

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

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

January 27, 2022 5:30 P.M.

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

Brandi Binkley, Health Department
Lt. Scheibly, Animal Control
Jennifer Gunter, P&Z
Jessie Smalley, HR

Jeannie Durham, County Board Office

MEMBERS ABSENT

Helena Buckner

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, 12/16/2021 made by Chairman Greenfield, seconded by Ms. Larner 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 December, 2021 & December, 2020 for comparison. They are very comparable, but one of the bigger differences would be the 2021 income vs 2020. This is a normal fluctuation depending on when the Foundation reimburses for specials and things. There is really not much difference between the two years. Everything is still status quo with the numbers being great.

Chair Little asked about specials. Lt. Scheibly said there typically are, but its kind of up in the air on what they are going to do, whether they will do an in house event or not. There will be a special, but not sure if the open house like is typically done will occur this year.

Veteran's Assistance – No Report

Planning & Zoning – No Report

Health Department –

Macon County Board Resolution Authorizing Disposal of Surplus Property by the Macon County Health Department

Ms. Binkley explained that these are things that they would like to get rid of. If there are things that are not broken, which some things listed are, the regular process of reaching out to other County departments to see if anyone can use those items. If something is not wanted by other County departments, they would offer to donate that. After the last option, they would dispose of the items.

Motion to approve forwarding on to the Finance Committee with recommendation to approve made by Mr. Gresham, seconded by Ms. Larner, and the motion carried 6-0.

Macon County Board Resolution Approving New Fees for the Cottage Food Operations in Macon County

Ms. Binkley explained that Cottage Food is something that is already being done and allowed. Now, there will be fees that are associated with those in addition to what has been done in the past. There is a Senate Bill that started January 1. This was brought to the Board of Health in December, but because of the timing of the meeting, it was after the December EEHW meeting.

This is a fee for registration for Cottage Food and now it adds on this fee for inspections if there is a complaint and staff has to go out and investigate that complaint of food borne illness. There would be some money that would come in where historically the Health Department team would have to go do that work and there would be no money that would come with that. The \$50 is the number that is put forth by the state. The other number could be chosen by the local entity. The Board of Health discussed it and came up with \$350.

Mr. Gresham said it seems a little steep and asked it would apply to any complaint. Ms. Binkley said, for Cottage Food, it is very rare that there would be a complaint. There was a lot of discussion by the Board of Health about if someone did not like someone that had a Cottage Food operation, they could send somebody out there. That is definitely a concern for Ms. Binkley as well, but they are going out to investigate. It is very hard to found or confirm that a food borne illness started at a certain place. The amount of work and investigation that goes into that is very in depth and it is difficult to prove. These Cottage Food operations do not meet the FDA Food Code.

Ms. Larner asked for an explanation of Cottage Food. Ms. Binkley explained that this would be someone that is doing pies, cupcakes or things like that and going out and selling them. They are allowed to have more things now with this new Senate Bill. They are now allowed to make more things and grow their operation. One thing the Board of Health talked a lot about was that the Cottage Food Operations can run their business for a lot lower cost than the brick and

mortar, food trucks or some other entities. That was discussed. The Health Department had proposed a fee of \$150 to the Board, but they felt that the amount of staff time that would go into having to investigate a complaint associated with this, which is rare and has been rare, that they did feel like it needed to merit the time that is put into it. The Board has also stated that they will be looking at other fees in the division as well. They have not been updated since around 2015 or 2016. Some of those will probably be updated to reflect and mirror more closely to these fees.

Ms. Larner asked about the fees. Ms. Binkley did not have a hard copy, but said they are on her phone and she could send them to her. If it is a priority foundation complaint that they go out on, it is \$75 when they go out to a brick and mortar restaurant. That is just one of the numbers they talked about increasing just because of the amount of time that is put into that by the staff when there are those issues. \$75 does not cover that.

Chair Little asked if a complaint comes in about Ma & Pa making pies and getting dog hair in the pie, you would do an inspection and charge the business \$350 to do that inspection just because there was a complaint? Ms. Binkley said that if it is Cottage Food, yes.

Ms. Larner asked what if they go there and inspect and there is nothing found, do they still have to pay the money? Ms. Binkley said first, the founding that there is a food borne illness associated with the business that would have merited a complaint would be very difficult. However, if they are using FDA Food Code to complete that visit, a home kitchen does not meet the criteria for FDA Food Code. So, if they went into a home kitchen, they would automatically found a complaint that would merit a fee because those kitchens do not have all of the requirements that a brick and mortar restaurant is required to have.

Chair Little asked if this applies if they have a food borne illness that goes back to that location and not just somebody complaining. Ms. Binkley said this could be any type of complaint, not just food borne illness. That would generally be if a complaint was received that would be associated with Cottage Food, which is very rare. Right now, Ms. Binkley said she thought there are only 2 to 3 people that are registered as Cottage Food in the County. Ms. Little asked if they are obligated to register as a Cottage Food. Ms. Binkley said they should be, but is sure there are some out there that are not. Ms. Little asked if they are obligated, if they are running a small business from their home, are they required to register with the County? Ms. Binkley said yes. Ms. Little said she is not disputing the fact that it takes time and time is money from the department to go inspect, she said she is just concerned about if somebody gets targeted.

Ms. Binkley said the Board of Health did talk about the targeting possibility. State's Attorney, Scott Rueter was there and the Board did ask some questions about the fee and if they did start to see some issues, then of course that can be looked at again and the Board can present a new option of a fee or if something starts to become problematic with this. Again, it is something that had to be done because of the Senate Bill, but they certainly will be keeping an eye on it and they would never want someone to be targeted. If that behavior is noticed, it would be brought to the State's Attorney's office.

Mr. Gresham said he just feels that it is way too much and could not vote for this. Chairman Greenfield said he agrees. Mr. Entler said they had looked at parity with other counties and used that to establish the numbers. They are very comparable to Sangamon, and 3 or 4 other counties they checked with. But the time it takes to research those really does not get covered in a lot of the fees. That was a big topic of discussion.

Ms. Larner said she understands that they (Cottage Food) does not have as much overhead as a bigger business, but they probably also are not bringing in as much income and money as a bigger business if they are just doing it on the side. Whereas the bigger business may be more able to fork out the \$350.

Chair Little asked if this only applies to Cottage Food businesses that are registered with the County. Ms. Binkley said yes, she would think so. If there is a business that is operating without proper licensure; they have had people that have been cooking out of their home kitchen with no kind of license and they go through the Cease and Desist process and work with the State's Attorney's Office on that. She said she would assume there would be a fee applied to them, but whether or not they actually get it would be a different story. But, yes, and they should be licensed, but she said she is sure that there are some that are not.

Chairman Greenfield asked if they could amend the resolution. Chair Little said no, her understanding is that the governing board (the Board of Health) has already approved it.

Ms. Larner asked if a restaurant would be charged \$75 for a similar complaint. Ms. Binkley said it depends on what type of violation they would find in a restaurant. The \$75 example is called a Priority Foundation. There are different types of violations found under the FDA Food Code. It would depend on what type it is. Also, for example, if someone had to have a re-inspection or if they were closed and had to have a reopening inspection, there are fees associated with some of those. This would definitely be the highest, but as mentioned, the Board of Health did talk about this in great depth. They were brought the number of \$150 and they wanted, because of staff time, for that to be increased and to also look at Environmental Health fees across the board to see if some of those other ones need to be increased. So, that \$75, from the way the Board of Health was talking, it seems like they would like to increase the other fees as well to reflect more this number and not have a huge disparity between what a restaurant would pay and what a Cottage Food operation would pay.

Chair Little & Ms. Larner said that was part of their concern. It just looks like they are targeting. Mr. Comer asked if they would send out a notice to the registered businesses of the change. Ms. Binkley said yes, for sure. Mr. Comer said he could see somewhat of a little bit of a checks and balances to where if they don't have the same guidelines as a restaurant, it might make them think they'll cook cupcakes a little more carefully because there could be a \$350 fine. Chair Little agreed saying that is legit because they don't have to comply with the same regulations that a brick and mortar restaurant would have to. Chairman Greenfield commented that they are going to get a \$350 fine even if they go out there and find nothing wrong. That is where he said he has a problem. Chair Little agreed that she has concerns there too, but without Mr. Baggett being here . . . Chairman Greenfield asked if she wanted a motion to table it. Ms. Little said yes, she would entertain that motion, but for the record, she said she does not know

whether that prevents the Health Department from going forward with it because the Board of Health has already approved it. She said she does not know. That is the whole gray area with the way the Statute was so poorly written about Health Departments years ago.

Ms. Larner asked about other counties and if we are higher. Mr. Entler said he did not remember. They had talked more about the other fees and didn't know that they had gotten specific about the Cottage Food fees. Ms. Binkley said that she thought the \$150 number that the Director of Environmental Health had brought forward was closer to what some of the surrounding areas are doing. She cautioned that she wasn't sure and was trying to remember off the top of her head from the December Board of Health meeting. She said that if this committee tables it, she could reach out to the State's Attorney's Office to see how they should proceed in the interim and could bring it back to the Board of Health and let them know about the concerns. They did talk about all of this. Mr. Entler said they had talked a long time, about 60 minutes. Ms. Little repeated, if we table this here, she did not know what that means for the Health Department and whether they can go ahead and go that route. She said she is not comfortable sending this on to the full board for approval at this point. She said she didn't know if they want to table it or vote it down. She wished Mr. Baggett was there.

Mr. Gresham commented that the fact that it comes before the committee means they have to approve it. Ms. Larner said that is what she was thinking too. Chair Little didn't disagree, but said she goes back to the question of what is the County Board's authority over the Health Department. That is where the gray area is.

Mr. Gresham said, going back to the business closures and the discussion of the COVID situation, and so forth, it certainly seemed like this group wanted to control the Health Department in that case, so he couldn't see much difference. Chair Little did not disagree but said it is a huge gray area in the way the Statute is written as to the County Board authority. It is more than just approving the levy the way the Statute is written, but it is very gray. If there is a lot of uncertainty in this committee, Chair Little's suggestion would be to table it until we can get some more information.

Motion to table made by Mr. Gresham, seconded by Chairman Greenfield, and the motion carried 6-0.

Ms. Binkley said she would get some clarification and then asked about when she takes it back to her Board of Health, just so she can be reflective of what this group has said, is there a recommended number. She said she would bring their concerns and since they were already discussed, maybe when they see other people also have the same concerns, that will merit more conversation, but is there a number, is there a range that the committee would like for her to take back. Chair Little said she did not have a range because it is not something she has ever looked into in any county ever. So, she said she would like to make sure this county is at least comparative to those around us and would like to know about if someone is targeted. That is a concern, especially with the Cottage industry. With a brick and mortar standing facility, there are a whole lot more guests that will go on Facebook and defend. Mr. Comer said he wasn't as concerned about the money as the ability to target someone and then if they don't find anything, there is still that fine. Ms. Little agreed saying, they could call one week, then again the next

week and if there is still nothing found, that could mount up. Mr. Comer said that with the checks and balances, if there is a significant amount of money, it will change people's behavior when they are doing something. Ms. Little agreed, saying, IF they are doing something wrong. Mr. Comer said though that just to go out and they get the fine no matter what, that's the biggest concern for him. He'd like to have that figured out somehow. Ms. Little agreed and added the amount of the fine. Chairman Greenfield asked if they really care what the other counties are doing because he really does not. He'd rather lead than follow. He said he would think \$100 would be sufficient. Chair Little said she did not say she would base her vote on what other counties are doing, she'd just kind of like to know what is out there. Ms. Larner agreed that she is not knowledgeable on these fees, so if she had something else to go off of such as what is a restaurant paying, etc. She said she would have no idea as to whether \$350 is a lot or a little without knowing what some of the other counties charge. Ms. Binkley said that what she would do, if it would be helpful, is firm up whether the \$150 is what the surrounding counties are doing. The Environmental Health fees list was put out to the Board of Health this past month for review and future discussion. With this committee knowing that that might be changed, maybe she could send that next month for consideration with the resolution if it changes or if it does not and then they can look at that, but also know that those might be increasing, but at least kind of have a more rounded idea of where those are and where they might be going because if those are changed, those will be coming to this committee too. She said she would also try to bring a little more detail and explanation about why they would get fined if staff went out because they don't meet FDA Food Code being a home kitchen. They are not meeting all those things that are supposed to be required in order to be providing food to the public. So, that is why they would always get that fine. One thing that is always talked about is if there are allergens, cats on the counter, etc. They may not see that while they are there, but if they go out and that kitchen is not meeting the FDA Food Code, then it does confirm a violation and that is why they would all be fined automatically.

Mr. Gresham pointed out that this is not a fine. It is a fee. So, not knowing if there is procedure for fines on top of this, but this is what they pay regardless and then once you get there, you know that no matter what, they are going to fail. Ms. Larner pointed out that the \$350 could turn into several times that. Ms. Binkley said yes, it is a fee for going and conducting that inspection. She said she had asked the Director of Environmental Health if they could just charge them the fee if it is founded when they are there, that is when the point was made to her that there is always going to be a violation because they do not meet FDA Food Code if they are cooking in the home as a Cottage Food Operation.

Ms. Larner said, so you give them the ok to do it, but then . . . Ms. Binkley explained that it was not something that Health Departments really supported when it first came through. Now, there is even a new Senate Bill, but this has been going on for some years just because there are so many risks and it can't really be controlled or even investigated as well as a brick and mortar or food truck.

Chair Little said that triggers another question. Someone calls in a complaint about ABC Pie and you go out and inspect. Is the inspection for everything that is in that kitchen or just for what the complaint was about. It sounds like its for everything in that kitchen. Ms. Binkley explained that usually, when they get a complaint in a brick and mortar for example because

complaints with the Cottage Food have been very minimal. There are hardly any that are licensed with the Health Department. So, when they go out, they do an inspection. So, they are looking to check up on that issue, but that does not mean they are only going to look at that one thing. They may not do a full blown, like a quarterly inspection, but they are not going to just look past if there are other issues. If they are in a home kitchen, they're definitely going to be able to see more and assess more of what is going on if they go in. On the other side of that, if they get another complaint about a cat, they may not see a cat, but they may see some other things going on that are concerning and dangerous.

Macon County Board Resolution Approving Increase in Appropriations in the FY22 Health Fund Budget for MIECHV ARPA

Ms. Binkley explained that the MIECHV is a home visit program that the Health Department has. These are ARPA funds specifically designated for MIECHV clients, only to be used for those clients that are already enrolled in that program that meet that eligibility criteria and only to be used for certain types of items to provide those services.

Motion to approve forwarding on to the Finance Committee with recommendation to approve made by Mr. Gresham, seconded by Ms. Lerner, and the motion carried 6-0.

Ms. Binkley went on to report that the Board of Health had been approached, at this committee's request, about how hazardous situations would be handled that are more general in the future and about the letter Mr. Parks had requested saying there was no health hazard or health violation. The Board of Health discussed and with Mr. Rueter present, it was decided that a letter would not be written saying there were no hazards, but a letter would be written that would say this is a hazardous situation, please address it or there could be additional ramifications. The State's Attorney's Office wrote that letter so the legal language would be appropriate and that was put out to them right away. So, it was not exactly what was originally requested, but basically a way was found to make that work. The Board of Health decided to form a committee of board members and some staff to talk about how to handle these situations in the future. If it fits into that pot that Mr. Baggett talked about that is just a general hazard. There was also discussion about other entities locally that can handle those types of hazards much more quickly than the Health Department can. Hopefully, there was some additional communication and education about that so that if there is a future issue.

Chair Little asked if there is still an ongoing issue there. Ms. Binkley said she has not been made aware of anything.

Everything else is up and running. The essential services, except the STI clinic, which was a staffing issue and not having enough staff to run that. Conversations have been held with Crossings Healthcare who was partnered with prior to COVID. They are short staffed as well, but there is a plan in the works so that can be started up again in the next few months.

The Health Department has been busy providing services everywhere. COVID is in a surge. There was a centralization to the Surge Center. There have been some pretty significant changes. The COVID operator hotline is still open 7 days a week if people are looking for help.

There were some State level call routing problems and the Health Department has been working with them to try to fix that so no calls are missed. If someone says they have not heard back with the 312 number, which is the Surge Center, just have them call the Health Department directly. The team that is handling calls 7 days a week from 7:30 a.m. to 8:30 p.m. is still there. Employers are being encouraged to not require letters any longer for release unless it is absolutely necessary. That was a big burden for people to get back to work.

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 – None

OLD BUSINESS – None

NEW BUSINESS – None

OFFICEHOLDER’S REMARKS - None

Closed Session – None needed

NEXT MEETING Next regular meeting – 2/24/2022

ADJOURNMENT The meeting was adjourned by Chair Little at 6 p.m.

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