

RESOLUTION NO. 2013-07

**A RESOLUTION ESTABLISHING THE TOWN OF NASHVILLE
RIVERFRONT DEVELOPMENT DISTRICT**

WHEREAS, the Town of Nashville, Indiana in 2012 under the authority of Ind. Code 36-7-14, established a Central Economic Development Area (Res. 2012-02) and subsequently expanded said area (Res 2013-03);

WHEREAS, Ind. Code 7.1-3-20-16 enables a municipality to create a riverfront development district within an Economic Development Area;

WHEREAS, IC 7.1-3-20-16.5 allows for and authorizes the issuance of a permit to the proprietor of a restaurant for the purpose of selling alcoholic beverages within the boundaries of a riverfront development district;

WHEREAS, IC 7.1-3-20-16(d) allows for and authorizes the issuance of specified, non-transferable permits to sell alcoholic beverages for consumption in a restaurant on land or in a historic river vessel within a municipal riverfront development; and

WHEREAS, the Nashville Town Council desires to establish the Town of Nashville Riverfront Redevelopment District, herein attached and more specifically set forth as Appendix B, and to allow for the issuance of permits to sell alcoholic beverages within the Town of Nashville Riverfront Development District under the local guidelines herein attached and more specifically set forth as Appendix A, all of which is in accordance with local and State laws.

NOW, THEREFORE, BE IT RESOLVED by the Nashville Town Council, that the area set out above and as set forth in Exhibit A, as the Town of Nashville Riverfront Development District, and as is contemplated under Ind. Code 7.1-3-20-16 and 16.5, is hereby approved and confirmed.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Nashville Town Council that there shall be made available a total of five (5) three-way alcohol permits within the Town of Nashville Riverfront Development District, as the permits are contemplated under Ind. Code 7.1-3-20-16 and 16.5.

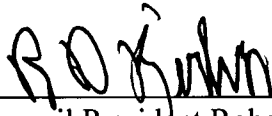
NOW, THEREFORE, BE IT FURTHER RESOLVED by the Nashville Town, that each application for a Town of Nashville Riverfront Development District alcohol permit, filed with the Indiana Department of Alcohol & Tobacco, must be accompanied with a letter from the Town Council President of the Town of Nashville whereby the Town Council President requests approval of the application.

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NOW, THEREFORE, BE IT FURTHER RESOLVED by the Nashville Town Council that the local rules, as attached herein and more specifically set forth in Appendix A, are hereby adopted. Furthermore, these local guidelines shall serve as the criteria by which the Town Board President of the Town of Nashville determines whether the applicant should receive the aforementioned letter requesting approval of an application.

* * * * *

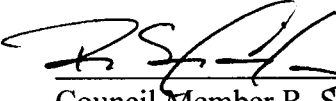
PASSED AND ORDAINED THIS 21ST DAY OF November 2013.


 yea nay abstain
Council President Robert Kirlin

Approved as to form:

 yea nay abstain
Council Vice-President Charles B. King

James T. Roberts
Attorney for the
Town of Nashville

 yea nay abstain
Council Member R. Sean Cassiday

 yea nay abstain
Council Member Jane Gore

_____ yea nay abstain
Council Member Arthur Omberg

ATTEST:


Clerk-Treasurer, Brenda K. Young

RESOLUTION NO. 2013-07

Appendix A

Local Guidelines

RIVERFRONT ALCOHOL BEVERAGE LICENSE

Objectives and Criteria for License Allocation

The Indiana state legislature enacted I.C. 7.1-3-20 et. seq.(Act). The Act permits the Indiana Alcohol and Tobacco Commission (ATC) to issue liquor licenses (one, two, or three-way)(Riverfront Licenses) in the NASHVILLE RIVERFRONT REDEVELOPMENT DISTRICT. The Nashville Redevelopment Commission (NRC) will recommend to the President of the Town Council of Nashville (President) applications for liquor licenses the NRC believes will strengthen the economic vitality of the riverfront district.

Background

The NRC has determined that the creation of a Riverfront Development District, under I.C. 7.1-3-30 et.seq (Act) will help further the aims of the NRC by removing barriers to development in the riverfront district. Through the creation of this district, the NRC will strive to attract additional development opportunities to the district, expand the tax base through additional development and create more opportunities for the people of Nashville, Brown County and surrounding areas to spend time in and enjoy the various venues present in this redeveloped district.

The Act permits the Indiana Alcohol and Tobacco Commission to issue liquor licenses (one, two and three-way) within the District, above the normal number granted to Nashville. The NRC believes that granting additional three-way liquor licenses within the District will enable the creation of new food and beverage businesses which will create economic opportunities in the area and will lengthen the useful life of the riverfront district into the evening hours. The lack of availability of such licenses is considered to be a barrier to development.

The Act allows the ATC to grant an unlimited number of licenses within the district, subject to limitations set by the locality. The application process for a license within the district is the same set forth for licenses elsewhere in the community with the additional requirement that a

recommendation from the community be provided to the ATC prior to their granting of the license. The authority for this recommendation is to be determined locally.

Purposes and Goals

The Town, through implementation of the Act, this Policy and of the Riverfront Development District, seeks to achieve the following:

1. Enhance Nashville's **regional appeal** by encouraging the location and operation of a diverse mix of restaurants and entertainment venues in the riverfront district.
2. Removes a significant barrier to **development**.
3. Encourage the opening, location or upgrade of a variety of distinctive and unique year-round restaurants in Nashville's riverfront district to a degree that distinguishes it as the best family oriented dining environment
4. Provide an experience that encourages repeat visits by residents and visitors.
5. Assist in reinforcing the existing physical fabric of Nashville to create a **sense of place and gathering areas**.
6. Provide opportunity for economic development, increase the tax base and create jobs.
7. Assist local, talented restaurant owners to achieve success by providing them the ability to offer a full line of beverages to their clientele. Use the license allocation program to encourage recipients to make improvements to their buildings, support the Riverfront District, participate in unified marketing efforts, encourage a healthy and fun atmosphere in the riverfront district, and to generally complement other redevelopment efforts.

DISTRICT REQUIREMENTS

1. The District will be geographically defined to conform to the requirements of the Act and as shown in Attachment A.

2. The District shall allow for the granting of 5 three-way Riverfront Development District licenses. The Nashville Town Council will have the authority to grant additional licenses within the District by Resolution.
3. **Permits are not transferable, not portable within or without the district and any renewal is subject to compliance with the terms of these local rules and any agreement negotiated with the Redevelopment Commission. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third party claim.**
4. Applicants receiving three-way licenses within the District will be required to sell a minimum of \$150,000 in gross food sales annually, with a majority of sales being food. . As part of the yearly license renewal, applicants will have to demonstrate that this requirement has been met at the location for which the license has been granted.
5. The Riverfront Application fee is \$ 250.
6. The business will be required to be open for business at least 300 days of the calendar year.
7. The applicant will comply with local application procedures as well as those required by the State of Indiana and the ATC.
8. The applicant shall maintain and shall submit proof of general liability insurance, including dram shop insurance and workers compensation insurance acceptable to the Redevelopment Commission

CRITERIA and FACTORS:

The recommendation of the NRC will be based on the following general criteria:

1. Granting of the license will benefit the purposes of the district.
2. Granting of the license and the business activity will not be detrimental to the property values and business interest of others in the district.

Additionally, the NRC will consider several other factors including but not limited to the following in making a recommendation:

The Commission will consider:

Corporate Condition and Operations

1. financial and ownership strength, which may best be demonstrated by a business plan;
2. history of operation;
3. reputation in the Nashville community and, if from other than Nashville, the Applicant's reputation in other communities;
4. the control and participation of the owners of the Applicant in the day to day operation of the business;
5. The owners' participation in Nashville, past and present, and the likelihood of continued participation of the owners in the future; and,
6. the number and nature of the jobs added to or retained in the Nashville employment base.

Restaurant Operations

1. The owners experience in operating a restaurant of a similar nature to that proposed.
2. The upscale nature of the restaurant and its menu.
3. The unique features of the proposed restaurant.

4. the restaurant's ability to draw people to Nashville and, specifically, the riverfront area, and
5. the restaurant focus on a dining and entertainment experience rather than an alcohol consumption experience.

Community Participation and Commitment

1. Commitment to the riverfront area and the Nashville Community in general.
2. The impact of the business on the riverfront and Nashville in general.

Location and Physical Elements

1. the location of the restaurant;
2. the size, floor plan, and layout of the restaurant and exterior dining areas, if any;
3. the Applicant's plans to improve the facility in which they will operate and the consistency of such plans with the nature and architecture of the riverfront area;
4. any physical improvements to the restaurant; and,
5. the expected timetable for work and business commencement.

Application procedure.

The application process is as follows:

1. Applicant will complete a Riverfront License application and submit to the Nashville Redevelopment Commission.
2. The NRC will schedule a meeting of the License review Committee. The committee will be comprised of two members of the NRC and the staff / consultant of the NRC. The Applicant, or their representative is required to attend this meeting. The Committee's action will be in the form of a recommendation to the full Redevelopment Commission for either approval, rejection or continuance.
3. The NRC will make a recommendation for either approval or rejection of the license application to the President.

4. The President will review the NRC recommendation and make a determination for approval or rejection that will be forwarded to the ATC. This recommendation is a required part of the applicants application to the ATC.
1. Once, action has been taken by the Redevelopment Commission, the applicant will have 6 months to obtain a license from the state ATC. Should, for any reason, the applicant does not obtain a license from the state, that applicant may reapply to the Redevelopment Commission and begin the process again. Applicant's permit will not be reserved and may be awarded to applicants who qualify under these provisions.

It is understood that the ATC will not take action on a three-way Riverfront District License without this letter of recommendation.

Other Considerations:

Please outline any other factors which may aid the Redevelopment Commission in the consideration your application.

Town of Nashville Redevelopment Commission

Application For Nashville Riverfront District Permit

This ownership entity is: (Check one)

- | | |
|---|---|
| <input type="checkbox"/> Sole Proprietor | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Simple Partnership | <input type="checkbox"/> Limited Liability Partnership Refund |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Limited Liability Company |

Information Type: (Check all that apply)

- Applicant
 Property Owner
 Tenant

Name: _____

Address: _____

 (number) (street) (city) (state)
 (zip)

Phone No.: _____ Fax No.: _____

E-mail Address: _____

Additional Types: (Check all that apply)

- Applicant
 Property Owner
 Tenant

Name: _____

Address: _____

 (number) (street) (city) (state) (zip)

Phone No.: _____ Fax No.: _____

E-mail Address: _____

- Applicant
 Property Owner
 Tenant

FOR OFFICE USE ONLY
Date received
Reviewed by
Date reviewed
Local Board hearing date
Commission approved
Remarks

Name: _____

Address: _____
(number) (street) (city) (state) (zip)

Phone No.: _____ Fax No.: _____

E-mail Address: _____

Property Information:

Property Size: _____ acres *or* _____ square feet

Zoning: _____

Address:

(number) (street) (city) (state) (zip)

Or General Location (if no address has been assigned provide a street corner, subdivision lot number, etc):

Property ID Number: _____

Please answer the following questions as Appendices:

1. Describe how the restaurant will draw people to Nashville and, specifically, the riverfront area?
2. Describe how the restaurant focuses on a dining and entertainment experience rather than an alcohol consumption experience?
3. List the number and the nature of the jobs added to or retained in the Nashville employment base?

What type of reputation does the Applicant have in the Nashville community and, if from other than Nashville, the Applicant's reputation in other communities? Explain.
4. What kind of control and participation do the owners have in the day to day operation of the business?
5. If an existing business, what is the history of the operation?
6. If a new business, please provide a brief business plan.
7. Please include a plan that includes financial and ownership strengths.
8. Submit a plan that includes the size, floor plan, and layout of the restaurant and exterior dining areas, if any.
9. What, if any, plans are there to improve the facility in which you will operate with the nature and architecture of the riverfront area?
10. What physical improvements, if any, are you making to the restaurant?
11. What is the expected timetable for work and business commencement?
12. Please outline any other factors which may aid the Redevelopment Commission in the consideration of your application.

Renewal Questions

1. Describe how the restaurant focuses on a dining and entertainment experience rather than an alcohol consumption experience?
2. Provide gross sales and annual breakdown of food to alcohol sales.
3. List the number and the nature of the jobs added to or retained in the Nashville employment base?
4. What kind of control and participation do the owners have in the day to day operation of the business?
5. What, if any, plans are there to improve the facility in which you will operate with the nature and architecture of the riverfront area?
6. What physical improvements, if any, are you making to the restaurant?
7. Please outline any other factors which may aid the Redevelopment Commission in the consideration of your application.

Permits are not transferable, not portable within or without the district and any renewal are subject to compliance with the terms of these local rules and any agreement negotiated with the Redevelopment Commission. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third party claim.

Applicants receiving three-way licenses within the District will be required to sell a minimum of \$150,000 in gross food sales annually. As part of the yearly license renewal, applicants will have to demonstrate that this requirement has been met at the location for which the license has been granted in addition to the foregoing criterion.

Supporting Information:

please include 8 hard copies of the application for review.

Include appendix

complete the checklist.

Applicant's Signature:

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

(Applicant's Signature)

(Date)

Property Owner's Signature (the "owner" does not include tenants or contract buyers):

I authorize the filing of this application and will allow the Nashville Redevelopment Commission to enter this property for purpose of analyzing this request.

(Owner's Signature)

(Date)

(Owner's Signature)

(Date)

Nashville Redevelopment Commission

Nashville Riverfront District Permit Checklist

All Nashville Riverfront District Permit applications will be under review by the License Review Committee and the Nashville Redevelopment Commission. The application shall be accompanied by a total of 8 copies to be submitted.

The applicant is responsible for contacting the Nashville Redevelopment Commission to mutually identify any information that is not applicable. The applicant is required to provide any other information requested by the Redevelopment Commission members, and the license review committee to demonstrate compliance with the requirements of the Riverfront District Permit.

1. _____ the ownership entity.
2. _____ contact information;
3. _____ property size in acres or square feet;
4. _____ property address or general location stating street corner, subdivision lot number, etc;
5. _____ property ID number;
6. _____ history of the operation, unless renewing existing permit;
7. _____ number of jobs and nature of jobs added to the community;
8. _____ type of reputation and explanation, unless renewing existing permit;
9. _____ detailed site plan that includes the size, floor plan, and layout of the restaurant and exterior dining areas;
10. _____ plan of any improvements to the facility;
11. _____ plan of physical improvements to the facility;
12. _____ timetables for work and business commencement, unless renewing existing permit;
13. _____ owner's day to day operations of the business;
14. _____ plan that includes financial and ownership strengths, unless renewing existing permit;
15. _____ other factors to consider;
16. _____ restaurant's focus;
17. _____ restaurant's ability to draw people;
18. _____ signed and dated by applicant and property owner(s);
19. _____ eight hard copies of application;
20. _____ completed Application for New or Transfer Permit from the Indiana ATC
21. _____ envelope addressed to the Redevelopment Commission (address below)

SUBMIT TO:

**Clerk Treasurer
Nashville Redevelopment Commission
200 Commercial Street
PO Box 446
Nashville, IN 47448**

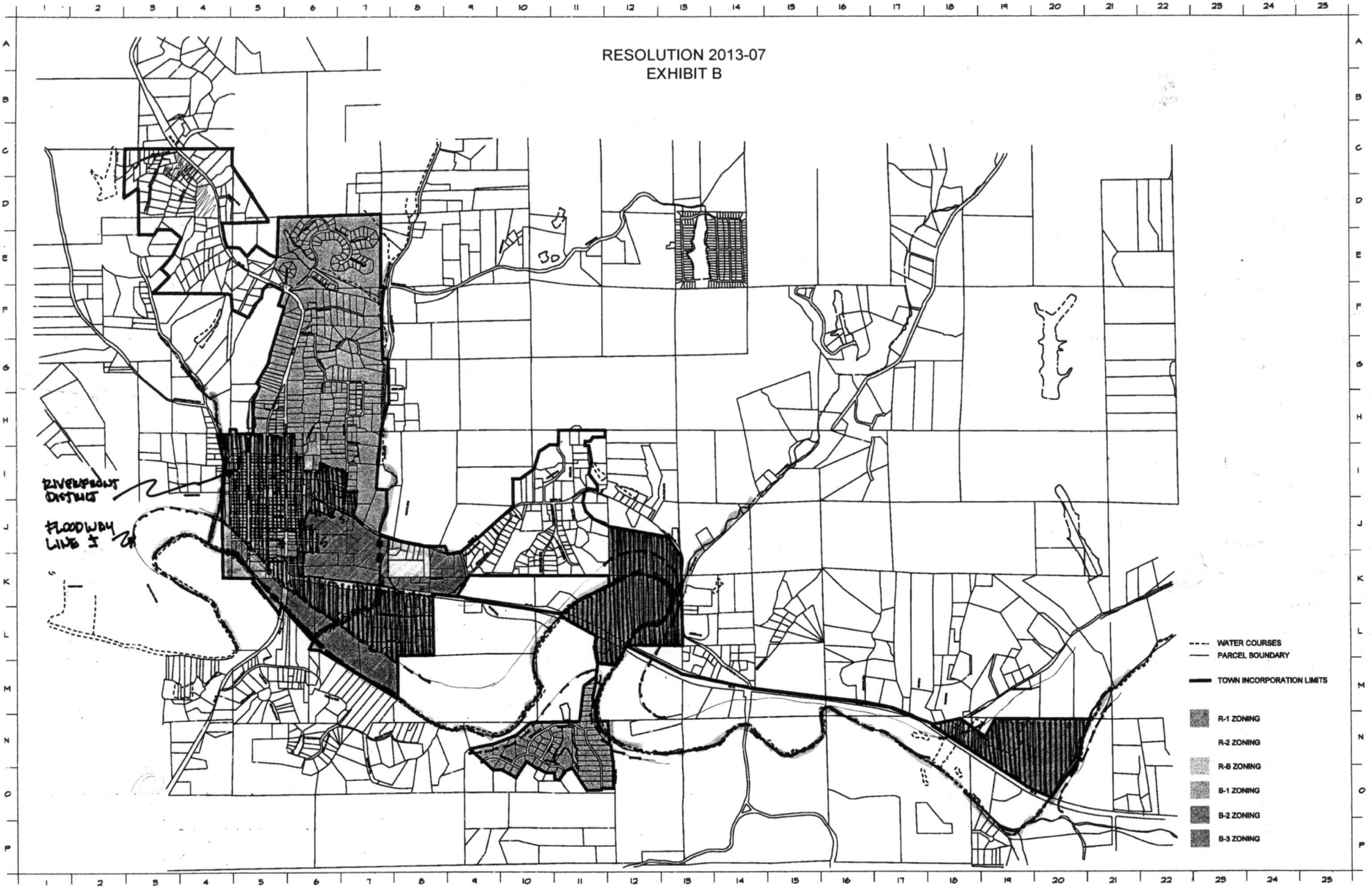
Renewal Checklist

1. _____ the ownership entity.
2. _____ contact information;
3. _____ property size in acres or square feet;
4. _____ property address or general location stating street corner, subdivision lot number, etc;
5. _____ property ID number;
6. _____ number of jobs and nature of jobs added to the community;
7. _____ detailed site plan that includes the size, floor plan, and layout of the restaurant and exterior dining areas;
8. _____ plan of any improvements to the facility;
9. _____ plan of physical improvements to the facility;
10. _____ owner's day to day operations of the business;
11. _____ other factors to consider;
12. _____ restaurant's focus;
13. _____ restaurant's ability to draw people;
14. _____ signed and dated by applicant and property owner(s);
15. _____ eight hard copies of application;
16. _____ envelope addressed to the Redevelopment Commission (address below)

SUBMIT TO:

**Clerk Treasurer
Nashville Redevelopment Commission
200 Commercial Street
PO Box 446
Nashville, IN 47448**

RESOLUTION 2013-07
EXHIBIT B



RIVERFRONT DISTRICT
FLOODWAY LINE 1

- WATER COURSES
- PARCEL BOUNDARY
- TOWN INCORPORATION LIMITS
- R-1 ZONING
- R-2 ZONING
- R-8 ZONING
- B-1 ZONING
- B-2 ZONING
- B-3 ZONING

OVERALL MAP