

**Macon County Board of Health Meeting**  
**Macon County Health Department WIC Conference Room**  
**1221 E Condit Street, Decatur IL 62521**  
**December 21, 2021, at 5:30pm**

Vivian Goodman, Board of Health President, called the December 20, 2021, Macon County Health Department Board meeting to order at 5:31 pm.

**Roll Call**

Vivian Goodman, President – present  
Mark Scranton, Vice President – present  
Jan Hack, Secretary – absent  
Sue Krows, Treasurer – present; left early  
Candace Clevenger – present  
Jeff Entler - present  
Debbie Hill – present  
Dr. Bret Jerger - present  
Dr. Venkat Minnaganti – present at 5:43 p.m.; left early  
Cody Parks – present  
Dr. Janet Patterson - absent

**Health Department Staff in Attendance in Building**

Brandi Binkley, MPA, SHRM-CP, CPHA, Public Health Administrator  
Fred Book, Information Technology Support Specialist Assistant  
Rachel Deerwester, Director of Clinical Nursing Services  
LaKeeya Funches, Accountant  
Amber Holthaus, Assistant Director of Clinical Nursing Services  
Bethany Stapel, MPH, CPHA, Assistant Public Health Administrator  
Evan Trimby, Information Technology Support Specialist  
Kathy Wade, Director of Environmental Health & Emergency Preparedness  
Brian Wood, Assistant Director of Environmental Health & Emergency Preparedness  
Sheree Zalanka, Chief Financial Officer

**Health Department Staff in Attendance on Call**

Becky Edwards, Director of Starting Point  
Marisa Hosier, Director of Health Promotion and Public Relations  
Lindsey Munsterman, Assistant Director of WIC/FCM  
Karen Shiflett, RN, BSN, Director of WIC/FCM

**Public in Attendance**

Scott Rueter, Macon County State's Attorney

**Approval of Agenda Topics**

There were no changes to the agenda topics. Mark Scranton moved to accept the agenda, seconded by Jeff Entler. Roll call. All votes were yes. Motion carried.

**Public Comment**

Vivian Goodman stated before we get into public comment, that she wanted to remind the Board that when there is an issue of conflict of interest, it is in our bylaws, and I think we've kind

of maybe overlooked this in the past once or twice that if a Board Member has any personal or business interests in a board topic, it is a conflict of interest for that Board Member to be involved in the actual discussion and the voting. That was confirmed with Mike Baggett today that they can discuss or bring it up in public comment if they have anything that they want to bring, but as a Board Member when we get to a topic of discussion where there is personal or business interests, or even if you have relationships with someone involved and it's a conflict of interest, the Board Member is not to be involved in the discussion or the votes. Vivian Goodman asked if there were any questions.

Jeff Entler asked is this relative to anything in particular? Vivian Goodman responded no. Jeff Entler asked why it was brought up and was it relative to the situation with Cody and the health department (HD). Vivian Goodman responded that she was not really up on all that happened last, when she wasn't here. Jeff Entler said that he just wanted to open the discussion. He didn't know if someone had brought it up but that's a good point to bring those rules up. Vivian Goodman asked if there were any other questions. Then, Vivian Goodman asked if there was any public comment. Vivian Goodman asked Brandi if there was anything from anyone. Brandi said no. Vivian Goodman said okay, moving on, and Mark Scranton said okay, to clarify, since you brought that up, he asked Cody Parks, do you have anything that you want to bring up right now for public comment? Cody Parks asked as in what? Mark Scranton said, I'm just asking the question. Cody Parks responded not right now.

### **Approval of Previous Meeting Minutes**

Mark Scranton moved to accept the Minutes from the November 16, 2021, meeting, seconded by Cody Parks. Roll call. Vivian Goodman abstained due to having been absent at that meeting. All remaining votes were yes. Motion carried.

### **Communications**

#### **Board Training: Board Member and Administrator Authority**

Brandi Binkley passed out papers to each Board Member, and said that she thinks everyone has already seen this but reminded the BOH that there is a BOH calendar that is gone through every year so there are things in some of the months that staff go through with the Board. This used to be in December because that's when there would sometimes be new people in new officer positions and things like that, so staff has already went over this when there were so many new Board Members. Brandi explained nothing has changed on it but with the calendar not having been changed, she just wanted to make sure she does her due diligence and brings it. Brandi asked if the Board wants to change this to June since that's when new board members come on it since the BOH did edit bylaws for the new officers to take part or take effect in June, then they can change that. Brandi said she just hadn't asked the Board that, so she wanted to make sure to bring this. Brandi explained that they have gone over this already and was happy to go over it more if anybody has questions but didn't want to skip over it.

Mark Scranton said I think it would be beneficial because you've got new people come on the Board and he thinks to have everything lined up at the same time. Mark Scranton said, it's my opinion and then also since we're on board training, question, since we didn't touch base on this last month. Mark Scranton said I think it's been a couple months since this came up, he asked what's the current status of OMA training. Brandi Binkley responded that the website is still

down, unfortunately. Mark Scranton said, do they plan on getting that up anytime in the next year? Brandi Binkley responded, I don't know, it's the State so, while Mark Scranton interrupted and said, I know it's the State but somebody's got to be accountable for this at some point. Brandi Binkley said, well, I believe that's the Attorney General's office, and basically on their website it says the website is down, Brandi went on to say that it's been like that as you know, for a long time, so she didn't know.

Mark Scranton said, I would refer to ask questions to the State's Attorney, do we have any potential liability having not gone through that process for new board members? We have not had OMA training. State's Attorney, Scott Reuter said, I may ask you a couple questions to understand the situation, the training itself is it supposed to be provided by the Attorney General? Brandi Binkley said there's the required training that people are supposed to do within that 90 days. Scott Reuter asked so is that their requirement that the Attorney General be the provider of that training? Brandi Binkley responded, I don't know, I can't speak for that, that's what has always been, while Jeff Entler said, that's a good question. There were multiple short comments. Scott Reuter said if the Attorney General is the sole responsibility for providing that training then if they are not providing the training, if there was something where there's a lawsuit, a lawyer is going to sue everybody, but ultimately the liability in that situation, in my view, would be the Attorney General's office. Scott Reuter said but I'll have to look into that and see if this is, and asked, you are calling this OAM training? Mark Scranton said, OMA – Open Meetings Act. Brandi Binkley said to Scott Reuter, they have the training for FOIA on there as well. Scott Reuter responded right, okay, I didn't recognize these acronyms so now I know what you're talking about. Mark Scranton stated that he was sure other organizations were dealing with the same issue because it's not exclusive to this body. Scott Reuter went on that yeah, I think the problem there now that I know what you're talking about for sure. Scott Reuter said I think the problem there is that it's not going to be the Attorney General's sole requirement to provide that training, with the Open Meetings Act, they're going to expect the Boards to be aware of that and to follow it so Scott's guess is that we do have some exposure there because it's not going to be seen as the Attorney General's responsibility. The responsibility is going to be for any public body to conform to the Open Meetings Act. Scott Reuter said, so let me see, I'll talk to Mike and see if maybe we can get around that by perhaps doing some sort of in-house training by our office, but I don't know, let me look at it. Scott Reuter said he'd have Mike get back to Brandi. Brandi Binkley responded thank you and asked if Scott could ask Mike about FOIA as well. Brandi Binkley said that we (MCHD) just as a best practice have the leadership team and administration train on that each year just so they are as aware as possible of those things so Brandi explained that staff would be interested in receiving that training also. Scott Reuter responded, alright, thank you. Brandi Binkley said, and then to your point Mark about getting everything you know aligned the same way, is the Board okay with me switching the authority document to June since that's when we have all of our new people in effect? Brandi Binkley asked if that was okay with everyone? Board Members agreed.

### **COVID-19 Update**

Brandi Binkley said there will be a lot more to discuss later on in the agenda so she'll keep this part brief. Brandi Binkley did want to let everyone know we are surging in Macon County with the number of COVID cases that we have, and you know, pretty much seeing that across the country. Some variants and higher transmission and some of the variants not being as protected against as much with the vaccine, so seeing all of that. Our cases right now - Our case rate right

now is 723.98 per 100,000 and the aim for that is 50. So we're significantly higher than that. We've got a lot of hospitalizations. We (Macon County) are in high transmission. The entire state is in, most of the country, so we're in a really bad spot with COVID right now, not only locally, but it's across the nation. So we are doing everything that we can as far as doing our part. Brandi Binkley stated she will talk more about vaccination and contact tracing later in the meeting. She stated if anyone has questions, she is happy to answer those.

### **Presentation and Acceptance of Financial Report**

Sheree Zalanka presented the Financial Report. She stated that the financial report is as of November 30th which is the end of our fiscal year. However, she stated she has not been able to get all of the year end adjustments in yet so some of these numbers will change. Right now our ending fund balance before end of year adjustments is at 5.5 million. Total revenue was slightly over 8 million which is 82.4 into the budgeted revenue and total expenditures at 7.6 million is 79.5% year of the budget year.

Vivian Goodman asked for a motion to approve. Vivian Goodman asked if there were any questions. Jeff Entler made a motion, seconded Candi Clevenger. Roll call vote. All votes were yes. Motion carried.

### **Review and Approval of Department Expenditures**

Vivian Goodman asked if anyone had any questions. She then asked for a motion to approve. Jeff Entler made the motion and Cody Parks seconded the motion. Roll call vote. All votes were yes. Motion carried.

### **Grant Applications for Review**

Vivian Goodman asked if there were any. Brandi Binkley stated there were not.

### **Department Division Reports**

Vivian Goodman stated that the Department Division Reports are in the packets. Vivian Goodman asked if there were any questions for staff. Brandi Binkley stated she thinks most of the BOH knows that they've been trying to keep a limited number of people in the room. Pre-COVID, we would have all of our director staff here at these meetings so that they could answer questions. They've been joining virtually, but we do have a few of them in the building and readily available tonight not just to answer on here, but then to come in and kind of touch on the parts of the meeting that are a little bit more detail about their department. Brandi Binkley stated that in the room right now is LaKeeya and then Sheree presented. Then Bethany is our assistant administrator. They will be in the room tonight and then there are a couple of other people that are going to be available if the BOH have questions during those sections.

Brandi Binkley stated that she also wanted to just say it specifically they've had some reviews here recently. There was a WIC and Family Case Management review and then an admin human resources review those went very very well. Brandi Binkley stated that the one with DHS for admin and HR that she was on with Sheree during the exit interview. Brandi Binkley stated that the reviewer was going on and on about the HD being a role model in being the top reviewed agency out of all of the ones that he had done in the entire state and you can tell all of the HD's stuff was together. Brandi Binkley said she just thought the BOH should hear that, as she thought that was pretty amazing.

Brandi Binkley then stated that another number that the team came up on here recently on the BOH report in addition all these other things that the team has done was hit the milestone of 15,000 COVID vaccinations in addition to everything else that is going on at MCHD and that obviously has been a building wide effort plus stated that there have been volunteers - medical reserve core - and also nursing students that have come in and helped them with that endeavor so that was a really big deal. Brandi Binkley then stated that yesterday on the IDPH call she heard something that hit home a lot because they are always talking about saving lives through contact tracing. IDPH was able to put some estimates on that for the entire state of preventing approximately 200,000 cases and approximately 3,500 deaths just for contact tracing. These numbers are not for vaccination or anything else. Brandi stated that she thought that was pretty cool to get a number and be able to actually quantify the work that's being done and share that with the team. She stated that she just wanted to kind of highlight those things. Brandi stated that of course there's a lot of other things going on at MCHD, but she did just want to point those out since they had come to her attention recently. Vivian Goodman said she received a letter from DHS regarding the fiscal administrative review, so great job to the team and thank you.

### **Employee Recognition**

Vivian Goodman listed off employees with anniversaries this month and thanked them for their service and happy anniversary.

Brandi Binkley asked to interject. She stated that she wanted to let the BOH know that if they know Becky Edwards who has been the Director of Starting Point for some time. Brandi Binkley stated that Becky has been with the MCHD for 21 years and she is moving on to a new chapter in life. Brandi stated that this is her last board meeting that she's joining us on. Brandi Binkley stated that she doesn't really think it can be put into words the impact that she's made in the Starting Point Division which is the Aging and Disability Resource Center. Brandi Binkley stated she is so extremely grateful and the team will miss her very much. Brandi Binkley stated that the person that's replacing her is Teresa Smith and she has been with us for 20 years and is the Assistant Director in that division. Brandi Binkley stated that they are so very happy that there was someone that wanted to promote from within. Brandi Binkley said thank you to Becky for her service here. Vivian Goodman said thank you to Becky and we wish you all the best.

### **Old Business**

#### **Mobile Food Truck Ordinance Update**

Vivian Goodman moved to this topic. Brandi Binkley said that she wanted to inform everyone that this did pass at the County Board Meeting. She asked if anyone had any questions about it. Brandi Binkley said she wanted to make sure everybody knew what the follow-up was with that. Brandi Binkley asked Kathy Wade for some numbers. Kathy Wade stated that there were four or five that applied for all of December with temporaries and there's two more that are getting ready to apply for at least two weeks in the beginning of January because it was delayed at the County Board so the team was delayed getting it out.

Kathy Wade stated that the team has received lots of phone calls that a lot of the seasonals want to go year round so they're just waiting to get paperwork. Brandi Binkley thanked Kathy Wade.

### **Update on Contact Tracing and Mass Vaccination Grants**

Brandi Binkley stated that this is kind of a general topic and then Mark did reach out to her to add the next two bullet points. Brandi stated she would just go over the general update of what's happened since last month and then told Mark that if he wanted to touch on the specific discussion topics that he wanted to talk about.

Brandi Binkley stated that with the contact tracing grant, the BOH all has the update as far as the funding and everything, but the other change that has occurred (and this was literally late last week) is that the state is moving to a centralization of contact tracing. Brandi stated that the BOH will probably recall that she has talked about the Surge Center and that they're handling most of the cases right now. Brandi stated that a lot of what's taking the team's time right is the more vulnerable populations, so the seniors, the children, the schools, and then contacts of those kids in schools. Brandi said the centralization is basically going to be that all cases initially go to the Surge Center and then they are basically put through an algorithm of if the search center will handle them or if they will be moved to the local HD. Brandi stated that the state is saying they don't expect that this will cause many changes for the schools. Brandi stated that the expectation and the hope is to lighten the load for HD and obviously the funding is expected to end for this specifically March 31<sup>st</sup>, so it's going to help basically with the transition of that. Brandi stated that MCHD staff will still be there for example - for cases that someone maybe doesn't have a cell phone because there's a whole text messaging program that they're going to use for positives that people have the choice to opt in or out of the contact tracing process so this is very very brand new to us. Brandi stated that the team has been on a lot of phone calls in the last few days with the state and with other administrators working through it and trying to figure out exactly how the logistics are going to work and of course talking with the internal team about logistics.

Brandi stated that there will be updated messaging and that administrators across the state have asked for messaging so that it's all consistent so that the public knows that this change is going to happen. However, the team is preparing its own just because sometimes there's been delays with communication coming from the state. Brandi stated that they are also are going to send something out to superintendents because some of them are already getting wind that there's going to be changes at the state and she thinks some of them are getting concerned that there's going to be more work for them. Brandi said the team is going to send them a little something that just lets them know MCHD is still going to be here to support them after the first of the year and MCHD is still learning about logistics but that we will be here and we will work through it.

Brandi stated again that the team just found out about this last week and the go live date is December 28<sup>th</sup>. Many administrators across the state have gone together to request that the state push that back, but Brandi does not believe that they will because schools are on break and holidays. They are also very busy with things at year end. Brandi stated that the team will at least reach out to the key partners and let them know there's going to be a change and MCHD is going to work with them on it because she does think there will be some concerned schools about what this is going to look like. Brandi stated that she does not know everything yet since they do not have everything from the state yet, but they do know there will be changes and some logistical stuff to figure out as they transition to this.

Jeff Entler then asked if contact tracing as a whole will change. Brandi said it will. Jeff Entler continued and asked if the first level of contact is that state number. Brandi stated that first they are going to send out that automated text message. Then if someone doesn't have text messaging, which obviously a lot of people don't and a lot of the senior population doesn't - they'll automatically get sent to the team here at the local HD. Brandi stated that the MCHD team will work those cases. Brandi Binkley state that anybody in congregate care settings – their cases will also be worked by MCHD. Brandi said if there is a cluster or an outbreak identified, that would be given to MCHD.

Brandi said part of the intention with this is that staff at local HDs have more time to focus on outbreaks and clusters. Brandi stated that is something MCHD normally does with contact tracing pre-COVID (with communicable disease). Brandi stated that the local HD monitors those cases, follows up on them, and then watches for outbreaks to try to prevent the spread of you know whatever that illness is. Brandi said that will continue; it will just look very different than what it's been. Brandi said anything that doesn't get funneled to the local HD (MCHD) will go to the Surge Center. Brandi stated that for a while, because of the sheer numbers that Macon County has had, a lot of Macon County cases have been going to the Surge Center and they've been working them. This does cause some confusion across the state because if people are trying to get a letter for work they have to call the Surge Center. If the Surge Center doesn't get back with them quickly enough, MCHD doesn't have their case and so it has to be sent to the state. Brandi said that they are trying to work through that and it is going to be a little bit interesting because they also have a lot of employers throughout the community that expect a letter. If most cases are being worked at state level, they have to provide the letter. The team has also been talking about reaching out to employers in Macon County to let them know that MCHD will not be able to provide these letters anymore, as people will be working with the centralized Surge Center.

Mark Scranton asked if MCHD is transitioning into a different level where MCHD will not be doing active contact tracing at the HD. He asked if it's getting kicked upstairs, so to speak. Brandi stated that the MCHD staff will still be doing contact tracing, but most cases will be going to the Surge Center. Brandi said what the MCHD will be doing is people that don't have a cell phone; people who live or work in congregate care settings (i.e., jails, prisons, LTC, assisted living); assisting schools at some unknown level to support because they have a lot to do, as well. Most cases will be at Surge Center, but MCHD will be working some of them.

Jeff Entler asked what percentage will be going to the Surge Center and what percentage will stay here. Brandi said right now a bigger majority is going to the state because there are so many numbers. Brandi stated that the Surge Center was created to support local HDs if there was a surge or if short-staffed. Brandi stated that the team has been received approximately 20 school close contact lists per day (for example, if 20 kids positive, these are lists of contacts for each child). The team then has to call all of those children, teachers, etc. to inform them of quarantine and what to do. The team at MCHD has been doing that piece and sending as many of the cases as necessary to Surge. Brandi said she does not know the percentage of what is being sent to Surge versus what is not. Brandi stated that the state's intention with this is for local HDs not to carry as much of the burden with use of the Surge Center, especially since the contact tracing money is set to run out March 31<sup>st</sup>. Brandi Binkley stated that the State still wants them supporting the more at-risk populations (congregate care, clusters, outbreaks, etc)

Jeff Entler said that in speculation the Surge Center would expect to do a majority of the cases if they aren't giving the HD more contact tracing money (for example 90% versus MCHD taking smaller percentage) with MCHD doing what they would normally do with contact tracing. Brandi said yes that would be the expectation. Brandi Binkley said it may not be in the 90 something percent because if someone's text message fails (or if someone's phone does not accept text messages; some seniors may not have texting messaging as an example), those will automatically get sent to MCHD. Brandi stated that in this area, she would see that to be a bigger part of the workload and also if they are supporting the schools as they have been, it is a significant workload. Brandi stated that is one of the outstanding questions administrators have for the state because many local HDs have done a lot for schools since they have a significant workload. Brandi stated that one concern with these changes is the schools feeling like more work is being dumped on them. Brandi stated she believes that will be something that has to be worked through about responsibilities of schools moving forward versus how can MCHD to support them to at least transition them. Brandi stated that the funding ends March 31<sup>st</sup> and if the new funding coming in January does not support these activities, the schools will have to figure it out on their own, per the Executive Order. That is the stance the state has taken.

Mark Scranton asked how that will impact the decrease. Brandi stated she thinks they should continue business as usual at this time and there is grant funding for that. There is also a grant that is supposed to have information come out January 17<sup>th</sup> for that to determine if the MCHD is going to fund anyone specifically for that. Brandi stated that the state has said that this grant will have funding specifically for communicable disease (any, not just COVID). Before COVID, there was one full-time nurse assigned to that who carried a decent sized load. Jeff Entler asked if this person was assigned to contact tracing and Brandi said yes, outside of STI. Brandi said she also worked STI cases, but there was additional support in Division for that. Brandi Binkley said the team we have on contact tracing right now she believes will be needed through the March 31<sup>st</sup> date because of the fact this is a transition and there will still be a significant number of cases assigned to the MCHD.

Brandi said that some HDs have stated they will transition through attrition; as contact tracers leave, their positions will not be filled and more cases will be sent to the Surge Center. Brandi stated that is probably where MCHD will go with this, with the support of the Board of Health. Brandi said if the workload doesn't go down significantly (and she does not believe it will at least initially), the contact tracing staff are needed at the MCHD. Brandi stated that if people leave, she does not believe it's most responsible to replace those positions even after the first of the year because the goal from the state is to centralize that to the state. The less MCHD can do, the more will be sent to the Surge Center.

Brandi Binkley said that the state did send out a survey yesterday that had to be completed by end of business. The survey had local HDs opt in or opt out of this process. If a local HD opted in, it means the HD will follow what the state is doing and use this utilize the Surge Center, etc. If a local health department opted out, then then they can't utilize the Surge Center. Those HDs would get no more money and would be expected to do everything on their own as local HD which is not really not possible at any HDs right now. Jeff Entler asked if Brandi opted in and she said yes. Brandi stated that she did feel like the MCHD should continue with MCHD has and get messaging out to them so they are hearing it from MCHD and not a Governor or state announcement. Brandi stated that she did tell them at the last meeting that things were moving forward business as usual and when she got an update, she would let them know. That was

before all of this happened. Brandi stated she does not have all of the answers from the state, but the team is working through it; communicating with staff; communicating with the BOH; going to communicate with school Superintendents. Brandi said they are going to ensure everyone through the building has a script; they actually already have it today so if people are calling in to ask questions that anybody they would talk to at MCHD can let them know the state number that they would need to call and the state is taking the lead with contact tracing.

Brandi Binkley stated that she thinks there's going to be some upset people looking for letters that MCHD as a HD provide and the team will have to send them to the state. Brandi stated that the team has already gotten a lot of complaints about the Surge Center and their lack of thoroughly working cases and or getting back to people, so that may exacerbate that for a while for the team. Brandi stated that is happening in every other county and she has talked to the administrators that are catching heat for the Surge Center, so BOH Members may hear or see that, especially over the next month or so.

Jeff Entler asked how long the Surge Center has existed. Brandi said that is a good question and she is unsure how long, but not very long. The Surge Center started and initially, MCHD had enough staff and didn't have to use it. However, Brandi stated she knew that the team could start using Surge Center if needed. As members of the contact tracing team left and numbers started climbing significantly, it was decided MCHD would use the Surge Center. This is what Surge Center was for and this was not outside its scope of purpose. Brandi stated the MCHD does have deliverables about how quickly someone is to be contacted if they are a positive versus close contact. It's been very important to the team to meet that and if there were so many cases that the team wouldn't be able to do that, then those could be sent to Surge so they were contacted as soon as possible. Brandi said she could let the BOH know, but she does not have that memorized. She knows it hasn't been around a very, very long time, but again there are staff at MCHD whom have been training last Fall with updates/meetings every week. Therefore, a lot of Surge people aren't doing things quite the same and it has presented some problems for the HD. It is not done exactly how MCHD has been doing it. For example, Surge may not ask for contacts and then contacts call MCHD and are upset because they never got called or they can't get their letter. Brandi said she hopes that will help once it gets through the bumpy part of the transition if Surge is handling most of things, hopefully MCHD won't catch as much heat for what they are and aren't doing since it is a separate entity from MCHD.

Mark Scranton stated that he would like to see a spreadsheet next month of how many cases the contact tracers have actually been dealing with and then a report every 30 days moving forward. Mark Scranton stated that Brandi is saying a majority of this burden will be taken off the HD, but is talking about keeping the same amount of staffing. Mark said he does not want to see this going until March just because the funding is there. If the state is doing 60-90% of the work, we shouldn't be keeping 100% of the people. Mark stated there needs to be balance; either that or system is broke and not working the way it was planned. Mark said the state is known for not having the best laid plans sometimes. Mark Scranton said nothing will surprise him and he would like to see how this tracks out moving forward for informational purposes.

Brandi Binkley said this could be done and there is a dashboard that can be run in Salesforce to show how many cases each person is working. She stated she will have to figure out a way quantify this, but staff that has been hired on for contact tracing does not only do contact tracing. There are full time staff with alternating schedules so that seven days per week are

covered. The way that they have limited unnecessary spending of having people sit around on slower days is having full time staff every day and part-time staff scheduled. If those part-time staff are not needed, those staff are called off similar to a server in a restaurant. There is a process where part-time staff clock in, complete follow-ups, see if they have new cases, and log off. They are not just sitting there if they are not working. They are also staffing the mass vaccination clinics and that is coded that way. They are also covering the COVID phone lines. There is a COVID vaccination line for setting up appointments/checking iCare and a COVID hotline for generic questions, letters, etc. These staff have been utilized other ways so they are not just sitting there. Brandi Binkley said she can bring dashboards and give the BOH an idea of how many clinics per week are staffed; how many calls; because they are covering more than just contact tracing.

Vivian Goodman asked if they had to let people go, could that funding be used for something else. Brandi said it would depend on what was budgeted and where the spending is so far for those grants. Brandi said most of that budget was for staff and fringe. There are some other things in the grant that have not yet been spent such as electronic medical records. Therefore, some things would have to be requested in budget adjustment and some would not. Brandi said the state has been pretty quick about responding to the team when questions have been asked about allowances for spending. Brandi said if more questions have to be asked of them, we can do that and spend the money as effectively as possible.

Dr. Minnaganti said that with the wave coming in with highly transmissible variant, the MCHD will most likely need more resources for the number of cases. He asked if Brandi thought the Surge Center could handle this with local help. Jeff Entler stated the timing is not the best and Mark Scranton said that it is the state and what do you expect with them being told they have two days to get ready for this. Brandi stated she agrees it is not good timing and she knows there is discussion about if the care resource part of this will remain local or go the state. There have been issues with the Surge Center not linking people to the resources they need, so if that can remain local she would prefer that. Brandi said the team is also partnering with Sista Girls in Action, the Public Health Navigator Group. That group did have some funding to assist with certain things. Brandi stated she does not know if the Surge Center can handle it. She stated she hopes they can because the MCHD team has worked very hard to handle it and do so well and be the local voice. She stated she does feel part of that is being taken and that is a concern some other Administrators share. It was almost as if there was not much of a choice to do it. Brandi stated there was a change yesterday that cases cannot be pulled back to the local HD from Surge. Last week on Thursday or Friday, HDs were told that would not be possible. Now it has been stated that HDs can pull in special situations. Brandi stated she hopes the Surge Center is ready to handle it and can. She hopes they are ready for the phone calls and to deal with the sort of piddly things our staff handle every day that are very big in some peoples' lives. If Surge does not answer the phone, people may not be able to get back to work and there may be nothing that MCHD can do. Brandi stated she thinks that may be difficult for some people.

Vivian Goodman asked Brandi if the next two bullets were Mark's. Brandi said yes. Mark Scranton stated that the first one was covered. Mark Scranton stated someone contacted him. He asked Brandi to talk him through contact tracers. He stated he has heard this, but now someone reached out and called him about this and explained to him that the HD delivered groceries to their house. He asked how that falls in with COVID and what is the criteria with that. He said they also kept calling back to find out what to look for because they now have a person

in the house who has been quarantined and nobody ever called them back. He said this happened half a dozen times. They needed to know what the child should do – go to doctor or ER. This person works for another governmental body and they were very, very frustrated that they got groceries they don't need, but they do need help knowing what to do with their child and can't get the HD to call them back. Mark said it is two separate issues -the lack of follow-up and telling people what they are supposed to be doing and the grocery thing completely caught him off guard that we are doing that as the HD. He asked what is the point behind that?

Brandi Binkley said the groceries are part of the contact tracing grant – alternate housing and food. This was in the grant applications, budget approvals, everything, the team has been doing that since getting the grant funding. Brandi continued and said if someone is quarantined or isolated and they can't or shouldn't get out to get food or have nowhere safe to quarantine or isolate or do so away from family, there is funding used specifically for that. In terms of housing, there have been some, but the demand has gone down significantly. There's not very many of those. The food is more because people are not supposed to go to the grocery store if they are quarantined or isolated. Someone has to agree to get groceries; they aren't sent to everyone or randomly. They agree to get them and provide a shopping list. Then what happens is our contact tracers refer that to our Care Resource Specialists (CRS) which is a team the MCHD has that handles those outside resources. If someone needs groceries, food, rental assistance, if they can't go to work and won't get paid, and sending referrals out to other agencies to help with those things. The HD only pays for food and housing. Mark Scranton asked who triggers that because these people had no idea this food was coming, they are financially well off, they were wondering why they were getting this stuff. Brandi said the person would have to say they need food, cannot get it themselves, and agree to it going, agree to the items. Mark Scranton interjected and asked if the contact tracer initiates that process or how is it started. Brandi stated that the contact tracer would ask if there are any resources the person needs and then if yes, would send them to CRS Team. They would work the people to determine what is needed. Brandi said that person would have had to say they wanted or needed food and tell the CRS what they need. The CRS then sends that to their supervisor which would be a Team Lead who looks at the grocery list; determines if it appropriate for what is allowed; determine if cost is appropriate under the allowable amount based on how many people are in the house and how many days for which they are getting food. That all goes to the supervisor who approves it and then the order is placed. The person had to have known that was...

Mark Scranton interjected to say that he will be honest; he's heard this from two or three different people that say they didn't ask for this stuff, but just got it. Mark said there might be a glitch in the system or some kind of communication gap somewhere that needs to be kinda looked at because these people don't need to have the groceries. They have said they have food in the house; money; and ways to get food and don't know why they got the stuff. Mark said he is just conveying. Brandi said she appreciated him telling her and if he could tell her in private who these people are, it can be determined who was working these cases and determine if there's an underlying issue. She asked for the names to be told to her privately so their names aren't discussed publicly. She can look into it and if happening, it can be corrected.

Brandi said in regard to calls back, she is not sure if these are handled by the Surge Center. There is a possibility that the call could also be missed as people are human and not every employee is perfect. Mark Scranton interjected and stated that they called to the health department six times and never got an answer. Brandi said if they called six times, there are a

lot of systems of checks and balances put in place to ensure those get called back. She asked Mark to give her the name of this person in private so she can check into if someone dropped the ball. Brandi said there are people that sometimes complain that MCHD doesn't call them, but sometimes there are situations where people won't answer the phone when staff call; they don't have a voicemail when staff call; the MCHD number comes up as spam; so some people don't answer that; some peoples' phones do not let incoming unknown numbers come through; so she is not making excuses. Brandi said there could also be an employee not doing what they are supposed to do. Mark Scranton stated that is why he said that. Brandi said she appreciated that and if he could let her know in private, she will follow-up. She stated that everyone on the team has worked too hard to ensure all calls are followed up on for others just to choose not to. She asked Mark again to please get her that info separately.

Mark Scranton stated that he also brought up the issue two or three months ago. He will reiterate his opinion. He does not know if it is something the Board wants to take action on, but said we are getting inundated every single day around the clock with everything in our world seems to revolve around COVID. It's there and we have to deal with it the best way we can. Mark stated he brought this up two or three months ago that maybe the HD should look at possibly doing weekly press releases instead of daily because this is getting regurgitated so much through the news cycles. People are just turning this stuff off and they are not even paying attention to it again. He said again – less is more. Mark stated that when the HD puts out a weekly update press release, he is getting two emails a day every day from the HD; he is getting it through all of his news media feeds; it's being put on the radio, TV, paper; it's being done over and over and over 24 hours a day. Mark said he thinks people are – it's white noise – people are turning it off. Mark stated this is taking resources at the HD that should be being used for probably other things that should be dealt with instead of these multiple daily reports on cases. He stated he thinks this is a waste of energy and does not think it is a good way to operate from a PR standpoint and provide the public timely information. He stated it is his opinion and he's heard it from some other people that have voiced similar opinion and doing this on a daily basis after two years is just wearing out with people. He stated he would like to see the Board make some kind of recommendation to staff that this is released just once a week. He stated it could be same statistics, but a snapshot of what has happened over the past week instead of doing it every single day.

Dr. Jerger said he thinks it would be nice if it was changed because it's the same thing that's going out every day. Another thing Dr. Jerger sees is total number of cases over entire pandemic needs to be removed. Jeff Entler said he agrees. Dr. Jerger said he doesn't understand why that's on there. Candi Clevenger said seeing number of cases to see if numbers are going up here and what needs to be done with her organization. She also stated that she also finds it helpful being in the medical field is knowing if hospitals are packed. She agrees she does not care how many total cases there have been. She said she would like to know how many in the hospital are vaccinated versus unvaccinated. Candi Clevenger stated the information important to her is number of daily cases and hospitalizations. Mark Scranton stated that he understands where Candi is coming from as a medical professional and the type of operation she is in charge of. He stated he has no issue with that, but with the public releases of information. Mark stated that people are just burned out and tired of hearing about it. Mark Scranton said there are other illnesses – he is 60 years old – this has been a real challenge for two years. He said there have never been daily releases of how many people are sick or

hospitalized from the flu or any other disease whether it's diabetes or cardiac problems or anything else. He said there is so much energy being spent. Mark Scranton stated that is why he brought it last month about the STI Clinic not being open for a year and a half. He said so much time and energy have been devoted to this and these other things are still happening in our world.

Mark Scranton said people want to know if people are in the hospital for flu. Mark Scranton stated he did research and found an article from Herald and Review and found statements from both hospitals about where flu numbers were; hospitalizations; what it was this time last year. Mark Scranton stated that this information hasn't been seen in a long time; the MCHD is not putting this information out every single day or not even once a week. Mark stated that the Board needs to redirect some of what the public needs to be educated on along with COVID. There are other things that the public needs to be aware of. Mark Scranton said we used to talk about AIDS, STDs, HIV, and everything else. Mark said that was a common thing you heard in the past for many, many years. As the problem got addressed, it kind of weened itself down where it's not heard of as much anymore. Mark stated he thinks the health department has an obligation to the public to serve the public and address all the illnesses and keep people up to speed with information that is timely and impacts their lives with other illnesses outside of COVID.

Mark Scranton said that he said two to three months ago that he thinks less is more. Mark said he thinks the health department should put this out there once a week. It gets a 24 hour news cycle with the media. They put it out there and say, here's what happened in the last seven days in Macon County; here's what cases were; everybody gets it; it's great information; and move on to something else. He said as far as medical people go, he has no problem with that being sent weekly or a daily release of information. He said the media is picking up on this and they are just – he sat and counted one day and between the newspaper and TV station there was like 40 posts in 24 hours on COVID statistics that are coming from the health department. Mark Scranton said it is just overwhelming. Mark said he's heard it from a lot of other people, so that's why he brought it up.

Dr. Minnaganti asked what Board Members would like to look at. He doesn't look at the website, but knows they are daily. He asked if they would like to see hospitalization numbers. Mark Scranton said he thinks this is valuable information that needs to be shared with the public, because a lot of people keep asking questions. He said that he read a story about people who had been vaccinated fully and then had booster. He said he listened to a guy talk about this the other day that the CDC is kinda withdrawing support or recommendation about the Johnson and Johnson vaccine. So now Mark wonders if that is the type of information we should be giving out to the public, but again he doesn't know if that's a problem to steer business to one company or another, but this guy seemed to know what he was talking about. Mark said these are statistics and it's coming from the CDC who is guiding a lot of the conversation. Mark stated if the CDC is saying people should not be getting the Johnson and Johnson vaccine and this is why, he thinks the health department should be educating the public about that. Mark stated he has not heard anybody talk about it and has not heard it discussed here in this facility.

Dr. Minnaganti said that is a good point. He said the issue is that he doesn't think the HD can endorse a certain vaccine they have to lay out the facts and the public can decide. Mark asked if Dr. Minnaganti was aware of this. Dr. Minnaganti stated that it is a matter of numbers and

individuals have died because of problems with clotting associated with Johnson. It's significant enough. If you look at that science, it's not but with the individual and their family, the damage is 100% zero. He stated the science has to be laid out. There are certain patients who have reactions to the Pfizer and Moderna vaccine. Dr. Minnaganti stated the Johnson and Johnson as much as earlier because of some of this so there is a certain patient population that won't be taking Johnson and Johnson. Dr. Minnaganti stated that as far as the clotting problem is concerned, the CDC believes that the number of problems with Johnson and Johnson is high enough to let the public know about it. He doesn't know if the health department can make a statement about it.

Mark Scranton then asked the Board if they were going to make a motion on this or just discussion or where the Board is on this. He would like to know. Dr. Jerger said if they could, he is all for it and agrees less is more. Dr. Jerger also said if you're into the marketing realm and the HD wants peoples' attention, the format has to be changed because everyone is used to seeing that. He stated that honestly, he is not sure how much people look at it. Dr. Jerger said the average person is over the topic, so if the health department wants to do it, the format needs to be changed.

Debbie Hill said maybe something new or descriptive. Dr. Jerger said maybe new graphs. Debbie Hill said something new like a new symptom that someone come up with; maybe put some new symptoms. Mark Scranton said that's part of what Dr. Minnaganti said, too, which he feels pretty strongly about, too. Mark Scranton made a motion to direct staff to go to weekly press releases, which would include the following information. Mark Scranton said to drop the overall cases; nobody wants to hear that anymore; include hospitalizations; people that are positive cases; people that are cases breakdown; that's what he thinks is the next big thing – show the number of cases of vaccinated versus unvaccinated. Mark stated it is important to show the people who have gotten COVID that are vaccinated because he thinks that people think if you tell everything that they're getting COVID after being vaccinated is a deterrent for people not to get vaccinated, he's heard different stories. A friend of his works in the hospital and she got vaccinated. She has COVID. He said since she got vaccinated, it was not nearly as bad. So the HD can educate people on the fact that even if you get vaccinated and you do contract COVID, the illness may not be as severe. He said he thinks the HD needs to change the strategy and also put out real, straightforward, honest statistics out there.

Mark Scranton said, "we sometimes think the public is not the smartest. We think that we are. Yeah I think that's a discredit to the public at large because people do a lot of research." Mark Scranton said that unfortunately with the internet nowadays, they do a lot of research. Dr. Jerger stated that the other question he has been hearing from people is for getting tested – how – is the testing good enough or are we knowing if it's the Delta variant, original variant, Omicron variant, is that known? That is something that could be put on there. Dr. Jerger said that will get peoples' attention. Dr. Jerger said all that is being heard about is Omicron and what about the Delta variant that was just here a few months ago; he has not heard anything about Delta now.

Mark Scranton asked what was it about two or three weeks ago there was only one Omicron case in the whole state of Illinois? Dr. Minnaganti confirmed that the first case in Illinois was December 1, 2021, that was less than three weeks...Dr. Jerger said the public should know that Omicron is not as severe; that is actually good news. That is much better news. Dr. Minnaganti then stated that it has been talked about that Omicron is not as severe as Delta, but more

transmissible. He stated they do not quite yet have the exact wording for how to define this so he does not know if the health department can put that information out as it is still in a fluid state until a true, final picture of the Omicron variant is available.

Dr. Jerger asked if someone gets tested – is it known what variant they have. Dr. Minnaganti said in the hospital they are not testing, but it's up to the public health department – IDPH – to do this testing. They do not have this; all they have is COVID positive or negative in the hospital. Then IDPH comes in at some point and says they are going to go ahead and run it. They may come in at a certain time because of a surge or whatever. That is what happened in July for Delta variant. IDPH handles that and the hospitals do not have a say in that.

Candi Clevenger asked how many actual tests and positive are tested for which variant they are. Dr. Minnaganti said he doesn't know how many tests are being done in the hospital, but they are all presumed to be Delta or Omicron right now. Dr. Minnaganti said that since this morning, they probably have had about 11 or 12 cases. He is not sure about other hospital.

Mark Scranton then said that the group proposed a motion that the health department do weekly press releases which would include the following information: current positive cases; cases hospitalized; COVID deaths; and out of those cases, the percent which is vaccinated and non-vaccinated. Dr. Jerger then said another step to that when people talk about COVID deaths is having COVID deaths of people with other issues versus healthy people. He said there is a big difference between the two and there is a big difference between dying from COVID and dying with COVID.

Dr. Minnaganti said this has come out many months ago when the CDC talked about it being a difference. Dr. Minnaganti discussed issues surrounding attributing deaths to COVID. He explained how deaths are reviewed in his hospital and how it is determined if a death is COVID or something such as bacterial pneumonia. In some hospitals, they don't have someone that can do that. There needs to be someone with time and expertise.

Mark Scranton said he also hears that it's challenging for families when they get a death certificate. He heard a story the other day about it just being decided it would be on the death certificate. The person had a lot of other underlying issues that led up to that. Mark Scranton said that at the end of the day, everyone is going to die of something and he's not sure it makes any difference unless it's insurance related issue for benefits or something like that. He is not sure if that's driving conversations or not.

Dr. Minnaganti said he cannot speak to the financial aspect of that, but from a functional, infectious disease standpoint, he can say that there are certain cases that have been attributed to COVID but may not be. This has happened all over the country. Mark Scranton said that even with diagnosis, different doctors may have different opinions. Dr. Minnaganti said that even before COVID, there can be problems with this. He is saying in general hospitals all over.

Dr. Jerger said the big thing people have talked to him about is when the hospitals were shut down, if it was COVID, the government was giving them cash. He said it would be great if it got to the point of telling people honestly how many people were truly COVID and not just a financial thing. Dr. Jerger said he doesn't think the public believes the numbers coming out.

Sue Krows said this is why the HD has taken on the responsibility of communicating the numbers daily to continue to reinforce that. She stated she feels the HD has done their due diligence in keeping people informed. Sue said there are still people out there with as many questions as the Board has about COVID and the impact. If the HD doesn't keep it out in front of people – she said she knows that some feel they are inundated with numbers and data, but they still have questions. Sue Krows stated that COVID isn't going away right now. It is a pandemic and that is why you're hearing about it. Sue stated people aren't hearing as much about HIV because it was a problem at one point and now it's controlled. Same with the flu; you're not seeing the flu because they are seeing COVID. Flu didn't spread last year like it normally does. Sue Krows said she thinks the HD has done a great job keeping people informed to make decisions to get vaccinated and see the horrible impact this has had.

Dr. Jerger said he's not saying the HD is doing anything wrong. He is saying that it would be great to get true information out to the public. Sue Krows stated that they said they had a problem with hearing the numbers. Mark Scranton said the media keeps taking the information and recycling it over and over. Again – less is more. If people start paying attention again if they don't hear it constantly 24 hours a day. If the media talks about a weekly report over the next 7 days there is nothing that can be done about this, but the message can be focused on what is in front and what else is being brought to attention like vaccinated versus unvaccinated and people will pick up on that.

Dr. Jerger said the perfect example is that if we tracked flu for the past 10 years the way we have, people would be overwhelmed. If this was tracked every year, the same thing could be said. Sue Krows said the reason it is COVID is because it's in a pandemic and it still continues to surge in people. Dr. Jerger said the point is that there is flu every year and there has never been this type of reporting with that. It's never been tracked like this and that is the difference.

(Vivian Goodman made comments about COVID-19 reporting that were not picked up by audio recording).

Brandi Binkley said if the goal is for the public not to be inundated or to use staff resources on something that is already being done, the HD could forward people to IDPH for that piece. As far as the current positive cases, hospitalized and deaths, that's all local and the HD has that part. Brandi stated that her question is about the percent positive that are vaccinated versus non and letting IDPH handle that. Mark Scranton said people want to know what is happening in Macon County, so if the HD has access to that information whether it comes to HD through IDPH or otherwise, he does not care. It's important like Dr Jerger says that HD puts info together for the public. He said he reviews the charts and if the HD wants to break it down, how many cases are going to St. Mary's, Macon County, or other counties. He stated he appreciates Vivian's point of view, but he wants to make it a news story. If the news talks about something repeatedly, people pay less attention. If there are new statistics out there and how it is approached and released to public and media, then it becomes a story where time and energy will be focused on it because frequency is decreased. Then it possibly has a stronger message and people listen more intently. It may make a change. He stated he doesn't know, but after almost two years it's time to try something different.

Candi Clevenger asked if the HD is aware of hospitalized cases and if they are vaccinated. Brandi said that the HD has relied on the hospitals each day to give the HD a report about how

many are hospitalized because if they are, the HD may not be able to reach them. The reports from the hospital are used to cross check with the file we keep that is then used for the HD's local report. Dr. Minnaganti asked if those reports have vaccination status on them. Brandi said that the HD checks with every case during case investigation if they are vaccinated and then that is logged. The staff also checks icare, the state program where vaccines are logged. This is not something that is readily available and the HD does not have an epidemiologist to handle that part of the reporting. The overall IDPH information can be used, but what may be harder to get or do is the HD being the reporting agent for hospitalized cases and vaccination status, especially with this transition to the Surge Center. Brandi said if the Board is okay with it, this change to weekly can occur this week; there was not going to be a report on the holiday anyways. There can be one this week on Thursday or tomorrow and then one next week. There can be immediate changes for what information the HD already has. Brandi said for the graphics and different format, she asked that the Board allow for this change to happen around the first week of January so that there is time for that to be reviewed. It needs to be reviewed and ensured that people with visual impairment can read it since that was reviewed and analyzed with previous format/graphs. Brandi stated they also need to figure out if HD can be reporting agent for hospitalized vaccinated versus non. Dr. Minnaganti asked who the report is coming from at the hospital. Brandi Binkley said she is not sure of current name, as it has changed, but there is a contact at each hospital. Rachel Deerwester confirmed that the Infection Preventionist provides this from each hospital. Dr. Minnaganti that information is accessible to those professionals. Brandi Binkley stated the team could ask them for that to be added to the report. The team can notify the hospital tomorrow of this change and give them time to adjust.

Dr. Minnaganti did say that the hospital has patients that are not just Macon County. Brandi Binkley did confirm that the reports we get only have Macon County residents on them. Mark Scranton asked if that information could be collected and put out once per week. Brandi Binkley said all of that information has to be logged and putting out that hospitalized vaccinated versus unvaccinated number once per week may make that a feasible task. Brandi stated again that MCHD does not have an epidemiologist.

Brandi Binkley asked for clarification on what is being voted on. She asked if it will be a weekly release with current positives; number of cases hospitalized; vaccinated versus unvaccinated; and then the deaths for local. Then looking at changes in format – coloring, description, etc. She asked if there is anything she missed. Mark Scranton said that covers it. Vivian Goodman mentioned variants. Brandi said that the HD has been putting variant numbers out, so if the Board has missed those, it could be getting missed. Brandi stated that has been put out and the team will continue to put that out. Jeff Entler confirmed he has seen this, as did Mark Scranton.

Jeff Entler asked for somebody to explain that to the Board. Brandi stated that the state does not sequence every specimen. People don't always know what strain they have and many times, people are out of isolation before they would even know if they had a variant strain or which variant strain. Jeff Entler asked if there is a dashboard to look into daily if somebody wanted to. Jeff asked if the public can access that if it's not put out. Brandi Binkley said no. There are Team Leads that log all information for each case; that is tallied by Health Promotion team; then that group does announcement, etc. If that information is not analyzed, that information would not be accessible to public every day. The CDC COVID Tracker is fairly recent with updates and HD can refer people to that. However, if the staff do all of that every day they will basically be skipping the reporting to media and there will be no savings of staff

time if that is one of the goals of this change. Brandi said the CDC COVID Tracker can be used to obtain numbers and compare Macon County to the rest of state and country. They can keep sending people to that if the Board decides to move to weekly.

Vivian Goodman stated there is a motion on the table. The motion was seconded by Dr. Jerger. Roll call vote. Vivian voted no; she wants daily. Candi Clevenger voted no. All other votes were yes.

### **New Business**

#### **Approval of Macon County Board Resolution Establishing Fees for Cottage Food Operation Registration and Inspection**

Brandi Binkley stated this is in the packet and Kathy Wade worked through this with Mike Baggett involved. Brandi also had Mike Baggett review the wording of the resolution to ensure it was correct. Kathy Wade was present to address any questions. Brandi would like to request review and approval on this.

Mark Scranton asked Kathy to tell the group what qualifies or quantifies as a cottage food operation and what the difference is between this and a restaurant or food truck. (Dr. Minnaganti exited the meeting). Kathy Wade stated with cottage food there are some limits, but not a lot now, of what kinds of foods can be done in home kitchen. Most are baked goods that do not have to be temperature controlled foods (TCF). With this new Senate Bill, there are more teeth to ensure the food presented is safe. Initially with cottage food, it was just baked foods at farmer's markets. Now it is baked goods plus a little more at almost any public event. Mark Scranton asked what else that could include and Kathy said jams, jellies, candies, herbs, teas; some are not allowable such as kombucha due to fermentation. Mark Scranton said his concern as a food guy is if you have a food truck or anything, then you have to go through many more requirements and fees. Mark asked if the door is being opened up to more exposure by passing this. Mark said he believes that the state determined the registration fee.

Kathy Wade said basically the HD doesn't have a choice because it's a Senate Bill coming into effect January 1<sup>st</sup>. With this resolution, Kathy is asking to be able to charge a fee for when that individual applies to register or in the case of a complaint. The HD has to accept this. The way the Senate Bill is written, HD can only charge \$50. The complaint investigation fee can be whatever the HD wants. All of Region 6 will stick with \$50. Kathy gave comparison of pools and what fees were with that. Kathy Wade said that if there was a complaint inspection, it would take multiple of her staff to handle it. Mark Scranton stated his concern is other businesses having to do more training and expenses. The problem he has is that it creates an unlevel playing field. Mark Scranton said that this seems to create a lot of work and HD only can charge a \$50 fee when there are a lot more things on the plate that HD should be taking care of. Mark Scranton said he wonders if HD should be doing it anyways. Mark stated that Kathy and her staff do not have time to go to many homes in Macon County to see how people are baking their cookies. Mark then said for \$50, he can open cottage food but then to grow a business beyond that point would take a lot more expense and equipment. That is an enormous expense. Mark Scranton stated that he has mixed emotions about this and part of it is that the HD is restricted on what it can charge. If fee was higher, there would probably be less people applying for this. He believes if people don't do this, they will continue to do it anyways.

Dr. Jerger asked if it is happening no matter what. Kathy Wade said yes, the HD is already registering cottage food operators under current rules. There are probably two or three this year. Since there is a new set of rules that may include reviewing safety plans, lab results, etc., that is why there is a desire to charge. There was always the ability to register them in the past, but the HD has not done that because it was just a piece of paper with a quick review. Dr. Jerger asked what is happening January 1. Kathy said the list of foods will increase. That is a given no matter what. Dr. Jerger said he wonders if HD is charging enough. Kathy Wade clarified that the \$50 is the max that is allowable for that part.

Dr. Jerger asked if more could be charged on the other side. Kathy Wade said yes. Mark Scranton and Dr. Jerger stated they think the HD should consider charging more. If it is more staff time, why is the number not higher. Kathy stated hopefully there will not be investigations like this, as there have not been yet. However, if the Board wants to start higher, the HD will. Mark Scranton asked what the current fee is for reinspecting a food truck or restaurant. Kathy said it depends; if it's not a priority, there is no fee for reinspections. If there is a priority violation, it is \$75. Dr. Jerger asked if that is something the Board controls. Kathy said yes. Dr. Jerger said it sounds like a lot of these need reviewed. Kathy stated a lot of the EH fees have not been touched since 2015. Dr. Jerger asked about having this for next month.

Jeff Entler said this was briefly discussed one other time because he tried to correlated it to someone's salary. Jeff said he agrees that is not enough. Dr. Jerger said that is not coming close to covering anything. Mark Scranton asked how long the staff would have to go out to do a basic investigation. Kathy Wade said in the home easily about an hour to two hours, not including the pre-work to talk to the person and review recipes and processes. For one complaint investigation like this, it could be five to ten hours. Mark stated he would not object to the overall resolution, but for the inspection he doesn't want the team going for less than \$500.

Mark Scranton said he doesn't want staff spending their time when staff are coming to them telling them there is not time to do these other tasks for regular commercial customers. There's all of these other things on staff's plates and then now adding this to it. If staff have to stop doing something else to go handle this, there is no revenue in this. The HD is actually losing money if staff go out to deal with this whether unfounded or not. Mark said he thinks there should be accountability to hold these people to the same standards. The person doing this out of their home is spending a lot less, but there should be cost associated with a mistake that is made. Mark is not interested in doing things that will put HD into a negative hole. Kathy Wade asked the Board to let her know what fee they want on the resolution and she will change it. Vivian Goodman asked if anyone had suggestions. Mark Scranton asked Debbie Hill what she thought and said he was asking her for a reason.

Debbie Hill asked if she is allowed to discuss this since she's affiliated with the restaurant. Mark Scranton said she's in the business, so should be allowed an opinion about it. Debbie asked again; Cody Parks started to mention what was said earlier; and Vivian Goodman asked State's Attorney, Scott Rueter. Scott Rueter clarified that the conversation is about cottage food, which is different from what Debbie does. Debbie said Kathy Wade could be wasting a lot of hours or spending a lot of hours for something so minimal. Mark Scranton said if a food-borne illness needs tracked, how is that done if special brownies or something is made. Debbie Hill said this has happened for years and it is becoming where it needs to be slowed down. Debbie said if one person is doing this then everybody will want to. Kathy Wade said she's seen a lot around

the holidays that should be under Cottage Food. Vivian Goodman asked if everyone is okay with increasing the fee and then asked about it coming back or having to go to the County Board. Kathy Wade said the Senate Bill goes into effect January 1<sup>st</sup>.

Brandi Binkley said she believed the fee could be amended in this resolution now before a vote and asked for Scott Rueter's weigh in. He stated there can be a motion to amend or even a resolution to replace the old resolution with a new one. Cody Parks said back to what was said earlier – if it directly impacts the person, they can talk about it, but not vote on it. He asked if that was correct. Vivian Goodman said if someone is directly involved, the Board Member should actually not be involved in the discussion of it. Cody Parks said if something is food-related, Debbie can't talk about it. If something is septic-related, he can't talk about it. If it's medical - related, they can't talk about it. Scott Rueter and Vivian Goodman said no and Scott Rueter continued that it is more specific than that. Cody Parks said he wants to make sure. Vivian Goodman asked Scott Rueter to clarify.

Scott Rueter referenced the specific by-laws of this Board. Scott said normally if you are a Board Member that should abstain from a vote. Scott Rueter gave an example of Mr. Kreke on County Board whose mother is an employee of the Circuit Clerk's Office. When there are funding issues for Circuit Clerk issues, Mr. Kreke abstains from that vote so he is not seen as improperly voting on his mom's pay raise or whatever. That is perfectly right. That does not mean he cannot put his two cents in. However, the Board of Health rules specifically say that if you have a conflict on an issue, you cannot discuss that issue during discussion of the resolution. He stated that what Mike Baggett said earlier today to answer Ms. Binkley's question in terms of freedom of speech that as a member of the Board, you can have opinions about things, but the proper place because of the Board rules to say anything about those would be in open comments by Board Members. Mechanically it is hard to figure out because the issue may be voted on before getting to public comment, so there is a disconnect there. If there is an issue affecting fees for restaurants, according to the BOH rules, Debbie Hill would not be able to speak on those as a restaurateur. However, she has a lot of information, so Scott Rueter said he is not sure if the Board wants to change that rule. He understands why it is there. There is also an option during the discussion to officially ask for other comment then people have opportunity to give input. The way it stands now, the BOH specific by-laws, anyone with an interest that compromises their ability to vote cannot even discuss it. He stated it is goofy in his mind, but the way it is.

Mark Scranton said the way Kathy Wade has this written is that it's a resolution BOH will vote on, then go to EEHW in January, then Finance, then the County Board. Mark stated that the BOH has the ability to amend this resolution. Mark Scranton then made a motion that the BOH accept the resolution as presented with the exception that the inspection fee be changed to a fee of \$500. Cody Parks asked if that's a one time fee. Debbie Hill said that's every time they go out. Kathy said every time a complaint would be received about a business, they would pay this. Vivian Goodman then asked if someone just didn't like the cottage food operator, they could make a complaint against them and they have to pay \$500. Vivian Goodman stated that if someone didn't like that cottage food operator, they could complain and cost them \$500 even if they don't find anything. Cody Parks stated they would go bankrupt. Debbie Hill asked that would be done. Brandi asked if it could be charged only if the complaint is founded because disgruntled people could send us out there over and over. Kathy Wade that is what is done with restaurants. Mark Scranton asked if that would be too high and asked for feedback. Cody Parks

asked if it could be left to discretion of inspector. Mark Scranton said a dollar amount has to be decided upon. Brandi Binkley asked if Cody Parks meant discretion about whether the fee is charged. Cody Parks said yes and that is what she is also asking – if a visit is one fee and if there is a finding, there would be more expense.

Kathy Wade said to keep in mind that walking into any home kitchen, it would already constitute a failed FDA inspection. Dr. Jerger agreed. Kathy said there is no way to pass and that is complete honesty. The team would have to use an FDA report, but the state is supposed to be coming up with an investigation form so it's uniform across the state. Kathy said trying to define "founded" by if there is a food-borne illness or not will be a slim chance because of amount of testing that has to happen. Vivian Goodman asked if BOH approves it, is there an option to amend it later? She asked Scott Rueter to confirm that and he said there is always the option to amend a previously-passed ordinance. As a legislative body, anything done can be changed.

Kathy Wade asked Scott Rueter if it is correct that the BOH can change fees at any time. This resolution is just giving MCHD to charge a fee since they have not before. Then if the MCHD decides later that there is need for change, that can be done. Vivian Goodman stated this is what she was getting at. Mark Scranton asked Scott Rueter if it would have to go through four separate bodies to get a change amended and Scott said yes. Mark Scranton said he is open to other ideas if someone doesn't like the \$500. Mark Scranton said he's using 5-10 hours figure. Vivian Goodman said they have also not had these before. Mark Scranton said 5 hours is \$375 value of staff time. Debbie Hill said if \$500 is awful, do \$375 or \$250; something that will shock them and make them do things right. Mark Scranton said he's only one person. Jeff Entler asked if the resolution is currently \$150 and Kathy confirmed it was. Candi confirmed it was \$75 for regular restaurants. Mark Scranton said they held to a higher standard because of trainings, etc, they must complete. Jeff Entler made the point that the BOH will possibly be changing those other fees, as well. Vivian Goodman said this is going from \$0 to whatever number and 0-500 seems like a bit much. Dr. Jerger said \$350 and Jeff Entler said \$350 and split the difference. Mark Scranton said he is good with that. Debbie Hill asked if that is cottage food only or all restaurants. It was clarified just cottage foods and Candi Clevenger made the point that this would be unless the other fees are also changed.

Mark Scranton said he will rephrase and make a motion to pass the resolution with the exception of raising the inspection fee to \$350. Jeff Entler seconded the motion. Roll Call. Vivian Goodman stated it should be \$250, but yes pass it. All other votes were yes. Motion carries.

### **Approval of MIECHV ARP Resolution**

Sheree reviewed the resolution and stated this goes along with the home visiting program the MCHD has had for years. It is Maternal Infant Early Childhood Home Visiting Program. This funding was part of the American Rescue Plan Act and it is dollars that can only be spent to enroll MIECHV families residing in at-risk communities and following allowing purchases: technology, emergency supplies, and prepaid grocery cards. It is for \$15,137. Vivian Goodman asked if there were questions. Mark Scranton asked how the team administers this program and who makes determination of it people meet the criteria. Brandi Binkley asked if he meant the entire home visiting program. He said yes. Brandi Binkley explained that the MCHD has the overarching MIECHV Coordinated Intake which is part of WIC/FCM Division where people are referred to in order to get set up for services. Then they refer out to community; not just our MIECHV Program in Nursing Division. They determined in intake which agency's services would be most fitting for the family. They refer to appropriate agency; the MIECHV section is just one

of those and the grant funders determine the eligibility criteria. Vivian Goodman asked for any additional questions.

Mark Scranton made a motion to approve and Debbie Hill seconded. Roll Call. All votes were yes. Motion carried.

### **Discussion of STI Clinic Updates**

Brandi Binkley stated that BOH Members did have an outline in the packet this month. As requested, there was a desire last month for BOH members to have more detail about what Clinical Nursing has been doing for STI during the pandemic. The clinic isn't open, but there are many other things they do. Brandi Binkley said she did ask the team for our Nursing Team to get an outline together to show what has been being done; what is currently being done. Brandi Binkley did say she has Rachel Deerwester, Director, and Amber Holthaus, Assistant Director of Clinical Nursing here tonight. They are here to answer any specific questions.

Brandi Binkley added that the MCHD is now in current conversations with Crossing and SIU about bringing them here. The team has also been working throughout the pandemic with the Phoenix Center who has provided services at MCHD. There is already discussion on possibly getting some interim services after first of year from them. The team has also looked at staffing, as it is not just about having a provider. The MCHD is short-staffed and having trouble finding staff like everyone. Brandi also stated the Nursing team has already worked with Sheree on determining potential cost. If there is additional staff needed, it is being determined how that would affect the budget. Brandi stated they can answer questions and hopefully BOH is happy to hear many things are happening.

Mark Scranton asked for detail about Phoenix Center – what it does and where it's at. Rachel Deerwester said they are out of Springfield and work with us, especially to provide what MCHD does not do. They are able to provide HIV and Hepatitis C testing during COVID clinics via finger prick. Rachel brought up the brown bag service where they would get urine, gonorrhea, and chlamydia testing, as well. That is not a long term solution as it is not the best method of testing. It does not catch, particularly in women. However, it would be an interim way to provide these services while staff are working through details with Crossing and/or SIU. Staff asked for any other questions. Jeff Entler asked if people have to be trained. Rachel said training is required and this process is much more than just providing a result. The state is not conducting those trainings. There has been a lot turnover at MCHD in this area, as the BOH knows. Therefore, Rachel and Amber Holthaus did reach out to the state to see when they would have it since it is required. IDPH is looking to do that the spring. Jeff Entler said it seems difficult to do. Rachel Deerwester said that it was a difficult position to fill the need plus being a competent, registered nurse. Rachel said just like all other healthcare entities in Decatur, the HD is also struggling to find people.

Jeff Entler said these positions probably demand a higher salary than a RN or BSN. Rachel Deerwester said she cannot speak to that part. Brandi Binkley reminded the Board of Health about the paygrade scale the HD works from. Brandi said this role would fall into a level 8 which would be a registered nurse, Bachelors level, and some positions can allow equivalent work experience. Anyone coming in would start at the base (this has been done this way historically). Brandi did say then staff would get the state training; please note, it is not available until the spring. It would be great to get a new person in fr that deadline. This position has been replaced and then subsequent turnover.

## **Discussion and Action on Septic Tanks, Sewer Applications, Permits, and Inspections and Related Costs**

Brandi Binkley said Mark Scranton sent her this one, so she is not sure what all he wants included. Mark Scranton said that he would get everyone up to speed whom is not. There was a meeting last week at EEHW Committee in regards to a variety of different topics. One of these topics was septic tanks and Mark asked for this to be put on here to better learn and understanding the process. There are contractors complaining about delays and getting inspections done in a timely manner and if there is any way the BOH can help staff make changes. This was brought up in the past and now it is time to get BOH Members up to speed.

Kathy Wade said any time a private sewage disposal system (aka septic) need installed (new) or repaired, it must be done by licensed private contractor through State of Illinois or the homeowner can do their own property. It has to be whom resides at that property. Kathy explained how this process works. She said a soil report is first; they come out and do pulls. Then they give the team a report on the soil and if it will be able to hold and maintain a septic system. After the soil scientist gives the report, the contractor reviews the report, fills out an application, and brings it to MCHD. Starting in 2011, MCHD started approving septic only on Fridays. The reasons are that the ordinance allows 14 days to approve and because of staff. This gives MCHD staff the ability to go out during the week, do a site evaluation and consultations with homeowners and contractors (if needed) so that when approval process comes, it is quicker and easier. That was started in 2011. The fee went up in 2015 or 2016 to \$250; Kathy said she thinks before then it was \$100 or \$150. This is when all fees went up across the Board. It is the contractor's responsibility to let MCHD know when the job will be started. By code, they should give MCHD staff 48 hours notice. At that point, Brian (who is only septic inspector) asks when they will be ready for inspector. The contractor gives a time and MCHD staff tries their best to work with contractors. Kathy stated they do know weather is a big factor. MCHD staff do ask contractors to give staff a call to let them know for sure. During COVID when staff were remote working, staff did not go out on inspections. However, they did require pictures to be sent of the different steps with measurement. That was because everyone was remote workers; permits were being approved virtually; and staff were doing all they could to maintain social distancing. Since then, staff are out on inspection as soon as they find out they are happening. They make it work. Brian Wood is the only septic inspector. Kathy Wade said staff is short; it's not just nursing, it is her Division, also. MCHD does have Jon that just started. She feels he is fully trained for food inspections and doing them on his own. Therefore, Brian is going to start training him as back-up on septic and wells. MCHD also has Colleen doing some wells. Kathy said as of tonight, there have been 78 septic applications and permits this year alone. That is not including the other programs Brian has been trying to maintain, also. Kathy Wade said the fact that it was stated staff didn't go out and do an inspection, she would like to know what particular permit that was brought up on because Brian does a really good job of not only taking all the pictures, but also completing the as-builts, which should be a contractor responsibility, but he completes those. Brian also does the elevation sheet. The contractor should be doing those, but he does those, also. MCHD decides to switch to that so there was a good, even playing field. Not every contractor has the same drawing skills as Brian, so it's nice to have Brian out there with the ruler and does it nice and neat. Therefore, when MCHD gets reviewed, it makes sense to the reviewer.

Kathy Wade did say about complaints that if they are received for a septic system, MCHD staff do go out and see if it's founded or unfounded. If it is founded, staff know that such systems are pricey. Staff do work with the homeowners and most of the time, they look for progress every 15-30 days; proof of hiring contractor; proof of soil report; turned in application. As long as they keep contact with MCHD staff, they continue to work with them. There are some cases that have been turned over to the State's Attorney's Office because they have refused to comply with staff and Kathy Wade stated she cannot speak to those.

Kathy Wade continued and stated the team does their best to work with homeowners and failing septic systems because it's a very pricey fix. With current codes, it's not always simple. Mark Scranton asked about timeline and asked from time application is submitted is it 10 to 14 days. Kathy Wade stated that the ordinance allows staff 14 business days to approve it. However, she stated that the team tries to approve it the same week. The only time that doesn't happen is for example – the team has a limit of 9:00 on Friday, so if a contractor brings in an application at 8:30, Brian will go out. The team will still try to get it approved on that Friday if there is no missing information. If it is brought in at 2:00 in the afternoon on Friday, it will be waiting for the following Friday for the team to go through the approval process and that allows Brian Monday through Thursday to do all of the additional steps to get that approval done.

Mark Scranton asked if everything – all of that – is leading up to the actual inspection itself then, right? Kathy said once there is approval, that goes to the contractor and the contractor will have to fit that in with their and the homeowner's schedule. MCHD has no jurisdiction over that. The only time MCHD gets to that is when the contractor calls and says they are going to start the job on Wednesday afternoon and he starts the clock at that point.

Mark Scranton asked what the timeline is for that. Kathy Wade said the contractor has to give MCHD staff 48 hours notice before digging or starting that construction. At that point, Brian works with the contractor to determine size of system and gaining detail from contractor. Mark asked what the expectation is from the contractor's standpoint once they have given MCHD the notice that they are doing the excavating work, what is the expectation of time that MCHD will be onsite to do that actual inspection? Kathy Wade said that is based on when the contractor states that job will be ready for inspection. Kathy said MCHD can visit at any time, but they like to go out at different times and gave examples. There is not a specific time because Brian may be working on four septic systems in one day, so the team cannot say, 'yes, Mark, we're going to be there at 2:00 in the afternoon.' Mark Scranton then said that until the construction phase of the project is done, MCHD cannot pass the inspection and the contractor cannot close the hole back up, right? Kathy stated that by code, that is correct. They are not to backfill anything until a full inspection is done. However, the majority of contractors do backfill before MCHD gets out there. Mark Scranton asked if that is due to safety concerns. Kathy Wade said it is because of time and sometimes size of the lot. Jeff Entler asked if they backfill it 100% or spot back fill it. Kathy Wade stated that if they do that, MCHD asks that they leave the ends open if they have to do that so that MCHD can do at least that portion of the inspection without it being covered.

Mark Scranton stated that one of the other things brought to his attention is a question about if there are multiple tanks on one piece of property. His understanding is that MCHD charges an additional fee and additional soil tests for each one of those. Kathy Wade stated that is correct because it is two separate systems being put in. Mark Scranton asked what the logic is behind that. Kathy Wade said it is two separate systems going in two separate systems. Soil in two different locations can be different. Mark Scranton asked what the distance is between soil systems. Kathy Wade said there is no set distance. Mark Scranton asked if he is building a tank over here and wants a soil test done over there, will MCHD accept that? Kathy Wade said no, the system has to go within the parameter of the soils.

Mark Scranton asked if the soil testing has to be done where the tank is being put and Kathy Wade said yes. Mark Scranton that is what he was asking to clarify. Jeff Entler said he is still not grasping the 14 day piece. He asked if the person wants to apply for a new septic system, they apply before Friday and they have up to 14 days? Kathy Wade said no, MCHD has up to 14 days to approve. Mark Scranton said that is almost three weeks. Jeff Entler then said because MCHD has to make a site visit and what else? Kathy Wade stated that Brian has to do a site eval; make sure what is on that application is true to that site; from there, he will make sure contractor has filled out application correct; MCHD has added to septic application to include homeowner's signatures. In the past some contractors filled applications in and homeowners

were not aware of their responsibilities, so that was added. There are some questions homeowners call and ask because they signed and don't know what they signed. That gives time for all consultations and evaluations to be completed and ensure everything is being completed per Code. Brian Wood said sometimes there are additional questions and gave examples of those. There are situations that have to be worked through or simplified and that may require time to do more examinations. Most of these are done in less than a week, but if there is a complication, that allows more time for more reviewing so something isn't put in that isn't optimal.

Kathy Wade said she believes it was last spring when it kept raining and very wet. MCHD had a lot of potential possible failures of septic systems because the systems were filling with water, so the team was all out all over the place. The 14 days gives time for situations like that and allows time to work on everything. Mark Scranton asked why it takes three weeks to get an application approved if the team is only doing 1 ½ septic systems a week? Kathy Wade said they try not to do that; they try to approve every Friday. Kathy Wade stated according to the ordinance, they have 14 days, but they try their best not to take that.

Mark Scranton stated that from a time standpoint, are they waiting for getting the soil test back? Kathy Wade said no, when the application is turned in, it should already have soil report. That should already be done. Vivian Goodman asked if there are any other questions. Mark Scranton said that seems like a lengthy time. He asked again if the team is saying that they are getting them on average done on a weekly basis? Kathy Wade said yes, the team tries their best to get them every Friday. If they are not, the contractors are being called and told why they are not being approved. There have been situations where Kathy or Brian have been off on a Friday, so in that case they try to approve Thursday or the Monday following. Jeff Entler asked is it Brian or Kathy that deals with septic tanks and possibly this new person? Kathy said Brian is over the septic program. Years ago, it was based on location of home and what inspector they got. This was not a good thing for the contractors and maintaining consistency. Kathy Wade made this change to making Brian in charge so there is full consistency and that is also the goal with Jon to have him trained. Jeff Entler asked if having a second person will help. Kathy Wade said immensely. Jeff Entler asked if she needed a third person. Kathy Wade said that her Division is down a person and has been since pre-COVID. They are making it work the best they can.

Mark Scranton asked if this is somewhat cyclical, but it looks like there are quite a few. There does not appear to be slow or busy months; it is pretty consistent. Kathy Wade said that is correct. It used to be different in the past, but now they can be put in year round. Mark Scranton asked for clarification of if the team has only had 78. Kathy Wade said yes, 78 as of November 30<sup>th</sup> and keep in mind there is more than one inspection done per site. Mark Scranton asked Kathy to enlighten him. He said on the report it shows there are 314 inspections for the year. If there are 78, where are the other inspections coming from? Kathy said that is the consultations, site evaluations, every inspection, that's everything regarding a septic system. Mark Scranton said it's actually 78 permits, but it's a lot more time put into it. The numbers are consistent across the board except spring time. Mark Scranton said they are actually doing a lot more; looks like five activities for every permit issued. He asked if that is a fair assumption. Kathy Wade said that also includes complaints on septic; it's a lot of work, not just going out and approving an application and doing one inspection. Kathy said that is a safe assumption about all of the EH programs. Mark Scranton stated that is all he has on that.

### **Discussion of Health Department's Obligations and Legal Responsibilities for Taking Action on Citizens' Complaints of Hazardous Health Conditions**

Brandi Binkley directed the discussion to Mark Scranton. Mark Scranton said again, this came out of the conversation from a meeting last week. Mike Baggett was there and he is assuming that is why Mr. Rueter is here tonight to respond to this. Mark Scranton stated that there was an issue brought to the committee at the time and he attended that meeting. He had an invitation to

be there to hear what was going on. Mark Scranton continued that his concern for the rest of the Board to understand is there was a concern brought by a business owner and citizen. He was dealing with a specific issue about what in his mind and other peoples' minds a hazardous health condition at a business with a food license and related businesses surrounding this facility in particular. Mark Scranton said they can get as little or deep into the graphics of this, but he was pretty appalled by what he heard. At the end of the day, the police have been to this location numerous times over the last 30-45 days; complaints have been filed by business owners and citizens to the police department about this hazardous health condition being present. Mark Scranton said what he took away from the meeting was that Mike Baggett said the HD had the ability under the Statute to serve some kind of a letter or notice to this business to put them on notice regardless of who is responsible for causing this hazardous health condition – that the HD has the authority to write a letter to basically put them on notice and that can be followed up with further action. Mark Scranton said his understanding – and Brandi can add to it – that we have the ability that Mike mentioned several times over the course of the conversation that the HD has the ability to write them a letter to the business owner to put them on notice that they have a problem there and need to clean it up. He continued that if he chooses to ignore that, then that provides two things in his mind. It gives the HD more leverage to move forward with more aggressive action that may impact their licensing and also it helps out the police department when they get the opportunity to prosecute or arrest this individual for their very vile activity they've been conducting on this property. Mark Scranton stated that at the end of the day, he believes the Board owes it to themselves and the citizens of Macon County to make sure MCHD is being very proactive about things that constitute a safety and health hazard to the public and that is what came of this conversation. It was discussed how much authority the HD had and Mark stated that he thinks what staff may be looking for is guidance from the Board to put something in place to take more action if another situation like this arises because he can tell everyone the details of this. He said he has worked a lot of really nasty places and this totally grossed him out. He stated he felt pretty strongly that the HD should have already taken some really aggressive action on this and for whatever reasons had chosen not to. Mark Scranton stated that he thinks the Board needs to hear more from staff and Administration on this issue and try to give them some guidance and a recommendation for them to follow through not only on this specific case, but on future cases that there is something in place to give HD tools necessary to take whatever action is needed even though Mr. Baggett indicated that presently the statute gives them the freedom and flexibility to do so. Mark Scranton said he thinks staff were a little uncomfortable proceeding with this action without a little bit more guidance, so that's why he wanted to bring it to the Board.

Kathy Wade asked if she can add some things before Brandi speaks. Brandi said yes. Kathy Wade said the one thing she wants everyone to know is that IDPH was contacted about this situation. Staff did have a conference call with IDPH last week regarding this. It was stated that this is not a public health threat, but more of a retaliation and vandalism that needed to be handled because it is one individual, not multiple. Kathy Wade said she also stated last week and wants to bring up now is Neighborhood Standards. Kathy pulled their regulations and that is with City of Decatur, they follow 2006 International Property Maintenance Code which does talk about all exterior property and premises shall be maintained in a clean condition. The owner or occupants shall keep the exterior property in a clean and sanitary condition. That is where both she and Brian directed the individual who made both complaints to go to because they have jurisdiction in this one, not the HD.

Brandi Binkley then stated she will give the Board a brief summary of what has happened and how things got to here. Jeff Entler stated he wants to make a short comment and needs to know the details. He stated Mark was a gentleman, but maybe it will come out better from a woman. Mark Scranton said he was going to elude to it when it got to that point. Brandi Binkley said she is happy to tell exactly what is going on. Jeff Entler said it is pretty disturbing. Mark Scranton said it is disgusting. Kathy Wade asked Brandi if she would like her to get the picture and Brandi

said yes, if you want to, when discussion gets to that part. Brandi Binkley said the first she became aware of this situation was December 3<sup>rd</sup> and that was Kathy getting her updated on what had been going on. Brandi Binkley said what she was told at that time was that Cody Parks was requesting a letter be provided by Kathy that stated there was no health hazard or violation at this facility. Brandi stated that her understanding at that point was that Cody was the landlord of that property and in this property, there was someone who was a tenant that is a permit holder with a food permit. That place has had some complaints that have come into us. There was a complaint earlier, but one of the most recent was November 18<sup>th</sup>. Staff has 10 days to go out on a complaint; Brian went within two hours of receipt. Another complaint came in she believes on November 23<sup>rd</sup>. Brian and another employee went out on that complaint, also. The HD did take action; they did go. Brandi stated that there are inspection reports online for anyone to be able to see. Brandi stated that staff did take action on what they could. Staff also made recommendations for where Cody could go, such as Neighborhood Standards. Staff were also proactive and submitted information to IDFPR because one issue was that there was potential or alleged haircutting going on in that facility, so that was on in the inspection and also sent on to IDFPR.

Brandi stated that when she became aware of the situation on December 3<sup>rd</sup>, it was because Cody had texted Kathy with a picture of poop – human or dog, but not sure that matters – the picture shows poop smeared on the window of the establishment. Cody wanted Kathy at that time to write a letter stating there was no health hazard happening there. Kathy told him – and Brandi supported that then and now – that HD does not do letters like that. They don't make blanket statements that there is no health hazard happening at a place. The staff followed up on the complaints and did inspection reports to show what staff did or didn't see based on the complaint. However, doing a letter such as that would basically be a special request for something that's outside the scope of what the HD normally does. Later that afternoon, Brandi received a complaint that Cody was calling in and yelling at clerical staff in Environmental Health. That is when Brandi said she was going to call Cody directly; Kathy called with her. Brandi stated she had what she believed to be a productive conversation with Cody. She explained the reasons to him why HD does not do this type of letter; it's outside the scope and we do not feel comfortable doing or that HD normally does. Brandi Binkley continued that they will follow up on complaints.

Brandi stated that Cody was very upset and Brandi was told by her staff person that he was yelling and there were witnesses to that. Brandi was told that Cody was yelling at her and very upset that Kathy was out for the afternoon. Brandi was told he was threatening to go to the news about it. Brandi asked him on that phone call to please in the future if there is something that he needs or an issue with staff that he bring that straight to her. Brandi stated on that call with Cody that she is happy to help if her staff aren't cutting it. Brandi stated if her staff or she isn't cutting it, she wants to address that. However, yelling at staff or threats especially by a Board Member are inappropriate, so she asked him to please not do that.

Brandi stated that on that phone call, she also asked Cody to please make complaints through the Environmental Health. He can call the main line so that clerical or whomever is covering the call desk can take that and go through proper channels because one of the things he was very upset about was that Kathy got his text in the morning and did not give him a letter by the end of the day. Brandi stated that she told him that her staff are allowed to take time off. They have appointments, they are sick, etc. Therefore, they may not respond to people immediately on their personal cell phone and she is okay with that. This is why there is a coverage system set up in the building. Brandi reiterated that at that time, she asked him in the future if he has complaints, to go through that process so that the team has the documentation and someone covering that is available in that moment. Brandi told him that day that the team was going to debrief on Monday, look at reports, go through in more detail, and if it permits, she will speak with Mike Baggett at the State's Attorney's Office. If he says at that time to write a letter, she

would get back with Cody on that. However, at that time, she stated she did not feel that was appropriate.

The following Monday, Brandi Binkley got a call from Ed Flynn, who is the attorney who represents us for Human Resources matters. The HD is only allowed to use the State's Attorney's Office unless they allow the HD to use someone else. Brandi stated that for Food Code, ordinances, etc., the HD uses Mike Baggett from the State's Attorney's Office and for Human Resources matters, the HD uses Ed Flynn. Ed Flynn called Brandi and basically said he used to represent Cody. Cody came to see him and Ed stated he couldn't believe some of the things that he heard and the HD needs to just get him a letter within two hours so the police can go arrest this guy. Brandi Binkley stated that she told Ed Flynn she was not comfortable doing that, but she was going to be calling Mike Baggett. Brandi said she would ask him and get his legal guidance on this on how to proceed or what is appropriate at this time. At that time, Ed Flynn told Brandi she could go ahead and do that, but if her and her staff think there is no health violation, then they are not doing a good enough job inspection. Ed asked Brandi to get back to him and Brandi told him she would. At that time, Brandi stated she tried to call Cody Parks and Mike Baggett. She did not hear back immediately, so she called Ed again just to let him know what she was doing. Brandi Binkley stated she was in conversation that day with Brian Wood who had been out to the facility and also Kathy Wade. They determined the plan for the day on how to proceed.

Brandi Binkley asked Brian to go out that day and he did so that afternoon with another inspectors in order to have two present. Because of the information received from Ed via Cody and we had another complaint, Brandi said she felt it permitted a visit that afternoon. They went out and the inspection report is online. Brandi Binkley stated that when she spoke with Ed Flynn the second time, he basically said that he was going to take himself out of this situation because he represents Cody Parks and the HD and that could be a conflict. Brandi stated that he told her to proceed as she was and he would step out of it. Brandi asked Ed to have Cody call her back because she needs more information from him so it can be moved forward and follow-up. Cody called Brandi and during that conversation, Cody said he feels he is being targeted by Kathy or the Division. Brandi stated this is the first she has ever heard of this and there have been no prior complaints to her about it. Brandi Binkley asked Cody Parks how he was being targeted and he gave her a couple of other examples which include a situation that happened at House of Meats some time ago and also a septic situation that occurred some time ago. Brandi Binkley and Cody Parks talked through those situations. Brandi told him she would look into those things and got information pretty much immediately after from the staff.

Brandi Binkley stated she also spoke with Mike Baggett that day. Mike Baggett told her that day that Ed Flynn should not have been involved in that or requesting that letter. Brandi said they discussed that this was outside the scope of what the HD normally does and advised her not to do the letter. This was directed even before Mike Baggett knew Cody Parks was a Board Member. Brandi stated one of her concerns was that this was a special letter. Plus Brandi stated that she felt like a special letter requested by a Board Member, which is something the HD doesn't normally do was definitely something she was not going to do without legal guidance and have the possible perception of any kind of favoritism, inequitable treatment, which are things that particular this division has been accused of in the past. Brandi stated she feels it's especially important to ensure the HD isn't doing that across the board, not just with anyone or in this one situation. Brandi stated Mike Baggett told her he would advise not to do it at that time.

Brandi Binkley said fast forward to what she believed was Tuesday of the following week she received an email from Linda Little with EEHW asking that Kathy and Brandi be present at the Thursday night EEHW Meeting, which Brandi stated she usually attends every month, but they were asked to specifically attend and talk about this situation. Brandi stated that she and Kathy

Wade went and the three of them went so that they could speak to whatever would come up. Brandi Binkley stated that Cody Parks said his piece, she said her piece. Brandi stated that other things came up including the House of Meats and septic system which she knows were things Mark wanted to discuss tonight, as well.

Brandi continued that the EEHW Committee said they aren't giving a directive on this, but would like the Board of Health to decide what the HD can or should do moving forward. In the meeting Thursday night, Mike Baggett did say he gave the guidance not to give the letter and he would give that guidance to any entity, not just the HD. Mike also said in that meeting later that stating something is a hazard is something the HD could do, which is what Brandi said she believes Mark is speaking to.

Jeff Entler asked if the HD does have the ability to write this letter? Brandi said yes. Jeff Entler said he wanted to make sure everyone is clear on that the HD does have the ability to write the letter unlike the other two statements that maybe Mike had led you into that you didn't know in the beginning. Brandi Binkley stated she thinks this is slightly two different things. The original letter Kathy and Brandi were asked to provide was a letter stating there were no health hazard or no health violation there. What evolved in EEHW was a request on behalf of the EEHW for the Board to direct Brandi to write something that does say this is a health hazard or clean it up or do what you need to do, you are making a mess and causing problems.

Brandi Binkley stated that she did asked in EEHW so she could bring back very specific clarification to the Board of what that means. Brandi stated she thought Mark Scranton made a good point during the EEHW Meeting about if someone broke glass and it's lying on the floor. It could be a hazard, but that's definitely not in the HD's jurisdiction. The poop on the window did not present an issue of food code violation, which is why at that point, jurisdiction wise there was nothing more we could do. Brandi stated she thinks moving forward that she will need from the Board is that if the HD is going to do something like this, what will the parameters be? She brought up the example of the food truck. If it's 200 feet, we have to know it's 200 feet as people are going to question it. So if it's a hazard, I need to know what is a hazard and what is not a hazard? Where do we step or not step? Brandi stated this poop was outside on a window per the picture HD staff received. The poop was away from the door, wasn't inside, and there was no evidence of it being tracked into the place. Brandi stated she needs parameters because again they will not be able to consistently implement this process if the Board wants them to do this. Brandi stated if this is something the Board wants HD staff to do, they need to be doing it fairly, consistently, and appropriately as they move forward. Brandi stated that she will answer any questions.

Brandi Binkley stated that she asked in EEHW and she will ask all of them as Board Members that if they do ever have problems with her staff, to please bring that to her. Brandi said up until this situation, this was never proactively brought to her as a concern. She reached out and obtained the information. Brandi Binkley stated she cannot correct things or deal with things or even correct things in herself if she is not aware of them. She felt as if the EEHW Meeting (for which there are not yet minutes that she has seen to share with them so they have a verbatim recording) this was unfortunately an inappropriate outlet that was used. She stated she felt like there was some bashing of her staff by Cody in this open platform for a significant amount of time. Brandi stated she felt like, especially with it being a Board Member, she wishes it would have been handled differently. Brandi stated she did say that to EEHW, which is why she is saying it to the Board. Brandi stated to Cody she is not trying to make him feel comfortable, but Brandi asks that of all of them. Brandi stated just like the Board Members as managers or whatever role they have in their business, they can't correct something if they don't know about it and they don't want their staff put on blast in that way. Brandi stated that she knows there is freedom of speech, but please give the team the opportunity or give her the opportunity to work with her staff to address these things well.

Mark Scranton said he knows Cody Parks cannot participate in this conversation right now and he is not speaking on his behalf. He is speaking on what he observed during the course of that meeting. Mark brought up the glass thing being an issue. He said he thinks there were problems here prior to this happening that have never been resolved. Mark stated he brought two other cases up and asked in his email to Brandi for her to have documents given to him for the Board to have for tonight to discuss. Mark stated if he has to do a FOIA request, he is happy to go through that process, as well. Mark stated he was very dumbfounded at the two other separate incidents that happened and the course of action taken in those two cases he just didn't get. Mark stated that in this particular case, what is being discussed has been going on for quite some time. Mark stated that the police have been there on about 16 different occasions. The police have a very detailed report on going out there on numerous occasions and trying to deal with this; they have the guy on video and know who he is; they are trying to track him down. Mark stated it was somewhat apparent to him that if the police had some type of support from the HD it would aid them in their pursuit of this person and i.e. would help out the State's Attorney's Office in prosecuting this case. Mark said Mike said the HD had the ability to write such a letter and in Mark's mind, what he took away was it doesn't matter who caused the problem, it's the business owner's responsibility and he alluded to the fact in the meeting conversation. Mark said saying this isn't a HD issue; in his mind, it couldn't be more clear that it's a HD issue. If someone is running a restaurant or any kind of food establishment and you have a license from the HD, part of the scope of the overall operation is to maintain a clean, sanitary, and safe environment. Mark stated that is not confined to the four walls of the business. He stated if he has sewage running out in the parking lot; a garbage dumpster running over; rodents running around; broken glass, these are all safety and potentially health hazards that need to be addressed and you are required to do due diligence to take care of these things.

Mark Scranton said his thought was that the Board needs to give staff guidance to be able to have the ability to put somebody on notice; not necessarily going after their license or closing them down, but put them on notice is how Mike said. Mark stated he went to talk to people at Krekel's to see at what level of anxiety this is creating. They are very upset that this has been going on and nothing is being done about it. The business owner has an obligation on the property, but the person holding the license is responsible for caretaking and making sure the facility is clean and safe. Mark stated that the HD should have the ability to put them on notice; inform them of complaints; feel there is a potential health hazard; they are being put on notice; HD is aware and business owner needs to take appropriate measures to ensure a clean and safe establishment for the business and their people. Mark Scranton stated it is a liability from the health standpoint, insurance standpoint, and everything else.

Mark Scranton continued that if this is done, now the HD has the tools to take this to the next level if it comes up again. Mark said if there was a sewer running out in the yard, the HD would probably be out there in a heartbeat writing somebody up for that. He stated this is something where people are actually interacting. Mark stated things should be cleaned and sanitized, but then HD is saying this is not a health issue because it's something outside the building. Mark said that is literally, pardon the pun, a load of crap to him. Mark said send a letter, put the owner on notice, and tell him if he doesn't take action to clean this up in a timely manner or if the HD has to follow up on this matter again, the HD may institute further action which may include suspension or whatever the food permit until such measures are put into place to ensure this is being addressed. Mark stated he is totally flexible on how it is worded, but wants to make sure they have a clear message of support from the Board that will allow them to take this a step further without having to go through what happened last week. Mark stated he agrees it should probably not have went that way, but in all fairness because other situations have not been appropriately handled with these individuals, this boiled out of frustration.

Mark Scranton stated he was very upset when he walked out of the meeting the other night. He stated he was astounded about what he was hearing and that the attitude was this is not a HD problem. He stated he thought more about it and thought of all the things the HD should be doing to protect the community and this gets brought up not only by a property owner, but by people in the community filing complaints with the police and the HD takes the attitude that this is not their mess to clean up. Mark said that doesn't sit well with him and it really is a bad perception of what this department is supposed to be doing.

Brandi Binkley stated she wanted to speak to the not the HD's problem comment. Brandi stated she did not think any of them ever said that. Brandi said they definitely did what they could do. Mark interrupted and stated that was exactly what was said and repeated that was exactly what was said. Mark continued by stating that it was said it was on the outside of the building and had nothing to do with the HD. Mark stated that was said at the meeting and that was what was stated at the meeting by HD staff very, very bluntly. Brandi stated they were speaking regarding the jurisdiction. Brandi stated that what was found during inspection was not in the HD jurisdiction was what HD staff stated. Brandi stated they did not say it was not their problem. Brandi said the team has made referrals about this; talked to the state; the amount of time that has gone into this has been significant. Brandi said when those inspections were done, it was determined it wasn't in the jurisdiction that there was something in the food code that could be determined as a violation. Brandi said that is the message that was coming. Brandi then stated to clarify that the police have not asked the HD for anything. The police department has written the HD a long letter. Brandi stated she and Kathy made themselves available if the wanted to talk and Brandi and Kathy still have not heard about setting up a meeting. Brandi stated that HD staff have referred Cody to other places that it is their jurisdiction whether it's IDFP, Neighborhood Standards, etc. Brandi stated that is not what they said to any stretch of the imagination. Brandi stated as far as FOIA, the HD staff have received FOIA requests and then Mark's request. It was not ignored. Brandi stated she needed to follow-up with Mark because of what is being requested. Brandi stated to Cody Parks that she knows he has submitted a FOIA request with this stuff. The message to them both is that it's a very, very extensive record. Brandi stated she was going to have private conversations with them both about if there is a way to narrow down specifically what they are wanting. Brandi stated she knows Cody has the inspection reports, but what else is needed? Brandi stated otherwise it was a very unduly burdensome request for it to be every single record ever talking about these things for all staff. Brandi asked is it certain staff, certain time period? That would help narrow it down and be able to get it to him more quickly. Brandi stated asking for everything from everybody in the whole building probably would be tough to run and takes a lot of staff time. Brandi stated of course HD staff will get it done, but she was going to ask them to narrow it down so she knew specifically what they would want.

Brandi stated as far as the other two things being the septic system and House of Meats, she knows Mark wants to look at records, so they will have the opportunity to do that for sure. Brandi said she hopes the assumption walking out the other night was not that everything was done wrong because they haven't seen what was done and have only heard one side of the story. Brandi stated she didn't even have the chance at EEHW, nor did her staff, to defend what was done in House of Meats or that septic system. She stated it is all very much one sided, you did it all wrong, the staff is targeting me, and let's leave the meeting without Brandi or her staff being able to defend any of that. Brandi stated hopefully once the Board reviews that set of records, they can see it was handled appropriately. Just because a business owner doesn't like how something is handled doesn't mean it wasn't handled according to the proper processes.

Brandi said she is not saying she against a letter saying there is a hazard somewhere. She is saying she was against sending a letter making a blanket statement that there was no hazard there. Brandi stated she was being asked for Kathy to put something in her name, "I, Kathy Wade, said there's no health violation at this place." That was a different thing than what we are

talking about tonight. Brandi said she doesn't have a problem doing that, but she does request Board support and parameters as far as when do we send it and when do we not? Brandi stated there is a situation that she needs to discuss in this section. There is the Whit's End situation with the stipulations and they're not meeting stipulations now. Brandi spoke with Mike Baggett about that today and asked what are the next steps. Brandi stated Mike told her to ask the Board. She asked what the Board wants her to do. Brandi reminded the Board they gave the staff the discretion to put stipulations. Those were put in in a responsible way and they are not meeting them now.

Mark Scranton asked what stipulations they are not meeting because he's been in there three times, the place looks immaculate, and he thinks they are doing a great job. Brandi stated she will let Kathy speak to that since she has it readily available. Kathy started to speak to the issues and Scott Rueter interjected and asked to suggest something as counsel. Scott Rueter suggested finishing one issue before going to another.

Brandi Binkley said it's up to the Board. She said she does not have a choice as it's up to the Board to decide if you want us to do these, but she requested a parameter of when they do or when they do not. Brandi stated there could be a restaurant that has a bunch of mice outside and that may not constitute a food code violation, but if people are complaining enough, maybe it's a hazard. Brandi then stated then there are going to be business owners who are mad and asking why the HD is bothering them about mice outside when they cannot control that. Brandi stated again she thinks the staff need parameters because this can cause a lot of mess if it's not done in the right way and that's up to the Board, so she is requesting that from them.

Mark Scranton said he thinks the biggest thing is anything on contact surfaces within...Kathy Wade asked him to define contact surface. Mark said door handles, windows, walk in front of the doors. Kathy asked does he want non-food contact surfaces or food contact surfaces? Mark said he thinks they are all contact surfaces. He gave an example of touching the door handle, tracking it in, all of that.

Kathy Wade so when Walmart has all of the pigeons and in the parking lot and you are going to Walmart to do your grocery shopping and you stepped in pigeon feces, does that constitute a hazard letter to Walmart from the HD? Mark said if it's rubbed on door handles, he would supposed it would but hopefully people aren't eating off the bottom of their shoes. Mark said if that's the case, this thing will go all over the place. Mark said the bottom line is that HD has to do something and not doing anything is not an answer.

Candi Clevenger stated that she feels like people know the full story and she only knows part of the story. Some other Board members agreed. Kathy said it was a retaliation and vandalism situation. Sue Krows stated she thinks it's a police issue. Mark stated that Scott Rueter has something to say.

Scott Rueter stated he spoke with Mike Baggett about this. Scott stated his understanding is that Mr. Parks owns a building and that building is rented by a tenant who has a convenience store who has a food license. He is also someone who has decided it would be humorous or entertaining to offer haircuts in his business to people with mental disabilities. Scott Rueter stated that if anyone thinks he is getting it wrong, let him know. Scott said the business owner will give people an intentionally bad haircut and then post such on the internet for the entertainment of whatever sick mind thinks that's enjoyable.

Scott Rueter continued by saying that apparently it relates to this story because one of the people who is a subject to one of these haircuts has decided to retaliate to the business owner by spreading some form of fecal matter on the door handles and windows. As a result, there has been confrontation between Mr. Parks and his tenant about whose responsibility it is to clean it up. As a result of that, Mr. Parks has contacted the Board of Health to get the tenant to take

responsibility for it to get the HD to do an inspection and take whatever action they could. In the mean time, police have been contacted and are aware through video surveillance who the person is. They just haven't been able to locate him to make an arrest and resolve this situation that way. He's just not been available to make an arrest. The issue that still exists is there is fecal matter that still needs to be cleaned up. Scott Rueter asked if this is accurate as far as everyone knows. Mark Scranton said he would say so.

Kathy Wade started to speak and said the first complaint that was called in and Brian went out there, the fecal matter was on the roof sign. There was none on the sidewalk, windows, door handles, or seen inside the facility. The second complaint that came in was poop smeared on two windows; one circle per window. There was none shown on the sidewalk, door handles, or inside the facility. Kathy said that is what was found during investigations of the complaints made to the HD.

Scott Rueter said as an outside observer, regardless of what people are upset about or not upset about regarding action or inaction, everybody should be adults and behave appropriately with everyone trying to be professional. Scott said it seems somewhat unfair not to let Mr. Parks speak in this situation given the nature of the accusations and so forth, but nonetheless. Scott continued by asking Mr. Parks what the nature of his landlord tenant relationship is with this business owner. Scott asked if it is one where there is a duty on the tenant to provide for the cleanliness of the building? If so, there may be an enforcement mechanism there. Scott stated Cody Parks would have to speak with his attorney about that. Scott said there may be a mechanism that could be pursued. Scott Rueter stated he did believe it was injudicious for Mr. Flynn to inject himself into this particular situation, given the differing people that he represents; essentially both sides in this in different manners. Scott stated that he believes he has realized that by his last statements to Ms. Binkley, so that seems to be cleared out.

Scott Rueter stated the next issue with respect to writing a letter is the important thing being that we treat everyone with the same way and the same parameters that we would treat anyone. The important part is the quality of enforcement of the law. That is a big thing here because you start doing one treatment to one person and one to another as you all know it's common sense at this point, we're going to get our butts sued and we don't want that, right? The question then becomes what is the equal treatment? What is it that the Board and Department of Public Health has ability to do. Scott Rueter asked Brandi if the HD ever writes a letter saying they find no violation. Brandi responded and stated they do an inspection report. If they do an inspection and there are no violations, the report would reflect that and those are posted online.

Scott Rueter continued by asking if that's the inspection report that was done with respect to this situation that there was no violation in the staff's estimation. Brandi said yes. Scott said to write a specific letter he is not sure what that would have done and it's out of line and something that the HD doesn't normally do and shouldn't do it. Scott Rueter stated that does not effect and Brandi was right in the way she characterized this. This is a separate item from writing a letter saying there is an infraction. When Mike Baggett says you can write a letter saying there is an infraction, that is same as what HD does each day. This is not inappropriate. The question becomes the HD is looking for what are the parameters here that make this different from ordinary situations that make this a situation where they need to write a letter? Scott Rueter stated that the Board has to decide to either trust their staff in the department to do their job the same way and with the quality that they do it with any other place, and so you have to look at what are the issues and what they're seeking at clearance for are what are the issues that make this a different situation, since their evaluation at this point was that the fecal matter was not hear the food service. That's something that needs worked out. The guidelines need to be the same for everyone. If there are going to be guidelines, they need to be precise so that we again don't go back to getting our butts sued because of difference. Scott said he hopes that

instructing on where we are and how this came to be. Scott asked if anybody has anything that is objectionable to what he said.

Mark Scranton said his question that he was trying to get to the other night and still is. The inspection report was done when they went out there. Mark asked if there was one inspection report or two. Brandi said two. Mark asked since the stuff was on outside of the building, in an inspector's mind because of where it was it doesn't constitute a health hazard in any way. Brandi asked Brian Wood to address this as he had the other night. Mark said he asks this because he wants to know where HD draws the line on what they regulate, inspect, oversee, etc according to Food Code. If the HD went out and found violations in the parking lot, would that be reflected in an inspection report as something that needs corrected or is that ignored since it's outside the building. Brian stated his observations when he got there were not a specific violation to Food Code that he could cite, so it would be inefficient and an unenforceable action he could take. Since it was exterior to the establishment and not generated by the establishment, it was more of a property maintenance issue which the City's Neighborhood Standards could expediently issue a citation to the building operator to do something about it. Brian stated that him using the Food Code would be a stretch and inefficient. The best they could have done would be write a letter, give them a period of time to follow-up, and it would have been at least five days to clean it up. Five days was too many for it to be left sitting there when it could have more expediently enforced by another agency. Brian stated that is why his referral was to say call Neighborhood Standards because they can do something. Brian stated his address with the store operator when he was there and couldn't cite Food Code, but he did say it's your establishment, you are in charge of maintaining it, so you should clean it up. Brian informed him that he can't give him a fine or follow-up in that it's not a violation of Food Code, but he should clean it up. Brian said he advised this verbally and they were agreeable to this. Brian said he had no teeth to enforce, but Neighborhood Standards or the police could.

Mark Scranton said Brian just said he could've written a risk inspection letter and provide that to them. Brian said he did that in the form of a narrative of his observations. A report would be would have been based on a checklist of the Food Code that he would have cited something specific. Since that wasn't really applicable, Brian gave an observation and narrative of the conversation with the operator; what he had seen; and the action needing to be taken to alleviate the situation. Brian stated he can't say it was a corrective action, but to address the situation he gave them advice on how they should do that.

Mark Scranton asked if the business was given a letter to that effect. Kathy Wade said the letter to which he is referring is an inspection report. It was confirmed that the business owner was given this report with this information on it. Brandi said that is what is posted online.

Mark Scranton then asked Scott Rueter what the Board should do. Should they try and create something here or allow freedom of flexibility because the statue allows a letter to be sent to put a business on notice without citing violations? Sue Krows exited the meeting. Mark said there's nothing wrong with doing this and saying a business take the diligence and clean it up. They are not being shut down or fined. Mark said he sees what Brandi is saying about mice in the parking lot. There has to be some common sense. He talked about what he is dealing with downtown working on the theater with people doing unspeakable things. He stated he has no control over that. He has made some adjustments to try and address the issue, but has nobody to specifically go after. He has nobody to send a letter to.

Scott Rueter said there is no problem with the HD writing a letter and strongly word it stating this should be cleaned up or it could affect your business. There is nothing wrong with that. The problem would come if the owner pushes back and says no. The other thing is if you try to come up tonight with a uniform policy, it's going to take a while to get something fleshed out. Scott Rueter suggested that if the Board wants to pursue that route, that the Board forms a committee of Board Members and staff to come up with a proposal for such a legislation or way of dealing

with these situations. Scott said nobody can do something like that spur of the moment, so he suggests they take measured time and do it intelligently rather than whip it up at the moment.

Scott Rueter stated that he is legal advisor and it is the Board's prerogative. If they want to do it tonight, they can. However, advice is to form that committee to look at that issue and decide what structure they want to have in the department. Mark Scranton said he wanted to get the conversation started. He agrees that this is not something that can be decided tonight. Mark stated that the big thing is that he wants to let the public know that they are looking at things like this; they come up; they take them serious; they are taking appropriate steps to look into it, discuss it, and formulate whatever policies they may need to make or amend. Mark said if that many people have contacted the police department, this is coming from multiple people making a complaint about the individual and police department. He stated that he tends to lean toward the credibility of the public and the police have much bigger and better things to be doing with their time than to deal with stuff like this. Mark said he thinks everybody needs to work together. Mark talked again about the glass example again. Mark said he thinks this part of serving the public to take a step to put the person on notice.

Debbie Hill asked about cutting hair in the establishment and wouldn't that be a violation? Mark Scranton said he would think that's a violation, but evidently it is not. Mark said that was brought up that there was hair cutting and he doesn't know what the circumstances were specifically, but he'd think common sense would say those two things can't happen in same building. Candi Clevenger said asked if taking away food permit is the only thing that can be done right now. Mark Scranton said right, but if they are cutting hair, that should not be allowed by the Food Code. His understanding is that the person does not even have a license to cut hair and that was turned over to IDFPR. That is on them to deal with that, but he'd think as HD that would be a violation of the Food Code. The way it was explained the other night, it wasn't and he is baffled by that. Scott Rueter asked Brandi Binkley if the HD is against writing a strongly-worded letter to the guy?

Kathy Wade interjected and said the first complaint that was received by the HD was not from Cody Parks; it was from a licensed barber who saw the videos on Tik Tok regarding the gentleman cutting hair in the dry storage room. Kathy Wade stated that is a food code violation and there was a complaint written on it; they went out; and the owner stated it was his son and he would have him stop. That report is also available online. The second complaint was from Cody about the feces. Brian went on that one; it was on the sign. The third complaint the HD got regarded feces and hair cutting. She told Cody she was aware of hair cutting and wanted to check the videos to see if it had been continued; additional videos had been done. The HD went out and addressed that part of the Food Code inspection. Since that was the second complaint about the hair cutting, it was turned over to IDFPR. The HD did handle the hair cutting incidents per Food Code since that's a violation of the Food Code and the inspection reports show that.

Brandi Binkley asked what month that was and Kathy stated she believed end of August and they went out beginning of September. Kathy also referred the complainant to IDFPR to make a complaint; she's not sure if he did. Mark Scranton asked what the consequences of cutting the hair were. Kathy Wade stated that at the time of inspection, they did not see anybody cutting hair or proof of hair cutting, so they wrote it up as an unfounded complaint at time of observation. The next time there was no proof of anybody cutting hair at the time or proof. At that time, it was unfounded based on observations. Mark asked if she saw videos online of them doing it on the premises and asked if that is not enough evidence. Kathy stated that is why she took the actual complaint because they could prove that. Since then the Tik Tok videos have been taken down. Cody Parks stated that they are all back up now. Cody Parks asked if he could speak. Brandi Binkley told him not to ask her. Scott Rueter said if the Board is willing, they can allow public comment during discussion.

Mark Scranton said there is documentation this is happening and asked what action the HD took against the permit holder. Kathy said again, the team went out. They did a complaint investigation, they reviewed Food Code and how this is not permitted under the food code and wrote it up on an inspection report for the owner. Mark asked if there were no consequences. Kathy said that is correct since there was nothing to be found at time of inspection. Kathy said when the team does an inspection, they have to be able to observe a violation to write it up and gave an example of this in another situation.

Scott Rueter asked about when the team saw poop at the time of checking on violation. Kathy said yes on the outside. Scott asked if that has been observed each time. Brian Wood informed the Board where the poop was and when. He made two site visits; one where he saw it and then they received a photo the second time and the poop had been removed. The question was posed about whether anyone knew who was cleaning or removing it.

Jeff Entler stated he would like to make a motion to the Board to allow Cody to speak in this incident; polite public comment about what the Board is discussing. He thinks that he can add a lot to it. Mark Scranton seconded the motion. Mark Scranton said Ms. Goodman is chair. Roll call. All votes were yes. Cody Parks did not vote. Motion carried.

Cody Parks stated the first time he made a complaint there was a feces directly about the entrance door of the restaurant. He called Brian who he was directed to call by Kathy. Cody informed him of what was going on and told him it was the nastiest thing he'd ever seen. Brian called Cody from the site and told Cody that unfortunately there was nothing he could do as this was a landlord tenant situation. Cody continued and said Brian told him there is no violation. Cody stated he could not believe that was not a violation. It stayed there for three days until Cody cleaned it with a pressure washer. In the meantime on septic inspections, Cody stated he talked to Brian numerous times. He told Brian that the guy kept doing it and smearing it. He said HD staff were downplaying it a little bit. It's not a little amount. These are ten feet tall windows and the guy is reaching up seven feet and not making little swirl marks, but is making six or seven foot round circles and Mark seen the pictures. Cody continued that he called Brian once and he said it's gotten so bad that the store owner has construction cones setting out front, so when the guy puts piles of poop or throws poop against the walls or ground, he just puts cones on.

Cody Parks stated that he has talked to this guy dozens of times screaming at him because he has Krekel's calling him and customers calling him about the waste. Cody said the guy is wiping it on door, doors handles, windows, and door closures (15:43). Cody Parks stated he made the comment to Brian a couple times and said he can't tell him it's not a health code violation. Cody said he has talked to two other counties and they said they would instantly stop this and talk to the guy about it. They said they would do something. This was disgusting and nothing got done. Cody stated this has happened 16 times so he finally texted Kathy. He asked to speak with her and she replied by asking who it was. He was at the HD because he didn't know people were allowed to come in and talk, so Kathy came to the front door and took him to side room. Kathy said to him that as long as this isn't about BOH, they can talk. Cody told her that it was about Woodmound Plaza and something needs to be done. He said he showed Kathy the videos of the haircuts and the guy scalping people. He showed her pictures of the waste on the windows on his phone. He talked about the guy opening cigar pictures, opening the packages, and then replacing them with French fries and selling them all on video. The video has 4,000,000 views. Cody continued that people will come back and throw the cigar packages, cuss, etc. Cody said there has to be something to get this store on to make him stop doing this to these people. Cody stated that he has cut 17 peoples' hair and they are all mentally challenged. He said you can tell by watching the videos they have problems. Cody said it got so bad that he talked to Brian numerous times.

Cody Parks continued that on that particular day it got so bad that I finally got to the point that I started screaming, of course. Cody stated he texted Kathy instantly with a picture of it. All she sent back with ew. He said there had to be some kind of violation. It is being tracked in. The police department made reports to him telling him they've had people calling saying they're getting poop on their shoes. Krekels is calling him numerous times and saying they've been there 30 years, but they're leaving if he doesn't get this stopped. Cody said he told them he can't get it stopped. The police say to call the health department because it's a health issue. They say it's not a destruction of property. They can only cite him for defacement of property. They cannot do anything about the health side of it, that is why he was reaching out numerous times. Cody Parks stated he did get upset Friday because Kathy was aware of the problem Friday morning and then. He said the letter is getting blown out of proportion. He said he wasn't asking so much for a special letter or letter; what he was really wanting was somebody to give him something in writing to say there is no violation or no health concern because he couldn't believe it. He said hundreds of people have asked him about it and said there's no way there's no violations; there's no concern here. He wants to see it in writing. The HD gives something that says a restaurant does something wrong, so why can't they hand a paper that says you didn't do nothing wrong. By them telling the store owner there's no violations and there's nothing wrong, to this day, the tenant will tell him there is nothing that can be done. Cody said he would think with what is happening there, there has to be some sort of violation there. He said there was no question what was happening there and store owner has admitted, but he has never gotten into trouble for two of the things happening there that Cody thinks should be violations. Cody stated that a violation for the haircuts he didn't ever ask for. Cody stated he feels like as far as the cigars and the waste outside, that's getting tracked into the store, there's gotta be something. He said that is the sum of it.

Scott Rueter said to Cody Parks that he doesn't know what his lease agreement is and if he has recourse there, but he would certainly advise him to look into that. The second thing Scott stated was that the offender has not been caught. Cody Parks confirmed that the police are still looking for him. Cody Parks stated he wanted to add to that comment that he has never been told or even heard it until this meeting about calling Neighborhood Standards. Kathy nor Brian never told him to call Neighborhood Standards. Cody stated that the Decatur Police Department says if it's defacement of property, that's all they can do legally to this guy because he hasn't broke nothing or tore nothing up. He is literally just doing a nasty thing because he's trying to get revenge on them. Cody stated his theory is that if they would get in some sort of trouble, any kind, maybe they would think about it. He said his daughter looks at Tik Toks all the time and the videos are right back on there. Anybody that follows those videos can still see them.

Scott Rueter stated that it is clear to him that these are non-criminal aspects that we have some despicable people here – the business owner and someone with problems responding to a harm done to him. Scott Rueter said that there are other problems. Scott said he understands the outrage, but the problem is legally in terms of the ability of different departments to respond in a uniform manner that they would with anyone else, so that is the problem. Back to the question on the floor tonight, which is whether or not Mr. Scranton said trying to adopt something to address this particular issue. That is one option and Scott Rueter said he would again suggest what he already has; it's not a good thing to do in a rush tonight, but look at in the future with committee or something. Scott Rueter asked Ms. Binkley if her department is leery about writing a letter, basically saying the business owner needs to clean this up. Brandi Binkley said she has the question like she has said – what are the parameters because she is sure there have been other situations that have been similar, so is it any time the HD happens to notice this; any time they get a phone call; any time a certain person calls and wants it? She said she wants parameters because she is not putting herself or her team on the line liability wise for doing things inconsistently to his and Mike Baggett's point. Brandi Binkley stated she is not trying to be difficult about it. She stated that they have talked about Neighborhood Standards. Brandi Binkley also stated that when she and Kathy talked to Cody, she did bring up

the tenant lease agreement thing to help so he would have some kind of action that could be taken. The original letter request was to say something was a hazard. Brandi Binkley said she realizes she is at the discretion of what the Board tells her to do, but that's her concern.

Scott Rueter said that a letter he is envisioning and maybe he will have Mike do it so it's legally acceptable. Scott Rueter said he would suggest that the Board direct Ms. Binkley to write a letter that would not be referring to closing down because they can't do that...basically a strongly worded letter; this is an issue people are upset about; you need to make sure your facility is clean inside and out for customer appearance. Scott Rueter said that the HD would not be threatening any legal action they can't take; it's just putting him on notice and seeing if he complies. If he does not, they we may be screwed, but at least that was tried.

Scott Ruteter said to Cody Parks that he was repeating himself that he should check with his attorney to see if there's something that violates. If Krekels is really worried, if maybe he can get him kicked out of there as a bad tenant, then maybe that's the best part. Cody Parks stated that lease says the tenant has to be in violation of something. He can't get no violations so he can't do nothing. Cody Parks then said to speak back to the whole him calling and getting rowdy thing – he never cussed specifically anybody. He said he was very upset because this is not the first time. This is the third time that he has had major major incidents with this over the last several years and he's got in some major trouble for not getting the backing of the HD. He said he did tell Brandi Binkley he would call and apologize to Susan Monday. He made three or four calls to the HD and got no answer. He said he also reached out to Brian that day. For some reason he didn't get his call answered or a return call. He said that is okay; he has accepted the fact that he is not going to call the HD any more for that kind of violation. He said when he tells his tenants to please all the HD and please complain. Their response is no way; they don't wanna get retaliated against. That's not him just saying that; you can ask any business owner in Macon County. You can ask numerous people and he deals with a lot of them. Cody Parks stated that they are on a level of being scared of the HD for retaliation. Cody Parks asked Debbie if he is wrong. Debbie Hill said he was not wrong.

Mark Scranton said he wants to wrap this up. He said he is taking two things out of the conversation. One is that the Board should probably consider putting some kind of committee together if it doesn't exist. He said he hate creating more committees, but this particular incident requires a mixture of people from the public and staff and maybe one or two Board Members or whatever to evaluate this type of thing. He said maybe also get law enforcement State's Attorney's Office involved for some legal guidance on how to move forward. Mark then said that at the end of the day, he takes away the same thing he took away last week. There is an Assistant State's Attorney telling the HD the Statute allows them to write a letter saying there is a problem; that they are letting someone know the HD is aware of the problem and they strongly urge them to take proper actions to correct it. He said he thinks that in itself says a lot. Mark Scranton said that he thinks that should get done at a minimum because now he is hearing tonight that this has been going on since August with this particular business. He said he thought it was only in the last 30 to 45 days; now he's being told it's been going on four or five months. Cody Parks then stated that in the last 30 to 45 days it has happened 16 times. Mark Scranton stated that he is concerned if the staff are restricted if they don't physically see it on site. He asked do they need to revisit the ordinances or policies or guidelines and give staff the ability.

Mark Scranton then asked Scott Rueter if that would be admissible if there are videos of things being done there in violation; is that enough to constitute saying a business is in violation of the food code versus an onsite inspection? Scott Rueter said yes, but is it enough proof to prove origin, time it was done, who is involved, etc. Admissibility is different than actual proof. That's going to win your case. Scott said what you are experiencing is when legislation gets passed in Springfield. Something happens and people get upset until

there's a movement to do something about it because the laws which have to be specific and can't be general. Then you run into a situation that the specific language does not cover; so now you want to make language that would cover this specifically. Scott Rueter said you don't do anything different here. Sometimes the sad truth is even though it seems like it should be a violation or crime, it's not because the law hasn't been developed to address it appropriately.

Scott Rueter said he would suggest a couple of things. He said to Mr. Parks that if he does not have a condition in this landlord tenant relationship that gives him some authority to expel a tenant for not conforming to what he wants to do, maybe he needs to look at his landlord tenant agreements. But for this Board tonight, what may be appropriate is to have a motion to have Ms. Binkley write a letter similar to the language that was used a minute ago here to instruct the business owner that they are on notice. Scott said if they wanted him and Mr. Baggett to draft a letter for your proposal and submission, they'd be happy to do that. Mark Scranton said that could be beneficial.

Cody Parks said he thinks there is some confusion on landlord tenant rights as far as his case. His lease clearly states he has to have a violation. Back to the House of Meats part – that was an indoor inside of his facilities with rotten meat and juice all throughout the building. They just said it was a landlord tenant situation and they can't get involved. Cody stated he would think they should get involved in that sort of thing. Vivian Goodman asked if anyone wanted to make the motion. Jeff Entler made the motion to the Board to ask that Brandi, with the help of the State's Attorney, draft a cease and desist letter (clarified language by Scott Rueter). Jeff Entler asked if that can be flipped around in email to get Board approval and then...Mark Scranton said he doesn't think they need to if the State's Attorney writes it up and gives it to Brandi, that is good enough for him.

Jeff Entler said he makes that motion. Debbie Hill seconded. Roll call. Cody Parks did not vote. All other votes were yes. Motion carried.

Brandi Binkley asked Scott Rueter if he was going to draft and then send something to her. He said yes he will probably give it to Mike and let's talk about it. Brandi Binkley then sought clarification and asked if this is just for only this situation and then the Board is going to move forward, possibly with something else to give HD staff parameters and all that in the future. Is that correct? Board Members said yes.

Then it was brought up that there was another issue that had come up in the same category. Brandi Binkley stated that the Board allowed for the Whit's End to apply for a new permit with stipulations that would be set with the discretion of staff. All of that was agreed to by Whit's End and has been set up. They have not adhered to all of the stipulations. Brandi stated she did talk to Mike Baggett about this because that is something the Board has been heavily involved in and he did direct her to bring it to the Board and have them guide HD staff on what to do with that. Brandi said she knows someone started to ask what stipulations they have not adhered to. She stated she knows temperature logs have not been turned in; some did today, but are not complete. Brandi Binkley directed the conversation to Kathy Wade to finish answering this question.

Kathy Wade that weekly temperature and cleaning logs were being sent in the beginning; they were doing a good job with that, but Kathy noticed that the temperature logs were the exact same temperature all day long no matter what and gave an example of the same temperature being logged each day at the same time. Kathy said she brought up some questions about if the temperatures were actually being taken. She has been doing this for 17 years and she finds it very hard to believe that it's the exact same temperature at the

exact same time every single day. She stated then she didn't get a lot. In fact, she didn't get anything until this morning when she was given a few weeks. They are also supposed to have a three compartment sink put in by set date and did not get that done, so the HD has extended that. Mark asked what that was and Kathy said a three comp sink in the dish room. Cody Parks said it's a three compartment sink and Mark Scranton said he got that, but if they didn't have a three compartment sink, how did they open back up to start with? Kathy said that was an error on her side because she assumed that the three compartment sink was in the dish room and they just didn't include it in the drawing because how can you be open this many years without a three compartment sink? It wasn't until Jerry did the actual opening that it was realized it wasn't there. Kathy said she will gladly take the error on that one, so they did give them 30 days to get that done. They said they could meet that 30 day guideline and did not get that done. One of the other stipulations is HD has asked that every time there is an inspection that Tina or Tasha respond back to her with email confirming they did receive the inspection report; they are aware of the findings; and this is how they are going to address those; and that has not happened yet, either.

Kathy Wade said she understands that right now everything is new and they are trying their hardest. Kathy spoke with them quite a few times on the phone through different inspections, but these were stipulations that HD and Whit's End agreed to and they are not upholding their end of the deal.

Brandi Binkley told the Board that she did have Kathy go ahead and draft something up and send it to her; just an email that would go to Tasha and Tina. If the Board wants us to proceed that way by informing them they are not meeting stipulations and which ones and then ask if they have any questions. Brandi Binkley said this is a different situation than they have had before and the Board took this one with allowing them to reopen, so she wanted to bring it to the Board and with Mike Baggett's guidance, see how they would like the HD to proceed.

Mark Scranton said to send them a letter citing these issues certified mail if HD wants to and require they respond 10 days from receiving the letter with what actions they are taking to correct these. Mark said if they don't respond, that is another matter for next month's Board Meeting. Brandi Binkley asked if the HD is to leave them open until then and don't do anything until then? Brandi asked if staff are supposed to just see if they respond and then bring it back next month?

Vivian Goodman asked if HD gave them guidelines for if they didn't meet the stipulations. Kathy said they were told if they didn't meet the stipulations, their permit would be revoked indefinitely and that is in writing.

Jeff Entler said we use this letter as a warning to says...Cody Parks said you violated your original agreement and you get ten days and if this isn't met, you have sealed your own fate. Mark Scranton said he agreed. He said there are two sides. Dr. Jerger stated that they had stipulations to be open. Other Board Members spoke during that time. Kathy Wade stated she forgot to mention pest control and reporting monthly pest control to show that the roaches don't come back and she has received no reports of pest control.

Dr. Jerger said he doesn't understand that. They knew what they were supposed to do; the Board was beyond fair with them. Jeff Entler asked Kathy Wade if she is good with that action. Kathy Wade stated she is good with whatever the Board tells her to do. Jeff Entler asked her if it needs to be different? Kathy asked if it needs to be voted on so Kathy can write a letter saying the permit has been revoked indefinitely?

Mark Scranton said he wants them to get the opportunity to respond because right now they are being convicted without them being here to defend themselves. Cody Parks said HD staff let them open without the sink and that was on us, so at least give them another round. Kathy Wade said she will 100% take onus on that one with the sink and she told Brandi this. She automatically assumed after this many years in business they had a three compartment sink; that's the most basic thing for dishwashing. Debbie Hill said exactly. Kathy said when it wasn't included in the drawing, she just assumed it was there. That is why the staff allowed them to open without it because they did have a dishwasher and HD staff did give them 30 days, which was a timeframe they agreed on that they would be able to have it within 30 days and they have not. Kathy Wade said staff have continued to work with that; she doesn't want the Board to think staff are not working with them. Kathy did remind the Board they had previously told her it's not her job to baby Whit's End and their contacts. That is what she is doing at this point because there are no emails, no temperature log. Multiple Board Members made comments simultaneously.

Mark Scranton said it should be sent via registered mail so it's dated and signed. That way there is recording. Then give them three days to respond to take action or whatever needs to happen. Mark said the sink is on us, even though they have had ample amount of time to do it. The other items he thinks are considered probably minor issues in the scheme of things, but maybe not the pest control thing if they just sent documentation they are doing it; here is paperwork; we forgot to send it; whatever. He wants to be sure things are actually being done. If they cannot show a track record of pest control, which he finds that hard to believe after all this stuff they did then that is probably the nail in the coffin for him. Mark said he thinks they should be given the courtesy to get things in; they can be given 48 hours or three days or whatever after receipt of certified letter. Then state that if these things are not done, the license will be revoked. He stated he is not sure if that requires Board action or not.

Cody Parks said he thinks that letters should be sent to both girls out there. Mark Scranton said then they don't have any excuse to say they weren't told about it. Brandi Binkley asked the Board to please decide the number of days. Cody Parks said ten days and Debbie Hill also said ten days. Cody Parks then said he knows it's hard to get stuff right now. Debbie Hill said it's the holiday and she thinks ten is plenty. Mark Scranton said from receipt of the letter because some mail is taking a long time. Kathy said a certified letter could be out there for three weeks before it gets out there. Several Board Members spoke simultaneously. Mark Scranton said he would send them an email tomorrow stating this is being sent to them via email and certified mail and they are hereby being notified. State that these require immediate response in the next ten days. Board Members spoke simultaneously. Mark said lawyers do this all the time and talked through how to do it. Cody and Mark spoke at the same time. Then Debbie Hill stated that right now it takes a while to get things. There was discussion about how long it is taking to get things. Dr. Jerger said dev's advocate, they knew that 30 days ago. He stated he needs proof. Several Board Members spoke simultaneously. Someone said deadline January 15<sup>th</sup>.

Kathy Wade said when the staff went out to do the 30 day inspection, that is when they found out. They asked why Whit's End didn't let them know if wasn't there and HD staff have received no response. Dr. Jerger said he is okay with proof it's been ordered and he is good with that. Kathy said staff have seen the plumbing permit was pulled. Mark said ten days is January 5<sup>th</sup>. There was discussion about how many days and what date that would fall. Brandi Binkley asked what date that was and Mark said January 5<sup>th</sup>. She asked if he took holidays out of that. Mark said if you want to call 24<sup>th</sup> and 31<sup>st</sup> holidays, then it would be the 6<sup>th</sup>. Mark said send it to them via email and certified letter so they have no excuse for not receiving it. Brandi asked if they want January 5<sup>th</sup> or January 6<sup>th</sup>. Mark asked if the HD is

closed on 24<sup>th</sup> and 31<sup>st</sup>. Brandi said the HD is, but...Mark said those could be termed as not being business days so then that makes sense. Brandi asked if everybody was good with that. Board Members said yes and Brandi said thank you.

Brandi Binkley stated that is all she has and asked if there is anything else for Kathy. Mark Scranton said he is glad that was brought up because it's disappointing.

Mark Scranton made a motion to go into closed session and Debbie Hill seconded. Scott Rueter left the meeting. Roll call. All votes were yes. Motion carried.

### **Closed Session/Approval of Closed Meeting Minutes**

Meeting came back into Open Session at 9:54 p.m. Roll call. Vivian Goodman, Mark Scranton, Debbie Hill, Cody Parks, Jeff Entler, Candi Clevenger, Sheree Zalanka, Dr. Jerger, Brandi Binkley, LaKeeya Funches were all present with Evan Trimby present on the Teams call.

### **The Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Specific Employees of the Public Body – Approval, if Needed**

Vivian Goodman asked if Mark is okay to table the flex time until next month and he said yes. Jeff Entler said he would second the motion. Roll call. All votes were yes. Motion carried.

Vivian Goodman asked for a motion for Brandi Binkley to carry over her vacation time to be used in January. Jeff Entler made a motion. Cody Parks seconded the motion. All votes were yes. Motion carried.

### **Adjournment**

Mark Scranton moved to adjourn, seconded by Debbie Hill. Jeff Entler said before the meeting is officially adjourned, he would like to make on public comment. He had his booster vaccination last week here at the HD and the process was very smooth; the people were very courteous. He was a walk in and they didn't know who he was. It was great service and it was painless. He wanted to make that comment and please thank the staff. Brandi said thank you. Roll call. All votes were yes. Motion carried. Meeting adjourned at 9:56 p.m.

Respectfully Submitted,

President: \_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_