff review would eventually shift from new sales to re-sales, and that one of the purposes of the health department was to protect the consumer. He mentioned the septic system brochure that was tied in with real estate closings, and said he felt that builders of new homes followed regulations pretty well, but was concerned about buyers of resold homes. He asked Mr. Davenport to look at what could be done to review of systems in resold homes, saying that there was a difference between a desirable level of enforcement and what could actually be done.

Mr. Davenport said any current home sale required a septic system letter at closing, which could dovetail with the review process. He felt that education of the second homeowner was crucial, since that person would not know the size of the system. Ms. Redwood felt that builders were being misleading, and that addressing this issue at closing was too late. She said builders should have house plans reviewed when they apply for the permit, as neither they or the homeowner might realize that rooms could--or would--be later be used as bedrooms when not originally intended as such. She wanted to err on the side of caution rather than approve undersized systems.

Dr. Strain asked if the board wanted to develop a plan with the goal and purpose of protecting the first and subsequent homeowner from system failures.

Ms. Rutherford questioned how closely environmental health worked with Fayette municipalities in issuance of permits for homes to add bedrooms. Mr. Fehr replied that smaller municipalities used the county building department, but that larger ones had their own. He mentioned that communication between departments was probably not consistent. Ms. Redwood volunteered to see what the process was in Tyrone. Ms. Rutherford said that if municipalities were passing their own regulations the board had no control in that instance.

PUBLIC COMMENT: Mr. Gordon Furr expressed concern on the septic system issue. He stated that he lived in Tyrone and that he had installed septic systems in Georgia until he retired. He was concerned that if a builder got a permit for a 3 bedroom house and built a 6 bedroom house that the septic system would then use both the original and fall-back soil area. He felt

that the homeowner was getting short-changed, because calling rooms “bonus” rooms and “sewing” rooms was misleading; that they were all bedrooms and should be so designated.

Dr. Strain called for a motion; Ms. Rutherford made the motion for Mr. Fehr to review the issue and bring it to the next meeting. Mr. VanLandingham seconded. The motion carried unanimously.

Swanson Valley Subdivision Update: Mr. Davenport gave the board an update regarding this neighborhood septic system. He reminded the board that the homeowner’s association had a vested interest in its operation and wanted to purchase the system from the developer. He said the existing bond, which would provide funds should there be a catastrophic failure of the system, was due to expire and would be difficult to replace. He said he and Mr. Fehr had met with the homeowners on April 28, as directed by the board. He said all 23 owners were at the meeting and were interested in the issue. He mentioned that he had sent a follow up letter after the meeting. He said Mr. Coffey, the homeowner’s association president, had told him all of the owners wanted to purchase the system. He said Mr. Coffey listed these points in their favor: one of the owners lives about 200 yards from the system itself and works at Johnson Controls, where his job is upkeep of this type system; he receives \$250 per quarter to maintain the system; he visits it twice a day; he oversaw the facility construction; he replaced defective equipment immediately after a recent lightning strike, and he felt that they had demonstrated diligence and know-how of the system. Mr. Coffey also pointed out many redundancies in the system, and felt that they had the situation well in hand.

Mr. Davenport assured Mr. Coffey that the board of health would want to know their plan in the event of a catastrophic failure. Mr. Coffey said such a plan was now in the works and would be sent to Mr. Davenport for presentation at a later board meeting. He reminded the board that Mr. Coffey and the homeowners were concerned that ownership of this system be under their control, since they have a vested interest in it and its operation. He offered to take questions.

Ms. Rutherford said part of the plan should be a backup for the homeowner who was currently maintaining the system. The board wondered what would happen if he moved away or was unable to continue maintaining the system. Mr. VanLandingham expressed much concern about privately held systems. He said if this one fell into disrepair it could degenerate into a situation like the one the board recently dealt with at Marnelle Mobile Home Park and Lake Edith. He said he saw potential for development of a very real problem.

Mr. Davenport agreed with Mr. VanLandingham. He said such a situation was not possible in unincorporated Fayette County, because if a builder wanted to install such a system it must be built to county standards and conveyed to the county upon completion. He said the county then became responsible for ownership and maintenance of the system. He mentioned that Marnelle Mobile Home Park was a corporate entity that had a EPD permit from the state, issued upon development of the park some years ago, in comparison to the Swanson Valley Subdivision, comprised of 23 homeowners, each with an individual stake in the system. He said their choices were to own the system or have someone else, with no compelling interest, own it, and that they were dealing with the situation reactively. He said the board would not be endorsing private ownership of the system at this point, but was choosing from the two available options with different factors. He said this group of homeowners had an obligation to put their intentions in writing for presentation to the board of health and to record it with the deed of records. He said that action would put any future homeowner on notice of any agreement that would run with any lot of the subdivision. He said that would put the board of

health in the position of knowing that all homeowners and future homeowners would be aware of the situation.

Dr. Strain felt that was the best option, since the choices were limited. Ms. Redwood questioned information the Tyrone City Council had been given about state approval of these type systems. She requested language that could be adopted to prevent private ownership of septic treatment systems in Tyrone. She also wanted to know if there were other drip irrigation systems in Fayette County, since a homeowner had told her there were other such systems under private ownership. She requested Mr. Fehr look into that, to see if there was a bond or responsible ownership of such a privately held system.

Mr. Davenport clarified that unincorporated Fayette County had to go through the same process that the town of Tyrone did: get the permit through the health department, and comply with state and county regulations. He said the county required the builder to convey the system to its ownership due to the fact that the county would ultimately assume responsibility if it failed. He said this process was put in place about 7 or 8 years ago. He said that to date this no one had built such a system. He said this process was put in place to assure that private septic systems would be built correctly and that if the county had to assume operation and maintenance of a system the burden would be decreased. He said these were safeguards and he would share the language with Ms. Redwood. He mentioned the economy of scale that might drive the decision to go with individual septic systems versus the drip system. Ms. Redwood thought drip systems had been used to increase home density.

Mr. VanLandingham emphasized that the county did not want to see group collection systems, saying he had never seen one that had not caused problems.

NEW BUSINESS:

Introduction of New County Nurse Manager: Ms. Susan Ayers, District Director of Nursing, introduced Ms. Carolyn Callison, County Nurse Manager. She said Ms. Callison took the place of Ms. Cynthia Grant, who had been promoted to a position in the state office. She felt Ms. Callison would do a wonderful job.

TRAVEL SUPPLEMENT:

Ms. Crowe informed the board that the state office had recognized the increasing cost of travel for employees who use their own cars on state business. She said that a policy had been implemented to add a \$50 supplement per month for employees who meet certain criteria: they are required to drive frequently over extended distances, which may be 100 miles in each 2 week period, and the employee's personal vehicle would be used to conduct business travel. She said only one Fayette County Health Department employee was affected by this policy.

STAFF REPORTS:

Mr. Fehr made the board aware that between now and the next meeting members would receive information about proposed environmental health fee increases. He mentioned that when local directors attended county budget meetings there had been difficulties with funding for proposed additional positions. He said that the finance director, Mr. Pullium, mentioned that among the limited options to fund such positions were fee increases and that he would recommend such increases to the board of commissioners for the upcoming fiscal year. Mr. Fehr said he understood that when this recommendation was made there was favorable reception from the board of commissioners. He pointed out that once a proposal was prepared, it would be first presented to the board of health, then if approved to the board of

commissioners. He said if the process was successful it would be helpful to fund things that were really needed.

Dr. Strain requested that a 10 year historic fee list be presented with the fee request. He also requested a comparison of fees of surrounding county's fees as well.

Dr. Brackett mentioned that there would be dramatic changes in the billing process in the future. He said it was possible that billing would be centrally handled from the district office because these changes would probably exceed local capacity to keep up to date. He said Medicaid billing was going to several private providers and that district office had been in contact with the major players from the beginning.

He mentioned West Nile Virus was not as big a factor as in the past, but felt that vector-borne disease would be; Eastern Equine Encephalitis was always a problem. He said he was working with the state to set up a surveillance system for mosquito infestation. He mentioned the growing immigrant population and that they bring in diseases that had been eradicated. He mentioned that a possible resurgence of malaria and other vector-borne disease was an ongoing concern.

ADJOURNMENT:

Motion to adjourn was made by Mr. VanLandingham, seconded by Ms. Rutherford. The motion carried unanimously.

The meeting was adjourned at 8:17 am.

Michael Strain, MD, Chair

Merle Crowe, Secretary