

**RESOLUTION NO. 5-2020**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, 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 Indiana Code § 7.1-3-20-16(g); and

WHEREAS, the aforementioned legislation provided 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 the district, that meets the statutorily created boundaries ("Downtown Alcohol Permit"); and

WHEREAS, on **August 22, 2005**, the Common Council of the City of Valparaiso, Indiana, adopted Resolution No. 15-2005 which established objectives and criteria for the issuance of Downtown Alcoholic Permits; and

WHEREAS, in 2011 the Indiana General Assembly amended Indiana Code § 7.1-3-20-16(g) in order to permit the Indiana Alcohol & Tobacco Commission to issue a Downtown Alcohol Permit to restaurants not more than seven hundred (700) feet from the above-referenced district; and

WHEREAS, in 2015 the Indiana General Assembly amended Indiana Code § 7.1-3-19-17 to: (1) further clarify the prohibition on the transfer of Downtown Alcohol Permits; (2) require a holder of a Downtown Alcohol Permit to execute Written Commitments with the City as to the "character and type" of restaurant; (3) afford a greater oversight role to the Licensing Committee and City in the Downtown Alcohol Permit renewal process; and (4) terminate a Downtown Alcohol Permit if the holder ceases business operations for more than six (6) months; and

WHEREAS, on **December 14, 2015**, the Common Council of the City of Valparaiso adopted Ordinance 29-2015, which approved the *Amended Criteria for License Allocation and Applicant Compliance Requirements* that was initially approved by Resolution 15-2005; and

WHEREAS, on **April 2, 2020**, the Valparaiso Downtown Alcoholic Beverage Licensing Committee reviewed and recommended approval of **Blockhead LLC, d/b/a Side Show Kitchen Restaurant** at 150 South Washington Street for a Downtown Alcohol Permit; and


NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Valparaiso, Indiana, that:

1. **Blockhead LLC, d/b/a Side Show Kitchen Restaurant**, should be, and is, hereby recommended for a Downtown Alcohol Permit. Such recommendation being conditioned upon full compliance with the objectives and criteria contained in Resolution 15-2005, Ordinance 29-2015 and pursuant to Indiana Code §§ 7.1-3-19-17 and 7.1-3-20-16(g)


2. That upon written request by either the Valparaiso Downtown Alcoholic Beverage License Committee or the City Council, representatives from **Blockhead LLC, d/b/a Side Show Kitchen Restaurant**, shall appear and provide a report as to its activities and answer questions relating to any complaints/problems.

3. At all times **Blockhead LLC, d/b/a Side Show Kitchen Restaurant** shall be in compliance with the executed Written Commitments.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana , by a 7-0 vote of all members present and voting, this 13<sup>th</sup> day of April, 2020.

  
Matthew R. Murphy, Mayor

ATTEST:

  
Holly Taylor, Clerk-Treasurer