

RESOLUTION NO. 2023-06

**A RESOLUTION AMENDING RESOLUTIONS 2017-07, 2018-02 AND
2021-02 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 § 7.1-3-20-16.1 enables a municipality to create a riverfront development district within an Economic Development Area;

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, monies of the Town and the and the State of Indiana have been expended for various redevelopments;

WHEREAS, the Town of Nashville has previously established the boundaries of a riverfront development project for purposes of IND. CODE § 7.1-3-20-16(d) as depicted on the attached Exhibit B; and

WHEREAS, IND. CODE § 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 amend 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 B, as the Town of Nashville Riverfront Development District, and as is contemplated under IND. CODE § 7.1-3-20-16.1 and IND. CODE § 7.1-3-20-16(d), 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 fifteen (15) three-way alcohol permits within the Town of Nashville Riverfront Development District, as the permits are contemplated under IND. CODE § 7.1-3-20-16.1 and IND. CODE § 7.1-3-20-16(d).

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.


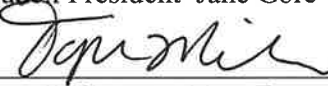
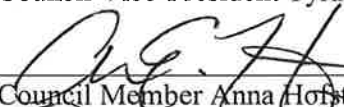


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NOW, THEREFORE, BE IT FURTHER RESOLVED by the Nashville Town Council that the local rules, as attached herein and more specifically set forth in Appendix A, are hereby adopted. Furthermore, these local guidelines shall serve as the criteria by which 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 15TH DAY OF JUNE 2023

Approved as to form:
Wanda E. Jones
Attorney for the
Town of Nashville

 _____ Council President Jane Gore	<input checked="" type="radio"/> yea	nay	abstain
 _____ Council Vice-President Tyra Miller	<input checked="" type="radio"/> yea	nay	abstain
 _____ Council Member Anna Hofstetter	<input checked="" type="radio"/> yea	nay	abstain
 _____ Council Member Dave Rudd	<input checked="" type="radio"/> yea	nay	abstain
 _____ Council Member Andi Wilson	<input checked="" type="radio"/> yea	nay	abstain

ATTEST TO THE VOTE:



Clerk-Treasurer Brenda K. Young

Appendix A

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 by creating a sense of place and community by growing the assessed value, new investment, employment, and attracting visitors.

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 restaurants in Nashville's riverfront district to a degree that distinguishes it as the best

family-oriented dining environment that may be open year-round.

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 **15** 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 a Riverfront license 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. This can be accomplished by providing a letter from the business' certified public account with the following information:
 - a. Year over year sales of food in dollars and percentages
 - b. Year over year sales of alcohol in dollars and percentages
 - c. Year over year sales of merchandise in dollars and percentages
 - d. Annual amount of sales tax
 - e. Annual amount of food and beverage tax
 - f. Year over year of number of employees
 - g. Year over year of days open
5. The Riverfront Application and Renewal Application fee is \$350.
6. The business will be required to be open for business at least 210 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.
3. Abide by all local, state and federal laws and ordinances.

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's 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 brick-and-mortar restaurant and exterior hardscape 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.

Definitions

1. **Restaurant** - A building structure that includes walls, roof, footings, foundations, structural portions of load-bearing walls, structural floors and subfloors, and structural columns and beams that is a place where people can pay to sit and eat meals cooked within the structure and served within the structure or on exterior hardscape site and drink beverages served on premises.

APPLICATION PROCEDURE

The application process is as follows:

1. Applicant will complete a Riverfront License application or Renewal License application and submit to the Nashville Redevelopment Commission.
2. The NRC will make a recommendation for either approval or rejection of the license application to the Nashville Town Council President.
3. The Nashville Town Council 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 applicant's application to the ATC.
4. 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 New or Renewal Nashville Riverfront District Permit

This license request is: *(Check one)*

- New License Renewal

This ownership entity is: *(Check one)*

- Sole Proprietor Limited Partnership
 Simple Partnership Limited Liability Partnership Refund
 Corporation 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)

FOR OFFICE USE ONLY
Date received
Date Fee Paid
Fee Amount
Payment Type
Receipt Number
Reviewed by
Date reviewed
Local Board hearing date
Commission Approved <input type="checkbox"/> Yes <input type="checkbox"/> No
Remarks

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: _____

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: _____

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 Riverfront 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:

- Complete the application, checklist and answers to the Appendices questions.
- Include Appendix - Riverfront Guidelines.
- Include 3 hard copies of the packet for review.

Application Questions:

On a separate piece of paper answer the following questions:

1. Describe how the restaurant will draw or has drawn people to Nashville and, specifically, the riverfront area? Provide estimates of visitors.
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?
4. Provide the following information:
 - a. Year over year sales of food in dollars and percentages
 - b. Year over year sales of alcohol in dollars and percentages
 - c. Year over year sales of merchandise in dollars and percentages
 - d. Annual amount of sales tax
 - e. Annual amount of food and beverage tax
 - f. Year over year of number of employees
 - g. Year over year of days open
5. 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.
6. What kind of control and participation do the owners have in the day-to-day operation of the business?
7. If an existing business, what is the history of the operation?
8. If a new business, please provide a brief business plan.
9. Please include a plan that includes financial and ownership strengths.
10. Submit a plan that includes the size, floor plan, and layout of the restaurant and exterior dining areas, if any.
11. What, if any, plans are there to improve the facility in which you will operate with the nature and architecture of the riverfront area?
12. What physical improvements, if any, are you making to the restaurant?
13. What is the expected timetable for work and business commencement?
14. Please outline any other factors which may aid the Redevelopment Commission in the consideration of your application.

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 3 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. Check all that apply.

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. Three 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)

**Town of Nashville
Nashville Redevelopment Commission
PO Box 446
200 Commercial Street
Nashville, IN 47448**

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)

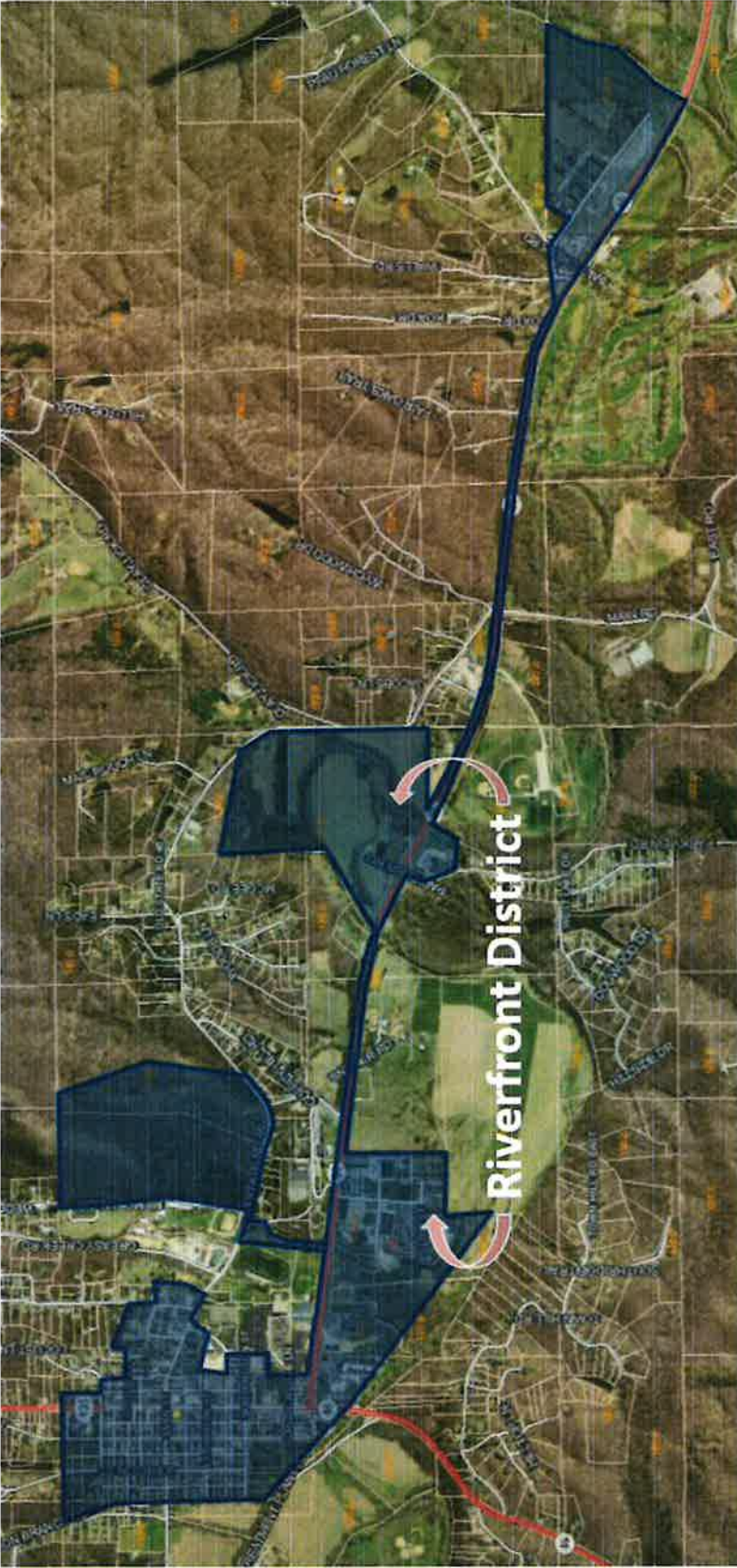
(Date)

(Owner's Signature)

(Date)

SUBMIT TO:

**Town of Nashville
Nashville Redevelopment Commission
PO Box 446
200 Commercial Street
Nashville, IN 47448**



North

Not to scale

Exhibit "B"
Nashville Riverfront District
June 15, 2023
Town of Nashville