



OFFICE OF COUNTY MAYOR GLENN JACOBS

Knox County Health Department • 140 Dameron Avenue, Knoxville, TN 37917-6413

KNOX COUNTY BOARD OF HEALTH MINUTES

July 29, 2020; from 5:00 p.m. to 8:50 p.m.

Knox County Health Department

Via Zoom Meeting

Present:

Martha Buchanan, MD, Secretary
Dianna Drake, PharmD
Jack E. Gotcher, Jr., DDS, Chair
Maria Hurt, DNP
Glenn Jacobs, Knox County Mayor
Patrick O'Brien, MD
James Shamiyeh, MD
Marcy Souza, DVM
Lisa Wagoner, RN; representing Superintendent Bob Thomas, Knox County Schools

Absent:

None

Others Attending:

KCHD: Charity Menefee, Danielle Davis (zoom host) and Narda Cappuccilli (recorder)

Knox County: Myers Morton, Esq. representing Knox County Law Department

I. CALL TO ORDER

Chair Dr. Gotcher called the meeting to order at 5:00 p.m.

II. ESTABLISHMENT OF A QUORUM

Dr. Gotcher requested Narda Cappuccilli take roll call, to confirm the establishment of the quorum, all Board members were in attendance, therefore there is a quorum.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING: JULY 22, 2020 MEETING

Dr. Shamiyeh made the motion to approve the July 22, 2020 meeting minutes as they stand.
Dr. Drake seconded the motion.

Vote #1: Narda Cappuccilli took roll call and the July 22, 2020 minutes passed unanimously.

IV. SET THE AGENDA

Mayor Jacobs read a prepared statement requesting the current meeting be postponed to next Wednesday, August 5, 2020 where the Board of Health Meeting would be held in person, at the City County Building, Large Assembly Room, with a public forum format.
Dr. Gotcher moved to accept the agenda with the additional item stated by the Mayor.
Mayor Jacobs then proposed a motion to the same request, to be added to the agenda.
Dr. Gotcher seconded the motion.

Dr. Buchanan provided a clarification regarding the Governor's allowance, it's an option, a choice, for public meetings to be held virtually until August 29, 2020; face to face meetings are allowed.

Vote #2: To set the agenda, with the addition of Mayor Jacobs motion included.
Narda Cappuccilli took roll call and the motion passed unanimously.

Discussion with the Mayor's additional item added to the agenda continued.

Dr. Shamiyeh proposed switching the order of Agenda items #5 and #6.

Dr. O'Brien proposed to accept the agenda as amended.

Mayor Jacobs seconded the motion.

Vote #3: To accept the agenda in total.

Narda Cappuccilli took roll call and the motion passed unanimously.

Mayor Jacobs requested to add one more item, then advised the Board, he is calling an Executive Session Meeting, on Monday, August 3, 2020 at 5:00 pm, in room 640, the Knox County Commission Conference Room, in the City County Building. The Board of Health is being sued, to be discussed with the Knox County law department, at this meeting, which is closed to the public.

Motion proposed by Mayor Jacobs to postpone the meeting for one week until August 5, 2020. That meeting would be held in-person, at the City County Building, in the Main Assembly Room, including a public forum on the agenda.

Discussion continued with concerns regarding postponing the meeting due to the serious nature of this Board's decisions and the health of the community, needing to know the status of the weekly data updates.

Dr. Shamiyeh proposed a motion to proceed with tonight's meeting including the ability to take action, with the Mayor's request be considered immediately following.

Dr. O'Brien seconded the motion.

Vote #4: To proceed with the current meeting including the ability to act, as needed.

Narda Cappuccilli took roll call and the motion passed unanimously.

Mayor moved for the duration of this health emergency, that future Board of Health meetings take place in the City County Building, with a public forum.

Dr. Gotcher seconded the motion.

Discussion continued with concerns about maintaining balance for the Board of Health hosting a totally safe public meeting and the systems currently in place for the public to express their concerns. It was confirmed only 50 people may gather in one location, at this time. Details were discussed regarding the logistics of creating the public meeting.

Mayor Jacobs proposed a substitute motion to have the next meeting, via Zoom on August 5, 2020, with a remote public forum, if the technology is available.

Dr. Drake seconded the motion.

Vote #5: August 5, 2020 Zoom meeting will include a remote public forum.
Narda Cappuccilli took roll call and the motion passed unanimously.

V. COVID-19 FACE COVERING REGULATION #2020-01, REVIEW AND DISCUSSION

A. County Enforcement Report

Ronnie Nease, KCHD Director of Environmental Health

Mr. Nease confirmed the City of Knoxville has been a great partner in our enforcement issues with COVID-19. The complaints are compiled by both 311 and the Health Department concerning the facilities that KCHD permits within Knox County, whom is the regulatory agent for the State includes: restaurants, daycares, convenient stores, grocery stores, hotels, etc.

COK handles businesses within Knoxville city limits, regarding compliance issues.

The KCHD's Environmental Health department's staff reaches out via phone or a personal visit to the establishment providing the regulation, signage and masks; the EH departmental inspection processes includes education information, signage for their business and the offer of additional masks.

Since July 1, there have been 444 complaints to the KCHD, 247 with permitted facilities, and 197 against businesses; noting that complaints have seen a downward trend, with only 38 complaints this week.

Predominately the complaints are that all folks are not wearing masks and not observing social distancing.

B. City Enforcement Report

David Brace, CEO and Deputy to City of Knoxville Mayor Indya Kincannon

Mr. Brace, representing the City of Knoxville, as the supporting agency, confirmed the ongoing collaboration of public health with Knox County and KCHD.

They have a progressive model and enforcement teams daily in the community providing education, signage and masks. He stated the mask mandate has made a significant difference and compliance has increased. 311 calls have tapered off, currently about 10% of their calls are COVID-19 related.

The City has experienced trouble spots with evening alcohol consumption in bars.

Mr. Brace encouraged Mr. Morton to contact Mr. Swanson to discuss the enforcement of the regulations.

C. Public/Private Partnership to encourage the use of Face Coverings

A letter was received with the suggestion to reward people that are wearing masks.

Dr. Buchanan stated KCHD has created a certificate, which is presented to businesses when they signed up for the list serve but we can increase the encouragement to businesses with an additional means of rewarding people for positive behavior.

VI. BENCHMARK PRESENTATION

Dr. Buchanan reviewed the current local situation and the five benchmarks, available on the health department's website as follows:

As of the official update to the website today:

- We have 3,533 confirmed cases of COVID-19 in Knox County
- Additionally, we have 148 probable cases
- 1,539 of our cases have recovered, giving us 1,967 active cases
- 186 individuals have been hospitalized at some point in their illness

- 38 Knox County residents are currently hospitalized
- 27 is our total number of deaths due to complications from COVID-19

Benchmark 1: Sustained reduction of stability in new cases for 14 days / Red
Cause for concern, increases in volume

Benchmark 2: Community-wide sustained and increased diagnostic testing with consistent or decreased test result reporting turnaround time / Yellow
Show signs of improving

Benchmark 3: Sustained or increased public health capability / Green
KCHD have contacted all new cases within 24 hours and close contacts within 48 hours; which is a hard-fast goal of KCHD's and has been consistent since March 16, 2020.

Benchmark 4: Health care system capabilities remain within current and forecasted surge capability / Yellow
Upward trends, consistent collaborative efforts within the Health Care System

Benchmark 5: Sustained or decreased COVID-19 related death rate for identified positive or probable cases / Red
Statistics in deaths have increased within the last 14 days, due to the increase in cases.

Discussion revolved around testing and the challenges with turn around time in receiving results from the various labs. The other concerning issue is when the public does not isolate themselves after testing, before receiving the test results.

VII. UNIVERSITY OF TENNESSEE MEDICAL CENTER AT KNOXVILLE DATA UPDATE

Dr. Shamiyeh presented **COVID-19 Update-July 29, 2020**, a PowerPoint presentation to the Board. The information was compiled from real regional data, from UTMC, Knox County and THA (Tennessee Hospital Association) Knoxville District, which includes eight surrounding counties to Knox County.

Data related slides included:

- UTMC - Age Demographics: Positive Tests and Hospitalizations by Age Group
- Hospitalization Correlation: Knox County and THA Knoxville District
- Preliminary Evidence that Mask Resolution Effective
- Weekly New Cases by County
- New Cases: Pace, by Week/Month, and Hospitalizations by Week/Month
- THA Knoxville District: Census and Projection thru Labor Day, 2020
- COVID-19 Deaths
- THA Knoxville District Census and Deaths

**VIII. CRAFT (Coronavirus Response Assistance Field Team) FEDERAL VISIT TO KNOXVILLE
“SITUATION SUMMARY AND RECOMMENDATIONS” REPORT, of JULY 7-10, 2020**

Dr. Buchanan referred to the report distributed prior to this meeting to the Board.

The three federal organizations that sent representatives to Knoxville were from CDC, FEMA and ASPR (Assistant Secretary of Preparedness and Response); for the purpose of meeting with specific areas experiencing COVID-19 cases at a higher rate, of which Knoxville was one of 13 locations visited nationally.

The CRAFT team met with KCHD leadership, both city and county mayors, hospital representatives, members of the faith community and emergency management officials. Mostly it was a listening exercise, they wanted to know of our concerns and how they could help us; we have already received resources from them.

One of the recommendations was to begin a Community Recovery Group, which we have convened. This group is planning for recovery, rebuilding and supporting our businesses and community, will they look the same after COVID-19, the economic side, etc.

Dr. Shamiyeh noted discussions involving staffing concerns, what assistance they could expect, also the community wide testing situation and need for outside assistance, the antiviral medication allocated to UTMCK, with concern if there is enough for all the patients who need it.

Mayor Jacobs mentioned a discussion with the team regarding recovery and moving forward, working with nonprofits, the community and private businesses.

**IX. ARTICLE: “EXCLUSIVE: WHITE HOUSE DOCUMENT SHOWS 18 STATES IN CORONAVIRUS
‘RED ZONE’ ”, published by THE CENTER FOR PUBLIC INTEGRITY on JULY 17, 2020**

Dr. Buchanan referred to the information sent to the Board prior to the meeting. She reviewed the highlights and how Knoxville compares, which is identified as in the Yellow Zone. KCHD has taken the approach to not test individually all household members with one active case, partly due to resource issues and testing challenges, but rather quarantining household members and being contacted daily. We are helping with housing for folks who are at risk of losing their home because they can't work; food is being delivered upon need.

X. LOCAL BARS, REVIEW AND DISCUSS POSSIBLE ACTION

Dr. Hurt presented a proposed Regulation No. 2020-04, addressing the issue to limit local risk points, and the spreading of COVID-19, by closing local bars.

Dr. Hurt made a motion that this regulation to close bars be read, discussed, edited and possibly take action.

Dr. O'Brien seconded this motion.

Dr. Gotcher asked Mr. Morton to define the difference between bars and restaurants. He did not have the information available to him currently.

Discussion included percentage of sales and food served by an establishment, food trucks, breweries, college students, night clubs, number of people gathering, various types of licensing for beer, wine and alcohol – which may be issued by the state or local municipality, curbside alcohol sales,

Dr. Buchanan inquired about the science to back up this issue, it would be new information; she suggested maybe the local beer board would have current information. Dr. Gotcher referred to the Lancet article he sent to the Board last week for information about masks, social distancing and eye protection.

Ronnie Nease stated KCHD does not determine percentage of alcohol and food sales. He estimates approximately 75% of restaurants and bars are compliant.

Dr. O'Brien questioned if consideration needs to also include, limiting social gatherings to 25 people.

Dr. Buchanan suggested to delay the date of effectiveness, to give business owners time to adjust and change their operations, to become compliant.

Mr. Morton stated concerns about enforcement, jurisdiction and legality.

Dr. O'Brien noted that the Attorney General for the State has just affirmed that public health boards can have legal orders and there is no issue with those, they are not unconstitutional. We would prefer the public comply and try to keep this on a non-citation basis, as we have done with the mask regulation, although we anticipate pushback with this proposed regulation, from local business owners.

Dr. Shamiyeh stated that as the Board of Health, our focus is the health of the population, we must be deliberate and realize the ramifications of these decisions.

Dr. Buchanan suggested adding "may continue to provide curbside or off-premise delivery of prepared food or beverages subject to any applicable federal, state, or local laws, provided that no consumption shall occur on premises". And add revised Section 5, which would address the other two items discussed.

Dr. Buchanan said paragraph 8, "shall" currently listed as "may", needs to be addressed.

Dr. O'Brien suggested we need to make an immediate positive change for our public, we will need to revisit this order in two weeks.

Dr. Buchanan is comfortable with the current language as written, after conferring with KCHD staff. She suggested an August 2, 2020 start date for this regulation.

Dr. Hurt restated the motion adapt this regulation to change when it goes into effect and with regularly scheduled and ongoing reviews.

Dr. Drake seconded the motion.

Discussion for this proposed regulation, to remain in place until August 20, when the Board has a meeting scheduled on August 19, to become effective 12:01 am on August 3, 2020. Clause #13 this regulation would expire August 20 at 12:01 am.

Vote #6: Proposed Regulation No. 2020-04 with said adjusted discussed language, will become effective August 3, 2020 at 12:01 a.m. and would expire on August 20, 2020 at 12:01 a.m.

Narda Cappuccilli took roll call and the motion passed with the votes recorded below:

Dr. Drake	Yes
Dr. Gotcher, Chair	Yes
Dr. Hurt	Yes
Mayor Jacobs	No
Dr. O'Brien	Yes
Dr. Shamiyeh	Yes
Dr. Souza	Yes
Ms. Wagoner	Yes

XI. REVIEW OF LETTER OF SUPPORT TO KNOX COUNTY SCHOOLS

Dr. O'Brien moved to adapt and send the letter to the Knox County Schools.
Ms. Wagoner seconded the motion.

Vote #7: To adapt and send the Letter of Support to Knox County Schools, from the Knox County Board of Health
Narda Cappuccilli took roll call and the motion passed unanimously.

XII. OTHER BUSINESS

Dr. Shamiyeh asked if the current method of approaching regulations, does the Board plan to continue to operate and function in this manner, as it is challenging.

Mr. Morton mentioned that the Board of Health does not have its' own by laws.

Dr. O'Brien suggested that items are posted earlier in the week for the convenience of the Board, to review documents prior to meetings.

Mr. Morton said he is available to review any documents prior to the meetings.

XIII. ANNOUNCEMENTS

Next Zoom meeting: Wednesday, August 12, 2020; from 5:00 p.m. to 7:00 p.m.

XIV. ADJOURNMENT

There being no other business, Dr. Drake moved to adjourn the meeting.

Dr. Hurt seconded the motion.

Motion carried unanimously. The meeting ended at 8:50 p.m.

Respectfully submitted,



Martha, Buchanan, MD, Senior Director and Public Health Officer
Knox County Health Department
Secretary, Knox County Board of Health

List of Attachments:

Draft Resolution-Proposed Public Health Order Recommendation-July 22, 2020; from Dr. O'Brien
Resolution Example Visualizations; from Dr. O'Brien
COVID-19 Update-July 29, 2020; PowerPoint Presentation by Dr. Shamiyeh