

KANAWHA COUNTY

Thursday December 9, 2010

Nitro to discuss creating own health department

by Billy Wolfe, Daily Mail staff

NITRO, W.Va. -- The city of Nitro again is talking about breaking away from the Kanawha-Charleston Health Department.

In the past, the city unsuccessfully tried to put itself under the jurisdiction of the Putnam County Health Department. Part of the city is in Kanawha County, and the other part lies in Putnam.

The effort was aimed at getting around Kanawha County's indoor smoking ban, which was expanded in July 2008 to include gambling parlors and bars.

That effort failed. But city officials still believe the smoking policy is hurting profits at Mardi Gras Casino and Resort, as well as other businesses.

Now, the city is talking about simply creating its own health department.

Officials plan to publicly discuss the move starting at 6 p.m. Dec. 21, Mayor Rusty Casto said.

"The health department of Kanawha County won't allow the dog track to have smoking, and it's severely affecting their business to the tune of about \$10 million a year," Casto said. "For the first hour of that meeting, we are going to discuss our options."

According to past reports, casino officials claimed the ban was costing the track between \$200,000 and \$300,000 per week - losses that also mean less tax revenues for the city.

On Wednesday, casino officials said they would stand behind the city's efforts.

"If the city of Nitro should decide to form its own health board and would adopt its own smoking policy, we would abide by those regulations," said Bob Lagg, general manager of Mardi Gras Casino & Resort, in a statement Wednesday.

"The smoking ban has had a significant impact on revenues for several Nitro businesses on the Kanawha County side of the city, including our business. For this reason, we would support this action," he said.

"However, we also have customers who do not smoke and their business is very important to us. So we would make it our policy to have a totally separate smoking area on a different floor."

Casto said members of city council will discuss the move with the city attorney. He also expects the casino to send lawyers to the meeting.

Chapter 16 of the West Virginia State Code allows cities to form their own health departments. But it doesn't appear there is a single city-operated health department anywhere in the state.

City Councilman Craig Matthews, who represents the city's 3rd Ward, is also pushing for Nitro to break away from the Kanawha-Charleston Health Department.

Matthews, now in the third year of his first term, said business and occupation tax revenues from the casino are steadily declining. He wants to look at ways to circumvent the controversial indoor smoking ban in Kanawha County.

But it's not just about the casino, Matthews emphasized.

"We've seen a tremendous drop in revenues all over town," he said. "It's easy to just say that it's because of the economy, but when all the other counties around us haven't seen a drop and ours has, it's kind of easy to see that it's because of the smoking ban."

Matthews said fraternal organizations in Kanawha County also have declining membership. But he claims membership has increased in counties where fraternal organization members can light up in their meeting halls.

He also thinks a more localized department would better serve the health needs of Nitro residents.

"I think we could just provide a better service to our community," he said.

The plan is in the beginning stages, and Matthews said he doesn't know yet what a city-run health department might cost.

He doesn't believe a city has looked at breaking away from a local health department in "at least 30 years."

"But state code allows each city to look at it," he said. "Our predecessors allowed us this option.

"But right now, it's about 50/50 whether it would be cost-effective for us to do," he said.

Dr. Rahul Gupta is the chief health officer at the Kanawha-Charleston Health Department. He didn't seem bothered by Nitro's plans.

Numerous officials said that Nitro's chances of success are a long shot.

"It's not a simple process to start a health department, I'll put it that way," Gupta said. "But if they want to pursue an alternate path, they are free to do so, by all means."

Gupta said he isn't aware of any city attempting to start its own health department in recent years. He called Nitro's plans "extraordinary."

Kanawha County Commission President Kent Carper was more direct in his critique.

"Usually, things like this go up in smoke, no pun intended," Carper said.

He blamed the state Legislature for failing to enact "comprehensive, unified legislation" on indoor smoking. Instead, Carper said, lawmakers shifted their responsibility to local health departments and counties.

"The Legislature ought to be paying attention to this," he said. "We elect the legislators to write laws. All these crazy laws generally come about when the Legislature fails to do what they are elected to do."

Carper said Nitro is planning to "use the power of their city to benefit one company (the casino) at the expense of everyone else's health."

But Matthews said council is simply trying to do what is best for the city.

A Charleston firefighter, Matthews pointed out that his boss, Charleston Mayor Danny Jones, has recently called on other cities in Kanawha County to start chipping in money to the Kanawha-Charleston Health Department.

As of right now, Charleston is the only city in Kanawha County that gives money to the health department, despite the fact that the department provides services throughout the county. Jones doesn't think that's fair.

Jones has said Charleston's contribution to the health department will be reduced in coming years.

In light of Jones' statements, Matthews said now is the time for Nitro to think about how to best spend its money on public health matters.

"Nitro's got to do what is good for Nitro," he said.

Contact writer Billy Wolfe at billy.wolfe@dailymail.com or 304-348-4843