



Kanawha-Charleston Health Department

108 Lee Street E.
P.O. Box 927
Charleston, WV 25323



Kanawha – Charleston Board of Health Meeting Minutes

May 15, 2008

Board Members Present

Dr. Steven A. Artz
Ms. Brenda Isaac
Dr. Arthur Rubin
Ms. Shannon Snodgrass
Mr. James Strawn
Mr. Stephen Weber

Presenting Guests

Dr. Kerry Gateley
Ms. Lolita Kirk
Ms. Marcie Myers
Ms. Janet Briscoe
Ms. Anita Ray
Ms. Krista Farley
Ms. Lois Deal

1. Call to Order – President

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

Dr. Artz called the meeting to order at 4:30 p.m. As required by the Board's by-laws, Dr. Artz 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 Ms. Isaac. The motion passed unanimously.

2. Report of the President - Dr. Artz

"During the last week, there's been a good deal of speculation regarding whether or not Dr. Gateley will continue to provide the Kanawha-Charleston Health Department with his able leadership. I sincerely hope he will. But to put things in perspective, I think it's important to look beyond the recent weeks, and to look back, first five years, and then three decades."

"I remember when, as Chair of the Department, we recruited Dr. Gateley; what stood out was a man who looked at public health not as a job, but as a passion and his mission in life. When he accepted this job, almost five years ago to the week, he hit the ground running with a strategic plan, a five year plan to address the public health needs of the area and its people."

"What he started with was a Department that had built a state-of-the-art facility, primarily with federal funding a little over thirty years ago, from which to work. What Dr. Gateley has done, in the time he's been here, is to use this solid foundation to build equally solid public health programs, now poised to serve this City and County very well."

“What he also started with was an unusual, if not unique, city-county collaboration, created to fund the critical public health programs of this area, in an atmosphere where health came first, independent and devoid of any political consideration. Unfortunately, that atmosphere has changed and we’re now faced with a health department that is subject, above all, to the very political considerations from which its founders intended it to be insulated.”

“Dr. Gateley brings both a passion to his work and a strong ethical character. I know – and anyone who reads the paper or listens to the news knows – that he has done a lot of soul searching to weigh the ethics and the politics of this situation. We’ll see, in balance, which will win out, and whether or not he feels there is a way to reconcile both. I hope he feels he can, and I urge him to find a solution and continue as the Kanawha-Charleston Health Department Director.”

“I will have some additional comments, which I’ll reserve as a follow-up to Dr. Gateley’s own comments. What I have to say will depend on what he has to say.”

Ms. Isaac stated that Commissioner Carper had contacted her and stated that he was impressed with Dr. Gateley and his work and that he hoped Dr. Gateley would consider staying. Ms. Isaac also added that Mr. Carper stated that if there was anything he could do to make staying at the Department more palatable to Dr. Gateley he would like to do it.

3. Report of the Executive Director – Dr. Gateley

Dr. Gateley presented to Dr. Artz, a plaque in recognition of his 21 years of service on the Board from the Board members and the Health Department employees.

Presented To
Steven A. Artz, MD, FACP, FACE, FACNM
for his 21 years of Exemplary Leadership and Service on the
Kanawha-Charleston Board of Health
and his
dedication and efforts to improve the health of the citizens
of
Kanawha County and the City of Charleston
1987 - 2008
Your contributions have not gone unnoticed
Presented by the
Kanawha-Charleston Board of Health
and the
Employees of the Kanawha-Charleston Health Department
June 30, 2008

a. Strategic Plan Report /Executive Team Meeting minutes

Dr. Gateley stated that the Strategic Plan is in large part the work of the Division Directors and he will allow them to present the information.

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

a. Financial Report

Ms. Kirk noted that the Board would find the standard financial report in their folders.

b. Budget Status

Ms. Kirk stated that she had planned on presenting a proposed budget that included a pay raise in line with the State's 3%, but she added that she is waiting for confirmation from the State as to what portion of the 3% raise will be covered by the additional increase to State Aid funding. The Division of Local Health has estimated that the additional money appropriated by the Legislature may cover approximately 1% of the raise. Until the amount is known from the State, she recommended that the Board table the issue until the next meeting.

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

a. Clinic Services Report

Ms. Myers informed the Board that the patient totals were in their packets, along with the flu totals.

6. Report of the Director of Environmental Health – Ms. Anita Ray

a. Environmental Health activity report

Ms. Ray informed the Board that the Environmental activity report was in their packets.

b. Policy Statement – Enforcement of Critical Violations

Ms. Ray informed the Board that they would find a new policy that took effect last month, with regards to the food program, in their packet. Ms. Ray stated that the policy has been established to deal with food service establishments that have patterns of violations.

7. Report of the Director of Epidemiology – Ms. Janet Briscoe

a. Mid-Year report

Ms. Briscoe informed the Board that she had been in her new position as Director of Epidemiology & Threat Preparedness, since April 15th. She also added that thanks to the work of the other directors, the Threat Preparedness Grant's mid-year progress report was submitted on time.

8. Report of the Director of Health Promotion – Ms. Krista Farley

Ms. Farley noted that the Board would find a brochure in their folders. Ms. Farley also noted that the Department has a new display Board that is being used at conferences and other display opportunities. Mr. Weber requested that the staff send copies of the brochure to the County Commission and to each City Council member.

a. WalkItUp!

Ms. Farley informed the Board that the final event will be Sunday, May 18, 2008 at Magic Island. Ms. Farley noted that this event is the last of seven consecutive community events hosted every weekend. She added that there are now thirteen walking clubs that meet weekly, the primetime commercials are still airing, there have been over 4,000 hits on the website and the campaign has approximately 1,000 registered participants. On Sunday, recognition will be given to individuals who participated in all seven events. These will receive a three month family membership at the YMCA.

b. Take your Best Shot

Ms. Farley stated that twenty providers have enrolled in the program. Postcards are being returned for adolescents that are current on their immunizations.

9. Report of the Director of Home Health Services – Ms. Lois Deal

a. Home Health activity report

Ms. Deal informed the Board that her report was in their packets. Ms. Deal also added that Home Health is averaging a referral a day.

10. Old Business

a. Clean Indoor Air Regulation

Dr. Gateley noted that the Board would find a copy of the revised Clean Indoor Air Regulation in their packets. The brochure has been mailed out to all facilities in Kanawha County along with a letter from him explaining the changes. Ms. Ray stated that she was contacted last week by the Tri-State Race Track and Gaming Center to look at some areas they have identified as potential outdoor smoking areas. Mr. Strawn requested clarification on where smoking was allowed. Ms. Ray provided a review of the changes to the regulation. There followed a discussion of the distance requirements for outdoor smoking areas and what facilities still allowed smoking.

b. Discussion regarding the potential sale of the Health Department building

Mr. Weber provided his comments on the group's tour of 601 Morris Street. He also complimented Mr. Molgaard on his cooperation and the way he has been responsive to the Board's needs. Mr. Weber added that Mr. Molgaard had prepared a plan and that Dr. Gateley and the directors reviewed the plan and panned in where the departments would be located. Mr. Weber stated there are still some unresolved issues such as parking. Parking for the fleet and the staff has been resolved, but patients are still not fully accommodated. Mr. Weber added that at this point it becomes an issue as to whether the Board is going to do something or nothing. He added that if the Board was going to proceed, the next step was to meet with an architect, preferably one with medical facility design experience. Mr. Weber also stated that another aspect is, if Dr. Gateley leaves, trying to make a move and finding a new director is a serious impediment. The need to have a director in place before the move, may delay the process. Mr. Weber state that functionally it can work, but it is not an ideal place.

Ms. Snodgrass stated that she was impressed with the building. She added that the directors had a lot of input. She also added that the financial package will allow the Department to continue services without any cuts. Ms. Snodgrass added that the Board has been told they have to move, so why not proceed.

Ms. Isaac stated that she agreed with Ms. Snodgrass. Ms. Isaac also complimented Mr. Molgaard and his patience with the group. Several additional items were brought up and Mr. Molgaard has offered to work those into the plans. Ms. Isaac also stated that she felt if the staff has additional concerns or suggestions, she was sure Mr. Molgaard will listen and work with them. Ms. Isaac stated that staying at Lee Street is not an option. She added that the Board has approximately 3 million dollars to work with. Dr. Artz inquired if there was a deal on the table. Ms. Isaac replied that there was not. Ms. Isaac added that there is a lot of cooperation and we can make this work.

Mr. Weber asked Mr. Molgaard, with respect to financial aspects, if the City and County are going to work that out. Mr. Weber added that as he understood the deal, the Health Department would be relocated at no expense to the Board, other than moving costs and that the City would handle the renovations and rent would be basically the current cost of maintaining the Lee Street building. Mr. Weber stated that, in theory, the relocation would be budget neutral.

Dr. Artz asked Mr. Molgaard if there was a deal on the table that he was aware of, or that he could speak of. Mr. Molgaard replied that he couldn't answer that question right now, but that he was fairly confident a deal would be forthcoming.

Dr. Artz asked Mr. Molgaard if there would be an auction. Mr. Molgaard replied that the building is the County's property and it would be up to them. Dr. Artz mentioned that during the Mayor's presentation, regarding the Finance Committee, that there would be an auction, that there would be one bidder, and that the bid would be 3 million dollars. Dr. Artz responded, "That doesn't sound like an auction". Mr. Molgaard replied that was in reference to the previous deal. He added that, per State code, there would have to be an auction.

Mr. Strawn asked if the working group had a recommendation or is it just a report. Dr. Artz stated that he thought it was just a report at this point, until the Board sees what the situation is with Dr. Gateley. Ms. Snodgrass asked Dr. Artz what the Board is waiting on. Dr. Artz replied that the Board should wait until they know whether they are going to have Dr. Gateley or not. Ms. Snodgrass asked if that was the way the rest of the Board felt. Mr. Strawn stated that he would like to hear a recommendation from the committee. Ms. Isaac recommended that the Board move forward pending the sale of 108 Lee Street. Ms. Snodgrass agreed and seconded the motion.

Dr. Rubin requested clarification on the motion. He asked if the motion was to move forward and move regardless of the sale of the building or is it to move forward with the planning until this building is sold. Ms. Isaac replied that, "It is to move forward with the planning and stay in this building until this building is sold, and we can stay in this building until we can move without disrupting services". Dr. Artz asked Ms. Isaac if she

was proposing to remain in planning mode and be ready to move if the sale takes place. Ms. Isaac replied, "Yes, if they decide not to sell this building, we don't want to leave".

Dr. Artz asked about public hearings, which were mentioned at the last meeting. Ms. Isaac stated she didn't think that the Board needed public hearings and that a public comment period would be sufficient. Ms. Isaac stated that since services would not be stopping or reduced, then she didn't see any need for public hearings. Mr. Weber agreed that the Board did not need to hold hearings.

Mr. Weber requested that the motion be stated. Ms. Isaac made the motion to publicize a public comment period, to get comments from the public on the issue of moving the Health Department to 601 Morris Street. Ms. Isaac added that she didn't think, at this time, it was necessary to schedule public hearings, since services would not be reduced or stopped. Mr. Strawn requested that the contingency about the sale of 108 Lee Street, be added to the motion. Ms. Isaac added that if 108 Lee Street doesn't sell, then the Department would not move. Dr. Rubin seconded the motion. Dr. Gateley requested the issue be open for discussion. Dr. Gateley stated that the Department's new telephone system has the capability of recording and storing verbal comments. He added that he would like to have the motion amended to include verbal comments. Dr. Artz stated that the Board needed to pay attention to the public's comments. Ms. Isaac stated the comments should be shared with the City and County. Dr. Artz stated that Senator Foster tells us that the Arthur B. Hodges Center may be in play again and that the Board has to consider that. Ms. Isaac stated that it could be considered but that Hodges has its own set of concerns. Dr. Artz stated that every building has concerns. The Board then discussed how to address the comments and how to consider them.

The Board voted on the motion with 5 ayes and 1 abstention (Dr. Artz).

11. New Business

a. Public Comment Period

Mr. Ray Evans expressed his concerns over the relocation to the Board. Mr. Evans stated that federal and county funds were used for building 108 Lee Street and that none of the money came from the City. He added that officials were trying to steal the building. Mr. Evans also discussed the 601 Morris Street building and how it should have been torn down. He added that parking was deplorable on Morris Street and cited the distance clientele would have to walk to reach the building.

Mr. David Molgaard stated that he had no comments, but wanted to thank the committee for their cooperation. He also stated that 601 Morris was an excellent facility and the problems in the past have been corrected. Mr. Molgaard also discussed the Board's role and accountability. Mr. Molgaard stated that the City has no interest in telling the Board how to do public health, but the City does have an interest in economic development and facilities. He added that the City hopes that Dr. Gateley does stay as the Director.

Mr. Robert Reishman stated that when he sits on the Board, he will be working for the Board. He added that he wants to be of help and has some experience with the rehabilitation and maintenance of buildings that he hopes will be useful.

A discussion of the City's bond for 601 Morris Street building followed.

Mr. Gregory Rinehart expressed his concerns over the staff's ability to evacuate handicapped visitors during emergencies from the 601 Morris Street building's 2nd and 4th floors. Ms. Isaac and Ms. Snodgrass stated that this is an issue faced by health care facilities and will be addressed.

Mr. Don Neurman stated that he was concerned about the Department's ability to function in the 601 Morris Street building during an emergency. He requested that the Board take this into consideration during the planning. Dr. Artz replied that this was an issue that would need to be evaluated.

b. Executive Session

Mr. Weber stated that the Board has received correspondence from Mr. Harry Dietzler and Commissioner Kent Carper regarding the propriety and/or legality of executive sessions. Mr. Weber stated that he has given his opinion to the Board regarding the Executive Session and the Board respectfully disagrees with Mr. Dietzler and Commissioner Carper. On a motion made by Mr. Weber and seconded by Mr. Strawn, the Board voted to move into Executive Session.

c. Return to Open Session

On a motion from Mr. Weber and seconded by Dr. Rubin, the Board voted to return to Open Session.

Mr. Weber made a motion that the Board accept, with regret, the resignation of Dr. Gateley and begin the search for an interim director as soon as possible. Dr. Rubin seconded the motion and the Board voted unanimously.

"First, as Chair, I want to thank Dr. Gateley for all that he has done for the Kanawha-Charleston Health Department, and for the people of this area. He leaves in place a number of ongoing and new programs, in the hands of an able professional staff, which will continue to serve the people of the Kanawha Valley. On behalf of the entire board, I want to wish him well in his next endeavor, wherever that may be. Virginia's gain or Washington's gain is certainly our loss. Thank you, Dr. Gateley, for five years of passion, commitment, and leadership."

"Without politics, this Department, under Dr. Gateley's able and continued leadership, was very well positioned to move its programs forward with additional federal grant funds, that could have built on its already successful programs. Instead of focusing on moving forward, we're now forced to focus on moving to another facility. While it doesn't make sense to virtually give away the building that has served KCHD well, and was built primarily with federal funds, the proposed plans and budgets for moving are fraught with problems."