



KANAWHA CHARLESTON
BOARD OF HEALTH

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Meeting Minutes
July 9, 2009

Board Members Present

Ms. Brenda Isaac
Mr. Robert Reishman
Dr. Arthur Rubin
Ms. Shannon Snodgrass
Mr. James Strawn
Mr. Stephen Weber

Presenting Guests

Dr. Rahul Gupta
Ms. Lois Deal
Ms. Krista Farley
Ms. Lolita Kirk
Ms. Marcie Myers
Ms. Gail Sowards

1. Call to Order – President

a. Moving the Board meeting to the 1st floor Multi-Media Center – motion needed

Ms. Isaac called the meeting to order at 4:30 p.m. As required by the Board's by-laws, Ms. Isaac requested a motion to hold the meeting in the 1st floor Multi-Media Center. The motion to move the meeting was made by Dr. Rubin and seconded by Mr. Weber. The motion passed unanimously.

2. Report of the President – Ms. Isaac

a. Approval of the Minutes of the May 21, 2009 meeting

Ms. Isaac asked that a motion be made to accept the minutes of the May 21, 2009 meeting as written. A motion was made by Dr. Rubin to accept the minutes and seconded by Mr. Reishman. The motion passed unanimously.

b. Discussion regarding appointment of new Board President

Ms. Isaac stated it was time to elect a new Board President. A motion was made by Mr. Weber to nominate Ms. Isaac as the Board President for the upcoming fiscal year. The motion was seconded by Dr. Rubin. The motion passed unanimously.

c. Discussion of recent news coverage of the Clean Indoor Air Regulation (CIAR)

Ms. Isaac stated that she would like to move the order of the Agenda items so that those that wished to address the Board about the Clean Indoor Air Regulation could do so. Ms. Isaac acknowledged that Ms. Judy Crabtree, from Kanawha Coalition was in attendance as well as Mr. Dan Adkins from Tri-State was also present.

Ms. Isaac added that to the Clean Indoor Air Regulation was not open for debate. Ms. Isaac added that recently several news articles have appeared about businesses losing money as a result of the Regulation, but at this time the Board will not be considering

any changes to the Regulation. Ms. Isaac stated that there had been research completed and that all over the country businesses were showing a gain in revenue after the passing of this type of regulation.

Ms. Isaac then requested that Ms. Gail Sowards, Sanitarian Supervisor provide her report on the Clean Indoor Air Regulation. Ms. Sowards stated that approximately 95% of the businesses were found to be in compliance and the ones that have not complied are being issued notices. Ms. Sowards also informed the Board there were several cases pending in Magistrate Court and one case is in Circuit Court. Ms. Snodgrass asked how it was going with the law enforcement agencies accompanying the sanitarians during inspections. Ms. Sowards replied that the cooperation has been very favorable between the Health Department employees and the City and County police officers. Ms. Sowards added that Sheriff Rutherford and Chief Webster have been giving their full support.

Ms. Isaac asked Ms. Crabtree to please come forward and give her presentation and the Board would allow Mr. Adkins to speak his views after Ms. Crabtree.

Ms. Judy Crabtree presented the Board a large poster full of signatures from citizens of Kanawha County celebrating the one year anniversary of the CIAR and thanked the Board of Health for their stand on clean indoor air. Ms. Crabtree added that the Kanawha Coalition for Community Health Improvement is involved in a community health Improvement campaign entitled "Eat, Drink & Breath Easy". The campaign targets making our communities healthier by addressing issues like: tobacco prevention, obesity, exercise, etc. She then thanked the Board of Health and its staff again for the enforcement of the CIAR.

Ms. Isaac then asked Mr. Dan Adkins from Tri-State Race Track to please come and give his presentation. Mr. Adkins stated that he was 52 years old and a non-smoker. He added that he was not at the meeting for a debate; however he did ask that the Board of Health please give him respectful consideration of his request. Mr. Adkins continued that he felt the Tri-State should be exempt from the CIAR because they (Tri-State) weren't just another bar. They were a gaming facility. He went on to say that when the race track initially opened, they had slightly over 100 employees, however today they had over 800 employees. They had not laid any employees off and had no plans to lay-off employees. Tri-State has accommodations for the smokers and non-smokers. He asked that the Board please consider Tri-State's cooperation. Mr. Adkins added that Tri-State had lost \$15 million gross revenue in the past year, in his opinion; approximately 9 million was due to the smoking ban. He added that we should think about the lost revenue to the City, County and State. Mr. Adkins said they were tracking the revenue and it is going to other states and casinos. He again asked that the Board of Health please work with Tri-State and consider a partial exemption. He said the lost dollars were desperately needed. Mr. Adkins said that he would be willing to sit down with the Board members and work with them in any way he could. He asked if the Board could please respond to his request tonight.

Mr. Weber stated that when the CIAR was instituted, Tri-State stated they didn't need an exemption. Mr. Adkins stated that the comment that Tri-State made was that as long as the race track was treated equally and fairly, they didn't need the exemption. However, he didn't feel like the Regulation was fair. He went on to say that most states have the ban; it isn't just in the counties. It applies to the whole state. He stated he felt that Tri-

State was a unique facility and that they should be given consideration for exemption. He continued that they (Tri-State) needed a level playing field.

Ms. Isaac stated that other facilities were having a drop in revenue as well and she didn't feel it was fair to them. Mr. Adkins stated that he knew Putnam County revenues were up 12%. Tourism is going out of our cities, counties and state. Ms. Isaac stated that she appreciated the monies that Tri-State brought in.

Mr. Adkins asked if they (Tri-State personnel) could come back and talk to the Board and be considered for an exemption. Ms. Isaac stated that she was not inclined to change her mind. She felt if they made one exemption it wouldn't be fair to the smaller companies. Mr. Adkins stated he felt that Tri-State was different and that they were unique. He stated they had the facilities to accommodate smokers and non-smokers.

Mr. Weber stated that the Board would consider the remarks and that Tri-State was welcome to come back any time and speak with the Board. Mr. Adkins thanked the Board.

Ms. Isaac then asked if there were any public comments.

Mr. Bill Smidi, owner of the Cold Spot requested to address the Board. Mr. Smidi stated he was 57 and an ex-smoker. He added that he owns tobacco shops, bars and gambling machines. He went on to say that the ban had affected his business and income. Mr. Smidi added that the CIAR had been better for his food business though. He continued that he was trying to abide by the Regulation set by the Board of Health. He stated that if the Board allowed an exception in the case of the race track, the smaller facilities should also be considered for an exception. He stated that even though he is trying to abide by the Regulation, he is still being fined \$25.00 every time one of his customers is caught smoking. He stated he can't control his customers even though he does try to follow the Regulation. He asked the Board if they could be a little easier on the fines for those that are trying to abide by the Regulation.

Ms. Isaac asked if there was any discussion and Ms. Snodgrass stated that Tri-State has asked for the exemption and that was okay for them to ask, but she didn't feel it was okay to change the CIAR. It would cause utter confusion and it wouldn't be fair to the smaller businesses. Ms. Snodgrass added that we have been smoke-free for a year and she felt it should state that way.

Ms. Isaac stated that there wasn't a venting system that could eliminate all the smoke and it wasn't just a health issue, it was an economic issue as well. Dr. Gupta stated we continue to work on data regarding CIAR. The real indicator as to how the smoking is affecting a business is through the hiring and firing of employees. That is where the numbers are more accurate. Mr. Snodgrass inquired as to if other Boards were trying to go 100%? Mr. Strawn stated that he believed there were other counties in the State that had resorts and race tracks, and they were allowed exemption. Mr. Weber said that if we have a 95% compliance rate, the figures don't make sense. He believes the economy is partially to blame for the loss of revenue. The Board was in consensus to leave the Regulation as it is.

3. Report of the Health Officer – Dr. Gupta

Dr. Gupta provided the Board with an update on the sale of the Department's Home Health Agency. Dr. Gupta added that a legal notice in the local newspapers appeared on July 2nd and 9th and the auction is scheduled for July 23, 2009 on the steps of the Kanawha County courthouse beginning at 10:00 a.m. The auctioneer will be Kim Bauer with RealCorp. The minimum bid is for \$650,000.

Dr. Gupta provided the Board with some information on other clean indoor air regulations. Dr. Gupta added that studies have proven that the diffusion of such regulations across various communities in the United States has been associated with a dramatic and rapid reduction in population levels of serum cotinine among nonsmokers and has also contributed to a reduction in overall cigarette consumption among smokers, with no significant adverse economic impact, except to the tobacco industry. The vast majority of scientific evidence indicates that there is no negative economic impact of clean indoor air policies, with many studies finding that there may be some positive effects on local businesses. During the recent economic downturn, certain businesses have suffered more than others. For example, recent data from the Nevada Gaming Commission shows that taxable revenues for the month of April 2009 from Las Vegas strip area is down by over 24%. Reno area revenues decline has been as much as 50 %!

Examples study #1: Bar and restaurant employment per capita were used to determine if partial CIA policies produced differential economic effects compared to comprehensive CIA policies. In ten Minnesota cities from 2003-2006, there were no significant differential economic effects by CIA policy type.

Example Study #2: At least nine different studies have reported that regulations making indoor workplaces and public places smoke-free were associated with rapid, sizeable reductions in hospitalizations for acute myocardial infarction. Current study demonstrated that these benefits are sustained over time.

What can Kanawha County residents expect in the future (from research data)?

- (a) Reduction in the number of heart attacks by approximately 20%. More benefits amongst non-smokers.
- (b) Decline in rates of stroke and respiratory diseases like COPD, asthma, etc.
- (c) Declines in rates of cancers over long term as well as CAD.
- (d) Reduction in smoking among the youth.
- (e) Increased quit rates among smokers.

a. Discussion and status report on the Department's H1N1 response.

Dr. Gupta stated that to date, there have been 66 (62 in state + 4 out of county residents) confirmed cases of the H1N1 or swine flu in Kanawha County with 5 hospitalizations and no deaths. The State website is reporting a total of 167 cases in West Virginia including 13 out of state residents, with 9 hospitalized and no deaths. Kanawha County has the second highest number of cases. The CDC is currently reporting a total of 33,902 cases with 170 deaths in the U.S.

The new H1N1 virus is now making up more than 99% of all the typed isolates being tested in the U.S. So virtually, all of the influenza that's circulating, that's getting a diagnosis, is this new strain (novel H1N1) right now here in summer months. In fact, the

CDC estimates that there have been at least a million cases of this new H1N1 virus in the U.S. so far this year. We have provided guidance to our community clinicians on how to approach this when they see cases of ILI in summer months.

The KCHD has also taken a proactive approach to step up its educational efforts directed towards camps. We have provided educational information as well as screening tools (including website) for such summer camps. Recommendations to camps have included a number of steps need to be taken to reduce illness among their campers and their staff. We have responded appropriately to disease clusters from such sites as well.

Dr. Gupta added that the Department's Annual Threat Preparedness Exercise was successfully conducted on June 12th with hundreds of volunteers and support from various organizations. It was well received in the community and we plan to incorporate feedback into improving it for next time.

4. Report of the Administrative Director – Ms. Lolita Kirk

Ms. Kirk informed the Board that it was too soon to the close of the fiscal year to provide the FY2009 report. She added that she would e-mail the information to the Board when it became available.

5. Report of the Director of Business Support Services – Marcie Myers

Ms. Myers reported the new software for the clinic has been installed. The new software is from Medisoft and has a local vendor to provide support. Ms. Myers added that Kanawha-Charleston Health Department is the first Health Department to try this software. Ms. Myers stated the data entry is still a challenge, however she believes it will cut down on the billing costs.

Ms. Myers stated that the Department's annual health fair is scheduled for July 15th, from 8:00 to 10:00 a.m. and that it is for employees and their families. Ms. Myers extended an invitation to the Board members. PEIA and Carelink are billed during these fairs.

6. Report of the Director of Environmental Health – Ms. Gail Sowards

a. Environmental Health activity report

Numbers for this meeting were inconclusive due to the absence of one of her clerks.

7. Clean Indoor Air Regulation Enforcement

a. In addition to her report given at the beginning of the meeting, Ms. Sowards added that the Environmental Health staff members are waiting for a meeting to be scheduled with the Prosecuting Attorney, Mark Plants regarding CIAR court cases. Mr. Weber stated he would contact Mr. Plants.

Mr. Strawn asked Mr. Sowards if the Environmental Health was enforcing the re-investigation fees on the smoking and Ms. Sowards replied that they are.

Ms. Sowards stated there had been an increase in animal bites and concerns regarding rabies, which were found in Greenbrier County. The concern is livestock (cattle and horses) that may not be vaccinated.

8. Report of the Director of Health Promotion

Ms. Farley stated that the Kellogg – Action for Healthy Kids Wellness Grant had been completed on June 30, for the wellness team development for the Sissonville Area schools (3 elementary, 1 middle and 1 high school). Each school received \$3,000 in funding.

Ms. Farley stated that Take Your Best Shot Adolescent Immunization Campaign was funded for another year for \$10,000. She stated that KCHD and Cabin Creek Health Systems were partnering and that the target schools would be Riverside High School, Sissonville High School and East Bank Middle School. On August 15th, a movie trailer will run before all the movies at the Southridge Theater and will run for six months. KCHD partnered with Lincoln Primary Care and Boone County Health Department on this project.

The Robert Wood Johnson Foundation Healthy Kids Healthy Communities application that was submitted by CAMC has made the first selection cut. The grant is for \$360,000 for four years. The grant would target East End, West Side and Kanawha City in the first year then expand throughout the county by the end of the four years.

KCHD has been asked to apply for \$10,000 for the mapping project we are partnering with KCCHI to develop. The grant is through the Greater Kanawha Valley Foundation as partner of the Kanawha Valley Sustainable Initiatives Grant Project. The maps would highlight all the physical activity opportunities, trails, and green spaces in Kanawha County as well as an interactive Google Earth map.

9. Report of the Director of Home Health

Ms. Deal stated that everything is about the same. Nothing new to report.

Ms. Isaac reminded everyone that the auctioning of the Home Health Division would be July 23, 2009 on the steps of the Courthouse. Mr. Strawn asked if we had any interested parties and Ms. Kirk stated there had been several.

10. Old Business

Mr. Strawn asked about the Wellness Grant and Dr. Gupta stated that the adjustments that were needed for the grant had been made and hopefully we would get the grant.

11. New Business

None.

12. Adjournment

A motion was made by Dr. Rubin, seconded by Mr. Weber. The Board then voted to adjourn.

Respectfully submitted,



Rahul Gupta, MD, MPH
Health Officer

RG/vj