Bloomington Common Council Regular Session Packet Addendum #1
Wednesday, September 2, 2026, at 6:30 p.m.
Council Chambers, City Hall, 401 North Morton Street, Bloomington, IN 47404

The meeting may also be accessed remotely via Zoom[1].

1. Corrected and Amended Agenda - September 2, 2026 Regular Session
2. Public Safety Local Income Tax Committee Report
3. Council Staff Memorandum Regarding Ordinance 2026-20
4. Updated Proposed Amendment 1 for Ordinance 2026-18

Bloomington City Council meetings can be watched on the following websites:
- Community Access Television Services (CATS)[2]
- City's YouTube Channel[3]

Materials for this meeting[4] are available on Council's website.

[1] https://bloomington.zoom.us/j/84540578500?pwd=zVajVbCA7cAhVBZfjlSqAAfL7rMyFO.1
Meeting ID: 845 4057 8500
Passcode: 222260
[2] https://catstv.net/
[3] https://www.youtube.com/@citybloomington
[4] https://bloomington.in.gov/council/meetings/2026

Posted: September 1, 2026

City of Bloomington, Indiana Common Council

Amended Regular Session Agenda

Wednesday, September 2, 2026, at 6:30 p.m.
Council Chambers (Room 115), City Hall
401 N. Morton Street, Bloomington, IN 47404

The meeting may also be accessed remotely via Zoom.[1]

1. **Roll Call**

2. **Agenda Summation**

3. **Minutes for Approval**

4. **Reports (a maximum of twenty minutes is set aside for each part of this section)**
   A. Council members
   B. The Mayor, City Clerk, City Offices, and City Boards and Commissions
      a. Mayor Kerry Thomson (via Zoom)
      b. Bloomington City & Place Branding Report -
         Communications Dir. Desiree DeMolina and CivicBrand
   C. Council Committees
      a. Hiring Committee Recommendation for Council Attorney/Administrator
      b. Public Safety Local Income Tax (PS-LIT) Committee Report -
         CM Piedmont-Smith
   D. Public*

5. **Appointments to Boards and Commissions & Hiring**
   A. Memo from Clerk Bolden
   B. Consideration of Historic Preservation Commission Appointment Removal

6. **Legislation for First Readings**
   A. Appropriation Ordinance 2026-01 – Approval of Additional Appropriation for the Department of Public Works
      Council Sponsor - N/A (B.M.C. 2.04.070 for Appropriation Ord.)

   B. Ordinance 2026-19 – Amending Title 2 to Align Job Titles with the Collective Bargaining Agreement with the Don Owens Memorial Lodge of the Fraternal Order of Police
      Council Sponsor - CM Rollo

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[1] https://bloomington.zoom.us/j/84540578500?pwd=zVajVbCA7cAhVBZfjlSqAAfL7rMyFO.1 Meeting ID: 845 4057 8500 Passcode: 222260

C. Ordinance 2026-20 – Amending Title 20 of the Bloomington Municipal Code to Improve Sustainability and Housing Affordability pursuant to Council Resolution 2026-05
Council Sponsor - CM Flaherty

7. **Legislation for Second Readings and Resolutions**

   A. Ordinance 2026-18 – Adopting Guidelines and Requiring Formal Written Commitments as a Condition of Eligibility for On-Premises Alcoholic Beverage Permits within Eligible Statutory Districts
   Council Sponsor - CM Asare

   B. Resolution 2026-15 - Approval of Collective Bargaining Agreement with Don Owens Memorial Lodge 88, Fraternal Order of Police
   Council Sponsor: CM Rollo

   C. Resolution 2026-16 - Approval of Collective Bargaining Agreement with Bloomington Metropolitan Firefighters, Local 586
   Council Sponsor: CM Rollo

8. **Additional Public Comment* (a maximum of twenty-five minutes is set aside for this section)**

9. **Council Schedule**

10. **Adjournment**

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed up to three minutes.

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[2] https://catstv.net/
[3] https://www.youtube.com/@citybloomington
[4] https://bloomington.in.gov/council/meetings/2026

Report from the Public Safety Local Income Tax Committee to the City Council

Isabel Piedmont-Smith, Chair of PS-LIT Committee
August 31, 2026

2026 PS-LIT Committee Membership

1. Isabel Piedmont-Smith, City Council, Chair
2. Courtney Daily, City Council
3. Andy Ruff, City Council
4. Dave Rollo, City Council
5. Kate Wiltz, County Council
6. David Henry, County Council
7. Scott Oldham, Ellettsville Town Council
8. Richard Carter, Stinesville Town Council (non-voting)

Staff assistance

Larry Allen, Interim City Council Attorney/Administrator
Geoff McKim, City Controller
Margie Rice, City Corporation Council
Office of the City Clerk

Background

Monroe County currently has a 0.25% local income tax rate specifically for public safety. In 2026, that rate is divided between 0.0631% for the Public Safety Answering Point (PSAP = Central Dispatch) and 0.1869% for other public safety purposes. The 0.1869% is distributed to the County government and the governments of Bloomington, Ellettsville, and Stinesville. For the last few years, the PSAP rate has not fully funded the PSAP budget approved by the Dispatch Policy Board (and subsequently by the City Council), as we were spending down reserves.

The local income tax changes that the Indiana General Assembly approved in 2025 and 2026 become effective January 1, 2029. The PS-LIT will no longer exist as of that date. We are not sure yet how those revenues will be replaced in order to fund PSAP and the other public safety expenditures usually funded through PS-LIT.

Proposal for 2027

The Dispatch Policy Board approved a PSAP budget of $4,808,541 for 2027, which was also included in the “Budget Book” presented to the City Council. If we left the PSAP rate the same, this would only produce $3,096,137* in revenues for PSAP, leaving a funding gap of $1,712,404. The projected 2026 year-end cash balance in the PSAP fund is $945,449. So that would leave $766,955 of the funding gap uncovered.

The committee decided to address this shortfall by recommending to the Local Income Tax Council an increase of the PSAP rate from 0.0631% to the maximum of 0.1% and an increase of the overall PS-LIT rate from 0.25% to 0.2869%, which would hold constant the amount distributed to the County and the municipal governments (Bloomington, Ellettsville, and Stinesville). This would result in PSAP revenues of $4,906,750, which would provide an estimated cash balance of $1,043,659 at the end of 2027, a healthy cushion since we don’t know yet how PS-LIT funding will be replaced. The committee’s vote on this recommendation was unanimous.

This tax increase is 0.0369%, meaning for an adjusted gross income of $75,000, the increased tax would be $27.68 per year.

Next steps

The Monroe County Local Income Tax Council, composed of the County Council, Bloomington City Council, Ellettsville Town Council, and Stinesville Town Council must vote on the recommended adjustment to the PSAP rate and the overall PS-LIT rate prior to November 1. Each entity has a certain percentage of the vote based on population. The Bloomington City Council’s 9 votes each count for 6.3% of the vote, so a vote of 8-1 or 9-1 by the City Council would adopt the new rates.

*This was Controller McKim’s estimate at the time of the meeting. The Department of Local Government Finance has since estimated $3,096,031.

CITY OF BLOOMINGTON
OFFICE OF THE COMMON COUNCIL

Council Staff Memorandum

To: Common Council
From: Larry Allen, Interim Attorney
Date: September 1, 2026
Subject: Incentives in Ordinance 2026-20

Executive Summary:

Including incentives for buildings to be primarily designed to be compatible with all-electric or on-site renewable energy sources does not violate Indiana's ban on prohibiting utilities based on energy source. There are two main reasons: (1) the design requirement is part of optional incentives under the City of Bloomington's Unified Development Ordinance (UDO), and (2) the design of the building does not prohibit, nor does it have the effect of prohibiting a customer from receiving or a utility from providing alternative energy sources. In fact, as currently worded, the incentive would still allow a developer to install infrastructure for all energy options, while still including buildings that are designed to be able to solely use either electric or on-site renewable sources.

Background and Analysis:

Common Council Resolution 2026-05 initiated the process to amend the UDO to add certain criteria to improve sustainability and housing affordability. In Section 3 of the Resolution, it directed the addition of requirements to the Sustainable Development Incentive subsection of the UDO and stated the following:

> This new requirement should express that projects brought by petitioners seeking to utilize the Sustainable Development incentives established in section 20.04.110(d)(3), via Option 1 or Option 2, must only include *buildings that use either electricity or on-site renewable energy sources for all significant energy needs, including for space heating, water heating, and cooking. The Plan Commission may consider and propose exceptions for specific uses based on best practices in all-electric building codes*. (Emphasis added).

Section 4 of Resolution 2026-05 sought to require developers proposing a Planned Unit Development (PUD) under UDO section 20.02.050 comply with the applicable Sustainable Development incentive requirements as well. It is important to note that to develop real estate under the UDO, project developers are not required to receive the incentives 20.04.110, and they are not required to avail themselves of the City's Planned Unit Development process.

On August 10, 2026, the Bloomington Plan Commission considered amendments to the City's UDO as initiated by the Common Council in Council Resolution 2026-05. As part of the consideration, the City Legal Department issued a memo opining that it believed that amendments promoting the use of all-electric design in the sustainability incentives violated state law.

Indiana Code § 8-1-2-101.2 prohibits municipalities from prohibiting or effectively prohibiting any utility or a liquid petroleum gas (propane/butane) company from furnishing utility service to a customer based on the energy source of the utility service. The statute states:

> (b) A municipal council or county executive does not have the power to enact any code, ordinance, or land use regulation that would prohibit or have the effect of prohibiting, or to otherwise regulate in a manner that would prohibit or have the effect of prohibiting:
>
> (1) a liquid petroleum gas company, a public utility, or a department of public utilities from furnishing utility service to a utility customer; or
>
> (2) a customer of a liquid petroleum gas company, a public utility, or a department of public utilities from:
> (A) purchasing;
> (B) using; or
> (C) connecting or reconnecting to;
> a utility service;
>
> based on the energy source of the utility service.

Ind. Code § 8-1-2-101.2(b).

Here, the proposed changes to the UDO's Sustainable Development Incentives do not prohibit or have the effect of prohibiting utility service to customers based on the energy source of the utility. The specific language as recommended by the Plan Commission states:

> Electrification- Developments shall only include buildings designed to use either electricity or on-site renewable energy sources for all significant energy needs, including for space heating, water heating, and non-commercial cooking. The Plan Commission may consider proposed exceptions for specific uses based on best practices in all-electric building codes.

Proposed B.M.C. 20-04-110(d)(2)(A)(v). A key principle in interpreting ordinances and statutes is the presumption of validity–which is that when ordinances or statutes are open to multiple interpretations, the interpretation favoring legality and constitutionality outweighs other interpretations. And while this section does promote the design of buildings that are oriented toward more sustainable all-electric and renewable energy designs, it does not mandate nor exclude the potential use of other energy sources. Therefore, it can be interpreted and understood to be legally valid.

First, by including this as part of additional incentives for items that are not normally allowed under the UDO, means that it is not mandatory for development. Any developer can choose to proceed under the regular development standards and not receive any sustainable development incentives under the code. This means that the electrification provision cannot have the function of *prohibiting* or the effect of prohibiting any utility service based on energy source.

Second, even if the buildings are designed to use electricity or on-site renewable sources it does not prohibit a customer from obtaining, or a utility from providing, services such as natural gas. In fact, the provision applies to a design of the building but does not prohibit installation and use of infrastructure for other energy sources. Likewise, it does not prohibit the buildings from building in potential options for different energy sources, so long as it also includes design elements enabling the structure to run solely on electricity or renewables. This is clear from the restriction that the electrification design applies to "significant energy needs," which would allow for stubs and infrastructure for other utilities to co-exist with the required design. In other words, the electrification provision merely seeks to incentivize the use of sustainable options by making them true options in the development. Any customer could eschew the electrification design and hook up to whatever their preferred utility is in the future.

Third, even requiring PUDs to adhere to the sustainable development incentive criteria does not prohibit use of utilities based on energy sources. Even in a PUD, the design flexibility mentioned above still applies. Customers and developers can avail themselves of any utility provided that the structures as designed allow for the use of electricity and on-site renewables for significant energy needs. Second, PUDs are themselves optional portions of the UDO that have additional restrictions based on the potential incentives they confer on developers. PUDs are optional special districts that are an alternative to the normal zoning districts. For a time, Bloomington's UDO did not even allow for PUDs. As a result, adding building design for electrification to incentives and an optional PUD process does not prohibit the use of other utilities. Developers, owners, and customers all still have the full array of utility options available to them. Those are not foreclosed through this incentive.

Therefore, the additional incentives for including buildings that are designed to be able to use electricity and on-site renewables for all significant energy needs neither prohibits nor has the effect of prohibiting any other utility from servicing the same structures. For that reason, it does not violate Ind. Code § 8-1-2-101.2.

Proposed Amendment

Ordinance #: Ordinance 2026-18
Amendment #: 01
Submitted By: CM Asare
Date: September 1, 2026

Proposed Amendment:

The ordinance and its exhibits shall be amended as follows:

1. Ordinance Section 2

Section 2 shall be amended to broaden the statement of purpose beyond restaurants while preserving support for small, independent, and locally rooted establishments.

The words “small, independent, and locally owned restaurants” shall be deleted and replaced with the following:

> *“small, independent, and locally rooted businesses and establishments.”*

2. Exhibit C - Introductory Statement

The second introductory paragraph of Exhibit C shall be amended to recognize a broader range of lawful food, beverage, hospitality, and gathering-place concepts.

The second introductory paragraph of Exhibit C shall be deleted in its entirety and replaced with the following:

> *“The City seeks to ensure that City-recommended alcoholic beverage permits support locally rooted entrepreneurship, economic vitality, responsible alcohol service, public safety, workforce standards, neighborhood compatibility, quality of place, public input, and adopted City plans. To that end, the City has established the following rules to protect the public interest while reducing unnecessary barriers to entry for small, independent, and locally rooted businesses and establishments, including lawful food, beverage, hospitality, and gathering-place concepts.”*

3. Exhibit C - Purpose of Guidelines

The purpose section shall be amended to remove the categorical preference for restaurant-oriented uses. Restaurant orientation and food service are instead addressed in the Evaluation Criteria.

Item 4 under “These Guidelines are intended to” shall be deleted in its entirety. Existing Items 5 through 7 shall be renumbered as Items 4 through 6.

4. Exhibit C - Minimum Eligibility Requirement 3

Minimum Eligibility Requirement 3 shall be amended to remove the City-created sixty percent food-sales threshold and to require only the restaurant, food-service, or other use requirements imposed by applicable state law.

Minimum Eligibility Requirement 3 shall be deleted in its entirety and replaced with the following:

"3. Statutory Use Requirement. The applicant must satisfy any restaurant, food-service, or other use requirement imposed by the Indiana Code provision governing the applicable District Permit. The City does not impose an additional minimum percentage of food sales except where required by applicable Indiana Code or binding Indiana Alcohol and Tobacco Commission requirements."

5. Exhibit C - Minimum Eligibility Requirement 5

Minimum Eligibility Requirement 5 shall be amended to remove Indiana formation and a Monroe County principal office as independent eligibility barriers. Local office and local economic connection are instead addressed in the Evaluation Criteria.

Minimum Eligibility Requirement 5 shall be deleted in its entirety and replaced with the following:

"5. Entity Qualification. If the applicant is an entity, the applicant must be lawfully organized and authorized to do business in Indiana to the extent required by applicable law."

6. Exhibit C - Minimum Eligibility Requirement 6

Minimum Eligibility Requirement 6, entitled "Local Ownership," shall be removed as a minimum eligibility requirement. Local ownership and locally rooted entrepreneurship are instead addressed in the Evaluation Criteria.

Minimum Eligibility Requirement 6 shall be deleted in its entirety. Existing Minimum Eligibility Requirements 7 through 17 shall be renumbered as Requirements 6 through 16.

7. Exhibit C - Minimum Operations Requirement

The requirement that a business operate at least 216 days per year shall be removed as a minimum eligibility requirement because year-round operation is already an Evaluation Criterion.

The provision currently numbered Minimum Eligibility Requirement 8, entitled "Minimum Operations," shall be deleted in its entirety. The remaining Minimum Eligibility Requirements shall be renumbered consecutively.

8. Exhibit C - Closing Time Requirement

The "Closing Time" requirement shall be amended to remove midnight as the default closing time and instead permit operating-hour conditions to be imposed when justified by identified public-interest concerns.

The Minimum Eligibility Requirement entitled "Closing Time" shall be deleted in its entirety and replaced with the following:

"7. Hours of Operation. The applicant shall disclose its proposed hours of operation. ESD and/or Council may consider proposed hours as part of its public-interest review and may impose reasonable operating-hour conditions in the Written Agreement when necessary to address public safety, neighborhood compatibility, or other identified public-interest concerns."

9. Exhibit C - Living Wage Requirement

The Minimum Eligibility Requirement entitled "Living Wage Compliance" shall be deleted in its entirety to avoid confusion that this Ordinance modifies the requirements or applicability of the Ordinance. The remaining Minimum Eligibility Requirements shall be renumbered consecutively.

10. Exhibit C - Economic Vitality Statement

The Economic Vitality Statement shall be removed from the Minimum Eligibility Requirements because it is an application submission requirement and is already required in the Application Process.

The Minimum Eligibility Requirement entitled "Economic Vitality Statement" shall be deleted in its entirety. The remaining Minimum Eligibility Requirements shall be renumbered consecutively.

11. Exhibit C - Pre-Application Review

A new pre-application review provision shall be added to allow ESD staff to review a project before a final operator has been selected, without reserving a permit or binding the Common Council.

Immediately following the existing paragraph in the "Application Process" section stating that the City and Common Council may require additional materials, the following shall be inserted:

> *"Pre-Application Review. An applicant may request a preliminary review by the Economic and Sustainable Development Department ("ESD") staff of whether the project meets eligibility criteria. A preliminary evaluation by ESD staff does not constitute a recommendation to Council or to the Indiana Alcohol and Tobacco Commission, reserve or guarantee a District Permit, create a property right, or bind the Common Council with respect to a future applicant. Before a staff recommendation is transmitted to Council, the District Permit Applicant must satisfy applicable Indiana Code, these Guidelines, and the Written Agreement."*

12. Exhibit C - Evaluation Criteria

The Evaluation Criteria shall be amended to correct capitalization and consolidate policy preferences that are removed from the Minimum Eligibility Requirements, including local ownership, local office or economic connection, restaurant orientation, and year-round operation.

The first sentence of the Evaluation criteria shall be amended to add "but not limited to:" to the end of the sentence immediately preceding the enumerated list.

The first letter of each enumerated clause shall be capitalized.

Item 2 shall be deleted in its entirety and replaced with the following:

> *"2. Local ownership, locally rooted entrepreneurship, a local office or other substantial local economic connection, local investment, and local employment;"*

Existing Item 11 shall be renumbered as Item 12, and a new Item 11 shall be inserted as follows:

> *"11. The extent to which the proposed concept includes restaurant-oriented use or food service, where not otherwise required by applicable Indiana Code; and"*

13. Exhibit C - Notice of Material Changes

The "Notice of Material Changes" subsection shall be amended to define what constitutes a Material Change and identify routine changes that do not require notice standing alone.

The "Notice of Material Changes" subsection shall be deleted in its entirety and replaced with the following:

> *"Notice of Material Changes*
> *A Permit Holder shall provide written notice to the City before making any Material Change, or within a reasonable time if advance notice is impracticable.*

For purposes of these Guidelines, 'Material Change' means a change that could reasonably affect the Permit Holder's statutory eligibility, the basis on which Council provided its recommendation, or a material commitment contained in the Written Agreement. Material Changes include a change in controlling ownership; a proposed transfer, assignment, relocation, pledge, or other conveyance of the District Permit; relocation of the permit premises; a substantial change in the business concept or service model; a substantial change in operating hours where hours are a condition of the Written Agreement; cessation of operations; or a change that causes the Permit Holder to cease satisfying a specific eligibility requirement or condition of the Written Agreement. Routine menu changes, pricing changes, changes in non-controlling management personnel, minor interior renovations, and temporary or seasonal operating adjustments consistent with the Written Agreement are not Material Changes standing alone.

A Material Change made without required notice or approval may constitute grounds for Council to withdraw support, object to renewal, object to transfer, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy."

14. Exhibit C - Conforming Changes

Conforming changes shall be made to the Annual Compliance Affidavit and City Objection or Withdrawal of Support provisions to replace references to continued operation as a "Restaurant" with compliance with the statutory use requirements applicable to the District Permit.

In the Annual Compliance Affidavit, Item 1 shall be deleted in its entirety and replaced with the following:

"1. Remains in operation in a manner that satisfies the statutory use requirements applicable to the District Permit;"

Under "City Objection or Withdrawal of Support," Item 2 shall be deleted in its entirety and replaced with the following:

"2. Ceases to satisfy the statutory use requirements applicable to the District Permit;"

15. Exhibit C - Capitalization of Enumerated Items

The first letter of each enumerated list item in Exhibit C shall be capitalized.

16. Exhibit D - Conforming Changes

Exhibit D shall be amended to conform the Written Commitment Form to the revised statutory-use framework.

In the opening paragraph, "[Restaurant Business Name]" shall be deleted and replaced with "[Business Name]."

Recital C shall be deleted in its entirety and replaced with the following:

"C. Council has set additional requirements for applicants seeking the City's recommendation to the IATC to issue or renew a District Permit, which are attached hereto as Exhibit A ('Guidelines')."

Section 2(a) shall be deleted in its entirety and replaced with the following:

"a. The Business satisfies any restaurant, food-service, proprietor, or other use requirement imposed by the Indiana Code provision governing the applicable District Permit."

ORDINANCE 2026-18 - REVISED PROPOSED REDLINE

Legend: ~~deleted text~~ | <u>added text</u>

ORDINANCE BODY

Section 1. [No change.]

Section 2. The Common Council adopts the Guidelines attached and incorporated into this Ordinance as Exhibit C to protect the public interest and permit access and support for ~~small, independent, and locally owned restaurants.~~<u>small, independent, and locally rooted businesses and establishments.</u>

Sections 3 through 7. [No change.]

EXHIBIT C

~~The City seeks to ensure that City-recommended alcoholic beverage permits support restaurants, locally rooted entrepreneurship, economic vitality, responsible alcohol service, public safety, workforce standards, neighborhood compatibility, quality of place, public input, and adopted City plans. To that end the City has established the following rules to protect the public interest but also to permit access and support for small, independent, and locally owned restaurants.~~<u>The City seeks to ensure that City-recommended alcoholic beverage permits support locally rooted entrepreneurship, economic vitality, responsible alcohol service, public safety, workforce standards, neighborhood compatibility, quality of place, public input, and adopted City plans. To that end, the City has established the following rules to protect the public interest while reducing unnecessary barriers to entry for small, independent, and locally rooted businesses and establishments, including lawful food, beverage, hospitality, and gathering-place concepts.</u>

These Guidelines are intended to:

1. <u>S</u>eparate the establishment of an eligible district from the later review of specific permit applicants;

2. <u>E</u>nsure that special alcoholic beverage permits serve public economic development purposes;

3. <u>P</u>rovide pathways for local input before City support is provided;

~~4. prioritize restaurant-oriented uses over alcohol-consumption-focused uses;~~

~~5.~~ <u>4. S</u>upport locally rooted businesses and neighborhood-compatible development;

~~6.~~ <u>5. E</u>stablish predictable and low-burden procedures for applicants;

~~7.~~ <u>6. P</u>rovide ongoing accountability after City support is given.

Minimum Eligibility Requirements

1. City Location. [No change.]

2. Eligible District. [No change.]

~~3. Restaurant Requirement. The applicant must operate, or propose to operate, a Retailer Restaurant with at least sixty percent (60%) of gross retail income being attributed to food sales (excluding carry out and catering).~~<u>3. Statutory Use Requirement. The applicant must satisfy any restaurant, food-service, or other use requirement imposed by the Indiana Code</u>

provision governing the applicable District Permit. The City does not impose an additional minimum percentage of food sales except where required by applicable Indiana Code or binding Indiana Alcohol and Tobacco Commission requirements.

4. Proprietor Requirement. [No change.]

~~5. Indiana Formation and Local Office. If the applicant is an entity, the applicant's jurisdiction of formation must be Indiana, and the applicant's principal office address must be located in Monroe County, Indiana.~~5. Entity Qualification. If the applicant is an entity, the applicant must be lawfully organized and authorized to do business in Indiana to the extent required by applicable law.

~~6. Local Ownership. More than fifty percent (50%) of the ownership interests in the applicant must be owned by one or more individuals whose primary home address is located in Monroe County, Indiana, unless Council determines that a different ownership structure substantially advances the public purposes of these Guidelines.~~

[Remaining requirements are renumbered consecutively.]

~~Minimum Operations. The business must be open and operational for at least two hundred sixteen (216) days each calendar year, unless Council grants a written exception for good cause.~~

~~Closing Time. The business shall not remain open to the public past 12:00 a.m., unless Council expressly approves a different closing time in the Written Agreement.~~8. Hours of Operation. The applicant shall disclose its proposed hours of operation. Council may consider proposed hours as part of its public-interest review and may impose reasonable operating-hour conditions in the Written Agreement when necessary to address public safety, neighborhood compatibility, or other identified public-interest concerns.

~~10. Living Wage Compliance. The business shall comply with the City of Bloomington's Living Wage Ordinance to the extent applicable. Compliance shall be demonstrated by an annual affidavit submitted to the City.~~

[...]

~~16. Economic Vitality Statement. The applicant must submit a written statement describing the expected impact of the District Permit on business operations and explaining how the business will contribute to the economic vitality of the applicable Eligible District.~~

All other Minimum Eligibility Requirements remain substantively unchanged and are renumbered consecutively.

Application Process

Existing application list and existing paragraph authorizing additional materials. [No change.]

Pre-Application Review. An applicant may request a preliminary review by the Economic and Sustainable Development Department ("ESD") staff of whether the project meets eligibility criteria. A preliminary evaluation by ESD staff does not constitute a recommendation to Council or to the Indiana Alcohol and Tobacco Commission, reserve or guarantee a District Permit, create a property right, or bind the Common Council with respect to a future applicant.

Before a staff recommendation is transmitted to Council, the District Permit Applicant must satisfy applicable Indiana Code, these Guidelines, and the Written Agreement.

Evaluation Criteria

After determining whether an applicant satisfies the minimum eligibility requirements, the City may evaluate the application using public-interest criteria, including but not limited to:

1. Contribution to the beauty and vitality of downtown, riverfront, or district;

~~2. local ownership and local entrepreneurship;~~2. Local ownership, locally rooted entrepreneurship, a local office or other substantial local economic connection, local investment, and local employment;

3. Activation of vacant, underused, or strategically important properties;

4. Public safety impacts;

5. Accessibility and walkability;

6. Consistency with adopted City plans;

7. Workforce practices;

8. Responsible alcohol service;

9. Likelihood of year-round operation;

10. Ability to draw residents and visitors to the district;

11. The extent to which the proposed concept includes restaurant-oriented use or food service, where not otherwise required by applicable Indiana Code; and

~~11.~~ 12. Consistency with permit-cycle preferences adopted or published by Council and/or city offices.

Notice of Material Changes

~~A Permit Holder shall provide written notice to the City before making any material change, or within a reasonable time if advance notice is impracticable.~~

~~A material change made without required notice or approval may constitute grounds for Council to withdraw support, object to renewal, object to transfer, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy.~~A Permit Holder shall provide written notice to the City before making any Material Change, or within a reasonable time if advance notice is impracticable.

For purposes of these Guidelines, “Material Change” means a change that could reasonably affect the Permit Holder’s statutory eligibility, the basis on which Council provided its recommendation, or a material commitment contained in the Written Agreement. Material Changes include a change in controlling ownership; a proposed transfer, assignment, relocation, pledge, or other conveyance of the District Permit; relocation of the permit premises; a substantial change in the business concept or service model; a substantial change in operating hours where hours are a condition of the Written Agreement; cessation of operations; or a change that causes the Permit Holder to cease satisfying a specific eligibility requirement or condition of the Written Agreement. Routine menu changes, pricing changes, changes in non-controlling management personnel, minor interior renovations, and temporary

or seasonal operating adjustments consistent with the Written Agreement are not Material Changes standing alone.
A Material Change made without required notice or approval may constitute grounds for Council to withdraw support, object to renewal, object to transfer, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy.

Annual Compliance Affidavit

~~1. remains in operation as a Restaurant;~~1. Remains in operation in a manner that satisfies the statutory use requirements applicable to the District Permit;

Items 2 through 10. [Correction of capitalization; otherwise no change.]

City Objection or Withdrawal of Support

~~2. ceases to operate as a Restaurant;~~2. Ceases to satisfy the statutory use requirements applicable to the District Permit;

[All other provisions of City Objection of Withdrawal of Support - Correction of capitalization of first letter of each enumerated item; otherwise no change.]

All other provisions of Exhibit C. [No change.]

EXHIBIT D

~~This Formal Written Commitment (“Agreement”) is between the City of Bloomington, Indiana (“City”), and [Restaurant Business Name] (“Business”) and arises out of the following circumstances:~~This Formal Written Commitment (“Agreement”) is between the City of Bloomington, Indiana (“City”), and [Business Name] (“Business”) and arises out of the following circumstances:

~~C. Council has set additional requirements for restaurants seeking the City’s recommendation to the IATC to issue or renew a District Permit, which are attached hereto as Exhibit A (“Guidelines”).~~C. Council has set additional requirements for applicants seeking the City’s recommendation to the IATC to issue or renew a District Permit, which are attached hereto as Exhibit A (“Guidelines”).

~~a. The Business is a “Restaurant,” pursuant to the definition listed in Ind. Code § 7.1-3-20-9.~~a. The Business satisfies any restaurant, food-service, proprietor, or other use requirement imposed by the Indiana Code provision governing the applicable District Permit.

All other provisions of Exhibit D. [No change.]

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA,

ORDINANCE NO. 2026-18

ADOPTING GUIDELINES AND REQUIRING FORMAL WRITTEN COMMITMENTS AS A CONDITION OF ELIGIBILITY FOR ON-PREMISES ALCOHOLIC BEVERAGE PERMITS WITHIN ELIGIBLE STATUTORY DISTRICTS.

Preamble

Whereas, Ind. Code chapter 7.1-3-20 regulates how the Indiana Alcohol and Tobacco Commission ("IATC") issues alcoholic beverage permits throughout the State of Indiana; and

Whereas, Indiana law generally sets a maximum permit quota for each municipality based on population under Ind. Code 7.1-3-22, except under specific circumstances where the legislature has made additional permits available outside of the quota provisions; and

Whereas, the City currently has two existing districts that are subject to additional permits outside of the quota provisions–a historic district and a downtown redevelopment district; and

Whereas, Ind. Code 7.1-3-20-16(g) authorizes the IATC to issue up to fifteen (15) additional on-premises alcoholic beverage permits throughout the state, without regard to the quota provisions of I.C. 7.1-3-22, within, or not more than 1,500 feet from, a historic district containing a county courthouse, a historic opera house, and a historic jail or sheriff's house ("Historic District Licenses"); and

Whereas, Bloomington has a qualifying historic district known as the Courthouse Square Historic District, which is depicted in the map attached and incorporated into this Ordinance as **Exhibit A**.

Whereas, Ind. Code 7.1-3-20-16.8(q) authorizes the IATC to issue two (2) additional on-premises alcoholic beverage permits, without regard to the quota provisions of I.C. 7.1-3-22, within a downtown redevelopment district or downtown economic revitalization area in the City of Bloomington, Indiana ("Downtown Licenses"); and

Whereas, Ind. Code 7.1-3-20-16.8(q) requires an applicant for one of the Downtown Licenses to be a proprietor, an owner or lessee, or both, of a restaurant located within the city's downtown redevelopment district or downtown economic revitalization area; and

Whereas, the City of Bloomington Common Council authorized the Bloomington Redevelopment Commission to create the City's Downtown Redevelopment District in Resolution 85-14 and to expand it in Resolutions 90-1 and 10-36, all of which were later incorporated into the Consolidated Tax Increment Financing District in 2015;

Whereas, the map attached as **Exhibit B** depicts the Downtown Expanded Redevelopment District area; and

Whereas, the Common Council desires to establish additional criteria and guidelines for applicants to receive their recommendation for a three-way permit ("Guidelines"), and those proposed Guidelines are attached to this Ordinance as **Exhibit C**; and

Whereas, Indiana Code 7.1-3-19-17 permits the City, by ordinance, to require permit applicants for a variety of special alcohol permit district licenses to enter into formal written commitments to ensure the establishment aligns with the local economic or development goals of the city; and

Whereas, the City desires to require any applicant for Historic District Licenses, Downtown Licenses, or any other permissible licenses and provisions found under Ind.

Code 7.1-3-19-17 ("District Permit Applicant"), to comply with requirements outlined above and enter into a formal written commitment; and

Whereas, a copy of the proposed formal written commitment for permit applicants is attached to this ordinance as **Exhibit D**.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1. The Common Council recognizes that the City currently has two qualifying districts for non-quota alcohol permits under Ind. Code sections 7.1-3-20-16 ("Courthouse Square Historic District") and 7.1-3-20-16.8 ("Downtown Redevelopment District"), which are accurately depicted in maps attached and incorporated into this Ordinance as **Exhibit A** and **Exhibit B.** The City by and through the Common Council also has the ability under Indiana law to establish additional districts that may qualify for additional alcoholic beverage permits.

Section 2. The Common Council adopts the Guidelines attached and incorporated into this Ordinance as **Exhibit C** to protect the public interest and permit access and support for small, independent, and locally rooted businesses and establishments.~~*small, independent, and locally owned restaurants*~~.

Section 3. Any District Permit Applicant located within the boundaries of a qualifying district as outlined in Ind. Code chapter 7.1-3-20 and that meet the City's Guidelines outlined in **Exhibit C** may be recommended by the Council to the IATC**.**

Section 4: Any District Permit Applicant is required to enter into a formal written commitment with the City as a condition of approval of an alcoholic beverage permit pursuant to Indiana Code 7.1-3-19-17, the form of which is attached to and incorporated into this Ordinance as **Exhibit D**. The Economic and Sustainable Development Department ("ESD") shall require each applicant to sign a formal written commitment that is substantially in the same form as the attached **Exhibit D**.

Section 4: ESD shall receive and evaluate applications against the Guidelines and advise Council regarding whether to recommend the business for a District Permit to the IATC.

Section 5. Any new or renewal application for a District Permit approved by the ESD shall abide by the Guidelines set forth in this ordinance. In the event that an applicant is not in compliance with the Guidelines and their formal written commitment, ESD shall follow the process for revocation, denial or termination as set forth in Indiana Code.

Section 6. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Passed

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the   day of   , 2026.

Isak Nti Asare
President, City of Bloomington

Attestation of Bloomington City Clerk:

Nicole Bolden
Clerk, City of Bloomington

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this day of , 2026:

Nicole Bolden
Clerk, City of Bloomington

Approval by Mayor

Signed and approved by me upon this day of , 2026:

Kerry Thomson
Mayor, City of Bloomington

Synopsis

This Ordinance establishes guidelines for any applicant to eligible alcohol permit programs found in Ind. Code 7.1-3-20, including those eligible licenses within the City's existing Downtown Redevelopment District and Historic District. This Ordinance requires applicants to enter into a formal written commitment pursuant to Ind. Code 7.1-3-19-17 as a condition of eligibility.

Exhibit C
Alcoholic Beverage District Guidelines

RULES, PROCEDURES, AND PUBLIC-INTEREST GUIDELINES FOR CITY-RECOMMENDED, CITY-CONTROLLED, OR CITY-INFLUENCED ALCOHOLIC BEVERAGE PERMITS

Indiana Code § 7.1-3-20 authorizes the issuance of certain alcoholic beverage permits for restaurants located in or associated with specified redevelopment, riverfront, historic, cultural, economic development, or other qualifying areas ("Eligible District"). The City of Bloomington ("City") recognizes that such permits are scarce public economic development tools and should be allocated, recommended, supported, conditioned, renewed, or objected to through a transparent, predictable, low-burden, public-interest-oriented process;

The City seeks to ensure that City-recommended alcoholic beverage permits support locally rooted entrepreneurship, economic vitality, responsible alcohol service, public safety, workforce standards, neighborhood compatibility, quality of place, public input, and adopted City plans. To that end, the City has established the following rules to protect the public interest while reducing unnecessary barriers to entry for small, independent, and locally rooted businesses and establishments, including lawful food, beverage, hospitality, and gathering-place concepts.~~*The City seeks to ensure that City-recommended alcoholic beverage permits support restaurants, locally rooted entrepreneurship, economic vitality, responsible alcohol service, public safety, workforce standards, neighborhood compatibility, quality of place, public input, and adopted City plans. To that end the City has established the following rules to protect the public interest but also to permit access and support for small, independent, and locally owned restaurants.*~~

These Guidelines are intended to:

1. S~~s~~eparate the establishment of an eligible district from the later review of specific permit applicants;
2. E~~e~~nsure that special alcoholic beverage permits serve public economic development purposes;
3. Provide pathways for local input before City support is provided;
   ~~4. prioritize restaurant-oriented uses over alcohol-consumption-focused uses;~~

~~5.~~4. S~~s~~upport locally rooted businesses and neighborhood-compatible development;
~~6.~~5. E~~e~~stablish predictable and low-burden procedures for applicants;
~~7.~~6. P~~p~~rovide ongoing accountability after City support is given.

Covered Permits

These Guidelines apply to any City-Influenced District Permit ("District Permit"), meaning any alcoholic beverage permit for which Indiana Code provides the City of Bloomington, the Bloomington Common Council, or another City entity with authority and discretion to recommend, support, condition, object to, monitor, or otherwise participate in the permit process, including:

1. P~~p~~ermits associated with a municipal riverfront development project under Indiana Code § 7.1-3-20-16(d) and Indiana Code § 7.1-3-20-16.1;
2. P~~p~~ermits associated with a historic district or other qualifying district under Indiana Code § 7.1-3-20-16;
3. P~~p~~ermits authorized for the City of Bloomington under Indiana Code § 7.1-3-20-16.8;
4. P~~p~~ermits issued without regard to ordinary quota limitations and tied to economic development, redevelopment, downtown vitality, riverfront development, historic preservation, or similar public purposes; and
5. A~~a~~ny alcoholic beverage permits for which Indiana Code provides a role for municipal recommendation, approval, written commitment, objection, or other municipal action.

Minimum Eligibility Requirements

Unless Council expressly waives a requirement where waiver is legally permissible and in the public interest, an applicant seeking City support for a District Permit must satisfy the following minimum eligibility requirements:

1. **City Location.** The proposed permit premises must be located within the corporate boundaries of the City of Bloomington.
2. **Eligible District.** The proposed permit premises must be located within the Eligible District or geographic area required by the applicable Indiana Code provision.
3. **Statutory Use Requirement.** The applicant must satisfy any restaurant, food-service, or other use requirement imposed by the Indiana Code provision governing the applicable District Permit. The City does not impose an additional minimum percentage of food sales except where required by applicable Indiana Code or binding Indiana Alcohol and Tobacco Commission requirements.~~*Restaurant Requirement. The applicant must operate, or propose to operate, a Retailer Restaurant with at least sixty percent (60%) of gross retail income being attributed to food sales (excluding carry-out and catering).*~~
4. **Proprietor Requirement.** The applicant must be the proprietor, as owner or lessee, or both, of the Restaurant and proposed permit premises where required by applicable Indiana Code.
5. **Entity Qualification.** If the applicant is an entity, the applicant must be lawfully organized and authorized to do business in Indiana to the extent required by applicable law.~~*Indiana Formation and Local Office. If the applicant is an entity, the applicant's jurisdiction of formation must be Indiana, and the applicant's principal office address must be located in Monroe County, Indiana.*~~

~~6. **Local Ownership.** More than fifty percent (50%) of the ownership interests in the applicant must be owned by one or more individuals whose primary home address is located in Monroe County, Indiana, unless Council determines that a different ownership structure substantially advances the public purposes of these Guidelines.~~

~~7.~~6. **No Existing Three-Way Permit for Proposed Premises.** The applicant may not hold or use an existing three-way alcoholic beverage permit for the proposed permit premises unless the applicant transfers the existing permit, places the existing permit in escrow, or otherwise resolves the existing permit in accordance with Indiana Alcohol and Tobacco Commission requirements and applicable Indiana Code before receiving City support for a District Permit.

~~8. **Minimum Operations.** The business must be open and operational for at least two hundred sixteen (216) days each calendar year, unless Council grants a written exception for good cause.~~

~~9.~~7. **Hours of Operation.** The applicant shall disclose its proposed hours of operation. ESD and/or Council may consider proposed hours as part of its public-interest review and may impose reasonable operating-hour conditions in the Written Agreement when necessary to address public safety, neighborhood compatibility, or other identified public-interest concerns.~~*Closing Time. The business shall not remain open to the public past 12:00 a.m., unless Council expressly approves a different closing time in the Written Agreement.*~~

~~10. **Living Wage Compliance.** The business shall comply with the City of Bloomington's Living Wage Ordinance to the extent applicable. Compliance shall be demonstrated by an annual affidavit submitted to the City.~~

~~11.~~8. **City Good Standing.** The business must be in good standing with all applicable departments of the City of Bloomington, as verified by City staff.

~~12.~~9. **External Good Standing.** The business must provide evidence of good standing, as applicable, with the Monroe County Health Department, the Indiana Department of Revenue, and the Indiana Secretary of State.

~~13.~~10. **Insurance.** The business must submit proof of compliance with all applicable local, state, and federal insurance requirements.

~~14.~~11. **Application Compliance.** The business must comply with all application procedures required by the City and the Indiana Alcohol and Tobacco Commission.

~~15.~~12. **Written Agreement.** The business must execute a Written Agreement with the city of Bloomington before the City transmits a favorable recommendation, approval, support letter, or other supporting action to the Indiana Alcohol and Tobacco Commission.

~~16. **Economic Vitality Statement.** The applicant must submit a written statement describing the expected impact of the District Permit on business operations and explaining how the business will contribute to the economic vitality of the applicable Eligible District.~~

~~17.~~13. **Continuing Compliance.** The business must remain in compliance with these Guidelines, applicable Indiana Code, applicable local ordinances, Indiana Alcohol and Tobacco Commission requirements, any applicable Written Agreement and its Formal Written Commitment throughout the period in which it seeks issuance, renewal, or operation of a District Permit.

Application Process

The application for District Permits will be available online via the City's Enterprise Licensing Platform and may require:

1. A~~a~~pplicant name and contact information;
2. O~~o~~wnership and management information;
3. P~~p~~roposed permit premises;
4. P~~p~~roof of ownership, lease, or site control;
5. D~~d~~escription of business;
6. P~~p~~roposed menu;
7. P~~p~~roposed hours of operation;
8. R~~r~~esponsible alcohol service plan;
9. E~~e~~conomic vitality statement;
10. O~~o~~wnership certification;
11. G~~g~~ood-standing certifications;
12. I~~i~~nsurance documentation;
13. S~~s~~igned acknowledgment of these Guidelines; and
14. W~~w~~illingness to execute a Written Agreement.

The City and the Bloomington Common Council may require additional materials when necessary to evaluate eligibility, public impact, or compliance.

Pre-Application Review

An applicant may request a preliminary review by the Economic and Sustainable Development Department ("ESD") staff of whether the project meets eligibility criteria. A preliminary evaluation by ESD staff does not constitute a recommendation to Council or to the Indiana Alcohol and Tobacco Commission, reserve or guarantee a District Permit, create a property right, or bind the Common Council with respect to a future applicant. Before a staff recommendation is transmitted to Council, the District Permit Applicant must satisfy applicable Indiana Code, these Guidelines, and the Written Agreement.

Public Input and Public Presentation

The City may require Applicants to make a public presentation before the Common Council or a committee of Council before Council takes final action on a recommendation, approval, support letter, Formal Written Commitment, or other City action related to a District Permit.

Council may receive written public comment before acting on an application.

A public presentation may include:

1. T~~t~~he proposed business concept;
2. T~~t~~he proposed premises;
3. O~~o~~wnership and management structure;

4. M~~m~~enu and service model;
5. E~~e~~xpected hours of operation;
6. R~~r~~esponsible alcohol service plan;
7. A~~a~~nticipated public benefits;
8. C~~c~~ompliance with the City's eligibility requirements;
9. C~~c~~onsistency with permit-cycle preferences;
10. A~~a~~ny requested exception, waiver, or special condition.

Council may use a streamlined public process for applications that clearly satisfy the eligibility requirements, present no material compliance concerns, and align with the City's stated preferences.

Evaluation Criteria

After determining whether an applicant satisfies the minimum eligibility requirements, the City may evaluate the application using public-interest criteria, including but not limited to:

1. C~~c~~ontribution to the beauty and vitality of downtown, riverfront, or district;
2. Local ownership, locally rooted entrepreneurship, a local office or other substantial local economic connection, local investment, and local employment;~~*local ownership and local entrepreneurship;*~~
3. A~~a~~ctivation of vacant, underused, or strategically important properties;
4. P~~p~~ublic safety impacts;
5. A~~a~~ccessibility and walkability;
6. C~~c~~onsistency with adopted City plans;
7. W~~w~~orkforce practices;
8. R~~r~~esponsible alcohol service;
9. L~~l~~ikelihood of year-round operation;

10. A~~a~~bility to draw residents and visitors to the district; ~~and~~

~~10.~~11. *The extent to which the proposed concept includes restaurant-oriented use or food service, where not otherwise required by applicable Indiana Code; and*

~~11.~~12. C~~c~~onsistency with permit-cycle preferences adopted or published by Council and/or city offices.

The City may weigh these criteria as it determines appropriate for the permit type, district, application cycle, and public purpose.

Non-transferability and Anti-Speculation

A District Permit shall not be transferred, sold, assigned, relocated, pledged, monetized, or otherwise conveyed except to the extent expressly allowed by Indiana Code and approved in writing by the City.

The City shall not support the transfer, sale, assignment, relocation, or other conveyance of a District Permit unless the City determines that the action is lawful, consistent with Indiana Code, consistent with the applicable Written Agreement, and consistent with the public purposes of these Guidelines.

The City may require documentation showing that the value of a District Permit is not being sold, capitalized, or transferred as part of a business sale or ownership transaction, except to the extent permitted by Indiana Code.

Notice of Material Changes

A Permit Holder shall provide written notice to the City before making any Material Change, or within a reasonable time if advance notice is impracticable.

For purposes of these Guidelines, 'Material Change' means a change that could reasonably affect the Permit Holder's statutory eligibility, the basis on which Council provided its recommendation, or a material commitment contained in the Written Agreement. Material Changes include a change in controlling ownership; a proposed transfer, assignment, relocation, pledge, or other conveyance of the District Permit; relocation of the permit premises; a substantial change in the business concept or service model; a substantial change in operating hours where hours are a condition of the Written Agreement; cessation of operations; or a change that causes the Permit Holder to cease satisfying a specific eligibility requirement or condition of the Written Agreement. Routine menu changes, pricing changes, changes in non-controlling management personnel, minor interior renovations, and temporary or seasonal operating adjustments consistent with the Written Agreement are not Material Changes standing alone.

A Material Change made without required notice or approval may constitute grounds for Council to withdraw support, object to renewal, object to transfer, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy.~~*A Permit Holder shall provide written notice to the City before making any material change, or within a reasonable time if advance notice is impracticable.*~~

> ~~*A material change made without required notice or approval may constitute grounds for Council to withdraw support, object to renewal, object to transfer, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy.*~~

Annual Compliance Affidavit

Each Permit Holder operating under a District Permit for which the City has provided a recommendation, approval, Written Agreement, Formal Written Commitment, or other required municipal action shall submit an annual compliance affidavit on a form approved by the City.

The affidavit shall certify, at minimum, that the business:

1. Remains in operation in a manner that satisfies the statutory use requirements applicable to the District Permit;~~*Rremains in operation as a Restaurant;*~~
2. R~~r~~emains located at the approved permit premises;
3. R~~r~~emains in good standing with applicable public agencies;
4. M~~m~~aintains required insurance;
5. H~~h~~as not transferred or attempted to transfer the District Permit except as allowed by Indiana Code and approved by Council;
6. H~~h~~as provided notice of any Material Change;
7. H~~h~~as complied with applicable wage requirements;
8. H~~h~~as complied with applicable operating-day and operating-hour requirements;
9. H~~h~~as complied with its Written Agreement;
10. C~~c~~ontinues to satisfy the public-purpose commitments made in its application.

The City may request reasonable supporting documentation if the affidavit is incomplete, if staff identifies a compliance concern, or if Council receives credible information suggesting noncompliance.

Cessation of Operations

If business operations cease at the permit premises for more than six consecutive months, the District Permit shall be handled in accordance with applicable Indiana Code.

Where applicable Indiana Code provides that a District Permit reverts to the Indiana Alcohol and Tobacco Commission after business operations cease for more than six months, the City may notify the Indiana Alcohol and Tobacco Commission of the cessation of operations and request action consistent with Indiana Code.

Council may recognize good-cause circumstances when deciding whether to withdraw support, object to renewal, or notify the Indiana Alcohol and Tobacco Commission, including casualty, fire, flood, construction, major repairs, health department closure, force majeure, or other circumstances beyond the Permit Holder's reasonable control.

City Objection or Withdrawal of Support

The City may withdraw support, object to renewal, object to transfer, object to relocation, notify the Indiana Alcohol and Tobacco Commission of noncompliance, or pursue any other lawful remedy if a Permit Holder:

1. M~~m~~aterially changes the business concept without required notice or approval;
2. Ceases to satisfy the statutory use requirements applicable to the District Permit;~~*ceases to operate as a Restaurant;*~~
3. C~~c~~eases operations for more than six consecutive months;
4. V~~v~~iolates its Written Agreement or Formal Written Commitment;
5. V~~v~~iolates applicable Indiana Code;
6. V~~v~~iolates applicable local ordinances;
7. V~~v~~iolates Indiana Alcohol and Tobacco Commission requirements;
8. C~~c~~reates persistent nuisance conditions;
9. F~~f~~ails to maintain good standing;
10. F~~f~~ails to maintain required insurance;
11. M~~m~~isrepresents material facts to the City or to the Indiana Alcohol and Tobacco Commission;
12. A~~a~~ttempts to transfer, sell, assign, relocate, monetize, or otherwise convey the District Permit contrary to Indiana Code or these Guidelines.

Communications During Application Period

To protect fairness and transparency, applicants, owners, representatives, agents, employees, or persons acting on behalf of applicants shall direct substantive communications through a designated City contact or through the public meeting process.

The City may disregard or treat as a negative factor any attempt to circumvent published application procedures or communication rules.

Nothing in this section shall prohibit public comment, legally protected petitioning activity, or communications required by law.

Over-Subscription and Competitive Cycles

If more eligible applicants seek City support than there are available District Permits, the City may conduct a competitive review.

In a competitive review, the City may consider the Evaluation Criteria, any adopted and published permit-cycle preferences, public input, staff analysis, and any other lawful public-interest factor.

The City may recommend one applicant, multiple applicants, no applicants, or fewer applicants than the number of District Permits available.

Periodic Review

These Guidelines shall be reviewed by the Common Council not less than once every two years.

Council may conduct an earlier review after the first District Permit application cycle under these Guidelines, after establishment of any municipal riverfront development project, or upon request of Council members.

The review may include consideration of:

1. P~~p~~ermit utilization;

2. C~~c~~ompliance history;
3. E~~e~~conomic development outcomes;
4. G~~g~~eographic distribution;
5. A~~a~~pplicant diversity;
6. P~~p~~ublic safety impacts;
7. N~~n~~eighborhood impacts;
8. A~~a~~dministrative burden;
9. L~~l~~egal developments;
10. W~~w~~hether these Guidelines continue to advance the City’s public purposes.

The Common Council may amend, replace, suspend, or repeal these Guidelines by resolution or ordinance.

Relationship to Indiana Code and ATC Authority

The Indiana Alcohol and Tobacco Commission retains authority over the issuance, renewal, transfer, suspension, and revocation of alcoholic beverage permits as provided by Indiana Code.

If any provision of these Guidelines conflicts with Indiana Code or binding Indiana Alcohol and Tobacco Commission requirements, Indiana Code and binding Indiana Alcohol and Tobacco Commission requirements shall control.

Exhibit D
Written Commitment Form

FORMAL WRITTEN COMMITMENT
between
[BUSINESS NAME]
and the
CITY OF BLOOMINGTON, INDIANA
for a
District Alcohol Permit

This Formal Written Commitment ("Agreement") is between the City of Bloomington, Indiana ("City"), and [~~Restaurant~~ Business Name] ("Business") and arises out of the following circumstances:

A. Ind. Code chapter 7.1-3-20, allows the Indiana Alcohol and Tobacco Commission ("IATC") to issue alcoholic beverage permits outside of the state's quota system for certain established districts ("District Permit").

B. The Common Council in Ordinance 2026-18, and pursuant to Indiana Code 7.1-3-19-17, requires District Permit applicants to enter into this Agreement as a condition of approval to ensure the applicant aligns with the public welfare and goals of the city.

C. Council has set additional requirements for applicants seeking the City's recommendation to the IATC to issue or renew a District Permit, which are attached hereto as Exhibit A ('Guidelines')~~*Council has set additional requirements for restaurants seeking the City's recommendation to the IATC to issue or renew a District Permit, which are attached hereto as Exhibit A ("Guidelines")*~~.

D. The Business meets all eligibility requirements under Indiana law and the Guidelines for a District Permit.

NOW, therefore, in consideration of the above, the Parties agree as follows:

1. The Recitals above are incorporated into this Agreement, by reference.

2. Business's Responsibilities:

   a. The Business satisfies any restaurant, food-service, proprietor, or other use requirement imposed by the Indiana Code provision governing the applicable District Permit.~~*The Business is a "Restaurant," pursuant to the definition listed in Ind. Code § 7.1-3-20-9*~~.

   b. The Business complies with the "Eligibility Criteria" listed in the Guidelines, attached hereto and incorporated as **Exhibit A**.

   c. The Business shall certify its compliance in accordance with the Eligibility Criteria and maintain compliance with and eligibility under the Guidelines while applying for, seeking the renewal of, or operating with a District Permit.

   d. If the Business ceases operations for six months, the District Permit reverts to the IATC.

3. City's Responsibilities:

a. The Department of Economic and Sustainable Development ("ESD") on behalf of the City shall administer the application and renewal process for permit applicants. This includes, but is not limited to, creating and reviewing applications and processes, collecting necessary documents from the Business, and making recommendations regarding the Business's approval or renewal to Council.

b. In the event the Business is not compliant with the Guidelines, ESD shall initiate the process outlined under the "Enforcement" section of the Guidelines.

c. Upon review of the Business's application, documentation, and ESD's recommendation, the Bloomington Common Council shall either approve or deny this Agreement. Should Council approve this Agreement, it will provide a letter to the ATC recommending the Business for a District Permit.

d. Council may, upon recommendation from ESD, adopt a recommendation to either not renew or to revoke the Business's District Permit and send such recommendation to the ATC.

4. Recommending a Business to receive a District Permit or renewal is discretionary on the part of the City. The Business has no right to a recommendation or a District Permit, and no right to a recommendation for a District Permit based on any timelines. Thus, the City is not liable under any circumstances for the Business's failure to be granted a recommendation, a District Permit, or a renewal of a District Permit.

5. The Business understands that neither the Council nor ESD can guarantee the Business will receive a District Permit or renewal of such from the ATC; the City may only make recommendations to the ATC.

6. In the event the Business's alcohol permit is denied, revoked, not renewed, terminated, or ended for any reason, this Agreement shall automatically terminate. Furthermore, the Business shall not be entitled to a refund or compensation from Council, ESD, or the City of Bloomington.

7. Permits are not transferable, not portable within or without the district, and any renewal is subject to compliance with the terms of the City's ordinances, the Guidelines, and this Agreement. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third-party claim.

8. The Business shall defend, indemnify, and hold harmless the Common Council, ESD, and City of Bloomington, and the officers, agents and employees of such from any and all claims, demands, damages, losses, liabilities, costs, and expenses or other liability including cybercrime perpetrated by or attributable to the Business, its employees, the Business's employees or agents (regardless of whether committed with or without the Business's knowledge or consent) arising out of or related to this Agreement, or occasioned by the reckless or negligent performance of any provision thereof, including, but not limited to, any reckless or negligent act or failure to act or any misconduct on the part of the Business or its agents or employees, or any independent contractors directly responsible to it (collectively "Claims").

9. Any notice required by this Agreement shall be made in writing to the individuals/addresses specified below:

   City of Bloomington

   A. City of Bloomington Common Council
      401 N Morton St., Suite 110
      Bloomington, IN 47404

   B. City of Bloomington Legal Department
      401 N Morton St., Suite 220
      Bloomington, IN 47404

   C. City of Bloomington Economic and Sustainable Development Department
      401 N Morton St., Suite 150
      Bloomington, IN 47404

   BUSINESS

   [Business Address]

   Copy to: [Business Register Agent or Attorney]

   Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of the Council, ESD, or the City of Bloomington and the Business.

10. This Agreement shall be governed by the laws of the State of Indiana. Venue of any disputes arising under this Agreement shall be in the Monroe Circuit Court, Monroe County, Indiana.

11. Neither the City, ESD, Council, nor the Business may assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement.

12. The Business shall comply with City of Bloomington Ordinance 2.23.100, et seq., and all other federal, state and local laws and regulations governing non-discrimination, including but not limited to employment. The Business understands that the City of Bloomington prohibits its employees from engaging in harassment or discrimination of any kind. If the Business believes that a City employee engaged in such conduct towards the Business and/or any of its employees, the Business or its employees may file a complaint with ESD, and/or with the City of Bloomington Human Resources department. The City takes all complaints of harassment and discrimination seriously and will take appropriate disciplinary action if it finds that any City employee engaged in such prohibited conduct. Any breach of this section is a material breach and will be cause for termination of this Agreement.

13. This Agreement has been duly authorized, executed and delivered by the Parties and is the legal, valid and binding obligation of the Parties, enforceable in accordance with its terms and conditions. The undersigned signatories for each Party represent that the undersigned signatories have been and are duly authorized to execute this Agreement for and on behalf of their respective Party.

City of Bloomington Common Council

____
, Council President Date

City of Bloomington Economic and Sustainable Development Department

____
, Director Date

[BUSINESS NAME]

____
Signature Date

____
Printed Name, Title