#### **RESOLUTION NO. 16**

# A RESOLUTION OF THE VALPARAISO COMMON COUNCIL OF THE CITY OF VALPARAISO AMENDING THE OBJECTIVES AND CRITERIA FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE PERMITS PURSUANT TO I.C. 7.1-3-20-16(g)

WHEREAS, during the 2005 legislative session, the Indiana General Assembly enacted and the Indiana Governor signed Senate Enrolled Act 282, which is codified at I.C. 7.1-3-20-16(g); and

WHEREAS, the aforementioned legislation provides that after June 30, 2005, the Indiana Alcoholic Beverage Commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five-hundred (500) feet from a district, that meets the statutorily created boundaries and which are approximately described as "downtown" Valparaiso; and

WHEREAS, the aforementioned legislation provides that the legislative body of the City of Valparaiso shall recommend to the Alcoholic Beverage Commission sites that are eligible to be permitted premises; and

WHEREAS, the Common Council of the City of Valparaiso is desirous of establishing objectives and criteria for making a recommendation to the Alcoholic Beverage Commission.

THEREFORE, be it hereby resolved by the Common Council of the City of Valparaiso that the objectives and criteria for license allocation, and the amendment located on Page 1, Item A are attached hereto and made a part of this Resolution as "Exhibit A," should be, and are, hereby adopted and approved by the Common Council of the City of Valparaiso for purposes of establishing a criteria for recommending potential permit holders to the Alcoholic Beverage Commission pursuant to Indiana law.

All of which having been resolved, adopted and approved by the Common Council of the City of Valparaiso this 14th day of November, 2005.

Ed Howe

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Chuck Williams

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Robert McCasland

an M. Dick

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

City of Valparaiso

Exhibit A

#### Valparaiso Downtown Alcoholic Beverage License Committee

Objectives and Criteria for License Allocation

The Indiana state legislature enacted Senate Enrolled Act Nº 282 (Act) which will be codified under the Indiana alcoholic beverage laws. The Act permits the Indiana Alcoholic Beverage Commission (ABC) to issue up to ten additional liquor licenses (one, two, or three-way)(Downtown Licenses) in historic downtown Valparaiso. The Valparaiso City Council (Council) may recommend to the Indiana ABC sites in the downtown where permits may be issued.

The Mayor has appointed a four-member committee (Committee) to recommend to the Council those sites that meet the qualifications in this Policy and are appropriate for Downtown Licenses.

#### **Purposes and Goals**

The purpose behind the Act is to further a key component of the city's downtown strategic plan by encouraging the location and operation of upscale restaurants in the historic downtown area. The goal is to provide the finest dining environment in Northwest Indiana in a single downtown district.

The Act also assists small business owners. These business owners invest not only in their business but also in our community. They are often active within the business community, sit on local boards, and participate in the local community.

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

- A. Increase the number and variety of distinctive and unique restaurants that operate in Valparaiso's downtown to a degree that distinguishes it as the best dining environment in Northwest Indiana.
- B Assist local, talented restaurant owners to achieve success by providing them the ability to offer a full line of beverages to their clientele.
- C. Use the license allocation program to encourage recipients to make improvements to their buildings, support the downtown Business Improvement District (BID), participate in unified marketing efforts, encourage a healthy and fun atmosphere in the downtown, and to generally improve the downtown commerce activity and the City of Valparaiso.

#### **Factors**

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

Corporate Condition and Operations. The Committee will consider the Applicant's (1) financial and ownership strength, which may best be demonstrated by a business plan, (2) history of operation, (3) reputation in the Valparaiso community and, if from other than Valparaiso, the Applicant's reputation in other communities, (4) the Applicant's owners' past participation in the Valparaiso community and the likelihood of continued participation of the owners in the future, (5) the control and participation of the owners of the Applicant in the day to day operation of the business, and (6) the nature of the jobs added to or retained in the Valparaiso employment base.

Restaurant Operations. The Committee will consider the Applicant's (1) experience operating a restaurant similar to that proposed, (2) the upscale nature of the restaurant and its proposed menu, (3) the unique features of the proposed restaurant, (4) the restaurant's ability to draw people to Valparaiso and, specifically, the downtown area, and (5) the focus of the restaurant to provide a dining experience rather than an alcohol consumption experience.

Community Participation and Commitment. The Committee will consider the Applicant's (1) commitment to the downtown area and the Valparaiso community in general and (2) the impact of the business on the downtown and Valparaiso in general.

Location and Physical Elements. The Committee will consider (1) the location of the restaurant, (2) the size, floor plan, and layout of the restaurant and exterior dining areas, if any, (3) the Applicant's plans to improve the facility in which they will operate and the consistency of such plans with the nature and architecture of the downtown area, (4) any physical improvements to the restaurant, and (5) the expected timetable for work and business commencement.

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

Included with this document is an application that summarizes the numerous considerations which will be considered when weighing an application for a Downtown License. It will aid the Committee and Council to determine the merit of an application and develop any conditions upon which the recommendation is made. The summary should serve as a guide to assist the Council in evaluating the request according to the criteria set forth by the state and the Council.

#### Application procedure.

The application process is as follows:

- 1. First, the Applicant will meet with the Valparaiso Economic Development Director to review of the Application requirements and the proposed location. All communications concerning the application shall be made through the Valparaiso Economic Development Director. No direct communication will be made by the applicant or others to the Committee members.
- 2. Second, the Applicant will file with the Valparaiso Economic Development Director the application for a Downtown License. The Application will be in the form promulgated by the Committee. Where appropriate, the form may include forms used by the Indiana ABC. These forms must be completed to apply with the state in order to obtain the state license.
- 3. Third, the applicants will attend a public hearing of the Committee to present its project and to offer evidence to support the Application..
- 4. Fourth, the applicant will attend a public meeting of the Valparaiso City Council to present its project and to offer evidence to support the Application.

#### **Additional Requirements of Restaurants**

- 1. The Act provides that an Applicant is not eligible to obtain a permit if, less than two years before the date of application, the applicant sold a retailer's permit that was subject to Indiana Code 7.1-3-22 and that was for a site within the downtown district or within 500 feet of the district. **Permits are nontransferable.**
- 2. All restaurants must be non-smoking.
- 3. Applicants will be full paying members of the downtown BID when it is established.
- 4. Applicants will be full paying members in the Downtown Dining Marketing Fund when it is established, which shall not exceed \$200 per month for each restaurant before September 1, 2006.
- 5. The restaurant must comply with all building, health, and zoning laws and ordinances. The restaurant shall also comply with the architectural standards for the downtown area established by the architecture review committee and provide evidence of the restaurant's architectural approval by such body.
- 6. The applicant will enter into a written commitment with the City to comply with this Policy and any conditions that the City places on the restaurant.

#### Valparaiso Downtown Alcoholic Beverage License Application

In addition to completing the attached Indiana State Form (TBA) "Application for New Downtown Alcoholic Beverage License" for the Indiana Alcohol & Tobacco Commission, the Committee requires each applicant to provide complete answers to the following:

#### Corporate Condition and Operations:

Provide an executive summary of your business plan, including indicators of:

- the demonstrated financial strength of the business and the owners;
- a description and history of the operation;
- your reputation in your business community;
- the participation of owner(s) in the day-to-day operation of the business;
- the number and nature of the jobs added or retained in Valparaiso.

#### Restaurant Operations:

Provide a summary of your restaurant operations which includes references to:

- experience operating a restaurant similar to that proposed;
- the upscale nature of the restaurant and its proposed menu;
- the unique features of the proposed restaurant;
- the restaurant's ability to draw people to downtown Valparaiso;
- quantifiable information indicating the focus of providing a dining experience rather than an alcohol consumption experience.

#### Community Participation and Commitment:

Provide information supporting your demonstrated commitment to the Community by addressing the following with specific responses:

- commitment to the Valparaiso community, and the downtown area;
- indicators of the impact of the business on the downtown and Valparaiso in general.

#### Location and Physical Elements:

Provide information on the following:

- the location of the establishment;
- the size, floor plan, and layout of the establishment;
- exterior dining areas, if any;
- consistency of the architectural elements with the downtown architecture;
- describe, in detail, the estimated investment in personal property and real property improvements;
- Expected date of business commencement.

#### Other Considerations:

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

## APPLICATION FOR NEW DOWNTOWN Beverage License State Form (TBA)

Valparaiso, Indiana

Permit number

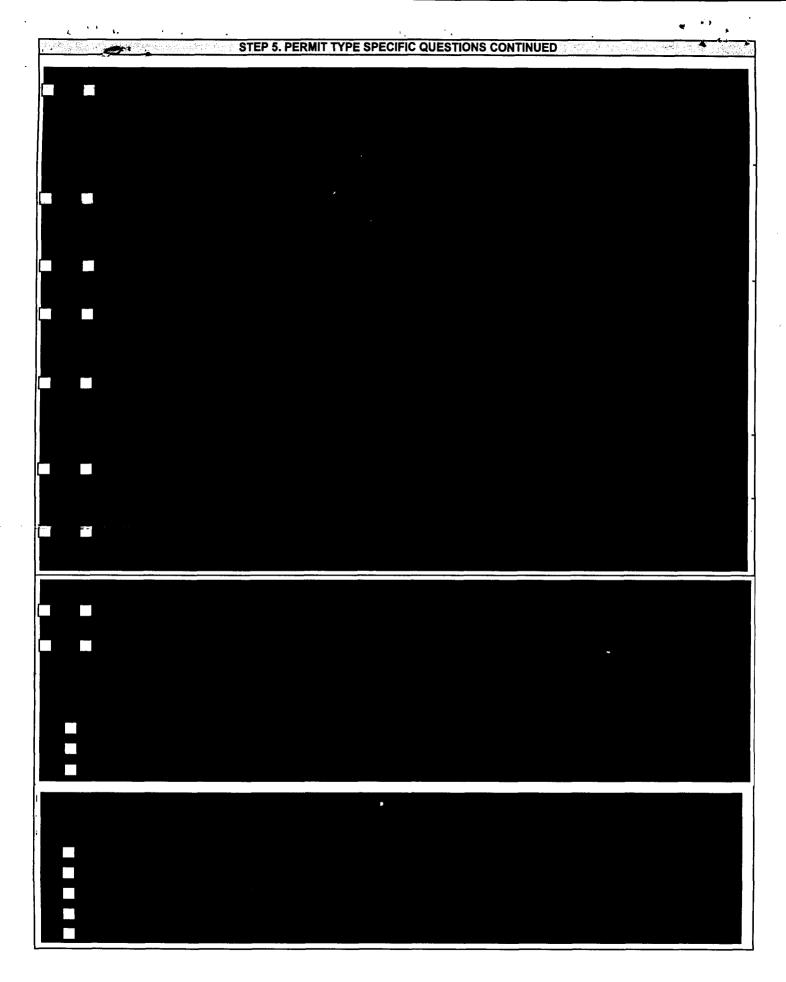
INSTRUCTIONS: 1. Type or print legibly.

- 2. Submit in duplicate. Include payment.
- 3. Do not complete shaded areas.
- 4. Mail to the address at the end of this application form.

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4. As owner do you manage the premise?  If no, please complete the Manager's Questionnaire and attach it to this application.  5. Do you sell tobacco products?  If no 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?  To you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term	3. Does the permittee have an interest	in any distiller, vintner, farm winery, rectifier, I	brewer, primary		Remarks
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If no, please complete the Manager's Questionnaire and attach it to this application.  5. Do you sell tobacco products?	4. As owner do you manage the premis	se?	☐ Yes	☐ No	
6. 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?  7. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term	If no, please complete the Manager's	s Questionnaire and attach it to this applicatio	n.		and the second s
6. 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?  7. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term	5 Do you sell tobacco products?		☐ Yes	□ No	
a warrant or other process to determine if you are complying with the provisions of the Indiana alcoholic beverage laws / rules?  7. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term	· ·				
alcoholic beverage laws / rules?  7. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term	1 ,				
7. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term	1	nine it you are complying with the provisions o	_	П	or glood and the state of
				L NO	
of the permit?		ent, lease, mortgage, or own) the permit premi		п	
	of the permit?		L Yes	⊔ No	

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**FOR F		BUSINESSES ONLY**	STEP 2. A	NNUAL FOOD SALES				
1			ouman). All satail sa	amite with last than 609/ ev	manabin bu battana matidanta Patalla angka aki kanya			
Required for the following permits: Type 209 (except golf courses); All retail permits with less than 60% ownership by Indiana residents; Retail permits with limited bar / family room separation.								
Date of b	eginning rep	port (month, day, year)	<del></del>	Date of ending report (month	, day, year)			
0	Smes food sales (excluding all compart and estacing calca). I Compare destacing calcallist because a site.							
Gross 100	Gross food sales (excluding all carryout and catering sales) Gross alcoholic beverage sales Total gross food and beverage sales							
en traightai		and the second state of th	* A STED 2	. QUALIFICATIONS				
SOLEO	WNFR/P	ARTNERSHIP PERMIT:	SIEP J.	. QUALIFICATIONS				
		owner or partnership for any type of permit	, answer the following	questions:	<del></del>			
Yes	□No	Are you now and have you been a	continuous and bor	na fide resident of this state	e for five (5) years?			
CORPO	RATION P				THE INDIANA SECRETARY OF STATE)			
		ration for any type permit, answer the follo		- CI EXISTENCE TROM	THE INDIANA SECRETARY OF STATE)			
_	Yes No Is at least 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	Yes No If you are a corporate wholesaler, is at least one (1) of the stockholders a resident of the county in which the licensed premise is situated for at least one (1) year immediately prior to making application for the permit?							
☐ Yes	Yes No Is the applicant a retailer corporation with 41% or more of the common stock held by out of state stockholders? (If the answer is yes, you must agree to and initial below.)							
	I hereby a	affirm that the annual gross food sale	s at the permit local	tion 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 year period commencing on the date of issuance of the permit will, thereafter, exceed One Hundred Thousand Dollars (\$100,000) per annum.								
LLC / LLP PERMIT: (PLEASE ATTACH COPY OF "CERTIFICATE OF EXISTENCE" FROM THE INDIANA SECRETARY OF STATE)								
applying as a limited partnership, limited liability company, or limited liability partnership for any type permit, answer the following questions:								
☐ Yes	□No	Is at least 60% of the ownership int	erest held by perso	ns who have been continu	ous and bona fide residents of this State for			
		five (5) years? (For exceptions, see	•					
	If a limited partnership, limited liability company, or limited liability partnership wholesaler, at least one (1) of the stockholders must have been a resident of the county in which the licensed premise is situated for at least one (1) year immediately prior to making application for the permit.							
□Yes	Yes No Is the applicant a retailer limited partnership, limited liability company or limited liability partnership applying with 41% or more of the ownership interest held by out of state residents? (If the answer is yes, you must agree to and initial the statement below.)							
	the case t	he case must have of a new applicar	nt are expected to e	exceed Two Hundred Thou	Hundred Thousand Dollars (\$100,000) or in sand Dollars (\$200,000) by the end of the ed Thousand Dollars (\$100,000) per annum.			
THE FOL	LOWING	QUESTIONS PERTAIN TO ALL INI	DIVIDUALS HAVIN	G AN INTEREST IN THIS	APPLICATION.			
Yes	□No	Have any individuals with an interescourt, conviction, and sentence of n		n convicted of a felony or a	a misdemeanor? (If yes, please attach letter with dates,			
☐ Yes	□No	Have any individuals with an interes regulations, or orders of the Commi		ever been convicted of a	violation of the Indiana Alcoholic Beverage laws, rules,			
☐ Yes	□ No	Are all individuals with an interest in	this application citi	izens of the United States?				
Yes	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, or of this state charged with any duty or function in the enforcement of this title?						
Yes	□No	Have any individuals with an interest in this application held a permit under this title and has the permit been revoked within one year prior to the date of this application?						
Yes	□No				permit of any type which has been denied less than one year n of a procedural or technical defect.)			
☐ Yes	□No				kind connected with the sale of alcoholic beverages, or do of stock or otherwise? If yes, list permit numbers below:			
Permit nun	nbers		<del></del>					
Yes	□No	Are you indebted to a person or an elien, mortgage, or otherwise upon the premises, or used, or to be used	e premises for which	ch the beer retailers permit	ewer's permit or wholesale permit, for a debt, secured by a is to be applicable or upon any of the property or fixtures in			

Address (number and street, city, state, Z  Nature of interest  Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Nature of interest Sole Owner Partner  If you need more space, please attach address and states and states are stated address.	Corporate Presid	dent Stockholder Club Officer  dent Stockholder Club Officer  dent Stockholder Club Officer	Percent of ownership  Citizen of US Percent of ownership  Citizen of US Yes Percent of ownership  Citizen of US Yes  Citizen of US Yes
Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Lature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Lature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Lature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, Z  Lature of interest Sole Owner Partner	Corporate Presid	dent Stockholder Club Officer  dent Stockholder Club Officer  dent Stockholder Club Officer	Citizen of US  Percent of ownership  Citizen of US  Yes  Percent of ownership  Citizen of US  Citizen of US
Sole Owner Partner  Complete Name  Iddress (number and street, city, state, Z  Idature of interest Sole Owner Partner  Complete Name  Iddress (number and street, city, state, Z  Idature of interest Sole Owner Partner  Complete Name  Iddress (number and street, city, state, Z  Idature of interest Sole Owner Partner  Iddress (number and street, city, state, Z  Idature of interest Sole Owner Partner	Corporate Secre	dent Stockholder Club Officer  dent Stockholder Club Officer  dent Stockholder Club Officer	Citizen of US  Percent of ownership  Citizen of US  Yes  Percent of ownership  Citizen of US  Citizen of US
Partner  Complete Name  Address (number and street, city, state, 2  Ilature of interest Partner  Complete Name  Address (number and street, city, state, 2  Ilature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Ilature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Ilature of interest Sole Owner Partner	Corporate Secre	dent Stockholder Club Officer  dent Stockholder Club Officer  dent Stockholder Club Officer	Percent of ownership  Citizen of US  Percent of ownership  Citizen of US  Citizen of US
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Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Fole Owner Partner  f you need more space, please attach address (number and street, city, state, 2)	Corporate Presid	dent Stockholder Club Officer	Percent of ownership  Citizen of US  Percent of ownership  Citizen of US  Citizen of US
Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Fole Owner Partner	Corporate Presid	dent Stockholder Club Officer	Citizen of US  Percent of ownership  Citizen of US
Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Fole Owner Partner	Corporate Secre  CIP)  Corporate Presidence  Corporate Secre  CIP)  Corporate Presidence	dent Stockholder Club Officer	Citizen of US  Percent of ownership  Citizen of US
Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  f you need more space, please attach address	Corporate Secre  CIP)  Corporate Presidence  Corporate Secre  CIP)  Corporate Presidence	dent Stockholder Club Officer	Percent of ownership  Citizen of US
Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner	Corporate President Corporate President Corporate Secre	dent Stockholder clary Club Officer	Percent of ownership  Citizen of US
Address (number and street, city, state, 2  Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2  Nature of interest Sole Owner Partner	Corporate Presidence Corporate Presidence Corporate Secre	etary Club Officer	Percent of ownership  Citizen of US
Nature of interest Sole Owner Partner  Complete Name  Address (number and street, city, state, 2)  Nature of interest Sole Owner Partner  I you need more space, please attach address	Corporate Presidence Corporate Presidence Corporate Secre	etary Club Officer	Citizen of US
Sole Owner Partner  Complete Name  Address (number and street, city, state, 2)  Nature of interest Sole Owner Partner  I you need more space, please attach address	Corporate Secre	etary Club Officer	Citizen of US
Partner  Complete Name  Address (number and street, city, state, Z  Nature of interest Sole Owner Partner  f you need more space, please attach ad	Corporate Secre	etary Club Officer	
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Nature of interest Sole Owner Partner f you need more space, please attach ad	Corporate Presid		
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f you need more space, please attach ad	☐ Corporate Secre		
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Name of manager (last, first	, middle initial)		STEP 6. MAN	AGER'S QUE	STIONAIRE			Sign Milit	Alleria (c. 1		EZD:
ATC Employee permit numb	per E	xpiration date	A								
Home address (number and	street)	,									
City, state, zip					<del></del> ,						<u></u>
Are you a citizen of the L	Inited States?								Yes		No
Are you at least twenty-o	ne (21) years ol	d?		<del>- • • • • • • • • • • • • • • • • • • •</del>					Yes		No
Is it true that you are not of this state, or is engage permit when one is requi	ed in carrying on								Yes		No
Are you a State law enfor	rcement officer,		•	al corporation o	r government s	subdivision charge	d with		Yes		No
Has your alcoholic bever	age permit beer	revoked within one	year prior to the	date of this ap	plication for a p	ermit?			Yes		No
Have you made an applic					year prior to th	is application for a	permit?		Yes		No
Are you now, and have you permit premise you are m						ndiana? If no, doe	s the [	_	Yes		No
Do you hold any other pe directly or indirectly, throu					you have any	interest in any suc	h permit, [		Yes		No
					···						
Have you been convicted court record.	of a felony? If	yes, attach places a	and dates of arres	st, court of reco	rd, and convict	ion and attach rele	vant [	J	Yes		No
Have you been convicted yes, explain on a separat		the Indiana Alcoho	lic Beverage Law	/s, rules, regula	tions, or orders	of the Commissio	n? If [		Yes		No
Signatures of manager or ag	ent(s) referred to i	n this schedule					····				
			STEP	7. FLOOR PI	LAN				S. Sec.		
INSTRUCTIONS:	any existing f	st submit four (4) dra amily room(s), seati as, exits, and alcoh	ng arrangement(s	s), ballroom(s),	service bar(s),	dance floor area(s	), kitchen a	area	(s), res	strooms	
Yes No	If the answer	t or a restaurant loca to the above questic s where individuals	on is "yes," it sho	uld be understo	od that there n				-		oom from ti
☐ Yes ☐ No	Are you reque	esting approval for li	mited separation	?							
		APPROVED BY THE BEGINS. CONTAC				SUED. WE RECO	MMEND Y	ου	RECEI	IVE AP	PROVAL
Please attach all drawings to	this application)										

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Name of applicant (individual, corporation, partr	STEP 8. AFFIRMATION OF APPLICANT Inership, LLC, LLP)	
I certify that this application was completed true and correct. I UNDERSTAND THAT DOCUMENTS.	ed by myself or by the preparer identified herein. I certify that all info IT IS A FELONY TO MISREPRESENT OR FALSIFY ANY PORTION	ormation provided herein and on any attachments are ON OF THIS APPLICATION OR ATTACHED
I hereby consent for the duration of the pe and vehicles to determine compliance with	ermit term to inspection and search by an enforcement officer, without the provisions of I.C. 7.1.	out a warrant or other process, of my licensed premise
Printed name and title of applicant	Signature	Date
AND THE PROPERTY OF THE PROPER	pplication unless the proper Power of Attorney forms are attack STEP 9. SIGNATURE OF PREPARER (IF APPLICA tion and the accompanying documents, and to the best of my knowle	ABLE)
Signature of preparer	Telephone number (including area code)	Date
	STEP 10. FEES	

### RESOLUTION NO. 15-1

# A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO RECOMMENDING ISSUANCE OF A DOWNTOWN ALCOHOLIC BEVERAGE PERMIT PURSUANT TO I.C. 7.1-3-20-16(g)

WHEREAS, during the 2005 legislative session, the Indiana General Assembly enacted and the Indiana Governor signed Senate Enrolled Act 282, which is codified at I.C. 7.1-3-20-16(g); and

WHEREAS, the aforementioned legislation provides that after June 30, 2005, the Indiana Alcohol & Tobacco Commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five-hundred (500) feet from a district, that meets the statutorily created boundaries and which are approximately described as "downtown" Valparaiso; and

WHEREAS, the aforementioned legislation provides that the legislative body of the City of Valparaiso shall recommend to the Alcohol & Tobacco Commission sites that are eligible to be permitted premises; and

WHEREAS, the Common Council of the City of Valparaiso adopted Resolution No. 15 on August 22, 2005, establishing objectives and criteria for issuance of Valparaiso Downtown Alcoholic Beverage Permits; and

WHEREAS, the Valparaiso Downtown Alcoholic Beverage Licensing Committee has accepted and reviewed applications for the Downtown Alcoholic Beverage permits and has recommended issuance of a permit to Bistro 157.

**THEREFORE**, it is hereby resolved by the Common Council of the City of Valparaiso that Bistro 157 should be, and is, hereby recommended for a Valparaiso Downtown Alcoholic Beverage Permit. Such recommendation being conditioned upon full compliance with the objectives and criteria contained in Resolution 15, and pursuant to IC7.1-3-20-16(g).

All of which having been resolved, adopted and approved by the Common Council of the City of Valparaiso this 14<sup>th</sup> day of November, 2005. ATTEST: Sharon Swihart, Clerk-Treasurer

City of Valparaiso