

**MACON COUNTY BOARD
ENVIRONMENTAL, EDUCATION, HEALTH & WELFARE
COMMITTEE MEETING**

**Macon County Office Building
141 S. Main Street, County Board Room #514
Decatur, IL 62523**

December 16, 2021 5:30 P.M.

MEMBERS PRESENT

Linda Little, Chair
Kevin Greenfield
Jim Gresham
Jason Comer
Jeff Entler
Kristen Larner

MEMBERS ABSENT

Helena Buckner

COUNTY PERSONNEL PRESENT

Brandi Binkley, Health Department
Tracy Sumpter, Env Mgmt
Jennifer Gunter, P&Z
Jessie Smalley, HR
Kathy Wade, Health Dept
Brian Wood, Health Dept
Lt. Scheibly, Animal Control
Mike Baggett, States Attorneys Office
Karl Coleman, County Board Member
Jeannie Durham, County Board Office

The meeting was called to order by Chair Little at the Macon County Office Building.

APPROVAL OF MINUTES

Motion to approve the minutes from the prior meeting, 11/18/2021 made by Chairman Greenfield, seconded by Mr. Gresham and the motion carried 6-0.

APPROVAL OF THE CLAIMS

Motion to approve the claims made by Mr. Entler, seconded by Chairman Greenfield and the motion carried 6-0.

ZONING – None

SUBDIVISIONS – None

REPORTS

Animal Control

Lt. Scheibly distributed monthly statistical reports for November, 2021 & November, 2020 for comparison. The comparison is still very consistent from year to year. There have been more adoptions this year compared to last year, but everything else is right on track. Current specials going on at the Shelter include the annual Home for the Holidays Fostering Program where somebody can come in and foster a cat or dog for a couple of weeks during the holidays and if they decide to keep it, they get half off the adoption fees. There are a lot of adoptions going through the shelter right now.

Veteran's Assistance – No Report

Planning & Zoning – No Report

Health Department –

Ms. Binkley reported that things are wrapping up for the end of the year and they are preparing for 2022.

Environmental Health is wrapping up the year and prepping for 2022.

Starting Point has new leadership. The Director in that division, after 21 years is moving into a new opportunity so someone that has been there 20 years is moving from Assistant Director to Director.

Health Promotion is wrapping up their school curriculum for the semester.

The Dental Clinic has a new dentist and they are looking at ways to grow the number of patients that can be seen per day. The Contractual dentist got a full time opportunity at another clinic so someone is being sought to fill that day.

Clinical Nursing is vaccinating all ages and providing all vaccines plus any boosters. Approval has just been given for age 16 and up boosters.

COVID is definitely in a surge as is most of the country. There are 648 cases per 100,000 with the target being 50. Right now, the biggest workload with that is schools. There are about 20 lists per day coming in. Most cases are being put in through the surge center for those to be completed.

Chair Little asked about the website and how current it is in regard to COVID vaccinations. Ms. Binkley will check on it.

Chairman Greenfield said that a friend of his tried to get an appointment somewhere (not sure where) for a booster and was told it would be mid January before he could get in. Mr.

Greenfield asked if it takes that long to make an appointment. Ms. Binkley said no. It depends on what entity they go to. Crossing does not put their appointments on that far out. So, it may look like there are not appointments until January. The Health Department puts theirs out a week ahead if not sooner. They hold clinics every week several days a week. The pharmacies are also vaccinating pretty much every day of the week. They are providing almost all of the boosters. The Health Department is providing all of them. Some agencies will only provide certain things to certain age groups. It just depends, but if they are looking for someplace to get the booster, the Health Department does have clinics every week and the pharmacies are serving pretty much every day. Mr. Greenfield asked if you can just walk in. Ms. Binkley said she thought you have to have an appointment at the pharmacies too. At the Health Department, they are appointment only, but if someone walks in and they meet the criteria, they go ahead and vaccinate them. They do not turn anyone away. Mr. Entler reported that he had called early in the morning yesterday and asked if they had availability. He said he was welcomed eagerly and they did a very nice, painless, quick and pleasant job. He said he was very impressed.

Environmental Management - No Report

Regional Office of Education – No report

Mental Health – No Report

Historical Museum – No Report

U of I Extension – No Report

CITIZEN’S REMARKS –

Mr. Karl Coleman, County Board member, wished to comment on the only ordinance on the agenda, the modification of the sunset provision on the Cannabis ordinances. He said he is asking this committee to vote against continuing the ban on dispensaries and other related Cannabis businesses. Dispensaries are obviously the large predication of what brings forth economic benefit to the County. One, we know that prohibition laws simply do not work and even though we have not allowed a dispensary the people of Macon County are still consuming Cannabis whether it be legally or illegally. Two, having legal Cannabis in Macon County prevents people from buying illegal Cannabis in the sense there. So, we are not in favor of general criminal activity or things like that being done. Obviously, providing a legal source for a legal substance in Illinois would handily solve that problem. The bigger issue to be spoken to is the economic generation. Mr. Coleman said he saw a study or a report and it is between one and three million dollars that we are missing out on in tax revenue because we do not have a dispensary. People just drive to Springfield or Champaign or even one of the smaller towns north or south of here. Macon County could really put ourselves into a better economic position and stop the being counter current with the law and with the social progress behind the situation. Mr. Coleman repeated that he would strongly ask that this board not vote in favor of continuing the sunset provisions on Cannabis dispensaries in Macon County. It is just a fiscally good decision and he said he really hopes that we can change that trend of making decisions that are just shooting ourselves in the foot, so to speak. There is no reason not to. This body and the City Council said they wanted to take a wait and see approach. We’ve waited three years and have missed out on approximately three million dollars. He asked that be taken into account when they make their vote saying that it is a legal substance and it is no longer 2002. He said he strongly, strongly compels this body to not vote in favor of any further continuation of dispensary bans in Macon County.

Chairman Greenfield said that one of the reasons was, and this was with Sheriff Brown, there is really no place in the county that is set up to sell something like that. Municipalities can do it, but with the County, it would have to be in an outer lying area. These are all cash basis deals when you buy Cannabis. The Sheriffs were afraid that people going there with cash were going to be an easy target to rob. That was one of their arguments. As far as the County goes, even though the County might vote not to do it, all municipalities can have their choice. Most of them also have their own police departments. So, if it is in their village limits, their police department would be on hand. That was one of Sheriff Brown’s very big concerns – was if it is out in the rural area and they get robbed, the robber is going to take their money and be gone long before law enforcement could probably get there. Mr. Coleman said he hears the concern, but there are dispensaries in much much smaller cities that could be considered incredibly rural or just about the same situation. He said he did not think there has been any dispensary in

Illinois yet that has been attempted to be robbed. Usually security is pretty tight, especially when they do these deals there. Cities do have home rule authority and are able to do whatever they want to do in relation to what we passed as an ordinance there. He said he would admit that the county would be seeing a different aspect or process of the Cannabis productions system, not necessarily a dispenser whether it be infusion or growing facilities, things like that. That would obviously be more accommodating generally to unincorporated parts of the County so to speak. Nevertheless, I think it would be beneficial and show a good faith effort on behalf of the County to be voting in favor of this. Obviously there are quite few people at the last meeting when we passed on this ordinance that spoke in favor, maybe two or three people and maybe 5, 10 to 20 a lot more that wanted to speak negatively against banning the situation. I think good faith effort on behalf of us as a County not continuing that fiscal irresponsibility. I do know that there are several municipalities that are smaller outside of the city of Decatur that have thought about putting dispensaries there in areas that are teetering so to speak on rather or not they are in unincorporated part of the County or inside of the city limits there. Obviously the legal situation would be sorted out if that where to happen but never the less it would better and much easier if we as a County just voted not to continue doing it. It is counter current to what is going on nationwide, statewide and is fiscally regressive. If no one has questions, I will take my seat.

Baggett stated Madam Chair for a point of clarification, with respect to the position Mr. Coleman mentioning infusion and growing operations. I would remind the board that prior to January 2021, the Board did extend the sunset provision but also struck from the ordinance the prohibitions against craft growing, cultivation centers, infusion organizing or infusing, processing organization or processors, and transporting organizations or transporters. The only thing the County is prohibiting in the unincorporated areas of the County are dispensing organizations. Little said she had forgotten about that. I just wanted to remind the Board but I had to help draft the resolution for the 2022 ordinance so I had a recent recollection that the Board had chosen to strike multiple provisions from the prohibition.

Mr. Mark Scranton came for another reason tonight but since Mr. Coleman had just spoken I wanted follow up behind that. I have been business owner here in Macon County, City of Decatur for 31 years. Right now I have about 25-30 employees currently. I can tell you the situation with the legalization of marijuana has a tremendous negative impact on businesses because the more readily this becomes available, the more widely it is being used. I had to implement new policies for my business on the use of all controlled substances, legal and illegal both because it is a problem I have already been dealing with the last few months. It has presented a lot of challenges. One of those challenges has been that if we have someone who gets into an accident, we send them to DMH or someplace else to get examined and things like that and one of the things we do as part of our protocols is to have them drug screened to see if they are under the influence of drugs, regardless of what they are. I don't care if its alcohol or what it might be. We are seeing a marked increase in marijuana usage and part of the problem is controlling that. I have had to stop my employees from leaving the property now during working hours for breaks. I still let them leave for lunch. If you send them off for a test, they can no longer do a rapid test through a urine screen to verify that there is stuff in their system because now that it is a legal substance, the way the law was explained to me, the only way you can test the level is you have to have the subject to a blood test to verify what the actual

concentration is in the system because the presence does not necessarily mean that they are under the influence at the time of the accident. It is costing a lot more money for me to oversee this. Both from an enforcement standpoint and also from a financial standpoint when an accident does occur because I have to protect myself. My insurance has gone up another \$5,000 going into this next year just on my workman's comp alone and when you start breaking that down over the course of the year that is a lot of money and that is without any major reportable claims. My fear is this is going to get progressively worse as it becomes more readily available and people are able to acquire it more easily. It is very hard to detect if someone is under the influence of certain substances. A person may show up to work intoxicated and you could tell by their actions and also quite often you can tell by odor when you get within a close proximity of somebody. We just recently had a guy that left for lunch and came back and it was pretty obvious when you walked thru the door. A lot of them are using this stuff they call skunk weed. It will about knock you over when you get close to somebody. I had to send him home for the rest of the day. We sat down and had a chat about it the next day about the situation and it's a struggle. While I understand there are some economic benefits from a tax stand point for the City and County. There is also a whole other side of this thing in regards to what law enforcement has to deal with. It my understanding that the law enforcement pretty much has to deal with the same situations in regards to testing. If they pull somebody over that is under the influence on a DUI, it does not necessarily have to be alcohol related, it can be other substances including marijuana. They have to get this person in and get a test done within 30 minutes and if they don't do that, there are issues there. You have to act accordingly and responsibly in a pretty short window of time. That only creates a burden from a cost standpoint and people have to be called off of work to deal with the situation if its in the middle of a workday and there is always that potential exposure to other employees if someone is under the influence of a substance, you know how that may impact the people that are working around them. Mr. Scranton said he would strongly encourage the County to continue its ban on allowing any dispensaries to be opened.

Shawn Shillenbrook said he wanted to make a couple of points. He said he came into this meeting wondering why this was even an issue in the first place and what the reticence about this was about or where its coming from. Sometimes it just feels like there is a sense of perception and understanding within the County and City that there is a backwards looking approach to what is happening across the state and across the nation with regards to a complete turn around with law enforcement's approach towards drug issues in the nation and in the state and in our local areas. Prohibition measures fail every time. Abraham Lincoln was the first person that Mr. Shillenbrook said he knows of that was quoted to saying, "a prohibition law strikes at the heart of the nation." They do not work. They are ineffective. They increase black market crime. They create profit motives to our outside entities to try to get involved in those businesses. It always makes the situation worse. Ok? Now, Mr. Shillennbrook said that when he had listened to this gentleman's (Mr. Scranton's) concerns about what is going on in his workplace, he said he really feels a lot of empathy for what he is dealing with. However, what is going on with the Sunset Provision here, the location of dispensaries in the County or in the City, whether they are here or whether they are not is not going to address his issue. What he has going on is an employee / employer workplace issue that has to be resolved based on his hiring practices, based on his trust in his employees and based on creating the kind of work environment that he needs to get his job done. The laws are changing. Society has shifted.

People understand that a tolerant approach toward these issues yields the best result. Prior to where we have been making our progress in other countries, European Nations, people that go along harm reduction and ending prohibition approaches to dealing with their drug policy issues end up with the lowest per capita percentage of users and addicts based on how that is approached by other nations. The more repressive and regressive your drug policy is, the higher your addiction problems are for hard drugs; the higher your organized crime problem is with dealing with criminal activity. Mr. Shillenbrook said he also understands some of the perspectives that Sheriff Brown and some of the other law enforcement community have brought to this and he feels that the concerns are rooted in a legitimate concern that should be investigated, pursued, negotiated out. It really needs to be flushed out. What this county can do about that, instead of extending the sunset provision, is to start a research board or something within this committee to start to look at those issues, what their concerns are and if there is a way to remedy those that is realistic. The fact that the County has lifted everything but dispensary provision is what Mr. Shillenbrook said he considers to be a step of good faith in moving forward towards the industry as a whole. The presence of dispensaries whether they are here or in Springfield or Champaign is not going to affect the cannabis usage in this county. That is cultural determinant factor. Who is using cannabis is going to use it at the rate and consumption level that they have already chosen. That is not something you are going to change in terms of people's behavior. The best way to deal with this, if you want to look at it in cold, hard dollars, yes, we are dealing with taxes use and that sort of thing. A good faith statement by the County would be to not extend the sunset provision whether or not dispensaries actually get established in the county outside of the municipality, the statement would be welcome by a large contingent of the community. When it comes to individual permits going out, zoning and that sort of thing, that is when the rubber can hit the road in terms of people's concerns on what kind of business goes where. The statement of ending the sunset provision is probably more important. But, when you are dealing with things like security issues, then you are getting deeper into an understanding of what the private security resources are that have already been tapped in to by the industry, how a lot of those come from retired law enforcement. Very, very intelligent people who know how to take care of this prime issue and we can create partnerships and relationships between private security and local law enforcement and in other places they usually tend to do that. These are the sorts of things that Mr. Shillenbrook said he would like for the committee to mull over and think about. If you need to table it for a couple of week, just to think about these kinds of things, he said he would appreciate it. Again, it feels like it is backwards in terms of the way we are looking at things. People's concerns are legitimate and should really be addressed intelligently as much as possible. When you've got a contingent in the community that always feels like it is being alienated, it is really depressing. It really, really eats at where you feel like you are perceived as a member of every community and that is really kind of tough. We will never really have an arts contingent, a deep level of the culture, a real true creative flowering anywhere in this place if we don't create a more welcoming and open armed attitude to those kinds of thinkers and those kinds of creators. If you would like that, as Mr. Shillenbrook said he certainly would, combined with the low property costs and everything else, we really could end up being a draw for people that you would never have even thought would be able to tap into this place and be able to do good things. Mr. Shillenbrook said he appreciated the committee listening and he really would appreciate them thinking about it.

Chair Little reminded the committee that the purpose of the committee is to present it to the full board and let the full board vote . This is not a committee vote. The committee just puts it on the agenda for the full board.

OLD BUSINESS – None

NEW BUSINESS –

Macon County Board Ordinance Modifying the Sunset Date of the Cannabis Business Establishment Ordinances (Sections 155.008, 155.300 and 155.301 of the Macon County Code)

Chair Little said she would entertain a motion to send this on to the full board. Chairman Greenfield so moved, seconded by Mr. Entler. Mr. Gresham asked what the Chair was asking the committee to send. Ms. Little explained that it extends the sunset date. Mr. Gresham clarified that it just changes the sunset date and nothing else. So, basically it just goes to the board for discussion. Chair Little added that on the board floor it could be amended. Chairman Greenfield commented that they are sending it without a recommendation. Chair Little confirmed saying that she personally felt that if it were to be amended, it needs to be amended by the full body. Mr. Gresham agreed. The motion carried 6-0.

DISCUSSION ITEM – Moundford Plaza Issue

Chair Little reminded the members that an amended agenda had been sent out. The reason being that she had been contacted by several people about what was going on at the Moundford Plaza and so she had invited as many of the people as possible to tell the committee what is going on, how it is being handled, how it should be handled, where they feel it needs to go from here because she said not enough of it makes sense to her.

Mr. Cody Parks, owner of Woodford Mound Plaza, explained that they have had a gentleman that has been spreading human feces on the front of the building of one store which is the In & Out store. He is spreading it on the windows, clearly covering the windows, the doors, the handle, in front of the door on the sidewalks, on the signs and the best they can tell, at this point, is that it is out of revenge toward the store because he is mad at something they done to him. So, Mr. Parks said he has reached out to the Health Department as soon as he found out about it to ask for their help. He called Brian who went out and looked at the situation. He talked to the store owner and more or less informed him that they can clean it up, but there is no violation there. There is nothing that can be done other than to tell him to clean it up which does not work. So, in that case, the first time they went out there, the waste stayed there for 4 to 5 days. During those days, Krekels who are right next door and numerous people along with the tenants of the Plaza called and complained and were mad. They try to keep the plaza nice. There is only one empty space. The tenants are kind of tight and if they see something out of line, they instantly call him. There were numerous complaints. To repeat, Mr. Parks reached out to the Health Department, Brian went out and did his thing, but nothing was done. It happened five days later. As soon as it got cleaned up, it happened again. Mr. Parks said he reached out a few more times and when he saw Brian and talked to him about how he could not believe that there is nothing that can be done. There are no health violations and there's nothing we can do. The answer Mr. Parks got was is that it is a landlord / tenant situation that there is

nothing that can be done for. At this point, it has happened 13 or 14 times. On numerous occasions, Mr. Parks said he has reached out to the Health Department and talked with Brian because he is their inspector. He said he has reached out to other places as well because he could not believe it couldn't be a health hazard. He even went so far as to send a picture of the mess to Kathy Wade and she sent back a response that it is not a health department issue; that this is a Decatur Police Department issue. Mr. Parks said he has dealt with the Decatur Police Department since day one on this situation. He said he has spoken with the Decatur Police Department at least 4 to 5 times a week. Every time it happens he calls. Mr. Parks said he thinks he has done everything he can do, even pretty much beg for the health department's help. He even went in and talked to Kathy Wade in person and explained what was going on and she said there is nothing she could do. The summary is that the store has done stuff to this guy, cutting his hair & doing stuff they shouldn't do. He has mental issues. The police are working on that situation, but as far as the health issue, people are tracking the waste in, little kids are touching the handle, etc. The Police Department has given them a letter stating that they've had multiple complaints and more or less asked them for help. Mr. Parks said he is not getting any help, but is getting just the opposite. Mr. Parks said he feels it is a health issue, but was told by Kathy Wade that it is not a health issue, not a health department issue. It is a police department issue. Mr. Parks said he has been told by the police department that it is not a police department issue. It is a Health Department issue. Mr. Parks said he owns the place, he pays County taxes, he has 50 commercial units in Decatur and that is the only unit he has problems with and it is just a sad situation. Krekels who have been there for 30 years has said that if it happens again, he is leaving. He has tenants, little kids, walking in there amid waste piled up in front of the door. They've even taken construction cones and put them over the piles of human waste. It is disgusting. Mr. Parks said they have cleaned it up themselves. The store can be convinced to clean up a couple of days if it's a good day. He said he has reached out to him (the store owner) on every occasion and talked to him and his reply is to calm down, there is nothing you can do because in the lease, he has to have a legal recourse. The Health Department has told him there are no violation and he is not doing anything wrong because if he was, they'd violate him.

Mr. Parks said he thought he was doing it right by going to the Health Department and asking for help, but maybe he is missing something.

The store has done a few other things to this group like taking a cigar package, opening it up, taking the cigars out, putting French fries in and selling them just to get the response of the public. This kid is doing this Tik Tok video so he can get the response of the people when they pull it open and see French fries. They flip out. That was brought to Ms. Wade's attention and she said that's not really a food hazard even though you are taking French fries and putting them in a cigar package. You're just trying to get a reaction. Mr. Parks said he has had a bar in town and would think that if you do something with food, you'd be in trouble. If shot glasses were filled full of bleach and someone walks in and its on video, it should be a crime. They are giving haircuts in that store. It is not a barber shop. They are, on video, giving hair cuts right next to the French fries. There are 17 videos of them doing this. Mr. Parks said he has asked for help from every level and he is lost. He would think that the Health Department would be able to at least walk in and give them a fine or ticket or something.

Ms. Binkley addressed the committee saying she has pages and pages of detail and documentation following up on what has occurred since she has been made aware of the situation on December 3 and since the team has become aware of the situation with the first complaint on November 18. She said they have gone out there on complaint inspections in a very timely manner. They have 10 days to go on a complaint inspection. On the first complaint, the team did go out 2 hours after receiving the complaint. If there is not a violation of the Food Code, Health Department jurisdiction is not there. So, when it is being stated that they have not done anything or if they have said there is something they cannot do, it would be because there has not been found to be a Food Code violation in that situation when there has been an inspection that has occurred. Ms. Binkley said that Ms. Wade, the Director of Environmental Health & Emergency Preparedness and Brian, the Assistant Director and the one that has gone out on those complaint inspections are both present at the meeting. She explained that Brian could give more detail on what has been seen. Ms. Binkley said she wanted to put on the record that if there is an issue with her employees, specifically the ones that directly report to her, she would always appreciate anyone, especially a Board of Health member which Cody Parks is, coming to her directly to address that. She said she has spoken with Mr. Parks about this because she had called him when she became aware of him yelling at her staff one day about this matter and threatening to take it to the news. So, she said she would just like to put on record for whether it is the Board of Health or the County Board, she does want to know if her staff are coming up short or doing something or not doing something that they should or shouldn't be. There are proper channels. She said she feels like this is a strange channel. She said she is always here for the meetings and is happy to come and answer any questions. She said she had consulted Mr. Baggett with the State's Attorney's Office with some of this matter because Mr. Parks was asking Ms. Wade to write a special type of letter to say there is no health violations at the facility whatsoever. He did not call it special (Ms. Binkley said she was the one who called it special) Ms. Binkley said she did not feel comfortable doing that and supported Ms. Wade in stating that initially because she could not make a blanket statement saying that there is no health violation somewhere. They do an inspection report. Those are online. Links have been provided to those on the website so Cody Parks does have those and anybody can view those. There have been inspections done. There has been follow up done. In addition to the inspections that were done, the team also made some recommendations for Mr. Parks as to where else he might call and get some assistance. Proper reporting to the Department of Financial and Professional Regulation was done on the haircutting claims because that is not the Health Department jurisdiction. Due diligence has definitely been done. Mr. Parks also sent a letter to the state informing them of this situation. The state reached out to the Health Department to make sure they were aware. There was a call with the state yesterday. In that call, the State did say that the Health Department has done everything that they can do, validating that. When Mr. Parks asked for the letter and Ms. Binkley said that she had said no, she did also speak with Mr. Baggett who worked through that situation with her. She said she was told by Mr. Baggett that that (the letter) is not something they normally do, that is outside of the scope so it would not be a regular practice of the Health Department to give this blanket letter stating that there were no health issues. Ms. Binkley said that on the morning of December 6, the day she had spoken with Mr. Baggett. The first day she spoke with Cody Parks was December 3.

On December 6, Cody Parks had gone to Ed Flynn and gotten him involved. For anyone that does not know, Ed Flynn is an attorney that the County uses for other matters. The Health Department has been directed to use the State's Attorney's office for all matters other than Human Resources matters for which Ed Flynn is used. Ed Flynn called Ms. Binkley that morning and pretty much demanded that she give this letter to Cody Parks to get this all wrapped up so that the police could arrest someone and that basically, they could not do it without the letter. Ms. Binkley said she told Mr. Flynn that she was going to confer with Mr. Baggett first because that was the direction she had received from the State's Attorney's Office and from those that Ms. Binkley said she answers to. She said she was not writing this letter until she had spoken to them. Mr. Baggett supported the decision Ms. Binkley had made. She said she had made Mr. Parks aware of that and provided all inspection reports. An additional visit was even done that day just to see what was going on and try to follow up in case there was an issue that particular day. Ms. Binkley repeated that she feels like this is an interesting way to go about this when she has received very few phone calls or inquiries about it. The entire Board of Health does not even know this is going on. The Board of Health President has been updated because it did get to this level.

Chairman Greenfield asked Ms. Binkley if there was no health issue or violation for human feces on the sidewalk, road, door handle, windows, being tracked in to a person's business. There is no health issues here at all?

Mr. Baggett addressed Ms. Binkley, saying before she responded, he wanted to note that she had indicated that there was not a violation of the Food Code in the Macon County Food Sanitation Ordinance and suggested that Ms. Wade may want to have input, but it has a provision in there indicating notwithstanding the other provisions of this chapter, whenever the Health Authority finds unsanitary or other conditions in the operation of a food establishment or temporary food establishment which in the Health Authority's judgement constitutes a substantial hazard to public health, it may without warning, notice or hearing issue a written notice to permit holder operator citing such condition specifying the corrective action to be taken and stating that the permit is immediately suspended. This is the suspension provision in the ordinance and it is kind of a catch all provision that says that notwithstanding anything else, any specific violation based on the National Food Code of the State Food Code and the boxes that get checked on its typical inspection, anything that in the Health Authority's judgement constitutes a danger to public health would be considered a violation of the local ordinance. So, Mr. Baggett explained that in light of what Mr. Greenfield asked, he would ask that Ms. Binkley respond with that in mind.

Ms. Binkley said that when they go out on a complaint for any kind of inspection, unannounced, opening, whatever it is, obviously they respond to what is being seen in that situation. There have been situations that there is evidence other than what they see that they could potentially act on, but in these situations, you can see on the inspection reports what was seen and what actually was not happening when the staff did go out to the facility. She asked Brian to speak on what he saw when he went out and also making mention of the . . . (inaudible as Ms. Binkley continued speaking as she walked away from the microphone)

Brian explained that for his first visit, he had gotten a call that morning. After getting the description of what was being seen, he determined that it was not something that the Health Department would have jurisdiction over because it sounded like vandalism. He advised that they should probably call the police, but out of trying to be helpful and also in public health, they often get calls about odd human behavior. Some of them stand out and just make you curious and so when he was told about this, he had volunteered to go out because he did want to see it as it sounded very odd. So, he did volunteer to make a site visit, probably out of curiosity more than anything else. When he got there, there was material on the sign above the roof line where they have their In & Out display of their name. The only material that was on the sign above the sidewalk near the parking lot. So, nothing was on the sidewalk, the front of the building or near the doorway to the building. Because of that small amount, Mr. Wood said he had spoken to the owner or manager and explained that this was something that they should probably get to work on cleaning up. There was not anything inside the building at that time. The floors and everything were probably clean from their daily cleaning routine. He (the owner or manager) showed Mr. Wood videos on his phone from their security camera of a person who could be the same person or could be different people that for 2 or 3 mornings in a row had thrown something at the building. Mr. Wood said he could not tell exactly what it was on the sign, but yes, it did appear to be feces of some kind. But, because it was in a small area and was way above human contact Mr. Wood said he had just suggested they clean it up. They agreed that they would do that. Then, there were later reports that Mr. Wood said he did not get directly, but had seen photos from a social media post or something like that that showed that something had been smeared on the windows of the building. He said he could not see if it was on the door from the photo. By the time he saw that and drove by. He explained that when he is out and about, he will go by often if he can and if it is on the route to see if there is something that is visually obvious. In this case, it was already gone by the time he went there the next day. They had already cleaned it up. He said he could not tell from looking at it whether it was human or animal because it was also alleged that it was dog feces that the perpetrator had gathered up from the yard of the apartment complex next door. We don't really know what the material was except that it probably was feces. So, since it was really vandalism and was external of the building as it had not gone inside that could be observed. That is why Mr. Wood said he had determined that there were no violations that the Health Department can enforce. This is really a police vandalism matter or it would be referred to Neighborhood Standards as a property maintenance issue. The landlord needs to clean it up just the same as if someone vandalizes whether it is paint, mustard or marshmallows or whatever. It would still be something that just needs to be cleaned up. It's a maintenance issue. If it is vandalism and they had evidence of who it was, they could report that to the police. That is what Mr. Wood said he had reported to the operator of the establishment. Mr. Wood said that was his only site visit to the property until a couple of weeks later to verify that the hair cutting practices had ceased. He said they went to the area that they had been using as a back storeroom away from the food preparation. That was where they just stored food materials. There was no evidence of any barbering activities going on. All of those materials had been removed and cleaned up if there was any. So, that had ceased and that was considered to be closed at that time. So, those are the site visits Mr. Wood said he had made and it did not appear that anything inside the store was in violation or out of normal practices. The external materials, when Mr. Wood said he was there on both occasions, had been removed.

Chairman Greenfield asked Mr. Wood if he had ever told Mr. Parks that it would appear to be a health violation or that it looks bad. Mr. Wood said yes, he had stated that it looks bad and it is a foul substance and a stinky mess, but nothing that they (the Health Department) had control over or legal authority to enforce. Mr. Greenfield asked if Mr. Wood was aware of what Mr. Baggett had just read. Mr. Wood said yes and since he had no samples and it could not be determined because the only access he had was the day it was up on the sign, he said he could not really determine what it was. Mr. Greenfield asked if it matters whether its human or dog. Mr. Wood said no, but at that time, it hadn't contaminated anything where the humans were going in and out. So, it was not contaminating the store or inside the store. It was out of human reach. So, it was not a danger at that time. If they would have cleaned, it would have taken care of the problem. If it continued because the vandal continued to come, then they should just clean it each time the vandal vandalized the property. The presence of it outside did not constitute a contamination inside and there was no other evidence that the contamination ever went inside the store. Mr. Greenfield asked, out of the 13 times, how many times was Mr. Wood there. Mr. Wood said he visited the store twice doing inspections and probably 4 or 5 more times driving by through the parking lot just looking at the area to see if there was anything visible on the sidewalk, parking lot, front of the building. He said he did not see anything on those other occasions probably because it had already been cleaned up by the time he was there. Mr. Greenfield asked if Mr. Wood makes a report on it when he goes out on something like that. Mr. Wood said yes. So, for the two occasions that he responded to the two specific complaints, reports were made.

Ms. Little referred to the comment that had been made about the police not being able to do anything without the letter. She said she is not sure why that's a fact, if it is in fact, a fact. But she said she still does not know why the Health Department can't issue a letter specifically stating that feces on the window is not a health violation. She said she understands that they shouldn't write one that says they have no violations. That is a huge statement, but if the police want a statement stating that feces on a window and on a door handle and sidewalk is not a health violation, she said she did not see why that letter cannot be written.

Mr. Baggett explained that he generally advises not to create records that would not be in the normal process for any department. In this case, specifically, we have someone seeking a letter who happens to serve on the Board of Health. That would create the appearance of impropriety that a document was created outside the normal course of operations by the Health Department for a member of its Board of Health. It might appear to some that that would be special or differential treatment to someone who is in charge of employing the employees of the Health Department. Mr. Baggett explained that his advice is not specific to the Health Department. That advice would be given to any department that a request for a record that is outside what a department would normally generate or create or issue, he said he would advise against it. He said he did advise Ms. Binkley that the provision of the inspection reports which, if there were no violations found, would be essentially what Mr. Parks was seeking is some indication that there was an inspection conducted and no violations were found. That would be an appropriate response to his request. Mr. Baggett said he has spoken with Mr. Parks since his conversation with Ms. Binkley as he was trying to hear from all sides in this. He said he had explained to Mr. Parks that he was in agreement with Ms. Binkley and had advised her not to issue that kind of letter. There may have been a bit of a communication issue between Mr. Parks and Ms.

Binkley and a little bit of talking past each other without a full meeting of the minds with respect to what he was desiring and what she was willing or able to provide. He said he was not sure either one fully understood the other at the end of their conversations, but . . . Ms. Little asked if the two reports are public record. Mr. Baggett confirmed saying that Ms. Binkley and Mr. Wood have both mentioned that they are available on the Health Department's website. They can be downloaded by anyone. Chair Little agreed that she thought there has been some miscommunication. Whether intentional or not, and she did not think it was but that is the reason she wanted everyone there. She said she had heard such random things and she appreciates everyone coming. She said she is not out for anything other than information. She said one of her concerns is Krekels or any other business that is out there that has food. So, we've got this mess and some little kid walks in and say Krekels ends up with feces on their counter because Junior ran up to the counter and put his hands on it. They can be shut down for a health violation for that. She asked if that would be a true statement. Mr. Wood explained that if that happened and the owner or operator of the food establishment did not address it immediately and just left it there, then it would be a violation. But, during the initial and subsequent inspections, the distance between Krekels entrance and the convenience store entrance is about 50 feet. That risk did not appear to be there and did not appear to be associated with one facility to the next. It completely separated this contamination from that area. There seemed to be very little risk that anything would cross over. That is why Mr. Wood said he did not have to worry about Krekels being contaminated. But, also, the area the Mr. Wood said he saw was very small and from what he could see in the videos the operator of the convenience store had shown him, it was just a handful, a very small amount each time. Probably on the window smear, they probably spread it over a larger area, but even that was contained and unless you walked up to it and was interactive with it, it was probably still going to represent no risk. That is why they did not intervene.

Chairman Greenfield said he would like to hear Mr. Parks scenario of this. Mr. Parks said that is not exactly how it went. The distance between the window that was covered, and a direct picture was sent to Ms. Wade, the day that Ms. Binkley said he had not taken the proper channels, that morning along with the whole week was bad because Mr. Parks said he had been called and screamed at by about 9 tenants that pay about \$2,000 a month. Krekels said they were moving. The store told him to shove it because there was nothing he could do to them because Mr. Wood had told them that there was no violation. Mr. Parks said maybe he was speaking wrong when he asked for a letter saying that there was no violation because he just could not believe it. If you have a violation, you get that letter within about 3 seconds. They hand it to you and say here is your fine or here is your violation. He said he just could not believe that when he had asked Mr. Wood that day when he called Mr. Parks back and said, unfortunately, there is nothing they (the Health Department) could do. The day he was there, he is correct, there was a pile about the size of a coffee can on the sign directly above the door. There is a full time maintenance guy that works from 5 a.m. until 8 a.m. seven days a week. He cleans the sidewalks and the entire parking lot. He was cleaning the sidewalk up every morning – not every morning was it on the sidewalk. Normally, it was on the windows. He called and said he was done and was not cleaning it anymore. Mr. Parks said he didn't blame him and told him he was trying to get something done, but was not having any luck. So, that pile that was on the sign stayed there for 4 days. The day after Mr. Wood made the visit, he had to go on another inspection for a septic job and he was talking about it and how disgusting it is. Mr. Parks said

he had told Mr. Wood that he just couldn't see how that couldn't be a violation. They serve chicken and French fries. People walk in and out of that store all day long with open food. If that pile of stuff dripped into the food, wouldn't that be disgusting. People have called the police department complaining about the people tracking it into Krekels and the store and it is in the police report. Just random people have called and said this is nasty and something needs to be done about this. Krekels door, from the window, as shown in the picture Mr. Parks said he had sent to Ms. Wade, it is about that far, the window is completely covered and she has a picture of it and the door handle for Krekels is right there. The waste stayed there for 3 days and if you drive by you can still see where they wiped it all over the window even though its as clean as Mr. Parks said he can make the guy keep it. This is not the first incident Mr. Parks said he has had out of making a complaint for a tenant out there. That is what made him so made when Ms. Binkley said he had not gone through proper channels. He said he was trying to go through the proper channels. He said as soon as he got the phone call, he had called and sent the text with the picture to Ms. Wade. She sent back a comment, UGH and that is all she said. He said he asked if she was telling him this is not a health code violation or a health concern of any kind. He said he was begging for help, more or less, in the text and she sent back a text that said this is not a Health department issue, this is a DPD problem and she did not respond from that point on. That was between 10 and 11 o'clock. By mid morning, after getting his butt chewed 4 or 5 more times by the tenants, Mr. Parks said he thought he'd call the Health Department and see if he could get any kind of letter or anything just so he could tell the cop, here, they're not going to do nothing. Is there anything else I can do? Everyone he talks to says call the Health Department. Every person he said he talks to says call the Health Department. Well, that is what I done. He said he hadn't told anybody he was on the Health Department Board. It wasn't relevant. He said he was not asking for a special letter, special attention or special help. He said he just said this has to be a violation. But, he said he had had this exact same problem roughly a year prior. The House of Meats closed up in that Wood Mound Plaza. He is still open for business. He was still grinding meat and during the transfer of his place there into his new facility, he unplugged all of his freezers and coolers to let them thaw out apparently, without Mr. Parks' knowledge. So, at 7 a.m., Mr. Parks said his phone started ringing and he got multiple complaints that there was bloody juice and smells in the common hallway. That building has 10 tenants and there is one end that has the bathroom he uses. It is the common hallway. All that juice and blood, rotten, was running into the hallway. Mr. Parks said he had instantly called Mr. Wood and asked for help. He asked Mr. Wood to go out and tell him this has to be cleaned up, mopped up, sucked up, whatever, but it is disgusting. Mr. Parks said he thought Mr. Wood had gone out there, but responded to him instantly and said, sorry but after talking to Ms. Wade, I've been informed that this is a landlord / tenant situation. Mr. Parks said this has to be a health violation of some sort. We have two restaurants in the same building that called and said it stunk so bad, it was rank. Mr. Parks said nothing got done so he ignored that one and swept it under the rug. There have been 2 or 3 complaints made that has gotten Mr. Parks into some serious trouble and that is why he lost his cool on Friday. Because he was begging for help and not being mean to anybody. When he called the Health Department to speak with Ms. Wade, Susan answered and he got along with her very well as he always has. She answered the phone and Mr. Parks said he told her who he was and asked to speak with Ms. Wade, but she just said she's gone for the rest of the day. Mr. Parks said he questioned why she was gone for the rest of the day when she knew he had a problem. Susan said Ms. Wade knew about the problem but said he was not getting a special

letter. He said he wasn't asking for a special letter, he was asking for a letter saying the Health Department was not going to do anything more or less because he just couldn't believe it himself. So, that is where this is at, but to say the waste wasn't there or I haven't taken the proper channels, no, he said he did not call Ms. Binkley. He never calls her. That very day when Susan said Ms. Wade had left for the day knowing this was going on and knowing there was waste on the window, sidewalk and piles of poop in the picture Mr. Parks said he had sent her. He said to Susan, ok, he'd talk to Ms. Binkley, but unfortunately, he was told that she was gone for the day as well. He said he was not very happy. He said he knew he was going to get chewed all weekend from the tenants because he's not doing nothing, when he can't do nothing. He said his hands are tied. To say there was nothing documented, that's not the only thing. The next thing was a septic system he had a problem with. He said he went to do a service call and inspection on a septic system and found a direct discharge where a person has a septic tank with the sewer line coming out the back of the tank and dumping right into the creek 4 feet from the septic tank. It was a direct discharge. Mr. Parks said he called Mr. Wood, like he is supposed to do, and told him he was on a job and asked him to please come out because this job has a direct discharge on it. He came right out. Brian does an excellent job. He came right out and looked at it. He informed the customer while he was writing all this down that this was not good and he could not do this. A new system has to be put in because this one is expired. Whatever, you can't do this. Mr. Parks said he left and didn't hear anything else until 6 months later when he got a phone call from a new owner saying that a guy named Robert with the Health Department had come out and informed him that we (Parks) had done something but he didn't know what. She (the new owner) assumed that we (Parks) had put a direct discharge on this system. Mr. Parks said that they had never touched the system. He said he had filed the complaint, on himself on the job he was working on, to get some help from the Health Department to force him to do the right thing, but somehow the paperwork did not get filed. He said he called Brian when he got notified by her (the new owner) lawyer that he (Parks) was going to get sued for \$12,500 over this job that they had supposedly botched up that they didn't have nothing to do with. He said he informed the lady that they didn't do this. He told her that he had called the Health Department. She said she had just gotten out of a meeting with Robert who informed her that there was no paperwork filed. There were no violations or report filed. He said he instantly called Brian and told him he was getting sued for \$12,500 for this job and you (Brian) came out and did the write up, but apparently it didn't get written up. He said he really did not know what had happened with it. He said he didn't know what to tell me. Mr. Parks said, like he said, there were three instances and he ignored 2 of them, but when the 3rd popped up, he felt like he was getting shafted and it is costing him money, a lot. He said he is trying to do the right thing and get it cleaned up, asking for help and everybody that talks to me can't believe its not a health violation. If a septic tank backs up on the ground, it's a health violation because there's poop on the ground, but they can throw poop on the doors, walls, windows, handles, and there's no violation. He said he is lost.

Chairman Greenfield asked if Mr. Parks has any pictures. He said the only one he has is the one he sent to Ms. Wade and the rest were on Facebook and social media. Everybody has seen them. It wasn't like he just complained to Ms. Wade or Mr. Wood one time. It wasn't like it was just one incident. He said he had seen Brian 2 or 3 times and actually saw him Friday on a job when he showed him a picture and said look what happened this morning. He couldn't believe it. Mr. Parks said he told him he just couldn't believe it isn't a health concern or a

violation. The people of Macon County have to put up with this and meantime Mr. Parks said he gets made out to be a fool because it is his plaza. People are saying, man, Parks owns that place and look how he takes care of it. They don't know that's been going on since actually before the 18th but that is when it got so bad that it wasn't just a one time or two time thing. Now, we are up to 16 times that it has been reported to the police. Even the police department talks to Mr. Parks two to three times a week and asks if he's getting anywhere. Mr. Parks says no, they say it is not a violation. The police say they can't do nothing except defacement of property because there is no destruction. The police cannot violate him for a health hazard because that would be on the Health Department. They say there is no health issue. Mr. Parks said that is why he was wanting something in writing stating, telling the person that owns the store that if this happens, they have to clean it up. They caused the problem. It is being tracked into their store. They are the root of the issue, but Mr. Parks said he is getting no help from anybody. The police say there is no violation, so there is nothing they can do to him.

Chair Little said she was not going to argue that this is not in the ordinance as a violation for a food service place, asked if there is anything the Health Department can do that would state it is not a violation of the Food Sanitation Code, but it is a health hazard. Can the Health Department do anything like that? Mr. Baggett said that the ordinance gives them the authority to do so if, in their judgement, it constitutes a hazard to public health. Again, it is the Health Board that determines whether it constitutes a hazard to public health and if it does, then because the business is a permit holder, they have the authority to suspend the permit of the permit holder. Ms. Little said she is not necessarily looking to impact the business owners. She said she is looking to make sure that when they arrest this person, that it would have more teeth in it. She said she thinks this person needs help. There is a court set up for people that need help, but it needs to be something strong enough that this person would actually have to go to court. That would possibly lead down the correct path of Mental Health Court because this just is not something Johnny does when Johnny gets mad. The question is, would the Health Department be willing or able to or not provide anything that says, yes, having feces on public sidewalks and on door handles is a public health hazard without actually pressing charges.

Chairman Greenfield asked Ms. Wade if septic comes to the top of the ground in someone's yard, it is a health issue, but this being thrown up against the building or up against the wall or on the sidewalk is not a health issue? Ms. Little said she would like to see it in writing that this situation is a health issue. Mr. Greenfield said he would like to know why it is not one. Ms. Wade explained that as it was said yesterday when they had talked with the state about this, we are not saying it is not a public health concern. It is not a public health threat because it is one individual doing it. It is not a group of individuals coming and doing all of this to create a huge threat. It needs to be handled by the police under vandalism, defacing, etc. The Health Department's problem, when it comes into this, is that it is happening on the outside of the facility. When an inspection is done on the outside, if a mouse is seen sitting outside, that mouse cannot be written up because it is not in the facility. Ms. Wade said that when she goes into the facility and see a mouse, then of course, there is a rodent issue that needs to be addressed. The stuff that is outside is not in the jurisdiction of the Health Department. Mr. Greenfield asked again about the stuff coming out of the ground. Ms. Wade explained that that is a separate, different ordinance. The Septic Ordinance does state that and talks about creating that sort of a nuisance. There is not a nuisance ordinance. Mr. Baggett asked if the solution

would be to modify the Food Sanitation Ordinance to address the exterior of the building or if there happens to be feces on the door of the entryway. Ms. Wade said potentially and she said that she did . . . Mr. Baggett asked if she felt that the current ordinance does not prohibit that conduct. Ms. Wade said she looks at the ordinance as they are on the inside. They view everything on the inside. When they do inspections, it is on the inside, not the outside. As an example, she said she could go to Wal Mart where the strip mall has restaurants and a few other places. She asked who she was going to write up for the garbage and the messy parking lot.

Ms. Wade said she does not have the authority to say an individual is in violation. She said she can say the individual's restaurant is in violation, but not the individual. Ms. Little said she is not asking for that. She is not asking for a violation to be issued against anyone or any business. She said she is asking if it is possible for the Health Department to write a letter or make a statement stating that this situation is a health hazard. Not, that it is Jim Bob's health hazard to handle. The police need to know if this is a health hazard and if whoever is doing it can be arrested. Mr. Baggett said he thinks the police are in need of some sort of an affirmative statement that this constitutes a health hazard in order to arrest or prosecute the person who has done this for the crime of criminal damage or something along the line of disorderly conduct. There are a number of crimes that would fit the bill here. That letter would not be necessary to make that prosecution possible. He said that he would argue that if the Health Department found the presence of fecal matter on or near the entryway of a food establishment to be a health hazard, they would have the authority under the current ordinance to suspend, revoke or take other action against the food permit holder if the Health Department is of the opinion that that would not constitute a hazard or would not fit within the ordinance as it currently reads, then the County Board is within its jurisdiction to modify that ordinance to make it clear that the health Department can do such a thing.

Chair Little asked if the Health Department can't just make a statement that having fecal matter on door handles and windows and sidewalks . . . Mr. Baggett said that if they could make that statement, then they could shut down an establishment that is not cleaning up their business. They feel that they cannot make that statement. Mr. Baggett clarified that as he understands it from the Environmental Health Department, they don't feel that they can say that it constitutes a health hazard. Ms. Little said health hazard not a violation. Mr. Baggett said if it is a hazard, it is a violation. Ms. Wade said that from the two times Mr. Parks has called in to complain, both instances – one as Brian said it was up on top so nobody was actually walking through it and the second time, the picture showed two circles on windows. Ms. Wade said she did not see anything on the sidewalk or door handle. There was no mention of anything inside. In fact, the text said it was all outside. So, yes, if someone were to step in the feces and take it inside the store and the store did not clean that feces up, that is where the Health Department can go. But, with it being outside, Ms. Wade said she did not think they have the jurisdiction because it has always been that they do inspections on the inside.

Chairman Greenfield asked Mr. Baggett if he agreed with that. Mr. Baggett said that would not be his reading of the ordinance, but he is not the one in charge of enforcing it.

Mr. Parks said that if that was the case, not even talking about the waste, but going back to the food concern that was brought to Ms. Wade's attention and she told Mr. Parks to his face in her

office that it was not anything she could do while they are scalping those people's heads in the restaurant or the convenience store. There was no health code there. He asked if you can cut hair in a restaurant. He said that seems weird that you can go to a restaurant and get a haircut. The second thing is the French fry thing. That is cut and dried. You're taking a tobacco package, on film that she watched herself, taking cigars out, putting French fries in and selling them. That would be no different from taking a shot glass, filling it full of bleach and saying drink that. You're messing with food products. That doesn't make no sense. So, if something happens to them people, Mr. Parks said he gets sued because he knew about it and didn't do anything about it, but when he brought it to their attention, that is exactly what she said, in person, in the office when Mr. Parks went in to talk to her. That is not outside. That is inside and on film that she watched. They are downplaying the waste, but he said he complained about the waste numerous times. The waste is cut and dried. But, where does it end?

Mr. Baggett said that, particularly with the haircutting,

Ms. Wade said that they did handle that complaint and that is also online with the inspection reports because that is a violation because that is in the dry storage room. It was a violation the first time that she got called in in August by another individual. She said they had already been out there. They handled it again as soon as Mr. Parks came back in. As far as the cigar thing, Ms. Wade said she thought that it was pretty interesting how the story changes. Initially, when Mr. Parks was in, he said they were cutting the cigars open, putting the French fries in and then reselling them. She said she told him that if that is the case, that is ATF not the Health Department. She said she has nothing to do with it when you start compromising tobacco. So, yes, she said she got onto the situation and let Mr. Parks know that there were three additional haircut videos and that that complaint would be written up and somebody would be sent out there. She said she also told him that she thought that when you watch those Tik Tok Videos, the guy was actually doing it as a practical joke because he would see their reaction and say, it's only French fries. They laugh and then he gives them their cigars. He is doing it to get that reaction which is what Tik Tok is all about. She said they did handle the complaint.

Chairman Greenfield said his biggest concern is the feces. He said that that just blows his mind. Chair Little said she is disappointed that they cannot make a statement that feces on a sidewalk and being smeared on public windows is not a health hazard. If your ordinance says it is not, and she said she realizes that you don't put anything in writing unless you can actually charge someone with something. She said she thinks that is unfortunate.

Mr. Scranton said that at the end of the day, everybody here probably wants to do the right thing and wants the same thing. He said he gets where Mr. Baggett is coming from and thinks there is opportunity for the Health Department to take position on this issue. He said to step back for a second. He said he does not care if it is feces. What if somebody comes up and breaks the glass entry door and we just leave glass laying on the sidewalk where people could go up and push the door open where glass is laying everywhere. That is not a food safety issue. That is a public safety issue. That is what is really going on here. This is about public safety and health. If you had that happen, how long would you allow the business owner or the property owner to let a broken door sit there like that and continue to go on about their business. If the garbage was running over because the garbage guy didn't come and pick up on his assigned day and

you've got a mess of garbage all over the parking lot. Now you've got potential rodents coming in or people rummaging through the garbage. We could create a bunch of different scenarios here where the law may not clearly define what is in violation and whether it is a health hazard or safety issue or whatever, but there is opportunity to make a position because what Mr. Parks asked for and what Ms. Little is getting at is it will help the police make their case if there is a position that has been taken that this is an issue and not necessarily singling out the owner of the business or the property owner. The bottom line is that someone has to take responsibility for it. If I come into that business, that is my responsibility because I lease this property. That does not just include everything inside the doors of the building. That includes everything around the perimeter of the business. If it snows tonight and we get ice on the sidewalk, I am responsible to take due diligence to make sure that I have a safe access to my business for my employees and customers. This is just common sense. We are spending a lot of time on something that should have been handled a lot quicker and a lot more effectively so we can move on. We all agree that this is a problem and until the police catch this person, but this should not be such a big deal to have to take a position on this issue.

Chair Little encouraged the Health Department Board to address this at their next meeting as to possibly making a situation where they could make statements like that. She said this committee does not have the authority to do that other than to encourage the Board of Health to take a look at it. She said she would do her best to encourage the police to make an arrest and get this culprit the help that he obviously needs.

Chairman Greenfield said that he would argue that this board does have the authority to make that ordinance, but he would hope that the Board of Health would do it before we have to.

Chair Little said she would like for it to start at the Health Department Board. Ms. Little thanked everyone for coming. She now understands what is going on. Communication has not been perfect. It is very unfortunate.

Ms. Binkley explained that the Board will be meeting on Tuesday and she asked for clarification from the EEHW committee is that they are requesting that the board consider taking a different type of action in these types of situations. To Mr. Scranton's example about glass or it being a public safety issue or garbage, how broad are you requesting that the Health Department speak to issues. Obviously, feces is one thing, but if it is garbage or glass or something that is not as egregious, how broad are you wanting that? What is being sought?

Chair Little said she would like for the Health Board to discuss it. They are much more familiar with all of the different things mentioned. She said she would be interested in knowing the recommendations of the Health Board based on staff input as to how something like this . . . It still does not seem like rocket science for the Health Department to say, this is a health hazard. So, if it is just a matter of the Board giving someone authority to say, yes, this is a health hazard and here is a letter stating that feces on the sidewalk and door handle is a health hazard. It doesn't need to be a 10 page ordinance. It is just unfortunate that it is that difficult to get a statement like this. She said she is not putting a time line on it and is not saying that by next month, you better have something or we're taking over. She said she is not playing that, but would like for the Health Department Board to take a look at this and either taking action or

letting us know why not. If there is sound legal reason for not doing it, ok, We'd like to hear it. Ms. Binkley said she is sure that it will come into conversation that when the Health Department goes out, whatever evidence the Health Department gets, if it is provided to us and if there is not evidence that it is a hazard, that would also obviously come into play as far as how close would it have to be to the business and all these things talked about. Ms. Binkley said she did see the picture Mr. Parks had sent to Ms. Wade and in the picture, it is just literally smeared on the window which, yes, is disgusting. A lot of those details and questions are going to come into play. Chair Little said she would like to see it on a case by case. You can't say, ok, if there are feces 2 feet from the door and it is more than 12 inches away from the door handle, then it is not a hazard. That is just silly. She said she would like for the Health Department staff to have the authority to use their wisdom and make a determination as to whether it is just gross or if it is a health hazard. We all walk in stuff and don't realize we've walked in it. She said she was not going to tell Ms. Binkley what she wants her to come up with. She said she is saying that she would appreciate the Board of Health addressing this and talking about it. Ms. Binkley added that the police have not requested a letter from the Health Department, for the record to show. Also, as Ms. Binkley said she asked before, if anyone does ever have an issue with her staff, she would appreciate it being brought to her. She said she does feel that the way some of this was carried out was a little bit bashing on the Health Department staff. Ms. Binkley said she is obviously protective of her staff like any leader should be. Chair Little said that this was not meant to be bashing to her staff. Ms. Binkley continued, saying she was referring to some of Mr. Parks' comments and said that if there is anything, if she could be called, she has always been responsive to people who have had complaints whether it is about the staff or herself. She asked that that please be brought to her. She stressed that she does want them to be doing the best job possible. Ms. Binkley asked Mr. Baggett if he could be available to attend Tuesday's Board of Health meeting. She said she was sure there would be questions about legality. That is one of the things they will be speaking about as well.

OFFICEHOLDER'S REMARKS - None

Closed Session – None needed

NEXT MEETING Next regular meeting – 1/27/2022

ADJOURNMENT The meeting was adjourned by Chair Little at 7 p.m.

Minutes submitted by Jeannie Durham, Executive Secretary, Macon County Board Office