

The Fayette County Board of Health met on Tuesday, November 14, 2006, in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Board of Health Members Present:**

Robert Horgan  
Thomas Faulkner, MD  
Lyn Redwood, RN, MSN  
Judi-ann Rutherford, RN  
Lynette Peterson  
Michael Strain, MD

**Staff Members Present:**

Carolyn Callison, RN, BSN  
Merle Crowe, BA  
John Darden  
Rick Fehr  
Rodney Hilley  
Dennis Davenport, Attorney

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**CALL TO ORDER:** Dr. Strain called the meeting to order at 7:25 a.m.

**APPROVAL OF MINUTES FROM SEPTEMBER 12, 2006:** Motion was made by Ms. Rutherford to approve the minutes as written, seconded by Dr. Faulkner. The minutes were approved unanimously.

**OLD/UNFINISHED BUSINESS / PUBLIC COMMENT:**

**UPDATE ON ENVIRONMENTAL HEALTH FEES:** Mr. Fehr requested this item be tabled for a future meeting; it was so tabled.

**PUBLIC COMMENT:** Ms. Gloria Furr, council member of Tyrone, expressed concern because of silica dust pollution emanating from a plant in Tyrone. The Tyrone council was made aware of this pollution by Mr. James Norton. The Georgia Department of Natural Resources (DNR) was subsequently contacted by Ms. Furr, and agreed that the company was in violation of air quality regulations. It was given 10 days to clean up the process. Ms. Furr requested the board of health intervene, since she could not get a copy of the resulting October 20, 2006 report (Attachment #1) from DNR, except by going through Representative Virgil Flood. Ms. Furr said she and others have health problems directly related to that silica dust pollution. Mr. Fehr visited the site and observed the excessive dust reported by Ms. Furr. He advised Ms. Furr that DNR would be the appropriate authority to correct the situation and offered suggestions to handle it; civil action might be indicated if DNR took no action. The board requested that Mr. Fehr contact DNR to see if any response followed the 10-day warning, and that he ask if the Board of Health could help.

Mr. Davenport advised the board that in the event of immediate harm it did have jurisdiction, but that according to what he heard there was no indication of immediate harm. The board was concerned that since Ms. Redwood had called DNR on this very issue in 2003 that there appeared to be no sense of urgency by DNR. Mr. Davenport felt that the town of Tyrone had the option of classifying the silica pollution as a nuisance and then it could take action, but should first consult with the city attorney. The board advised the Tyrone council to follow its example and send a letter of concern and expectation to local representatives. Ms. Redwood said that

she got a better response from the EPA rather than the EPD. Printed material presented by Ms. Furr showed the danger to citizens' health due to breathing silica dust, and that this danger was an OSHA violation. The board felt that it would be advisable to report this violation to OSHA and that would get a quick response.

Mr. Furr commented that block and cement companies created most of the pollution and should be checked. He expressed concern about the effect of pollution on the environment. He questioned whether Fayette County had a one-acre lot requirement. Mr. Fehr said the requirement still was in effect.

Ms. Grace Caldwell commented on the proposed annexation by Peachtree City of the land located next to Shamrock Industrial Park. She was concerned about silica dust pollution. Ms. Rutherford said that there was no annexation proposal before the Peachtree City town council yet. Ms. Furr asked if the town of Tyrone could assist in the Board of Health's concerns. Ms. Rutherford advised her to put item(s) of concern on the town legislative agenda and copy letter(s) to all concerned parties.

**NEW BUSINESS:** Ms. Callison gave a presentation (Attachment #2) on the current state of nursing in Fayette County Health Department (FCHD, at the direction of Susan Ayers, District Director of Nursing. She presented statistics showing the huge increase in Fayette County population over the last 5-10 years, and compared the ratio of public health nurses to overall population. She pointed out that one nursing position was half-time and that the addition of two Licensed Practical Nurses (LPNs) reduced the ratio a little, but that projected population growth would push it up again. She said that Hispanic patient numbers had tripled since 1999, and that it would be interesting to see the figures of 2004 and 2006, since the addition of two secretary/translators who speak Spanish. She showed statistics of Fayette County residents living in poverty 2002-2003, despite Fayette County's rank of second in *per capita* income in Georgia. She said the addition of an LPN had allowed Physical Health to perform more state-mandated immunization audits and other population-based services, which allowed RNs to remain in clinic and perform revenue-generating services. She showed the growth of schools and day care facilities 2000-2006, which require audits by state mandates.

Ms. Callison pointed out that even though nursing was currently at full staff, this was subject to change in the next few months, due to the imminent retirement in 2007 of three of the current nurses. She said succession planning was in the works for current staff to assume the responsibilities of 2 retiring nurses, and that plans were to hire a replacement before the retirement of Virginia Senner, RN, so that she could mentor her replacement in the tuberculosis treatment program. It would take about two years for a nurse to get complete public health training. She mentioned that proximity to the metro area caused salary competition for hiring nurses; Fulton County hired nurses with little or no public health experience at an annual salary higher by \$10,000-\$12,000 more than the FCHD starting salary. She said that in order to bring in new nurses at a somewhat competitive pay scale, nursing salaries would have to be increased across all pay grades. She said that salaries within the District showed FCHD as comparable, but the problem was proximity to metro counties with higher pay scales, and that this problem of low salaries went across all counties in District Four. She mentioned an example: Henry County's attempt to hire a County Nurse Manager, where all nurse applicants except one would have had to take a pay cut to take this management position with all accompanying responsibilities.

She said that some PH nurses had moved on to higher paying jobs, or up in the organization. She said some nurses had turned down positions with FCHD after hearing the starting salary, and that one nurse had quit after one month and returned to her hospital job because of salary, despite her desire to work with in public health. She showed a formula developed by the state that showed approximately \$15,040 in revenue lost due to each turnover in nursing staff. Approximately \$30,951 in revenue was lost upon her promotion to County Nurse Manager, when the vacant PH nurse position remained open for several months. She said the budget might have supported a higher starting salary for newly hired nurses, but would have put those nurses earning more than experienced staff, and so was untenable both morally and fiscally.

She mentioned that more programs and services could be offered if there was only space to put the nurse; the new LPN had to work in the library as there was no clinic room for her. The only way to increase services or programs would be to increase current office space, or move to a different building; a true, if unoptimistic picture.

Ms. Callison said she would love to add pregnancy-related services case management, but that the new Managed Care Medicaid organizations that went live last June 1<sup>st</sup> declined to pay for case management so that would not work. She would like to add SHAPP (Stroke and Heart Attack Prevention Program), but that was not possible due to limited staff and clinic space. Ms. Redwood requested this presentation be given to the Board of Commissioners and the board agreed. The board wondered if there was space in the county complex, but if so it was probably committed to another department.

Ms. Callison requested permission to close the health department the afternoon of December 15, 2006 for a meeting. Motion was made by Ms. Peterson, seconded by Ms. Rutherford to approve. The motion passed unanimously.

#### Staff Reports:

Mr. Fehr mentioned a proposed new rule on sewage disposal and referred to previous discussion of Dr. Stuart Brown's June 8<sup>th</sup> memo that required Boards of Health to accept soil scientists' reports. The state set up a process whereby comments on this proposed rule would be accepted up to December 7<sup>th</sup>. The board requested input on the proposed rule from Attorney Davenport. Mr. Davenport recapped the state law regarding soil reports, which required that soil scientists' reports be accepted unless the site was found to be deficient or questionable. The board had sent Dr. Stuart a letter with concerns about this requirement and his reply said that he also found the legal language confusing, and that his memo was an attempt at clarification of the law. Mr. Davenport said that a memo such as Dr. Stuart's did not have the force of rule-making, thus the proposal of the new rule; which he found to be less clear than the law itself. He said that any objection to a soil report must be filed within 3 business days and that he felt that if the rule was put in place it would change nothing: soil reports could still be found deficient or questionable. The rule would be implemented under authority of existing law and would not come before the state legislature for a vote. He reminded the board that per their instructions, a letter stating their concerns had gone out to the legislative members and was copied to local concerned entities, along with copies of the June 8<sup>th</sup> memo and Dr. Stuart's response.

The board questioned the new requirement of liability insurance for inspectors. Mr. Davenport replied that all disciplines, including soil scientists, now had a one-million dollar liability insurance policy requirement, and this was supposed to allow recourse in case of septic failure. This meant that in the event of septic failure litigation would be necessary, and that the inspector would need to admit s/he was wrong. The board felt that such an admission was unlikely.

The board instructed Mr. Davenport to send a letter responding to Dr. Stuart. The letter should thank Dr. Stuart for allowing staff to continue to do their job as they had always done; it should also address the issue of 3 business days as the board felt that 10 business days would be more acceptable. Ms. Rutherford said that this issue would be on the legislative agenda of the first December meeting of the Peachtree City Council. Mr. Davenport said he would put the letter in draft form, submit it for approval, and send it out with copies to all parties once it was approved. Ms. Rutherford made a motion for Mr. Davenport to compose the letter; seconded by Ms. Peterson. The motion was approved unanimously.

**PHILLIPS SERVICES CORPORATION LETTER:** Mr. Fehr reminded the board that he had submitted a copy of the response letter from Representative David Scott. He mentioned also that he would conduct a meeting that evening at 7:00 pm on maintenance of sewage systems.

**ADJOURNMENT:**

Motion to adjourn was made by Ms. Rutherford, seconded by Ms. Redwood. The motion carried unanimously. The meeting was adjourned at 8:26 am.

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Michael Strain, MD, Chair

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Merle Crowe, Secretary