

**MINUTES OF A REGULAR VOTING MEETING OF THE**

**FAIRFIELD PLANNING COMMISSION**

**February 8, 2012**

Scott Lepsky, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

Members present: Scott Lepsky, Jeff Holtegel, Tom Hasselbeck, Bill Woeste and Bob Myron.

Jeff Holtegel, seconded by Bob Myron, made a motion to excuse Mark Morris and Don Hassler. Motion carried 5 – 0.

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held January 25, 2012, were approved as submitted.

**NEW BUSINESS:**

**Conditional Use Application – Bar – 5353 Dixie Highway**

Mr. Bachman stated the Conditional Use Application if for a night club known as The Aviator wishing to locate at 5353 Dixie Highway. Mr. Christopher Clark, applicant, submitted his business plan for the Commissioners consideration. An aerial slide of the building, located at the corner of Dixie Highway and Camelot Drive, was shown. Other tenants located in this building are Bee's Donuts, Reruns for Wee Ones, Jiffy Convenient Mart and a church. A slide of the proposed interior layout of The Aviator was shown. The entrance to the club will be on the south side. There is parking around the entire building. Mr. Clark, Mr. Kokaliaries (owner of the property), Tim and Sgt. Lagemann met last week to discuss the business plan. Sgt. Lagemann informed Mr. Clark of the past history with the property and gave him pointers regarding items he can do to keep the same problems from reoccurring.

Mr. Christopher Clark, 1629 Eaton Park Drive, Hamilton, stated he is the owner/manager of The Aviator and CEO of Clark Management LLC. He read his Business Plan to the Commission which is attached and made a part of these minutes. Mr. Clark stated he is an air traffic controller by trade.

Mr. John Kokaliaries stated he and his family have owned this property for 16 years. Mr. Kokaliaries operated a bar called Casanova's in this building with little to no problems. He filed the Conditional Use Application for a bar he intended on opening and was then approached by Mr. Clark to lease the space for The Aviator.

Sgt. Pete Lagemann stated he met with Mr. Clark and Mr. Kokaliaries. There were concerns over the security plan regarding terms used in it. The appropriate force a bouncer can use was explained to Mr. Clark. Background checks were performed on Mr. Clark and his cousin who will also be helping with the business. Both came back fine.

Sgt. Lagemann stated when BB's and Casanova's operated in this space, there was no trouble. They were neighborhood type bars which usually have minimal problems. After that, The Factory and Actionz opened. Calls for these bars started to increase. The last two to open, Guido's and Fairfield Tavern, had a lot of problems. They were more of a club and the police received a lot of calls. The space is ample for a neighborhood type bar; it can also accommodate a small club. It's attractive based on rent and location. Sgt. Lagemann stated there is concern with opening a club in this location due to the past history. VIP rooms have also been an issue in the past. The concerns with the VIP room were discussed with Mr. Clark and he assured the Police Department his will be a clean operation. Sgt. Lagemann stated if Mr. Clark sticks to his business plan, he should be successful.

Mr. Holtegel asked if food would be served. Mr. Clark replied they will have a panini grill. Mr. Holtegel asked about the number of security personnel and was informed 8 will be working from opening until closing time. Two will monitor the parking lot. Mr. Clark added they would not open the back room if there weren't very many patrons. Occupancy numbers also need to be posted in the different rooms.

Mr. Clark informed the Commission he will be in charge of security. He will be looking for a security guard or bouncer with past experience and who is trustworthy. This person will be in charge of the other security personnel when Mr. Clark is not available. Security will meet nightly before opening to discuss issues and be given their station (or roving) for the evening.

Parking was discussed. There are spaces around the entire building and most of the other tenants will be closed at 8:00 p.m. If needed, Mr. Kokaliaries stated people could park across the street in the LaRosa's lot. He is also talking with another person interested in opening a sports bar in the space that was the restaurant. Mr. Bachman informed him 2 bars would be a concern, especially with parking.

Mr. Woeste asked Mr. Clark what drew him to Fairfield. Mr. Clark stated he travels through Fairfield on a routine basis and saw the lease sign. The space was already set up for a bar and Mr. Clark felt the location is good. Mr. Woeste asked if security devises (camera's, etc.) were included in the projected startup cost. Mr. Clark replied he has found a system that is not that expensive. Most of the expense is the liquor licenses; there is not much that needs to be done inside the building. Mr. Bachman added there might be building code issues that need to be worked through. The assembly use lost its' grandfather status when the space sat vacant for so long. Now, upgrades will need to be made. Mr. Kokaliaries has an architect working with the City's Plans Examiner to address the issues. If the Conditional Use is approved, Mr. Clark will hire the architect to draw up the plans. Tim Bachman stated issues needing to be addressed include fire separation and suppression. The Code has changed and the space needs to be brought into compliance.

If approved, Mr. Bachman suggested it be given to Mr. Clark only and for a one year period. If Mr. Clark were to sell the business, the new owner would have to apply and receive approval. Also, the building code issues need to be resolved.

Mr. Clemmons expressed concern with the wording in the security plan. He asked that the record reflect that the Commission is not approving any use of force. Security is Mr. Clark's problem to work through.

Jeff Holtegel, seconded by Tom Hasselbeck, made a motion to approve the Conditional Use Application at 5353 Dixie Highway with the following conditions:

1. Approval is for a period of one year starting today.
2. Approval is only granted to Christopher Clark.
3. Any type of building code infractions must be resolved prior to opening.
4. This Commission is not approving any term that has to do with use of force. Applicant has to deal with it legally.

For clarification, John Clemmons added the approval is personal to Mr. Clark. Even an LLC is formed and Mr. Clark decides to sell the LLC, this use is not transferable without Planning Commission approval to continue operating.

Motion carried 5 – 0.

Being no further business, the meeting adjourned.

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Scott Lepsky, Chairman

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Peggy Flaig, Clerk