

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION

February 9, 2011

Jerry Dailey, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

Members present: Jerry Dailey, Mitch Rhodus, Jeff Holtegel and Scott Lepsky.

Mitch Rhodus, seconded by Jeff Holtegel, made a motion to excuse Don Hassler and Mark Morris. Motion carried 4 – 0.

Executive Session was requested to discuss security. Roll call vote was taken and passed unanimously.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held January 26, 2011, were approved as submitted.

OLD BUSINESS:

Conditional Use Application – Junk Yard – 1055 Tedia Way (Tabled)

Tim Bachman informed the Commissioners this item will remain tabled. A site visit might occur next week to inventory items stored on the property.

NEW BUSINESS:

Conditional Use Application – Teen Nights – 74 Donald Drive

Tim Bachman stated the proposal is to have teen nights at Tori's Station, 74 Donald Drive. The property is zoned C-3. The Commissioner's packet contained the business plan the applicant submitted.

Mr. Anthony Sweeten, applicant, stated this started as a birthday party for his son. A couple hundred kids showed up. Mr. Sweeten and Ms. Saunders decided if they are going to continue with the parties, they need the right place to have them. They had a party at Skate Town and were expecting 200 kids; 500 showed up. Two or three police officers had been hired for this so they were understaffed. There was one fight at this event. Another party was held in which 500 were expected; 800 showed. Again, they had not hired enough police officers so Skate Town called in additional police. There was also a fight at this event. The kids that show up to these events don't want to skate, they want to dance. For this reason, they are looking to hold the parties somewhere that the kids can dance. Fairfield looked like a good location.

For the next event, Mr. Sweeten and Ms. Saunders are planning on 800 kids and have contacted the Police Department to hire 8 officers. They have insurance and want the police presence just to be
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safe. They have also studied how Metropolis runs their teen nights. Metropolis has a large in-house security staff and not as many police. He did not speak to the owners of Metropolis but instead attended a teen night to see how it was operated.

Another party was scheduled at Skate Town on the 29th. This was cancelled because the kids did not want to skate but to dance. This all started as a party for Mr. Sweeten's son but is now their business. Mr. Sweeten expressed his surprise by the email given to the Commissioners saying Skate Town did not want them back. Mr. Sweeten also stated the parties would not be on a routine basis. There might be a three month span between events.

Mr. Holtegel asked what area of Tori's they would be renting and was told the room with the stage. Mr. Bachman added that occupancy might be an issue if Tori's is also hosting other events. Mr. Dailey expressed his concern with the layout of Tori's; being able to go through the restrooms and get into the bar area. He also was concerned with mixing adults with teens (13 – 19 years old). Mr. Sweeten replied they could shorten the age difference.

Mr. Rhodus explained to Mr. Sweeten, Fairfield's past experiences with teen clubs. Those owners also had good intentions but problems ranged from the teens sneaking in alcohol to fire arms. Mr. Sweeten explained his proposed security plan. Two officers would be at the door checking to see if the teens were impaired; one officer would conduct pat downs with one officer watching; one officer would be stationed at the cash register and two would patrol the parking lot. The first priority of any teen event is to make it safe.

Tim Bachman explained this started when Ms. Saunders contacted the Police Department regarding hiring extra security for an event they had planned. Lt. Gerold then called Development Services to see if a Conditional Use Permit had been secured. Ms. Saunders cancelled the event once she found out she needed Planning Commission approval. Tim met with Mr. Sweeten and Ms. Saunders and gave them a copy of Metropolis's business plan so they could see what had previously been approved. After we received references from Ms. Saunders, a meeting was held with Police and Fire. Rick Scheiba, Fire Dept., contacted both references and was informed there were issues at Skate Land. The West Chester Police also had concerns.

Police Chief Dickey stated the officer at the West Chester Police Department who was given as a reference is off due to an injury. Another Lieutenant was called and confirmed there were difficulties so the information submitted by Mr. Scheiba has been confirmed. The problems at Skate Land are the same types we have experienced with teen nights. Chief Dickey is concerned with the track record and the problem migrating. Due to other commitments, Chief Dickey could not guarantee the number of police they are requesting for their events. Any teen club that needs 8 or 9 police officers is a problem waiting to happen. Chief Dickey is also concerned with their inexperience in this type of venture and feels additional study needs to be done. Metropolis has enough staff to handle their crowd of up to 1,350. The off-duty police are not there to police the event but to assist security in case of a problem. The off-duty officers also are mostly outside.

Discussion was held regarding the occupancy at Tori's Station. Several of the Commissioners were just there and the room proposed is very tight with 500 people seated at tables. The application

states the events could host up to 1050 teens. Ms. Saunders said she was told the room seats 800 but would accommodate 1,200 standing. Jerry Dailey added the outdoor lighting at Tori's is poor and the overflow parking is located next to a bar.

Mr. Sweeten stated he has been building up staff to handle the inside. He's been advertising on Craig's List for security officers and handles a small background check himself on the applicants. Erin Donovan asked if they had considered hiring professional security and was told it is an option but the plan right now is to hire their own. Security will be dressed in neon shirts that say staff and have walkie talkies to communicate with each other. Mr. Dailey expressed his concern with this security plan. Mr. Sweeten added they learned from watching Metropolis that private staff should take care as much as possible and take the pressure off of the police.

Mitch Rhodus stated he could not support the application due to comments received from West Chester Police, Skate Town, the fact our police cannot guarantee staffing, age span of the kids, etc. He felt there could be problems with kids still being dropped off after they have reached capacity inside and having to stay outside until arrangements were made to be picked up again.

Mitch Rhodus, seconded by Jeff Holtegel, made a motion to deny the Conditional Use Application for the reasons just stated. Mr. Dailey and Mr. Holtegel stated their concern was the lack of experience and the problems they had with past events.

Ms. Saunders asked the Commission for suggestions on how they could obtain a Conditional Use Permit. Mr. Lepsky suggested they speak with management at Tori's station; lighting and capacity are concerns. They might also look at their proposal regarding hours of operation, age range, dress and security plans.

The vote on the motion was 4 – 0; application denied.

Renewal of Conditional Use Application – Nuevo Rodeo – 7245 Dixie Highway

Tim Bachman stated a six month approval for this Conditional Use Permit was granted. There is a two page report from the Police Department regarding the operation of Nuevo Rodeo during this period. Mr. Paul Sabo, representing Bertha Soto Rodriguez, stated for the past six months, special events have been held 2 – 3 times per month. The only issue which occurred is covered in the report by the Police Department. When the Police saw potential problems, they were discussed with the owners and adjustments made. They have held charitable events and raised \$2,000 and collected 2,000 toys for Children's Hospital. The events usually draw approximately 350 to 400 people; capacity is 800. There are also 200 parking spaces that can be utilized. Mr. Sabo requested Planning Commission's consideration in making this a permanent permit. The owners of Nuevo Rodeo have invested approximately \$150,000 into a building which they do not own. They would like to purchase the property but need to know they can continue holding events on a long term basis.

Mr. Rodriguez stated they would also like to be able to use the back room as a bar and for dance lessons. They have had problems with the public entering private receptions thinking Nuevo Rodeo is holding an event. This would give those persons the option of going to the other room.

Chief Dickey reported there have been minor problems but they were quickly responded to. This seems to be a well-run business from the Police Departments perspective. If the Commission is inclined to give a permanent approval, Chief Dickey recommended the same conditions apply. He is still concerned with the possibility of an outside operator holding events which could get out of hand if not controlled. The Commission was told if events become a problem, the City could go after the liquor license or hold a hearing to revoke the Conditional Use Permit.

Tim Bachman expressed his concern with activities in the back room and suggested the possibility of approving a six month trial period for the dance section. Any future expansion at the facility would also be put on a trial period.

Mr. Sabo informed the Commission Ms. Rodriguez is proposing \$123,000 in improvements once she owns the building. Repairs would be done to the roof, security cameras installed, parking lot repaired, outside lighting updated, etc.

Mitch Rhodus, seconded by Scott Lepsky, made a motion to remove the six month trial period on the Conditional Use Permit for Nuevo Rodeo and placing a six month trial period on the new business venture for dancing in section "B". All other conditions placed on the original Conditional Use Permit will still apply.

Motion carried 4 – 0.

The Commission adjourned into Executive Session; no announcements were made.

Jerry Dailey, Chairman

Peggy Flaig, Clerk