

3 A RESOLUTION APPROVING THE MUNICIPAL
4 RIVERFRONT DEVELOPMENT DOWNTOWN DINING
5 DISTRICT LIQUOR LICENSE

6 WHEREAS, the City of Fort Wayne has created the Municipal Riverfront
7 Development Project, known as the Downtown Dining District, to continue the
8 current progress in the redevelopment of downtown; and

9 WHEREAS, Indiana Code 7.1-3-20, authorizes the issuance of certain, non-
10 transferable permits to sell alcoholic beverages for on-premise consumption in a
11 restaurant located on land or in a historic river vessel within a municipal riverfront
12 development project; and

13 WHEREAS, to be considered for a recommendation for approval of a 221-3
14 Riverfront License from the Indiana ATC, an applicant submit a Downtown
15 Dining District Liquor License Application and shall enter into a formal written
16 agreement with the municipality; and

17 WHEREAS, Bird and Cleaver has submitted an application for a Downtown
18 Dining District Liquor License, a copy of which is attached hereto as Exhibit 1
19 and is prepared to enter into a formal written agreement with the City of Fort
20 Wayne, a copy of which is attached hereto as Exhibit 2; and

21 WHEREAS, the application and agreement meet the criteria established by
22 Resolution R-105-15 as adopted by Common Council;


23 NOW, THEREFORE, BE IT RESOLVED, The Common Council of The City of
24 Fort Wayne, Indiana:

25 Section1. That the City of Fort Wayne Common Council hereby approves the
26 "Downtown Dining District" application and agreement between The City of Fort
Wayne and Bird and Cleaver, and hereby provides the required local


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recommendation to the Indiana Alcohol and Tobacco Commission for a 221-3 Riverfront license to be issued to Bird and Cleaver; and

Section 2. That this resolution shall be in full force and effect from and after its passage and approval by the Mayor, unless rescinded by resolution by this legislative body.


Councilmember

Approved as to Form and Legality



Carol Helton, City Attorney



COMMUNITY DEVELOPMENT

Thomas C. Henry, Mayor

Engage • Innovate • Perform

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne IN 46802
260.427.1127

www.fwcommunitydevelopment.org

Downtown Dining District Liquor License Application

Business Entity Making this Application: Bird and Cleaves

Applicant's Name: John Cheesebrow

Applicant's Address: 4034 Fernbank Dr City: Fort Wayne State: IN Zip: 46815

Applicant's Phone (daytime): 260 466-5282 Email: jcheesebrow@gmail.com

1. Please outline any plans you have to improve the facility in which you will operate
2. The expected timetable for work and business commencement
3. Explain the overall concept and unique features of the proposed establishment.
4. Describe the level of control and participation the owners will have in the day, to, day operation of the business.
5. Explain how your operation plans to focus on a dining, entertainment or cultural experience rather than an alcohol consumption experience.
6. Describe how your venue/operation will draw people to Downtown Fort Wayne.
7. Provide information regarding the proposed permit holder's related experience

Permits are not transferable and any renewal is subject to compliance with the terms of the agreement with the City of Fort Wayne. The permits shall not be pledged as collateral or subject to any lien judgment, property settlement agreement, or third party claim.

Downtown Dining District - Liquor License Application

Eligibility Requirements and Evaluation Criteria

The Downtown Dining District is a project district where 3-way liquor licenses are made available to eligible dining, entertainment, and cultural establishments as a way to encourage dining in Downtown Fort Wayne. This District was made possible via state legislation and an Ordinance passed by the City of Fort Wayne Council that designated the District and adopted eligibility requirements.

Eligibility Requirements:

In addition to complying with all building, health, zoning laws, ordinances and all rules and regulations of the Indiana State Alcohol and Tobacco Commission (ATC), and local, state, and federal government's applicants must also meet the following local requirements annually in order to be eligible to apply or renew:

1. Applicant's establishment must be located within the Downtown Dining District boundaries.
2. The focus of operation must be on a dining, entertainment or cultural experience rather than solely an alcohol consumption experience.
3. The establishment cannot be a private club, nightclub, or adult entertainment venue.
4. Fees: Applicant must submit a \$1,000 non-refundable application fee with application.

District Requirements:

Applicants will enter into a formal written agreement with the City of Fort Wayne committing to ongoing compliance with the following district requirements, including annual reporting, and verification of compliance.

1. Establishments receiving Riverfront liquor licenses within the Downtown Dining District are required to maintain an annual ratio of non-liquor sales to total sales of at least 50%.
2. The licensed establishment will be actively open for business and fully operational during a minimum of three hundred (300) days per year, and a minimum of five evenings (5) per week.
3. The Applicant shall comply with all local and ATC application and renewal procedures.
4. Annual dues in the amount of \$2500 must be paid for membership in the *Downtown Dining Association*, payable through the Downtown Improvement District.

Evaluation Criteria:

The recommendation to support the state permit application will be based on how strongly the applicant meets the following criteria:

1. Granting of the license will benefit the purposes of the district, i.e. to become a cultural and dining destination in Downtown Fort Wayne.
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.



The above criteria will be evaluated on the following:

1. The Physical Location
2. The Business Plan
3. Reputation/Experience of Ownership

Please attach:

1. Your completed Indiana State form entitled "Application for New or Transfer Permit" along with any attachments.
2. A signed copy of this Application, including the Applicant's Certification below
3. A copy of your business plan
4. A check made payable to the City of Fort Wayne in the amount of \$1,000.

Please submit this form and all attachments to: City of Fort Wayne – Community Development, Attention: Development Finance - Downtown Dining District, 200 E. Berry Street - Suite 320, Fort Wayne, IN 46802.


APPLICANT'S CERTIFICATION

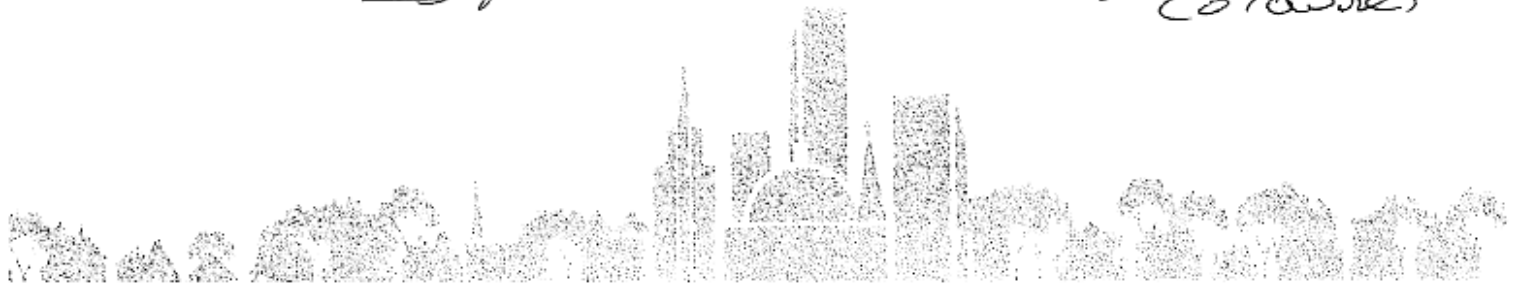
I hereby certify that all information in this application and all information furnished in support of this application are true and complete to the best of the Applicant's knowledge and belief.

I understand that the project described in this Application may not receive a Downtown Liquor License.

I certify that I have read and understand and agree to the above eligibility requirements & evaluation criteria. I further understand and agree to enter into a formal written agreement regarding the aforementioned district requirements, to be approved by the City of Fort Wayne Common Council and the Mayor.

I hereby release and discharge the City of Fort Wayne, together with their respective subsidiaries, affiliates, employees, agents, directors and other related parties, from any and all rights and obligations, duties, claims, debts, actions, causes of action or liabilities arising out of, or relating to, the seeking or receipt of a Downtown Dining District Liquor License pursuant to this Project Application and related documents.

Applicant's Signature:  Date: 6/26/19
Printed Name: John Charko Title: Manager
COTWRES



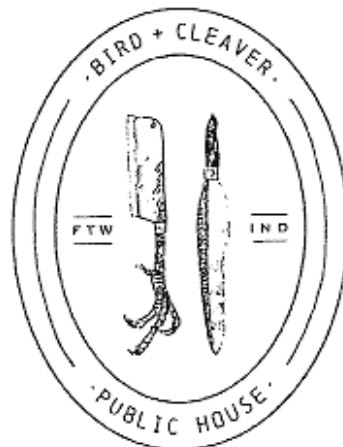
Bird and Cleaver

Business Plan for Downtown Dining District Liquor License Application

Prepared by:
Lindsay & John Cheesebrew, Co-owners

1603 N. Wells St.
Fort Wayne, Indiana 46808
(260) 494-3684
Birdandcleaver@gmail.com

birdandcleaver.com



Executive Summary

We believe that there is a strong case to be made for the extension of a Downtown Dining District Liquor License to Bird and Cleaver restaurant. Since our inception in 2016 and the opening of our physical location in 2018, we have proven ourselves to be a strong asset to the culture and economy of Fort Wayne. We believe that the granting of this license will improve the city and our relationship to the community in numerous ways. Our hope is that this license will free capital that we can then invest in our business and community. This will be done through increased wages and benefits for our team, extension of our hours from four nights a week to five, and offering a wider variety of products, and continuing our strong presence just a quarter mile from Promenade Park.

Business Description

Knowing the background of our business is crucial to understanding where we hope to go.

Origins

The origins of Bird and Cleaver, as a duo, go back 15 years, but the collective roots reach much further. Clamoring underfoot in the kitchens of strong rural Grannies, we learned an early respect for humble ingredients, and honest “come as you are” hospitality. Decades later, the importance of these early lessons have solidified themselves as the foundation of our work, and our devotion to a vibrant, healthy community.

After years of pop-ups, private events, and catering, we finally found a place to call home. A beautifully inviting, century old house, tucked into the Wells Street Corridor; close to downtown Fort Wayne, and only a quarter mile from the new Promenade Park. We are so fortunate to have found a space that complements our vision for a place to share what we love, that feels familiar, no matter where you’re from. We’re so happy to have the opportunity to share our space with all of our neighbors.

Vision

In the last two and a half years, we have worked tirelessly to create a place where everyone can feel welcome. We strive to keep our meals affordable. We host events where our friends, employees, and the surrounding community come to be together. We hope to continue these efforts and to keep building on the momentum that we have to continue to do new and exciting things for Fort Wayne.

Product

Bird and Cleaver offers locally sourced bistro fare in a casual environment. We attempt to keep our offerings both exciting and accessible. **Appendix 1** shows some of our top selling options for lunch and dinner. We also serve brunch on Sundays. This has been immensely popular and continues to be one of our most popular days of the week. We attempt to offer options to those with allergens and dietary restrictions. We retain a popular following among vegetarians and vegans in the local area. We are also a popular place for those who desire to eat locally sourced meats and produce. Our regular menu consists of products from the following locally owned businesses:

-
- Zinnia's Bakery
- Wood Farms
- Hawkin's Farm
- Atom Acres
- Yellow Cup Coffee
- True Kimchi
- Old Crown Coffee
- Mad Anthony Brewery
- Hop River Brewery

We regularly offer specials that we share on social media typically on the day of the special. **Appendix 2** shows some of our recent specials.

As stated above, we want Bird and Cleaver to be a place where everyone feels welcome. We host events in hope that we can be a part of bringing this city together. Some of our recent efforts can be seen in **Appendix 3**.

Licensing Benefits

The licensing that we are seeking will provide benefits to the city, our business, and our employees.

Community Building

Everything that we do is for our community. There are a number of ways that this license will create positive effects on our community and its economy. First, we are in the business of quality, and as a part of that, we make an effort to offer a rotating selection of beer and wine that encourages conscientious consumption. We also believe that offering these products builds culture in the way that people value the art and craft that goes into them. Secondly, we are a local business, made up only of people who live in the city. The money that we make here stays here. Finally, we are in a location where people who come to the city will stumble upon our business, and vice versa.

Increased Investment

We plan to invest the savings that we see into our business in numerous ways. First, we will continue to work to provide our employees with fair wages, and ideally, begin to introduce benefits and paid time off. We think that having a strong team is crucial to the survival of our business, and we make every effort to build a strong team. Second, we hope to continue to host events, as we are constantly thinking of ways that we can bring the community together. Freeing up some capital for these events will allow us to offer more for less to our community. Finally, we hope to continue to offer weekly specials. This license will allow us to continue experimenting in the kitchen in order to create unique offerings that will keep people coming back.

To summarize, the city will benefit from,

1. *Improved Wages and Benefits*
2. *Continuation of Free Community Events*
3. *Menu Experimentation*

and our business, employees, and customers will benefit from,

1. *Continued offerings of high quality beer and wine items*
2. *The success of a purely local business*
3. *Maintaining high quality options close to the city and Promenade Park*

Licensing Requirements

The *Eligibility Requirements and Evaluation Criteria* for the Downtown Dining District requires:

1. Establishments receiving Riverfront liquor licenses within the Downtown Dining District are required to maintain an annual ratio of non-liquor sales to total sales of at least 50%.
2. The licensed establishment will be actively open for business and fully operational during a minimum of three hundred (300) days per year, and a minimum of five evenings (5) per week.

The following table contains data pertaining to requirement (1):

	Jan – Jun '19
Alcohol Sales	31,408.30
Food Sales	141,763.87
Total Income	173,172.17

Our current hours are the following

Wednesday – Saturday, 11-2, 5-9
Sunday, 11-2

If approved for the Riverfront liquor license, we will extend our Tuesday hours to include evenings. This would then satisfy the licensing requirements.

Appendix 1: Popular Options from Lunch and Dinner Menu*

Starters

*Fondue (\$8) - (v) Delicious cheesy dip that just happens to not contain any cheese!
Served with a toasted baguette and local, seasonal vegetables*

Sandwiches

*K.F.Sea (\$9) - (v) Vegan buttermilk crispy tofu, dill pickle aioli, iceberg lettuce on a
Zinnia's sesame bun*

*Patty Melt (\$12) - Wood Farms beef patty, caramelized onions, thousand island
dressing, cheddar on Zinnia's pullman bread*

*Thick as Thighs (\$10) - Hoffman grilled chicken, collards, house hot sauce, mayo,
potato chips on a Zinnia's sesame bun*

Bowls

*Green Acres (\$12) - (v) Choice of protein, dressed quinoa, seasonal greens, assorted
seasonal veg, house dressing, bird seed, green onion, seasonal herbs*

*After School Special (\$11) - (v) Spiced black beans, sticky rice, smashed avocado,
cilantro, chimichurri slaw, green onion, vegan aioli, tiki dust, queso fresco*

Salads

*House Salad (\$4/\$8) - (v) Assorted greens, house tahini dressing, parmesan, crispy
fried garlic, corn nuts*

Appendix 2: Recent Instagram Posts Promoting Special Items



birdandcleaver • Follow

and @windrosefarm tomatoes served with crusty @zinnias_bakehouse bread

fancyendstaple Mmmmmmmmmmm

minivanlane

casalovere It was so good!!!

jeffbbz This was great!

137 likes

Log in to see more



birdandcleaver • Follow

birdandcleaver Tonight's feature- @windrose_farm mushrooms and grits, with mushroom jus, ricotta and herb salad. (Vegan without ricotta)

minivanlane

infinite_content

jeffbbz Epilogue: It was super tasty

149 likes

Log in to see more

Appendix 3: Recent Events Hosted at Bird and Cleaver

Bird & Cleaver
TOMATO + WINE DINNER



TUESDAY, SEPTEMBER 3RD AT 7 PM

Please join us for this very special dinner,
and enjoy true seasonality with us.

birdandcleaver • Gallery

birdandcleaver Here is our menu for the upcoming wine dinner! Link in bio! SOLD OUT!! La Marca Prosecco

Heirloom tomato / tomato water / burrata / sherry vinaigrette / basil seed

Talbot Kall Harl Chardonny

Whipped feta / heirloom tomato / olive oil / lemon / fleur de sel / tarragon / dill / crusty bread

Jermann Pinot Grigio

Tomato bisque / garam masala / ginger / yogurt / chile / toasted cumin seed / cilantro
Allegrini Palazzo Della Torre



66 likes

View all

Log In to like or comment

S.L.A.W.

STRONG LADIES OF ARM WRESTLING



SUNDAY JUNE 23RD 9-8PM SNACK + DRINK MENU

BIRD AND CLEAVER

5 DOLLAR SUGGESTED DONATION TO
FORT WAYNE CENTER FOR NONVIOLENCE

birdandcleaver • Follow

birdandcleaver We are so thrilled to announce our first major event in June! S.L.A.W. (STRONG LADIES OF ARM WRESTLING) TOURNAMENT

DO YOU HAVE WHAT IT TAKES?!!
BULGING BICEPS! GLITTER AND FRINGE! FAME AND GLORY!
BEAUTIFUL DISPLAYS OF POWER, AND BRUTE STRENGTH - FEATURING THE MOST HYPE LADIES IN THE LAND!

If this sounds like you, S.L.A.W might be just what you're looking for! Strong Ladies of Arm Wrestling is a full on, glitz and glam arm wrestling tournament.



187 likes

Log in to like, comment or share



APPLICATION FOR NEW OR TRANSFER PERMIT

State Form 51189 (R5 / 2-17)
Approved by State Board of Accounts, 2017

INSTRUCTIONS:

1. Type or print legibly.
2. Include payment.
3. Do not complete shaded areas.
4. Mail to the address at the end of this application form.
5. If there is no opening for this applied permit or there is an omission, this application will be returned.
6. Please attach a completed Property Tax Clearance - Form 1, if applicable, which can be found at <http://in.gov/atc/2409.htm>.
7. Please attach a copy of your Registered Retail Merchant Certificate from Indiana Department of Revenue.
8. Please attach a completed County Verification of Business Location form, if applicable, which can be found at <http://in.gov/atc/2409.htm>.

* This agency is requesting your Social Security Number in accordance with IC 4-1-8-1; disclosure is mandatory, and this record cannot be processed without it.

STEP 1: GENERAL INFORMATION		
This permit type will allow you to sell: <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor	This permit type is for: <input type="checkbox"/> On-premise consumption (Retailer) <input type="checkbox"/> Off-premise consumption (Dealer) <input type="checkbox"/> Other (Specify)	Type of application: <input type="checkbox"/> New application <input type="checkbox"/> Transfer owner <input type="checkbox"/> Transfer location
Please briefly describe your business that qualifies you for this permit type. Full Service Restaurant		Permit number (Required for transfers.)
This ownership entity is: (Check one)		
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Simple Partnership <input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Municipality <input type="checkbox"/> Club Association <input type="checkbox"/> Club Corporation
Business entity making this application Bird and Cleaves	Telephone number of applicant (260) 494-3684	
Doing business as (DBA)		
Location where alcoholic beverages will be dispensed (number and street)		
1603 N. Wells St		
City / Town Fort Wayne	State IN	ZIP code 46808
E-mail address scheseb@sw@gmail.com	Telephone number of premises (260) 494-3684	
General Questions Part 1		
1. The proposed premises is located in what county? Allen		
2. Is the proposed permit premises located inside the corporate limits of a city / town? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3. If yes, please name the incorporated city / town. Fort Wayne		
4. If no, please name the unincorporated community which has been known by that name for more than ten (10) years. (This is only required for a beer or a beer and wine application.)		
5. Is there at least 200 feet between this premise and any church or school? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
6. If no, have you obtained a written statement from the church or school pursuant to IC 7.1-3-21-11(c)(1)? (If yes, please attach statement.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Business address, if different than premises address: <input type="checkbox"/> Check here to use business address as mailing address: <input type="checkbox"/>		
Name		
Address (number and street, city, state, and ZIP code)		
General Questions Part 2		
1. Do you understand that you must have a Federal identification number? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
2. Do any individuals, corporations, limited liability companies, limited liability partnerships, or stock owners, members, or partners of such entities have any interest, either directly or indirectly, in any distiller, vintner, farm winery, rectifier, brewer, primary source of supply, or wholesaler permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. As owner, do you manage the premise? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please complete Step 6, Manager's Questionnaire.		

FOR OFFICE USE ONLY
Date received (mm/dd/yy)
Permit number
Permit type
Quota check
Jurisdiction
Checked by
Base fee receipt number
Balance due
Refund
Catering receipt number
Balance due
Refund
Date reviewed (mm/dd/yy)
Hearing date of Local Board (mm/dd/yy)
Commission approved
Permit issued
Date of expiration (mm/dd/yy)
Permit released
Remarks

General Questions Part 2 (continued)

4. Do you sell tobacco products? Yes No
 If yes, please provide the Tobacco Sales Certificate number. _____
5. Do you know that an Excise Officer may enter, inspect, and search your permit premise without a warrant or other process to determine if you are complying with the provisions of the Indiana alcoholic beverage laws / rules? Yes No
6. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term of the permit? Yes No

STEP 2: ANNUAL FOOD SALES (FOR EXISTING BUSINESSES ONLY**)**

For the following permits: Type 209 (except golf courses); All retail permits with less than sixty percent (60%) ownership by Indiana residents; Retail permits with limited bar / family room separation.

Date of beginning report (month, day, year)

9/16/18

Date of ending report (month, day, year)

9/18/18

A. Gross food sales (For retail permits, exclude carryout and catering sales.)
 (For convenience stores exclude gasoline and automotive oil products.)

269,001

B. Gross alcoholic beverage sales

69,401

C. Total gross sales (column A + B)

338,402

STEP 3: QUALIFICATIONS

SOLE OWNER / PARTNERSHIP PERMIT:

If applying as a sole owner or partnership for any type of permit, answer the following question:

Are you now and have you been a continuous and bona fide resident of this state for five (5) years? Yes No

CORPORATION PERMIT: (PLEASE ATTACH COPY OF "CERTIFICATE OF EXISTENCE" FROM THE INDIANA SECRETARY OF STATE.)

If applying as a corporation for a retailer's permit, answer the following questions:

Is at least sixty percent (60%) of the outstanding common stock owned by persons who have been continuous and bona fide residents of this State for five (5) years? (For exceptions, see IC 7.1-3-21-6.) Yes No

If you meet an exception in IC 7.1-3-21-6, please list and continue to the questions pertaining to all individuals having an interest in this permit.

Is the applicant a retailer corporation with forty-one percent (41%) or more of the common stock held by out of state stockholders? Yes No
 If yes, you must agree to and initial below.

I hereby affirm that the annual gross food sales at the permit location currently exceed one hundred thousand dollars (\$100,000) or in the case of a new applicant are expected to exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period commencing on the date of issuance of the permit and will, thereafter, exceed one hundred thousand dollars (\$100,000) per annum. Initial _____

If applying as a corporation for a package liquor store, answer the following questions:

Is at least sixty percent (60%) of the outstanding stock in the corporation owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and Yes No

Does the stock described in the previous question constitute a controlling interest in the corporation? Yes No

LLC / LLP PERMIT: (PLEASE ATTACH COPY OF "CERTIFICATE OF EXISTENCE" FROM THE INDIANA SECRETARY OF STATE)

If applying as a limited partnership, limited liability company, or limited liability partnership for a retailer's permit, answer the following questions:

Is at least sixty percent (60%) of the ownership interest held by persons who have been continuous and bona fide residents of this State for five (5) years? (For exceptions, see IC 7.1-3-21-6.) Yes No

If you meet an exception in IC 7.1-3-21-6, please list and continue to the questions pertaining to all individuals having an interest in this permit.

Is the applicant a retailer limited partnership, limited liability company, or limited liability partnership applying with forty-one percent (41%) or more of the ownership interest held by out of state residents? Yes No
 If yes, you must agree to and initial below.

I hereby affirm that the annual gross food sales at the permit location currently exceed one hundred thousand dollars (\$100,000) or in the case of a new applicant are expected to exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period commencing on the date of issuance of the permit and will, thereafter, exceed one hundred thousand dollars (\$100,000) per annum. Initial _____

If applying as a limited partnership, limited liability company, or limited liability partnership for a package liquor store, answer the following questions:

Is at least sixty percent (60%) of the partnership interest or sixty percent (60%) of the outstanding membership interest in the limited liability company owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and Yes No

Does the partnership or membership interest described in the previous question constitute a controlling interest in the limited partnership, limited liability company, or limited liability partnership? Yes No

THE FOLLOWING QUESTIONS PERTAIN TO ALL INDIVIDUALS HAVING AN INTEREST IN THIS APPLICATION.

NOTE: "Individuals" referred to in all questions in the below section include LLCs, LLPs, corporations, partnerships, and all other business structures recognized under Indiana law as well as a natural person where applicable.

Have any individuals with an interest in this permit been convicted of a felony or a misdemeanor?
(If yes, please attach letter with dates, court, conviction, and sentence.) Yes No

Have any individuals with an interest in this application ever been convicted of, or found to have committed a violation of, the Indiana Alcoholic Beverage laws, rules, regulations, or orders of the ATC?
(If yes, please attach an explanation, including permit number(s).) Yes No

Are all individuals with an interest in this application citizens of the United States? Yes No

Are all individuals with an interest in this application of sound mind, good moral character, and good repute in the community in which they reside? Yes No

Are any individuals with an interest in this application a law enforcement officer, or an officer of a municipal corporation, or government subdivision, of this state charged with any duty or function in the enforcement of Indiana Code Title 7.1? Yes No

Have any individuals with an interest in this application held a permit under this title and had the permit been revoked within one (1) year prior to the date of this application?
(If yes, please provide the permit number(s) and an explanation.) Yes No

Have any individuals with an interest in this application made an application for a permit of any type which was denied less than one (1) year prior to this application for a permit (unless the application was denied by reason of a procedural or technical defect)? Yes No

Do any individuals, corporations, limited liability companies, limited liability partnerships, partnerships, or stock owners, members, or partners of such entities have any interest, either directly or indirectly, in any other permits or endorsements of any kind issued under Indiana Code Title 7.1 connected with, but not limited to, the production, distribution, transportation, or sale of alcoholic beverages?
If yes, list permits below. (Attach additional sheet if necessary.) Yes No

Permit number(s) RR0233928

Are you indebted to a person or an officer or agent of that person, who holds a brewer's permit or wholesale permit, for a debt, secured by a lien, mortgage, or otherwise upon the premises for which the beer retailers permit is to be applicable or upon any of the property or fixtures in the premises, or used, or to be used in connection with the premises? Yes No

STEP 4. AFFIDAVIT OF OWNERSHIP

Complete name <i>Lindsay Cheesbrough</i>	Social Security number *	Date of birth (month, day, year)	Citizen of United States <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code) <i>4036 Fernbank Dr</i>			
Nature of Interest <input checked="" type="checkbox"/> Sole Owner <input type="checkbox"/> Corporate President <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Corporate Secretary <input type="checkbox"/> Club Officer			Percent of ownership <i>100</i>
Complete name	Social Security number *	Date of birth (month, day, year)	Citizen of United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)			
Nature of Interest <input type="checkbox"/> Sole Owner <input type="checkbox"/> Corporate President <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Corporate Secretary <input type="checkbox"/> Club Officer			Percent of ownership
Complete name	Social Security number *	Date of birth (month, day, year)	Citizen of United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)			
Nature of Interest <input type="checkbox"/> Sole Owner <input type="checkbox"/> Corporate President <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Corporate Secretary <input type="checkbox"/> Club Officer			Percent of ownership
Complete name	Social Security number *	Date of birth (month, day, year)	Citizen of United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)			
Nature of Interest <input type="checkbox"/> Sole Owner <input type="checkbox"/> Corporate President <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Corporate Secretary <input type="checkbox"/> Club Officer			Percent of ownership

If you need more space, please attach additional sheets.

STEP 5. PERMIT TYPE SPECIFIC QUESTIONS

You must meet specific requirements to hold certain types of permits. Please answer only the following questions that are applicable to your permit application.

LIQUOR RETAILER

Is the proposed permit premise located in an incorporated city having a population of less than 5,000? Yes No

If the answer is yes, have you attached to the application the enabling ordinance from the city consenting to the issuance of liquor retailer's permits? Yes No

CATERING HALL

Are you applying for a special three-way catering hall permit that will allow you to sell alcoholic beverages for on-premises consumption only on a premises that is used only for private catered events and has accommodations for at least 250 individuals? Yes No

CLUBS

If you are applying for a club permit, please check the appropriate box: Social Club Fraternal Club

If a social club, does your association or organization meet the general requirements of IC 7.1-3-20-1? Yes No

If a fraternal club, does your association or corporation meet the general requirements of IC 7.1-3-20-1 and the specific requirements of IC 7.1-3-20-7? Yes No

If your club permit premises is outside the corporate limits, do you meet the requirements of IC 7.1-3-20-3? Yes No

HOTEL

If you are applying as a hotel, do you meet the general requirements of IC 7.1-3-20-18? Yes No

HISTORIC DISTRICT

If you are applying for an historic district permit, is the restaurant located in a district that is on the National Register of Historic Places that includes a county courthouse, a historic opera house, and a historic jail and sheriff's house pursuant to IC 7.1-3-20-16(g)? Yes No

If yes, you must submit the appropriate verification, including a district map identifying the location of your restaurant, an approval letter from a city or town representative that indicates whether the city or town adopted an ordinance that requires a written commitment pursuant to IC 7.1-3-19-17, and a copy of the ordinance creating the district. If the city or town ordinance requires a written commitment, you must also submit a copy of the written commitment.

AIRPORT, REDEVELOPMENT, RIVERFRONT, RAILWAY STATION, CULTURAL CENTER, SPEEDWAY, LAKE FRONT

If you are applying for a permit authorized by IC 7.1-3-20-16 or IC 7.1-3-20-16.8, do you meet the requirements for the designated permit? Yes No
Specify the type of permit for which you are applying. Riverfront

NOTE: *If you are applying for a municipal riverfront development permit (IC 7.1-3-20-16(d) and IC 7.1-3-20-16.1) or a lakefront development permit, motorsports development permit IC 7.1-3-20-16(k) or (l), or redevelopment permit (IC 7.1-3-20-16.8), you must also submit a letter indicating that the statutory requirements have been met and the mayor's approval of the permit, a map of the district identifying the premises location, and a copy of the ordinance creating the district.*

If you are applying for a permit in a publicly owned airport (IC 7.1-3-20-16(b)), union railway station (IC 7.1-3-20-16(c)), railway station (IC 7.1-3-20-16(e)), cultural center (IC 7.1-3-20-16(f)), or redevelopment district (IC 7.1-3-20-16(h) and (i)), please submit supporting documentation showing that your premises is located in a district that meets the qualification of the section authorizing the permit.

If you are applying for a lakefront district permit pursuant to IC 7.1-3-20-16(j) and IC 7.1-3-20-16.2, please submit a map of the district identifying the location of your restaurant, detailed information concerning the expenditures of the state, local, and federal funds on the municipal lakefront development project, and a copy of the local ordinance or resolution authorizing the municipal lakefront development project.

DRUG STORE

If you are the proprietor of a drug store, do you hold a valid permit issued by the State Board of Pharmacy? Yes No

NOTE: *You must designate on your floor plan the pharmacy area that has been submitted and approved by the State Board of Pharmacy.*

Permit number of pharmacy	Date of issuance (month, day, year)	Date of expiration (month, day, year)
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RIVERBOAT

Are you applying for a riverboat / excursion permit and do you currently hold a valid riverboat owner's license issued by the Indiana Gaming Commission? Yes No

License number of riverboat owner	Date of issuance (month, day, year)	Date of expiration (month, day, year)
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Are you applying for an adjacent landsite permit? Yes No

HORSE TRACK

Are you applying for a horse track permit and do you currently hold a valid recognized meeting permit issued by the Indiana Gaming Commission? Yes No

Permit number of recognized meeting	Date of issuance (month, day, year)	Date of expiration (month, day, year)
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Are you applying for a satellite permit? Yes No

License number of satellite facility	Date of issuance (month, day, year)	Date of expiration (month, day, year)
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STEP 5. PERMIT TYPE SPECIFIC QUESTIONS (continued)

BOAT (SEASONAL)

If you are applying for a boat permit, do you engage in regular passenger service which makes regular runs in seasonal weather between established locations? Yes No

BEER WHOLESALER

Do you have available for investment capital and cash or property necessary and useful in your business, exclusively as a beer wholesaler, of at least \$15,000 (exclusive of motor vehicles), and do you agree that you will, if the application is granted, actually make the investment and submit proof to the Commission before you engage in business as a beer wholesaler? Yes No

BREWER

I certify that the projected number of barrels of beer to be manufactured during the permit year will not exceed 90,000 barrels. (A barrel equals thirty-one (31) gallons.) (Small Brewer) Yes No

I certify that the projected number of barrels of beer to be manufactured during the permit year will exceed 90,000 barrels. (A barrel equals thirty-one (31) gallons.) (Brewer) Yes No

If a small brewer, do you own or lease a building separate from the brewery premises that is used to store and condition beer pursuant to IC 7.1-3-2-7(5)(K)? Yes No

VINER / DISTILLERY / FARM WINERY

Check if you qualify and are applying for one of the following permits.

- Vintner (IC 7.1-3-12-1) Distiller (IC 7.1-3-7-2) Farm Winery (IC 7.1-3-12-3)
 Artisan Distiller (IC 7.1-3-27-2) Farm Winery Brandy Distiller (IC 7.1-3-7.5-2)

BOND REQUIREMENTS

The following applicants are required to file with this application the appropriate non-revocable surety bond, made payable to the State of Indiana. (Check the appropriate bond amount, if applicable.)

- Brewer (\$10,000) Liquor Wholesaler (\$10,000) Vintner (excludes farm winery) (\$10,000)
 Distiller (\$10,000) Rectifier (\$10,000)

MICROWINE WHOLESALER

I certify that the annual projected number of gallons of wine and brandy sold will not exceed twelve thousand (12,000) gallons. Yes No

STEP 6. MANAGER'S QUESTIONNAIRE

Name of manager (last, first, middle initial) Social Security number *

Date of birth (month, day, year) Employee permit number of manager Date of expiration (month, day, year)

Home address (number and street, city, state, and ZIP code)

Are you a citizen of the United States? Yes No

Are you at least twenty-one (21) years old? Yes No

Is it true that you are not an officer or employee of a person engaged in:
 The alcoholic beverage traffic, which person is a non-resident of this state; or
 The carrying on of any phase of manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this title when one is required by this title? Yes No

Are you a law enforcement officer, or a non-elected officer of a municipal corporation or government subdivision charged with any duty or function in the enforcement of Alcoholic Beverage Laws? Yes No

Has an alcoholic beverage permit held by you been revoked within one (1) year prior to the date of this application for a permit? Yes No

Have you made an application for a permit of any type which has been denied less than one (1) year prior to this application for a permit (unless the application was denied by a reason of a procedural or technical defect)? (If yes, please attach an explanation.) Yes No

Are you now, and have you been for the last five (5) years a continuous and bona fide resident of the State of Indiana? Yes No

If no, does the permit premise you are managing have a minimum annual gross food sales of at least \$100,000? Yes No

Do you hold a permit of any kind for the sale of alcoholic beverages in Indiana, or do you have any interest in any such permit, directly or indirectly, through ownership of stock or otherwise? Yes No

If yes, list permit numbers. (Attach additional sheet, if necessary.)

Have you been convicted of a felony? (If yes, attach places and dates of arrest, court of record, and conviction and attach relevant court record(s).) Yes No

Have you been found in violation of the Indiana alcoholic beverage laws, rules, regulations, or orders of the Commission? (If yes, explain on a separate attachment.) Yes No

Signatures of manager referred to in this schedule

STEP 7. FLOOR PLAN

INSTRUCTIONS: Applicant must submit four (4) drawings on letter size paper (8 1/2" x 11"). These drawings must show dimensions and identifications of any existing family room(s), seating arrangement(s), ballroom(s), service bar(s), dance floor area(s), kitchen area(s), restrooms, storage and office areas, exits, and alcoholic beverage display areas for all types of permits. Please sign and date each drawing.

If a restaurant or a restaurant located in a hotel or motel, will anyone under the age of twenty-one (21) be guests to the permit premises? Yes No

If the answer to the above question is "yes," there must be COMPLETE SEPARATION of the barroom from the room or rooms where individuals under the age of twenty-one (21) will be present. Yes No

Are you requesting approval for limited separation? Yes No

NOTE: All drawings must be approved by the Commission before the permit is issued. We recommend you receive approval before construction begins. Contact your local excise district office. Contact Information for local excise district offices can be found at <http://in.gov/atc/isepl/2379.htm>. (Please attach all drawings to this application.)

STEP 8. AFFIRMATION OF APPLICANT

I certify that this application was completed by myself or by the preparer identified herein. I certify that I have read this completed document and that all information provided herein and on any attachments is true and correct. I UNDERSTAND THAT IT IS A FELONY TO MISREPRESENT OR FALSIFY ANY PORTION OF THIS APPLICATION OR ATTACHED DOCUMENTS.

I hereby consent for the duration of the permit term to inspection and search by an enforcement officer, without a warrant or other process, of my licensed premises, any approved satellite facility, approved storage facility, and vehicles to determine compliance with the provision of Indiana Code 7.1.

Note: The applicant **MUST** sign this application unless the proper Power of Attorney forms are attached to this application.

Signature of applicant <i>Lindsay Cheesebren</i>	Date signed (month, day, year) <i>9/18/19</i>
Printed name of applicant <i>Lindsay Cheesebren</i>	Title of applicant <i>Owner</i>

STEP 9. SIGNATURE OF PREPARER (if applicable)

I certify that I have examined this application and the accompanying documents, and to the best of my knowledge and belief, they are true, correct, and complete. I certify that the applicant reviewed the completed form prior to signing.

Signature of preparer	Date signed (month, day, year)
Printed name of preparer	Telephone number ()

STEP 10. FEES

Please remit business check, certified check, or money order – application will not be processed without payment. (See attached fee schedule.)

Checks should be made payable to the Indiana Alcohol and Tobacco Commission.

MAIL COMPLETED APPLICATION, PAYMENT, AND SUPPORTING DOCUMENTS TO:
INDIANA ALCOHOL AND TOBACCO COMMISSION
 302 West Washington Street, Room E114
 Indianapolis, IN 46204
 For additional information: www.IN.gov/atc or (317) 232-2430

FEE SCHEDULE *

Permit	Fee	Statutory Authority
Beer only or wine only	\$500	IC 7.1-4-4.1-9(c)(1) (retailer); IC 7.1-4-4.1-12 (c)(1) (dealer)
Beer and wine	\$750	IC 7.1-4-4.1-9(c)(2) (retailer); IC 7.1-4-4.1-12(c)(2) (dealer)
Beer, wine, and liquor	\$1000	IC 7.1-4-4.1-9(c)(3) (retailer); IC 7.1-4-4.1-12(c)(3) (dealer)
Three-way (fraternal club)	\$250	IC 7.1-4-4.1-10
Supplemental catering	\$150	IC 7.1-4-4.1-2
Wholesaler	\$2000	IC 7.1-4-4.1-13(b)
Micro wine wholesaler (selling less than 12,000 gallons of wine and brandy)	\$100	IC 7.1-4-4.1-13(c)
Brewer (manufacturing more than 90,000 barrels)	\$2000	IC 7.1-4-4.1-14
Brewer (manufacturing 90,000 barrels or less)	\$500	IC 7.1-4-4.1-16
Distiller	\$2000	IC 7.1-4-4.1-14
Artisan distiller	\$250	IC 7.1-3-27-15
Vintner	\$2000	IC 7.1-4-4.1-14
Farm winery	\$500	IC 7.1-4-4.1-15
Rectifier	\$2000	IC 7.1-4-4.1-14
Wine bottler	\$2000	IC 7.1-4-4.1-14
Farm winery brandy distiller	\$250	IC 7.1-4-4.1-17

* For information about fees for other permit types, please contact the Alcohol and Tobacco Commission at (317) 232-2430.

BILL NO. R-19-09-16

REPORT OF COMMITTEE ON REGULATIONS

October 1, 2019

Tom Freistroffer Chair

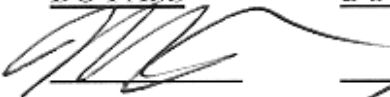


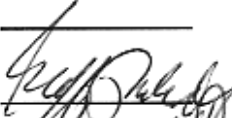
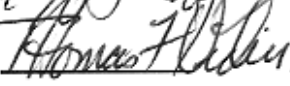
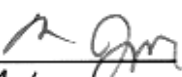
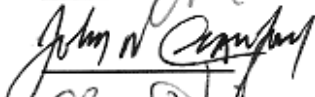
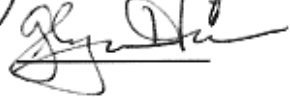
Michael Barranda Co-Chair

All Council Members

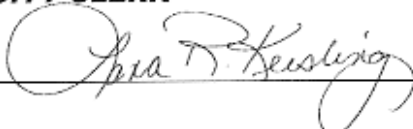
A Resolution approving the Municipal Riverfront Development Downtown Dining District Liquor License

Bird and Cleaver, 1603 N. Wells St

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			
			
			
			
			
			
			
			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Freistroffer, placed on passage by the following vote:

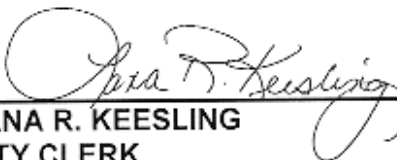
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: October 8, 2019


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-19-09-16 on the 8th day of October, 2019


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th of October 2019, at the hour of 1:45 o'clock P.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10th day of OCTOBER 2019, at the hour of 9:00 o'clock Am. E.S.T.


THOMAS C. HENRY, MAYOR

