



City of Wilmington
1165 South Water Street
Wilmington, IL 60481

Agenda
Special City Council Meeting
Wilmington City Hall
Council Chambers
May 28, 2020
5:00 p.m.

PURSUANT TO EXECUTIVE ORDER 2020-07 SIGNED BY GOVERNOR PRITZKER AND GUIDANCE PROVIDED BY LEGAL COUNSEL, THE CITY OF WILMINGTON MAY CONDUCT ALL OR PORTIONS OF THIS MEETING BY USE OF TELEPHONIC OR ELECTRONIC MEANS WITHOUT A PHYSICAL QUORUM PRESENT IN THE BOARDROOM. PUBLIC ACCESS TO THIS MEETING IS AVAILABLE AS FOLLOWS: JOIN ZOOM MEETING

<https://us02web.zoom.us/j/9828302841?pwd=OEpCc2d4bEJlQ3R2eXlmdWtnWkVwdz09>

MEETING ID: 982 830 2841

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MEETING ID: 982 830 2841

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WE ARE HAPPY TO ACCOMMODATE WRITTEN PUBLIC COMMENTS. ANY WRITTEN COMMENTS MUST BE RECEIVED VIA EMAIL BY 3:00 P.M. ON THE DAY OF THE SCHEDULED MEETING. COMMENTS RECEIVED BY 3:00 P.M. WILL BE PUT INTO THE RECORD AND CONSIDERED BEFORE COUNCIL ACTION. COMMENTS CAN BE SUBMITTED BY EMAIL TO JZILLER@WILMINGTON-IL.COM.

I. Call to Order

II. Pledge of Allegiance

III. Roll Call by City Clerk

John Persic, Jr.
Floyd Combes
Lisa Butler
Frank Studer

Kevin Kirwin
Dennis Vice
Ben Dietz
Jake Tenn

IV. Public Comment

(State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01)

REVISED
Posting Date:
5/26/2020 4:10 PM jz

V. Mayor's Report

1. Approve Ordinance NO. 20-05-28-01 - Allowing the Off-Site Consumption of Alcohol and Food in an Outdoor Area Adjacent to the Licensed Premises

VI. Adjournment

ORDINANCE NO. 20-05-28-01

**ORDINANCE TEMPORARILY AUTHORIZING THE CONSUMPTION OF
ALCOHOL AND FOOD IN AN OUTDOOR AREA
ADJACENT TO THE LICENSED PREMISES**

WHEREAS, as the Local Liquor Commissioner, the Mayor has the authority under the Liquor Control Act to adopt rules or regulations related to the retail sale of alcoholic liquor within the corporate boundaries of the City of Wilmington; and

WHEREAS, the Mayor and City Council finds that it shall issue a Temporary Order to provide for restaurants and bars to operate consistent with Governor Pritzker's Executive Order expected to be published on or about May 29, 2020, the "Restaurants & Bars For Outdoor Dining Guidelines" published by the Illinois Department of Commerce & Economic Opportunity, and any other applicable regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS:

SECTION 1: TEMPORARY ORDER ADOPTED

That the Temporary Order of the City of Wilmington Local Liquor Commissioner be hereby adopted as follows:

IT IS HEREBY ORDERED & EFFECTIVE IMMEDIATELY:

- 1) Class A, A-1, D or D-1 licensee shall be authorized to commence or continue the sale of packaged in its original sealed container, beer and wine only, for delivery or pick-up with a meal or food order to be consumed at the customer's home.
- 2) Class A, A-1, D or D-1 licensee shall be authorized to sell beer, wine, or mixed alcoholic drink for pick-up made in conjunction with the sale and/or delivery of food or a meal to be consumed off-premises, as defined below.
- 3) All sales of any alcoholic drink must be to a person to a person at least 21 years of age. Pick-up orders including alcohol may not be picked up by any person under 21 years of age
- 4) "Off-premises" as used in this Temporary Order includes existing outdoor dining or a temporarily expanded outdoor dining area adjacent to the establishment. Use of off-premises areas consistent with this Temporary Order is only authorized with City approval, written authorization from the affected property owner(s), and subject to the following:
 - (a) If required by law, authority to use off-premises areas may cease or may be modified for compliance.
 - (b) Smoking is prohibited.
 - (c) Tables shall be spaced to allow for a minimum of 6-foot separation (blocking tables is allowed). Public seating and eating areas shall be reduced and/or reconfigured to allow

- for minimum separation of 6 feet.
- (d) The outdoor dining area shall not disturb the lawful use and quiet enjoyment of nearby tenants or property occupants.
 - (e) Outdoor dining areas shall be open (e.g., no side walls) but may utilize awnings or other top coverings that meet minimum City guidelines.
 - (f) Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.
 - (g) **Live entertainment and electronically amplified music or sound shall not be permitted.**
 - (h) Bar areas are prohibited.
 - (i) Outdoor trash receptacles shall be provided and maintained.
 - (j) No liquor served in an open container shall be removed from the outdoor dining area.
 - (k) Except for restroom visits and take-out orders, indoor premises are closed for public use.
 - (l) Masks are encouraged for Customers/Public to enter the indoor premises (e.g., for restroom visits and take-out orders).
 - (m) By means of signage and/or other markings at 6-foot intervals, social distancing markers shall be placed in queue areas (e.g., restrooms and take-out order lines).
 - (n) All customer-facing employees shall wear masks.
 - (o) No parties larger than six, including children, are allowed in the outdoor area. The number of patrons allowed at a single table shall be limited to a household unit or patrons who have asked to be seated together. People in the same party seated at the same table do not have to be six feet apart.
 - (p) Dividers shall be placed in entryways requiring incoming traffic to walk on only one side of entry, and outgoing on the other side.
 - (q) Sanitize and disinfect tables, booster seats and highchairs after each use.
 - (r) Enhanced Overnight Sanitizing and Disinfecting - Restaurants shall be thoroughly cleaned during non-operating hours.
 - (s) In restrooms, every other sink and urinal shall be taped off and signage shall be posted encouraging proper hygiene.
 - (t) Sanitizing wipe packets and/or hand sanitizer shall be available at designated entrances.
 - (u) **Outdoor consumption of alcohol in the outdoor area shall not be past 10:00 p.m.**
 - (v) Full compliance with this Temporary Order, the then-effective Governor's Executive Order, "Restaurants & Bars for Outdoor Dining Guidelines" published by the Illinois Department of Commerce and Economic Opportunity and attached hereto as Exhibit A, Illinois Liquor Control Act, and all applicable Illinois Department of Public Health regulations and City of Wilmington Ordinances.
- 5) **OUTDOOR DINING (EXPANSION):** The word "restaurant" used in this Temporary Order shall mean Class A, A-1, D or D-1 licensee. Restaurants seeking to temporarily add or expand outdoor dining areas by using a parking lot or other outdoor areas do not need to submit any permit application to do so and shall abide by the following:
- (a) Restaurants may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
 - (b) Restaurants may utilize up to 25% of their parking lot.
 - (c) If the expanded dining area is in a parking lot, a temporary physical barrier shall separate the outdoor dining area from the rest of the parking lot.
 - (d) Restaurants that do not own their parking lot or other outdoor areas shall secure correspondence from the property owner or property manager granting permission to use the area for outdoor dining.
 - (e) Restaurants within a strip mall, plaza, shopping center or other multi-tenant space shall secure correspondence from the property manager/owner prior to expanding outdoor

- dining into common parking, pedestrian or greenspace areas.
- (f) Sidewalks and parking spaces may be utilized, provided there are means for pedestrian traffic on the remaining portion of the sidewalk and adequate traffic controls signage are utilized so as to provide notice to motorist.
 - (g) Unless closed to vehicular traffic, streets may not be utilized.
 - (h) Driveways, drive aisles, drive-through or other means for traffic circulation may not be impeded or blocked.
 - (i) Americans with Disabilities Act (“ADA”) handicap parking spaces are required and access to/from those spaces shall not be impeded.
 - (j) The temporary outdoor dining area shall be accessible consistent with ADA requirements and shall comply with all applicable federal, state and City laws, ordinances, regulations concerning accessibility and nondiscrimination in the providing of services.
 - (k) Temporary barriers to safely delineate the seating area do not require additional permitting so long as the temporary barriers do not pose a safety hazard to occupants. No permanent barriers may be installed without proper permits.
 - (l) Permanent plumbing, electrical, and lighting fixtures shall not be installed.
 - (m) Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine into nearby residences.
 - (n) Upon expiration of the existing State orders restricting capacity or upon a State order allowing 100% restaurant capacity indoors, the use of parking lots or other areas for temporary outdoor dining shall cease, barriers placed therein shall be removed, and all areas used for temporary outdoor dining shall be returned to their original use.
- (o) Any use of City property may not be used until a hold harmless and indemnification agreement is entered into with the City of Wilmington

Any violation of this Temporary Order, the then-existing Governor’s Executive Order related to COVID-19, the “Restaurants & Bars for Outdoor Dining Guidelines” published by the Illinois Department of Commerce and Economic Opportunity, Illinois Liquor Control Act, or of any applicable Illinois Department of Public Health regulations or City of Wilmington Ordinances, except as provided in this Ordinance, shall be subject to fine and/or suspension or revocation of the liquor license.

SECTION 2: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: REPEALER

Section 132.13 – Public Intoxication is hereby repealed. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2020 with ____ members voting aye, ____ members voting nay, the Mayor voting _____, with ____ members abstaining or passing and said vote being:

John Persic, Jr.	_____	Kevin Kirwin	_____
Dennis Vice	_____	Floyd Combes	_____
Ben Dietz	_____	Lisa Butler	_____
Jake Tenn	_____	Frank Studer	_____

Approved this ____ day of _____, 2020

Roy Strong, Mayor

Attest:

Joie Ziller, Deputy City Clerk

EXHIBIT A
Restaurants & Bars for Outdoor Dining Guidelines

RESTAURANTS & BARS FOR OUTDOOR DINING GUIDELINES



Illinois
Department of Commerce
& Economic Opportunity
JB Pritzker, Governor

RESTORE ILLINOIS

A Public Health Approach To Safely Reopen Our State

PART OF PHASE 3 OF RESTORE ILLINOIS PLAN

APPLICABLE TO EACH REGION UPON TRANSITION TO PHASE III | ISSUED ON MAY 24, 2020

The Recovery Phase of the Restore Illinois public health approach to reopening the Illinois economy includes returning people to work, businesses reopening and group gatherings of 10 or fewer. We must all continue to social distance, frequently wash our hands and cover our faces to maintain progress in overcoming COVID-19.

This document is applicable to businesses that meet the following criteria:

- Full-service restaurants, limited-service restaurants, snack and nonalcoholic beverage bars, taverns, and other food services and drinking places licensed to serve food, beverages and liquor for consumption by the relevant local jurisdiction and State Liquor Control Board, if applicable, that can follow all minimum guidelines outlined in this document
- In Phase III, services for Restaurants and Bars should be limited to:
 - i. i. Outdoor dining and/or drinking only¹; and
 - ii. Parties of 6 persons or fewer.
- For the purposes of these guidelines, a dining or drinking area is considered an outdoor dining or drinking area if the area meets any of the following criteria:
 - i. Located on the rooftop of a building or within establishment with retractable roof (should remain open during hours of operation of outdoor dining and/or drinking); or
 - ii. Outdoor space connected to or located on the site of a restaurant, grocery store, health or fitness center, hotel, golf club, or other social club with a food establishment license; or
 - iii. Indoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening; or
 - iv. Any other outdoor dining and drinking areas authorized by local governments provided that food and drinks are prepared by licensed food or liquor establishments and that proper social distancing of 6-ft between designated customer tables and/or other seating areas is observed and parties are of 6 persons or fewer.
- For the purposes of these guidelines, businesses may be subject to additional regulations on outdoor dining by units of local government and local health departments

¹ This guidance is subject to State and local liquor control, food safety, and other applicable laws and regulations.

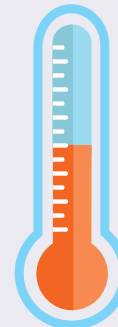


Uniform guidelines across businesses, industries and nonprofits within the State of Illinois:

GENERAL HEALTH

i. Minimum guidelines

1. Employees should wear face coverings over their nose and mouth when within 6-ft. of others (cloth masks preferred). Exceptions may be made where accommodations are appropriate – see [IDHR's guidance](#).
2. Arrange seating to provide a minimum of 6-ft between tables. Use of plexiglass between tables is a best practice.
3. Employer should provide hand washing capability or sanitizer to employees and customers
4. Bar and restaurant employees should wash hands for 20 seconds every 30 minutes, and:
 - a. Upon arrival to work
 - b. Prior to and during food preparation
 - c. When switching between tasks
 - d. Before donning gloves to work with food or clean equipment and utensils
 - e. After using the restroom
 - f. After handling soiled dishes and utensils
 - g. When visibly soiled
 - h. After coughing, sneezing, using a tissue, touching face,
 - i. After eating or drinking
 - j. After smoking or vaping
 - k. After handling cell phone
5. An adequate supply of soap, disinfectant, hand sanitizer, and paper towels must be available
6. Gloves should be worn by staff preparing food per pre-COVID food handling protocols, such as handling Ready to Eat (RTE) foods



HR AND TRAVEL POLICIES

i. Minimum guidelines

1. All employees should complete health and safety training related to COVID-19 when initially returning to work. Resources to design a training are posted on the DCEO Restore Illinois guidelines website
2. Employers should continue to limit all non-essential business travel
 - a. If employee must travel, employee should follow CDC considerations to protect themselves and others during trip
3. Employees should not report to, or be allowed to remain at, work if sick or symptomatic (with cough, shortness of breath or difficulty breathing, fever of 100.4 degrees or above, chills, muscle pain, headache, sore throat, new loss of taste or smell, or other [CDC-identified symptoms](#)), and sick or symptomatic employees should be encouraged to seek a COVID-19 test at a state or local government testing center, healthcare center or other testing locations



ii. Encouraged best practices

1. Provide reasonable accommodation for COVID-19-vulnerable employees, including but not limited to work from home (if feasible), reduced contact with others, use of barriers to ensure minimum distance between others whenever feasible or other accommodations that reduce chances of exposure

HEALTH MONITORING

i. Minimum guidelines

1. Employers should make temperature checks available for employees and encourage their use. Employers should post information about the symptoms of COVID-19 in order to allow employees to self-assess whether they have any symptoms and should consider going home.
2. All employers should have a wellness screening program. Resources outlining screening program best practices are posted on the DCEO Restore Illinois guidelines website
 - a. Employer should conduct in-person screening of employees upon entry into workplace and mid-shift screening to verify no presence of COVID-19 symptoms
3. If employee does contract COVID-19, they should remain isolated at home for a minimum of 10 days after symptom onset and can be released after feverless and feeling well (without fever-reducing medication) for at least 72 hours OR has 2 negative COVID-19 tests in a row, with testing done at least 24 hours apart
4. If an employee is identified as being COVID-19 positive by testing, CDC cleaning and disinfecting should be performed as soon after the confirmation of a positive test as practical
5. Where appropriate, notify employees who have been exposed
6. Any employee who has had close contact² with co-worker or any other person who is diagnosed with COVID-19 is required to quarantine for 14 days after the last/most recent contact with the infectious individual and should be encouraged to seek a COVID-19 test at a state or local government testing center, healthcare center or other testing locations. All other employees should be on alert for symptoms of fever, cough, or shortness of breath and taking temperature if symptoms develop



² Close contacts include household contacts, intimate contacts, or contacts within 6-ft. for 15 minutes or longer unless wearing N95 mask during period of contact.

Guidelines specific to outdoor dining and drinking establishments:

PHYSICAL WORKSPACE**i. Minimum guidelines**

1. Employer should display signage at entry with face covering requirements, social distancing guidelines, and cleaning protocols, in multiple languages as needed
2. Employer should configure space to allow for at least 6-ft. of distance between tables or other designated customer service areas
3. Employees should maintain social distance to the extent possible while performing services
4. Employer should close all open congregate areas (e.g., waiting areas)
5. Employers should close all self-service food areas (e.g., buffets, salad bars, coffee station)
6. Employers should eliminate table presets (e.g., table tents, menus, salt and pepper shakers, lemons, straws, shared condiments, etc.)
7. Employers should use single packet condiments, if possible, OR serve condiments in containers – such as a washable bowl or paper cup – that can be sanitized or disposed of after use (no shared condiments permitted)
8. Employers should use disposable silverware, if possible, OR use rolled silverware or silverware place in sleeves (employers should utilize gloves while rolling/placing in sleeves)
9. Employers should use disposable or touchless menus, if practical, or use menus that can be sanitized between each use
 - a. If practical, QR Digital menu or app-based ordering should be used
10. Employers should eliminate refilling customer beverages altogether and should use a new glass cleaned using proper dishwashing procedures
11. Close all self-service beverage stations
12. Water fountains in employee breakrooms, except for touchless water bottle refill stations, should be made unavailable for use (e.g. turned off, covered, area blocked)
 - a. If no touchless fountain is available, water may be served in sealed, single-use water bottles
13. Customers should handle their leftover food to be taken to-go
14. Ensure that the area for take-out customers allows for at least 6-ft of separation from seated customers
15. Customers should not be seated if inclement weather is forecasted
16. In case of inclement weather or emergency while customers are outdoor dining, food should be packaged to-go and customers encouraged to leave

**ii. Encouraged best practices**

1. Deliver items to table on service trays to minimize hand contact
2. Display visual markers 6-ft. apart at customer queue points
3. Display signage at exits of restrooms to promote use of paper towel to open door for exit
4. Display signage to promote distancing within shared restrooms
5. Eliminate seating at bars within restaurant to the extent possible
6. If practical, install impermeable barriers (e.g., plexiglass) from street and/or sidewalk traffic
7. If practical, install impermeable barriers between tables
8. If practical, install impermeable barriers in close contact areas (e.g., host stand, cashier)
9. If practical, implement touchless transactions
10. If practical, allow one-way traffic flow in and out of restaurant to the outdoor seating area to limit any congregation
11. Where building management practices allow, increase air turnover rates in occupied spaces and increase outside make-up air to the maximum extent practical

DISINFECTING/CLEANING PROCEDURES

i. Minimum guidelines

1. Cleaning and disinfecting of premises should be conducted in compliance with [CDC protocols](#) on a routine basis
2. Clean and disinfect common areas (e.g., restrooms, cafeterias) and surfaces which are touched by multiple people (e.g., entry/exit doorknobs, stair railings) frequently; every half hour recommended for high-traffic areas
3. Sanitization of multi-use items (e.g., menus, if reuse, special cards, pens, check presenters, etc.) should be completed after each use
4. Disinfect tables and chairs between parties and again at closing time (see [EPA approved list of disinfectants](#))
5. Discard any single-use or paper articles (e.g., paper menus) after each use



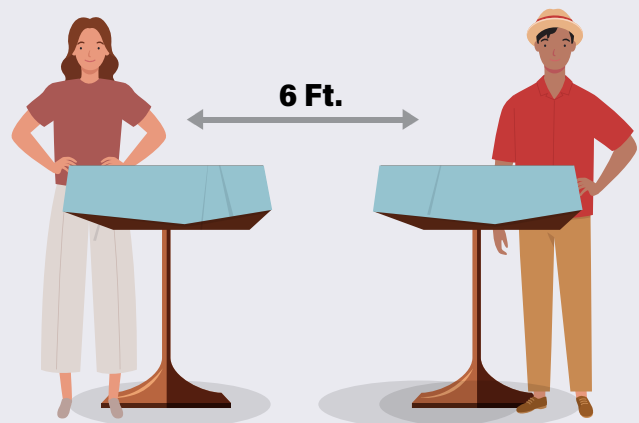
ii. Encouraged best practices

1. Provide hand sanitizer in outdoor seating area for customers. If hand sanitizer is placed in restrooms, assure handwashing is still encouraged
2. Create and implement an enhanced cleaning/sanitizing schedule for all food contact surfaces, and cleaning/disinfecting of non-food contact surfaces; if practical, have designated staff member that responsible for cleaning

STAFFING AND ATTENDANCE

i. Minimum guidelines

1. Outdoor area capacity shall be determined by arranging seating to provide a minimum of six feet between tables or other designated customer service areas.
2. Employee should social distance from customers while not performing services
3. Employer should limit the occupancy of common areas/ break rooms to allow for social distancing of 6-ft or greater by removing/decommissioning furniture or staggering break times; this guideline is not intended to diminish employees break time requirements
4. Live music is permitted but employees and performers should follow social distancing guidelines, keeping the maximum distance possible from each other and from customers. Performers should wear face coverings where possible and the use of barriers between singers and customers and employees during the performance is strongly encouraged.



ii. Encouraged best practices

1. If practical, alter hours of operation to adequately spread out customer traffic and allow for additional cleaning time
2. Stagger shift start and end times to minimize congregation of employees during changeovers
3. If practical, group employees in clusters and schedule groups on same shifts to reduce cross-team exposure

EXTERNAL INTERACTIONS

i. Minimum guidelines

1. Before allowing external supplier or non-customer visitor (excluding third-party visitors providing carry-out services only) to enter, or while requiring them to wait in a designated area, employer should ask whether external supplier or visitor is currently exhibiting COVID-19 symptoms
 - a. If practical, employer should take external supplier or non-customer visitor temperature using thermometer (infrared / thermal cameras preferred, touchless thermometers permitted)
2. Employer should keep log of all external suppliers who enter premises
3. Suppliers and other non-customer visitors should wear face coverings over their nose and mouth when entering premises (exceptions can be made for people with medical conditions or disabilities that prevent them from safely wearing a face-covering)

ii. Encouraged best practices

1. Limit contact between external suppliers and employees
2. Restrict suppliers from entering premises and if practical, have deliveries dropped at door



CUSTOMER BEHAVIORS

i. Minimum guidelines

3. 6-person party limit
4. Implement a reservation or call ahead model, if practical. All outdoor dining areas must be staffed to ensure social distancing will be maintained prior to guests being seated
5. Customers should wait for services off premises, either outdoors and maintaining social distance of 6-ft with use of recommended face coverings or in their vehicles. Customers should be seated immediately upon entry
6. Customers should wear face coverings over their nose and mouth while on premises, except while eating and drinking at table (exceptions can be made for people with medical conditions or disabilities that prevent them from safely wearing a face covering)



ii. Encouraged best practices

1. Before allowing entrance, employers ask whether customer is currently exhibiting COVID-19 symptoms
 - a. If practical, employer should take customer temperature using thermometer (infrared / thermal cameras preferred, touchless thermometers permitted)

**If you have questions or need additional support:
Please call our hotline at 1-800-252-2923
or e-mail us at ceo.support@illinois.gov
or return to www2.illinois.gov/business toolkit**

Additional Resources:

- FDA: [Food Safety and COVID-19](#)
- FDA: [Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery During COVID-19](#)
- FDA: [Use of Respirators, Facemasks, and Cloth Face Coverings in the Food and Agriculture Sector During Coronavirus Disease \(COVID-19\) Pandemic](#)
- FDA: [Employee Health and Personal Hygiene Handbook](#)
- CDC: [Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#)
- CDC: [What Grocery and Food Retail Workers Need to Know about COVID-19](#)
- CDC: [COVID-19 Resources for Businesses and Employers](#)
- CDC: [Restaurants and Bars Reopening Decision Tree](#)
- CDC: [COVID-19 Printed Resources](#)
- IDPH: [COVID-19 Resources for Businesses and Organizations](#)
- IDPH: [Guidance for Maintaining Water Systems During Reduced Use and Returning Water Systems to Regular Use after Extended Periods of Reduced Use](#)
- IDPH: [Retail Food Page and Food Codes](#)
- Illinois Department of Human Services: [FAQ for Businesses Concerning Use of Face-Coverings During COVID-19](#)
- EPA: [List of EPA-registered Disinfectants](#)
- AFDO: [Planning for Reopening Food Service Establishments As COVID-19 Impacts Best Practices and Protocol](#)
- OSHA: [Guidance of Preparing Workplaces for COVID-19](#)
- National Restaurant Association: [COVID-19 Reopening Guidance: A Guide for the Restaurant Industry](#)