

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

August 11, 2010

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

Members present: Jerry Dailey, Jeff Holtegel, Deborah Rhees, Mitch Rhodus, Mark Morris and Don Hassler.

Jeff Holtegel, seconded by Mitch Rhodus, made a motion to excuse Scott Lepsky. Motion carried 6 – 0. (Mr. Lepsky arrived later during the meeting.)

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held July 28, 2010, were approved as submitted.

NEW BUSINESS:

Conditional Use Application – Entertainment Facility – 7245 Dixie Highway

Tim Bachman stated the application lists several events they are seeking approval for. The property is the former Crystal Palace in the Woodridge shopping center. The applicants have met with the City regarding security and events they have already had.

Jack Grove, attorney for Ms. Bertha Soto Rodriguez (applicant), stated he is representing Mireles Entertainment, owned by Ms. Rodriguez and her husband. He informed the Commission Ms. Rodriguez is a graduate from Ohio State where she majored in business and is active in the Springdale community where she owns markets. She also owns another market in Hamilton and restaurants in Columbus. They cater to the Hispanic community and are looking to develop this site as an event center. Fairfield's ordinances require conditional use approval if liquor is served and entertainment provided. This will not be a bar and will be called Nuevo Rodeo.

Ms. Rodriguez stated the event held last Sunday evening had a live band and tickets were pre-sold at their supermarkets. Two hundred tickets were pre-sold for \$30.00 and three hundred tickets were sold at the door for \$50.00. The band had already been booked prior to Ms. Rodriguez finding out a Conditional Use Grant through the city was needed for events such as this. Ms. Rodriguez assumed they were permitted since the previous lessee held the same type of events.

Ms. Rodriguez stated she had meet with Fairfield's Police Department and was permitted to hire two off-duty officers and one patrol car for their first event and four officers and two patrol cars for this past Sunday's event. Eighteen security guards were also hired for Sunday's event in which eight spoke Spanish. Originally ten security guards were book but after meeting with Mr. Bachman, eight addition guards were hired. They were only two problems during this event. One attendee was dancing on a table and then a speaker and he and his party were escorted out to their cars and watched until they left the premises. The second issue was when an attendee threw a beer can on the stage so he too was escorted out. Four security guards were also out in the parking lot and at the

door. Food was not served at Sunday's event but for future events, they would like to set a grill up outside the side door and serve tacos. Patrons would go outside to order their tacos and then take them back inside to an area set up with tables and chairs. The facility has a large kitchen and they have a food service license if catering is needed for an event/reception.

Mr. Grove asked Ms. Rodriguez to discuss Sunday's security and she stated that when the police officers arrived, she introduced herself, husband and the persons in charge of security. They explained where security would be stationed and they wanted the officers to be familiar with the faces of those persons in charge at the event. The crowd that attended was mostly in their late 20's or early 30's. Their attire was cowboy hats, cowboy boots and in general, a western theme. The feedback received from supermarket customers that attended was very positive. The Police presence was assuring and some patrons asked if children would be permitted at future events. Ms. Rodriguez informed the Commission that children would not be allowed at an event like this one due to the loud music and liquor being served. There might be instances with other bands and smaller crowds where children would be permitted; it would be based on the event scheduled. The big band events will likely occur 2 – 3 times a month with the other weekends being rented out for receptions, etc. Customers can bring in their own caterer or use the kitchen facility to warm food. Ms. Rodriguez also could provide catering since they have experience in the restaurant business.

Concerning the liquor license, they have applied for a D-3A license which would permit serving alcohol until 2:30 a.m. Once this license is obtained, the liquor license which is in the landlord's name will be transferred into theirs.

For future events, Ms. Rodriguez will be hiring uniformed security guards; Marshall Security is currently working up a contract and offers armed and unarmed guards. Marshall will also hire Spanish speaking individuals that will be trained, licensed and insured. Chief Dickey has also stated that off-duty Fairfield officers could be hired to assist with events. There is one Fairfield officer that speaks Spanish and worked one of the events.

Regarding dress code, no wave caps or baseball caps and shirts must have sleeves. For men, no shorts or open toed shoes, no handkerchiefs or sunglasses. Mr. Holtegel asked if there was any written security plan or dress plan. Mr. Grove replied nothing is in writing at this point. Mr. Holtegel asked if there was sufficient parking and if there would be any outdoor consumption. Mr. Grove stated there would be no open container outdoor consumption. Inside the building, there are two adjacent rooms which are posted for occupancy at 490 and 350. Ms. Rodriguez said the hours of operation would be from 9:00 p.m. until 2:30 a.m. for the concerts. Receptions would be over by 1:00. She also explained they will not be operating as a nightclub. Mr. Bachman added this will be a special event center. Bands will be hired for certain events. The building will also be leased for private parties/receptions. Ms. Rodriguez explained that if the building is rented for say a Quinceanera (sweet 15) party and the lessee wanted alcohol available for the adults, they would have one of their employees working the bar. Mr. Holtegel asked if they are planning any type of teen night events and was told they are not. Mr. Dailey asked if food would still be required during special events and Mr. Clemmons stated if alcohol is being served, some type of food needs to be offered.

Chief Dickey stated the applicant and counsel covered the various items discussed with the Police Department. The Department has been very pro-active in trying to identify potential problems with liquor license applicants. There are two bars in which off-duty officers still work. This has become a conflict of interest and when these jobs are done, officers will no longer staff them. Because Chief Dickey is convinced this is more of a reception type facility and not a bar, officers would be permitted to work there. If it proves that the primary source of revenue comes from bar sales, again off-duty officers would no longer staff it. The Chief recommended to Ms. Rodriguez that when hiring private security, it be done at the rate of one officer per 100 patrons anticipated. On event nights, he also suggested two off-duty police officers be hired. Ms. Rodriguez pays for these officers and also for a car to be parked outside if one is needed. A minimum of a weeks notice is needed. Chief Dickey was not suggesting that security is needed for every function but definitely for the larger events. The Police Chief of Springdale also gave Ms. Rodriguez a solid endorsement.

Sgt. Langemann stated he did not believe the applicant knew what types of approvals were needed for the past events they held. When they met with the Police Department, it was explained to them the need for licensed/insured Spanish speaking security. Ms. Rodriguez was again told that if this establishment becomes a bar or night club, officers would be pulled from the detail. Sgt. Langemann explained they also have a carry out permit for the business which allows them to sell alcohol for consumption off the property.

Sgt. Sprague stated the events went rather smoothly and the officers that worked the event did not have any concerns. The few problems that did arise were handled by the hired security.

Mr. Holtegel asked about parking. Tim Bachman stated there are 3 owners for the center. There is concerned as to whether cross parking easements exist. There are a lot of spaces for the center but he is not aware if the applicant has a legal right to use them. Also, there are a lot of weeds poking through the asphalt. Mr. Bachman recommended as a condition of approval, the weeds in the parking lot be treated with a herbicide. Also, the parking lot and outside building lights should be operational.

Mitch Rhodus recommended that the approval be given for a six month period if approved.

Jack Gove stated that essentially, their security plan for the band events would consist of:

- A minimum of two police officers;
- Private security will be hired at the rate of 1 per 100 attendees;
- Private security will be licensed through the state of Ohio;
- Private security officers will be able to speak Spanish;
- All security personnel will wear clothing that is marked to identify them as security;
- Management will also wear clothing so they can be identified;
- There will be advanced communication from management regarding chain of command so all are aware of who will be handling problems;
- Security personnel will also be outside the building;
- At least a 7 day notice will be given to the Police Department requesting the hiring of officers.

Dress code will be addressed separately.

Deborah Rhees, seconded by Mitch Rhodus, made a motion to approve the Conditional Use Application for the entertainment facility at 7245 Dixie Highway with the following conditions:

1. Review Conditional Use Permit in 6 months for possible renewal (February 9, 2011);
2. No teen nights;
3. Parking lot dealt with (possible overlay, herbicide, etc.) to make it presentable;
4. A security plan will be submitted to either Tim Bachman or Chief Dickey for their approval;
5. Cross easements for parking will be researched and results reported back to Tim Bachman; and
6. Parking lot lighting and exterior building lighting will be operational

Jeff Holtegel stated he could not support the motion without seeing and approving the security plan, dress code and resolution of the parking. Jerry Dailey concurred.

A roll call vote was taken. Motion carried 5 – 2; Jerry Dailey and Jeff Holtegel dissenting.

Being no further business, Don Hassler, seconded by Mark Morris made a motion to adjourn. Motion carried 7 – 0.

Jerry Dailey, Chairman

Peggy Flaig, Clerk