

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA**

April 26, 2021

The Common Council of the City of Valparaiso, Indiana, met on Monday April 26, 2021 at 6:00 p.m. in City Hall. Councilmember Douglas called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Schmidt, Pupillo, Anderson, Costas and Douglas. Mayor Murphy was absent.

MINUTES

Councilmember Reed moved to approve minutes of the April 12, 2021 meeting. Councilmember Pupillo seconded the motion. Councilmember Cotton commented the word “indefinitely” should be added in the second paragraph of Ordinance No. 6, 2021. Upon voice vote the motion to approve as presented passed with a 7-0 vote.

ORDINANCE NO. 7, 2021

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,
INDIANA, AMENDING THE MUNICIPAL CODE OF THE CITY OF VALPARAISO
AND AMENDING ORDINANCE #11, 2001 CONCERNING THE CREATION OF A
CAPITAL ASSET CAPITALIZATION AND INVENTORY POLICY**

Councilmember Reed moved that Ordinance No. 7, 2021 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Costas seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Mike Nielsen of Governmental Fixed Assets addressed the Council. He has worked with the City for 30 years. The current policy for the City is approximately 15 years old. To be in compliance with new standards, capital assets must be identified and depreciated. The new policy changes the threshold from \$15,000 to \$25,000 for fixed assets. Mike has discussed this with State Board of Accounts and a representative of Baker Tilly. Both are fine with the decision to raise the threshold to \$25,000. All vehicles, land and rights-of-way will be capitalized regardless of the cost.

Councilmember Cotton asked what could happen that would make the State Board of Accounts concerned about an accurate accounting that would not adequately list all assets and there would be issues. Mike Nielsen explained they are looking for a good snapshot of the assets of the City of Valparaiso. He further explained the process. Councilmember Cotton said it is simply a matter of stewardship and transparency.

Clerk-Treasurer Taylor added this Policy was presented to and approved by the Board of Works at their April 9, 2021 meeting.

Councilmember Reed moved to adopt Ordinance No. 7, 2021. Councilmember Cotton seconded the motion. Upon roll call vote the motion to adopt Ordinance No. 7, 2021 passed with a 7-0 vote.

ORDINANCE NO. 8, 2021

AN ORDINANCE APPROPRIATING FUNDS IN THE CAPITAL EQUIPMENT FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Reed moved that Ordinance No. 8, 2021 be read a first time and considered on first reading. Councilmember Cotton seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 8, 2021.

Clerk-Treasurer Taylor addressed the Council. She explained this money was given to the City by the Redevelopment Commission and is to purchase squad cars for the Police Department. Chief Balon added this is for the purchase of nine squad cars and is part of the yearly rotation of cars.

Councilmember Pupillo asked if the shutdown of the assembly plant has hurt the availability of vehicles. Chief Balon replied not yet.

Councilmember Douglas asked if the Department has investigated electric vehicles. Chief Balon replied they have. Electric cars are more expensive and relatively new. They are waiting to see how well the electric cars hold up before looking into a purchase.

Councilmember Reed moved that Ordinance No. 8, 2021 be carried over to the May 10, 2021 meeting. Councilmember Cotton seconded the motion.

ORDINANCE NO. 9, 2021

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING THE AMERICAN RESCUE PLAN FUND

Councilmember Reed moved that Ordinance No. 9, 2021 be read a first time and considered on first reading. Councilmember Schmidt seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 9, 2021.

Clerk-Treasurer Taylor addressed the Council. Due to COVID-19, the American Rescue Plan will disburse funds to certain local units of government to mitigate the fiscal effects stemming from the public health emergency. To be consistent with Indiana law, the City needs to establish a local ARP Fund to receive the allocation of funds. The money should arrive in May. As part of this process a plan needs to be established. The funds need to be disbursed by December 31, 2024. The payment will be in two installments.

Councilmember Cotton asked if the amount will be about \$7 Million Dollars. Clerk-Treasurer Taylor replied they expect to receive \$7.06 Million and it will come in two installments.

Councilmember Pupillo asked if the funds were earmarked. Clerk-Treasurer Taylor said in Section 2 of Ordinance No. 9, 2021, it establishes the uses for the money. A plan must be established as to how the City is going to go forward.

Councilmember Cotton asked if the funds are not totally spent in the year received, will the City lose them. Clerk-Treasurer Taylor explained the money must be disbursed by December 31, 2024 and he was assured it will be spent in its entirety.

Councilmember Reed moved that Ordinance No. 9, 2021 be carried over to the May 10, 2021 meeting. Councilmember Cotton seconded the motion.

ORDINANCE NO. 10, 2021

AN ORDINANCE AMENDING TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF VALPARAISO

Councilmember Reed moved that Ordinance No. 10, 2021 be read a first time and considered on first reading. Councilmember Cotton seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 10, 2021.

Beth Shrader addressed the Council. She explained what should be considered when making proposed changes to the UDO. This has been reviewed and approved by the Plan Commission. It is her hope that after tonight's presentation the Council will ask any questions or voice any concerns and then at the next Council meeting, adopt Ordinance No. 10, 2021 and Ordinance No. 11, 2021. Beth presented a "red lined" copy of the sections of the UDO that has proposed changes. She discussed the articles and proposed changes to each. She feels these changes allow more flexibility in the UDO.

Councilmember Cotton asked what determines if a traffic study is required. Beth replied the intent was to give broad authority to the Enforcement Official. They feel it would be important for larger developments that would have an impact on traffic. Councilmember Cotton asked if it would have been appropriate for The Brooks and the corridor along 500. Beth replied it could be. The Engineering Director can clarify more if needed.

Councilmember Costas asked if businesses can still apply for a temporary sign. Beth replied this changes the classification. It is allowed through a different process.

Councilmember Reed asked if any consideration has been given for outside the central district and signs that remain up year after year. These buildings have a marquee where this information could be posted. Beth replied language will have to be used that is not overly restrictive for those who are not abusing the rules.

Councilmember Cotton discussed light fixtures adjacent to residential areas and how this affects the residents. Beth replied there are protections in place.

Councilmember Douglas asked how it was determined what should be revised. Beth replied the revisions were staff driven. In working with the public, their concerns were looked at and changes proposed. Input was also sought from people who work with the BZA.

Councilmember Douglas asked about parking. Beth replied she would like to look at that issue more. It was not included in this review because they had to make sure they did not take on too much. The parking issue will require public input and will take time. The Comprehensive Plan is almost ten years old. It will be looked at soon.

Councilmember Douglas asked about the grandfather provision. He has more questions but would like to meet with Beth before the next meeting to discuss them.

Councilmember Cotton stated the City just paid for a housing study. He questioned what more would a review of the Comprehensive Plan reveal. Beth said they are committed to evaluating density standards. This is something that has a ripple effect on the codes and requires more review than was given for the current review.

Councilmember Reed moved that Ordinance No. 10, 2021 be carried over to the May 10, 2021 meeting. Councilmember Cotton seconded the motion.

ORDINANCE NO. 11, 2021

AN ORDINANCE AMENDING ZONING MAP OF THE CITY OF VALPARAISO

Councilmember Reed moved that Ordinance No. 11, 2021 be read a first time and considered on first reading. Councilmember Cotton seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 11, 2021.

Beth Shrader addressed the Council. She presented the current zoning map and a map with proposed changes. Any uses that will now be different, will be considered legal non-conforming. If a property is abandoned for six months, it will have to change to the new zoning. The current uses were looked at and care was taken to make sure the new zoning would be compatible. There is a procedure for mitigation. This received a favorable recommendation from the Plan Commission. It is now before the Council for review and approval.

Councilmember Douglas asked if all affected residents were notified. Beth Shrader replied certified mail notices were sent. There were two remonstrators. One was Mateers. She has met with them and issues have been resolved. The other is McNair. She is working with them and their attorney on a resolution. Councilmember Douglas asked if any current projects will be impacted by these changes. Beth replied the McGill property is up for sale. There may be others she is not aware of. The Legal Non-conformity will take affect once the Ordinance is adopted.

Councilmember Anderson explained how McNair is a unique property. The down zoning could hurt them. Beth has come up with a special consideration which should be a win-win for both sides. Beth added there is no Public Hearing on these changes. However, if an agreement is not reached with the McNairs, she would request that they be given a chance to talk at the next Council meeting.

Councilmember Reed moved that Ordinance No. 11, 2021 be carried over to the May 10, 2021 meeting. Councilmember Schmidt seconded the motion.

Other Business

Attorney Patrick Lyp addressed the Council regarding the Downtown Liquor License that is available. In 2005 the State Legislature authorized the Indiana Alcohol and Tobacco Commission (“IATC”) to issue ten additional liquor licenses above the allotment granted to Valparaiso. The use of the downtown liquor licenses is limited to the downtown area and are

non-transferable. When a holder of a license ceases to operate its restaurant in excess of six months, the liquor license reverts to the IATC and then City has the right to recommend reissuance to another restaurant that meets all the necessary criteria. Sage restaurant closed in 2020 which left one license available. Initially, there were four applicants for this permit. The Valparaiso Downtown Alcoholic Beverage Review Committee (“Committee”) met and reviewed all applicants and recommended approval of Scarpe. Unfortunately, the non-voting advisory Committee members failed to disclose the he was involved in a legal proceeding with one of the four applicants. That applicant did not feel the review process was fair. After review by the City Attorney and in consultation with the Mayor and City Council, it was decided that there was a conflict and the best way to resolve the issue was to have the applicants make presentations directly to the City Council. All four applicants were given the opportunity to be present at tonight’s Council meeting. Only two accepted the invitation to be here tonight for consideration of the permit. Comments from the Public have been received via email. Councilmembers have received a copy of these emails. They have been posted on the City’s webpage and will be part of the minutes of tonight’s meeting. The decision made by the City Council will be forwarded to the IATC, which makes the final decision on the issuance of any liquor licenses.

Councilmember Douglas began by reading the following statement: “Before we begin, as my fellow Council members know from the last time the Council considered recommending a downtown liquor license, I recused myself from the matter because I held an ownership interest in one of the applicants. In speaking with the City Attorney and giving this matter significant thought, I intend to participate in this evening’s discussions.”

The first presentation was given by Chris Shoemaker and his son, Adam Shoemaker on behalf of Scarpe. Scarpe is an existing Italian restaurant located at 66 West Lincolnway. Scarpe is a partnership owned by Chris and Katrina Shoemaker. Scarpe opened in June of 2019. Prior to opening Scarpe, the Shoemakers invested \$100,000 in personal property and real property improvements. Scarpe currently holds a Beer and Wine Alcohol Permit which was transferred from their other restaurant – Shoes Pizza. Scarpe is a fine dining restaurant which features authentic, regional cuisine from all 20 regions of Italy. Their chefs have been trained at the Culinary Institute of America and studied in Italy. They are looking to secure the liquor license to add a well-rounded cocktail list to their beverage program. The license would enhance their business. They are not looking to change their hours or operation. During the pandemic they were creative and were able to keep the doors open and staff employed. Adam Shoemaker addressed the Council and explained the operations of the restaurant and the bar. Frequently customers have left when they realize they cannot get a cocktail with their meal. Chris added they are owner operators. Over the years they have donated over \$10,000 in the community.

Councilmember Cotton thanked them for their commitment to Valparaiso. He asked if the 3-way license is so important to their business, why didn’t they apply when there were two available. Chris replied it was timing. Neither one of those licenses was available when they wanted to open. One of the permits had to stay with the building. He had already signed a lease and put extensive remodeling costs into his current location. The other one, the current holder was dragging his feet in turning the license back to the State. That permit would not have been available to him until September or October. He made the decision to transfer the beer and wine permit from Shoes Pizza to Scarpe. Adam added he worked at Shoes since he was 14. After graduation from high school, he moved to New York and attended school. He then worked one year in North Carolina and lived one year in Italy studying.

Councilmember Schmidt thanked Chris Shoemaker for his investment in Valparaiso and surviving COVID. He lived in Italy for six years. He cannot imagine sitting down to dinner without a glass of wine. He clarified that the Shoemakers have spent \$100,000 in remodeling and understands it would have been difficult to go four months or so without a license. He likes Adam's passion.

Councilmember Anderson also thanked the Shoemakers for their investment in Valparaiso and their commitment to the community. He knows firsthand when you are opening a new business there is a lot to do. All of it is geared to a specific opening day.

Councilmember Costas thanked Chris Shoemaker. He stated he knows Chris is a hard worker and a Valpo person. He appreciates their involvement in the restaurant and community.

Councilmember Pupillo stated both applicants are great. He knows Adam is knowledgeable.

Councilmember Douglas thanked the Shoemakers for their involvement in the community. He asked how many employees and will that change if they get the license. Adam Shoemaker replied they currently have 12 employees. Most are original employees and have been with them through the pandemic. They have signs up to hire more. Their hours are Tuesday through Saturday from 4-9:00 pm and do not anticipate changing those hours. They do special events on the weekend.

Councilmember Reed thanked the Shoemakers for being part of the community and their contributions.

Councilmember Cotton asked if they will leave should they not get the permit. He also asked if Chris feels there is a positive impact with more fine dining. Chris replied he does not consider they are fine dining. Their price point is about the same as everyone else. He thinks people have the opinion Scarpe is fine dining but he is about as casual as they come. They are casual and unique. He added they will continue doing business whether they get the permit or not. The license will help them survive. Councilmember Cotton asked Chris if he sees value in having a business in Sage versus a vacant building. Chris replied he embraces competition.

The second presentation was given by Michael Bonczyk on behalf LeBon Brasserie. Mr. Bonczyk used a PowerPoint presentation. Such shall be included in the Minutes. He and his wife, Dana Darr, are the owners of the building at 157 Lincolnway. He has been a resident of Valparaiso for 19 years. His wife's family has had businesses in Valparaiso since 1979. They both are involved in the community. Sage closed primarily due to COVID. They used the downtown alcoholic requirements as their guide in looking for a new tenant. They consulted with the City. They had two offers they turned away. LeBon is owned by Dudley Nieto and Jason Gatzka. LeBon will be located at 157 Lincolnway. Dudley Nieto graduated from Le Cordon Bleu. He has a good French background. He has opened various restaurants in New York and Chicago. He has been on television. Jason Gatzka grew up locally and has been around restaurants since childhood. His background is in finance but his first love has always been food and hospitality. Together LeBon ownership has over 42 years of combined experience in creating, owning and operating restaurants. LeBon is a full-service restaurant concept serving lunch, dinner and weekend brunch. There will be a full bar staff. LeBon is a French inspired restaurant. Chef Dudley is well prepared to deliver classic French preparations with an updated twist. There will be outdoor dining that is as elegant as the inside dining. LeBon will employ

18-20 people. LeBon will pay staff a minimum of \$8 an hour in addition to gratuity regardless of position. The Chef will be training local residents to be chefs. The restaurant will be comfortable and have a professional staff. The interior of the building will be completely renovated. The new plan allows diners to go through the building. They anticipate spending \$250,000 to \$300,000. This will require a rear yard façade restoration. The deck will allow access to Central Park. Anticipated interior expenditure budget is going to be \$200,00-\$300,000. Or \$200,000-\$250,000. “That is fairly conservative but I didn’t want Jason to have a heart attack but that is where the numbers have been coming in looking at things.” They have hit all 18 criteria required by the City for the license. They have a commitment to Downtown. Giving the license to LeBon brings a new restaurant. You fill a vacant building. You create a new draw to downtown. You have 18 new jobs. Transformation of an existing space. You have a new front and back façade. And a \$350,000 investment which increases the tax base. He feels the Council is savvy enough to know they will get a benefit by giving the license to Le Bon.

Councilmember Reed asked about the time frame. Mike replied within two – three months they will be open.

Councilmember Cotton asked about the back façade and deck. Mike explained the City put the back deck on the building. One of the things former City Administrator Bill Oeding wanted was creating the back of the building to be the front.

Councilmember Douglas asked for clarification on the ownership. Mike replied Jason Gatzka and Dudley Nieto are the restaurant owners. Councilmember Douglas asked about Arcadia closing in Michigan City. Jason Gatzka explained COVID took its toll on the business. Eventually he was forced to close due to COVID. He was approached to have the property purchased and developed into a 52-unit condo complex. This offer has been dragging out, so he is currently working on re-opening Arcadia. He anticipates re-opening in June. If he does not receive this available license LeBon will not open. It will not be a feasible project if the license is not there. There are no other licenses available currently.

Councilmember Costas asked how well Jason knows Chef Dudley. Jason replied they have been friends. They have had multiple conversations regarding restaurant concepts. Chef Dudley is familiar with the area. He spent considerable time in Michigan City. He lives in Illinois. He will be at LeBon full time. Mike Bonchek added the restaurant will have a front and back entrance.

Councilmember Cotton discussed how connected to Valparaiso the two owners are. He asked if this situation is unusual for Chef Dudley. Jason replied executive chefs do not stand behind the line and do the cooking.

Councilmember Schmidt thanked them for their potential investment in Valparaiso.

Councilmember Cotton thanked the “long timers” in Valparaiso. Dana Dar gave the history of her family in downtown Valparaiso since 1979.

Councilmember Schmidt asked if Arcadia was the first restaurant Jason has opened. Jason replied it is. Councilmember Schmidt asked if it is typically closed in the winter months. Jason replied no, they only closed this past year due to COVID. Valparaiso is not subject to the same seasonality as Michigan City.

Councilmember Cotton asked what type of food is served at Arcadia. Jason replied it is New American.

Councilmember Costas asked if Arcadia was successful pre-COVID. Jason replied yes. Councilmember Costas asked if Jason will be an owner operator and will he have a general manager at Arcadia. Jason replied he will be at LeBon 16 hours a day. He can take time away from Arcadia.

Attorney Patrick Lyp stated emails received from the Public will be part of the record. These have been distributed to all Councilmembers, so they have had a chance to review them.

Councilmember Reed asked how the number of available licenses is determined. Attorney Lyp replied the traditional permits issued through the IATC are based on the City's population as determined by the census. This means the number of traditional licenses will likely increase once the census numbers are finalized; however, the IATC has not indicated when that will happen. The City's 10 licenses were established by a specific statute and will not change unless there is a change in the legislation.

Councilmember Cotton asked how to go about asking for more available licenses. Attorney Lyp stated it requires working with our State Representative and Senator. It is not an easy task to do. The first question would be is 10 the right number. If the City decides the number needs to be changed it will require the legislature to approve it and then the Governor to sign it.

Councilmember Schmidt asked how long the license is valid. Attorney Lyp explained every two years a renewal is filed with the IATC. The City can object at any time if they feel the license holder is not living up to the commitments made.

Councilmember Douglas asked about a 3-way license. Attorney Lyp replied if a business already holds a 3-way license, they cannot apply for a Downtown Liquor License. A license reverts back to the IATC if the business is closed for six months. If a restaurant changes its concept without City Council approval, the license could be revoked and returned to the IATC. This is why the City prepares Written Commitments for all license holders.

Councilmember Pupillo stated this is a tough spot. He would like to petition the State for more licenses. He is disappointed that Chef Dudley is not present tonight. He also pointed out that Scarpe is local ownership.

Councilmember Cotton stated the purpose of the license is to promote the highest and best use. This is what should guide the decision. The goal is to increase the number and variety of restaurants in downtown.

Councilmember Douglas stated the City has had 10 licenses and then Sage closed. Scarpe has been open less than two years with the last 13 months under COVID. Scarpe has made a huge investment. They have an investment in the employees they have hired. He hopes both will want to continue business in Valparaiso. He believes it has been Scarpe's intent from the beginning to have a 3-way license. He is not looking at this as an existing restaurant versus a new restaurant.

Councilmember Cotton stated timing is everything. The Council needs to look at the highest and best use rather than giving it to someone following an already record year. It is draconian to not look for more. It would be malpractice to leave a building vacant.

Councilmember Costas stated both were good presentations. He wishes that Jason would have done the LeBon presentation. It would have given the Council a chance to get to know him. It is his feeling the Council needs to consider the investment in downtown.

Councilmember Cotton stated the jobs and the higher taxes are important. The bottom line is how will we add jobs.

Councilmember Reed stated she appreciates the time in planning what to bring into the vacant building by LeBon. Having another establishment in the community is a benefit. It will draw more people in.

Councilmember Costas expressed his opinion that this needs to be decided tonight.

Councilmember Cotton moved to award the license to LeBon.

Councilmember Schmidt stated he is in the middle as well. He also wishes Jason had done the presentation. Scarpe stayed open during COVID. Michigan City Arcadia was closed due to COVID. Jason added that Michigan City is two different places in summer versus fall and winter.

Councilmember Pupillo stated this is becoming an economic development issue. He agrees this needs to be decided tonight. It would have been better if Chef Dudley and Jason had done the presentation.

Councilmember Costas asked about the protocol for this vote.

Attorney Lyp explained Councilmember Cotton's motion requires a second. There are different ways to approach this decision. A motion and vote – although members would not know how other members thought. Another approach could be to follow the process for school board appointments and to have each member state their preference. Based on the preferences, a Council member could make a motion.

Councilmember Costas stated he feels this should be done like the school board vote. Each Councilmember should state their preference and why.

Councilmember Cotton withdrew his motion.

Councilmember Reed – LeBon

Councilmember Cotton – LeBon

Councilmember Schmidt – Scarpe. Following the recommendation of the Downtown Liquor License Commission.

Councilmember Pupillo – LeBon. Economic engine. He does not want any more empty store fronts

Councilmember Anderson – Scarpe

Councilmember Douglas – LeBon

Councilmember Costas – Lebon

Councilmember Cotton moved to award the Downtown Liquor License to LeBon contingent on the execution of a Memorandum of Understanding that includes the commitments that have been promised according to the application and presentation. Councilmember Pupillo seconded the motion. Upon roll call vote the motion was approved with a 7-0 vote.

Attorney Lyp will have the formal Resolution and signed Written Commitments at the next Council meeting.

Councilmember Schmidt asked if the license goes to Jason or the owner of the building. Attorney Lyp replied that will all be spelled out in the Written Commitments; however, it will go to the business that is operating the restaurant. Based on the application and presentation tonight that would be Chief Jason Gatzka and Chef Dudley Nieto.

Councilmember Douglas thanked both applicants.

Chris Shoemaker addressed the Council. He thanked them for the opportunity. However, he feels this is a mistake. He has not used COVID as an excuse. He made a commitment to his employees, landlord and the City of Valparaiso and stayed open during COVID. He will continue to do what he does. But he also pointed out the numbers of LeBon changed from the original application. He was under the impression that was not allowed. He was skeptical that LeBon will invest the funds they committed or honor some of the representations they made.

Public Comment

Attorney Patrick Lyp stated no public comments have been received for tonight's meeting.

School Board Applications

Councilmember Reed stated she has received five applications. The first meeting will be May 3rd. Two weeks from that date will be the second round of interviews. The Council has the option to reduce the number down by one or go ahead with five applicants.

City Cleaning Day

Councilmember Pupillo stated the City Clean-Up day is May 22nd. He encouraged volunteers for this project.

Park Department

Councilmember Schmidt reported the Park Board meets tomorrow night. Banta is scheduled to open after being closed due to COVID.

The meeting adjourned at 8:57 p.m.

/s/ Holly Taylor, Clerk-Treasurer

E-mails Received Regarding the Issuance of a Downtown Liquor License Permit

From: gloria ruff <gruff55@gmail.com>

Sent: Thursday, April 15, 2021 2:49 PM

To: Patrick Lyp

Subject: liquor license

Dear Mr Lyp,

I saw the article in the Northwest Indiana Times this morning about the liquor license process coming up at a city council meeting on April 16th. As a community member from District 3, I would like to say that I think the license should be awarded to Le Bon Brasserie. I know that four applications have been received and that the four will be reviewed at the meeting where applicants will make a presentation.

I would just like to give my opinion on which restaurant I think should receive the license. I am all in favor of the Le Bon Brasserie. This new French restaurant would be filling an empty space in a building downtown which would make the downtown look more prosperous. I think a new French restaurant would bring people into Valpo from surrounding areas for a fine meal as well as be popular with locals. Something new and different would be just the thing to enliven an already pretty lively downtown (except during the pandemic).

Thank you for reading my message and taking into consideration my thoughts. I appreciate it and all you do for the city of Valparaiso.

Take care,

Gloria Ruff

1308 Parkway Ct.

Valparaiso, IN 46385

From: Bill Durnell <bill@billdurnell.com>

Sent: Monday, April 19, 2021 1:37 PM

To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson;

Evan Costas; George Douglas

Cc: Patrick Lyp; Mike Jessen

Subject: Downtown Alcoholic Beverage License

Members of City Council,

I am writing to express my strong support for Le Bon to be awarded the latest and last available downtown liquor license. My support for Le Bon's proposal is based on two key factors: (1) Le Bon's application objectively scores highest on the merits of the City's own previously published guidelines for awarding such licenses and (2) the owners of the building where Le Bon would be located experienced steep financial losses from the impacts of COVID on their previous tenant, Sage Restaurant, who previously held the now available license. Unlike restaurant owners or other operating businesses, building owners received no direct support or stimulus from the various government COVID relief programs in the past year.

The City of Valparaiso established a 19-point set of guidelines to set out its values and criteria to be considered when awarding the downtown liquor licenses. These guidelines cover various concerns from the corporate condition and financial strength of the applicant, to their experience operating restaurants and serving their communities, as well as the impact the proposed investment would have on the downtown area and local job market. While each applicant scores points on this scale, Le Bon's proposal, I believe, clearly demonstrates the strongest adherence to the overall guidelines. The Le Bon applicants are financially strong and have direct experience running an upscale restaurant with their Arcadia concept in Michigan City, Indiana. And with Le Cordon Bleu-trained Chef Dudley Nieto at the helm in the kitchen, they would add a new and unique upscale, French cuisine to downtown Valpo. Their proposed investment is significant and would not only enhance the downtown Valpo streetscape and breadth of dining choices but also would create new jobs to help the City's hard-hit service industry recover from its pandemic losses.

The building owners at 157 Lincolnway, the location where Le Bon would be located, are themselves long-time, Valparaiso residents and business owners. They have invested not only in the restaurant building but also in the adjacent buildings on either side. According to county records, they pay real estate taxes of more than \$22,000 per year across these properties. With the devastating effects of COVID-19 on restaurants generally and their previous tenant, Sage, in

particular, they have already lost at least a year's worth of rental income. Awarding Sage's, now available, license to another applicant, especially considering that their hand-picked successor's application is superior on the merits, would not only unnecessarily and unfairly delay the building owners' economic recovery, but could also tarnish the business climate for other potential investors in the future.

In a memo announcing this latest round of applications, the City offered potential applicants the following advice: "Although any restaurant concept will be considered, the Committee is interested in concepts that are not currently available in Valparaiso and would add to the overall diversity of food offerings in the downtown." I personally watched the live-stream of the Valparaiso Downtown Alcoholic Beverage License Committee meeting wherein each of the four applicants first presented their cases. When taken in their entirety and compared against the clearly stated intentions, goals, and criteria of the City of Valparaiso, there is, to me, one applicant that leads the pack — Le Bon. Thank you in advance for your careful and independent consideration!

Very best regards,
Bill Durnell

April 20, 2021

Dear Members of the Valparaiso City Council,

It has come to my attention that you will be voting next Monday, April 26, to award a downtown liquor license to one of four different restaurants. I would like to strongly throw my support behind LeBon, the proposed French restaurant where "Sage" previously operated.

I believe French cuisine would be a fantastic addition to the downtown restaurant scene.

Adding this sort of restaurant will definitely mark us as a cultural destination along with all the other fabulous restaurants we already have.

Please vote for LeBon at the next city council meeting.

With appreciation,

Ellen Kapitan

From: Theresa <tnicksic@yahoo.com>

Sent: Tuesday, April 20, 2021 12:34 PM

To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson; Evan Costas; George Douglas; Patrick gyp; Mike Jessen

Subject: Please Vote for LeBon!

Dear Members of the City Council,

It has come to my attention that you will be voting next Monday to award a downtown liquor license to one of four different restaurants. I would like to strongly throw my support behind LeBon, the proposed French restaurant.

How exciting to have a French restaurant in Valparaiso when there is not another one in Indiana for over 150 miles. The closest one I am aware of is in Chicago and even those are not plentiful. I

believe this would be a fantastic addition to the downtown restaurant scene as well as an obvious draw for people who live outside of our city. Adding this sort of restaurant will definitely mark us as a cultural destination along with all the other fabulous restaurants we already have.

I can already taste how good this restaurant is going to be!

Please vote for LeBon at the next city council meeting.

With appreciation,

Theresa Nicksic

2106 William Dr

Valpo

From: Chella bug <chellabug@gmail.com>

Sent: Tuesday, April 20, 2021 1:13 PM

To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson; Evan Costas; George Douglas; Patrick Lyp; Mike Jessen

Dear Members of the City Council,

You will be voting next Monday, April 26th to award a downtown liquor license. I would like to ask that you vote for the proposed French restaurant; LeBon. This would be a refreshing addition to our dining experiences since the exit of Bon Femme.

Sincerely, MiChelle Stump

From: Melissa Griffin <melissa@indigoinkdesigns.com>

Sent: Wednesday, April 21, 2021 4:00 PM

To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson;

Evan Costas; George Douglas; Patrick Lyp; Mike Jessen

Subject: Vote for Culture & Diversity!

Dear Members of the City Council,

It has come to my attention that you will be voting next Monday to award a downtown liquor license to one of four different restaurants. I would like to strongly throw my support behind LeBon, the French restaurant petitioning to go into the Sage space.

Adding a French restaurant to our city certainly will increase the diversity of options we have. As far as I know there is not another restaurant of that style anywhere in Northwest Indiana so it would be unique to our city. Being a resident of the downtown neighborhood, I certainly would hate to see an empty space on Lincolnway, especially so close to the heart of the city - City Hall, and the Pavilion area. I believe this would be a fantastic addition to the downtown restaurant scene as well as an obvious draw for people who live outside of our city. Adding this sort of restaurant will definitely mark us as a cultural destination along with all the other fabulous restaurants we already have.

LeBon has already hired local talent to create a brand identity, as well as a collaboration in envisioning the space brought to life through branded messaging and interior design. Hiring a regional chef to develop this exciting new concept in our town as well as hiring and training other locals in French cuisine is a great asset to our community. Please vote for LeBon at the next city council meeting.

With appreciation,

Melissa Griffin

INDIGO INK DESIGNS

312 I 869-2412

melissa@IndigoInkDesigns.com

www.IndigoInkDesigns.com

From: Kimberly Patton <kp4tton@gmail.com>

Sent: Thursday, April 22, 2021 7:24 AM

To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson; Evan Costas; George Douglas; Patrick Lyp; Mike Jessen

Subject: LeBon restaurant and liquor license

Dear Members of the Valparaiso City Council,

I understand you will be voting this Monday to award a downtown liquor license to one of four different

restaurants. I strongly support awarding a liquor license to LeBon, the proposed French restaurant, in the former Sage restaurant location.

Before the pandemic, my family and I ate out at least a couple of times a week. During the pandemic we have transitioned to take-out service and thoughtfully supported our local restaurants, almost exclusively those in

Valpo. We focused on locally owned restaurants and avoided national chains. We believe in supporting our

local businesses as much as possible and look forward to dining out again very soon. LeBon proposes a

unique dining experience with a French theme, which to my knowledge, is unique in the Region and

surrounding area for at least 150 miles in Indiana. The closest one I am aware of is in Chicago but I much

prefer supporting our local restaurants and businesses. Additionally, this new restaurant will create jobs here in

the Region and generate tax revenue. I also think that because of the unique LeBon dining experience and

menu, it will draw people who live outside of our area. Adding this sort of restaurant will definitely strengthen

our reputation area as a cultural destination along with all the other fabulous restaurants and attractions we

already have. Plus, empty space never reflects well on the economic health of a community.

Please vote for LeBon at the next city council meeting - it seems like an easy decision to me.

Kind regards,

Kimberly and Curtis Michael Patton
Valparaiso, IN

From: Judith Barnett <judithvalrs@gmail.com>

Sent: Thursday, April 22, 2021 10:53 AM

To: dianalreed@comcast.net; Robert Cotton; cschmidt@valop.us; Jack Pupillo; Peter Anderson; Evan Costas; George Douglas

Cc: Patrick Lyp; Mike Jessen

Subject: LaBon Restaurant

Dear Members of the City Council,

It has come to my attention that you will be voting next Monday to award a downtown liquor license to

one of four different restaurants. I would like to strongly throw my support behind LeBon, the

proposed French restaurant.

How exciting to have a French restaurant in Valparaiso when there is not another one in Indiana for

over 150 miles. The closest one I am aware of is in Chicago and even there they are not plentiful. I

believe this would be a fantastic addition to the downtown restaurant scene as well as an obvious

draw for people who live outside of our city. Adding this sort of restaurant will definitely mark us as a

cultural destination along with all the other fabulous restaurants we already have.

I can already taste how good this restaurant is going to be!

Please vote for LeBon at the next city council meeting.

With appreciation

Judith Barnett

Valparaiso resident

From: Kim Tomkiewicz <kim.tomkiewicz@valpo.edu>

Sent: Friday, April 23, 2021 6:14 AM

To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson; Evan Costas; George Douglas; Patrick Lyp; Mike Jessen

Subject: In support of LeBon

Dear Members of the City Council -

I write to pledge my support towards LeBon, a new French restaurant in downtown Valparaiso.

While our city has many restaurants, they have become generic and rather vulgar; seeming to exist not to

promote an appreciation of fine cooking and baking, but rather an indulgence of loud music, televisions, and

garish food and drinks that are made only to post on social media. This is not the type of establishment that

many of us who live in, and around, our city are interested in patronizing.

Years ago, Maria Elena's provided our city an old world escape from the harshness of daily life.

That legacy is

gone. The type of establishment where you would celebrate engagements, rejoice in lives lived and passed,

and most importantly, partake in a carefully prepared meal that was meant to nourish and provide joy to the

customers, as well as the cooks. Our restaurants have, unfortunately, turned to the beer, pizza, and burger

crowd without a backwards glance.

LeBon will not only give a respectable and high dining experience to our community, but it will have the allure of being the only French restaurant outside of Chicago. This is what our community should be known for - quality over quantity and flash.

It is my strong determination LeBon should be given all the tools to prosper and to do so, be awarded the appropriate liquor license. How else are we diners to enjoy our meal without an appropriate cocktail - Le Forum, a

Libertine, or the more commonly known, French 75?

The pandemic will take years to recover from as a society. Many who are concerned about their well-being, and

that of those who serve them at dining establishments, do not take our social responsibilities lightly. Only with the

addition of LeBon - a dining experience and not just overpriced fast food - will those of us with disposable income

and social connections be motivated to "Dine Out Valpo" for a purpose that feeds our soul.

Sincerely -

Kimberly Jana Tomkiewicz

Kimberly Jana Tomkiewicz, MA, MALS

Academic Advisor and Capstone Coordinator

MSIT Programs and Certificates

Department of Computing and Information Sciences

Board Secretary for Indiana Academic Advising Network

NACADA Region Five Member-at-Large

kim.tomkiewiczPvalpo.edu

From: Scott Saporiti <scottsaporiti67@gmail.com>

Sent: Friday, April 23, 2021 9:28 AM

To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson;

Evan Costas; George Douglas; Patrick Lyp; Mike Jessen

Subject: Please vote for the French restaurant/liquor license

Dear Members of the City Council,

Recently, we read in the paper that a new French restaurant is in the running for a downtown liquor license and we

wanted to let you know how much we would appreciate the addition of such a concept. We both moved here from

Illinois where we had access to diverse and curated restaurants from Naperville to Chicago. Valparaiso has diverse

casual dining choices but so many of them fall short of offering that special evening out or fine dining and a French

restaurant would be a wonderful addition.

We would very much like to enjoy a date night out, an evening with friends, or highlight a special occasion, with

French culinary options, wine, and cocktails. Our out-of-town guests who already love our downtown area would be

delighted as well!

We would like you to know we completely support adding a French restaurant to downtown Valparaiso.

We hope

you see fit to vote as such.

Thank you for your consideration.

Regards,

Mark Fesenmyer, M.D.

Scott Saporiti

Scott Sap, Jr!ti

Owner of Saporì Stationery and Saporì Designs
p: 815.543.1567
e: scottsaporiti67gmail.com
2400 Nottingham Drive, Valparaiso, IN 46383

From: Jane Schreiner <janeschreiner@hotmail.com>
Sent: Friday, April 23, 2021 2:16 PM
To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson; Evan Costas; George Douglas; Patrick Lyp; Mike Jessen
Subject: Letter to the City Council on behalf of LeBon, a proposed French restaurant in Valparaiso

Dear members of Valparaiso City Council,
It has come to my attention that you will be voting on Monday, April 26th, to award a downtown liquor license to one of four restaurants in Valparaiso.
I would like to throw my support behind LeBon, a proposed French restaurant petitioning to go in the space formerly occupied by SAGE.
In my opinion, such a restaurant would be a great addition to our city and Northwest Indiana as well! A French restaurant would be less than French without a wine menu, so I hope that LeBon will be your choice to receive a license on Monday!
Thanks.
Jane Schreiner

From: Jane Schreiner <janeschreiner@hotmail.com>
Sent: Friday, April 23, 2021 2:36 PM
To: dianalreed@comcast.net; Robert Cotton; Casey Schmidt; Jack Pupillo; Peter Anderson; Evan Costas; George Douglas; Patrick Lyp; Mike Jessen
Subject: Liquor License for LeBon, a new French restaurant in Valparaiso

Dear members of Valparaiso City Council,
You will, no doubt, have a difficult decision to make on Monday, April 26th, choosing which of several Valparaiso restaurants will receive a liquor license.
I would like to throw my support behind LeBon, a new FRENCH restaurant to be located where SAGE was previously. What a great addition to Valpo, as well as Northwest Indiana, a FRENCH restaurant would be! That kind of dining has been missing from our city for quite awhile and would likely attract diners from far and wide.
A FRENCH restaurant would be a few notches less than French without a great wine menu, so please cast your vote for LeBon.
Thanks!
Jane K Schreiner

From: Michelle Prosser <elementswinebar@gmail.com>
Sent: Monday, April 26, 2021 9:24 AM
To: Patrick Lyp <PLyp@valpo.us>
Subject: Today's hearing

Patrick, I will not be attending today's hearing. The reason is that although I was not the recipient of the one available license, I understood the process. I always felt that Scarpe would be the restaurant that received the license due to the fact that according to the requirements set by the board, they were the only applicant who had met them at the time of the hearing. The fact that we are revisiting this now, after a decision has been made, is just confusing.
I had originally planned to attend, but due to the fact that I disagree with the decision to revisit this, I won't be there.
Not that it matters, but I support the decision to give Scarpe the license. These kids have made one of the finest

restaurants in Valpo at one of the most difficult times in history. They deserve this. I am not saying that everyone who applied is NOT deserving, but a choice was made, and it appears to have been made with fairness. Good luck today, and thank you for the opportunity.

Kind Regards,
Michelle Prosser
Owner, Elements Wine Bar

Dear Council Members and Liquor Permit Board,
As the Board of Directors for the *Valparaiso Restaurant Association*, we are 100 percent united in our endorsement for Scarpe to be granted the **Historic Liquor License**. Scarpe is a valued member of our *Valparaiso Restaurant Association*. They attend every meeting and enthusiastically participate in every initiative and event created by the *Valparaiso Restaurant Association*. They are the ideal member and have earned the respect of our Restaurants. Scarpe runs a very good operation and has proven that they are not "fly-by-night." The Shoemaker family invests back into the community and has been a cornerstone family business in Valparaiso for over eleven years. The purpose of the license is to encourage investment by local owners with skin in the game. It is also meant to assure long-term commitment to the community. For all the reasons stated above, the *Valparaiso Restaurant Association's* Board endorses Scarpe and the Shoemakers. We unanimously recommend that Scarpe be approved for this license.

Best Regards!

Valparaiso Restaurant Association

Board of Directors

Chris Pavlou- President
Paul Loduca- Liquor License Group Representative
Carlos Rivero
Sophie & Louie Kalafatis
Daniel Hwang Hui Wang

James Jano Janesheski