

RESOLUTION 27 - 2010

**A RESOLUTION AMENDING THE LOCAL GUIDELINES
FOR THE RIVERFRONT DEVELOPMENT DISTRICT AND
INCREASING THE NUMBER OF NON-TRANSFERABLE
RIVERFRONT DEVELOPMENT PERMITS WITHIN THE DISTRICT**

WHEREAS, the City of Columbus in 2004 under the authority of Ind. Code 36-7-14, established a Central Economic Development Area (Res. 39 -2004);

WHEREAS, the City of Columbus, pursuant to Resolution No. 17, 2009 and Ind. Code 7.1-3-20-16, created a Riverfront Development District in 2009;

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, Resolution 17, 2009 allowed for and authorized the issuance of a total of five (5) permits to the proprietors of a restaurant for the purpose of selling alcoholic beverages within the boundaries of a riverfront development district;

WHEREAS, the City of Columbus Common Council ("Common Council") desires to develop the City of Columbus Riverfront Redevelopment District, herein attached and more specifically set forth as Appendix A, and to allow for the issuance of additional permits to sell alcoholic beverages within the City of Columbus Riverfront Development District under the local guidelines herein attached and more specifically set forth as Appendix B, all of which is in accordance with local and State laws.

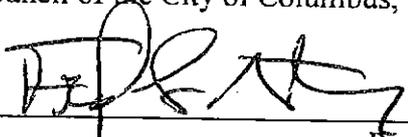
NOW, THEREFORE, BE IT RESOLVED by the Common Council that there shall be an increase of five (5) permits, for a total of ten (10) three-way alcohol permits within the City of Columbus Riverfront Development District, as the permits are contemplated under Ind. Code 7.1-3-20-16 and 16.5.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Common Council adopts the local guidelines, as amended, and as are attached herein and are more specifically set forth in Appendix B.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Commons Council that all other aspects of Resolution 17, 2 009 remain in full force and effect.

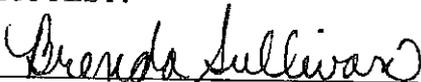
* * * * *

ADOPTED AND PASSED by the Common Council of the City of Columbus, Indiana this 7th day of December, 2010.



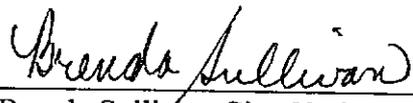
Fred L. Armstrong, President

ATTEST:



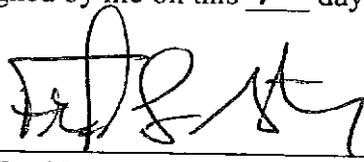
Brenda Sullivan, City Clerk

Presented by me to the Mayor of the City of Columbus, Indiana, for his approval and signature this 7th day of December, 2010.



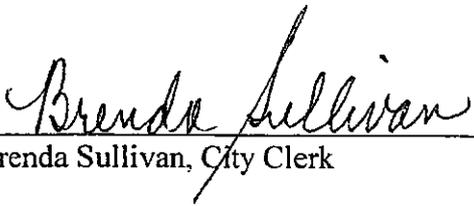
Brenda Sullivan, City Clerk

This RESOLUTION approved and signed by me on this 7th day of December, 2010.



Fred L. Armstrong, Mayor

ATTEST:


Brenda Sullivan, City Clerk

Sponsored by Fred L. Armstrong, Mayor

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 COLUMBUS RIVERFRONT REDEVELOPMENT DISTRICT. The Columbus Redevelopment Commission (CRC) will recommend to the Mayor of the City of Columbus ("Mayor") applications for liquor licenses the CRC believes will strengthen the economic vitality of the riverfront district.

Background

The CRC 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 CRC by removing barriers to development in the downtown district. Through the creation of this district, the RC will be able to attract additional development opportunities to the district, expand the tax base through additional development and create more opportunities for the people of Columbus, Bartholomew 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 Columbus. The CRC 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 downtown 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. Additionally, the Act proscribes that no local fees or assessments may be added to those set by the ATC. 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 City, through implementation of the Act, this Policy and of the Riverfront Development District, seeks to achieve the following:

1. Enhance Columbus' **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 **Downtown development**.
3. Provide an experience that encourages repeat visits by residents and visitors
4. Assist in reinforcing the existing physical fabric of Downtown to create a **sense of place and gathering areas**.
5. Provide opportunity for economic development, increase the tax base and create jobs.

Appendix A



Columbus Redevelopment Commission

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 (ten) **10** three-way Riverfront Development District licenses. The Columbus City 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. 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 applicant will comply with local application procedures as well as those required by the State of Indiana and the ATC.

CRITERIA And FACTORS:

The recommendation of the CRC 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 CRC will consider several other factors including but not limited to the following in making a recommendation:

The Commission will consider:

1. 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,
2. the restaurant's ability to draw people to Columbus and, specifically, the riverfront area, and
3. the number and nature of the jobs added to or retained in the Columbus employment base.
4. the restaurant focus on a dining and entertainment experience rather than an alcohol consumption experience.
5. financial and ownership strength, which may best be demonstrated by a business plan,
6. history of operation,
7. reputation in the Columbus community and, if from other than Columbus, the Applicant's reputation in other communities,

Appendix A



Columbus Redevelopment Commission

8. the control and participation of the owners of the Applicant in the day to day operation of the business,
9. the location of the restaurant,
10. the size, floor plan, and layout of the restaurant and exterior dining areas, if any,
11. any physical improvements to the restaurant, and
12. 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 Executive Director of the Columbus Redevelopment Commission.
2. The Executive Director of the RC will schedule a meeting of the License review Committee. The committee will be comprised of two members of the RC and the Executive Director of the RC. 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 CRC will make a recommendation for either approval or rejection of the license application to the Mayor.
4. The Mayor will review the CRC 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. It is understood that the ATC will not take action on a three-way Riverfront District License without this letter of recommendation.
5. Within 180 days of the RC recommending approval of the application, the applicant shall obtain a permit from the Indiana Alcohol & Tobacco Commission ("Application Period"). In the event that the applicant fails, or it appears the applicant will fail, to obtain a permit within the Application Period, the applicant may request additional time from the RC to obtain a permit. Should the applicant request additional time to obtain a permit from the RC, the applicant shall, in writing, and as part of the applicant's request: (1) provide just cause as to why the applicant has failed or seemingly failed to obtain a permit within the Application Period; and (2) make its request for additional time to obtain a permit prior to the expiration of the Application Period.

Other Considerations:

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