

# Board of Health Meeting Minutes

June 26, 2012

The meeting of the Board of Health was called to order by Chair Bill Hance at 4:00 p.m. in room 212 of the Lentz Public Health Center.

## Present

William N. Hance, JD, Chair  
Ruth Stewart, MD, Vice-Chair  
Alicia Batson, MD, Member  
Carol Etherington, MSN, RN, Member  
Henry Foster, Jr., MD, Member  
Sam Felker, JD, Member  
Bill Paul, MD, MPH, Director of Health  
Stan Romine, MPH, Director of MPHD  
Finance and Administration Bureau  
Rob Raney, Director of MPHD Pollution  
Control Division

Tom White, JD, representative for  
Alternative Energy, LLC  
Tom Sharp, MPHD Policy Director  
Keri Kozlowski, JD, MPH, MPHD Chief  
Performance Officer  
Josh Lee, JD, Metro Legal  
Corey Harkey, JD, Metro Legal  
Michelle Owens, JD, Attorney at Law  
Ann Trent, AIA, NCARB, LEED AP,  
Architect, Gresham, Smith and  
Partners

## Consent Agreement A-12-002

Rob Raney, director of the Pollution Control Division (PCD), requested Board approval of Consent Agreement A-12-002 with Alternative Energy, LLC for failure to operate the water spray system while the tub grinder is in operation as specified in Condition (7) of Synthetic Minor Operating Permit 272-1 (\$500.00); failure to notify the Pollution Control Division prior to startup of the tub grinder so inspection of the equipment can be performed as specified in Condition (12) of Synthetic Minor Operating Permit 272-1 (\$500.00); and violation of Section 10.56.190 "Controlling Wind-Borne Materials" of Chapter 10.56 "Air Pollution Control" of the Metropolitan Code of Laws by failing to take all reasonable measures necessary to prevent particulate matter from becoming wind borne (\$500.00).

Mr. Tom White represented Alternative Energy, LLC. Mr. White thanked the staff of PCD and Metro Legal for their efforts in resolving the matter.

**Dr. Stewart made a motion to approve Consent Agreement A-12-002 in the amount of \$1,500.00 for Condition (7)(a) and Condition (12) of Synthetic Minor Operating Permit 272-1, and Section 10.56.190 "Controlling Wind-Borne Materials" of Chapter 10.56 "Air Pollution Control" of the Metropolitan Code of Laws. Dr. Batson seconded the motion. The motion passed unanimously.**

## Update on the New Building

Ann Trent of Gresham, Smith and Partners advised the Board that Civil Constructors, Inc. has been awarded the mass excavation and utility relocation work package. She anticipates that the work will begin the week of July 9 and meaningful activity can soon be detected at the site. The week prior, HCA had received qualifications-based proposals for construction of the building;

eight firms have submitted, and Ms. Trent is pleased with the list. HCA will identify a short list based on qualifications. Gresham Smith and Partners will wrap up the construction document package on July 16. Beginning June 27, Gresham, Smith and Partners will conduct the last round of user group meetings with Lentz staff. The design phase is almost complete. Excavation will take a minimum of three months; the goal is to have the site ready for foundation in September.

Ms. Trent will update the Board again at the August 28 meeting.

### **Approval of Grants and Contracts**

Stan Romine referred to the Grants and Contracts Summary, which was submitted to Board members for their review. The grants and contracts were as follows:

1. Grant Amendment 1 from the State of Tennessee, Department of Health. Compensation: \$606,400.00
2. Grant Award from the State of Tennessee, Department of Health. Compensation: \$661,100.00
3. Contract with Dell, USA L.P. Compensation: None
4. Grant Award from the U.S. Environmental Protection Agency. Compensation: \$200,000.00
5. Grant Award from U. S. Department of Health and Human Services. Compensation: \$745,672.00
6. Grant Amendment 1 from State of Tennessee, Department of Health. Compensation: \$4,273,000 (\$854,600.00)
7. Grant Amendment from the State of Tennessee, Department of Health. Compensation: \$1,404,400.00
8. Memorandum of Understanding with Metropolitan Board of Public Education. Compensation: \$3,767,000.00 plus \$92,612.62 for English Language Learners.

**Dr. Stewart made a motion to approve grants and contracts. Mr. Felker seconded the motion. The motion passed unanimously.**

### **Revision to Dr. Paul's Employment Contract**

Chairman Hance yielded the floor to Dr. Stewart to advise the Board of the subcommittee's recommendation to revise Dr. Paul's contract. Dr. Stewart explained that the subcommittee recommended that the bonus be removed from Dr. Paul's contract and that his annual salary be increased by \$4,650. Of that amount, \$3,650 reflects a change in salary consistent with those received by Metropolitan government employees on July 1, 2012. The remaining \$1,000 reflects a merit increase.

**Ms. Etherington made a motion to revise Dr. Paul's contract by removing the bonus and increasing his annual salary by \$3,650 consistent with the increase received by Metropolitan government employees on July 1, and that his annual salary be increased for merit by an additional \$1,000. Dr. Foster seconded the motion, which passed unanimously.**

#### **Approval of May 17, 2012 Minutes**

**Dr. Stewart made a motion to approve the May 17, 2012 minutes as written. Mr. Felker seconded the motion, which passed unanimously.**

#### **Report of Chair**

Chairman Hance announced that groundbreaking on June 6 was a very successful event; Mayor Dean was present and spoke, as did Dr. Paul and Stephen Corbeil, President of HCA's Nashville-based TriStar Division. Council Lady Edith Langster was in attendance, as were several other elected officials, and several members of the Lentz family were able to attend.

Due to vacations and anticipated absences for the July 24, 2012 Board meeting, Chairman Hance asked if the Board would move the meeting to July 17. No objections were voiced and it was agreed the meeting would be held July 17.

#### **Report of Director**

Dr. Paul thanked the Board for their support and the opportunity to continue serving the community as Director of Health.

Copies of the Director's Update were provided to Board members (Attachment I). Dr. Paul gave a brief summary of his report.

Dr. Paul also asked Tom Sharp to update the Board on a development in the Vehicle Emissions arena. Mr. Sharp explained that The Tennessee Department of Revenue has stopped issuing temporary operating permits for vehicles that fail an emissions test. Most pertinent to us is that this leaves Davidson County in a unique position relative to the other four counties in the region that require vehicle emissions testing. Residents in the other four counties will have access to year-long waivers of the testing requirement through the Tennessee Department of Environment and Conservation under certain circumstances. Those waivers are not available in Davidson County. We are exploring alternatives.

Mr. Felker asked for an update on how the budget cuts will affect the department. Dr. Paul agreed to provide at the July meeting.

Chairman Hance asked for an update on Radon. Dr. Paul said that there is much activity, we are on a timeline with Metro Nashville Public Schools (MNPS). There are a number of schools that were over the action threshold so they were more urgent. Active mitigation systems are being installed at three schools. The fresh air admixture requires improvement at some other schools; MNPS is remediating those and also changing their preventive maintenance practices and policies to minimize future problems.

## **CIVIL SERVICE BOARD**

### **Personnel Changes and Exit Interviews**

Stan Romine presented the personnel changes and exit interviews, which were unremarkable.

### **Approval to Extend Out of Class Pay**

Stan Romine asked the Board to approve out of class pay up to the end of August for the position of charge nurse in the STD clinic. He explained that the position had been posted internally but there was little interest; the department recruited to attract external applicants, and there are several applicants being considered.

**Ms. Etherington made a motion to approve the extension of out of class pay for the position. Dr. Batson seconded the motion. The motion passed unanimously.**

### **Initial Order, Mihic Appeal**

Ms. Corey Harkey of Metro Legal, appearing on behalf of the Health Department, explained that Mr. Igor Mihic had appealed the three-day suspension Dr. Paul issued based on an incident that occurred May 16, 2011. The Board had referred the appeal to the Administrative Law Judge (ALJ), who heard the case in a full hearing, and created an Initial Order in which she found that Mr. Mihic had violated the Civil Service Rules, but she reduced the three-day suspension to one day. Ms. Harkey asked that the Board of Health amend the Initial Order as it relates to the suspension time and uphold Dr. Paul's three-day suspension decision.

Chairman Hance asked that Ms. Harkey state for the record what reason the ALJ offered to support reducing the length of the suspension. Ms. Harkey stated that she believed it was the language difference, as Mr. Mihic's first language is not English.

Following rebuttal by Ms. Michelle Owens on behalf of Mr. Mihic, and discussion, **Dr. Batson made a motion to revoke the disciplinary action due to mitigating circumstances of language, health, culture, and lack of pattern.**

After further discussion, **Dr. Foster called the question. Mr. Felker seconded the call of the question. The motion failed.**

**Dr. Batson withdrew the motion to revoke the disciplinary action due to mitigating circumstances of language, health, culture, and lack of pattern.**

**Mr. Felker made a motion to accept the Initial Order as issued by the ALJ. The motion was not seconded.**

**Ms. Etherington made a motion to read the transcript and take the matter up at the July meeting. Dr. Foster seconded the motion. The motion passed unanimously.**

**Next Meeting**

The next meeting of the Board of Health will be held at 4:00 p.m. on Tuesday, July 17, 2012, in room 212 of the Lentz Public Health Center.

The meeting adjourned at 5:20 p.m.

Respectfully submitted,

William N. Hance, JD  
Chair

# Director's Update to the Board of Health

June 2012

## Improve health and wellbeing of children

### Vaccines

The clinic in room 120 of this building won the silver award for the second year in a row from the Tennessee Immunization Program for its administration, storage and handling of vaccines in the VFC program. The clinic at East also won a silver award, and Woodbine was awarded a bronze.

## Increase physical activity and healthy eating and reduce tobacco use in Nashville

### Communities Putting Prevention to Work Update (CPPW)

#### GreenBikes and Moving in Harmony

May was a successful bike month, with several press opportunities for the CPPW bike initiatives; GreenBikes and Moving in Harmony. There were over 50 bike-related events throughout the month, and the CPPW staff participated in, and helped promote, key events such as Bike to Work day and Tour de Nash.

#### The Groove

The Nashville Groove bike map, created and produced with CPPW funding, has been released. The map is designed to make cycling through Nashville neighborhoods safe and comfortable for cyclists of all skill levels, through a system of low-traffic and protected lane routes through Nashville neighborhoods. Mayor Dean unveiled the new bike map at the annual Tour de Fat event on June 2 at Centennial Park.

#### Schools

With assistance from CPPW staff and leadership, Metro Nashville Public Schools passed a Farm to School Resolution on June 12 expressing the school board's support for a program to include:

- (1) Increasing both local and fresh foods served in the cafeterias;
- (2) Creating and promoting school gardens;
- (3) Promoting opportunities to learn about healthy, local and regional foods; and
- (4) Encouraging farm tours and cooking demonstrations.

The resolution says the schools' Food Services Director may apply for, accept, and expend any federal, state, or private grants in support of a farm-to-school program; and specifies that the school district's policies on locally grown produce should not be more restrictive than those set by the Secretary of Agriculture. The resolution authorizes the School Board to define the geographic area of preference as the southeastern United States.<sup>1</sup>

MNPS submitted a Farm to School Planning grant to the USDA with a letter of support from Metro Public Health. Grants are expected to be awarded in October 2012.

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<sup>1</sup> Including: Kentucky, Virginia, West Virginia, Tennessee, Missouri, Arkansas, Mississippi, Louisiana, Alabama, Georgia, Florida, North Carolina, South Carolina

### **Youth serving Organizations**

Metro Nashville Parks and Recreation passed the Health and Wellness Standards: Youth and Teen Program policy on June 5. The policy, formed with the assistance of CPPW staff, assures that youth and teens served at Metro Park facilities have increased opportunities to engage in healthy eating and active living while involved in Recreation Division programs.

### **Dissemination**

- CPPW co-coordinator Tracy Buck participated in the American Public Health Association's webinar series Health and Equity in Transportation on June 13. She presented Nashville's EasyRide HIA as a local case example during the webinar entitled: What Public Transit Means for Public Health.
- Nashville CPPW will be featured in the CDC Equity Playbook as a full Health Equity in Action Summary, one of four communities highlighted in this manner.
- The CPPW equity work will be the focus of a poster presentation at National Association of County and City Health Officials Annual 2012.
- CPPW Project Director Alisa Haushalter will give an oral presentation on equity, and Celia Pearce-Larson, CPPW Evaluator, will give an oral presentation on Healthy Corner Stores at the annual APHA annual meeting.

### **Staff**

Eric Magas, bike maintenance mechanic, was awarded the 2012 Volunteer of the Year Award by Oasis Center of Nashville.

## **Ensure cleaner air and a safer environment**

### **Food Protection**

Food inspectors are now spending the majority of their time focusing on the five risk factors that most directly contribute to food-borne disease and less time on non-critical items. The five risk factors are:

- a) Food from an unsafe source;
- b) Inadequate cooking or reheating of potentially hazardous foods (PHFs);
- c) Inadequate cooling or holding of PHFs;
- d) No ill food handler policy / poor hygienic practices (hand-washing and so forth);
- e) Contaminated equipment/cross contamination.

Inspections will emphasize proper hand-washing, restriction of ill food handlers and no bare-handed contact with ready-to-eat foods. These practices are among the leading causes of food-borne disease outbreaks in the United States.

## **Detecting and Alleviating Outbreaks and Emergencies**

The Metro Public Health Department's PHEP Team has successfully applied for and obtained status as a Medical Reserve Corps. The Medical Reserve Corps. is a national organization under The Department of Health and Human Services, whose mission is to engage volunteers to strengthen public health, emergency response, and community resiliency. As an accredited MRC, Nashville will have a credentialed and trained group of volunteers, medical and non-medical, who

can help respond to local disasters and emergencies, as well as work in the community to promote public health. The local chapter will be known as the Nashville Medical Reserve Corps.

## **Management and Accountability**

### **Budget**

The Metro Council approved the 2013 budget last week. The Council modified the mayor's proposal slightly, eliminating \$8.6 million in proposed spending from his plan and diverting that revenue to debt service instead. The property tax increase was left at 53 cents, raising an additional \$100 million.

The budget includes raises of 4 percent for most employees and 2 percent for those the higher salary ranges. Absent the pay increases, MPHD's local funding was reduced by roughly two positions in the mayor's budget. The substitute version adopted by the council reduced our local funding by an additional \$100,000.