

COMMON COUNCIL OF THE CITY OF HOBART, INDIANA

Resolution Number 2023 -26

A Resolution Amending Resolution No. 2011-17 as to Guidelines and Principles for the Issuance of City Recommendations to the Alcohol and Tobacco Commission for Alcoholic Beverage Permits in the Municipal Riverfront Development Area

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") adopted Resolution No. 2011-16 which designated a certain area of the City as a municipal riverfront development project area ("Area") pursuant to Ind. Code 7.1-3-20-16.1(b) and designated the boundaries of the Area;

WHEREAS, the Council also adopted Resolution No. 2011-17 which established guidelines and principles governing the issuance of recommendations by the City Executive to the Indiana Alcohol and Tobacco Commission ("ATC") for the issuance of permits in the Area;

WHEREAS, Resolution 2011-17 states, in part, in its Section One as follows: "The Council declares that no more than ten (10) three-way alcoholic beverage permits shall be recommended for grant by the ATC, from the date of the adoption of this resolution through December 31, 2015, within the Area without the further action of the Council";

WHEREAS, the Council adopted Resolution No. 2017-02, Section One of which amended the sentence quoted above from Section One of Resolution 2011-17 as follows: "The Council desires that no more than ten (10) new three-way alcoholic beverage permits, not including those already issued and those approved in the succeeding paragraph of this Resolution, shall be recommended for grant by the ATC from the date of the adoption of this resolution through December 31, 2022";

WHEREAS, Section Two of Resolution 2017-02 approved three recommendations that were made to the ATC after December 31, 2015;

WHEREAS, nine recommendations have been issued for permits under Resolution 2017-02, but one of those recommendations, for Bon Vie, was issued after December 31, 2022;

WHEREAS, the Council desires through this Resolution to amend Resolution 2011-17, as amended by 2017-02, by setting a new date by which additional recommendations may be made to the ATC without further action of the Council, and to approve the recommendation issued after December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart as follows:

1. Resolution 2011-17, as amended by 2017-02, is further amended by striking out in its entirety the last sentence in Section One and replacing it with the following: "The Council declares that no more than ten (10) new three-way permits (as defined in

Ind. Code 7.1-1-3-47) shall be recommended by the City Executive for grant by the ATC from the date of adoption of this resolution through December 31, 2027. For avoidance of doubt, the limit of not more than ten (10) new three-way permit recommendations shall not include any of the permits previously issued or any other permit recommendation made prior to the date of this resolution."

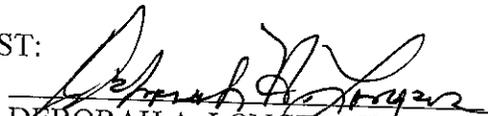
2. Resolution 2011-17 is further amended by deleting Section Two and replacing it with the following: "The Council agrees with the City Executive that before a written recommendation is made to the ATC by the City Executive on an application for a three-way permit in the Area, the City Executive shall consult with the Council President (or his/her designee), the President of the City's Redevelopment Commission (or his/her designee), and the Economic Development Department's Grant Manager."

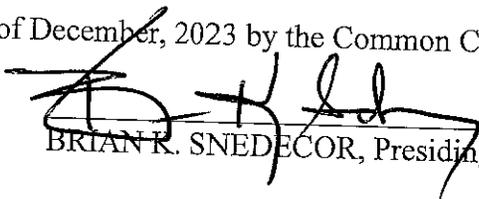
3. Resolution 2011-17 is further amended by replacing the guidelines and application form attached thereto as Exhibits A and B with the revised guidelines and application form attached hereto as Exhibits 1 and 2. The City's Department of Economic Development, with the approval of the City Executive, may make such changes to the guidelines and application form as are reasonably prudent for the administration of the program, except that no such changes may conflict with the terms of Resolution 2011-17 (as amended herein) or with the terms of this resolution.

4. The City Executive's recommendation to the ATC in August 2023 in favor of a three-way permit for Bon Vie at 54 Main Street is hereby approved and ratified.

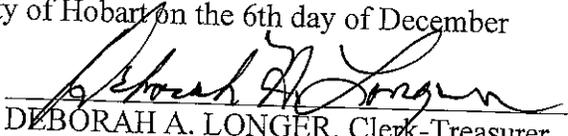
ALL OF WHICH IS ADOPTED on the 6th Day of December, 2023 by the Common Council of the City of Hobart, Indiana.

ATTEST:


DEBORAH A. LONGER, Clerk-Treasurer

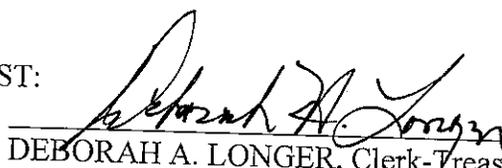

BRIAN R. SNEDECOR, Presiding Officer

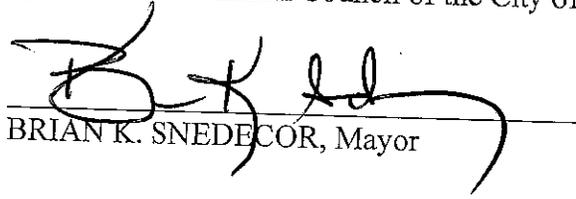
PRESENTED by me to the Mayor of the City of Hobart on the 6th day of December 2023, at 7:00 ~~am~~/p.m.


DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, SIGNED, AND RETURNED by me to the Common Council of the City of Hobart, on this 6th day of December, 2023.

ATTEST:


DEBORAH A. LONGER, Clerk-Treasurer


BRIAN K. SNEDECOR, Mayor

**CITY OF HOBART
RIVERFRONT DISTRICT ALCOHOLIC BEVERAGE PERMIT GUIDELINES
EFFECTIVE November 1, 2023**

**Objectives and Criteria
For License Allocation**

The Indiana state legislature enacted I.C. 7.1-3-20-16(d) (Act), which allows the Indiana Alcohol and Tobacco Commission (ATC) to issue alcoholic beverage permits (one, two, or three-way) (Riverfront Licenses) in the HOBART CITY RIVERFRONT DISTRICT. Under ATC rules, the Mayor recommends sites in the riverfront district where permits may be issued by the ATC.

The Mayor will be guided by the guidelines set out in this document in determining those sites which meet the qualifications in this Policy and are appropriate for Riverfront Licenses.

Purposes and Goals

The purpose behind these Guidelines is to encourage the location and operation of a diverse mix of restaurants that provide a wide range of dining experiences in the riverfront district.

The purpose of these Guidelines is also to assist small business owners. These business owners invest not only in their business but also in our community.

The City, through implementation of the Act and this Policy, seeks to achieve the following:

1. Enhance Hobart's regional appeal by encouraging the opening, location or operation of a diverse mix of restaurants and entertainment venues in the Riverfront District.
2. Use the license allocation program to encourage recipients to make improvements to their buildings, support the Riverfront Improvement District, participate in unified marketing efforts, encourage a healthy and fun atmosphere in the Riverfront District, and to complement other redevelopment efforts.
3. Remove a significant barrier to Downtown development.
4. Provide an experience that encourages repeat visits by residents and visitors.
5. Assist in reinforcing the existing physical fabric of Downtown to create a sense of place and gathering areas.
6. Provide opportunity for economic development, increase the tax base and create jobs.

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 City shall allow for the granting of ten (10) additional three-way Riverfront Development District licenses as per Resolution No. 2023-22.
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

Board of Works. 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 51% of their total sales in food annually. Upon request, applicants will have to demonstrate that this requirement has been met at the location for which the license has been granted.

5. The Applicant will comply with local application procedures as well as those required by the State of Indiana and the ATC.

6. Applicants will be full dues paying members of the Riverfront Dining Marketing Fund, if and when it is established; the dues for which shall not exceed \$1,000.00 per year for each restaurant. Membership will also be available to other businesses on a voluntary basis.

7. The restaurant must comply with all building, health, zoning laws, ordinances and all rules and regulations of the ATC.

8. The restaurant must provide acknowledgement from the City Planning Department approving the zoning of the building and its compatibility with the use the Applicant is proposing.

9. The restaurant is responsible for all outside cleaning, maintenance, and debris pick up, which includes cigarettes and snow removal of surrounding area and public walkways.

10. The applicant will obtain and maintain all liability and other insurance coverages required by the ATC and submit a certificate of insurance to the Mayor's office prior to commencement of business.

11. The applicant will enter into a written commitment with the City to comply with these Guidelines and any lawful conditions that the City may impose on the operation of the applicant's restaurant.

12. The applicant shall pay an application fee as determined in the City's fee ordinance. The Mayor's review will not commence until such fee is paid.

Factors

The recommendation of the Mayor will be based on several factors.

Corporate Condition and Operations. The Mayor will consider the Applicant's (1) financial and ownership strength, which may best be demonstrated by a business plan, (2) history of operation, (3) the nature of the jobs added to or retained in the Hobart employment base.

Restaurant Operations. The Mayor will consider the Applicant's (1) experience operating a restaurant similar to that proposed, (2) the diversity of the restaurant and its proposed menu, (3) the restaurant's ability to draw people to Hobart and, specifically, the riverfront area, and (4) the focus of the restaurant to provide a dining experience rather than an alcohol consumption experience.

Location and Physical Elements. The Mayor will consider (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 which is one year from the day of approval.

Other Considerations. The City encourages Applicants to include in the Application any other factors that will aid the Mayor in evaluating the application. All other considerations, favorable and unfavorable, will be considered.

Included with this document is an application that summarizes the numerous requirements, which will be considered when weighing an application for a Riverfront License. It will aid the Mayor in determining the merit of an application and developing any conditions upon which the recommendation is made. The application should serve as a guide to assist the Mayor in evaluating the request according to the criteria set forth by the State and the City of Hobart.

Application procedure.

The application process is as follows:

1. The Applicant will meet with the Mayor (or designated staff member) to review the application requirements and the proposed location. All communications concerning the application shall be made through the Mayor (or designated staff member).
2. The Applicant will complete a Riverfront License application and submit it along with a check for the application fee to the Hobart Mayor's office.
3. The Mayor (or designated staff member) will schedule a meeting with the applicant. The applicant (or their representative) is required to attend this meeting. No decision or approval will be made at this meeting.
4. The Mayor will review the application and make a determination for approval or rejection that will be forwarded to the ATC. There is no time frame for the Mayor's decision, but it is anticipated to be within 30 days from the meeting referenced in #3 above. This recommendation is a required part of the applicant's application to the ATC.

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

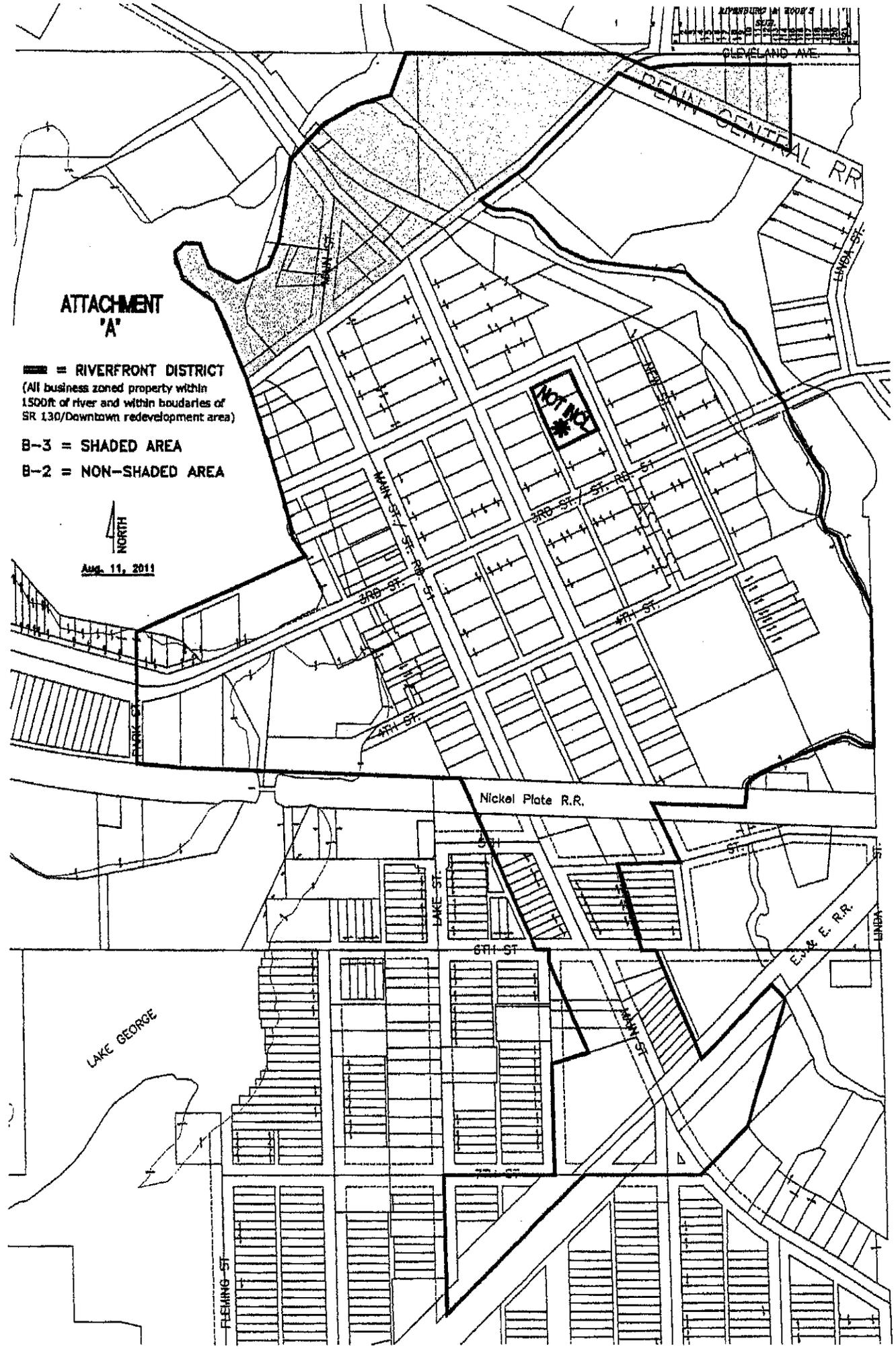
Please submit application to:

Mayor's Office
Hobart City Hall
414 Main Street
Hobart, IN 46342

**ATTACHMENT
'A'**

-  = RIVERFRONT DISTRICT
(All business zoned property within 1500ft of river and within boundaries of SR 130/Downtown redevelopment area)
- B-3 = SHADED AREA
- B-2 = NON-SHADED AREA


NORTH
Aug. 11, 2011



City of Hobart
Application for Hobart Riverfront District Alcoholic Beverage 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 |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> Other (please explain): _____ | |

Applicant for license fill in below:

Name: _____

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

Phone No.: _____ E-mail Address: _____

Property Owner Information:

Name: _____

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

Phone No.: _____ E-mail Address: _____

If applicant is not the Property Owner, provide a copy of your lease agreement.

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):

Parcel Key Number: _____

Please answer the following questions on a separate page or pages:

1. Describe how the restaurant will draw people to Hobart 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 Hobart employment base.
4. What type of reputation does the Applicant have in the Hobart community and, if other than Hobart, the Applicant's reputation in other communities? Explain.
5. What kind of control and participation do the owners have in the day to day operation of the business?
6. What is the history of the operation?
7. Please include a business plan that includes financial and ownership strengths. In order for your business to be successful, consider the items below and include your answers in your business plan:
 - Projected earnings in food and alcohol
 - Types of customers you wish to attract
 - Days and hours of operation
 - What your menu will include
 - Charge for each menu item and your cost for that item
 - Startup costs
 - How will you market/advertise your business
 - How your business will be decorated
 - Will there be booths/tables

Suggested things to do:

- Conduct a survey to see if there is a need for your type of business
 - Scope out the competition; visit them to see how they run their business and ask questions. Take a look at how they have decorated.
 - Obtain a template of a restaurant business plan and follow it. Contact the Small Business Development Center for business plan help. (www.isbdc.org)
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.

10. What is the expected timetable for work and business commencement? ****Note**** you have one year from the date of approval in which to open restaurant.

11. Please outline any other factor which may aid the Mayor in the consideration of your application.

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

Applicants receiving the three-way riverfront license within the District will be required to sell a minimum of 51% of their total sales in food annually. Upon request, applicants will have to demonstrate that this requirement has been met at the location for which the license has been granted.

Applicant's Verification:

The undersigned applicant affirms under the penalty for perjury that the representations in the foregoing application and any attachments thereto are true.

(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 City of Hobart officials to enter this property for purpose of analyzing this request.

(Owner's)

(Date)

(Owner's)

(Date)