



City of Columbia, Missouri

Meeting Minutes

Board of Health



Thursday, July 12, 2018

5:30 PM

Regular

Department of Public
Health and Human
Services
Training Room 1
1005 W. Worley St.

I. CALL TO ORDER

Dr. Szewczyk called the meeting to order at 5:35 p.m.

Staff Present: Scott Clardy and Amy Larkin

II. APPROVAL OF AGENDA

The agenda was approved as submitted.

A motion was made by Dr. Hussey, seconded by Mr. Feirman and carried.

III. APPROVAL OF MINUTES

Attachments: [June 14, 2018-DRAFT](#)

The Board noted that the text for a motion duplicated due to a software issue. Also, on page three, the term "Tobacco 21" should be changed to Tobacco Retailer Licensure. Lastly, the spelling of Ginny Chadwick's name needs to be corrected.

A motion was made by Ms. Skala, seconded by Dr. Hussey and carried. The minutes were approved with these changes.

IV. REPORTS

Directors Report

The Columbia/Boone County Department of Public Health and Human Services (PHHS) continues to conduct the 2018 Community Health Assessment, known as Live Well Boone County. As part of the project, there will be three community forums to allow the public to provide input on what the community's strategic priorities should be for the next five years. A forum is scheduled in Centralia on August 16 from 5:00 p.m. - 7:00 p.m. at the Centralia City Hall Community Room. Another forum is scheduled

on August 22, 2018 from 5:00 p.m.-7:00 p.m. at the ARC in Columbia. PHHS will also hold a forum in Ashland and is finalizing a venue and date for the Ashland event. Board of Health members are invited and encouraged to attend one of these forums.

V. OLD BUSINESS

Tobacco Retail Licensure

Dr. Szewczyk reviewed that at the June 14, 2018 meeting, Nancy Thompson, City Counselor, discussed the draft Tobacco Retail Licensure ordinance. At that meeting, the Board discussed the ordinance and a motion was made by Ms. Bass that the Board recommend an amendment to include a minimum penalty of no less than \$1,000 per offense with consideration of revocation or suspension of a license, which passed with four members in favor and two against.

Dr. Szewczyk observed that the ordinance as written did not include several of the items that the board felt were important components of the ordinance, such as what agency is responsible for enforcement, who writes the policies, who conducts compliance checks, and the inclusion of escalating fines.

Ms. Phillips explained why she wanted to abstain from voting for the motion made by Ms. Bass at the June 14, 2018 meeting. She said she is in favor of the strict policy with regards to selling to under 21; however, she feels the Board will have to defend why they chose a fine amount of \$1,000. The amount of \$1,000 seemed arbitrary. She felt the penalty amount should be evidence-based and modeled after other successful tobacco retail ordinances.

Ms. Phillips said her proposal would be to model the fine structure after best practices. Mr. Feirman said what was previously presented was that graduated penalties may have some effect; however, he didn't recall anything about specific amounts. He felt that \$1,000 wouldn't impact businesses.

Mr. Feirman said he had suggested that after a certain number of offenses during a certain time frame, a license would be suspended. He felt that the loss of a license would affect the business more than a graduated fine

structure or the \$1,000 fine. Ms. Phillips felt the graduated fine structure has been shown to be effective.

Ms. Chadwick stated that Ms. Thompson would rather set a minimum base instead of a graduated fine structure and that the fine amount would be subject to the municipal judge. The \$1,000 fine sends a clear message that the City does not want to see violations. There are communities that have steep fines for first offenses, but it is not considered best practice. Dr. Szewczyk asked if there was actual literature that proves the fine amounts work. Ms. Chadwick said there is not.

Dr. Szewczyk said the Board needed to determine if they agree with Ms. Thompson's minimum base fine structure or, like originally recommended, having a graduated fine structure.

Ms. Bass said she set the amount of \$1,000 on her amendment because there are no resources available for enforcement and enforcement is not a high priority to the City. If there is a violation, the \$1,000 fine sends a message for businesses to be compliant. Dr. Szewczyk noted that FDA fines escalate up to \$11,000 for repeat offenders and that the TCLC best practice sets minimums including a \$1,000 fine for repeat offenders. He was in agreement with Ms. Bass noting that \$1,000 for a business with gross revenue of hundreds of thousands of dollars on tobacco products, a fine of \$1,000 is necessary to be an adequate deterrent.

There was a discussion about tobacco retailers objecting to the amount. Mr. James Greer spoke for MFA. He felt the current ordinance fines were appropriate and that it cost more money to hire and train a new employee due to firing the one who violated the ordinance. He felt the \$1,000 fine would make a difference to the retailers.

Dr. Szewczyk mentioned the Board could recommend amendments to the ordinance; however, the Law Department will write the ordinance how they see fit. He agreed with Mr. Greer that the retailers might have issues there being discretion on the fine amount instead of a fixed, graduated fine structure. Mr. Clardy said that the Board should still send their recommendations to the Council regardless.

Dr. Szewczyk noted that the Board had previously recommended the graduated fee structure; however, after Ms. Thompson talked with the

Board, the board agreed with her recommendation. The report should go on to state the Board felt the fine should be set at a \$1,000 minimum.

Other issues the Board found missing in the new ordinance included designating a certain department for conducting compliance checks. Dr. Hussey felt that without knowledge of what department could be most efficient, it would be best to leave it up to the discretion of the City Manager, which is what Ms. Thompson had suggested.

Dr. Szewczyk mentioned that Council members had brought up doing a pilot program of compliance checks once the tobacco retail licensure ordinance was in effect. The pilot program could potentially provide justification for a ballot issue calling for a licensure fee structure that would help pay for compliance checks.

Dr. Gadbois asked what amounts had been discussed for licensure. Previously the Board had agreed that it should be equal to the cost of two compliance checks. Ms. Chadwick said that ordinances usually state the fee will cover the administrative cost, two compliance checks, and education for the program. Basalt, Colorado and Hartford, Connecticut don't have actual amounts in their ordinances. Instead, those ordinances state the amount will be calculated by the department doing the enforcement.

Dr. Gadbois asked what alcohol licenses cost in Columbia. Ms. Chadwick indicated the cost is a minimum of \$500 and increases depending on what type of alcohol is sold. Mr. Feirman said there is a \$1,000 fine and if you are caught selling, you may go to prison for one year.

Dr. Szewczyk asked whether the Board wants to recommend a pilot program for compliance checks. Discussion followed about the City potentially finding funds for the pilot by applying for grants or maybe through a partnership with a private company to help conduct compliance checks. Ms. Chadwick said it would cost \$17,000 to fund a pilot program.

The Board discussed whether or not a pilot would be beneficial, or if there was a way to have a fee structure passed by voters without a pilot. Dr. Szewczyk said the Council members had discussed doing a pilot program that would demonstrate the number of non-compliant retailers, thereby providing evidence to voters of the need for a fee structure to fund

compliance checks. Ms. Phillips felt data and expert testimony regarding tobacco use may be enough to convince voters that a fee structure is needed.

Mr. Feirman asked if an issue had to be approved by Council to place it on the ballot. Dr. Szewczyk stated there could be initiative petitions, to which Mr. Feirman asked why that hasn't been done. Ms. Chadwick responded that initiative petitions involve gathering thousands of signatures. Ms. Chadwick stated there are already several issues coming up on future ballots, thus, the Council probably doesn't want to add the licensure fee to a ballot at this time. The Board discussed when the fee structure might be able to be added to the ballot.

Dr. Gadbois asked how long it would take to set up the process for compliance checks, once funding from licenses was secured. Ms. Chadwick said that in other areas of the country, it generally takes three to six months to set up the entire process.

Dr. Szewczyk asked what else should be in the letter regarding education, partnering with private organization and the how and when of compliance checks. Dr. Szewczyk suggested the ordinance could designate a department to write the policy regarding on who and how often compliance checks will be done. Ms. Bass felt until resources were available and the issue came up to the Council, the Board should wait to approach the subject.

Mr. Feirman asked if the Board may want to suggest encouraging compliance checks until licensure takes effect. Dr. Szewczyk noted that licensure helps the City know who is selling tobacco so that they can do compliance checks and conduct enforcement. There are around 86 known locations in Columbia selling tobacco. There may be others. The current ordinance has no required inspections or compliance checks. Ms. Chadwick said compliance checks have only been conducted once in five years.

Dr. Gadbois asked who would receive funds for compliance checks if they were made available. Mr. Clardy said the City Manager would determine who he wants to do the compliance checks. The current ordinance does not state who is to do compliance checks.

Ms. Skala questioned if the Board should include information on who should be responsible for educating the retailers. The Board discussed this

potentially being the Business Licensure Office.

A motion was made by Ms. Bass, seconded by Mr. Feirman, to recommend to City Council that a compliance pilot not be conducted and that the Board recommend that the City Council proceed with a ballot for a licensure fee schedule.

Dr. Hussey left the meeting before the motion was made.

Yes: 5 - Feirman, Phillips, Sax, Gadbois and Bass

No: 2 - Skala and Szewczyk

Excused: 3 - Hussey, Sohl and Rubin

Abstain: 1 - Boley

VII. NEW BUSINESS

Climate Action Adaptation Plan

Ms. Phillips discussed the Climate Action Adaptation Plan and wondered if the Board would be interested in weighing in on the public health perspective regarding climate change. She wasn't sure whether the Mayor's Task Force looking at climate change had any members who represent healthcare.

Mr. Clardy said that PHHS had provided some input. Mr. Clardy demonstrated how to navigate the City website to find Climate Action Adaptation and how there are five different areas being reviewed. One of those areas is Health Vulnerability.

Ms. Sax, who is also on the Environment and Energy Commission, said they have looked into recycling, solar energy, and how to prevent greenhouse gases to help with the climate issues.

Mr. Clardy said that Barbara Buffaloe, with the City of Columbia Office of Sustainability, sent an email that asked any Board or Commission members wanting to help the Mayor's Task Force regarding the Draft Climate Vulnerability Assessment to consider attending the next task force meeting, which is on July 26, 2018, at 4:00 p.m. in City Hall, conference room 1C.

Ms. Buffaloe had included in her email the draft strategies and actions to

review

1. Prevent and prepare for illness or injury: Heat-related, Vector-borne Diseases, Air Quality

- a. Develop monitoring system

Heat:

- b. Expand access to heating/cooling centers (hours, locations, transportation to)
 - c. Identify Heat Islands and consider strategies for cooling stations
 - d. AC exchange program (expand current program)

Vector-borne:

- a. Prevention education and resources for mitigating
 - b. Reduce standing water
 - c. Expand outdoor treatment

Air

- a. Mold, pollen, fungus prevention & education
 - b. Pollution prevention
 - a. modify zoning to keep parks, homes away from highways
 - b. Anti-Idling Policies - City Operations (Increase Awareness/Enforcement of existing policy), for CPS and Daycare Drop-off Zones, Citywide Idling Ban

Ms. Buffaloe's email stated that any Boards or Commissions which wanted to provide feedback or additional strategies should do so by August 9, 2018.

The Board decided to read over the information and talk about it at the August 9 2018 Board meeting.

<https://www.como.gov/sustainability/climate-action/>
[<mailto:https://www.como.gov/sustainability/climate-action/>](mailto:https://www.como.gov/sustainability/climate-action/)

VIII. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

Ms. Sax said that she and Ms. Boley had toured the University of Missouri Research Reactor last month and found it very interesting.

IX. NEXT MEETING DATE

August 9, 2018

X. ADJOURNMENT

A motion was made by Ms. Boley, seconded by Dr. Gadbois to adjourn the meeting at 7:17 p.m.