

**EEHW COMMITTEE MEETING**  
**Thursday, February 18, 2016**  
**5:30 P.M.**

**MEMBERS PRESENT**

Tim Dudley, Chair  
Linda Little, Vice Chair  
Matt Brown  
Kevin Bird  
Gary Minich  
Jerry Potts

**MEMBERS ABSENT**

Grant Noland

**COUNTY PERSONNEL PRESENT**

Laurie Rasmus, Env Mgmt  
Mike Baggett, State's Atty Office  
Dianna Heyer, Health Dept  
Kathy Wade, Health Dept  
Greg Collins, VA  
Paula Cross, Env Mgmt  
Kris Horton, Animal Control  
Jennifer Hoffman, P&Z  
Laura Lents, County Board Office  
Jeannie Durham, County Board Office

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

**MINUTES**

Ms. Little made a motion to approve the January 21, 2016 meeting minutes, Mr. Minich seconded and the motion carried 6-0.

**CLAIMS**

Ms. Little made a motion to accept the report of the claims as presented, seconded by Mr. Minich and the motion carried 6-0.

**Citizen's Remarks** –(Chair Dudley announced that he would be hearing citizen's remarks now)

Patrick Stout, 2373 N Summit Ave, Decatur IL addressed the group saying that he had owned a house in Macon County for 10 years. He said he thought that all the committee members had received a letter of support from State Representative Bill Mitchell and who was on the Macon County Board. Linda Little corrected Mr. Stout that Bill Mitchell had been on the City Council not County Board. Mr. Stout went on stating that in regard to the cupcake law and getting it passed, one day it does not affect enough people to do anything about it and the next it would be too much time for the Health Dept. to manage. The Health Dept had Key Laboratories take tests of cake samples and it came back with a PH Level below 4.5 and it deemed "potentially not hazardous" which is stated in the Cottage Food Law. In regards to the comments of tracking the thousand dollar income, overstating or understating is the IRS jurisdiction. As stated by the Health Dept, they are only here to insure food safety. The issue of tracking sales tax falls on the responsibility of the Illinois Dept of Revenue, on the ST1 form. Mr. Stout said the Health Dept is over stepping their bounds. Comments have been made about zoning which has never and never will be an issue because home bakers are delivery only and have no store fronts. He said it is very simple, either you support small businesses or you're not. Mr. Stout commented that everyone should think of their grandmother that was probably a home baker herself, think of all the people she killed with a now lethal weapon of a chocolate chip cookie.

Sue Clark, Cake Lady Supply, 328 W Eldorado, Decatur IL addressed the group saying that she had heard that this issue would not affect enough people to worry about. She asked the citizens to show raise of hands if they were affected. She went on to talk about posting on her business Facebook page and the thousands of people who viewed it. She explained that she normally does not get that many viewers. She said this is not a little issue. It does affect a lot of people, not only a lot of cake decorators, but a lot people that want to order cakes daily. She explained that she receives daily calls wanting to know why the cake decorators are not answering their phones. She said she explains that this is why and that they won't answer their phones until the ordinance is passed. She passed out a booklet of pictures of different cakes that had been made by home bakers and explained that they are not the type of cakes purchased in stores. The cakes are special ordered, special made, special delivered and ended by stating that the bakers are not making any cakes until an ordinance is passed.

Chairman Dudley stated for the record that he did not receive the letter from Mr. Mitchell. He went on to clarify that the Macon County Board only has jurisdiction over the unincorporated parts of Macon County and have nothing to do with the City of Decatur, Forsyth, City of Mt. Zion or any municipality in the County. He said that is why he had made a statement that he didn't think this would affect that many people making cakes. He said a lot of people are under the impression that if the County passes an ordinance it would cover the entire whole County and it does not. He explained that if they wanted to make cake in the City of Decatur they need to take it to the City. He thanked everyone for attending.

**ZONING** – None

**SUBDIVISIONS** – None

### **REPORTS**

#### ***Environmental Management -***

Ms. Cross reported that they had just put out the new paint schedule for the 2016 paint pickups and she wanted to give a 2015 Paint Collections update. The majority of people that are coming in are from the Decatur zip codes. There were over 1,000 cars come through the 11 paint collections. Over 6,700 gallons of paint were processed. They gave away over 800 gallons by donating it to various organizations, individuals, anybody who wants paint. She said they are very happy to give it away. Paint collections have been held since 2000. There has been a dramatic increase in participation. Macon is the only county that has these in Central Illinois. The word has really gotten out on the paint collections. People want to recycle and do the right thing with it. She handed out the new poster listing the dates for collections in 2016. The program is in cooperation with the Illinois EPA. The paint is processed into barrels and they pay for an environmental company to come pick it up. Ms. Little asked if they are still using Community Service workers. Ms. Cross said they cannot do it without the community service workers. From 4 to 8 workers help with every paint collection. Jim Taylor & Danny Knight have been great to work with and this really keeps the cost down.

#### ***Macon County Board Resolution Approving an Agreement between the County of Macon and Advanced Technology Recycling***

Ms. Rasmus explained that for the past several years, the department has sponsored one day electronics collection events at Progress City. During these events, ATR (Advanced Technology Recycling) has provided operations and accepted all of the collected devices from recycling. This resolution proposes an agreement with ATR regarding the operations and acceptance of electronics during the department's collection events in 2016. Important factors include that ATR meets the criteria for ensuring safety, protection of the environment, and data security. ATR has attained R2 certification, a strict standard administered by sustainable electronics international. The proposed agreement includes a 30 day opt out capability, commitment for ATR to provide staffing, equipment and supplies for the collection events, a listing of acceptable items, an overview of ATR's insurance, and a cost structure. Mr. Baggett has reviewed the agreement and an indemnity clause was added per his recommendation.

Ms. Little made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Mr. Minich, and the motion carried 6-0.

### ***Macon County Board Resolution Approving a Use Agreement between the Macon County and Progress City USA***

Ms. Rasmus explained that this resolution proposes an agreement with Progress City to use their facilities for a collection event. This agreement is a new requirement by Progress City, which explains why this agreement is new even though the facilities have been used in the past. Mr. Baggett has also reviewed this agreement.

Ms. Little made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Mr. Potts, and the motion carried 6 -0.

Ms. Little said she had been asked about a new bill that had just been passed that makes it even harder to rid of televisions. Ms. Rasmus said that was not a bill, but Best Buy has changed their policy. In the State of Illinois they are no longer accepting televisions or monitors. They are continuing to accept other electronic devices. Illinois has been signaled out on this along with one other state because of the regulations are in those states. According to Best Buy, they are not able to charge as they are in other states.

### ***Health Department***

Ms. Heyer addressed the committee on the topic of the Home Kitchen Cupcake Law. She said that Bill Mitchell has not contacted her for any inquiry about this and has not heard the Health Department's side of the issue.

She started with a brief overview of the Home Kitchen Cupcake Law. The Home Kitchen operation is defined as a person who produces or packages non-potentially hazardous baked goods in a kitchen at the person's primary domestic residence for direct sale by the owner or family member. These conditions have to be met in order for them to do that: Monthly gross sales do not exceed \$1,000, the food is non-potentially hazardous baked goods, no cream pies, pastries or cheese cakes, notice has to be given to the purchaser of the name of the product and that the product was cooked in the home, the producer has to put a label with the name of the

product and any allergens, the food is sold directly to the consumer, and the food is stored in the residence where it is produced.

Here are the concerns of the Health Department: the local Health Department may only inspect a home kitchen in the event of a complaint or an identified outbreak occurrence, there is no required food safety training or registration, there are no assurances that food is being prepared or stored safely, there are just not enough standards in this law at this time that allow the Health Department to protect the health of residents of Macon County – which is the mission. In all that is done, in every program, they ask themselves if this meets the mission statement of protecting the health of the public.

With the State budget prices, the Health Department has not been paid since July for many of the public health programs. She said they are working right now without being paid. She provided a copy of a map showing the dire situation of public health departments in Illinois. Many are reducing hours, cutting programs, laying off staff. She said she has already had to lay off staff and decrease programs as well. The financial situation is not good. Resources are not available to pursue this ordinance. There are potential further reductions in programs over the next two months. The Board of Health has advised Ms. Heyer to not move forward with the development of this ordinance. They suggested to the home bakers that they talk with their state representatives for a more clearly defined law. With the state budget crisis, there is a dismantling of public health services across the state. Many people do not realize what public health departments do until there is a problem such as an outbreak or disaster. If the department is doing their work, the public does not know about them. The local department currently inspects over 700 establishments for safe food handling, preparation and storage. The Cupcake Law does not protect public health, has the potential for disease transmission and a high degree of liability for everyone concerned. She said that they respectfully ask the EEHW Committee to not pass this ordinance. She said that they are very willing to connect any home baker to resources that may assist them with becoming a licensed home baker.

Chair Dudley asked if the Health Department was being run at a minimum state required department currently. Ms. Heyer said that currently staff has been cut to bare minimum, but they are still meeting all of their grant obligations and required programs, but it is coming to a point, within the next couple of months, that some serious decisions about reductions in programs and staff will have to be made. She said they are owed approximately \$700,000 in funds that have not been paid so far.

#### ***Health Department-***

Ms. Wade said that she was sure everyone knows someone who makes and sells cakes, cupcakes, and other baked goods out of their homes. She said she was not speaking to the grandma who bakes her granddaughters' princess birthday cake or the mom who is making her son and soon to be daughter in law's wedding cake. She said she was speaking to the ones who pretend to have a legal business; those who advertise to the general public on the internet, through flyers, and even those who print out business cards. These businesses are not the same as a licensed food service establishment. A licensed food service establishment abides by state and local laws, pays a variety of licenses and permitting fees, collects state and local taxes, and incurs other costs to maintain their business. Those licensed bakeries in Macon County are not

part of a chain or corporation; they are more of the “mom and pop” type establishments- the ones that have put their own blood, sweat, tears, and equity into accomplishing their goal of becoming a licensed food service establishment. They have proven that our community supports them, and in turn the community has shown that they could even support more.

As you saw earlier, members of the audience were asked to raise their hands in support of the non-license home bakers. What you won't see is a group of licensed bakers standing up to support themselves. You may be asking yourself why, and the answer is quite simple. These licensed bakeries have received threatening phone calls, letters, and emails over the last few weeks. Their business websites and Facebook pages have been attacked by individuals showing hatred and disgust towards them for being licensed. She said she too had received threatening voicemails, but I understand that this is the nature of my job. This isn't the first time I've received threats, and I can guarantee that it won't be the last. Some have even been accused of turning the home bakers in to the MCHD. The licensed bakers that are not here tonight are concerned for their safety, the safety of their families and even the safety of the business that they have put everything into. I'm sure we've all read the article that the Herald & Review printed on February 5, 2016. I personally thought the article did a great job of being one sided. Did you notice that not one licensed baker or bakery was interviewed for this article? Did you know that the MCHD was contacted a couple weeks prior to this article being printed, and prior to the BOH deciding to not look into this matter any further at this time? The reporter was informed that the BOH would be reviewing this matter, and the reporter did not show up to the BOH meeting, nor did he do a follow up phone call to see what our BOH decided, prior to printing the article. What the article did do was bring a new found light to this topic. For example, does this mean that we should no longer inspect the bakery department at our retail grocery stores because they are “just baked goods”? Take this a step further, what is the difference between a bakery and a restaurant? Both are providing food for consumption; both are charging a fee for their service. Does this mean we should stop inspecting all restaurants? The article also spurred a lot of interest in opening a licensed bakery because it is obvious the demand is there. Since the printing of this article, we have already received a set of plans for an in home licensed bakery to review, and as of tonight, are approved plans. The number of phone calls that we have received regarding what it takes to become licensed bakery has also increased. Many of the people who I've spoke to have been given incorrect information either from home bakers or stores, and even online blogs. The article has also helped other LHD's who are going through the same thing, or are trying to educate their boards on the Cupcake Law. As you've seen in previous documentation, only 8 counties in the State of IL support the Cupcake Law, while 50+ counties do not. The support and praise that MCHD has received from other LHD's is amazing. We are all in the same boat when it comes to maintaining our programs mandated by the State with no budget, but this has shown that the regulations we enforce are here for a reason, whether they are supported by all community members or not. One of the jobs of a LHD is to assure food safety to the public. Promoting the sale of uninspected food items creates an unacceptable risk of possibly increasing the number of FBI's associated with the consumption of unsafe food in Macon County. We are here to protect the public health of the community.

At this time, there is no funding to mandate this law. We are currently working without a budget to maintain the current programs, and adding another unfunded program is not financially responsible. Besides the financial strain, there are other factors that need to be thought of like safety, liability, and the overall message we are sending to our community

members, including those who currently pay a food service establishment license fee to be permitted in Macon County. Is the county willing to endorse home bakers as being safe, because by registering these home bakers, we are in essence saying just this? Does the SA have the manpower and time to handle the complaints, including any outbreak complaints? I will be glad to go over the documentation that was provided last month to you if you have specific questions regarding the Cupcake Law.

***Animal Control***

Ms. Horton distributed a report showing numbers for the month. Adoptions are up, euthanasia are down, return to owners are up with everything else pretty much the same. The threat of the pending storm held people from attending the Valentine's Day event this past Saturday. Last year there were 33 adoptions. This year there were 7 or 8, but that's 7 or 8 animals that found their homes. PetSmart is on Saturday and there is a volunteer orientation this weekend.

***Mental Health-no report***

***Veterans Assistance – no report***

***Historical Museum – no report***

***U of I Extension – no report***

***Planning & Zoning – no report***

***Regional Office of Education – no report***

**OLD BUSINESS – none**

**NEW BUSINESS – none**

**Closed Session – none needed**

**NEXT MEETING Next regular meeting - Thursday, March 17, 2016**

**ADJOURNMENT**

Jerry Potts made a motion to adjourn, seconded by Linda Little and Chair Dudley adjourned the meeting at 6 p.m.

*Minutes submitted by Jeannie Durham*