

EEHW COMMITTEE MEETING
Thursday, May 19, 2016
5:30 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Matt Brown
Grant Noland

COUNTY PERSONNEL PRESENT

Mike Baggett, State's Attorney's Office
Dianna Heyer, Health Dept
Laurie Rasmus, Env Mgmt
Jennifer Hoffman, P&Z
Sgt Lou Ann Hollon, Animal Control
Kris Horton, Animal Control
Deb Garrett, Env Mgmt

Jeannie Durham, County Board Office

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

MINUTES

Mr. Potts made a motion to approve the April 21, 2016 meeting minutes, seconded by Mr. Minich and the motion carried 5-0.

CLAIMS

Ms. Little made a motion to accept the report of the claims as presented, seconded by Mr. Bird and the motion carried 5 -0.

ZONING –

S-02-05-16 Petition filed by Paul Gross requesting a Special Use Permit for the use of a temporary contractor's yard in (R-1) Single Family Residential

Ms. Hoffman explained that this is for the Great Lakes Dredging Company. The property is located on Birch Church Road in Whitmore Township. On May 4th, a Zoning Board of Appeals Public Hearing was held where they voted 4-0 for approval of the petition with these stipulations.

This Special Use Permit constitutes a license issued to the named Petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.

The other one they voted on was: The special use permit shall be for a 6 year period beginning June 9, 2016 and ending June 9, 2022.

The #2 stipulation was talked about, but at that time, there was discussion on if they had the right to do that or not. Mr. Baggett was consulted and he said that it can be a stipulation. So #2 on the resolution, The Petitioner will cause a sign to be displayed visible to the public with contact information for Great Lakes Dredging Company. There were some people there that had issues

with trespassers getting on the property. That is why, on the resolution, it says, (Added by EEHW Committee.)

Mr. Dudley asked if that would satisfy the objectors. Ms. Hoffman confirmed. Mr. Baggett said it should be noted that the company that is going to be using the property and abiding by the stipulation has no objection to it.

Ms. Little asked why it was for 6 years. Ms. Hoffman explained that it was because they might use the site for taking the pipe out once they get done in that basin. Instead of coming back in a couple of years and redoing it, it is being done for the life of the project. They think it might be done in 5 years, but it depends on the weather. If we go six years, it's done, we're covered and we don't have to recharge them and put them through the system again.

Mr. Bird made a motion to approve forwarding on to the full board with recommendation for approval, seconded by Mr. Potts, and the motion carried 5-0.

SUBDIVISIONS –

Craft's Addition: 2 lot minor

Ms. Hoffman explained that this is located on the corner of Mt Auburn blacktop and Nevada Road within Blue Mound Township. The subdivision includes Lot 1 at 5.85 acres on an RE-5 single family estate and Lot 2 is 2.26 acres zoned RE-5 single family estate. It involves a total of 8.11. Staff recommends approval. This is the one that they came in and rezoned in March, 2016 and this is the final, next step where they are going to split it. She pointed out on the map details of the request. Chair Dudley asked if there had been any objectors. Ms. Hoffman said no.

Ms. Little made a motion to approve, seconded by Mr. Potts and the motion carried 5-0.

REPORTS

Planning & Zoning – no report

Regional Office of Education – no report

Environmental Management –

Ms. Garrett distributed information explaining the next electronics collection. The last time was quite a nightmare for all involved because there were way more residents show up than were anticipated, expected or had capacity for. There were 1,075 cars that went through. This time the number of cars will be limited to 900 and they will be counted as they enter the property. The Sheriff's Department will also provide some auxiliary officers to assist with traffic at no cost. That will eliminate the problem at Brush College and Mound where it was backed up in both directions and people did not want to take turns. By law, only 10 items per vehicle can be accepted and the Environmental Management Department is limiting it to 3 TVs or Monitors per vehicle because that is all that the department can afford. In 2010, when this was begun, Best Buy was taking these along with BLH and ATR. Now none of them are doing it because it

is just not profitable. They were losing too much money and now this is the only game in town which explains why so many people showed up.

Mr. Minich asked about the proper way / place to dispose of light bulbs and batteries. Ms. Garrett explained that incandescent bulbs can go in the regular trash, but CFLs and mercury contaminated ones cannot. They can be taken to the kiosk located at their front door. Kenny's Ace Hardware in Mt. Zion also takes them. Rechargeable batteries are also accepted at those locations. There are no options currently for single use batteries so they just have to go to the landfill. Much of the toxins and materials have been taken out of the single use batteries. She said they had tried recycling those several years ago, but they had to be shipped to the Chicago area. They are pretty heavy and it was quite costly.

Health Department -

Ms. Heyer addressed the committee saying that she was present to give another brief overview of the Home Kitchen Cupcake Law. She commented that in all of her years of nursing she never thought she'd have to speak about why she does not think this is a good proposal, but here she is for the 5th or 6th time. There has been a lot of talk about what the big deal about this law is. It's only a few cupcakes which is no big deal. She said she has even heard a council member say that he had had food poisoning and it's not a big deal. It is a big deal. It's a big deal to 50 other health departments that have chosen not to pass this ordinance. It's a big deal to people who are immuno-compromised such as the elderly or children who may be more susceptible to a food borne illness.

Under the Home Kitchen Act, the person can package non-potentially hazardous baked goods in their primary residence for direct sale by the home owner or family member. This includes breads, cookies, cakes, pies, high acid fruit pies, and pastries with non-potentially hazardous filling. A non-potentially hazardous product means that it does not require any time or temperature control for safety to limit the growth of an organism or toxin. Keep in mind, that also in these foods are products such as eggs and other dairy products that are sensitive to proper food handling, storage and temperatures. The home baker can earn up to \$1,000 a month. They can do these things without any food handling training or any health related registration or inspection. They cannot sell pumpkin pies, sweet potato pies, cheese cake, custard pies and pastries with potentially hazardous fillings. They have to affix a label that states that it was prepared in the home and the allergen warning has to be on it. It has to be sold directly to the consumer and they have to adhere to the local and state business laws, zoning, and tax laws. The municipality, township, or locally governing body may choose to develop an ordinance to enforce the rules adopted under the act as adopted by the ordinance authorizing home kitchens. The local Health Department may only inspect a home operation if there is a complaint or outbreak. This is important to understand. It says MAY not shall inspect in the event of a complaint or outbreak. Our Health Board, which consists of medical professionals chose not to move forward with the Home Kitchen Act because the bakers are exempt from Health Department inspections except in the event of an outbreak or a complaint. They are exempt from food safety training and they are exempt from registration requirements. Most cases of food borne illnesses occur as a result of poor food handling and preparation practices. Virtually any food or drink can become contaminated with a disease causing organism. Some people may become ill after ingesting only a few harmful bacteria, but others can remain symptom free

after ingesting thousands. It is false that only certain, potentially hazardous foods can spread disease. Any food, whether potentially hazardous or non-potentially hazardous has the potential to spread disease. During January 2009 through December 2010, Public Health Departments reported to the CDC over 1,500 food borne outbreaks resulting in over 29,000 cases of illness, over 1,100 hospitalizations and 23 deaths. Among the 790 outbreaks the lab confirmed, Noro Virus was the most commonly reported infection accounting for 42% of the outbreaks, followed by Salmonella with 30% of the outbreaks. In 2013, 818 food borne outbreaks were reported to the CDC resulting in over 13,000 illnesses, over 1,000 hospitalizations, 16 deaths and 14 food recalls. Of those outbreaks, with the single known food preparation setting, 12% occurred from a home. Locally, in Illinois, in 2010, one hundred illnesses were linked to an Illinois Pastry company. Of the lab tests performed, one of the suspected food items was contaminated with Staph. The Center for Science in the Public Interest published an article in 2008 stating that there were 179 documented outbreaks resulting in over 4,000 illnesses linked to breads, cakes, pies, and other baked items in the US from 1990 to 2006. These are examples that show that something as simple as a baked item such as a cake or cupcake made from a home kitchen does have the potential to cause a food borne illness. Many local health departments are concerned about who will do the monitoring of the amount that is made each month – the \$1,000. For example, the average wedding cake, from the research our Environment Health Department has done, using Macon, Sangamon and Champaign Counties, the average licensed bakery is charging about \$4.50 per serving of wedding cake. The average wedding has 150 – 200 guests. That means that the average wedding cake, from a licensed baker, would cost \$675 to \$900. This also means that the home baker could do only one wedding cake per month and be close to the \$1,000 per month limit.

According to the most recent information, only 8 counties in Illinois support the law while 50+ do not support it. This law does not address the individual who wants to make a birthday cake for their family or a friend. This law is speaking to the ones that are saying they have a legitimate business that they are advertising to the general public on the internet, through flyers and there are those that even print out business cards. These businesses are not the same as the licensed food service establishments that abide by the state laws and pay for a variety of licenses and permits, state and local taxes, and incur the cost of maintaining their business. Those bakeries in Macon County are not part of a chain or corporation, but are more of a local Mom & Pop type of establishment. They have proven that our community supports them and, in turn, the community has shown that we could and would support more. Since this has started, there have been more requests from people for licensed bakeries in their homes.

Ms. Heyer asked, if the Board proceeds like the City Council did, what do we say to those licensed bakers that are out there doing the right thing, abiding by the laws, paying their taxes, and staying within the laws of the Food Regulation Code? Every year the Health Department works at the Decatur Celebration inspecting the food booths and assuring that the people are operating properly and that their food is prepared within the right temperatures, it is handled properly. Shall we stop doing that? Shall we stop inspecting the bakeries at the grocery stores? Shall we stop inspecting the home bakers that are legitimately licensed? An article has been printed in the newspaper about this. It goes against everything that public health is about. The Health Department is expected to protect the health of the public. This law does nothing to

protect the health of the public. It does nothing to insure that food is being handled and stored properly. There is nothing in the Act that assures that that has to be done.

From 2012 to 2014, in Macon County, there were two cases of Hep A, four cases of E-Coli, and 27 cases of Salmonella. That may not sound like a lot, but when the cases are investigated and the number of contacts and people that are involved with these food borne illnesses are investigated, it gets big. If there is a food service worker that has salmonella, they cannot work in food establishments until they are totally clear. That is what the Health Department does. They assure that the person is safe before they can go back to work. If the decision is made to move forward with this Act, with no oversight at all to assure that these products are being prepared safely, it goes against everything nurses believe in. The Public Health Department does not believe it is a good thing to move forward with. She asked the committee members to please consider the local Health Department and their expertise in this area and not pass the ordinance.

Ms. Heyer explained about some of the things the Health Department does. Today they found out about an individual that is not keeping food stored at the appropriate temperature in their facility. The meat was 90 degrees and the milk was 68 degrees. This individual was selling food that was stored at inappropriate temperatures, and because the Health Department inspected them, it stops, gets fixed and does not happen again.

There have been a lot of calls from people who have heard that the City has passed it and so now want to do things like sell fried fish out of his house every Friday nite. There are all kinds of calls coming in from people who want to sell about every type of food out of their house now. There is another individual that has been monitored for quite a while that likes to set up on about any corner to sell food and now he is selling if off his front lawn. It is this type of thing the Health Department follows up on making sure the public stays as safe as possible. She said that they cannot be in every one of the over 700 restaurants in Macon County every minute, but they can do their best to make sure it's safe.

We are not without bakers in this community as has been presented to the committee. That is false.

Ms. Heyer went on to update the committee members on the Zika Virus transmitted by some mosquitos and can have a terrible impact on a fetus. There are 10 cases in Illinois. These are in people that have travelled to countries that have the Zika virus there. We don't have the actual mosquito in Illinois yet, but the concern is that the state has not appropriated any money yet. Every year, the Health Department is out there doing training, larvicide training so the chemical can be put on the standing water so the larvae does not develop, education on how to prevent vector borne illnesses. With no budget passage and no appropriations, the Health Department is faced with the decision of whether they go out and do it anyway with not funding for it. She asked for the committee's support in seeking funding from the state.

Animal Control

Sgt. Hollon distributed statistic information and then invited everyone to the celebration, A Decade of Improved Service and being in the new building. This will be on June 4 from 12 to 4. There will be an adoption special of 50% off from the 4th to the 11th of June.

Ms. Little asked about an increase that showed on the reports. Ms. Horton explained that the monthly income depends on when the reimbursements for events from the Foundation come in. Sgt Hollon added that they are also doing a better job of making sure people are paying their fees promptly too.

Mental Health-no report

Veterans Assistance –

Reports were given to members of the committee and Chair Dudley commented on the Memorial Day Veteran’s Assistance Commission of Macon County event that will be at Fairview Park at 10 a.m. Congressman Rodney Davis will be a featured speaker.

Historical Museum – no report

U of I Extension – no report

Citizen’s Remarks –

Patrick Stout, 2373 N. Summit Avenue, Decatur, IL

He explained that the Decatur City Council passed the Home Kitchen or Cupcake Ordinance. He said that the last time they were there, it had been tabled and the committee decided not to vote on the ordinance because it was complicated and the lawyers would need to take a look at it. Now they are back to see if this committee would pass the Home Kitchen Act for the cake decorators in the unincorporated part of Macon County. The ordinance has already been written, so all that is needed is a vote and passage to use the same law that is already in place in the City. The City and their legal team was able to write the ordinance, make amendments, discuss and vote on it all within two weeks. This is a simple process. He said he was asking them to please let the other cake decorators do what they love to do and make it fair for everyone in Macon County.

He made a couple of notes about Ms. Heyer’s comments:

- It has been 5 or 6 times because this committee will not vote on it or put it on the agenda.
- The City Council member, Pat McDaniel, did not say food poisoning was not a big deal. He said it was in a restaurant inspected by the Health Department. He said he was sick six times proving that this can happen in inspected places. The label warns the person buying the cake about where it was made giving them a choice, just as smoking is a choice.
- Although she mentioned how many counties that had approved it, she did not mention the cities that have passed it like Decatur.

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

Ms. Mathias said she had held a Food Service Sanitation License for 40 years. She has tried to follow the rules. She wanted to do some baking. She had a restaurant in Niantic and was doing baking there, but then sold the restaurant. She then got a phone call and letter from a gentleman at the Health Department questioning where she was doing her baking. She said she told him she wasn't doing any baking any longer. Then he went into another business they have and spoke to Ms. Mathias' grandson and asked him where they were doing their baking now. The grandson said he didn't think she was doing any baking, but the gentleman would need to speak with her. Ms. Mathias said she would like to do her baking, but cannot because she is prohibited because she lives in the unincorporated part of Macon County. She said she was at the meeting in Decatur where the ordinance did pass and said that at that time, they did talk about how many of the statistics stated were actually caused by home bakers. She said she did not think there was a total number on that. Another thing she would like to have repeated are the current rules, right now on the books, for someone to operate a bakery in their home because they are only allowed to make \$1,000 a month and she thought that at the Decatur meeting, it was that by the time you get all the equipment and everything, because it can't be in your home kitchen. It has to be certain equipment in a special area in the home. All this stuff has to apply and it could be \$10,000 or upwards. For a \$1,000 a month? What is the difference if we bake something and sell it from our home or we take it to church and everybody there partakes of it? Or what if some cupcakes are made and donated to a charity or auction? She said she wants to follow the rules. She has no problem with the Health Department. She abides by whatever she can, but would really like to get this passed in Macon County. There are a lot of people that do bake, but won't come forward because they are afraid of retaliation. They are afraid the Health Department will come after them for some reason or another. Another thing is that both she and her husband are retired now and on SS and a very limited income. She said she would like to be able to supplement her income with funds from baking, still keeping in mind that she can only make \$1,000 a month. She said she pays her taxes and does whatever she has to to make it legal, but she said she thinks it is important that everybody be included. When Decatur passed it, that is the whole majority right there, but there are a few more that want to do it and she said she felt that we should go ahead and pass it.

Janet Stout, 2373 N. Summit, Decatur, IL

This is about giving the consumer the choice. It shows on there that it's made by a home baker. Give them the choice if they want to buy it or not. You get a choice when you go into a restaurant if you want to be served by them. When you walk in, you can walk out. They need to have a choice too. They know it's a home baker because there is a label on it that says a home baker made it. The government overreach should be stopped and the limited regulation of small businesses. It's ridiculous. The City voted on this and one of them is a doctor. It was unanimous and they all voted yes. One is not better than the other, but this is a doctor that did this. The State passed this for a reason. There's a letter from Bill Mitchell that tells you so. You all received that in an email. Give the home baker a chance. Good grief.

Sue Clark, 2765 Essix Place, Decatur, IL – residence & Cake Lady Supply, 328 W. Eldorado, Decatur, IL – business

Ms. Clark said she wasn't planning to take up much time. This was presented in January, February, & March at the EEHW meeting. She said there is little left to be said other than that

the City of Decatur, on April 18, 2016, did pass the ordinance. It is everything that is in the original state law with the exception of adding a food handler's license. She passed out copies of the city's ordinance that she said she had gotten from the website along with copies of the minutes where it is stated that it did pass. She said she'd like for the members of the committee to take into consideration the spirit in which the state passed the law. That was to help people get ahead. They realize that there is little potentially dangerous about baked goods. She said she realized that the numbers they were hearing were very, very scary, but to her knowledge, those numbers do not deal with home bakers. Those are commercial bakeries. We are not talking apples to apples. She said she had already said everything she needed to say in January, February and March, but what she'd like to say tonight is to respectfully ask them to bring it out of committee or wherever it was tabled and do whatever process they use to have it as an agenda item and vote on it in June. She said she believes the public deserves an answer. It is not respectful of them to just ignore it. She said she has been ignored. She has emailed several of the committee members and no one has replied. She is a voter. These people are voters. Please, respectfully, bring it up for a vote. Up or down, we will deal with how you vote, but we cannot be dealt with by ignoring us.

Ms. Heyer requested permission to respond.

- She said that Ms. Clark mentioned that it was a commercial bakery that this outbreak occurred in. Think about it, if this commercial bakery had an outbreak after being inspected, can you imagine how many outbreaks we will have if people are doing this in their homes with no regulation at all.
- She asked the members to think about liability. If there is an outbreak, are we going to be liable because we passed something that provided no protection for the public? Is the baker going to be liable for an outbreak if it is linked back to them?
- She commented on the previous speaker's mention of the numbers for the food borne outbreak and how it is linked to the food. She explained that doing a food borne investigation is very difficult. Unless there are particular cases occurring at the same time and everybody has a good memory about what they ate, it is very difficult to identify the source.
- As far as the money goes, up to \$1,000 with the Home Kitchen Cupcake Act can be made. As a licensed home baker, you are allowed to make more than \$1,000.
- The Health Department is more than willing to help people get connected with people who can help with the development of an economic home kitchen that can be licensed.
- The Health Department Board consists of Dr. Bradley, a family practice physician, Dr. Mininganti who is an infectious control doctor, Dr. Colby who is dentist, Dr. Serve who is a veterinarian, two nurses, an attorney and two lay people. There is a wide variety of people on the board with primarily health professionals.

Ms. Heyer again respectfully asked that the Act not be passed.

Chair Dudley addressed Ms. Clark saying that she had not been totally ignored. He has a text chain a mile long and he had tried to explain the things the committee has to do, as far as legalities. There are a lot of people yanking in a lot of different ways and the committee needs to be sure they get this right.

Chair Dudley requested that the original copy of the ordinance be obtained from the city and distributed to the committee members.

Ms. Clark said she had had an in-home licensed kitchen permit from the Health Department for 10 years. It was slightly profitable, but not worth the money that was put into building it and now that she is ready to downsize, even though the kitchen is decommissioned because she is no longer licensed or baking anymore, the realtors are saying this is a liability in selling the house because most people don't want a house with that kitchen in it. The realtors suggest spending more money to take it out and retrofit something else in its place. Ms. Clark also pointed out that there is an almost identical bill to the State's In-Home Kitchen Operations Act that is an ag bill that allows farmers to sell raw milk and eggs from their farm. She explained that she said identical because they have to notify the public that they are not licensed. It has to be sold directly to the consumer from the farm. You are not bothered with this one because the State did not put in the requirement that you have to pass an ordinance.

Chair Dudley advised the EEHW Committee to be prepared to discuss this at the June meeting. He will have Mr. Baggett look at the City Ordinance and they will go from there.

OLD BUSINESS – none

NEW BUSINESS – none

Closed Session – none needed

NEXT MEETING Next regular meeting - Thursday, June 16, 2016

ADJOURNMENT

Mr. Potts made a motion to adjourn, seconded by Mr. Minich and Chair Dudley adjourned the meeting 6:20 p.m.

Minutes submitted by Jeannie Durham