

**SITING, RULES & ORDINANCE SUB-COMMITTEE MEETING**  
**October 27, 2016**  
**5:30 P.M.**

**MEMBERS PRESENT**

Matt Brown  
Jerry Potts  
Patty Cox  
Gary Minich  
Verzell Taylor

**COUNTY PERSONNEL PRESENT**

Mike Baggett, State's Attorney's Office  
Jennifer Hoffman, P&Z  
Dianna Heyer, Health Dept  
Kathy Wade, Health Dept

**MEMBERS NOT PRESENT**

Bill Oliver  
Pat Dawson

Jeannie Durham, County Board Office

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

**MINUTES**

Motion to approve the minutes of prior meeting, 8/31/16, made by Mr. Minich, seconded by Mr. Potts and motion carried 5-0.

**CITIZEN'S REMARKS**

Chair Brown called for remarks from anyone present wishing to speak about anything other than the Home Kitchen Operation Act. There were none

**OLD BUSINESS**

**NEW BUSINESS**

*Macon County Board Ordinance Authorizing Home Kitchen Operations*

Mr. Baggett explained the proposed draft of a new section to the Macon County Code, Chapter 95. The City of Decatur's ordinance is quite different than the proposed Macon County Ordinance. He explained that what he had drafted for consideration is an allowance that the County allow these in line with the Statute. The home rule jurisdiction has much more expansive powers to add restrictions or things to the law as they see fit. The County does not have those powers. He explained that he did not want to gum up the ordinance by putting language in that the Legislature may amend on its own and then the County would have to come back and amend theirs. All this is going to say is that we can do it, pursuant to the Statute which allows it.

Mr. Minich asked if this would allow people to do, within limits, and bake without being in violation of . . . Mr. Baggett said they would have to abide by all the restrictions within the Home Kitchen Operations Statute which is Section 3.6 of the Food Handling Regulation Enforcement Act. The reason our ordinance needs to be less specific and just say that we are allowing it in line with the Statute is that if the Legislature comes back and changes it down the road, we won't have to worry about it. Mr. Minich said that as many months as we moved these people around without telling them what the proper committee was to come before, but also whether or not they need

commercial ovens. Mr. Baggett said he was not sure he could answer that question today, but he could say that they would be able to do what the Statute allows if the ordinance is passed. It would be up to them to determine if they are in compliance with the Statute. If they are not, then the provisions of the Statute could be enforced against them. It will be on them to understand what their restrictions are in the Statute and to comply with it.

Chair Brown asked, before the State Statute was enacted, what restrictions did the home bakers have. Mr. Baggett said his understanding was that there was a situation in another county where a child had baked cupcakes and was putting them out for sale. A local government, not sure if it was a city, county, or health department, came in and said she could not do it under the law. So, the legislature responded with this Statute. He said he did not know what restrictions were in place prior to that. He thought it might be a situation where you had at least 102 and possible thousands more of a patchwork of regulations that govern the area, depending on where you live. Chair Brown said he had done some research and from his understanding, the reason the State passed this law was really to do the exact opposite of what is going on. It was to allow home bakers. The State wanted to encourage that growth. He said that was his concern; stifling some growth and some things that the home bakers have been doing for years. He said his understanding of the state law was to allow them to do that. His concern was that they might be restricting that if they did not pass the ordinance. Mr. Baggett said that he was not taking a position, but the idea of not passing it would be stifling, the counter to that is that the General Assembly allowed for local control of this and said that these would only be allowed in those local units of government which decide to affirmatively allow them. If the Legislature had wanted to, it very easily could have said, it is allowed statewide, period. For whatever reasons, they decided to allow local governments to make decisions for themselves. He said that he did not believe that the board is under any obligation or any inferred intent of the General Assembly to do one thing or the other. It is up to the Board's discretion to make this decision.

Ms. Cox said that it was her understanding that if this is not passed and someone is baking out of their home and someone turns them in, then the Health Department goes out and shuts them down and then do they get fined? Ms. Wade explained that when they get word that somebody is baking or cooking out of their own home kitchen, they are sent a letter stating that they have received a complaint that they are cooking out of their home. The department is complaint driven. They are asked to call the department within 10 days so they can verify that what they heard is the truth. Sometimes it is a misunderstanding, sometimes they just thought they could do it. The next step is to determine how we can help them get legal. There is no fine. The department has never shown up on anyone's front porch knocking on the door. It is a very general letter asking them to give the department a call.

Chair Brown outlined how the meeting would be handled.

The Health Department has asked for up to 15 minutes to give a presentation. A lot of those present have already heard the information, but some have not, so it will be allowed.

Jennifer Hoffman would like to make a statement about how this affect Planning & Zoning.

Public Comments for or against will be heard next.

A vote will be taken before it is closed out.

When the vote is taken, it will then go as a recommendation to the full county board. Mr. Baggett confirmed that under the County Board's rules, committees do not have the ability or power to either decide an issue one way or the other. Whatever the committee decides, it is ultimately a recommendation to the full board as to whether to adopt or not adopt the ordinance.

Ms. Heyer & Ms. Wade showed a video on allergens.

Ms. Heyer asked everyone to keep in mind that the home baker will assure that the products they deliver to folks are labeled that it is a home baked product and the list of allergens. Unfortunately, this Act does not allow the Health Department to provide any oversight over that. That is one of the biggest concerns with the Act.

Ms. Wade started a PowerPoint presentation:

We know we are here for the Home Kitchen Act. This is very similar to the Cottage Food Law in which a home kitchen can be used to prepare those non-potentially hazardous items such as the baked goods. The Cottage Food does not include those cream pies. These are exempt from Health Department inspections also. Under the Cupcake Law, products must be stored in the residence where it was produced and notice has to be given to the purchaser that the product was produced in a home kitchen.

There is no food safety training required. At least, with the Cottage Food, there is an FSSMC (Food Service Sanitation Manager Certificate) required. Under the Cupcake Law, there is no food training required at all. There has to be a product label talking about the allergens and may produce up to \$1,000 a month gross sales. The only time the Health Department can follow up on it is if it is a complaint or outbreak. Routine inspections cannot be done. We cannot go in at their request to give advice.

Cottage Food allows the same home baked products to be sold only at a farmer's market. They cannot be sold at bake sales. Sales cannot exceed \$36,000 a year. Products must be sold to the direct consumer, so one person cannot bake them and then have someone else go sell them at a farmer's market. There are some labeling requirements. Each vender has to register with the Health Department under the Cottage Food. Under Cupcake, there is no registration.

Each Cottage Food vender must have their FSSMC. Cupcake does not have that. A sign has to be placed on the table that states specifically that the product was produced in a home kitchen that may also process common food allergens, not subject to health inspections.

Food safety is a very big deal. It is a complicated science. There is nothing that says that because the Health Department looks at something, it won't make you sick. That can't be done with any food product. The CDC estimates that one in six Americans gets sick from eating contaminated food yearly. The CDC also estimates that for each case of salmonella reported to the local governing body, 38 cases actually occur. They just don't call them in. They go unreported. Locally, in Macon County, 14 cases of salmonella and 2 cases of shigella happened in 2015. A source was never identified. That is very common for foodborne illnesses.

One job of the Health Department's is to insure food safety for the public. Promoting the sale of any uninspected food items creates an unacceptable risk of possibly increasing the number of foodborne illnesses associated with the consumption of unsafe food.

It is false that only certain potentially hazardous foods can spread disease. Any food, whether it is potentially hazardous or not, has the potential to spread disease. Most cases of foodborne illnesses occur as a result of improper food handling or preparation practices. That could be something at your own home. Food born outbreaks still exist even with the Health Departments going out and doing inspections. It is impossible to prevent every food born outbreak with the resources we have. There is no way for the Health Department to be in a restaurant 24 hours a day, 7 days a week. Just imagine the number of outbreaks that would take place without the measures that are already put in place. Why would we pass an ordinance with no safety measures at all? Just this week alone, on the inspections that the local Health Department staff did, there was one facility that had cats in it, one facility that had no running water, one facility that the cooler had been broken for quite a while. Food was still in it and two shopping carts of spoiled food were taken out that they were still trying to sell to the public. These are places that are licensed that know surprise inspections are done. That is part of having that food license – knowing that you will take part in an inspection.

From 1/1/09 through 12/31/10, Public Health Departments reported to the CDC 1,527 food born disease outbreaks resulting in almost 30,000 cases of illnesses, almost 1,200 hospitalizations and 23 deaths.

In 2013, 818 foodborne disease outbreaks were reported to the CDC resulting in 13,000 illnesses, 1,000 hospitalizations, 16 deaths and 14 food recalls. Take that one step further. With a licensed establishment, on a food recall, you are in a database with the Health Department, so when a food recall comes through, inspectors are sent out to establishments to assist in pulling product. Under the Cupcake Law, if they have that product, we don't know and can't go out there to make sure it is removed. Of those outbreaks with a single known food preparation setting, 12% of those outbreaks occurred from home. Outbreaks do happen from a private residence. It is not just the commercial establishments.

Locally, in Illinois, in 2010, 100 illnesses were linked to an Illinois pastry company. Of the lab tests performed for this foodborne outbreak, one of the suspected food items was contaminated with high levels of Staphylococcus.

The Center for Science in the Public Interest published an article in 2008 stating that there were 179 documented outbreaks, resulting in 4,900 illnesses linked to breads, cakes, pies and other baked items in the US from 1990 to 2006.

According to the Economic Research Service (ERS), and the US Department of Agriculture (USDA): cost estimates for salmonella for 2013 was over \$3 million to do the follow up associated with this. There were over 1 million cases of salmonella. One local outbreak can stop normal business operations and take weeks or months to complete the investigation.

These numbers show that something as simple as a baked item such as cake does have the potential to cause a foodborne illness or allergic reaction. Even the schools do not allow any home baked goods any longer. All items that are brought into schools must be commercially prepared in a commercial setting. Ask any school nurse about the number of children with allergies in a school. It is a huge issue.

According to the Food Allergy and Research Education, researchers estimate that up to 15 million Americans have food allergies. There is potential for allergies in one in every 13 children in the US. That is roughly 2 in every classroom. The economic cost of children's food allergies is nearly \$25 billion a year and rising. Once you've had an allergic reaction to a food product, sensitivity to that food product increases. So, if you have it again, you could have a full blown anaphylaxis shock reaction. According to a study released in 2013 by the CDC, food allergies among children increased approximately 50% between 1997 & 2011. The number of people who have food allergies is growing, but there is no clear reason why. Every 3 minutes a food allergy reaction sends someone to the ER. That is more than 200,000 ER visits a year. A reaction to food can range from mild, such as an itchy mouth to anaphylaxis which is severe, full blown, life threatening conditions. The CDC reported that food allergies resulted in over 300 ambulatory care a year among children under the age of 18. Food allergies are the leading cause of anaphylaxis outside the hospital setting.

With no assurance that home bakers are labeling potential allergens on their products, is the County and the Home Baker ready to accept this potential liability. Ms. Heyer said she was sure that the folks present are very responsible people, but we don't know that everyone else in the community is going to follow suit and assure that the products are labeled with allergens, prepared responsibly and handled appropriately.

When a facility becomes licensed with the health department, policies and procedures are discussed to ensure that the business and its employees have the proper equipment, skills, and knowledge to safely and effectively cook and serve food to the public.

Under the Cupcake Law, there is no required registration process. Therefore, there is no way for local Health Department staff to discuss policies, procedures, and safety issues that goes along with baking and selling these products. Currently, there are licensed bakers in Macon County. What would this ordinance mean for them? Shall we also not inspect the bakeries in Sams, Wal Mart and other grocery stores?

The local health department does not have the ability to register all these individuals. However, the registration process can become a liability to the health department if we leave this act as it is. By registering these individuals, we are stating that we know what they are doing, where they are producing their food product, and yet we allow it to continue even though it is against the Food Sanitation Code that we follow in the State of Illinois.

Licensed bakeries abide by the state and local laws, pay a variety of license permitting fees, collects state and local taxes, and incur other costs to maintain their business. Those operating under the Cupcake Law would not have to pay these fees or taxes. Thus allowing them to undercut the licensed bakers.

These home based kitchens are businesses, which means that they need to look into other local and state laws including, but not limited to zoning and taxes. The health department has no authority unless someone complains or there is an outbreak linked to the home baker. This is unacceptable. With no ability to assure food safety, who will ensure that the products are produced safely, that products are being handled and stored appropriately, that no cream pastries or cheesecakes or cream pies are being made, and that allergens are listed on the product label. The way this law is written right now, we have no authority to ensure any of that.

The Health Department cannot afford another unfunded mandate. The outcome of the state budget for 2017 is unknown. We currently work harder with fewer resources. Over 700 food establishments are currently being inspected.

This law does not meet the mission of the Health Department which is to protect the health of the public. The Macon County Board of Health chose not to move forward with this ordinance. The Cupcake Law does not protect public health and has the potential for disease transmission and a high degree of liability for everyone concerned.

Ms. Heyer shared a list of the Board of Health members and stated that they clearly are not in support of this ordinance and neither are over 80 other health departments in the State of Illinois. They are not pleased that the City passed the ordinance. The BOH members are a great team. Six of them are medical professionals. One of them, Dr. Venkat Minnaganti, is an infectious disease physician.

She listed some options. The Health Department is willing to assist and guide people and give information on how to develop a kitchen in their home which is licensed. This requires very little commercial grade equipment. Use equipment can be purchased at a lesser cost. If there is a church that holds a food license, they can be asked for the use of their kitchen and you can get your own license, rental agreements with other licensed establishments can be made.

While the entrepreneurial spirit of home bakers is appreciated, the job of the Health Department is to promote and protect the health of the public. This is not personal in any way. It is about protecting the health of the public which Ms. Heyer said she was entrusted and hired to do.

There is a process in place for home bakers to become licensed home bakers. The health department is happy to assist with the process. Ms. Heyer asked, that if the decision is to move forward with the Act, what the purpose of the Board of Health is.

On behalf of the Macon County Board of Health, Ms. Heyer asked that the SRO committee does not pass the ordinance.

Chair Brown asked about before the State passed the law if the home bakers were operating legally. Ms. Wade said that previously, the State Code said that you cannot have a commercial business out of a residential condition. So, it was not allowed. Chair Brown summarized, saying then it has never been allowed, it has just come to light in the past 2 years. Ms. Wade confirmed. Mr. Brown said that the City recently passed a similar ordinance and asked what affect it has had on the Health Department. Ms. Wade said that because the City had decided to do this, when they

get phone calls specifically about the city, they are referred to the City. It has opened a large can of worms. The day after the City passed it, Ms. Wade said she received a phone call from someone wanting to know that since the Cupcake Law has passed, if they could open up a daycare in their home. It has nothing to do with that. It's one of those things where if you give an inch, they will take a mile. There have been instances where people think things are allowed, such as fried chicken and fish prepared on a grill, that are not allowed. Ms. Wade said they are the ones that have to go out on that because they are the ones that are in charge of the Food Ordinance in Macon County. In that aspect, it has increased some complaints.

Chair Brown called on Jennifer Hoffman, Director of Macon County Planning & Zoning.

Ms. Hoffman stated that she has heard a lot of discussion on this topic over the past months. Sometimes when we pass one ordinance in one department it affects ordinances in others. My office and the health department work closely together on many issues including approving building permits for new residences and working together on special use permits to enforce regulations that don't conflict with state septic or water regulations. By passing this ordinance there will be some conflicts in the Macon County Zoning Ordinance and create problems that will affect my office.

Within the last 5 years Macon County has brought in \$12,770.00 in Special Use Permits and have given many landowners permission to have in home businesses. A special use permit is granted by the County and given a time limit with stipulations the landowner has to follow. If they don't follow the rules or complaints are received then the County has the ability to pull the permit.

My concerns with the County Board passing this ordinance are the following:

- The County is not being fair to other in home businesses in the County because the cake baker's get a blanket pass but others do not.
- No regulations or stipulations are on the business, therefore if there is a problem the County loses control of any violations. For example, increase traffic, business hours etc... She reminded the members of the times when they've sat in meetings and listened to people complain about these things. She said this takes all that regulation away.
- The Macon County Zoning Ordinance states in Section 155.008 that, no person other than members of the family residing on the premises shall engage in that occupation. We have no way of knowing.
- This will open the door for other businesses and will not just stop at cakes and cupcakes. For example, there has already been people in the county trying to sell frozen/ casserole dinners to the public for moms to come by and get a quick meal to put in the oven. These businesses will think they fall under this and don't need permitting.
- Macon County will lose money Special Use Permits and within the last 5 years Planning & Zoning has brought in \$12,770.00.

Ms. Sue Clark, 2765 Essix Place, Decatur, IL, owner of Cake Lady Supply @ 328 W. Eldorado, Decatur, IL addressed the committee saying that she wanted to speak on some of the issues the health department brought up.

The In-Home Kitchen Act for Macon County, by passing it, is more of an economic issue than it is a health issue. It is not going to financially burden the board. Nor will it financially burden the health department in manpower or resources. There is no mandate that was agreed to in their presentation for the health department to regulate, oversight, or inspect. The state's mandate by passing this, if you read this what was in the legislature's mind and prior to it that precipitated this to happen was a mandate for the health department to stand down and to let these people exist. History will tell that these bakers have been baking for decades. She said that the board members probably had a cake at their wedding that was made by an in-home baker because they just are not made at grocery stores. Back when we got married, there were no bakeries other than Vanzetti's and presently there are no bakeries that are doing large, tiered wedding cakes. Small, tiered wedding cakes and cupcakes. She apologized, but for the EEHW committee, she brought in a booklet of cakes that were baked in Macon County. What we are talking about, even though it has cutely been dubbed the Cupcake Law, is not cupcakes. It is your beautifully tiered wedding, anniversary, graduation cakes. If you are on Pinterest at all and have a grandchild, you will probably want a tiered cake for that child's first birthday. We are talking about the bakers that bake these cakes that cannot be gotten anywhere else in the County. They are being shut down – why? Because the state passed this law. They meant well. There was a little girl, Chloe, in Troy that was shut down by the health department for baking cupcakes. All of her money went to charity and the health department shut her down. That is what precipitate this law to happen. They tried to write everything they needed into it to safeguard these bakers, and yes, Mr. Minich, it does mean they can bake in their home kitchen with their existing equipment. They cannot exceed \$1,000 a month, they have to put proper labeling on their product that tells the consumer possible allergens. As far as allergens go, that was a very long presentation by the health department, but you probably are safer from ordering from an in home baker where you can speak with them personally when you are placing the order and raise any issues of allergens to insure that they are not included in the product rather than something you buy and you have to read the ingredients and you don't understand if the allergens are included in that product or not. So, she said she thought that maybe you are even safeguarded by ordering from one of these artisan personal bakers.

In regards to salmonella & eggs, yes, CDC, the FDA, Good Egg, and a lot of other agencies that are well known will tell you there is salmonella present in eggs. We don't put it there. No one puts it there but the hen. The biology of it is, is that the salmonella is in the egg if it is laid by a diseased hen. No one can tell that it is there through any testing because you would have to break the shell of every egg and test each and every one to know it. Every time you eat an egg, you are taking the risk, as a consumer, of contracting salmonella. That is a fact. No handling management, storage, use, or prep puts it in the egg. Yes, every time you eat a product that contains egg, you, as the consumer, are accepting the risk of salmonella. These agencies ask you to mitigate this risk by buying them pasteurized from a licensed grocery store or something that is licensed, that they are in cold storage, that you use them by the end date, and that you cook them completely to a hard state. That means 350 degrees and held there for three minutes. She said she did not think anyone has ever cut into a cake, cupcake or cookie and had raw egg product run out of it. That is because they are baked at 350 degrees and held there for longer than three minutes. Eggs in baked goods are completely cooked. Have people gotten sick from baked goods? Yes, because the salmonella exists in the egg, not because of the baker. The studies that the health department presented were not in home bakeries. They are commercial bakeries. Of course, now



you have introduced equipment, packaging, a lot of people. There are no studies for in home bakeries. Therefore, there are no reported incidents of salmonella or disease from in home baking. That is a fact. While salmonella exists, the FDA, the CDC, Good Egg, nobody says you should not eat them. They do tell restaurants to put on the bottom of their menu that you should order them fully cooked. But, they don't prohibit you from buying them and eating them. She said she did not think we should prohibit bakers because salmonella exists in eggs.

There is a law in Illinois that is exactly the same law that the state wrote for bakers that is allowing farmers to sell raw eggs and milk. Even though the recommendations to mitigate the presence of this salmonella in eggs is present, the State of Illinois is allowing the sale of raw milk and eggs from farms to the consumers. They don't even have to be refrigerated. Why didn't you have to pass an ordinance for that? Because the state did not require an ordinance in that law. Why is the ordinance requirement in this law for in home bakers? Because the health department lobbied for it. Because it is end use control.

What this comes down to is a matter of economics. These people have been doing this for decades. She said she had digressed and didn't say why. It is because this law was written. For decades & decades & decades, all of us & Ms. Clark included herself. She said she had operated as an in home baker for 30 years prior to licensing her business with the health department for 10 years and putting in that commercial kitchen. The unwritten law is, don't advertise. They will leave you alone if you don't advertise. The law was written and everybody took a deep breath. All the young people that put all their personal stuff on Facebook and social media did exactly that. They went out there and told their customers, hey, we're good. I can take your orders. We have this law. Gotcha! That's what happened. So, Ms. Clark said she was asking that the committee members allow these people to go back to baking as they always have to serve their customers because the consumer does have the right to choose, to eat, to order what they want. This will be labeled. Consumers will be protected. Ms. Clark said they are not as stupid as the health department would have you believe. She said they are concerned for public safety and for their own customers. She said that probably some of the members have their personal baker down the street that they order from, but they're just not going to say it. These people are trying to have some disposable income. That is all they're doing. They are trying to make their lives better. They are trying to supplement a financial situation that is bad on all of us. She said that you (the committee) is asking of them to pass a levy of a quarter percent sales tax increase, so you know what the financial climate is. You need more money in your budget, they do too.

Ms. Heyer asked what the average cost of a large tiered wedding cake would be. Ms. Clark said that in this area, there are decorators that still charge for the whole thing, but most decorators any more charge by the serving. So, for the average 3 tier wedding cake, it would serve 80 to 100 servings and most decorators are charging anywhere from \$3 to \$3.50. So, let's just take the top. 100 servings @ \$3.50 a serving. That is \$350, but she asked them to remember that that is not \$350 profit. Those decorators have approximately \$100 in materials. They have to deliver that cake. What you charge for something, if you are in retail, is not your net. It is your gross. She said that when she was a baker, a baker that did one wedding cake a week in this county, not Chicago or St. Louis, is not going to exceed the \$1,000 a month. Someone that does cupcakes will not exceed that \$1,000 a month. What are they going to do? They are going to have a little more money to spend on their kids. They are going to buy a few more Christmas presents this year.

So, Ms. Clark asked the committee to please pass the ordinance. She said she could tell them a little more biology if they'd like because they should know that she has been in health care for 44 years. She said she has taught in health care for 20 years.

Ms. Pam Mathias, 6398 Riley Road, Macon, IL (unincorporated part of the County)

Ms. Mathias said she has held a Food Service Sanitation License for many, many years. She said she thought the committee needs to look at the economic point of the Cupcake Law. Decatur has not yet fully bounced back from the recession. Many people are still out of work and good paying jobs are far and few. So, they are finding other ways to supplement their income. Some turn to baking. She said she bakes to try to supplement her income because they are both on SS now. She said SS ain't going to pay for everything. You have a lot of young mothers out there who can't make enough money at a job to pay for their sitters, so they bake at home where they can watch their own children. The health department would love for everybody to have a stand-alone bakery, but that is just not possible, especially for someone just starting out. She said she was sure they would agree that the costs could be upwards of \$10,000 just to put a bakery in your home. Because, according to the way it is set up now, you have to have it in a separate area. It cannot be in your home kitchen. It has to be in a separate area of your home and you have to have NSF equipment and stuff. You have to have plumbing. You have to have electrical wherever you are putting this in your home and it costs a lot for the ovens, refrigerators and freezers and mixers and to have a plumber come out and an electrician come out. Most people cannot afford that. Imagine what it would cost if it was a stand-alone bakery. So, Ms. Mathias said that when she first heard about the Cupcake Law, she followed the progress on the state website and when it passed, she said she was probably the first one to call the health department to see what she needed to do to be approved to be an in-home baker. She said she was told by Kathy that they were not going to participate in the Cupcake Law. She said she told her that the state had voted it in and she was told that there were provisions so the local health department could opt out of participating in it and that they had chosen to do that. Ms. Mathias said she had asked if that meant that the Cupcake Law was written for one little girl and was told yes. There was a time when you were able to bake goods and take them to your church for a bake sale or to school for the kids. You can't do that anymore. You can't sell cupcakes anywhere because you're not a licensed bakery. She said she was sure everyone could remember their grandma or mom baking cakes, breads, cookies and taking them to the church and having them sold for a roof fund or whatever. Or even a fundraiser to benefit someone's cause, but you can't do that anymore because you're not a licensed stand-alone bakery. Quite a while back, on the Blue Mound Anonymous, a mother posted that her children would be doing a bake sale and to make sure to stop by and get something. Well, the rumor has it that the health department did stop by and they shut them down because it was not legal. Ms. Mathias said she was sure everyone has eaten baked goods everywhere and are obviously still here to tell about it. She said she thought in-home bakeries not only help supplement incomes, it promotes business skills, creativity, marketing skills, cleanliness – especially with our children. The health department was asked at one of the meetings how many people have actually gotten food poisoning from eating baked goods baked at an in-home bakery. The reply was that they did not know. So, Decatur passed the Cupcake Law, which includes those within the city limits. She said all she is asking is that the county pass it so she could do the same thing in her home. She said she wanted to say, about the cakes mentioned at Sams, most of them don't bake their own cakes anymore. They come in frozen. They are baked someplace else and

brought in frozen and then they decorate them. Also, she said she did not see that there would be any traffic increase in her area because most of the time, people call and order and then it is taken to them. There will be no need to upgrade roads.

She said she would appreciate it if the law would be passed.

Ms. Holly Mowry, owner of Mowry Baking & Candy Company, former owner of Mowry Baking Company on Main Street in downtown Decatur. Ms. Mowry said she is a licensed baker and does not have any problem at all with the Cupcake Law. She said she closed her bakery downtown. It was very, very lucrative. They were so busy that she was working 90 hours a week along with her daughters and workers. She said she could not find people to work for her. Being nearly 60 at the time, she decided she did not need the aggravation and shut it down in less than 24 hours. She said she started in her home setting a commercial kitchen up that cost her \$15,000 to \$20,000. She then took it all out and moved downtown. Setting up the bakery downtown cost \$50,000. Sold that for \$30,000 and went back home when one of her good friends from the health department came by one day and said that somebody said that she was baking cakes again. She said she was not and that she had her car in her garage where her bakery had been. She said that ticked her off so bad that she spent another \$15,000 and opened the bakery back up in her garage. People have too much time sticking their noses in other people's business. There are a lot of young families with young girls trying to make some money to buy their kids some clothes and are trying to get by. She said she has no problem whatsoever with a home baker. She said she started baking and selling cupcakes when she was 12. She said her daughters started when they were 12. It is a good thing for kids. It teaches them responsibility. It teaches them an art. This is something that needs to be done. The government needs to stand back and let people live their lives without sticking their nose in everybody's business.

Mr. Potts asked for the question to be called.

Ms. Wade asked to make one more comment. She said she wanted to make sure that everybody understands that the health department is complaint driven. They do not go looking for them. When someone makes a call into them, that is when they go out and send a letter. They do not search on Facebook or Twitter. They are 100% complaint driven.

Ms. Mowry commented that the health department has been wonderful to her. She said they do not just drive around looking for things. They are very easy to work with. They have a great staff.

Chair Brown said before he called for the vote, that Ms. Heyer had a good comment. This is not personal in any way. That goes for everybody on the committee, the health department and everybody here.

Mr. Potts asked to make a statement. He said he appreciated everybody coming. Everybody should just go on and bake away. He said he did not understand why there have to be legalities when there are no penalties or anything anyway. So, he said his vote would be no. Without regulation, without health board approval, without a license, without inspections, with the health department staying open on a minimal basis, and without any oversight, we have to look out for the entire community, the entire county.

Mr. Minich asked to respond. First, he said he'd like to apologize to Sue Clark and the other people who came for months. They came before we finally sent them to the City. Then they came back to us and it took us 10 months to tell them what committee to even talk to. He said he wanted to apologize on behalf of the county for that. He said he intended to vote in favor of the ordinance. He appreciates the health department and Ms. Heyer and what they do and their concern for food safety, but in the presentation and in personal experience, most of the food poisoning comes from commercial establishments such as chain restaurants. They can walk in and inspect and two minutes after they walk out, some underpaid, disgruntled employee can spit or worse on a sandwich and they can't do anything about that. He said he would trust the home bakers.

Mr. Minich made a motion to approve forwarding the ordinance on to the full board with recommendation to approve, seconded by Ms. Taylor. Roll call vote showed the motion carried 4-1 with Mr. Potts voting nay. Chair Brown said the ordinance would be passed on to the full county board with a recommendation for approval for their consideration at their Thursday, November 10<sup>th</sup>, 2016 meeting.

#### **CLOSED SESSION**

None

#### **ADJOURNMENT**

Motion to adjourn made by Mr. Minich, seconded by Ms. Taylor, motion carried 5-0 and the meeting adjourned at 6:35 p.m.

Minutes submitted by Jeannie Durham  
Macon County Board Office