



Laughlin Town Advisory Board

REGIONAL GOVERNMENT CENTER
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MINUTES

LAUGHLIN TOWN ADVISORY BOARD

February 22, 2011
1:30 P.M.

REGIONAL GOVERNMENT CENTER
101 CIVIC WAY, LAUGHLIN, NEVADA

MEMBERS PRESENT: **Janet Barela, Chair**
 Candice Fitzgerald, Vice-Chair
 Michael A. Bekoff
 James Vincent

MEMBERS ABSENT: **Rosemary Munger (Excused Absence)**

OTHERS PRESENT: 11 Guests Signed In

1. CALL TO ORDER

- A. Conformance with the Nevada Open Meeting Law.
- B. Invocation and Pledge of Allegiance. **Janet Barela** called the Meeting to order at 1:35 PM. **Michael Bekoff** gave the Invocation, followed by the Pledge of Allegiance led by **James Vincent**.
- C. Agenda items may be taken out of order if deemed necessary.

2. ORGANIZATIONAL ITEMS

- A. **Approval of the February 22, 2011, Agenda.**

James Vincent moved, **Mike Bekoff** seconded to approve the February 22, 2011, Laughlin Town Advisory Board Agenda as presented. Upon a voice vote, motion carried 4-0.

3. CURRENT ZONING ACTIONS:

- A. **UC-0517-10 – PRE LAUGHLIN NV, LLC:**
HOLDOVER APPEAL USE PERMITS for the following: 1) on-premise consumption of alcohol (tavern); 2) nightclub; and 3) live entertainment within an existing shopping center.

DESIGN REVIEW for on-premise consumption of alcohol (tavern) and a nightclub within an existing shopping center on 10.8 acres in an H-1 (Limited Resort and Apartment) Zone and a C-2 (General Commercial) Zone in the MUD-1 Overlay District. Generally located on the northwest corner of Casino Drive and Bruce Woodbury Drive within Laughlin. To the Board of County Commissioners 03/02/11.

James Vincent asked for a roll call vote and individual closing comments from each Laughlin Town Advisory Board (LTAB) member at the end of the discussion on this item.

Janet Barela gave a brief history and clarification of **UC-0517-10 – PRE LAUGHLIN NV, LLC**. The Laughlin Town Advisory Board (LTAB) members recently attended TAB/CAC training for town board members and learned that the Planning Commission sends zoning items to the town advisory and citizen advisory boards as a courtesy, not as an obligation, to receive local input. The fact that the Planning Commission did not remove this particular zoning item off of their agenda prior to approval with no “hold” is no ones fault and there was no guarantee that this item would be held because of the way the Planning Commission process is set up. There was some concern that the applicant was meeting with **Commissioner Sisolak** instead of attending the LTAB meeting, but at the TAB/CAC training we were told that the Commissioner meets with every applicant because he wants to hear from the applicant what their intent is and why they are submitting the application, so the applicant was meeting with the Commissioner at his request. In order to ascertain the facts, portions of the Clark County Code, Adult Use Overlay, were read to clarify that there is not an Adult Use Overlay District in Laughlin and clarify that this applicant is not proposing an adult use establishment under this application.

Deborah Murray stated that since this is not an application for an Adult Use, the Laughlin Town Advisory Board should not discuss Adult Use. **Janet Barela** responded by saying that nothing defined under Adult Use will be allowed in this establishment if this application is approved. The previous bar at this location, the Muddy Rudder, was not required to obtain a Use Permit because the Use Permit for the mall in 1995 was defined as a shopping center, so anything allowed in C-2 zoning could be done in H-1 zoning without further land use approval. Live entertainment was part of the original Use Permit for the mall so it was not needed separately for the bar. There is no longer a code interpretation regarding shopping centers, and that is why there is now a Use Permit for the new bar. Under current Title 30 provisions a Use Permit for live entertainment is only needed if the sound or vibrations from sound are audible or felt outside the building.

James T. Moran, III, Moran Law Firm, LLC, 630 South 4th Street, Las Vegas, NV 89101, representing the applicant, introduced himself and the applicant, and stated that this application has already been before the Laughlin Town Advisory Board, the Laughlin Community Development Committee, the Planning Commission, and the applicant has met

with **Commissioner Sisolak**. The revised conditions, as directed by **Commissioner Sisolak** during the January 19, 2011, Zoning Board meeting discussion (Item#20), reviewed by **Rob Warhola**, Clark County District Attorney, and prepared by **Deborah Murray**, are as follows:

1. Private party rental of the facility shall not be allowed.
2. No dancing poles shall be allowed.
3. Staff shall work with local Metro Substation for training to identify gang members and control gang activity.
4. The hours of operation shall be restricted to the hours of _____.
5. One year to review.
6. Applicant must install a video surveillance system on the inside of the premises and immediately outside entryways of premises.
7. Design review as a public hearing for any significant changes to plans.
8. Applicant is advised that adult uses or adult use activities are prohibited.

Mr. Moran, stated that the aforementioned stipulations are agreeable to the applicant in the operation of the business with the exception of #4, and the applicant would like for the hours of operation to be 24-hours a day, and read those conditions into the record. If the applicant decides to make his business model more profitable via the implementation of fifteen gaming machines at that location, with restricted hours of operation he would not be able to do that because the gaming regulations require that he be open 24-hours a day. The other issue related to hours of operation is that as an operating sports bar, the applicant must be able to televise sports games whenever they are being shown, whenever that may be. The applicant has no desire to interfere with the quiet of enjoyment of people frequenting the mall, and the prior business did not have a problem with hours of operation or complaints.

Deborah Murray stated for the record: 1) that the conditions were recommendations to the Town Board based on the previous recommendations of the Laughlin Town Advisory Board, 2) when an applicant walks in to planning staff and files a Land Use Application, at the same time it is scheduled for the Planning Commission it is also scheduled for the Town Advisory Board to hear it. Nothing comes off of a Planning Commission Agenda based upon what any Town Advisory Board action is. Even if the Town Board recommendation is denial, it is always put on a Planning Commission Agenda and heard by the Planning Commission, so sometimes it does create some confusion. Every Land Use Application can go through the appeal process, 3) if the Laughlin Town Advisory Board wants to limit hours of operation, don't count on another board to make that decision for you, and 4) don't base any decision you make on any money that has been spent by the applicant, especially on an unapproved Land Use Application.

Mr. Moran reported that if a representative of **Mr. Moran's** office had not been at the Planning Commission meeting as a courtesy on January 19, 2011, the Planning Commission would have denied UC-0517-10. The item was approved and forwarded to the Board of County Commissioners, and we were under the impression that it was to go to the Community Development Committee, then back to the Laughlin Town Advisory Board with

recommendations, then back to the County Commission for final action once the conditions were “drilled down” - it was not a ploy to get the item approved. The last meeting that **Mr. Moran** had on this was with the Civil District Attorney in their office, representing Planning and Zoning, regarding the previous conditions that could not be agreed to due to First Amendment reasons and a variety of other reasons.

The Chair called for Town Board Comments:

Michael Bekoff stated that **Mr. Moran** indicated there seemed to be some confusion about the name that raised public expectations, but in the Justification Letter of October 26, 2010 to Comprehensive Planning that it is stated that the proposed project was a bikini sports bar offering on-site consumption of alcoholic beverages with bikini-clad go-go dancers and a disc jockey, so there was no confusion about the name. To compare this operation to the former Muddy Rudder operation is also misleading. **Mr. Bekoff** asked **Mr. Moran** and **Mr. Gish**

if there is a written security plan to deal with disturbances inside and outside the establishment, and inside the common areas of the mall, and whether there has been any coordination with mall security staff? Will the security officers be trained and certified with guard cards issued by Metro Police? **Janet Barela** responded that the conversation seems to be going back to examining operations and that’s not what we’re here to do. **Deborah Murray** stated that as far as County enforcement is concerned, it would be very similar to Land Use Applications of home owner’s associations where they have CC&R’s (covenants, conditions and restrictions) where the County does not enforce those or get involved in what those are or what they may be or whether or not they are written.

Candice FitzGerald stated that she doesn’t want to say that the type of business being proposed would not do well in a community like this it’s just the location that she’s concerned with. There are so few places for children and families to go to that to subject them to this type of establishment is very concerning. Is there another location in mind? It’s all about the location – location, location, location.

James Vincent first apologized to the community for letting his emotions cloud his judgment at the last hearing on this matter, but due to some life changes he was in an emotional state and is working hard to take emotion out of the equation and make good judgments from here forward. **Mr. Vincent** asked a question of **Mr. Moran** regarding Title 8 that governs liquor licenses about a dance hall license and whether or not this business will have a dance hall license. **Mr. Moran** responded no, a dance hall license is not being requested in connection with this license.

Janet Barela stated that **Michael Bekoff** has an additional question, so she’ll let him go first.

Mr. Bekoff asked if **Mr. Gish** is still planning to allow the customers to dance with the performers? **Mr. Moran** responded no. **Janet Barela** stated that that is Adult Use, and that’s not what this is about.

Janet Barela stated that **Candice FitzGerald** and **James Vincent** have expressed concerns about the location in particular, and there are a couple of things from an enforcement position we could we couldn't say you must, but we have talked a little about making sure the windows looking into the establishment are in some way blocked so families or children walking by going to the mall would not be able to stop and peer inside. Is that something that the applicant is open to doing? **Mr. Gish** responded, 100%. The other question is about advertising and concern about signage that ended up being removed because of the buxom bikini clad woman on it. **Ms. Barela** stated that she understands that this request is not enforceable, and **Deborah Murray** concurred and stated that as a First Amendment right it should not even be discussed. **Mr. Gish** responded that advertising will be very tasteful and he will be very sensitive to the customers and people that go to and from the mall. We only gain by being good neighbors with everyone. **Michael Bekoff** thanked **Mr. Gish** for removing the objectionable advertising. **Mr. Moran** responded that **Mr. Gish** removed the advertising immediately at **Mr. Bekoff's** request to show good faith and comply.

The Chair called for public comments:

Patricia Fordham, 3032 Cascade, Laughlin, NV, asked what the name of the business is going to be and was told Bikini Sports Bar. Are the girls actually going to be in bikinis? She was told yes.

Jordan Ross, Constable's Office, 55 Civic Way, Laughlin, NV, stated that when he first spoke to the board he referred to the difficulty of balancing two issues: 1) Attempting to build a community where government is not all pervasive and encroaching on the ability and rights of commercial enterprise to engage in business, and 2) Egregious encroachment on what is typically perceived as the lifestyle in Laughlin, and will affect the lifestyle and culture of this town. **Mr. Ross** wanted to know if the applicant could be asked to voluntarily relinquish certain rights in connection with hours of operation, while acknowledging that neither the County nor the Town Board can in any way restrict items that are protected by free speech, in exchange for being allowed to operate for 24-hours a day. **Mr. Ross** would like to see this business be as invisible to the Laughlin community as possible, see a complete ban on hand billing of any sort throughout the entire township, and would also like to see a ban on use of any temporary signage throughout the entire township.

At this point, **Deborah Murray** informed the Chair that we are off the agenda item talking about hand billing throughout the town. **Mr. Ross** suggested that this would be something to ask the applicant if he would be willing to consider in exchange for 24-hour operation approval. **Deborah Murray** responded to the Chair that, once again, are we getting back to the issue of are we suggesting enforceable conditions.

Marsha Mendes, 3665 Needles Highway, Laughlin, NV, stated that she has been concerned about the location of this business but as it is discussed the hours of operation, as a sports bar, it should be open 24 hours. **Ms. Mendes** stated that she will be frequenting the establishment so long as there are not scantily clad women and it's called a sports bar, not a bikini bar.

Deborah Murray informed the Chair that if people know that they are speaking to items that are not on the agenda, they should not speak to that item.

Cheryl Crow, 3080 Needles Highway, Laughlin, NV, stated that she has been where the Town Board is (former Town Board member), and she has been lied to. **Ms. Crow** wants to recommend doing all the homework because all the things you hear aren't always true. There was a massage parlor that had all the credentials, education and training and Metro spent a lot of time there. If an applicant messes up, it takes a lot of time and money to get it undone. The community is extremely concerned about this. The community has one place to shop. The community has one place where the kids go. The community is concerned about this particular use for this particular place.

Barbara Hiza, 3300 Needles Highway, Laughlin, NV, and in the beginning was not too sure about it. The more she heard about it the angrier she got, but she was angry because everyone seems to have issues with bikinis and it being a bar. It was a bar before, and she's sure it will be again sooner or later. People bring their families here to come to the river during the summer and they see bikinis down at the river and drunken behavior, but here it's safe because Metro can respond quickly. With the compromises the applicant is willing to do, I think the business should be allowed to be opened. It's frustrating because so many people are out of work, and if they can employ some of the local people, by all means let it open.

Chair invited closing comments.

James Vincent commented that **Cheryl Crow** was a former Town Board member and she's right, doing your homework is a must. After two years on the Town Board it has been educating. I feel for you, **Mr. Gish**, the way this process has been bounced around from committee to zoning commission, back to this board, and **Steve Sisolak's** office. It has really been quite a ride for you and I apologize for that. But let's take **Mr. Gish** out of the equation. It's not about **Mr. Gish** or his attorney, **Mr. Moran**; it's about the business and the permit. It's for on-premise consumption of alcohol as a tavern and as a nightclub with live entertainment within an existing shopping center. This board has taken action on this item previously and although the District Attorney did not recommend some of the conditions from a legal standpoint, it was an education process for myself to understand what we are doing with this use. It is the job and duty of the Laughlin Town Advisory Board to deliver clear and concise recommendations to the Board of County Commissioners. Every board member must understand that their decisions have ramifications and set precedents for other businesses that come to the area. When this business changes hands and **Mr. Gish** sells it, we will not have the same guarantees or agreements with the next business owner because the door has already been opened and a precedent set by this Town Board. From day one a lot of stuff has clouded this issue with the Adult Use items and everything else, but this Town Board has had a gut-wrenching problem with the location. The only legitimate and legal conditions that the Town Board can impose upon this business is the Adult Use, which is the last condition recommended by the District Attorney. Under the Liquor License a lot of these things will be addressed as far as how the business will operate and the definitions in

Title 8. This is our shopping center, and this business is going in next to our food court that shares a wall with McDonald's, down the sidewalk from Family Dollar, next to a business (who doesn't want to go on record) that is not looking forward to this business coming in. The Liquor License regulations, lewd activity definitions, goes into detail about what can and cannot happen with regard to the entertainers, and **Mr. Vincent** read a few of them. **Mr. Vincent** stated, "The location is the only issue I have with the proposed business and being responsible as a governing body. The prior bar in the location was primarily gaming, and this will be the nightclub scene. Morally and with good conscience, I can't support a nightclub with live entertainment in the mall."

Candice FitzGerald stated that she will stand by her previous statement about the location that she doesn't agree with where it's going. **Ms. FitzGerald** stated, "I believe that we need to keep the area of the family mall for family and children and not subject them to this type of entertainment."

Michael Bekoff stated that he can't help but rely on his own experience as a uniformed security officer who has escorted drunks off of property, helped break up fights, and held combatants for the police to pick up. I know these things happen because I've dealt with them myself and there is going to be a spillover from the proposed business into the parking lot, especially after hours, and it's going to cause problems for Metro and on-site security, as well as being disruptive to the neighboring community. **Mr. Bekoff** stated "A separate building would be a much more beneficial location, a free-standing building similar to clubs in the Las Vegas Valley, rather than in a family-oriented mall."

Janet Barela stated that she is the odd board member out because she has different feelings about the right to do business. As a mother with children, she would not allow her children near the door of a bar because as a parent it is her responsibility to keep her children safe. It is **Mr. Gish's** responsibility to see that her children stay out of the tavern as a tavern owner. This situation has become escalated to a point where, for whatever reason, minds are set and unfortunately we haven't been in a position to welcome a new business, which is what is being presented before us. Just a few months ago there was a business application in front of this board for a massage therapy business, but because those business owners did not understand the way they needed to, they were denied the use. They were good community people and we pulled the rug from underneath their feet. **Ms. Barela** stated "It's my responsibility as a parent to keep my children out of a place they don't belong, and I would love to be able to enjoy an establishment where I could go dance with my husband and not have to game or feel like I'm obligated to game in order to be there. I believe that what we are being asked to do is approved, a Special Use Permit, I would approve that permit with the conditions that were stipulated."

Michael Bekoff asked where the board stands with regard to the conditions, and **Deborah Murray** responded that it is up to the Town Board to decide where they stand on the conditions, but one of the things she reminded the board of is that when it was denied the first time you didn't deny it with any "if approved" conditions, so that was one of the discussions at the Planning Commission meeting is that they didn't really have a feel for

what your thoughts were necessarily. You have a list of eight enforceable conditions and there were a couple of other things that were mentioned; whether or not you want to impose hours of operations (#4), and discussion about opaque windows or being able to see into the space, so that would be an enforceable condition according to the District Attorney if you wanted to tack something like that on. If you choose in your motion to deny, you also have the option to put “if approved” conditions and the 8 or 9 in front of you are enforceable.

Mr. Moran asked the board to put “if approved” conditions in their motion because he feels that it is the appropriate way to send it to the Planning Commission. “We were asked to send this matter to the Community Development Committee to articulate conditions on this plan and we did that. We would not have spent the last two months doing this “dog and pony show” if that wasn’t what you had asked us to do, all of you. We did what you asked.

Now I’m hearing from **Mr. Bekoff** that this isn’t the right location, from **Ms. FitzGerald** this is the wrong location, from **Mr. Vincent** this is the wrong location. We weren’t discussing whether or not the location was compatible or harmonious with the adjacent property uses. We were to stipulate to conditions that would work so this man (**Mr. Gish**) could go about running a lawful business and make money at the location and give jobs at the location. If you still feel compelled to deny it, I think the only professionally responsible thing to do would be to deny it with these approved conditions, exclusive of the hours of operation, and I would ask you do that because I think that would be the fair result if that’s the way you feel.”

James Vincent moved, **Candice FitzGerald** seconded to take the following actions with regard to UC-0517-10 – PRE LAUGHLIN NV, LLC: Approve #1, on-premise consumption of alcohol (tavern/sports bar); Deny #2, nightclub; and Deny #3, live entertainment within an existing shopping center. Denials are based upon non-compatible use with its neighbors within an existing shopping center. If approved, the Laughlin Town Advisory board would like the following eight conditions imposed: 1) Private party rentals of the facility shall not be allowed; 2) No dancing poles shall be allowed; 3) Staff shall work with local Metro Substation for training to identify gang members and control gang activity; 4) 24-hour operation; 5) One year to review; 6) Applicant must install a video surveillance system on the inside of the premises and immediately outside entryways of premises; 7) Design review as a public hearing for any significant changes to plans; and 8) Applicant is advised that adult uses or adult use activities are prohibited. A roll call vote followed: **James Vincent**, aye (yes); **Candice FitzGerald**, aye (yes); **Janet Barela**, nay (no); **Michael Bekoff**, aye (yes). Motion carries on a 3-0 vote.

4. COMMUNITY INPUT/PUBLIC COMMENTS (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken).

Document(s) Submitted: None.

Speaker(s) Present: None.

5. NEXT POSSIBLE MEETING DATE: The next regular meeting date is Tuesday, March 8, 2010,

at 1:30 P.M., Regional Government Center, 101 Civic Way, Laughlin, Nevada. Agenda items due no later than February 25, 2010.

6. **ADJOURNMENT:** Janet Barela, Chair, declared the meeting adjourned at 3:13 PM. .

These meeting minutes are in draft form and will be formally approved at the March 8, 2011 meeting. Any corrections to these minutes will be reflected in the meeting minutes of the April 12, 2011 meeting.