



CITY OF WOOD DALE

NEXT ORDINANCE NUMBER: O-20- 013

NEXT RESOLUTION NUMBER: R-20- 36

PUBLIC NOTICE OF CITY COUNCIL MEETING

IN ACCORDANCE WITH THE APPLICABLE STATUTES OF THE STATE OF ILLINOIS AND THE ORDINANCES OF THE CITY OF WOOD DALE, THE NEXT REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF WOOD DALE IS SCHEDULED TO BE HELD AT THE HOUR OF 7:30 P.M. ON THURSDAY, MAY 28, 2020 IN THE COUNCIL CHAMBERS OF THE CITY HALL, 404 N. WOOD DALE ROAD, WOOD DALE, ILLINOIS, DURING WHICH MEETING IT IS ANTICIPATED THAT THERE WILL BE DISCUSSION OF THE FOLLOWING:

AGENDA
CITY OF WOOD DALE, ILLINOIS
SPECIAL CITY COUNCIL MEETING
MAY 28, 2020

I. CALL TO ORDER

II. ROLL CALL

Mayor Pulice

Alderman Catalano

Alderman Jakab

Alderman Messina

Alderman Sorrentino

Alderman Susmarski

Alderman Eugene Wesley

Alderman Roy Wesley

Alderman Woods

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

V. COMMUNICATIONS AND PETITIONS

Citizens will be given the opportunity to address the City Council during the time set aside in the Meeting for Public Comment under Communications and Petitions. Please direct your comments to the Mayor, limit your remarks to three (3) minutes, and kindly refrain from making repetitive statements.

A. Citizens To Be Heard - During the COVID-19 Pandemic, anyone wishing to participate in the public meeting of the City Council may do so from another location, as City Hall is closed to the Public, to ensure the safety of the public and Staff, by Zoom Teleconferencing. The Dial-In Number for the meetings will be (312) 626-6799 and the Meeting ID will be 962-4858-7209. Anyone wishing to provide comment on a topic or Agenda Item may address the City

Council by sending an email to the City at PublicComment@wooddale.com by 4:00 p.m. the day of the Meeting. Your comment or question will be read during the Public Comment portion of the Agenda.

B. Written Communiques of Citizens to Be Heard

VI. MAYOR'S REPORT

i. A Resolution Supplementing the Mayor's Emergency Proclamation

VII. CITY MANAGER'S REPORT

VIII. CONSENT AGENDA

A. Omnibus Vote

IX. COMMITTEE CHAIRMAN REPORTS

A. Planning, Zoning And Building Committee

B. Public Health, Safety, Judiciary And Ethics Committee

C. Public Works Committee

D. Finance And Administration Committee

i. An Ordinance Amending Chapter 5, Section 5.304 A.2 of the Municipal Code of the City of Wood Dale of 1993 to Provide for the Creation of a Class Covid Temporary Liquor License

X. OTHER BUSINESS

A. Airport Noise Report

B. Stormwater Commission Report

XI. APPROVAL OF LIST OF BILLS

XII. EXECUTIVE SESSION

XIII. ITEMS TO BE REFERRED

XIV. ITEMS FOR INFORMATION ONLY

XV. ADJOURNMENT

POSTED IN CITY HALL ON May 22, 2020 AT 4:00 PM

LYNN CURIALE, CITY CLERK

By: Maura Montalvo, City Deputy Clerk



REQUEST FOR COUNCIL ACTION

Referred to Council: May 28, 2020
Subject: Covid Liquor License/Building Code Exceptions
Staff Contact: Jeffrey Mermuys
Department: City Manager

TITLE: An Ordinance Amending Chapter 5, Section 5.304 A.2 of the Municipal Code of the City of Wood Dale of 1993 to Provide for the Creation of a Class Covid Temporary Liquor License

COMMITTEE ACTION FOLLOW-UP ITEMS:

N/A – The Governor amended his restore Illinois plan abruptly not allowing us the proper time to bring to Committee before Council meeting. Additionally with the potential timing for restaurants to re-open Council action is needed immediately.

RECOMMENDATION:

Adopt the new temporary Covid Liquor License, adopt the temporary outdoor dining code revisions, and finally adopt a financial stimulus package to help these local businesses resume sit down dining.

BACKGROUND:

As you know restaurants and bars have both been either closed or heavily restricted to pick-up/delivery only since the onset of the Governor's shelter in place order and his subsequent Restore Illinois Plan. Originally onsite dining was not going to be allowed until Phase 4 of the Restore Illinois Plan, then late this week the Governor amended the plan to allow onsite dining during phase 3 of the Restore Illinois Plan as long as the service was provided outside any establishment. This requires that each individual local authority enact the necessary code revisions needed to accommodate such business activity.

ANALYSIS:

Liquor Code

The current Liquor License Classifications do not contemplate the latest development in the COVID-19 Pandemic world. With the Governor adding amendments to his Phase 3 Restore Illinois Plan, the City is seeking to allow those Restaurants and Bars within the City limits to conduct activities outside of their Licensed Facility. In order to do so, the Liquor Code will need to be amended to accommodate these circumstances so as not to have the Liquor License Holders out of compliance with the restrictions in their existing Liquor Licenses.

Staff has prepared a COVID Temporary Liquor License which will allow those License Holders in good standing to apply for a Temporary COVID Liquor License. The License will allow the Licensed Facility to operate outdoors, in accordance with the Governor's most recent Executive Order. Further, the number of Licenses will be limited to those current License Holders who fall in the category of a Restaurant or Bar, with the corresponding Liquor License. The Temporary License will expire after ninety (90) days. However, staff did include language in the License terms that the License could be modified or revoked by the City, should the CDC, IDPH, the Governor's Office or the DuPage Health Department deem additional restrictions are required or that outdoor service is no longer permitted. Staff did take the liberty of including a Fee Waiver in the License.

We suggest the current Licensed Holders, since they have already completed a full Application, along with the required background checks, that they simply need to complete an abbreviated License Application for the COVID Temporary Liquor License.

There are also going to be specific restrictions relative to barricades, tent sizes, securing any outdoor furniture, etc. Those restrictions will be included in a separate document, as they are not necessarily appropriate for Liquor License requirements.

Building Code

Attorney Bond and Economic and Community Development Director Ed Cage are working on exceptions to the City Code requirements to accommodate the amendments to the Phase 3 Restore Illinois Plan. Rather than amending City Codes to address this current situation, it was decided that these exceptions to the City Code can be accomplished by Resolution. Resolution amending the ratification of the Mayor's Proclamation of an Emergency Disaster will be prepared for Council consideration. The Resolution will address the requirements for restaurant and bars to open with outside services, while ensuring the protection of their patrons and the public. Conditions will be included, such as partitioning off the area from vehicular traffic, tents less than 400 square feet in size, securing any covering or outdoor seating, restricting noise levels and the hours for any music or any other entertainment.

By including these restrictions in the Resolution, which is authorized under the Mayor's emergency powers, this will avoid the modifications of the numerous City Code provisions to deal with the one-time situation. The Resolution can, if new Guidelines are imposed or additional restrictions handed down by the Governor's Office, be amended to address this fluid situation. This will also prevent the necessity of restoring the modified City Code provision back to the pre-Covid requirements.

A draft copy of the Resolution will be supplied on Tuesday, May 26, 2020.

Financial Impacts

The last part of the proposed recommendations this evening revolve around any financial assistance the Council is willing to provide. As you know, this budget year has been thrown into a rather strange situation which will force us to make changes to our original budget that was developed pre Covid-19. The City Council has already provided numerous stimulus packages to date and this would be the next in line potentially.

To fund this particular stimulus package staff is recommending drawing from two different funding sources totaling a maximum exposure of \$200,000. Source 1 comes from the Tourism fund for \$110,000 which is roughly the amount of funding the City had budgeted for the canceled 2020 Prairie Fest. Source 2 comes from the recent passage of the 2020 Electric Aggregation Program and totals \$90,000. Staff's initial idea would be to set aside a maximum reimbursement amount per each individual business to help cover some of the costs of offering the outdoor dining experience throughout the duration of the summer as the Restore Illinois plan dictates. With an estimated maximum of 40 establishments (over-estimated), at a maximum amount of \$5,000 per establishment the Council would have enough to cover those expenses. Staff is working on the process and qualifications for this reimbursement. Council can chose the maximum amount listed above or they can decide on any financial amount keeping in mind there could be another stimulus program down the road to draw from these funds.

More information will be distributed to you on Tuesday, May 26, 2020 as staff prepares consolidated necessary code changes this include the revised Mayor's Emergency Proclamation.

DOCUMENTS ATTACHED

- ✓ Liquor Ordinance

ORDINANCE NO. O-20-013

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 5.304 A.2 OF
THE MUNICIPAL CODE OF THE CITY OF WOOD DALE OF 1993 TO
PROVIDE FOR THE CREATION OF A CLASS COVID
TEMPORARY LIQUOR LICENSE**

WHEREAS, the City of Wood Dale (hereinafter referred to as the “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City possesses the authority, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, to adopt ordinances pertaining to the public health, safety and welfare; and

WHEREAS, the City Council of the City (hereinafter referred to as the “City Council”) is the corporate authority for the City and is authorized by law to exercise all powers and to control the affairs of the City; and

WHEREAS, the City Council possesses full power and authority to approve and pass all necessary ordinances, resolutions, rules and regulations necessary for carrying into effect the objects for which the City was formed, in accordance with the Illinois Municipal Code; and

WHEREAS, due to the unprecedented COVID-19 Pandemic, in accordance with the Center for Disease Control (CDC) and the Illinois Department of Public Health (IDPH), Governor Pritzker entered certain Executive Orders under the Illinois Emergency Management Act, all non-essential businesses were shut down; and

WHEREAS, on March 16, 2020, in accordance with the Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* (ACT), the Mayor declared a local disaster emergency in the City due to the COVID-19 Pandemic; and

WHEREAS, the City Council, on March 19, 2020, consented to the Mayoral Declaration of a Local Disaster Emergency in the City of Wood Dale, due to the COVID-19 Pandemic, Resolution No. R-20-11; and

WHEREAS, the Governor established, in conjunction with the IDPH and in accordance with CDC Guidelines, a *Restore Illinois Plan*, designed to reopen Illinois, including businesses, in a Phased schedule,

WHEREAS, Bars and Restaurants were closed in accordance with said Executive Order(s); and

WHEREAS, On May 20, 2020, Governor Pritzker announced an update to Phase 3 of the *Restore Illinois Plan*, which allows for Bars and Restaurants to reopen, for outdoor seating only, utilizing social distancing and other restrictions; and

WHEREAS, the City recognizes the financial toll taken on its businesses as a result of the COVID-19 shutdown and determined that it is in the best interest of the City

to foster the reopening of those businesses, in accordance with the Governor's *Restore Illinois Plan*; and

WHEREAS, the current City Codes do not contemplate the unprecedented restrictions imposed as a result of this COVID-19 Pandemic shut-down; and

WHEREAS, the City has determined that amending its Liquor Code to accommodate the restrictions imposed on Bars and Restaurants limiting service to outdoor seating, will allow the Restaurants and Bars in the City limits to reopen and remain in compliance with the current restrictions; and

WHEREAS, the City has determined that it is appropriate to amend Chapter 5, Section 5.304 A.2, of the City Code, as set forth below, to provide for the creation of a Class COVID Temporary liquor license for retail sale of alcoholic beverages for consumption on the premises and the parking lot and adjacent area to the premises where sold.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wood Dale, DuPage County, Illinois, at a special meeting duly assembled, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: Chapter 5, Section 5.304.A.2, of the Municipal Code of the City of Wood Dale of 1993, as amended, be and hereby is restated and amended to add a CLASS COVID Temporary license, as follows to the itemization of License Classes:

CLASS COVID TEMPORARY: Authorizing current Liquor License Holders, in good standing, during the COVID Pandemic condition, to sell and offer for retail sale alcoholic beverages, as defined in the Liquor Control Act of 1934, to be sold and consumed on the premises, including the parking lot and area adjacent thereto, where alcoholic beverages are sold. Said License is subject to any and all other restrictions on the property on which the Licensed Premises is located, including those imposed by the property owner, landlord, condominium association or any such other restrictions encumbering the premises. Further, the License Holder must maintain all existing handicapped parking, unless suitable arrangements are made to relocate said handicapped parking to accommodate the outdoor use, said handicapped parking must be in accordance with Americans with Disabilities Guidelines.

It is the responsibility of the Licensee to fully comply with all Center for Disease Control (CDC) Recommendations, all Illinois Department of Public Health (IDPH) Rules and must obtain approval from the DuPage County Health Department.

Further, the License Holder shall segregate, by partition or otherwise, the area utilized for seating and its patrons from any and all vehicular traffic. Any music or other activities on the premises shall be conducted in

accordance with the City's current sound regulations and all music must cease by 9:00 p.m.

Such Temporary License shall be valid for a period of ninety (90) days and will thereafter terminate without further notice. The City reserves the right to expand, restrict or eliminate the conditions set forth herein in accordance with all Federal, State and Local regulations or mandates. The conditions and restrictions provided for in the current Liquor License, to the extent not otherwise modified herein, remain in full force and effect. Upon the expiration of this COVID Temporary License, the License Holder's operation shall resume under the terms and conditions of their existing Liquor License.

The City has determined, in light of the hardship experienced by the business establishments in the City from the COVID-19 Pandemic, to waive the License Fee for the COVID Temporary License. Any current Liquor License Holder, in good standing, is eligible for the COVID Temporary Liquor License, upon submitting an Application to the City.

Nothing herein shall prevent the City from otherwise exercising its general police powers to ensure the health, safety and welfare of the residents and City.

SECTION THREE: All other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION FOUR: That the City Clerk of the City of Wood Dale be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

SECTION FIVE: That this Ordinance shall be in full force and effect after its passage, approval, and publication in the manner provided by law.

PASSED this 28th day of May 2020.

AYES:_____

NAYS:_____

ABSENT:_____

APPROVED this 28th day of May 2020.

Annunziato Pulice, Mayor

ATTEST:

Lynn Curiale, City Clerk

Published in pamphlet form _____, 2020.

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Chapter 5, Section 5.304 A.2, of the Municipal Code of the City of Wood Dale of 1993, as amended, be and hereby is amended to add a new Liquor License Classification, CLASS COVID TEMPORARY, to the itemization of License Classes, as follows:

CLASS COVID TEMPORARY: Authorizing current Liquor License Holders, in good standing, during the COVID Pandemic condition, to sell and offer for retail sale alcoholic beverages, as defined in the Liquor Control Act of 1934, to be sold and consumed on the premises, including the parking lot and area adjacent thereto, where alcoholic beverages are sold. Said License is subject to any and all other restrictions on the property on which the Licensed Premises is located, including those imposed by the property owner, landlord, condominium association or any such other restrictions encumbering the premises. Further, the License Holder must maintain all existing handicapped parking, unless suitable arrangements are made to relocate said handicapped parking to accommodate the outdoor use, said handicapped parking must be in accordance with Americans with Disabilities Guidelines.

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