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GENERAL HEALTH DISTRICT

NICOLE BUSH BALAKOS, HEALTH COMMISSIONER

BOARD OF HEALTH EMERGENCY MEETING

June 23, 2020

8 a.m.

An emergency meeting of the Board of Health was held on Tuesday, June 23, 2020, at 8:00 a.m.

Board Members Present:

Chief Clark J. Crago
Patrick Macedonia, M.D.
Frank L. Petrola, M.D.

Staff:

Nicole Balakos, Health Commissioner
Kelly Wilson, Fiscal, Grants & PI Officer
Jodi Norris, Director, Finance & Admin
Marc Maragos, Environmental Director

Absent:

Terry Bell

Prosecutor:

Emanuela Agresta

Guests:

See sign in sheet

CALL TO ORDER

Dr. Macedonia called the meeting to order at 8 a.m. The Pledge of Allegiance was recited.

PUBLIC PARTICIPATION

Dr. Macedonia stated that there was no public participation scheduled for today's meeting.

REOPENING VARIANCES

****Due to the nature of the discussion that took place at this emergency meeting, these minutes reflect all of the discussion that took place versus a more condensed summary. It was important to capture the details of the discussion so there could be no misunderstanding.****

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Dr. Macedonia led the meeting in absence of President Bell. He announced that it was an emergency meeting. The Health Commissioner stated that the purpose of the meeting is to discuss local reopening and protocols. Dr. Macedonia said that we would go through the agenda items as listed starting with 5K's. Health Commissioner Balakos stated that it's really any variances, anything that comes up throughout the month. The last time the Board met (June 16) the board made a motion to follow just the orders, but then there was some discussion afterward that it may not have been the intent. So, the Health Commissioner is looking for clarity on exactly what it means. Dr. Macedonia could not find anything online that identifies marathons. The Health Commissioner stated that the health department employees have been told that those are considered a mass gathering because it is more than 10 people. Dr. Macedonia cautioned that we need to be careful because everything is a mass gathering. The Health Commissioner said that the Order reads that anything not specifically opened is still closed, unless it is decided locally that we open it. That is what we are seeking guidance on. Is the Board comfortable with the health department adapting guidance to do things locally such as concerts? Dr. Macedonia said we should stick with the 5K and asked for the opinion of the Board. Dr. Petrola said he is all for it. Chief Crago stated that everyone has been doing their own thing but then on July 1 everything is going to change so why are we only worried about it now and why weren't we worried about it a month ago. The Health Commissioner stated that she has been asking this question.

Dr. Macedonia said that his concern is that a 5K is a gathering and you can't wear a mask to this type of event, but is it practical to have a 5K with people wearing masks. He has not seen anything where 5K's were talked about and he doesn't know how many 5K runs have been cancelled and he's unsure about the other things. He's cautious about the 5K because we can't distance people. He wanted to know if the 5K is the only thing the Health Commissioner is speaking of or are there half marathons, etc. The Health Commissioner stated that these are the types of questions she is getting from the community. Other communities are having conversations. It's not a black and white issue. Each event is being discussed with the health department on what they can do to make the event safe. Every event can be flexible based on a conversation with the health department on how can we take this event and make it safe.

Dr. Macedonia said, to the Chief's point, on July 1 this all goes away. There are no local decisions. We are not here to mandate or adjudicate what people are supposed to do. If you look at the Golf Order, it states to contact your local health department. He doesn't believe we are here to tell them what they can and cannot do. The Health Commissioner pointed out that there's the local dispute resolution form and Dr. Macedonia interrupted and asked where is that? He cannot find it on the CDC or Ohio site. He doesn't see anything where it drills down to that. He told Nicole that the problem is when you talk on the phone, it is not being published. The public is going to the web site for information. Dr. Macedonia believes this is where the lawsuits are coming from all throughout the country. When we start interpreting and making local decisions, that's where the problem comes in. Kelly Wilson spoke up and stated she participates on the PIO calls and her notes state that on 6/8/2020 the ODH stated that 5K's were a no. She wanted to make the Board aware of that. The Health Commissioner said the question is how are we

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supposed to deal with them if they are going on already. Do we have the authority of the Board (the backing) to go and change it, or is it better to be proactive to go in and help the business (or event) figure out how to conduct the event safely (i.e. concerts, etc.)?

The Health Commissioner believes it's better to be involved from the start and have a conversation about how they can have events safely. Dr. Macedonia does not see where the local health departments are given the authority to regulate how things are done. We are here for guidance. In the last string of e-mails received over the weekend, we are looking to dictate what people can and cannot do. He doesn't believe that's the intent at all of the guidance received. Dr. Macedonia said that we are saying things but nothing is documented. He does not want to read between the lines. He believes we are on thin water here and that we need to be careful on what we are mandating. Dr. Macedonia talked about the use of the school buildings and how the schools are supposed to be closed. However, we are saying that we have to approve the coaches having a meeting at the school? The Health Commissioner stated that on our daily calls they have stated that all use for schools comes back to the local health department. Dr. Macedonia said it doesn't say that on the web site. Dr. Macedonia referred to an addendum to the Orders (no date given) for the purpose of clarity, the closure does not include administrators, teachers, staff, or vendors/contractors of a school. Administrators can determine the appropriate level of access to the building. Dr. Macedonia continued, nowhere in the Order does it state that the health department has to approve a coaches meeting. The Health Commissioner stated that she is only going by what she is being told on the daily calls. This is what they are telling us. Dr. Macedonia wanted to know what was the purpose of all of the Orders then? The Health Commissioner stated those are the guidelines and then we get the question and answer clarity every day on the phone calls.

Attorney Agresta asked if these are just suggestions that we are receiving. The Health Commissioner stated that the folks giving us information on the calls comes from the policy makers. Dr. Macedonia wanted to know where it says in our meetings that all things for the schools have to be approved by the health department. Kelly Wilson spoke up and stated the call she was on it was said that all local schools should be submitting their plans to the local health departments for approval (i.e. band, graduation, athletics). Jodi Norris concurred. The Health Commissioner stated that the schools want this. They have also been told the same thing we are saying. Kelly said again that the Health Commissioner holds weekly calls with the Superintendents. If they ask a question that we cannot answer based on the guidance, we would go back on our calls and pose the question. If they did not know the answers, they would go back to the policy makers and get an answer and report back on a later call to clarify. For example, marching bands were originally given an okay to go forward locally by the Health Commissioner. Then, on one of our PIO calls, one of the other health departments posed the question and the reply from ODH was that marching bands are a no. Dr. Macedonia stated that his concern is that we are on these calls and making decisions so he wants to know "who" is making the decisions. He has a hard time understanding what we are supposed to do and what our rights are as a health department. To him, the Order is signed by the Governor or Director of Public Health. He wants to know how are the people out there are supposed to know what to do.

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The Health Commissioner stated that because this situation is so unprecedented that this is the system they have given us.

Attorney Agresta stated that we have the Governor's Orders and we should follow those. The calls are designed to provide assistance/clarity, whatever we want to call it. It seems to her that throughout the process, it's a should/could do this. It's up to the health department. It seems as if it's up to the health department to implement a policy that's within the Governor's Orders. Jodi Norris stated that everything that was on a call from last week was all yes and no answers on events that could/could not be held. Attorney Agresta stated that those are not Orders. Those are only clarifications. Dr. Macedonia asked, what authority do the individuals holding the calls have to make the decisions? Jodi Norris responded that it was the Ohio Department of Health. Dr. Macedonia replied, it's not ODH. It's not in the signed Order. Jodi Norris stated that we as the health department are just trying to follow what the State of Ohio is telling us. It is confusing she said. We are hearing the state tell us one thing on the calls and then people are calling the health department and asking us about particular events. They are hearing about other counties and schools getting to do particular things and then we are saying no, the Order says you can't do that and then we ask on the call and they say yes, with these guidelines. Attorney Agresta said that we need to be careful because the Orders are not enforceable if they can be challenged. She believes we should adhere to the Orders and everything else is a matter of internal policy if we want to expand on them. That is her opinion. If we are on the phone calls and feel compelled to bring some yes/no guidelines that comes out of Columbus telling us what to do that's fine. These are not enforceable orders. It's up to the Board of Health to what extent they want to expand on the Governor's orders.

On June 5th there was a new Dining Order and for public gatherings. We can follow that but as far as schools, how many, etc. she stated that is not our jurisdiction. The Health Commissioner stated that is not on our agenda. Dr. Macedonia said that it is on the agenda because she (Health Commissioner) brought it up on a text last week. It is not our role to determine what goes on in schools (i.e. teachers and administrative meetings, etc.). The Health Commissioner stated that they are open for payroll and those types of things. Mr. Mavromatis spoke up and said that it would be nice that if everyone followed the Orders that were sent out. We have other health districts in the state that are addressing their issues. Do they have the authority and power to do that? If they do, then do that. We have citizens here that we have to answer to. Why can we protest and not have a First Friday or fireworks? That protest is protected by the first Amendment that's why. The virus doesn't stop because of a protest. He understands the concern for being sued. Anyone can sue anyone; however, proving it is another thing. When the health department has the calls, these are opinions, not policy. It's policy when it's on paper. He's here because of the First Friday and concerts at the Fort. He sent an e-mail to the State wanting an opinion and the hot potato was pushed back here to the local health department. We can follow the state guidelines and First Fridays fall under food festival and we follow outdoor dining guidelines. Based on their (state) response, it's a dining exercise. He has to figure out how many people can fit in a one block radius. It's also most like you need a road map to do this. It's very frustrating for citizens. He doesn't know if it's a simple question. Does the Board have the

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authority to deviate? If the answer is yes, then it falls on the Health Commissioner, provided that she is given the proper information, in writing, that way there is a paper trail on it, and this is what we asked for and this is the information we based our decisions on. He is in agreement that we are having these phone conversations and people are saying things, but we don't know what was said. If our local Board has the power to do that, then we do it and follow them.

Dr. Macedonia thinks there is one barometer that we can use. We haven't had any outbreaks. If we follow the trend of the students going to Myrtle Beach and coming back to West Virginia, then there could be a spike. If we see a spike, we have the authority to restrict. That is his thought on how we deal with this. People are not being safe. They don't wear masks, they don't social distance. If you go to Pennsylvania, people are wearing their masks—every store, every customer. He doesn't know if we have the authority to mandate that people wear masks at these events. Our governor highly suggests it. For example, for people wanting to have these events such as bingo, can we mandate that they wear masks? The Health Commissioner stated that we can, just like a store can mandate their customers wear masks. Dr. Macedonia's question is if he is the sponsor of a bingo event, can they mandate it? He doesn't think we can as a health department. Attorney Agresta agreed that the sponsor of the event can. The Health Commissioner asked if that is her legal opinion and she responded yes. The people running the bingo could say without masks we won't let you in. If there is a spike, then we start backtracking a bit and expand the guidelines. Right now it will be hard for people to understand so many restrictions if we are not a hot spot. Dr. Macedonia asked that if a place has bingo and then five people test positive, can we close that bingo down? Attorney Agresta stated that is no different than what we did with Job and Family Services when they had a cluster. The difference is that they are customers not employees. Mr. Herrington stated that there are only three bingos in town. The hall holds 600 people and we can hold a wedding tomorrow for 300, but only 150 shows up for bingo. He doesn't know if people will come anyways because people are not going out. The direction from the state (he is on the same calls) has been we are setting this high standard because we're not taking the risks. They get on the calls and say do this and do that, but asked for in writing, they don't provide it. They are hiding behind the fact that it is easier to say no. When the original question about bingo was asked, it's different (wedding of 300 versus 150 bingo). Bingo is less of a risk. It's easier to say no.

Mr. Herrington pointed out that EMS is the only department in the county that has their finger on the psychiatric aspects of all of this. Their EMS calls are off the charts and so are domestic violence calls. Law enforcement is doing a great job in trying to calm people down, but all of these different events scheduled outdoors that people could go to could help people. The overall paranoia would be lessened with some of these events being able to be held. It has spiked in the last 30 days. It's gone up quite a bit and it's a concern. Dr. Macedonia stated we have to be careful when we say spike. He finds it ironic weddings are still not allowed. Receptions are now up to 300. It was changed in the May 29, 2020 order. Funerals were always allowed said the Health Commissioner. There are about 14 active orders now and you have to go back to other parts of the other ones. Responsible restart is cliff notes, but Orders are listed under governor's and director's orders. All of the orders are still active and May 29 is the main one.



Dr. Petrola said it is screwed up. The Health Commissioner said, in their defense, they are creating it as it happens. Someone finds flaws and then they tell us later. Gyms still say that they have to have an attendant in the shower room in the guidance. The YMCA will not open them because it says they have to do that. Dr. Macedonia said that the Health Commissioner read it wrong. Attendant and sanitary conditions doesn't mean someone has to watch them shower. We need to be very careful how these things are read. The Health Commissioner pointed out that the YMCA won't open because they're reading it that way. The Health Commissioner said she told them they were okay. It says you have to clean and sterilize between showers. If no one is in there, how do we know they showered? They haven't opened showers because they don't have an attendant. This is an inconsistency. Dr. Macedonia said he doesn't honestly know how to proceed. He wants to follow what is written and signed by the Governor. He's sorry we have these meetings and are told yes or no but we're making decisions on the fly.

Dr. Macedonia then asked what did we decide about 5Ks? Chief Crago thinks it is too specific. Other health departments are saying that their staff follows protocols. Don't go over maximum number (i.e. 300) and you come up with plans as long as social distancing can be maintained. They're working with the provider of an event to come up with a plan. Hence, work with the local health department. Dr. Macedonia said that nowhere does it say we have to go through every plan and decide what is appropriate. He doesn't understand why we have to look at every event. The Health Commissioner stated that concerts are still officially taboo unless you can work with your local health department with a plan for a safe event. The Health Commissioner asked if the Board was okay, with us knowing that we are in a good place with our numbers, if you want us to work with community event organizers to have safe events? That's the question on the table.

If we have guidelines we would provide to groups so everyone is on the same page. These guidelines would include the five protocols and someone would be in charge of safety (following the protocols). Dr. Macedonia asked where the Health Commissioner was getting that someone had to be in charge of safety. There is nothing in the documents about any state mandate. The Health Commissioner said that this is best practice the counties have come up with. The state says work with your local health department. Attorney Agresta says we can only issue recommendations. We cannot go in and shut down a business. We are not trying to, but they are not going to go out and try to do something against the Orders. They want to be compliant and work with the health department. They want to tell the public they worked with health department. Chief Crago asked what happens on July 1? The Health Commissioner stated we don't know yet. Mr. Crago asked if there is any indication that there will be new Orders? The Health Commissioner stated that it most likely will still be social distancing. Mayor Barilla said maybe 500-600 people and modified concerts so they have greater social distancing; and they will highly recommend everyone wear a mask and be seated. Mayor Barilla thinks they can satisfy the requirements. He thinks people will do what is being asked of them. The request to get back to some type of normalcy is quite intense. Dr. Macedonia asked Mayor Barilla where the recommendation is that everyone has to be seated. He referred to something that he read and that it was a recommendation. He believes by being seated it's easier to meet the social

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distancing. Dr. Macedonia said that isn't coming from any Order that he has read. Jodi Norris spoke up and said that is in the Dine Safe Order about sitting not standing. Dr. Macedonia then said is that what we are now taking and applying to a concert? It's stricter. Dr. Macedonia wants to know who is mandating and supervising this and wanted to know if he's standing are you going to kick him out? The Health Commissioner said being seated is a best practice. Dr. Macedonia said if we say no standing, now you have to have supervisor there to monitor. Dr. Macedonia said we now have to be an SOB about it and we don't want that kind of confrontation. Jodi Norris said that is implying that the health department is telling them to sit. If the organizer of the event says they have to sit, that is up to them. Mayor Barilla said he has a recommendation to that effect. This is a problem and it's where we are going to find ourselves in trouble Dr. Macedonia said. Mayor Barilla said he can highly recommend concert goers bring a chair and maintain six feet and wear a mask. The majority of the people understand and want these things to continue and will comply. Dr. Macedonia stated that he agreed with Rob Herrington and that this is taking a toll on people with being cooped up. We are taking our chances but we have ability to restrict if we start seeing spikes we can curtail it. The Health Commissioner stated that is what we want to do. We can work with our Medical Director. We only meet as a Board once a month. We want to empower the staff to work with the community because these people want a conversation with the health department and have the guidance because they want to do what is right. Rob Herrington is not having bingo unless we say it's okay. Dr. Macedonia stated that is what he's struggling with. He does not think we have to okay everything that goes on in this county.

The Health Commissioner pointed out that there have been 5K's. Dr. Macedonia said obviously Cleveland is a whole different story. They are a hot spot. Dr. Macedonia believes if we recommend the five standards the CDC/State has recommended we'll be fine. Why do we have to look at each event? The Health Commissioner said that there are some events that people won't hold unless they have a conversation with us. Jodi Norris spoke up and said they are calling us. We get phone calls daily. Will we please look at their plan to see if this okay to do? People want guidance. If we won't tell them it's okay, they won't do the things. That's where we are struggling. Dr. Macedonia wants to know what changes people's opinion if our health department says it's okay to have this event? What do we say to them that makes it okay? Kelly Wilson responded that she thinks it's more a peace of mind for them. We've often told them they don't have to ask us as long as it's within the orders. They are still taking temperatures and doing daily symptom assessments. In general people are panicked and as soon as someone says you don't have to take temperatures it takes weight off of their shoulders. Attorney Agresta said that she doesn't think there is anything wrong with us doing that. The problem is it's not a mandate, it's a form of assistance. There will always be someone who will challenge what we do. We can assist only in her opinion. The Health Commissioner said that's where it says in the Order "or similar, not limited to, or check with your health department". Attorney Agresta says we are at a juncture now there are no black and white answers and we are not in the position unless we are prepared to be taken to court. The Health Commissioner said that in the Orders car shows aren't listed. Dr. Macedonia asked where in the Orders does it state no car shows? The Health Commissioner said that's where not limited to comes in to play. Dr. Macedonia stated remember

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that the board is the liable here—not the commissioners—it's us. If you are all making decisions out there and are saying yes or no, it's the Board's liability. It says local health department, not a specific person. If we are making a decision on a specific person's opinion, then we have a liability. We need to be very careful in interpreting that. Kelly Wilson stated that ODH specifically said it on a call—no car shows. Dr. Macedonia said we're interpreting and he thinks we are making a mistake. The Health Commissioner stated that's why we have been asking to meet as a Board more often and that is why we are taking notes on the calls for clarity. This is why we should have a local variance because our cases are low. Dr. Macedonia asked if we are saying to someone just follow the five guidelines mandated by the CDC why is that not enough? He asked why Kelly was shaking her head. She responded that unfortunately when you are in the middle of it and people are getting ticked off and they're asking why is so and so doing this and so and so doing that, the answers we are giving are based on participating in the calls and they are saying no when you ask a specific question. We are getting the answers to questions asked by other health departments. The other health departments are going out and enforcing. This department has been excellent in trying to see what people want to do and if they are meeting minimum standards it's okay. There are things we know shouldn't be happening and it's the state telling us so (i.e. no car shows). Dr. Macedonia asked where it says no car shows in the Order? Kelly responded that it was answered on the phone call. The Health Commissioner stated that's because it's more than 10 people. Then Dr. Macedonia said we can't have bingo, etc. The Health Commissioner said that's why it's so confusing. Dr. Macedonia responded it's not confusing. Kelly Wilson then stated it is in her notes on (Dr. Macedonia stated on a phone call let's be clear) 5/29 that car shows were considered mass gatherings. Fireworks at the time were still a no. This is the same day we found out marching bands were still a no, only skills and weight training. Then, it was asked again on 6/8. On 6/9 they went through a list of activities and gave us a yes or no answer: auctions yes, church, outdoor concerts no, bingo yes (6/8 bingo halls OK 10 per table) then on 6/9 bingo no decision but it could change later today. That's the kind of stuff this department is dealing with and trying to carry out. No one is intentionally saying no just because. We are going by phone calls and diligently listening and sharing information appropriately. We get a script every day that we share with all those taking phone calls. The script comes directly from the state. Attorney Agresta said if they were Orders it wouldn't say contact your health department. We have asked for minutes from the phone calls. It's moving too fast, it's fluid, it could change tomorrow. Please don't think that we're going rogue. Dr. Macedonia stated it sounds like it's a local health department's decision. The Health Commissioner stated that we are asking those questions and that's why we are asking them. If they, the Board, tell us not to follow them, then we will follow their orders. She is asking for guidance. Dr. Petrola told the Health Commissioner to follow her own judgement.

Dr. Macedonia said we can't make decisions on the fly. Dr. Macedonia said that in his opinion, our phone calls are a waste of time. If one health commissioner says yes, but the other health commissioner says no, who's the authority? The Health Commissioner then said, we are not asking other health commissioners; we are asking the ODH policy team. Dr. Macedonia interrupted and said there are no policies and that we cannot produce a policy that says no car shows. Dr. Macedonia said that these are guidelines. If you look at these guidelines there are



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mandatory and recommended best practices. Dr. Macedonia said we are making this way too complicated and he thinks we are restricting things and that we do not have the authority to make decisions. We can say these are the best practices. We cannot look through every event. He brought up the band camp issue about the showers. It says clearly in the order about distancing and if you can't do it, put up a barrier. Why are we making people change all of this stuff? With campsites, we say everyone has to register at one time. That is not required. Camp sites are very clear. Nothing says you have to register all at one time. In her e-mail it says register all at one time. The Health Commissioner stated that we are going by what they are telling us. Dr. Macedonia said he doesn't know what's so hard to understand. This is the Order for campgrounds. It doesn't say anything like that. There is nothing that says this stuff that we are requiring people to do. We as a Board are going to get ourselves in trouble. The Health Commissioner stated again, that is what she is asking. Are we going to allow concerts, are we going to allow variances?

Dr. Macedonia then said let's go down the list. He asked about 5K's and Dr. Petrola said no and Chief Crago said it's too specific. He thinks it should say runs/walks. The Health Commissioner then asked, if we hear of one before July 1st what are we supposed to do? Dr. Macedonia asked if it said anywhere we can't have a marathon or 5K. The Health Commissioner responded that it's a mass gathering of more than 10 people. Attorney Agresta spoke up and said that's not a mass gathering. Dr. Macedonia stated that if the mass gathering is 10 persons then we can't have anything. The Health Commissioner stated, that's what they're telling us. This doesn't make any sense said Dr. Macedonia. The Health Commissioner again reiterated that is why we are asking the Board about certain events. No not certain events said Dr. Macedonia. He said we either say yes or no to all running events. Then we can have running events asked the Health Commissioner? She then asked the Board to give us a number that we can have gatherings up to that we can use for safe gatherings. Dr. Macedonia said we have to be consistent and the Health Commissioner said to come up with a number. There is no number replied Dr. Macedonia. The Health Commissioner pointed out that weddings are 300 and retail does 50% of capacity. We are asking them to tell us but the Board doesn't want to put a number on it. Dr. Macedonia wants it to be best safe practice. That is all he wants to tell them. If we start violating and see our case numbers go up, then we become stricter. Kelly Wilson then asked what is best safe practice? Dr. Macedonia said it's all in here. There's five things—it's all in the document.

Chief Crago asked Attorney Agresta if it was okay if we do a motion where if anyone asks for recommendations that we just provide ODH best practices and allow them to have the event. Attorney Agresta said yes. Chief Crago stated that he would like to make that motion. That way we are not saying 5K and then you have a 5 mile. Chief Crago said I'm making that a motion and Dr. Petrola seconded.

Dr. Macedonia said that he wants to be clear on what we are saying. The five protocols are face coverings, conduct daily health assessments, maintain good hygiene, clean and sanitize and limit capacity to meet social distancing guidelines. Chief Crago asked if the document had a name and the Health Commissioner responded the Responsible Protocols for Getting Ohio Back to Work.



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Dr. Macedonia wanted to be clear on the first thing—requiring face coverings for all employees. So employees, are they volunteers? He also asked if volunteers working a bingo or gun bash have to have a face covering? The Health Commissioner said yes. Dr. Macedonia said, let's be clear, these are guidelines, not mandates. The Health Commissioner said these would be the guiding principles to hold the event. Dr. Macedonia asked how you would conduct health assessments for First Friday. The Health Commissioner said there was a document for that and presented a sign that would be posted that people should not attend the event if they have one of the criteria according to the self-assessment. Dr. Macedonia asked, so we are not assessing them? The Health Commissioner stated that it's a self-assessment. There is a sign for social distancing and face coverings. We give these out to businesses all of the time. Dr. Macedonia asked if a concert was the same as a business. It's an event, responded the Health Commissioner. Dr. Macedonia said we need to be clear because what we are talking about is what businesses should require from their employees. He doesn't want it twisted around. Let's read the motion. For any events, we should provide ODH best practices and allow them to have the event Kelly read. The best practices are face coverings, daily health assessments, maintain good hygiene, clean and sanitize and limit capacity to meet social distancing guidelines.

Dr. Macedonia asked if there was any discussion. Jodi Norris spoke up and inquired if the document was just specific to businesses. Dr. Macedonia responded yes to Jodi and that is his point. The Health Commissioner stated that we would adapt this. Dr. Macedonia said that for anything other than businesses that this is just a recommendation and that he doesn't think we can hold this to non-business events. The Health Commissioner stated, isn't this what you are asking for to just what is being asked for give her some guidance and let them go? Mayor Barilla states they won't do anything against any rules. Some comments here inaudible from folks in attendance. The counties in northeast and central Ohio are not doing things this way. This is a risk based approach. Dr. Macedonia said he totally agreed with that. The Health Commissioner said she would like a risk based approach adopted for Jefferson County.

Dr. Macedonia stated that there is a motion on the floor that has been seconded and asked for a roll call. All aye. So now everything on the list falls under the five protocols.

REOPENING VARIANCES

<i>Action</i>	<i>Approve Motion on how to respond to requests for recommendations</i>	<i>Vote Detail (Roll Call)</i>
Motion-2020-76	Chief Crago moved and Dr. Petrola seconded a motion to that if any individuals ask for recommendations from the health department that we provide them with ODH best practices and allow them to have the event. The best practices are face coverings, daily health assessments, good hygiene, clean and sanitize, limit capacity to maintain social distancing guidelines	1 st - Crago 2 nd – Petrola Bell - Absent Crago – Aye Macedonia - Aye Petrola – Aye



	(Responsible Protocols for Getting Ohio Back to Work). Motion passed unanimously.	
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DISCUSSION AFTER MOTION, FINAL APPROVAL, AND ROLL CALL

Dr. Macedonia then read down the list that appears on the Agenda. Under schools, what does that entail? The Health Commissioner responded that the schools call us often and Jodi Norris said an example was Toronto is wanting to have an outdoor summer prom. Prom is okay but graduation is not, asked Dr. Macedonia? All of those are already set said the Health Commissioner. City Manager James Mavromatis said that Big Red is asking for security for graduation from the City of Steubenville at Harding Stadium. Graduation is limited to families of no more than six and social distancing between families per Mr. Mavromatis. If they follow the guidelines we are fine with that. Dr. Macedonia said he is not going to question that but stadiums are not open and are still closed by the Order. So you cannot compare a stadium to any other thing. A stadium is a stadium. He doesn't know who approved that. We have to be careful because are we going to give this to all of the other schools? Nicole said we offered it to all the other schools. Mr. Mavromatis has more faith in an outside venue. He has nothing to do with it other than they asked the city for security. He understands this is not easy and we will deal with the issues we have to deal with and will follow the rules. Dr. Macedonia stated that as a Board, we are not going to police this. We are not in a position to say whether Big Red is/is not following the orders. He doesn't think Attorney Agresta wants us to be in this position. She responded no. Dr. Macedonia asked if everyone was clear on all of these questions. The Health Commissioner responded yes; just following these guidelines makes it very easy.

Jodi Norris asked, to be clear—we are not going to approve or disapprove anything? We don't say yes it's approved or no it's not approved? We say here are the guidelines and that's it. Dr. Macedonia stated they don't have to submit a plan or anything. The Health Commissioner stated that some folks insist on it. Dr. Macedonia stated that if they want to that's fine. The Health Commissioner said there was a funeral last week and they said they were required to get the health department's approval. The Health Commissioner told them they didn't need to have our approval, but they felt that's what they needed to do. Dr. Macedonia said if you saw the TV last night and the news of the racecar driver, you saw them hugging, no masks, etc., but this was not good for health reasons. This is what we are facing and this is where we will see spikes. He believes we have to educate, educate, educate this county. This is our job and all of these event planners, that should be at the top of their priority list what they expect of these people.

Dr. Macedonia asked if the Health Commissioner was satisfied. She responded that more than her being satisfied she believes the public will be very satisfied. Dr. Macedonia asked how we were going to put this out to the public. The Health Commissioner said Linda (The Herald Star)

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is going to take care of that and then the Health Commissioner said she will share the article on our Facebook page.

People will be very happy and the word will get out. And hopefully the Order will expire and sunset on July 1st. Bloomingdale has been waiting for an answer. Their entertainment will not book for the 4th of July unless we got an answer. People won't make bookings until they have an answer from the health department. They will go somewhere else. They want to know it will be okay. It was still holding people up. Dr. Macedonia stated you bring up another point. Unless it's an order by the Governor, we are saying it's okay for everything, but it says "and anything else", to me that's not an Order. Now you bring up another issue and you have clarity on all of this other stuff, but if it's an Order, are we going to violate the order? Dr. Petrola said no. Originally, that was the Health Commissioner's concern. Dr. Macedonia said that the motion doesn't cover it. The Health Commissioner said no because now you can now have a wedding for 600 if you can social distance and originally it was 300. Most places can't social distance with that large of a crowd. Dr. Macedonia stated that those are guidelines again. The Health Commissioner said that most people are going to use common sense and that we can always revisit this if we have difficulty or find that this goes bonkers. Dr. Macedonia stated that he thinks this is where we are still not clear. So, Jim Mavromatis called the state and they said they can't have concerts and First Friday. The Health Commissioner states that they said no to festivals still. But, to Dr. Macedonia if you can have a fair and serve food, that's the same thing as he's doing. Mr. Mavromatis said let me read this to you and then you will understand why you have frustration and why I have frustration....." this also seems like a street festival, I would say kick it back to your locals to determine whether this is a festival, block party, or coordinated restaurant event. If the latter, then it is important that the Dine Safe Order is followed appropriately." The Health Commissioner stated that block parties and festivals aren't allowed. However, a street fair with food can fall under the Dine Safe Order, which is the seated table, and all of those things. Mr. Mavromatis said the street will be blocked off and he has people who have agreed to monitor people coming in and out. Clearly he believes it could be no more than 300 people, which he is sure will fit in that one block radius, two-way traffic, walking, dining set up, they want food trucks there so you have to have dining tables and seating area. You are still going to have people walking around. I would expect that by our action you are going to have a band? Mr. Mavromatis said no because that encourages people to stand. There's a lot of things that need to be looked at. Are they following the state guidelines? If they can't meet that, then they can't have it. Dr. Macedonia stated, but Jim they just said to you follow the health department's guidelines. The Health Commissioner stated that Mr. Mavromatis is worried they can't do six feet. Dr. Macedonia asked that he read the first sentence..."kick it back to you locals". Dr. Macedonia said then why are you worried what the state says about no bands, no this no that? They are saying refer it back to your local health department. Why are you concerned about what the state says? Mr. Mavromatis asked, are you going to supersede what the state has done? Dr. Macedonia stated it says local health department. The Health Commissioner stated that she thinks that's where the event organizers can still use the state as a guide, but if there are parts of it that they think, for example, like bingo, what I was perfectly willing to do with a 300-person cap. He just wants to have his bingo. They're going to say that they will use that as a

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foundation. They're going to look for if there is something funky in their responsible protocols. Kelly Wilson asked does the Dine Safe Order go out the window? The Health Commissioner said that if the event can follow the five protocols it's fine. We were talking state and now we are talking local.

Kelly Wilson asked for clarification again. The motion is: for any event what we will do is provide ODH best practices allowing them to have the event regardless of whether it's in violation of an order. Attorney Agresta stated that no you don't want to be in violation of an order. Dr. Macedonia said you brought something up because we can't violate the order. The Health Commissioner then stated, all of these things violate the order. Dr. Macedonia stated that there is no specific order that says you can't have an outdoor concert. Specific orders are very clear, sports events, golf courses, others. The Health Commissioner stated that carnivals are a violation of the order. Dr. Macedonia said he read last night where carnivals were allowed. The Health Commissioner responded only at the fair currently. Dr. Macedonia then stated he doesn't know how they're going to do this because now we're talking about splitting hairs again. That's why they are referring things back to the local health departments to make decisions. The Health Commissioner stated that Trinity wants to have an event to honor first responders at the mall and that we need permission since carnivals aren't allowed. Dr. Macedonia said that isn't a carnival. It's a recognition of first responders. The Health Commissioner stated that having amusement rides isn't a carnival? Dr. Macedonia stated that no, that event itself is not a carnival. The Health Commissioner said that they are going to allow the public as well. Dr. Macedonia said it's not a carnival. It's rides, games, etc. You can't do this. It doesn't say you can't have a carnival. Rob Herrington spoke up and said, why couldn't you say in the motion that any event not specifically prohibited by a state order. Certain things are specifically in there. If it's not specific, then you start questioning what's this what's that. If it's not specific, then the motion didn't address it. The Health Commissioner stated that car shows aren't listed. Mr. Herrington said we can think of 50 events not listed anywhere. He has had conversations with the Health Commissioner about this. Not to mention the things that people are creating (gun bash/funeral). You had a giant ATV riding event two weeks ago. If you said specifically not in the state order. Motor sports is not allowed. When it says or similar and someone asks for clarity what do we do? Dr. Macedonia said he cannot find where it says motor sports and asked where it was. The Health Commissioner stated that it didn't say. Attorney Agresta stated that if it doesn't say, it doesn't apply. Dr. Macedonia said that this is the problem. The Health Commissioner ask about where does things like the live entertainment across the street fall under. They aren't listed either. The Health Commissioner was referring to the adult store that has live entertainment—Past Times. When were they supposed to close and open? Dr. Macedonia didn't know about it.

Chief Crago wanted to know if he needed to rescind the motion that was already voted on or can he even do that? Attorney Agresta said that she doesn't think you want to do that. The Health Commissioner said what we've done today should be okay at least until July 1. At least we can tell people so they can plan their events. Dr. Macedonia stated that if you tell them that they can plan it, we can't cancel it. The Health Commissioner once again referred to Bloomingdale and that they need to book their entertainment or know if they should cancel their entertainment for

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the July 4th celebration. Jodi Norris brought up that we are not going to tell them yes or no either way. We are going to tell them to follow the guidelines and the five protocols if you are going to do it. Kelly Wilson then brought up what to do about all of the people we already told no for fireworks. Attorney Agresta said too bad and Chief Crago said that was then.

Dr. Macedonia then said this is what is doesn't want to do is say no. We are not in the business of saying no, we are in the business of making it safe. If we start saying no to me and I'm saying yes to you, we are going to be in trouble. He said he was under the impression that we hadn't said no to anybody. If we have, who said no. It wasn't this board. Someone is going to have to take the liability for saying no. That's where we are going to be inconsistent in what we're trying to do here. I think it's a mistake. Kelly Wilson brought up that we were going off of the phone calls that the state was saying no. Attorney Agresta stated that was irrelevant. The Health Commissioner stated this is the reason that we are coming to the Board again to tell us what to do. Dr. Macedonia said that he doesn't know how to leave this. The Health Commissioner stated that we know how to give safe guidance. We just need to make sure that the Board is not going to throw us under bus when we do. Dr. Macedonia stated that safe guidance is pretty clear. When we are saying no to things, that is a concern to him because that is us saying no. If we are making decisions about saying no, he is concerned about the authority we have to say no. Jodi Norris stated that she thinks what was just decided. There will be no yes or no answer from us. It will be to say here is the guidance you should follow if you are having an event. We are not saying yes and we are not saying no. Jodi Norris then said she doesn't think this is going to make the public happy. Dr. Macedonia asked why not? They are calling the health department and asking can we do this? If we say do what you want and here's the guidance if you're going to do it, they won't find this satisfactory. People want us to tell them yes or no. They want permission. Dr. Macedonia asked for an example or what she is referring to. Jodi said that Toronto called and wanted to know if they can have an outdoor summer prom. Her answer is now going to be to them, here are the five protocols that you need to follow if you are having a prom. She said the superintendent has said I need you to tell me yes or no. The school board has already told her she cannot unless the health department says they can. Dr. Macedonia said that she should respond in this example by saying yes you can but here are the five principles you have to follow. The Health Commissioner, Kelly and Jodi spoke up and said you have already told us not to tell people yes or no. Jodi then said Toronto will come back and say her school board said that she cannot do it unless the health department says yes they can do it. The Health Commissioner said that you just told us to say no yes's or no's to anything. Some things we probably would say no to but if we say yes, then we have to say yes all of the time. Dr. Macedonia said we are not saying yes or no. These are the guidelines. The Health Commissioner pointed out that Dr. Macedonia just said yes in the Toronto prom example. Attorney Agresta said that we don't have to say yes, just say as long as you comply with these guidelines. Jodi Norris said that she understands what everyone is saying but she is telling them the response she is going to get. Everyone was speaking at the same time here and a lot of inaudible. Attorney Agresta said we should say it's not our policy and we don't have the authority to say yes or no. Chief Crago said so the Toronto school board passed the buck to the health department and Attorney Agresta



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agreed and said so we'll pass the buck back to them. Jodi Norris said she is not disagreeing with that but her point was that the public is not going to be happy with that answer.

The Health Commissioner stated that in the Governor's press conferences twice a week he is referring everyone to their local health department. Jodi said there will be pushback from school districts and event planning committees saying that the health department won't tell us what to do. Dr. Macedonia spoke up and said how about if we say, yes you can if you follow these five principles. Jodi then said so we're giving everybody permission. Jodi said she just wants clarity. Dr. Macedonia said that was the Motion. Yes, you can as long as you follow the five guidelines. We are saying yes as long as they follow them. The Health Commissioner said if they call the state and complain that another county is doing it different that they have the opportunity to file a dispute and let it go through the dispute resolution process.

<i>Action</i>	<i>Adjournment</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-77	Dr. Petrola moved and Chief Crago seconded a motion to adjourn at 9:41 a.m. Motion passed unanimously.	1 st - Petrola 2 nd – Crago Bell – Absent Crago – Aye Macedonia - Aye Petrola – Aye

There being no further business before the Board, the meeting was adjourned at 9:41 a.m.

ATTESTED:

Terry Bell

 Mr. Terry Bell, Board President

Nicole Balakos 8/24/2020

 Nicole Balakos, Health Commissioner



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NICOLE BUSH BALAKOS, HEALTH COMMISSIONER

Board Meeting Agenda

June 23, 2020

8 a.m.

Emergency Meeting

Call to Order (Roll Call)

Pledge of Allegiance

Public Participation Period - None

New Business

- Reopening variances
 - 5K
 - Fireworks
 - Outdoor concerts
 - Bingo
 - Motorsports
 - ATV Events
 - School events
 - Sports tournaments
 - Showers in gyms needing attendant

Adjournment