



Remote Meeting Instructions for the June 9, 2020, Special City Council Meeting:

In order to comply with all health orders and guidelines, and the Governor's April 27, 2020, Safer-at-Home guidelines intended to stop the spread of the COVID-19 (Coronavirus), **no physical location, including the City Council Chambers, will be set up for viewing or participating in this Worksession. Because this is a Worksession, no public input will be accepted in any format, written or otherwise.**

The **only** way to view this Worksession is to follow the instructions below to watch the YouTube live stream.

- From your laptop or computer, click the following link or enter it manually into your Web Browser: (www.youtube.com/CityofGreeley)
- Clicking the link above will take you to the City of Greeley's YouTube Channel.
- Once there, you will be able to view the Worksession!

Please contact the City Clerk's Office with any questions you might have at 970-350-9740. Thank you!



Mayor
John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Kristin Zasada
At-Large

Ed Clark
At-Large

A City Achieving
Community Excellence

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

City Council Special Agenda

June 09, 2020 at 6:00 PM

This meeting will be conducted remotely. (See instructions on previous page to view the YouTube live stream.)

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Introduction and first reading of an ordinance amending the Greeley Municipal Code by amending Sections 6.16.025, 6.16.270, and 6.16.275; by the addition of Section 6.16.271, creating a "Downtown Open Consumption Area"; by renumbering and amending Section 13.40.065; and by repealing Section 6.16.272 in its entirety
5. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
6. Adjournment

Council Agenda Summary

June 9, 2020

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

June 9, 2020

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

June 9, 2020

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

June 9, 2020

Agenda Item Number 4

Key Staff Contact: Becky Safarik, Assistant City Manager, 970-350-9785

Title:

Introduction and first reading of an ordinance amending the Greeley Municipal Code by amending Sections 6.16.025, 6.16.270, and 6.16.275; by the addition of Section 6.16.271, creating a "Downtown Open Consumption Area"; by renumbering and amending Section 13.40.065; and by repealing Section 6.16.272 in its entirety

Summary:

In response to an effort to limit the spread of the COVID-19 virus, the State issued orders that closed or limited the operation of nearly every form of gathering of persons, including retail stores and restaurants. As the spread of the virus slowed and health care providers were able to manage patient care at less than capacity levels, the State relaxed its orders on physical distancing to allow a staged and measured reintroduction of the movement of its residents by allowing the limited reopening of stores, offices, restaurants, and certain public spaces. Re-opening guidance was provided to limit interactions between persons, promote cleaning and disinfection of touch points, and requiring face coverings, taking temperatures of employees and patrons and other measures.

Many restaurants are eager to reopen to in-house dining and have begun to rearrange seating and protocols to invite patrons in under the new State Guidance. With the requirements to distance customer seating, restaurants are looking for ways to expand outdoor seating to gain sufficient seating to be profitable at their previous occupancy levels.

To support this effort, the City has developed an expedited process to review and approve these temporary alternative outdoor seating arrangements in accordance with emergency regulations issued by the Colorado Department of Revenue's Liquor Enforcement Division. This process allows a liquor licensee to expand their outdoor seating into areas that would not traditionally be authorized.

In the Downtown, the City took additional measures by:

1. Identifying City property in the form of plazas, sidewalks, portions of alleys, parking lots and parking lanes that could be used for businesses to expand their seating;
2. Posted the legal notice required by the Liquor Authority for that entire area so that businesses would not need to do so individually;
3. Waived all local lease, permit, and liquor license fees. In addition, the City obtained a grant from the City/Chamber Business Recovery Fund to pay for the State liquor license fees on behalf of the business applicants (applies to all applicants city-wide).

Staff presented the scope and scale of this accommodation at the Council's weekly COVID briefing meeting on May 29, 2020. A list of businesses across the City that have initiated or received permits to expand their premises is attached (Attachment A). The summary of the staff's presentation related to the Downtown expanded use accommodation is also attached (Attachment B)

Downtown restaurant and bar owners have also requested that the City take the additional step of closing the 8th and 9th Street plazas to allow the placement of table seating on the hard surface areas throughout the area (excluding the drive lanes necessary to remain unobstructed). In this fashion, they envisioned the creation of a common "food court" sort of atmosphere on the two plazas where patrons could enjoy their meals outdoors without the restaurants each providing their own outdoor seating.

The possession and consumption of alcohol in public areas is prohibited by State law, unless a local government has specifically approved such possession and consumption via local ordinance. State law prohibits the possession and consumption of alcohol in public rights-of-way.

The City does not allow open possession and consumption of alcohol in public areas, except for in public parks (and excluding Glenmere, Lincoln and Island Grove), without a special event permit issued by the Liquor Licensing Authority, or pursuant to a Common Consumption certification issued to a Promotional Association. The legislation created for Common Consumption Areas (the Downtown's Friday Fest) is not adaptable to the proposal by the Downtown restaurants nor have the Downtown businesses requested this designation. The legislative option remaining is to create a limited open consumption area on the two plazas.

There are some aspects of closing the plazas through September and potential behavior considerations to weigh in allowing for open consumption in this area. Staff researched how other communities have approached the restaurant expansion, which is described in Attachment C. While many cities have closed streets to support additional seating, they have only authorized this expansion via a modification of their liquor licensed premises- identical to the approach Greeley had taken to allow individual businesses to expand their seating into the sidewalk areas. Only one, Union Station, has a common seating area and that is provided in their normal course of business because Union Station operates under a single liquor license. No other Colorado jurisdiction staff contacted has used an open container law to support expanded restaurant use.

Staff has endeavored to provide as much management control as possible in the attached draft ordinance. A summary and comparison of the current option for restaurant seating expansion and the open container provision, along with a list of alternative provisions researched, is attached as Attachment D, and will be reviewed with Council at the Special Meeting on June 9th.

Staff will also be meeting with Downtown business owners prior to the Council meeting (on Monday June 8th) to review the draft ordinance, respond to their questions, and invite suggestions. Staff will share those comments with Council at the meeting. Once Council is satisfied with the draft ordinance, staff has arranged with the Downtown

Development Authority to make the draft ordinance and supporting material available to the downtown community in order for the Council to have the opportunity to receive broad input at the time of the public hearing (June 23, 2020).

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	N/A
What fund of the City will provide Funding?	N/A
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

C.R.S. § 44-3-901 states that it is unlawful to consume any alcohol beverages in a public place. This statute allows a municipality to specifically authorize consumption of alcohol beverages in a public place, other than a public right of way. Additional legal issues are addressed in the attached chart.

Other Issues and Considerations:

City Council will need to specifically set June 23, 2020 as a special council meeting to accommodate the public hearing for his item on an expedited schedule.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

1. Introduce the ordinance as presented;
2. Amend the ordinance and introduce as amended;
3. Deny the ordinance;
4. Continue consideration of the ordinance to a date certain

Council's Recommended Action:

A motion to introduce the ordinance and schedule a public hearing for June 23, 2020.

Attachments:

Ordinance

- Attachment A: Current Greeley Restaurant Expansion Applications
- Attachment B: Overview of Currently Expedited Process and Options
- Attachment C: Research of Colorado Cities and Practices
- Attachment D: Summary Chart

CITY OF GREELEY, COLORADO
ORDINANCE NO. ____, 2020

AN ORDINANCE AMENDING THE GREELEY MUNICIPAL CODE BY AMENDING SECTIONS 6.16.025, 6.16.270, AND 6.16.275; BY THE ADDITION OF SECTION 6.16.271, CREATING A “DOWNTOWN OPEN CONSUMPTION AREA”; BY RENUMBERING AND AMENDING SECTION 13.40.065; AND BY REPEALING SECTION 6.16.272 IN ITS ENTIRETY

WHEREAS, Section §44-3-901(1)(i)(1)(VII) of the Colorado Revised Statutes authorizes a person who is at least twenty-one years of age to consume alcohol beverages in any public place, other than a public right of way, when specifically authorized by a municipal ordinance; and

WHEREAS, the City Council has considered the merits of allowing the possession and consumption of alcohol beverages on public property in a designated downtown area due to the COVID-19 pandemic; and

WHEREAS, the City Council believes that authorizing the possession and consumption of alcohol beverages on public property in a designated downtown area for a limited time will allow businesses in the downtown area to recover more quickly from the COVID-19 pandemic; and

WHEREAS, the City Council believes that a sunset provision on the ordinance allowing the possession and consumption of alcohol beverages on public property in a designated downtown area is important since this ordinance has been determined by City Council to be necessary due to the COVID-19 pandemic and the related state restrictions on service inside restaurants; and

WHEREAS, staff recommends moving existing ordinances relating to open consumption of alcohol beverages in parks into Chapter 16 for consistency; and

WHEREAS, the City Council has determined that this ordinance is in the best interests of the citizens of the City of Greeley, Colorado.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

Section 1. Greeley Municipal Code Sections 6.16.025, 6.16.270, and 6.16.275 are hereby amended as described on Exhibit A, attached hereto.

Section 2. The Greeley Municipal Code is amended by the addition of Section 6.16.271 as described on Exhibit A, attached hereto.

Section 3. Section 6.16.272 of the Greeley Municipal Code is hereby repealed in its entirety.

Section 4. Section 13.40.065 is renumbered as Section 6.16.273, and is amended as described on Exhibit A attached hereto.

Section 5. Section 6.16.271 of the Greeley Municipal Code enacted by this Ordinance shall automatically be repealed on September 7, 2020 unless otherwise extended by City Council by Ordinance.

Section 6. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2020.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor

6.16.025 - Definition.

- (a) Certain terms and expressions used herein shall have the following meanings:

Alcohol means malt, vinous or spirituous liquors and fermented malt beverages, as those terms are defined by state law.

Applicant means one making an application for a license under this Chapter, and includes:

- ~~A~~1. If an individual, that person making the application;
- ~~B~~2. If a partnership, all the partners of the partnership which is making the application;
- ~~C~~3. If a corporation, any officer, director, manager or stockholder therein making the application; or
- ~~D~~4. If a limited liability company, any member therein making the application.

Authority or Licensing Authority means the Hearing Officer appointed by the City Council by resolution.

Fermented malt beverage has the same meaning as set forth in the Colorado Beer Code.

Hearing Officer means the individual, licensed to practice law in Colorado, appointed by the City Council, to carry out the duties as described in Section 6.16.020 and other rules, regulations, policies and procedures as may be established.

Malt, vinous, and spirituous liquor has the same meaning as set forth in the Colorado Liquor Code.

Manager means and includes that person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this Chapter.

Person includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

- (b) All other words and phrases used in this Chapter shall have the meanings attached by the state statutes regulating the sale of alcohol, or if not otherwise defined by law, as are used in their common, ordinary and accepted sense and meaning.

6.16.270 – Prohibiting Open containers of alcohol in certain public areas.

- (a) No person within the city limits shall possess an opened container of or consume alcohol in public, except upon premises licensed for consumption of the liquor or beverage involved or as authorized in this Chapter.

(b) For purposes of this section, opened container means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage or as defined by the Colorado Liquor Enforcement Division. If an original container has been unsealed, undone, or opened in any manner, it is an opened container for purposes of this section.

(c) For purposes of this section, in public means:

(1) In or upon any public highway, street, alley, walk, parking lot, building, park, or other public property or place, whether in a vehicle or not;

(2) In or upon those portions of any private property upon which the public has an express or implied license to enter or remain; or

(3) In or upon any other private property without the express or implied permission of the owner or person in possession and control of such property or such person's agent.

~~(a) It is unlawful for any person to serve, consume or possess an open container of alcohol when on, in or using, by conveyance or otherwise, Glenmere Park and any of its adjacent public streets, parking lots, alleys or sidewalks.~~

~~(b) It is unlawful for any person to serve, consume or possess an open container of alcohol when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center.~~

~~(c) This Section shall not apply to the serving or consumption of alcohol within the premises of the Union Colony Civic Center, Greeley Recreation Center, Greeley Active Adult Center, Greeley Ice Haus or the Greeley History Museum when the serving or consumption of alcohol is in conjunction with an event under the control of an authorized licensee or at authorized social gatherings (such as banquets, luncheons, wedding receptions) held within the confines of those facilities.~~

~~(d) It is unlawful for any person to serve, consume or possess an open container of alcohol when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center.~~

(f) Violations. Notwithstanding any other part of this Chapter, a violation of this Section shall be punishable as a misdemeanor offense.

6.16.271 – Authorizing Open Containers of alcohol in certain areas.

(a) For the purposes of this Section, the term “Downtown Open Consumption Area” shall be defined as that area beginning at the west curb line of 8th Avenue to the east curb line of 9th Avenue and between the south edge of the east/west alley between 7th and 8th Streets, and the north edge of the east/west alley between 9th and 10th Streets.

- (b) During the hours of 7:00 a.m. to 10:00 p.m., it is not unlawful to possess or consume an open container of alcohol in or upon the sidewalks, parking lots, or other public property or place located in the Downtown Open Consumption Area, except that no alcohol may be possessed or consumed in or on the public rights of way.
- (1) If a special event permit for the sale of liquor or fermented malt beverages has been issued for all or a portion of the property located in the Downtown Open Consumption Area pursuant to C.R.S. § 44-5-101, et seq. then no person shall take or consume any malt, vinous, or spirituous liquor or fermented malt beverage onto or in the area designated in such permit except in accordance with such permit if a sign has been posted giving notice of the time and location of the area so restricted.
- (2) Open containers of alcohol shall not be permitted in the Downtown Open Consumption Area on any date and during any time when the Downtown Entertainment District has been designated by a Promotional Association and certified by the Liquor Licensing Authority as a Common Consumption Area.
- (b) It is unlawful for a person to bring, or have in his or her possession, any glass beverage container in the Downtown Open Consumption Area.
- (c) Violations. Notwithstanding any other part of this Chapter, a violation of this Section shall be punishable as a misdemeanor offense.
- (d) This section shall be automatically repealed on September 7, 2020 unless otherwise extended by City Council.

~~6.16.272 – Restrictions in Lincoln Park for alcohol; possession of alcohol restricted.~~

- ~~(a) It is unlawful for any person to serve, consume or possess an open container of alcohol in Lincoln Park, which is located between 7th to 9th Streets and 9th to 10th Avenues.~~
- ~~(b) This Section shall not apply to areas contained within the premises holding a license issued by the Liquor Authority. That a person is a bona fide alcohol delivery person en route to make such deliveries would be a defense to a violation of this Section.~~
- ~~(c) Notwithstanding any other part of this Chapter, a violation of this Section shall be punishable under Chapter 1.32 of this Code.~~

13.40.065 – 6.16.273 Alcohol consumption in parks.

- (a) ~~Hard alcohol or s~~Spirituous liquor is prohibited, but vinous liquor, malt liquor beer, wine and ~~other~~ fermented malt beverages may be consumed by adults in City parks except the following:
- (a~~1~~) Glenmere Park and any of its adjacent public streets, parking lots, alleys or sidewalks;

(b~~2~~) Lincoln Park, located between 7th to 9th Streets and 9th to 10th Avenues, except within premises holding a license or permit issued by the Liquor Licensing Authority; and

(e~~3~~) Island Grove Regional Park on any calendar day during which the premises is subject to a special event permit.

(b) Violations. Notwithstanding any other part of this Chapter, a violation of this Section shall be punishable as a misdemeanor offense.

6.16.275 - Restrictions in Island Grove Park.

(a) It is unlawful for any person to serve, consume or possess an open container of alcohol within the boundaries of Island Grove Park on any calendar day during which the premises is subject to a special event permit.

(b) This Section shall not apply to areas contained within the premises holding a liquor license issued by the Liquor Authority.

(c) Violations. Notwithstanding any other part of this Chapter, a violation of this Section shall be punishable as a misdemeanor offense.

Attachment A

Temporary Modifications of Premises

Applications to Date – June 5, 2020

Business	Permit Type	Date Filed	Pending...	Date Issued
Bulldog Deli	Temp Mod	May 26	N/A	June 2
Tower 56	*RUP only (state-issued license)	May 26	N/A	June 2
Right Coast Pizza	Temp Mod/RUP	May 28	Amended diagram allowing for acceptable ADA and pedestrian access/walkway on 8 th Street	
Key Largo Lounge	Temp Mod	June 3	Liquor Admin Review Team review – due 6/08	
Coyote's SW Grill	Temp Mod	---		
Old Chicago	Temp Mod	---		
Fat Albert's	Temp Mod	---	Submitted of all required documentation including written control plan, diagram, and lease or permission to use added space	

*RUP = Revocable Use Permit for City-owned right-of-way

DOWNTOWN RESTAURANT EXPANSION OF OPERATIONS

OVERVIEW & OPTIONS



State Guidance: Temporary* Outdoor Customer Seating

- **Groups seated together are limited to 8 persons**
- **Customers must be seated at tables 6' apart**
- **All employees must wear face coverings**
- **Disinfecting and deep cleaning of all shared surfaces between customer seatings**

Local and state liquor licensing requirements apply to those establishments serving alcohol.

Seating areas can be established and food served while the approval for a modified premises liquor license is reviewed.

**120 days from May 15th*



Liquor licensing

- Existing liquor-serving establishments may apply to add or expand an outdoor seating area, meeting state guidance;
- Applicant must have legal possession of the expanded space via a written lease, license, or other permission to use the outdoor space (if City property a revocable permit can be issued);
- The expanded space must be adjacent to or contiguous to the establishment but that requirement can be met by creating a short pathway to the expanded space;
- City has waived its application fee of \$150 and will also pay the State fee of \$150 for the applicant via a grant of \$5,000 from Greeley Area Recovery Fund (State's fee already reduced by 50%);
- City will establish a pre-approved area for business expansions and will post a blanket public notice on behalf of Downtown area to reduce processing time
- City will process applications simultaneously with the State application; combined process from date of submission ~ 7-8 days (reducing combined review time by 2/3)





City will allow use of certain sidewalks and parking lots as long as pedestrians are accommodated; however, 8th & 9th Streets cannot be closed nor obstacles placed in those areas due to emergency access needs

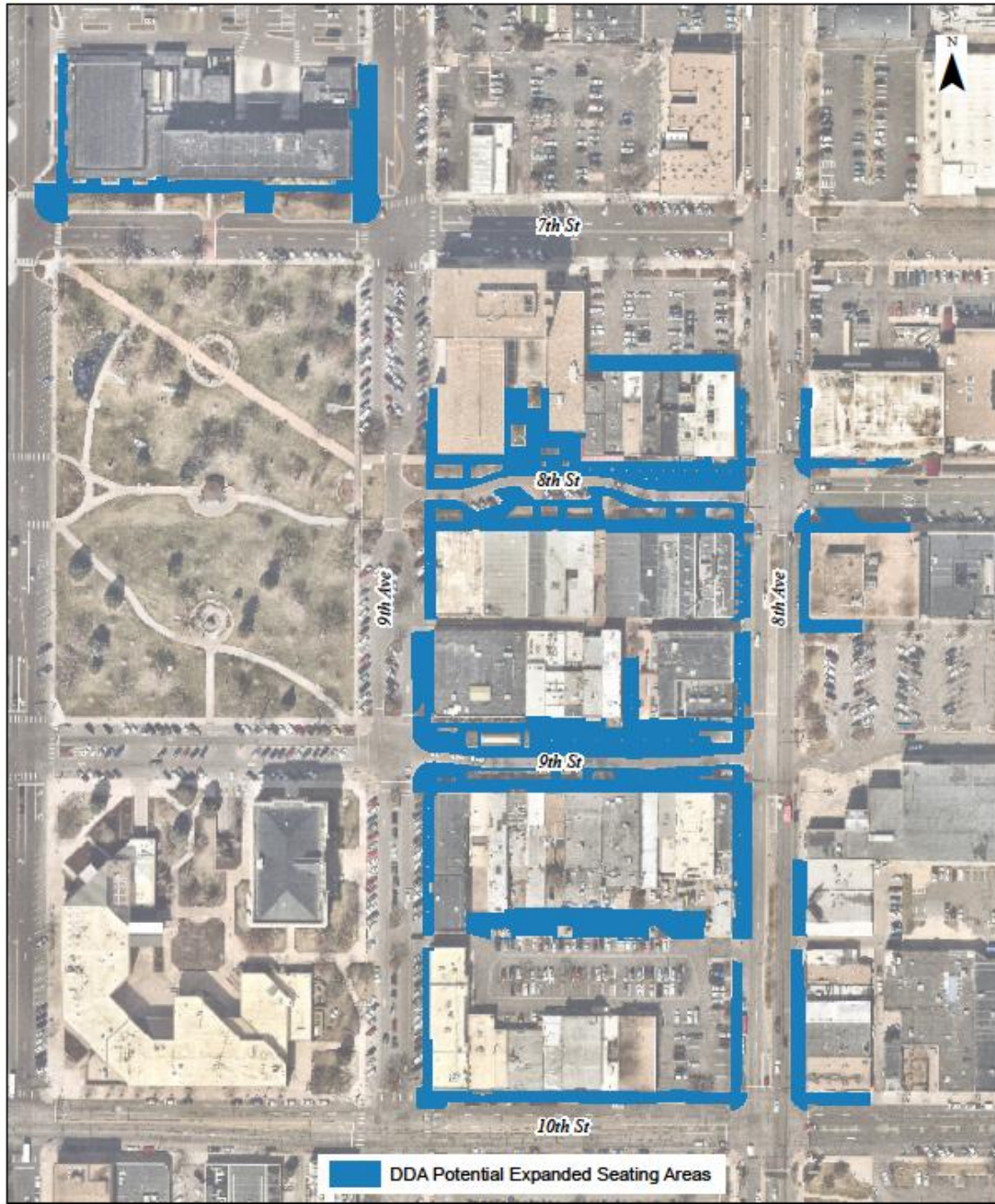


Weld County is willing to allow a portion of the CHASE Plaza for restaurant seating



CDOT is open to proposals for use of their sidewalks and portions of streets

See map, next slide



*Map is preliminary subject to final
County & CDOT area approvals and
feedback from downtowners*

Options

Each Business Submits for its Service Area Expansion

1. Identify area for expansion from the City map OR propose an alternate area
2. Complete revocable permit for expansion of restaurant use on City-controlled property. *Once granted by City, outdoor food service can begin as soon as seating and perimeter fencing is in place (1 -3 days).*
3. If planning to serve alcohol outdoors, submit additional modification of premises information (streamlined liquor license process)
4. Liquor application reviewed by City/State simultaneously
5. Anticipated approval 7-8 days total *(about 1/3 the normal processing time)*

Common Consumption Overlay

Common Consumption Legislation was intended to support events/venues which promote social interactions between and among area uses. The State has not concluded this procedure can be used for restaurant premise expansion.

In Greeley, the Common Consumption regulations work well for events where street can be briefly closed; does not work when street needs to remain open (CC boundary cannot cross open street, e.g. 9th Street, 8th Street);

Under State rules, individuals must stay seated in a specific restaurant's area;

"Common Consumption" use conflicts with the State standards for maximum group size in a shared area

Notes:

- **The expanded seating area application is an administrative process; no action by City Council is required**
- **The modification of premises to serve alcohol is approved by the State and locally by the Administrative Hearing Officer**
- **Goal is to balance interest of different downtown businesses, residents, operations**
- **Comply with State Orders and flex with further amendments**
- **Technical support is available from staff to complete applications**



Next Steps:

- ***Finalize map based upon County, CDOT, Downtown feedback***
- ***Post public notice for potential expanded liquor license premises in map area***
- ***Post Revocable Permit Application on City website***
- ***Accept/process applications for premises expansion and for modified premises for alcohol sales and service***

Questions & Comments



Attachment C

Colorado Municipality Street Closures and Licensure:

Municipality	Location	Street Closure?	Licensed via
City of Boulder	Pearl Street	Yes w/fire lanes and ADA accessibility	Temporary Modifications by individual businesses
City of Arvada	Old Towne	Yes w/fire lanes and ADA accessibility	Temporary Modifications by individual businesses
City of Denver	Union Station	N/A	Permanent liquor license for entire space, which allows alcohol throughout the Station, regardless of where food is purchased
City of Fort Collins	Downtown and other various locations	None	Temporary Modification by individual businesses
City of Grand Junction	Various locations	None	Temporary Modifications by individual businesses
City of Loveland	Various locations	None	Temporary Modifications by individual businesses
City of Greenwood Village	Various locations	None	Temporary Modifications by individual businesses

REVIEW OF OPTIONS FOR DOWNTOWN OPEN AREA USE FOR DINING & ALCOHOL CONSUMPTION

Attachment D

	<u>INTERIM RULES FOR USE OF CITY PROPERTY (IN PLACE)</u>	<u>OPEN CONTAINER ORDINANCE (DRAFT PROPOSAL)</u>
AREA INCLUDED	All areas shown in blue on map are pre-approved areas w/in which businesses can propose expansion of their patios/premises	8th and 9th Street plaza areas between 8th & 9th Streets and between east/west alleys north and south of 8th & 9th Street
PUBLIC STREETS	Remain open	8th & 9th Streets would be closed proposal by DT businesses (not required)
PARKING	Certain parking spaces on adjacent to the 8th & 9th Street plazas, on-street lanes and portions of alleys and City parking lots could be areas for expansion; otherwise, as signed	All parking adjacent to the 8th & 9th Street plazas would be converted to outdoor seating space
SEATING	Each business could expand their seating space into the City property upon application; patrons could dine inside or outside until 10PM w/in those approved areas. Areas would be defined with simple vertical barriers (stanchions, ropes, fencing, lights, etc.)	Seating could occur on DT-provided tables and chairs spaced around the hard-surface plaza seating area (not in street) or on vertical curbs
HOURS OF OPERATION	Per State Guidance (currently until 10PM)	Per State Guidance (currently until 10PM)
PATRONS	Business patrons only ones who can access additional patio space	General public
APPROVALS	Business submits permit to use City property for patio expansion (1 - 3 day process); can simultaneously submit expansion of premises application for service of alcohol in expanded outdoor area (7-8 day process, inclusive of expansion permit)	Council must approve open container ordinance. If tables/seating is desired, DDA or DT business group must obtain a revocable permit to place their tables in the 8th & 9th Street plaza space; permit will require insurance and a plan to demonstrate compliance with State Guidance for separation of seating, and for area maintenance
TERM OF APPROVAL	May 15 - Sept 11 (120 days aligned with State Guidance)	From date of approval (est. effective date June 29) to Sept 11 (aligned with State Guidance)

QUESTIONS:

A. Can City specify where the alcohol consumed in the area can originate?

No, any person over 21 yrs can either purchase alcoholic drinks or packaged alcohol from any source (including from their home) to consume in the open container area

B. Can the City specify that the drinks consumed in this area have to be in an approved container available from area establishments?

No. The staff-prepared draft has proposed that no alcohol can be consumed from a glass container. While the Go-Cup District has such a provision as a condition of that special license, it is not possible to require alcoholic drinks in an open container area must be limited to a single type of cup or container.

C. What other cities are closing streets and allowing an open container "food court" type of setting?

City staff researched several other Colorado cities cited as examples (Union Station in Denver, Boulder, Arvada...?). None of those communities allow open container use. They have closed streets to allow restaurants to expand their seating and modify their liquor license premises, as presently allowed by Greeley.

D. Can the City limit who can sit at the tables in the Open Container area?

No, this is an area open to the public, regardless of the tables placed for patron use by the DT establishments, except within their own patio/premises

E. Would the area have any perimeter fencing or barricades?

The gates shutting the traffic to vehicular use would be closed at both ends of the street; no other barricades or fencing would be required

F. How would the open container provisions be enforced?

Other than age of consumer of the alcohol or use of a glass container, there would be few other provisions to actively enforce during the period of the open container permission. The City has encouraged groups in excess of State Guidance to disband, but stopped short of issuing tickets for violation of a State Order in this regard. There could be additional education, signage, and enforcement upon expiration of the open container ordinance, if terminated at the end of the 120 day period aligned with the State Guidance

Council Agenda Summary

June 9, 2020

Agenda Item Number 5

Title

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

Council's Recommended Action

A motion to approve the above authorizations.

Council Agenda Summary

June 9, 2020

Agenda Item Number 6

Title

Adjournment