

**AGENDA and NOTICE OF SPECIAL SESSION MEETING
CITY OF HIGHLAND
LIQUOR COMMISSION
SATURDAY, MARCH 28, 2020
1:00 P.M.**

**NOTE: This meeting will be conducted via phone conference as part of COVID-19 response.
Please see page 2 of this agenda for instructions for submitting public comments
and for monitoring the meeting**

Call to order/Roll Call: Liquor Control Commissioner

PUBLIC FORUM:

A. Citizens' Requests and Comments:

**Anyone wishing to address the Liquor Commission may do so by following
the instructions on Page 2 of this agenda.**

New Business:

A. MOTION – Approve Issuance of Order Permitting Limited Delivery of Alcoholic Liquor in Accordance with the Illinois Liquor Control Commission's March 19, 2020 Guidance, and Permitted Only During the COVID-19 Health Emergency Restrictions on Taverns and Restaurants (attached)

Adjournment



Anyone requiring accommodations, provided for in the Americans with Disabilities Act (ADA), to attend this public meeting, please contact Dylan Stock, ADA Coordinator, by 9:00 AM on Friday, March 27, 2020, by calling 618-654-7115.

Directions for Public Monitoring of Highland City Council Meetings:

In an effort to protect as many individuals as possible, including the leaders of our communities statewide, Governor J.B. Pritzker has issued a number of directives, one of which was to suspend the provisions of the Illinois Open Meetings Act (5 ILCS 120), requiring or relating to in-person attendance by members of a public body. Specifically, (1) the requirement in 5 ILCS 120/2.01 that “members of a public body must be physically present;” and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted, are suspended. Public bodies are encouraged to postpone consideration of public business where possible. When a meeting is necessary, public bodies are encouraged to provide video, audio, and/or telephonic access to their meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well as their activities relating to COVID-19.

In following this directive, the City of Highland is providing the following phone number for use by citizens to call in just before the start of this meeting:

618-882-5625

Once connected, you will be prompted to enter a conference ID number.

Conference ID #: 422312

This will allow a member of the public to hear the city council meeting. **Note:** This is for audio monitoring of the meeting, only. Participants will not be able make comments.

Anyone wishing to address the city council on any subject during the Public Forum portion of the meeting may submit their questions/comments in advance via email to lhediger@highlandil.gov or, by using the citizens’ portal on the city’s website found here:

https://www.highlandil.gov/citizen_request_center_app/index.php. Any comments received prior to the end of the “Public Forum” portion of the meeting, will be read into the record.

LIQUOR CONTROL COMMISSION ORDER NO. _____

**AN ORDER PERMITTING LIMITED DELIVERY OF ALCOHOLIC LIQUOR
IN ACCORDANCE WITH THE ILLINOIS LIQUOR CONTROL COMMISSION'S
MARCH 19, 2020 GUIDANCE, AND PERMITTED
ONLY DURING THE COVID-19 HEALTH EMERGENCY RESTRICTIONS
ON TAVERNS AND RESTAURANTS**

WHEREAS, the City of Highland, Madison County, Illinois (hereinafter “City”), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

WHEREAS, City has determined the City Liquor Control Commission is responsible for determining whether to permit limited delivery of alcoholic liquor in accordance with the Illinois Liquor Control Commission’s March 19, 2020 Guidance; and

WHEREAS, the Illinois Liquor Control Commission’s March 19, 2020 Guidance states, in pertinent part:

Delivery Authorization

Due to the hardships on liquor license holders as a result of the COVID-19 virus outbreak and in an effort to limit gatherings at a single business location, the Illinois Liquor Control Commission temporarily authorizes the delivery of alcoholic liquor to non-licensees under the following conditions:

1. Subject to the approval of the local liquor control commission, all retail licensees, including on-premises only licensees, (“Retailers”) shall be authorized by the State Commission to conduct packaged sales, “to go” sales, curbside deliveries, home residential deliveries, and any other sale or delivery intended to promote social distancing (“Temporary Deliveries”).
2. Subject to authorization of the local liquor control commission, brewer, class 1 brewer, class 2 brewer, class 1 craft distiller, class 2 craft distiller, brew pub, distilling pub, and wine-maker premises license holders (“Temporary Delivery Licensees”) shall have the limited authority to make Temporary Deliveries of alcoholic liquor.
3. Retailers and Temporary Delivery Licensees shall not conduct Temporary Deliveries of alcoholic liquor they are not normally authorized to sell to non-licensees.

4. Subject to authorization of the local liquor control commission, Retailers and Temporary Delivery Licensees may use third party delivery services to make Temporary Deliveries.
5. Including all sales of beer pursuant to 235 ILCS 5/6-6.5 (growlers/crowlers), all Temporary Deliveries shall be made in the original container. Licensees are not authorized to sell or deliver pre-mixed cocktails normally intended for on-premises consumption (e.g. pre-mix margaritas, sangrias).
6. All Temporary Deliveries made to a residence or to a curbside vehicle shall require the delivery representative to observe the appearance of the delivery recipient at a safe social distance, and if necessary, require the examination of the recipient identification to ensure the recipient is over twenty-one. If such observation of the recipient or recipient identification cannot be accomplished while respecting safe social distancing, the alcoholic liquor shall be returned with a full refund.

The temporary authorization of deliveries contained herein overrides all previous COVID-19 statements made by the State Commission related to alcoholic liquor deliveries.

Alcoholic liquor deliveries made under the conditions set forth herein are temporary and are not generally authorized by the Illinois Liquor Control Act or Illinois Liquor Control Commission Rules. All Temporary Delivery authorizations are for the purpose of promoting safe social distancing and shall be rescinded upon the termination of COVID-19 emergency restrictions.

(See Illinois Liquor Control Commission's March 19, 2020 Guidance attached hereto as **Exhibit A**); and

WHEREAS, the City Liquor Control Commission desires to assist City's taverns and restaurants, with liquor licenses including: A1, A2, D1, and D2, during this unprecedented COVID-19 health emergency; and

WHEREAS, the City Liquor Control Commission desires to promote social distancing during this unprecedented COVID-19 health emergency; and

WHEREAS, the City Liquor Control Commission has determined that DRAM shop insurance covering any tavern or restaurant, with liquor licenses including: A1, A2, D1, and D2, shall be required if any tavern or restaurant desires to deliver alcoholic liquor as permitted herein; and

WHEREAS, the City Liquor Control Commission and has determined that any delivery of alcoholic liquor, as permitted herein, shall be limited to 5 PM to 11 PM, during the COVID-19 health emergency; and

WHEREAS, the City Liquor Control Commission finds that the City Manager and/or Mayor should be authorized and directed, on behalf of the City of Highland, to execute whatever documents are necessary to permit limited delivery of alcoholic liquor by taverns and restaurants, with liquor licenses including: A1, A2, D1, and D2, as stated herein.

NOW, THEREFORE, BE IT ORDERED, by the City Liquor Control Commission of the City of Highland, Illinois, as follows:

Section 1. The foregoing recitals are incorporated herein as findings of the City Council of the City of Highland, Illinois.

Section 2. All taverns and restaurants, with liquor licenses including: A1, A2, D1, and D2, and including on-premises only licensees (“A1, A2, D1, and D2 Liquor Licensees”) shall be authorized to conduct packaged sales, “to go” sales, curbside deliveries, home residential deliveries, and any other sale or delivery intended to promote social distancing (“Temporary Deliveries”).

Section 3. All A1, A2, D1, and D2 Liquor Licensees, including any Brewer, Class 1 Brewer, Class 2 Brewer, Class 1 Craft Distiller, Class 2 Craft Distiller, Brew Pub, Distilling Pub, and Wine-Maker premises license holders, shall have the limited authority to make Temporary Deliveries of alcoholic liquor.

Section 4. A1, A2, D1, and D2 Liquor Licensees shall not conduct Temporary Deliveries of alcoholic liquor they are not normally authorized to sell to non-licensees.

Section 5. A1, A2, D1, and D2 Liquor Licensees may use third party delivery services to make Temporary Deliveries.

Section 6. Including all sales of beer pursuant to 235 ILCS 5/6-6.5 (growlers/crowlers), all Temporary Deliveries shall be made in the original container.

Section 7. A1, A2, D1, and D2 Liquor Licensees are not authorized to sell or deliver pre-mixed cocktails normally intended for on-premises consumption (e.g. pre-mix margaritas, sangrias, etc.).

Section 8. All Temporary Deliveries made to a residence or to a curbside vehicle shall require the delivery representative to observe the appearance of the delivery recipient at a safe social distance, and if necessary, require the examination of the recipient identification to ensure the recipient is over twenty-one. If such observation of the recipient or recipient identification cannot be accomplished while respecting safe social distancing, the alcoholic liquor shall be returned with a full refund.

Section 9. Dramshop insurance covering A1, A2, D1, and D2 Liquor Licensees shall be required to deliver alcoholic liquor as permitted herein. A1, A2, D1, and D2 Liquor Licensees shall file a certificate by an insurance company authorized to do business in the state certifying valid and current dramshop insurance for delivery of alcoholic liquor which meets or exceeds the minimum coverages at such amount as established by the state law.

Section 10. Delivery of alcoholic liquor by A1, A2, D1, and D2 Liquor Licensees, as permitted herein, shall be limited to 5 PM to 11 PM, during the COVID-19 health emergency.

Section 11. Alcoholic liquor deliveries made under the conditions set forth herein are temporary and are not generally authorized by the Illinois Liquor Control Act or Illinois Liquor Control Commission Rules. All Temporary Delivery authorizations are for the purpose of promoting safe social distancing and shall be rescinded upon the termination of COVID-19 emergency restrictions.

Section 12. The City Manager and/or Mayor is directed and authorized, on behalf of the City of Highland, to execute whatever documents are necessary to permit the delivery of alcoholic liquor by A1, A2, D1, and D2 Liquor Licensees, as stated herein.

Section 13. This Liquor Control Commission Order shall be known as Order No. _____ and shall be effective upon its passage and approval in accordance with law.

Passed by the Liquor Control Commission of the City of Highland, Illinois, and deposited and filed in the Office of the City Clerk, on the __ day of _____, 2020, the vote being taken by ayes and noes, and entered upon the legislative records, as follows:

AYES:

NOES:

APPROVED:

Joseph R. Michaelis
Local Liquor Control Commissioner
City of Highland, Madison County, Illinois

ATTEST:

Barbara Bellm, City Clerk
City of Highland, Madison County, Illinois