

The Fayette County Board of Health met on Tuesday, January 12, 2010 in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Board of Health Members Present:

John DeCotis, PhD
Thomas Faulkner, MD
Don Haddix
Robert Horgan
Lynette Peterson
Lyn Redwood
Michael Strain, MD

Staff Members Present:

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

CALL TO ORDER: Dr. Strain called the meeting to order at 7:33 AM.

APPROVAL OF MINUTES FROM November 17, 2009: Ms. Peterson made a motion to approve the minutes as written. Ms Redwood seconded the motion. The minutes were unanimously approved with no further discussion.

OLD/UNFINISHED BUSINESS / PUBLIC COMMENT:

Election of Officers: Ms. Peterson made a motion to keep Dr. Michael Stain as Chair and Ms. Redwood as Vice Chair, seconded by Mr. Horgan. The motion passed unanimously.

Legal Easements:

Legal easements are usually sought for existing properties with failing systems and no replacement area, which is rare. In such a case, prior to issuance of the permit the property owner granting easement is fully informed of future implications. Notice of the easement is only indicated on the deed granting the legal easement. The board considered the question of whether the legal easement should be indicated on both deeds, so that future property owners and adjacent property owners could be fully informed.

As an example of residential difficulty in sewage disposal, the Hip Pocket area of Peachtree City faces the issue of failing septic systems. Those homes were built on small lots, prior to the requirement of sufficient replacement area. As older residents sell homes in this area to younger families with children, septic systems are unable to handle the resulting increased volume. Possible solutions include tapping into sewer, if available; legal easements to adjoining property; or condemning the home. A proposal to tap into sewage service underneath a road would mean that the county would become involved, and is one example of potential future county involvement.

There are at least two commercial cases currently pending; one that involves about one acre and one that involves about twenty five acres; sewer is close to one parcel, but is unavailable. Commercial property owners might seek legal easements, after considering factors such as building footprints and paved area; factors which would constrain the amount of available area for sewer systems. In another case, commercial property owners wish to conserve land area

for future development, and seek legal easements. Future occupation of commercial property is a concern, since it cannot be known what type of business might desire to move in later, with attendant sewage disposal problems. The board felt requests for residential versus commercial easements were entirely different concerns.

After seeking the opinion of the County Attorney, it was determined that Georgia is a buyer beware state. This means that in the county attorney's opinion, two conditions should be met prior to approval of a legal easement: the easement must be legally and properly recorded in the Superior Court's office, and the property granting a legal easement must demonstrate that it has sufficient area for both an initial system and a replacement system, per minimum zoning requirements for that area. If these conditions were put in place, when a title search is done prior to purchase of any property, legal easement agreements would then be known.

The board felt that both residential and commercial legal easement considerations should be addressed, especially since legal easements exist in perpetuity. Mr. Fehr was requested to check with the county attorney to see if easements are already noted on both affected deeds, and if title searches currently have a mechanism whereby both property purchaser or seller are alerted to existing legal agreements. As of now, prior to sale of any property, no permit is granted unless Environmental Health (EH) certifies that the two conditions quoted above are met. After that it is buyer beware, and Fayette County would be involved if the system fails in the future. Properties can also be altered by grading, filling, etc., which would change the conditions required for permitting.

It is possible that the best way to address these concerns has already been worked out in other fast growing counties or cities in the state, and the board requested that Mr. Fehr contact his peers to discover if that might be the case. He would then report back to the board at the called meeting set for January 26, 2010. The board thanked Mr. Fehr for his efforts.

There was no Public Comment.

NEW BUSINESS:

Groundbreaking for Lake McIntosh is scheduled in the next two weeks. There is a question regarding runoff into Line Creek from nearby commercial developments in both Fayette and Coweta County, regarding how much responsibility or that runoff would be borne by Fayette County. The Line Creek area would be affected. It is designated as a small water supply watershed and groundwater recharge area. Therefore, that area is more vulnerable to pollution and subject to more stringent rules and setbacks. The commercial developments in question have plans to use sewage spray field systems, which have been successfully challenged in state court, when planned for use in a subdivision. When the court challenge was won, the developer used another type system. The board felt that citizens should monitor systems that receive state approval, especially since there have been questions about aerosol drift from spray systems which might contain viruses. The board requested that Mr. Fehr contact the Environmental Protection Division and review the engineering reports and permitting process for the *Southern Pines* development in Fayette County, to see if the soils are capable of handling the proposed amount of spray. This area is comprised of quite a lot of wetlands. The board can then decide if a letter of concern should be sent.

Staff Reports: Ms. Crowe, Ms. Bryant and Mr. Fehr updated the board on the current and impending fiscal state of Fayette County Health Department (FCHD). Salary and benefits make up the largest expense of the budget, as is usual for service entities; FCHD's salary and benefit cost is about 80-82% of the total budget. Revenue for operation of the health department comes from roughly 45-50% patient fees, 20-25% Grant-in-Aid (GIA), and 20-25% county

support. Fees are payment from patients for services, and EH fees. Up until about 25 years ago, no fees were charged at health departments; now fees are fast approaching 50% of total revenue.

Fiscal year 2010, GIA revenue was reduced by 16%, or \$47,634 from the original allocation of \$391,763. Another 8% reduction is in the works for Fiscal Year 2011, with expected cuts to be around another \$40,000. A review of audited statements for Fiscal Years 2007-2009 proves that GIA has been reduced by 20%, or \$86,153.00: as patient demand for services steadily increases. FCHD directors have taken numerous steps to offset these drastic reductions: staff members who leave are not replaced, for example. It has now reached the point that if budgets are further reduced, reductions in services or staff will be necessary. It is hoped that no further reductions will be taken. The board has membership in GPHA, which is the voice of Public Health; perhaps contacting GPHA would be helpful, as well as talking to state legislature members to make them aware that Public Health's mission is prevention of illness. Perhaps that has been lost sight of in recent years. Budget cuts to health departments are a state wide problem: joining with others to create a bigger voice might also be helpful.

The board asked that information be pulled together for talking points for a letter to be mailed to potential interested parties, once board members are in agreement. The board asked that a package of information also be put together regarding unfunded, burdensome mandates to be presented in scheduled discussions with Representative Matt Ramsey, per his request. Mr. Haddix said he would present the board-approved packet to Mr. Ramsey.

Mr. Fehr presented the board with a DVD and information packet regarding the *Safe Kids Collation*. Several years ago Mr. Robert Kurbes initiated the program, and now Ms. Deborah Straight has taken it over. *Safe Kids* has gained the support of local law enforcement and other agencies in the community. The DVD deals with the *Ghost Out* event, which has been very successful. This program is done entirely on the personal time of staff. Dr. DeCotis commended staff for their efforts and expressed his appreciation on behalf of the school system, especially the work done in support of flu immunizations. He said that absenteeism rates had been extremely high due to flu illness, and the support of both Fayette County Health Department and District Four had been invaluable.

Dr. Brackett commented that H1N1 flu had peaked, but was expected to return in the fall. He recommended that people get vaccinated because of that expectation. The majority of cases strike young people, but the majority of complications appear in healthy middle-aged patients, as well as the majority of deaths. There is a plentiful supply of flu vaccine and currently there are no restrictions.

ADJOURNMENT: Motion to adjourn was made by Ms. Redwood, seconded by Dr. Strain. The meeting was adjourned at 8:19 AM.

Michael Strain, MD, Chair


Merle Crowe, BA, CCFO, Board of Health Secretary