



Laughlin Town Advisory Board

REGIONAL GOVERNMENT CENTER
101 CIVIC WAY
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MINUTES

LAUGHLIN TOWN ADVISORY BOARD

November 30, 2010
1:30 P.M.

REGIONAL GOVERNMENT CENTER
101 CIVIC WAY, LAUGHLIN, NEVADA

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

MEMBERS ABSENT: None

OTHERS PRESENT: 14 Guests Signed In

1. CALL TO ORDER

- A. Conformance with the Nevada Open Meeting Law.
- B. Invocation and Pledge of Allegiance. **James Vincent** called the Meeting to order at 1:34PM. **Pastor Roger Scalice** of the Laughlin Community Church gave the Invocation, followed by the Pledge of Allegiance led by **Janet Barela**.
- C. Agenda items may be taken out of order if deemed necessary.

2. ORGANIZATIONAL ITEMS

- A. **Approval of the November 30, 2010, Agenda.**

Mike Bekoff moved, **Ted Pamperin** seconded to approve the November 30, 2010, Laughlin Town Advisory Board Agenda as presented. Upon a voice vote, motion carried 5-0.

3. CURRENT ZONING ACTIONS:

- *B.** This agenda item was taken out of agenda order in front of 3. A.
UC-0530-10 – EDGEWATER GAMING LLC, ET AL:
USE PERMIT to allow deviations to development standards.
DEVIATIONS for the following: 1) reduced on-site parking; 2) alternative exterior materials (fabric/membrane structure); and 3) all other deviations as depicted per plans on file.
DESIGN REVIEW for a fabric/membrane structure (tent) in conjunction with a resort hotel (Edgewater Resort Hotel) on 15.7 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Casino Drive, north and south of Bruce Woodbury Drive (alignment) within Laughlin. To the Board of County Commissioners 12/22/10.

Tabitha Fiddymont, Kaempffer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113, representing the applicant, gave a short explanation of the proposed project, followed by questions from Town Board regarding possible wind damage to the structure, the specific location of the proposed tent, and the proposed office space for corporate headquarters. After discussion, **Deborah Murray** recommended that the date to commence and review be specific and suggested March 22, 2013. **Deborah Murray** suggested asking the Board of County Commissioner to remove the drainage study requirement because the proposed structure is on a finished lot, and add to any motion “design review as a public hearing for any significant change to plans”. After further discussion, **James Vincent** moved, **Michael Bekoff** seconded to approve **UC-0530-10 – EDGEWATER GAMING LLC, ET AL**, subject to commence and review on March 22, 2013, to provide landscaping to be approved by staff around the perimeter of the membrane structure, all applicable standard conditions for this application type, applicant is advised that any change in circumstances or regulations may be justification for denial of an extension of time, design review as a public hearing for any significant change to plans, and recommend no drainage study or compliance due to finished lot. Upon a voice vote, motion carried 5-0.

James Vincent announced that this will be his last Laughlin Town Advisory Board meeting as Chair because he will not be available to attend the December 14, 2010 meeting.

- *A.** This agenda item was taken out of agenda order behind 3. B.
UC-0517-10 – PRE LAUGHLIN NV, LLC:
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 Planning Commission 12/21/10.

John T. Moran, III, Moran Law Firm, LLC, 630 South 4th Street, Las Vegas, NV 89101,

representing the applicant, gave an explanation of the proposed project and stated he is facilitating the applicant's liquor application for him and can't go forward with the liquor application business license until there is an approval on this land use application. **Mr. Moran** stated that this is not going to be an adult oriented business, but a sports bar and tavern with no gaming.

James Gish, applicant, 3725 Cimarron Drive, Bullhead City, AZ 86442, introduced himself and gave a brief history of his career and stated that it is his desire to put a bar back where the Muddy Rudder bar was at 1955 South Casino Drive, that will employ 30-40 employees. In addition to pool tables and games, the plan is to have a dance floor and entertainment in the form of a DJ and other forms of entertainers. There will also be girls who will act and dance like in "Coyote Ugly".

James Vincent asked if the proposed two raised stages are where the bikini girls will be dancing and will there be a strip pole and **Mr. Gish** responded no. **Janet Barela** commented that she is really uncomfortable with the raised stages. **James Vincent** stated that his voice is very familiar and asked if **Mr. Gish** is the same person who spoke with him by telephone looking for a location for a gentleman's club in Laughlin, and **Mr. Gish** responded yes. **Mr. Vincent** asked if **Mr. Gish** has ever had any affiliation with the adult entertainment business in Las Vegas, i.e. strip clubs, specifically Glitter Gulch, and **Mr. Gish** responded yes. **Mr. Vincent** asked if **Mr. Gish** has ever been cited for prostitution being run out of Glitter Gulch during the time **Mr. Gish** was operating that establishment, and **Mr. Gish** responded he doesn't believe so, not while he was there. **Janet Medina** stated that the proposed business is in a family mall where youth activities are held in the parking lot in front of the mall on Casino Drive, and if previous affiliations or the inquiry regarding a gentleman's club are any indication of what **Mr. Gish** would ultimately like to do, or have an adult overlay zone change at any point, she objects seriously. **Mr. Moran** responded that **Mr. Gish** is going to have to go through a privileged license investigation and signed off by the Director of Clark County Business License, approved with no areas of concern by the Las Vegas Metropolitan Police Department Special Investigations Division, and will have to explain any of the issues relative to past operations at other establishments, whether here or in different jurisdictions. While preparing the applications, **Mr. Moran** stated that he is not aware of any arrests or citations of that sort. **Mr. Moran** stated that Clark County Code Enforcement is not going to allow **Mr. Gish** to operate this business as an adult use and will be enforcing the way business is done there. **Mr. Gish** will never be allowed to apply for any type of variance or zone change to allow that location to be operated as an adult oriented business, and that could be stipulated as a condition in perpetuity because the adult use overlay doesn't extend to that location. The special use permit request is for live entertainment since this location is in an H-1 zone and Title 30 requires it. **James Vincent** responded that his concern is that we don't have a code enforcement officer or department in Laughlin. **Michael Bekoff** stated that in the justification letter attached to the land use application **Mr. Gish** makes prominent use of the fact that it will be bikini clad go-go dancers, so it is a "girlie bar" wearing bikinis instead of topless or nude. **Mr. Bekoff** spoke with a Mohave County Sheriff's Lieutenant yesterday who enforces the codes at Dream Girls, which is the closest similar establishment, and they

have had significant problems with nudity, displays of nudity in the parking lot, underage drinking, underage girls dancing, etc. **Mr. Bekoff** believes this establishment will open up a significant number of problems, and anticipates the type of problems this type of business will bring to Laughlin. Laughlin is a retirement community with the median age of residents 49 years old and the average visitor age is over 60 years old, so a business of this type does not fit the demographics of this area, much less the type of entertainment we want to have on Casino Drive. **Mr. Moran** proposed that **Mr. Gish** plans to establish a good partnership between the law enforcement conglomerate and himself to avoid all of the problems that have been pointed out in this meeting, and if he doesn't follow the law he will be cited and run out of business. **Janet Barela** responded that Laughlin doesn't have the code enforcement mechanisms and Metro Vice that Las Vegas does, so it is an unfair comparison. The option is to rely on **Mr. Gish** who we know has had experience in adult entertainment, and has made other attempts to open a gentleman's club, which seems to be the interest or thrust of the business plan here. **Mr. Gish** responded that he has thirty years of experience in casinos, with twenty of those years in the nightclub business, and plans to have adequate security to stop trouble at the door. **Mr. Gish** reiterated that this is an entertainment business, not an adult business.

Mr. Moran pointed out that the privileged license approval as an owner/officer/director of a tavern, the Clark County Director of Business License will be posed with whether or not a temporary license should be issued based upon an administrative review in conjunction with Metro. The license and investigation process usually takes nine months to a year to complete, so if a temporary license is issued to **Mr. Gish** based upon a preliminary determination that he is suitable to have that license while the full investigation is being completed, he plans to open the business in mid to late January 2011 with a Grand Opening. If there is subsequently a code violation or letters from citizen or the Laughlin Town Advisory Board indicating a public nuisance at this location, the Director of Business License has the ability to revoke the temporary license and **Mr. Gish** will have a very difficult time getting a liquor license.

Deborah Murray stated that this is a special use permit which means that this, too, is a mechanism for this Town Board or the Planning Commission to put on any kind of conditions that will help alleviate concerns. The Current Planning Analysis write-up says that "use permit approval is discretionary" and the Code for criteria for consideration states that "the proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan and of this title. The proposed use at the proposed location shall not result in a substantial or undue adverse affect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites, rights of way, or other matters affecting the public herein, safety and general welfare. The proposed use in the proposed area will be adequately served by services." A use permit will run with the use as long as the use is current, so this is the time that if there are special conditions to put on this application it needs to be put on with the use permit. This is the Town Board mechanism to put any conditions you want on the land use approval, so examples of things discussed here today like "no intention to operate like a strip club", "sports bar tavern

operation only”, “no gaming at this location”, “no dance poles”, “no bikini attire or scanty clothing”, “hours of operation to run with the mall”, and “time limit for review”, could be recommended.

Ted Pamperin asked if any food will be served in this establishment and **Mr. Gish** responded no, but that from time to time food may be brought in for the customers during special events. **Mr. Pamperin** asked if this business could be compared to a Hooters, and **Mr. Gish** responded “sort of” because the girls will be dressed in bikini-type outfits and cocktails will be served. **Mr. Moran** stated that **Mr. Gish** would like to have served food, but the cost to be consistent with the Nevada Clean Indoor Air Act would be prohibitive.

Michael Bekoff asked about advertising for the business with regard to flyers, handbills, or business cards trying to entice patrons into the business. Similar type businesses in Las Vegas that pass out flyers, handbills and business cards generally have these end up on the ground creating a litter problem. There is no provision at the mall for banners, neon signs or anything advertising live girls or go-go dancers, so what are the plans to advertise the business without creating a litter problem or public nuisance. **Mr. Gish** responded that the lease prohibits certain types of advertising, specifically the type of advertisement **Mr. Bekoff** refers to, and most of the advertising will come off of the reader board out front inviting people to come in to the Bikini Sports Bar. There may also be advertising at some of the bus stops, but they will also be tasteful because it is a family oriented area. If an employee is outside the business to invite people in, they won’t be handing out papers. **Deborah Murray** stated that advertising is another amendment issue, and this Town Board could say that there would not be any advertisement distributed outside of the premises, but this Town Board can’t control the signage.

Thomas Bartelmy, 2295 High Terrace Lane, Laughlin, NV 89029, asked **Mr. Gish** if he is familiar with the Inferno Night Club at the Edgewater Casino where they have an elevated platform with dancing girls who are scantily clad, but not bikini clad, and wonders if **Mr. Gish** is committed to bikini clad women. **Mr. Gish** responded that he is “pretty much committed to the fact that he wants it to be bikini clad, but conservative, not thongs or skinny things”.

Pastor Roger Scalice, Laughlin Community Church, 2910 Needles Highway, Laughlin, NV 89029, stated that there is a very fine line between nudity/adult oriented and bikinis on a raised stage. They are equally provocative and make about the same statement to the young people of our community who go to that mall. This will negatively and adversely influence the moral integrity of our community and we need to stand up for the community of Laughlin and its children.

Jordan Ross, 3650 South Pointe Circle, Laughlin, NV 89029, asked that the substance of his remarks be reflected in the record. **Mr. Ross** stated that he is of a mixed mind because on the one hand he is firmly opposed to the ever increasing encroachment on property rights through the use of zoning regulations that has been an increasingly oppressive feature of local government across the country for more than a century and many property owners, especially commercial ones, wonder at what point they will effectively be stripped of their

property in all but name only. On the other hand, Laughlin has been governed by a zoning regime typical of most in the nation since it's growth began in the 1970's and everyone who has purchased or leased property since that time has a certain reasonable expectation that the rules will not be radically changed mid-stream without reasonable notice and a significant transition period.

Because the proposed business establishment is not typical, and many residents may have strong views one way or the other, to unilaterally reject the request simply because the Town Board or the community may not want the business will not withstand legal scrutiny. On the other hand, the very nature of a Special Use Permit is that conditions may be imposed. **Mr. Ross** suggests this matter be referred to the Community Development Committee with a request to staff to provide a broader advisory report on options regarding acceptable conditions for a use permit of this sort. **Mr. Ross** also stated that a privileged license does not guarantee the character or operation of any business, and **Mr. Moran** is not a client of **Mr. Ross**.

James Vincent reported that since the proposed tavern does not have gaming, there will be no local gaming enforcement imposed to help control the business operations. A year prior when **Mr. Gish** contacted **Mr. Vincent** about a Laughlin location for a gentleman's club, the Laughlin stakeholders who were contacted did not want such an establishment on Casino Drive or the Riverwalk, but there were areas that the stakeholders did not object to at that time. This proposed business is in a mall next to a Family Dollar store with bikinis and girls and alcohol, and I don't find that this special use permit falls under anything but an adult overlay district, which is not provided in this area. **Mr. Vincent** stated he does not believe that this matter should be sent forward to committee, but should be motioned to deny with conditions if approved.

Mr. Vincent invited other Town Board comments.

Candice FitzGerald stated that she agrees with everything the other Town Board members have said on the subject and her primary concern is that it is in a family area of the mall that needs to be preserved for the children who frequent that area. Also of concern is the type of people who are going to be coming to this establishment because even if things are controlled inside, when those people get outside, that is another issue. The final area of concern is the time it might take to close the business if the special use permit were granted and then revoked for any reason. **Mr. Moran** was recognized by the Chair and pointed out that if the Town Board approves a motion for denial to the Planning Commission today, there won't be that ability to stipulate to specific conditions that would be put in place to have the least impact on the community in terms of this business should it subsequently be approved by the Planning Commission. Denial would defeat the importance to this part of the process.

Michael Bekoff stated that on the other side of the wall of the proposed business location in the mall are a McDonald's and a Der Wienerschnitzel, and the rest of the food court, where teenagers and families with children gather. This is not Las Vegas or the strip, this is a geriatric community, and an outlet mall is not the proper venue for this kind of a business. A stand-alone building somewhere on State Route 163 away from the mall atmosphere

would be a separate issue, but the mall is not the location for it.

Jordan Ross was recognized by the Chair and commented that if this is sent to the Planning Commission with a denial you lose control of it, but if you send it to committee and try to negotiate the conditions you want you still have control of it.

Deborah Murray responded with a process statement that you can either approve the application with conditions or deny it with “if approved” conditions. **Ted Pamperin** asked for a clarification and **Deborah Murray** responded that you can deny it and state why, then say “if approved” we would like these conditions.

Janet Barela moved, **Ted Pamperin** seconded to hold UC-0517-10 – PRE LAUGHLIN NV, LLC and refer to the Community Development Committee meeting scheduled for December 15, 2010, 3:00 PM, for further research, review, and recommendation, said recommendation to be forwarded to the Laughlin Town Advisory Board at the January 11, 2011 meeting, at which time the Laughlin Town Advisory Board will make a recommendation to go to the Clark County Planning Commission for the January 18, 2011 meeting. Upon a voice vote, motion carried 5-0.

4. COMMUNITY PROJECTS AND CONCERNS:

- A. Nomination of two members by each Laughlin Town Advisory Board member to the 2011 Laughlin Citizen of the Year Committee and announce that nomination applications will be accepted from Laughlin residents for the 2011 Laughlin citizen of the Year, and take any other action deemed appropriate. Nomination forms are available at the Laughlin Town Manager’s Office, Spirit Mountain Activity Center, Laughlin Library, and Community Resource Center or on the Clark County website at www.accessclarkcounty.com/laughlin. Applications will be accepted through Friday, December 10, 2010, at the Laughlin town Manager’s Office, 101 Civic Way, Laughlin, NV.**

James Vincent called upon each Town Board member for two nominations to the Citizen of the Year Committee to determine the 2011 Laughlin Citizen of the Year based upon nomination applications received by the December 10, 2010 deadline as follows:

Ted Pamperin:	Karl Munninger and Bob Bilbray
Michael Bekoff:	Donna Treague and Jordan Ross
James Vincent:	Thomas Bartelmy and Christie Dennis
Janet Barela:	Roger Scalice and Dottie Lewis
Candice FitzGerald:	Christi O’Brien and Robyn Kelley

James Vincent moved, **Michael Bekoff** seconded to approve the nominees to the 2011 Citizen of the Year Committee as presented. Upon a voice vote, motion carried 5-0.

5. 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: 1. **Janet Barela**, Laughlin Town Advisory Board.

1. **Janet Barela** thanked **James Vincent** for doing a great job as Chair of the Laughlin Town Advisory Board. He has grown from someone who was rather quiet into a very dedicated and strong leader who has shown a lot a valor and integrity when all of the craziness in this community threatened to drown us all. **Ms. Barela** thanked **Mr. Vincent** for his dedication and hard work. **Michael Bekoff** seconded the sentiment and stated that **Mr. Vincent** has done a magnificent job as Chairman of the Laughlin Town Advisory Board and earned the respect of everyone who has heard him. “Even people who opposed the Town Board two years ago have come around to endorse **Mr. Vincent** as our Chairman, so he will be a tough act to follow for the next Chair” stated **Mr. Bekoff**.
6. **NEXT POSSIBLE MEETING DATE:** The next regular meeting date is Tuesday, December 14, 2010, at 1:30 P.M., Regional Government Center, 101 Civic Way, Laughlin, Nevada. Agenda items due no later than December 3, 2010.
7. **ADJOURNMENT:** **Michael Bekoff** moved, **Candice FitzGerald** seconded to adjourn the meeting at 3:11 PM. Upon a voice vote motion carried 5-0.

These meeting minutes are in draft form and will be formally approved at the December 14, 2010 meeting. Any corrections to these minutes will be reflected in the meeting minutes of the January 11, 2010 meeting.