

A Meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, July 20, 2021, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Treg Bernt, Jessica Perreault, Brad Hoaglun and Liz Strader.

Members Absent: Luke Cavener.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Joe Dodson, Crystal Campbell, Jamie Leslie, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglun	☒ Treg Bernt
☒ Jessica Perreault	☐ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is July 20th, 2021, at 6:03 p.m. We will begin today's City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item is the Pledge of Allegiance. If you would all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item is the community invocation, which will be delivered tonight by Pastor Tim Pusey, with Valley Shepherd Church. If you would all, please, join us in the community invocation or take this as a moment of silence. Pastor.

Pusey: Thank you. Father God, we know that it is you, our creator, who can safeguard us and care for our steps on the path of life. Psalm 119 tells us your word is a lamp to my feet and a light to my path. And we pray, Lord, that our plans would align with your plans, both for our city and for our lives, and we pray you set before us the good path allowing us to be influenced by your spirit and by your grace. May all of our steps honor you and may we always seek the best path and ultimate good for our community and the people of our community. Thank you, Lord, for the members of our City Council and for our Mayor, who are dedicated and diligent servants of the people of Meridian and thank you for the many who serve our community behind the scenes here at City Hall and people like our first responders and school teachers and hospital workers and many

others. We truly are blessed as a community and we thank you and we ask for your continued blessings as we move forward into the future. Help us all to be good citizens who truly care for others and when we get overwhelmed with all the challenges before us remind us that you are faithful God and we can look to you and trust you and lean on you. We embrace these truths as we call upon you this evening. Please go before our City Council in all of the decisions, all the discussions that they have this evening. In your name we pray, amen.

ADOPTION OF AGENDA

Simison: Thank you. Now, is up the adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move to adopt the agenda as published.

Borton: Second.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anyone signed up under public forum?

Johnson: Mr. Mayor, the only sign-ups were actually for an item later on the agenda, so none for tonight.

RESOLUTIONS [Action Item]

- 1. Resolution No. 21-2277: A Resolution of the Mayor and the City Council of the City of Meridian, Appointing Tyler Ricks to Seat 3 of the Historic Preservation Commission from July 20, 2021 through October 31, 2023; and Providing an Effective Date**

Simison: Okay. Thank you. Then we will move on to our first item of business, which is Resolution No. 21-2277, appointing Tyler Ricks to Seat 3 of the Historic Preservation Commission and I think -- where is Tyler? Is he in the room? Oh, there he is. Excellent. Well, Tyler, we won't have you come up just right now. Wait until after the vote from that standpoint, but, Council, you have before you a resolution appointing Tyler Ricks to the Historic Preservation Commission. Tyler is really helping fill a niche that was vacated by

Jacy when she left. She was really kind of doing the social media work for HPC and I don't know if you -- any of you personally follow Mr. Ricks on social media or all the work that he does, but he's really helping fill that void in that position. He is also an avid knower of all sorts of history, political, Meridian, and otherwise, and is dedicated to serving our community. He comes from the example of what we try to do with Mayor Tammy when she started the Mayor's Youth Advisory Council. You know, part of the role of the Mayor's Youth Advisory Council is to find people that are going to be giving back to the community in the future and I think he is a great example coming out of that program and in finding a way to serve the community. So, it's with my honor to recommend him to you to serve out the remainder of the Historic Preservation Commission term that was recently vacated. Be happy to stand for any questions you have.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: No questions. Just a quick comment. I have known Tyler for a long time. He is a young man, but -- but he has been around our community and active. So, I appreciate you bringing forth Tyler with this recommendation to fill this important post.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I echo Council -- Councilman Borton's words. I also wanted to add that, you know, Tyler Ricks was once a member of our MYAC program and I believe he is the first elected official from our MYAC program -- and for those who don't know what MYAC is, it's our -- it's the Meridian Youth -- or excuse me -- Meridian Mayor's Youth Advisory Committee and it's -- local high school students are involved. They learn leadership and they learn what we do as a city and they perform a lot of service and so -- and as we all know, Tyler was just recently elected as a -- as a Meridian Library District trustee. So, I know Tyler real well. Congratulations, Tyler, and can't wait to see what you do on this -- on this commission.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Unless there is further comments, I will move that we approve Resolution No. 21-2277 appointing Tyler Rick's to Seat 3 of the Historic Preservation Commission from July 20th, 2021, through October 31st, 2023, and providing an effective date.

Perreault: Mr. Mayor, second that motion.

Simison: I have a motion a second. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and Tyler is appointment.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Now, Tyler, would you like to come forward and make some comments?

Ricks: I know you guys have a full agenda, so I will just keep it quick. I just want to say thank you to the Mayor and City Council for appointing me to the commission. I'm excited to bring a different skill set to the Commission on focusing on more the digital aspect of tracking our history for Meridian. I'm excited to serve in this role. Thank you.

ACTION ITEMS

2. Public Hearing for the Proposed Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department

Simison: Thank you, Tyler. Council, moving on, we will move on to Item No. 2, which is the public hearing for the proposed fall 2021 fee schedule for the Meridian Parks and Recreation Department and I will turn this over to Jenna.

Fletcher: Thank you, Mr. Mayor, Members of Council. In front of you you have the resolution for our 2021 fall fee schedule and I'm open to questions if you guys have any.

Simison: Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Jenna, can you just let us know a synopsis of what fees have changed and why?

Fletcher: Yeah. So, actually, one of the only things that have changed is our pickleball class and that's due to increase in cost of supplies, paddles, balls and, then, instructor fees. So, everything else has stayed the same.

Simison: Council, any other questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If there are no questions, I would like to make a motion to --

Simison: Oh. This is a public hearing, so we will need to --

Perreault: My apologies.

Simison: Jenna, you want to take a seat we will -- this is a public hearing. If there is anybody in the audience that would like to provide testimony on this item, instead of something else this evening, you are welcome to come forward now and discuss the parks and rec fees for fall 2021. Mr. Clerk, did we have anyone sign up to provide testimony on this item?

Johnson: Mr. Mayor, we did, but I am unsure, so I will just ask. Dan Conner? Okay. Then maybe for later in the meeting.

Simison: If there is anybody online who would like to provide testimony on this item, if you can use the raise your hand feature at the bottom of the Zoom platform and we can bring you in. Okay. I'm seeing nobody wanting to come forward or no one online, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We have a full crowd, so I want to ask one question if I could. Pickleball is the rage. How many people out here play pickleball? Just kind of curious. All right. There is a huge demand in the class and demand for court time, so I figured I would ask the crowded room to see if there is pickleballers out here.

Bernt: Mr. Mayor, I'm obviously remote. Just from the raise of hands it looked like there was like 80 to 90 percent of the people raise their hand.

Simison: Councilman Bernt, we may have to work on your visual optics to understand the testimony this evening. With that, no one wishing to provide testimony, do I -- do I have a motion to close the public hearing? Well, actually we opened the public hearing, I believe. So, do I have a motion to close the public hearing?

Perreault: Mr. Mayor, so moved.

Simison: I have a motion. Do I have a second?

Borton: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Resolution No. 21-2275: A Resolution Adopting the Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

Simison: Next up is Item 3, Resolution No. 21-2275.

Perreault: Mr. Mayor, I move that we approve Resolution -- Resolution No. 21-2275, a resolution adopting the Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department authorizing the Meridian Parks and Recreation Department to collect such fees and providing for an effective date.

Borton: Second.

Simison: I have a motion and a second regarding approving Resolution No. 21-2275. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, yea; Cavener, absent; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: All ayes. Motion carries and the resolution is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

4. Public Hearing for Community Development Block Grant (CDBG) Program Year 2021 Action Plan

Simison: Item 4 is a public hearing for Community Development Block Grant of CDBG Program Year 2021 Action Plan and I will open this public hearing with staff comments and turn this over Crystal.

Campbell: Thank you, Mr. Mayor, Members of the Council. As you said, I'm here to present the CDBG program -- program year '21 action plan, which runs from October 2021 to September 2022. The action plan is just a way to identify strategies that meet the goals of the consolidated plan for the upcoming year. So, for this upcoming year we have identified several projects that we are putting funding toward. The first one is admin and fair housing activities. We are also funding a couple of different public services. The first one is Jesse Tree Rental -- Emergency Rental Assistance Program and we are also providing funding for the Boys and Girls Clubs Scholarships For Youth Program. We -- under housing we are funding the Neighborworks Boise Homeowner Repair Program and as a backup project we will have homebuyer assistance and for accessibility we will be replacing the Chateau Park playground and incorporating a pathway to a low to moderate income neighborhood and have a couple of streetlight modernization projects were the backups. So, part of the action plan process is to get community engagement to make sure that the goals in the comp plan are still relevant. We do this by opening the public comment period. Working with stakeholders to gather their feedback. We provide two public presentations and, then, we also have a public hearing. So, we only received one comment outside of the comments in the presentation last time from Council. It's from one of our sub recipients -- a current sub recipient. He said I believe the City of Meridian CDBG programs are an extremely important means to help the underserved populations of Meridian grow, thrive, age in place and have a safe secure place to call home. It's

been proven that those who have a safe, secure home excel in life, whether it be in school, at their job, or in their personal lives. There were only a couple of places where we made changes in the previously submitted action plan. Most of it was grammatical errors. There was a couple of them in there. And, then, other than that it was all about public comments and the public hearing piece. So, on page two we updated the summary of public comments. Page 16 we removed unity through inclusion from the list of groups consulted, because it no longer exists and we updated the summary of comments received. Page 51 we also updated the public comments. And on page 53 we included the areas where we have provided public notice. So, the final steps to accept this tonight, after this presentation I would ask the Council to open the public hearing. Once that's done, then, I would ask Council to close the public comment period. Next week, then, I will provide the final report and the resolution on the Consent Agenda and once I have the resolution signed, then, I will be able to submit the application to HUD. And with that I will conclude my presentation.

Simison: Thank you, Crystal. Council, any questions for staff?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Not a question, just a quick comment. There is a lot of substantive good that comes from all the work that you do to organize this, but a lot of extremely technical proficiency that you bring to it. I mean you are jumping through a lot of hoops and some pretty intense federal regulation and you do it really well. So, in addition to all the great service that goes to our community with this program, thanks for making sure that it's administered accurately.

Campbell: Thank you.

Borton: Really appreciated.

Campbell: Thanks.

Simison: Any additional questions for staff? Well, this is a public hearing. Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, sort of, but I can't tell if it's for this or not, so I would just ask for a raise of hands.

Simison: Okay. Is there anybody that would like to provide testimony on the CDBG public hearing this evening? And if you are in person or online use the raise your hand function at the bottom of Zoom. Council, seeing no one coming forward or raising their hand online, do I have a motion to close the public hearing?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move we close the public hearing on Item 4, the Community Development Block Grant Program Year 2021 Action Plan.

Hoaglund: Second the motion.

Simison: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Those opposed no. The ayes have it and the public hearing is closed and we will see you back next week. Thank you, Crystal.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

5. Public Hearing for The Oasis (CR-2021-0004) by Robert Black Jr. of Land Baron Investments, Located at 3185 E. Ustick Rd.

- A. Request: City Council Review of the Planning and Zoning Commission's decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zone.

6. Public Hearing for The Oasis (CR-2021-0005) by Michael and Cherilyn Kynaston and Jon and Cheri Hoeger, Located at 3185 E. Ustick Rd.

- A. Request: Council Review of the Planning and Zoning Commission's decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zoning district.

Simison: Okay. Next items up are public hearing for The Oasis CR-2021-0004 and public hearing for the Oasis CR-2021-0005. I will turn this over to Mr. Nary.

Nary: Thank you, Mr. Mayor, Members of the Council. So, I thought it would be best for both the Mayor and Council, as well as the audience, the applicant and the appellant, to sort of read basically the purpose of the hearing tonight, how the order of the hearing will go. So, I'm going to go ahead and read this to make sure it's all clear for the record, because this being a land use decision that's being made by the City Council, the record is by far the most critical piece that we want to make sure it's clear, because this project, depending on the outcome, could be appealed to the District Court. So, I want to take a moment to explain the purpose of the hearing, the order of those speaking, the decision points for the City Council and the land use hearing process. So, first, the purpose of the hearing. Although the Planning and Zoning Commission has approved the conditional use permit here, the CUP, the city code allows for this appeal and the city code states that this is now a trial de novo. What that means from a legal term is that this is a new decision. So, the original decision is still part of the record and it still could be considered by the

City Council in their deliberation and decision here, but the decision is the Council's. It's a new decision. It's not just an overturn or upheld -- upholding of the prior decision, it is an independent decision of this Council on whether to grant the CUP for this proposed use. So, the order of the parties speaking -- planning staff is going to advise the City Council on what the application is about, what the project is and what was before the Planning and Zoning Commission and, then, what was decided by them. The Mayor and the City Council can, then, hear the two hearings together. That is our recommendation is to combine the hearings together, because of the -- from the record standpoint it's incredibly awkward to try to separate out one issue from another, since there are some similarities and some differences between them and the Council has the authority and the Mayor to hold them as one hearing and I would recommend that. The appellant Mr. Black filed his own individual appeal and, then, the Hoegers and the Kynastons -- and I apologize if I have pronounced those incorrectly -- filed a joint appeal. So, under our process they have a combined 30 minutes to present their case and why this application should be denied. The parties can decide together if they wish to divide their time up differently than 15 minutes apiece. If they can't reconcile that -- that separation, then, each party -- Mr. Black's appeal is one appeal, the other combined appeal is a separate appeal, but there is just two appeals before the Council. Each side gets at least 15 minutes to present their case. The applicant Mr. Tsai, the property owner in this case, will get 30 minutes to respond and allow him the opportunity to present his project to the Mayor and Council and respond to any of the appellant's arguments that they have provided. Once that's concluded and any questions the Council has had for either the appellants or the applicants, there could be public testimony and our -- and our process that we use for the city -- each member of the public gets three minutes per person. The Mayor can grant up to ten minutes if someone is representing an HOA and that's within the Mayor's discretion. The appellants, then, at the end -- the appellants get -- at this point -- pardon me. After all the public testimony is completed the applicant, again, Mr. Tsai, gets 15 minutes to provide any rebuttal to the public testimony that he wishes to provide and, then, ultimately, the appellants get another 15 minutes and they get the last word before the Council on why their position should be upheld and why their position should be what the Council should find in favor of. So, they will all have an opportunity to be heard. Then any last questions for the Mayor or Council can be brought out. If there is -- at that point the Mayor and the Council decide they need more time or more information as needed, that they might need to continue this matter to a future date to gather more information or gather additional evidence, they can do that. If not, the Council can make a decision tonight. The key points here I think that we need to make sure it's clear for the record -- the Council should base its determination on a conditional use permit according to our code and that has specific points that the Council needs to consider in granting or denying an application for a conditional use permit. So, those particular points are that the site itself is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district for which its use is to be located. The proposed use will be harmonious with the Meridian Comprehensive Plan and in accordance with the requirements of the Uniform Development Code. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood, with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

That the proposed use, if it complies with all the conditions of the approval, and it will not adversely affect other properties in the vicinity. That the proposed use will be served adequately by essential public facilities and services, such as highways, streets, schools, parks, police, fire protection, drainage structures, refuse disposal, water and sewer. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community. That their proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor. That the proposed use will not result in the destruction, loss, or damage of a natural scenic or historic feature considered to be of major importance. Additional findings for alteration or extension of the nonconformity -- the nonconforming use could be allowed. The proposed use does not encourage or set a precedent for additional uses of this type within the area that may not be compliant and that the proposed use is developed in a similar or greater level of conformity with the development standards as set forth in Uniform Development Code. From the legal perspective it's -- it's a discretionary decision of the Council to find these. It's not required by code or state code that they find every one of them or they dismiss every one of them. It is a balance between all of them as to how they would impact the neighborhood, the community, and the city as a whole. So, that's the charge they have in this in determining if there are sufficient conditions that could be placed on this use that will allow it to, then, comply with the code. So, that's the purpose of why it's termed conditional use. Can there be uses conditioned on this -- on this project to make it comply with what's required by code. So, the land use hearing process we need a clear record, because this is a Council appealable. As I said, we have a stenographer here to maintain the record. We like people to stay within their allotted time for their remarks. It can be extended by the Mayor or City Council if they have questions. Testimony that doesn't address the decision points that the Council will have to make are certainly within the purview of the person making the testimony, but, again, if it doesn't relate to the points that the Council has to do, it may or may not be considered with the same weight as others. So, just to be aware of how that's viewed. Mr. Mayor, unless there is other questions, I think that's sufficient enough to set the stage for moving forward and, again, the next would be Planning.

Simison: Thank you, Mr. Nary. Council, any questions for legal before we move forward? Okay. Just hopefully to try to set the tone. I hope everyone tonight came with their best behavior on. Let's keep all comments respectful, focus on the information, hopefully, you just heard from this the city attorney from that standpoint. You know, that's -- that's how we would like to do things here in Meridian and keep everything good. I will be very adherent to the three minutes or whatever is authorized as Mr. Nary just talked about this evening. You will hear -- you will hear an overhead beeper. Once you hear that overhead beeper, if you are still speaking, I would ask you to, please, wrap up your comments. That way I don't have to ask you to do it myself, but we have got a lot of people in here, we want to get through all the people that have come outside that want to provide testimony. So, let's be respectful of people's time this evening. So, with that I would ask Council if you would like to open both public hearings at the same time.

Borton: Yes. Mr. Mayor?

Simison: Councilman Borton.

Borton: That sounds to be the most efficient for everyone involved.

Simison: Okay. With that we will open the public hearing for The Oasis, CR-2021-0004 and public hearing for the Oasis CR-2021-0005. We will open these public hearings with staff comments and turn this over to Joe.

Dodson: Thank you, Mr. Mayor, Members of Council and members of the public. Thank you for being here tonight. As noted before you tonight are two Council reviews for the previously approved by Planning and Zoning Commission conditional use permit for The Oasis. Go over a few different things and I will try to be succinct as well, just because I'm sure we have all read and understood the staff report, as well as public testimony from the previous hearings. The subject site, which is located at the southwest corner of Eagle and Ustick is one site within a five lot commercial subdivision. That is overall 3.26 acres of land. It is in the C-G zoning district and part of an over -- very much larger mixed use regional designation as you can see in this map on the left. To the north is Ustick Road. To the north of the site is Ustick Road with C-G zoning as seen in the center map and commercial development to the east is Eagle Road with commercial zoning and commercial development to the east. To the south is undeveloped C-G zoning, but does have an approval for a multi-tenant building and drive through. To the west is also C-G land, but that is undeveloped and that has the Villa Sport gym fitness facility approval on that. There is a lot of history on this site dating back to 2019 with different development agreement modifications to remove it from an existing development agreement. There was a plat done at the end of December as well, as well as multiple administrative approvals for the building and separate uses on the site. With the original application that was before Planning and Zoning Commission there was over 225 pieces of public testimony submitted for the CUP -- for that CUP hearing. I did not count them this time, but I'm assuming it's as much if not more. Most are in opposition of this CUP request, as well as the product overall. As noted there is a lot of history on the site. The subject property was annexed in 2003 as part of a larger annexation area. There was a DA associated with this, which was modified in 2019 to remove it from that DA and enter into a new one just serving this site. In December of 2020 as noted there was a preliminary plat done by the landowner, which was not the applicant tonight, done by the landowner to subdivide the property into five commercial lots. At that time future uses were not known by staff and through the process the landowner is not required to divulge what contracts they may or may not have with future uses. The Oasis is proposed within a new multi-tenant building on one of those lots, which would be the southwest lot in this overall development. Administratively approved building at this location, which is under the Eagleview Retail Center application name, is approximately 8,300 square feet in size with two tenant suites, one being for a Jamba Juice, one being for the potential Oasis. The Oasis is proposed in the larger suite, which is approximately 7,000 square feet in size. The building and use meet all of the code required dimensional standards for this C-G zoning district. However, no tenant improvement building permit has been submitted. So,

there has been no set fire or building occupancy determined for the suite. How the suite is laid out in the future through this TI will determine the building occupancy from the aspect of building and fire, which, again, there is a lot of facets to that. How many tables they have. How many chairs they have. If there is a mezzanine. Ingress-egress, et cetera. The proposed business is a combination of a nightclub and music venue, which falls under the drinking establishment and indoor recreation facility uses within the development code respectively. The indoor rec facility use is a principally permitted use within the C-G zoning district, unless it incorporates a music venue, which this does, and is located within a thousand feet of an existing residence, which is the case. Therefore, a CUP was required for that. A drinking establishment is a conditional use within the C-G zoning district as well. Therefore, the CUP that the applicant requests are for both uses. It is anticipated that directly south of the approved -- the approved building there will be additional landscaping, a larger parking lot -- sorry -- and a drive aisle. This parking lot and landscaping received preliminary approval with the Villa Sport applications. Main access to and from this site is via a shared driveway connection to Ustick Road, which I will go back to this. It would be -- well, be it right here, as you can kind of see with the curb cut. It would be the main access point into and out of the site. It is limited to a right-in, right-out access. The landowner is currently constructing the entire shared driveway for this development, because it is developing before the Villa Sport application and it -- in addition, it will connect all the way down to North Cajun Lane to the south, which ensures that there is more than one way to get in and out of the site. The applicant has an existing cross-access agreement with the adjacent commercial property, but this agreement does not include cross-parking. I know that there was some confusion within the record and within the public testimony last time. There is no cross-parking agreement from this overall three acre site to the adjacent Villa Sport sites. There is a cross-parking agreement within the five internal commercial lots in the Wadsworth Subdivision. In addition to the shared drive aisle that abuts the property to the west, the Villa Sport site improvements and recorded cross-access agreement will include an additional Ustick Road access point further west, which is really North Centrepont Way. These access points will be the drive aisle which will be right here. These points are long approved for this site. Staff finds that there is adequate and safe access to the site at full build out. Also -- and also with only the most adjacent Ustick access in conjunction with a drive aisle -- drive aisle connection to Cajun Lane, because it provides an access to both Ustick and Eagle Roads. However, to help mitigate any residential cut through traffic staff did require a condition of approval that this applicant work with Villa Sport and those landowners to construct the northernmost driveway through the Villa Sport site prior to commencing this use, which would, again, be prior to Villa Sport probably is developed as well and that was not discussed very deeply at the public hearing previously. So, I wanted to make a specific note of that. This driveway would provide a direct means of accessing North Centrepont Way and existing -- and the existing traffic signal that's located there and it would help mitigate potential customers using the roads adjacent to the residential subdivision to the south. ACHD is the leading agency on access points and traffic mitigation for the entire valley -- well, for the City of Meridian. Because peak traffic time should not be drastically affected by the proposed use on any access point ACHD could not require a traffic impact study for the application, for the CUP, even with the assumed capacity of one thousand, which is, again, the original assumed capacity by the applicant

Mr. Tsai. This TIS was not required by ACHD and restricting the capacity further to 400 persons would further help mitigate any traffic concerns for this type of use. Further analysis regarding access should be addressed to ACHD. Staff also agrees that at peak hours of business, which would be after 8:00 p.m., access to the site should be improved as overall adjacent traffic levels on Ustick and Eagle should be much less than 5:00 or 6:00 at the peak p.m. hour traffic. This application was heard at two public hearings before the Planning and Zoning Commission. There was a continuance from a March hearing to a May hearing in order for the applicant to provide additional information. There were three items. One was to work with the police and obtain a safety plan or get a sign-off, so to speak, from the police on a safety plan that was obtained. There was another requirement to create a circulation plan and provide information on how they would incentivize ride share programs, which was submitted with the -- the continuance and the last point was to obtain a shared parking agreement, because the adjacent landowner had noted in the first hearing that they would work with the applicant. That discussion occurred and there was no cross-parking agreement made. Because of that that is one of the reasons why a further public hearing at the May 6th Planning and Zoning Commission hearing, the Commission further limited the capacity to 400 persons. Just to be clear on what the conditions of approval are for the currently approved CUP, these are what are in the findings, what is -- what was stricken, what was added is underlined and these are what the applicant will have -- would have to abide by currently. I don't want to go through each of them individually, but if you guys have any questions I will stand for any of those to clarify any -- or provide anymore information.

Simison: Council, any questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. One of the questions, you know, question I had -- and I think you have touched on this, but if you want to just expand -- is how could limited capacity be enforced by the City of Meridian?

Dodson: Yes. That is a great question, Council Woman Strader. As discussed at both hearings, it -- it's the same as any drinking establishment, any daycare, anything that we limit capacity on below the fire occupancy or building occupancy. We are not going to have code enforcement or police standing out there. It is, unfortunately, complaint based. I know there is some discussion on that means that the residents would have to stand out there and count people and not -- I don't want that at all and I understand that -- that mentality about how that could be the requirement. But, again, code allows the capacity to be limited below what is allowed by building and fire code. So, how we implement that afterwards is not a planning or a code issue, it's going to be, unfortunately, the citizen participation, code enforcement and our police.

Strader: Mr. Mayor, follow up.

Simison: Well, Lieutenant Leslie, would you like to answer -- finalize that question for Council Woman Strader? How is code enforcement or police going to enforce a reduced capacity establishment?

Leslie: Mr. Mayor, Council Woman Strader, that's -- we deal with that quite frequently on other establishments as well and, like Joe talked about, it's typically a complaint based issue. We are not there patrolling it per se and counting individuals coming out of the establishments, but if we receive a complaint that they are over capacity and, then, we will go there and do a spot check or work with the Fire Department. There is a fire code that we utilize, but -- and do it that way.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. A follow-up question and something that I wanted to understand. So, if this condition is attached to the CUP, then, does that condition run with an agreement with the tenant or with the property? In other words, I'm asking you a question if this business were to be sold, if there were a new tenant, if the occupant were to change to another nightclub company, then, would that condition still be enforceable?

Dodson: Council Woman Strader, that's a great question as well. It runs with the land. So, it doesn't matter who or what entity is going to use the site or that land, this site -- this building will have to adhere to these standards. If a future different nightclub owner were to come in they could request -- they would have to request a CUP modification, which would go before Planning and Zoning Commission in order to change any of these conditions.

Strader: Thank you.

Dodson: You are welcome.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joe, quick question on a definition, just to make sure we are on the same page. In the staff report it says the proposed use would have regional pull for patrons. Is regional Treasure Valley, beyond, or are we talking regional like intermountain, like from Salt Lake?

Dodson: If they pulled from Salt Lake that would be incredible. I don't know if they quite have the size to do that. But regional I was thinking the Treasure Valley. You know, Boise, Meridian, Nampa, Caldwell, that kind of thing.

Hoaglund: Okay. Thank you.

Dodson: Yeah.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Along the same lines as Councilman Hoaglund, I think the direction he was heading, Joe, can you share, especially for the public's benefit here, just some more detail about the mixed use regional and what types of uses are intended there? There was a lot of written testimony about this being a residential area and so I kind of want to clarify for the public those four corners and kind of what the Comprehensive Plan says about them and whatnot for uses.

Dodson: Yes, ma'am. The mixed use regional is our -- our largest sense of the word regional -- largest commercial and mixed use designation that we have in our future land use. It intends to pull people from well beyond the immediate property in a regional format through -- from the whole city. That's why you see the big box stores here, like Lowe's, you see Kohl's, you see Hobby Lobby, all those things here, that's why part of my analysis when discussing the mixed use regional aspect -- a three acre site is not going to be able to meet every single one of our policies. It can't. It just physically does not have the space. But we want to see an array of uses, including some residential. You can see that the residential to -- that is the -- I believe the Jackson Square Subdivision to the southwest is part of that mixed use regional. It has a mix of uses, some R-8 lots and R-15. Obviously, R-15 are usually smaller homes or attached homes. They are supposed to mix and integrate and be connected to commercial development. Obviously, you want to have as compatible uses as you can come and integrate with each other through pedestrian connectivity, through green spaces, through shared spaces, through uses that will make those residents walk, rather than drive. It is my understanding that that is what the applicant would prefer is to have people walk to this establishment from the nearby residential and not necessarily drive from Eagle. But there is an array of uses that we would desire in this mixed use regional. It's not meant to just serve a tiny portion of the city.

Simison: Council, any additional questions for staff at this time? Okay. Then we will ask the applicant to come forward. Mr. Black first. And have you already spoken with the other applicants to determine time allocation will be 15 minutes apiece or --

Black: Yes, we have. We are good. Your Honor, Council Members, Randy Black, Junior. My address is 10789 West Twain, Las Vegas, Nevada. 89135. I'm third generation land and development professional in this space. We have had holdings in Nevada, Arizona, Utah, California, Montana, Idaho, specifically here in Treasure Valley. We have had holdings in Nampa, Kuna, Eagle, Dry Creek Ranch. I'm pretty sure everybody's familiar with that and Meridian. We have had actually both of these corners -- the corner parcel and this parcel we acquired in early 2000, so we are very familiar with these reciprocal easement access agreements, circulation plans, et cetera. They are specifically designed just for access, not parking. So, that's precluded. And I will tell you that laundry list for

any reason other than not my first rodeo, I have done this a long time, very uncomfortable speaking as someone who is trying to do their own projects in the entrepreneurial spirit, but I have to in this case and I may have done it three or four times in a 30 year period when there is inevitable conflict if the approved use -- or if the use is approved between our property and the use that's on site. I will keep that short to what the reasons are behind that. We haven't been able to mitigate those, address them, figure out how to police them, what the teeth are in those if -- if the tenant is in violation of occupancy standards, some of the parking overreach, parking lot cleanup, vandalism to our adjoining stores, et cetera. Most of it is centered around traffic. This site's got one access point in and out. There is no -- no real stacking to speak of. If you have got a lot of people entering into the site and trying to get in there, they are going to end up queueing out into Eagle -- or queueing out into Ustick, blocking the traffic from access on the Cajun Lane location and there is not a staging area for them to get in, drop off, enter the venue and, then, locate in the parking area. So, that becomes a public safety question from our point. There is no secondary access to this site. If this main entrance here gets blocked and you have a fire event, I'm curious how this meets fire code standards. We always have to have crash gates on something of this site where you have got five different separate pad uses in that three and a quarter acre site. So, the -- the lack of a requirement for a traffic study from ACHD I think stems from the fact that we reduced an access point on these two parcels where there was Centrepont and, then, two other drive aisles right here, there was one independent access point on the pad that was -- that's just a little bit further to the east than the current driveway. So, about where that O is in the overall site plan. This site had its own separate access point. There was another access point that went into -- we will call it the Villa Sport parcel that was further to the west. So, when we reduced the second access point and we took it from three access points on Ustick down to two, that accomplished some of ACHD's goals, which is restricted access off the Eagle and keeping those ingress-egress points where that -- everybody knows how bad that intersection is currently with the traffic that's there. Their overall objective was to reduce it down. They agreed to this -- this pad when -- at the point we owned it was never intended on the corner to have five separate independent uses on it. So, I don't know why we couldn't just require a traffic study to figure out what we are actually doing, instead of having Mr. Tsai put together a plan that he admittedly is not a traffic engineer, nor am I, to look at the queuing, the staging, how this would work in a -- in an emergency event given that there is a quick care in the corner and, then, the fact that there is three other drive-through uses that are on this three and a quarter acre site independent of The Oasis. So, public safety, queuing, stacking, that flood of traffic between those hours being a big concern. Second concern being just overall parking spaces that are allocated. There was some clarification -- we were approached for a parking agreement. We need all our parking. We don't have extra parking to spare. Our hours of operation are basically the same time for Villa Sport as it is for The Oasis. So, this isn't what's been touted as a off-peak hours type of activity. You have got a Wienerschnitzel, a Dutch Brothers, a Quick Care and a Jamba Juice and, then, only one other use that we don't know on this pad. None of those are 8:00 to 5:00. Those are all pretty competing or at least overlapping time frames of operations. So, from the component where Mr. Tsai is indicating that the developer has promised or allocated some number, which I still would like to get some clarity on how many parking spaces that are going to be provided, that he would have the

right to occupy. Somewhere between 110 and 130 spaces I have heard. Still don't know the math. Can't figure out how they got there. But these spaces are to be utilized by all five pad users there. Excuse me. Not to be monopolized by The Oasis and as I have stated earlier, they are competing time frames. So, even if he could be legally granted, according to the reciprocal easement and access and parking agreement within that three and a quarter acre site, I think we would need to at least see a sign off from the other four pad users there that are also entitled to use those same parking spaces. So, to arrive at a minimum number of required parking spaces and, then, he monopolizes the only available parking space in here, we at least need to look at the overall plan now, knowing now that there is a Wienerschnitzel and the Dutch Brothers on there and actually look at real parking calculations on this. The other concern is with the rideshare he is actually showing the Jamba Juice drive-thru as a staging area for the Lyft and the Ubers. I don't know how that works. Again, Jamba Juice doesn't close at 4:00. We are going to have these same competing uses in the time frames. There is an emergency exit lane here, which could work, but it doesn't queue correctly down here from a traffic perspective on the entry point where you make this 90 to get into that drive area. There is also a pretty big assumption on the usage of five patrons per car for rideshare to come to this event to get to the math. As far as I can tell. And, again, I'm -- I could be off. We will see what he says, but this is the way I'm interpreting it when we read it. That's -- that's an unrealistic number. Rideshares aren't five people per car. They are one to four at best typically and, then, if we are going to disperse all of these patrons out of there at the closing time on weekends, everybody's calling for Lyft or an Uber at 2:00 o'clock in the morning on Friday and Saturday night. We don't have any analysis from any of the rideshare guys that would tell us there is even that many available rides and drivers, which we know there is a shortage of now, to accommodate that kind of exodus that has to take place to alleviate all the traffic concerns. There has been no plan submitted that we could justify is actually functional. This is an interpretation without any qualified professionals delineating ingress, egress, what happens if you get a choke point on this single point of access, traffic lanes -- again, the big question being you can't just assume he gets to use all 120 parking spaces that were developed as common area and the parking calcs for all five uses there. We don't have an agreement that would put some teeth into the available parking for the rest of the tenants and I still contend -- I don't know if the developer can allocate all of the available parking spaces to the single user of the five in there. This creates a lot of issues for site circulation not having a traffic study. It looks to me where we are talking about the traffic flowing to the south using the roundabout is inherently late at night going to end up wandering around in the neighborhoods to the back of there, working their way back to Centrepont, trying to get out through the Jimmy John's. I haven't -- we haven't seen a security plan or a parking -- a validated parking plan that would circulate this and be staffed at the expense of the tenant here, so that the rest of us in the adjoining properties aren't having to pay for the towing, the cleanup, the security and the compliance issues with spot checking or -- or doing our own kind of policing of his amount of users that are in the property at anytime. Those were -- those were my major concerns, other than one question was on the dimensional standards, if he's -- he's only 300 feet away from this residential area where a thousand is the minimum requirement, there was some technical sound engineering that was in his presentation that had to do with what sound does with three-quarter inch plywood, yet we don't have

any assurances or a tenant improvement plan, because it hasn't been submitted to the building department yet to look at the interior mitigation on the sound, so that it's not bleeding out into the parking lot, which is the hardscape surface and despite the claims of the Villa Sport building, which is going forward, should probably mentioned that, it doesn't -- it's not a sound attenuation building. There is still a direct shot from The Oasis to the residential component that is to the south and the east of that and those are the major concerns I have and now I will turn it over to Jon and let him address the balance. Thank you.

Simison: If you could state your name and address for the record.

Hoeger: Honorable Mayor and esteemed Members of the Council, my name is Jonathan Hoeger. I live at 3664 North Summer Park Place, Meridian, Idaho. I would like to open by thanking the community for having the courage to speak out in opposition to this application. There are literally, as you have heard, hundreds of citizens that have gotten directly involved here that have written the city in opposition. They have cited code, incompatibility with the Comprehensive Plan, with the stated vision of the City of Meridian. Fifty-two people from the community donated to pay the fee to help us get through the application and the signage. Thousands of residents of the City of Meridian are opposed to this project and I appreciate Mr. Dodson for reviewing why the CUP is required and it's because of the business use. It's because it's a nightclub. If this were a store, if it were a dentist or restaurant, it would be principally permitted and we wouldn't be here having a CUP hearing. There would be no hearing tonight. But the code recognizes a drinking establishment is something that is different and it requires more scrutiny and something the public should be able to speak on. So, I'm going to show you why that's the case. The purpose of this first section is for me to be able to show that the application has presented a lot of false and changing information. Some of the -- some of it's very material, some things are smaller, but it does two things, it shows us that we have to fact check the claims and be sure that we are not just being told what somebody thinks we want to hear and makes us question what else is going to change in the future. The Villa Sport submitted letter earlier today calling out some of these same things, so I'm not the only one that's made the observation. So, from the beginning there has been a lack of transparency with his application. The initial public meeting that The Oasis scheduled was supposed to be held at 3:00 p.m. at Kleiner Park in the frigid January temperatures. The time when most moms are picking up kids from school or dads and when other people are working. It wasn't until residents complained about the inappropriate time and location -- as you know those are supposed to be held between 6:00 and 8:00 p.m. -- that that was changed. Another example of lack of transparency is the -- withholding the capacity information, which has come out anyway. As we have heard, the initial capacity was planned for a thousand people, it was, then, dropped to 700 and, then, to 400. So, I want to spend a little time on this, because I think it's important to understand the parking implications here. We have been recommended and we are looking at parking for 400 people. But I will refer you to the notes from the neighborhood meeting from January 14 and when asked how many people can you accommodate in your venue the applicant responded -- and I'm going to quote from the record here, just in case anybody says that this has been taken out of context and this is the full response. We explained that the

current stage of architectural planning for the interior improvements -- we are unable to provide a peak capacity or maximum occupancy count. But the venue can be expected to have occupancy similar to that of other ten thousand square foot venues and immediately afterwards in the same meeting the very next question was he was asked how many parking spaces will you have available for your functions and in answering this question it becomes clear that the exact occupancy was actually known. Listen to the response again reading from the public record here. We have 122 -- sorry. We have a total of 122 available parking spaces for our facilities use, approximately 40 to 60 percent of patrons will be utilizing a rideshare service to avoid parking issues, with the assumption of 40 percent rideshare use, if carpools of approximately five persons were used in absolute peak capacity event, we would be able to reach full occupancy before all of the available parking spaces are exhausted. So, how is it possible to not know the full occupancy, but somehow be able to calculate and determine that there is sufficient parking to not exceed said full occupancy? Especially when you consider that all the other variables are filled in for us and I think we can do the math; right? Same assumptions, 120 spaces, five people per car, is 610 people, but that's only the 60 percent that drove. You have to add in the 40 percent rideshare, which puts you at 1016 people. By the way, if you use the upper range of 60 percent rideshare you would be doing 1,500 people. So, that was the hard one. No more algebra tonight. I promise. The second method that confirms the number is much much easier. When he said The Oasis would have -- and I quote -- an occupancy similar to that of others 10,000 square foot venues, he is referring to the Knitting Factory, which has been cited by The Oasis more than once throughout this process, which also has an occupancy of 999. Two methods prove that this is the intended occupancy. Honorable Mayor, esteemed Members of the Council, this is the intent for The Oasis. It's a thousand plus people. It's not the 400 people that Planning and Zoning was misled to believe. So, the question is why was the intended max -- maximum occupancy not disclosed? I submit that it's because there is neither intent, nor is there a financial motivation to start turning people away at 401. As we have heard already, there is no way to enforce the 400 cap. What I believe is going to happen is that when the -- when the CUP is approved the 400 person limit is going to go out the window and it's going to be packed to the physical capacity of the building, which is most likely a thousand people. So, the next point is critical. We cannot fail to learn from the past. Meridian already has other under parked CUPs that cause perpetual problems. Some examples are the Gramercy development, the Homestead Bar and Grill, the Curb Bar and Grill off of Overland and Meridian and these are businesses that don't have frequent maximum capacity events. They don't require CUP generally, just because of the nature of the business. So, along this line of reasoning, just calling out what Mr. Black called out already, why are we even talking about 122 spaces or 125 spaces or whatever it is. That assumes that none of the other businesses, their customers or their employees, are going to be able to use any of the parking. Even at 400 this is under parked. It's going to be more than 400 when those events happen. This leads us to the next observation. The claim that there won't be parking conflicts. Mr. Black talked about this already. I will just add the specific hours of these. So, AFC Urgent Care, other locations in the valley are open until 8:00 p.m. Wiener Schnitzel is open until 10:00 p.m. at other locations. Most Jamba Juice locations are open until 10:00 p.m. There are exceptions. The ones that are inside of malls close earlier, but the ones like this one are open until

10:00. Most of the Dutch Brothers locations in the valley are up until 11:00, with some for 24 hours. So, rest assured parking conflicts will abound if this use is approved. The business also has been a bit of a moving target. It's gone from being a world class EDM nightclub to, as claimed in the last hearing, having 80 percent of the revenue come from non-nightclub activities, like being an event center with photoshoots, free weddings and trade shows. None of these things were marketed initially before the public came out and started to complain about the use of the nightclub. But the story is shifting. Another example is the venue size, which is still a bit of a moving target and we will talk about that in a minute. This is a picture that's taken from the staff -- excuse me -- the staff report. As we know the footprint is about 7,000 square feet. My question is why are we adding a mezzanine that's another 2,329 square feet and, then, the offices are the yellow. The only change we have made to this image is adding the yellow, so you can see what's the second story that's being added on top. What's the purpose, if we have a reduced capacity to go down to 400 people, of adding another 25 percent to the square footage? What's the intent? What is that showing you? Dress code is another example of some of the inconsistencies that we have seen. Initially The Oasis website said that -- sorry. It's -- it required men to wear a button up shirt and slacks and ask women to wear a sun dress or show us your best beach attire. These are screenshots from the website showing the before and after, what the initial marketing was and what has changed since the community came out and said we are not comfortable with this use, we don't support it. You can see now the dress code policy is just a little bit confusing and contradictory. It's a sure sign that it's been hastily corrected to be vague, with a strong hint that it would be changed back. It now says a minimum of button up shirt and slacks are suggested. Upscale, but still casual. Or generally, without reference to gender, show us your best beach attire. So, which is it? I don't know a lot of people that dress like I'm dressed to go to the beach. The other key detail to note is at the bottom where the website now says and it did not say before -- these requirements are subject to change. The strategy is clear. Say what needs to be said to get approved, go back to the original plan. As an isolated incident this would just be a side note. Okay? I realize that you are not going to vote on dress code and that's not something you can vote on, but as the greater body of evidence as you look at the inconsistency and the changes of going back and forth, it should at least call into question some of the things that you are hearing. So, let's talk about comparing apples to oranges and cows. There have been a lot of justification that has been irrelevant comparisons and some of the testimony we have heard about how The Oasis is just like Big Al's, the Villa Sport, or TopGolf. Big Al's is a bowling alley. Villa Sport is a family swim and athletic club. TopGolf is a sporting event center with a kid zone. Do all of these sound like EDM nightclubs to you? The inferred logic is, of course, because if they serve alcohol and The Oasis serves alcohol, that they must be the same. Is a baseball stadium an EDM nightclub? This is like saying that everything that has legs must be a cow. It's a logical fallacy. Chairs, tables, humans all have legs. The Villa Sport, Big Al's and TopGolf are not nightclubs. Don't let anyone tell you otherwise. And The Oasis is not a center for the arts. If the applicant wanted to put in something like the Idaho Shakespeare Festival and Art Museum, I would be happy to pay the application fees, but the code recognizes the difference. That's why the code requires a CUP, where these other businesses are principally permitted. Honorable Mr. Mayor and Members of the Council, this is the question I'm building to you. Can we trust the business to

voluntarily comply with a 400 person capacity limit, when there has been such a lack of transparency and a willingness to provide misleading information and operate on the fringes or completely outside of the rules just to obtain approval. That decision is yours. There is no need to try to fit a square peg into a round hole. I invite you to go back and review the initial Oasis application. It's 13 pages long. Eleven of the 13 pages are spent assuring us that all of the negative consequences that everybody expects to come from a nightclub won't actually be that bad. Why would we even want to approve something with 11 pages of potential negative consequences? Is this normal for new business applications? Or is this alone a sign that we should be concerned? This is what the CUP process is for. It's to ask the questions. To provide a forum for the community to come out and ask why is this not principally permitted. So, The Oasis, obviously, knows these things are likely to happen, that's why they spent so much time addressing them. Here is a list from The Oasis' own application and safety plan. Noise, parking, violence, overconsumption of alcohol, sex offenses, underage drinking, illnesses and injuries, disorderly conduct, attempted use of false IDs, drug sales and drug use, fights, poor vehicular and pedestrian traffic, capacity issues and DUIs. This is the applicant's list, not mine. He is giving us the answer. He is giving us all the reasons why nightclubs are not principally permitted in our city code and he is -- that's why he is seeking a variance. It's also the very same list of reasons why you should deny the application. Is it any wonder that The Village would not lease to The Oasis when he applied there? Could it be perhaps that they had far too much invested in their own business and the other tenants that do business there? The Village at Meridian gets it. They don't want their development to go downhill. They don't want to have substantial financial harm come to their investment and the businesses of their tenants. Separately, do most businesses have multiple people filing appeals to the recommended CUP approval? Do most businesses draw this kind of opposition from the community? Do we really want to have an exception granted for -- to introduce all of those things that we listed in the safety plan into our community? Do we not believe that Meridian is good enough to attract a better businesses than this? Are there not other businesses that don't inherently come with so much negative baggage? My wife and I run a local business. It's a certified B Corp. We have over two million dollars of annual payroll. I know we can create better jobs. I know we can use business generally as a force for good. There have been a number of other concerns relating to the process. I'm going to skip over some of this, because it's been talked about already. You know, the -- the whole purpose of the continuance on the Planning and Zoning hearing was to be able to get that cross-parking agreement, which he failed to obtain. The background is everybody agrees this is underparked. It needed another 170 stalls. But instead of coming with that, they just said let's reduce the capacity, but let's do it in such a way that it's unenforceable. We have heard this already. There is literally no controls and the thing that is a little bit disconcerting as a citizen is that the Commission said, okay, we know there is no controls. The city services weighed in and said we know there is no controls, but we think that we are going to advocate for just vigilante enforcement. That's the path that we are going to choose for the City of Meridian. So, this is kind of like giving a smartphone to a teenager and telling them they can only use it for an hour a day and, then, never turning on parental controls, never checking the screen time use and asking the teen's friends to be the ones that ensure they only use it for an hour a day. To take the analogy further, it's like finding out that they have been using it

for four hours a day and, then, just giving them back the phone. The burden of enforcement needs to be on the business that is causing the issues. It should not be on the citizens, the taxpayers, and the city services. Again, we cannot fail to learn from the past, Gramercy, The Curb, Homestead Bar and Grill, these are all things that are going to seem like a sunny day compared to the complaints that will happen if this is approved and those businesses do not have the level of intensity the nightclub has. Mr. Black talked about the congestion that will happen at those peak hours when you have people being brought to an event and leaving from an event. Do we really -- excuse me -- the bottlenecks that you are going to see are much more intense when the people are arriving at those specific times. In the interest of time I'm going to skip a little bit here. What we are seeing is this is the inevitable outcome. This is what was advocated by the Planning and Zoning Commission. No, it doesn't sound appealing to me either. But this is the course of action that is going to happen. So, I ask is there any chance that there will not be scores, dozens, hundreds of complaints from the public if this is approved? We have a business that hasn't even opened yet and has already managed to lose the community's trust and develop a reputation for changing the story and skirting the rules. We have a business whose primary product is to intoxicate its patrons. A site that is wholly inadequate to host the business and an engaged public that is participating in the hearing process and vocally opposing the application. If we cannot agree on anything else tonight, let us at least agree that this portends a lot of future problems and complaints. So, I ask you what is the cost of the decision? And I will close with a few questions. With the evidence provided does it sound like we are really taking steps towards building the west's premier community in which to live, work, and raise a family? Does it sound consistent with the Comprehensive Plan 3.05.01C, to preserve property rights and values by enforcing regulations that will prevent and mitigate against incompatible and detrimental neighboring uses. Remember, The Village rejecting it. Or 5.01.01, to encourage the safety, health, and well being of the community. Do you remember the applicant's list of problems associated with nightclubs? Violence, overconsumption of alcohol, sex offenses, disorderly conduct, drug sales and use, fights -- do those sound like they are conducive to safety, health, and well being of the community? 5.01.01F. To minimize noise, lighting, and odor disturbances from -- from commercial developments to residential dwellings, in this case 350 feet away. Or 6.01.01G. To develop criteria for plan review in determining whether a developmental proposal is safe, accessible, and comfortable for pedestrians and cyclists. This is one of the busiest intersections in the state and it already has traffic issues. We have custom no right on red lights, because people turn when the U-turn is supposed to be happening. Will adding inebriated drivers with far too little parking and right-in, right-out only access have a more safe, accessible, and comfortable environment for pedestrians and cyclists? This should not be a complicated or difficult decision. It is neither just nor fair to put the burden of policing this bad fit onto the public. It isn't our right, it's -- excuse me. It isn't right to burden the other tenants. It isn't right to drain the city resources and add additional expense for all the future complaints that will surely come if this is approved. Every phone call that's picked up, every response to the complaint, every time the fire department, the police have to go out, there is literally no chance that this does not become an additional expense to the taxpayers and the residents of the City of Meridian. There are scores of other businesses that can use this site, provide just as much value and tax bases, without the 11 pages of

it really won't be that bad descriptions, that the applicant is clearly admitting and planning for it to occur. Let us not be governed by the letter of the law only. We are not exempt from common sense. Honorable Mayor, esteemed Members of the Council, yours is the great responsibility to do what is right for the city and to represent the citizens in rendering land use decisions per the code and the comp plan that we have referenced. Meridian is too great a city for us to be deceived. There are plenty of technical reasons why the conditional use permit should not have been granted in the first place and while your decision may rest on any of those individual decisions, it should also be driven by wisdom and we implore you to deny the CUP. We thank you for being great and conscientious stewards of this city.

Bernt: Mr. Mayor?

Simison: We will go with that's the one. Let's -- that's -- we try not to do that after everyone speaks this evening to keep the decorum in the room for everyone to feel welcome to say what they want to say.

Bernt: Perfect. Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I did have a question for Mr. Hoeger -- Hoeger.

Simison: So, yeah, we will go -- if both applicants want to come up to the mic for any questions. That would be great. Councilman Hoaglun.

Hoaglun: And how do you pronounce your last name, sir?

Hoeger: Hoeger. Yes, sir.

Hoaglun: Okay. Sorry about that.

Hoeger: I will respond to Hoeger, too. It's okay.

Hoaglun: Okay. I respond to lots as well. So, understand. Just -- just a question. You talked about The Village and rejecting them, whatnot. I wasn't aware of anything, but was that because of what they were or was it because they have noncompete clauses with other entities within that facility?

Hoeger: I wouldn't be able to speak to noncompete clauses. That actually came from a direct response from the public record. The applicant said that he had looked for many other sites, so he may be able to answer this question better than me. He said he looked at lots of other sites and they would not allow his use in The Village, but I'm not aware of any other nightclubs in The Village.

Hoaglun: Okay. Good. Thank you.

Hoeger: To my knowledge.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Mr. Hoeger, you skipped a slide that -- real quick -- I think you were trying to be quick, but it was --

Hoeger: Yeah.

Borton: -- before the vigilante slide.

Hoeger: This one?

Borton: Yes. You were -- you were making a quick point on -- I think it was your perceived reality that the capital costs of a full capacity structure couldn't survive with a self-imposed cap on its revenue stream.

Hoeger: Yeah. And I ran out of time, but, essentially, my question is -- I mean I'm a business owner, I know how margins work, and if we have taken this thing from the original intended capacity of 10,000 square feet and we have reduced it by 60 percent and we have the same capital expenditures, overhead costs, employment, facility lease, all of that is still the same cost, how is it going to remain a going concern? And, then, when the business starts to go downhill how is he going to pay for all the extra security and policing and clean up? It just doesn't seem like it's a very practical solution.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Appreciate you pointing it out, because the applicant -- or the developer can perhaps respond to that as well. And, then, I had a question, Mr. Mayor, if I could real quick for Mr. Black.

Simison: Councilman Borton.

Borton: Individuals do park in the Villa Sport's parking lot and walk over to the concert. Are you forced to tow them? Is there a plan for that unfortunate event?

Black: We will have to -- we are already preparing and we are doing this in any instance, because it's a family oriented facility --

Borton: Right.

Black: -- for extra security on light poles, cameras, et cetera. Yeah. We will -- we will have to have some sort of a towing business there, which would probably be lucrative.

Borton: All right. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. There was a couple references to additional costs potentially to the city. I was hoping that you could give more details on that. Are you -- are you expecting that the city would need to hire additional police officers that -- I mean I just want to get some more specifics on what -- what it is that you are expecting additional costs to be. I -- it's not my knowledge that the city ever goes and cleans up any kind of private property or anything along those lines. So, if you could share your thoughts on that.

Black: Yeah. I mean, again, as a business owner everything that any of my team does costs something; right? I mean call it physical cost, if there are enough complaints where you have to hire a new code enforcement officer. Call it opportunity cost, if there are things that they should be working on that they can't work on because they are being distracted by a lot of complaints. I mean there is a lot of different ways to measure cost to the community. But it's not free. I mean we pay people to answer the phones. We pay people to drive the cars. We pay people for the insurance. And all of those things cost money.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Mr. Black. I wanted to make sure I understand the layout. You had mentioned Jamba Juice location and something about the drive-through. I don't know if we have the slide that has that handy and what -- what it looked like was the Jamba Juice was on the east side of the facility and I just -- and you had mentioned the drive-through aisle. So, is it where -- on the west side they would enter that way, come around the building and, then, exit to the north or vice-versa or how was that going to work?

Black: And this is back to the point of how do you have something that's so woefully under parked with such limited access, with such high volume visitors and competing -- like Villa Sport and they are going to be in exact same -- exact same timing of people getting off that are going to the gym, people getting off work going to -- to the nightclub. It looks like -- and we will let Mr. Tsai speak to this, but it looks like it comes around -- see this number one here? Does look like it circulates back around the building, comes back into the parking lot and they would be coming out. So, this is very basic parking analysis on stacking structure, circulation, et cetera, that has to comply with fire code, turn abouts, lack of obstruction if there is an issue at this choke point of the ingress and egress.

Hoaglund: Thank you. And I do intend to ask the applicant how -- how that layout is to work.

Black: And that -- can I add one thing to -- to the other potential cost? You can't put a value on the cost of what could occur here with this much density at these times at that intersection. There is -- there is going to be some issues with physical harm to people in that area with that traffic.

Simison: Council, any additional questions?

Dodson: Mr. Mayor?

Black: Thank you.

Simison: Yes, Joe.

Dodson: I will try to answer Councilman Hoaglund's answer if I may. The drive-through is meant for Jamba Juice only, not meant as an exit, though I presume people would drive around the building. I don't know why they would go west and go deeper into the site, but I guess they could. The parking spaces on the west side here are the ones that the applicant has said that they will designate as the rideshare parking spaces. This is a 25 foot drive aisle, which per code is a two way drive aisle, so it's assumed that they -- people would back out here and exit in the west side of the site, rather than go around the building. The escape lane, again, is for the drive-through use for the Jamba Juice. Speaking of the other uses, I'm glad that you asked the question, Councilman Hoaglund, because it was assumed that the Dutch Bros and Wienerschnitzel are going to go there and that's not true. There already is a drive-through on the site, so they will be required -- all of the future uses of the drive-through will be required to obtain a conditional use permit before going on the site. So, they are not approved, they are not coming as of this moment. I have pre-app'd with one of them, told them good luck because of this. Told them that their site regulation might be very difficult and they understand the issue. They will be probably watching tonight as well. Same with the Wienerschnitzel. I think they just applied for a pre-application meeting today. So, I will be discussing that with them as well. But those uses are not approved and they -- in my opinion they can't be assumed as being part of the record now, because they are not there. They may not be there. Commission may say because The Oasis is here, there will be no future drive-throughs approved. That's a potential there.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. A follow up at Joe. So, Jamba Juice has -- has been approved. It's -- because it's -- the impact is like that, it already fits, but their drive-through is coming from where the parking area is and coming -- heading east and, then, coming out -- exiting north; is that correct?

Dodson: That is correct. And I have seen the lease agreement for Jamba Juice. They will be closing at 7:00 at this location.

Hoaglund: Okay. Thank you.

Simison: Thank you, Joe.

Dodson: You are welcome. Do you want to clarify that for the record?

Simison: With that we will move into the applicant. Mr. Tsai, if you would like to come forward and be recognized for 30 minutes. If you can start out with your name and address for the record.

Tsai: My name is Brian Tsai and I am at 3085 Ustick Road, Meridian, Idaho. 83646.

Johnson: Mr. Mayor. Mr. Tsai, I apologize. I just received an e-mail that you sent slides, but they were not attached.

Tsai: I just sent that just in case.

Johnson: Yeah. I got something that said attached are images, but I didn't get any images, so -- Joe is going to pull up for May 6th, see if he can find them.

Tsai: Do the exact same way just in case they need to be referred to.

Simison: Anytime you are ready.

Tsai: Hello, Mr. Mayor, distinguished Members of the City Council. This project is a culmination of over a decade's worth of ideas and with that includes every penny I have made in the last ten years and then some. Half of that time I spent as a state trooper near the U.S.-Mexico border. I lost count of how many bodies I have moved or how many times I have heard bullets zipping past my head, knowing full well it is meant to end my life. It's a sound you will never forget. After seeing the chopped up bodies left by drug cartels every week, suddenly providing a fun and safe place for people just to laugh, dance, and socialize didn't seem like such an evil thing. So, I left that life behind in pursuit of a lifelong passion for music, to turn a bunch of ideas sketched across endless napkins into something tangible and real. A multi-purpose venue that can be enjoyed by all ages, family uses, walks of life and the community as a whole. Just to reach this point of development I have already taken the second position lien on my house, received high interest net leases on all the equipment, additionally signed as collateral just to secure the lease for this building and they say nothing great comes without great sacrifice. Being born and raised in Boise I, myself, am an Idaho native, just like Mr. Mayor, Councilman -- Council Woman Strader, Councilman Bernt. So, I would like to say that I grew up in this valley and I experienced everything it had to offer from music, arts, entertainment and nightlife. Mr. Mayor and Councilman Borton, in your position at the Meridian Chamber of Commerce I'm sure you understand first how -- firsthand how much benefit art or music

events alone can bring to both the city and the surrounding communities. Now, why did I think this belonged in Meridian? I could have paid half as much rent and put it in another city. It's because I truly believe that Meridian was the most premier and upscale area that could operate a venue that is intended to be just as nice. In much of the city's recent testimonies including Mr. Mayor's recent state of the city the word premier is thrown around a lot and you said that the city was strong -- perhaps too strong. Councilman -- is Hoaglund? Hoaglund? Sorry. I heard them discussing earlier. You said in a 2019 interview that Meridian is a full service community. You want the city to be the premier city in all of Idaho and I'm inclined to agree. That's part of the reason I picked Meridian for this project. I will tell you this much, Nampa has music venues, Caldwell has music venues, Kuna has dance and event spaces. Boise has many music venues. And now even Emmett has music venues. Meridian has nothing. And looking around I can say with certainty that Meridian needs a music venue a lot more than it needs another gym and I have never seen a premier city with not one regular operating music venue, especially of a city over a hundred thousand people. When I met with an advisor from the Small Business Administration, it turns out that he was well connected in the music industry and had e-mails from the then City Council of Meridian all the way back to 2010, asking if he knew anyone who was interested in building a venue in Meridian. These led all the way up to the recent years. For example, when former Meridian Arts Commission Member Hilary Blackstone, which was an advisory board of the City Council, and now who works for the Department of Education, wrote a letter to the coordinators of the Treefort Music Festival and asked them what it would take for a company to build a venue in Meridian. Because it had the potential to bring millions of dollars of revenue on top of coverage for the arts and entertainment of all forms. Now, just as before, I read every single letter that was submitted to the city twice and once, again, it was apparent that most of them were either copied and pasted messages, some submitted multiple times in a deceptive practice to artificially inflate the number of opposition letters and, once again, when I cross-referenced those letters with their addresses, which includes the sign-in sheet today, not a single letter of opposition lived even reasonably close to this site. Now, I'm here to assure the community that our project will have no detriment to the community in which it belongs. There are concerns like noise, crime increase, drunk drivers and, of course, traffic. We conducted a sound study using proven scientific principles to show that the sound audible outside of the facility would at all times be lower than the ambient sound of the highway traffic on Eagle Road.

Perreault: Excuse me, Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm sorry, I need to address this. If all of you want somebody to yell when you are speaking, then do it. Then continue to do this. Sir, would you, please, repeat your last few sentences?

Tsai: I'm sorry. Regarding the folder?

Perreault: Yes. Thank you.

Tsai: Once again after cross-referencing not a single letter of opposition that was received by the city, nor that signed in at the hearing today, lived within even a reasonably close distance to the site. I'm here to assure the community that our project will have no detriment to the community in which it belongs. That leads into the sound study information. Now, what the appellants might not know is that before I was a police officer I was a research scientist and what they have demonstrated is textbook clear of why there is a clear distinction between researchers who are trained, educated, and experienced in research and the difference is the modern age where anybody can type what they want into Google and read out some headlines. It's easy to take those headlines and straw sample what they want to present and is only demonstrated in a phenomenon called confirmation bias where you search only for what -- the information that you have formed an opinion about and the result is unreliable, because it doesn't serve a purpose of providing sound, unbiased information and by doing this the biased results have no basis in objective reality. Now, regarding crime for the sake of comparison, in a five year period from 2015 to 2019, the most recent FBI crime statistics under UCR or the Uniform Crime Reporting, shows that there was 2,217 incidents of aggravated assault that occurred in Boise. These are incidents which result in significant bodily harm and often involve a fourth multiplier, such as an implement like a knife or a gun. Of those 2,217 incidents, only one occurred as a direct result of a bar or a club of any kind in downtown Boise where dozens of such facilities exist. This means that when compared to the incident rate per capita you are six times more likely to be stabbed or shot going about your daily life in Boise versus attending an alcohol serving establishment. Crime occurs where it's naturally drawn. It's the reason that Beverly Hills has a lower violent crime rate than midtown Los Angeles. If one incident occurs every 2,217 that's an anomaly and not a trend. By that same logic we can look at the several armed robberies that occurred in the past month here at gas stations and banks here in the Treasure Valley. Does that mean we remove all the banks and gas stations because they cause violent crime at their premises? If it's all about statistics, here are some extremely unfortunate and terrible violent crimes, but that are statistically accurate. More sexual assaults and aggravated assaults have occurred on the Boise State campus and in our city parks than have occurred at all the licensed alcohol establishments in Boise combined. More stabbings have occurred at the Wahooz Family Fun Center than have occurred at all the Meridian bars combined. Now, of course, is there an acceptable number of violent incidents or sexual assaults? Of course that number is zero. Are we to believe that given this information that my business is suddenly to become a hub for violent crime, which has never been demonstrated by the hundreds of alcohol establishments in the entire Treasure Valley. Are we to somehow believed that I'm responsible -- as a responsible business owner who has staked his entire life savings and reputation on a project, that would allow it to run rampant and unmanaged? The idea that a nightclub by its very nature can bring along its proportional increase in violence is inaccurate and a falsely conceived notion. It's just like saying putting in a race track will encourage people to speed in a nearby area. By its own term, the nightclub is no more than a social club, just like the already approved Villa Sport, a social club that's open at night is a nightclub. And in your hands what I have passed out is a published meta analysis study, which is the most reliable and unbiased, because it combines the analytical data from dozens of different studies. Now, if we remove the ability to have on premise alcohol, we remove

the ability to provide a safe environment where we can monitor and regulate the amount of alcohol consumption and the result is people consuming alcohol at home or in the parking lot and, then, subsequently driving or entering our facility. You can see in that synopsis that's highlighted that nightclubs and alcohol serving restaurants are not associated with either more disorder or more violence and, to the contrary, the density of nightclubs is associated with less disorder for this exact reason. This is confirmed by my personal law enforcement career where I arrested over 200 DUI drivers. Of those where we conduct interviews, approximately two or three of those originated from bars or clubs of any kind. The other 198 or so, for the sake of estimation, came from private residences. This is because those who have visited establishments to consume alcohol have already made arrangements to get home safely, either through a designated driver or ride sharing service. This is, however, not the case when they are forced to leave a private residence. And, lastly, the traffic concerns, most of which were resolved by reducing our planned capacity. The city planning staff, as well as a fire marshal and the Meridian police department, agreed in consultation that this would alleviate, if not completely resolve, any issues with parking or traffic. At this intersection with two major arterials, even if all one hundred vehicles left at the exact same time, based on the volume of that intersection, could be cleared out in a single cycle of the traffic control signals. Now, we are certainly not the first. There are several bars along this main drag of Eagle Road that are as close -- that close the exact same times as our project, if not later. A drive down Eagle Road shows commercial use as far as the eye can see. There are approximately a dozen licensed liquor establishments within a mile of our location, including at least five to ten more that were added in the City of Meridian in 2020, with no marked increase of DUIs by percentage and total there are already 61 other liquor licenses operating in Meridian under CUPs. We just want to be number 62. Now, prior to this year the radius of potential impact, which is the -- of course, the entire purpose of this hearing process, was 300 feet. While there aren't any houses of any kind within 300 feet of the site, it's only when you go to 500 feet that a number of residential houses are within the radius and to my knowledge not one letter of opposition lives within this radius. However, there were two residents that were actually in support of our project. Outside of that radius it's not reasonable to speculate that you may be somehow indirectly affected by a project thousands of feet or even miles away from your residence. It negates the entire purpose of the hearing process and even the permit itself to address any potential impacts of those in the immediate vicinity. Now, only this week I learned of the term NIMBY stands for Not In My Backyard. Now, Councilman Bernt, Council Woman Perreault, I'm sure you are aware of this situation in your experience previously at the Planning and Zoning Department. We don't have a problem with it. We just don't want to here. The issue is unlike most city council decisions where the discussion is about annexation or rezoning, this site has been zoned C-G long before any of the houses were -- nearby were built. As Commissioner Lorcher once said in a hearing: There is no legal precedent as a homeowner to dictate what happens to a piece of dirt five to ten years down the road. We are not asking for anything to be rezoned. We are using the land exactly for what it was intended to be used for, which is the broadest and largest scale commercial use. Now, after the last hearing an interesting thing happened. I got e-mails from many of the people who had written opposition letters and they told me that they weren't actually against our project, that they only wrote the letter because their friend or their church group members asked them to.

They added that they trust the Planning and Zoning decision and good luck. Now, this appeals process is based in both the spirit and the letter of the law. Now, both appeals applications were missing multiple elements of the application, which were required by law, yielding their applications incomplete. These documents were not filled -- were not filed until long after the application deadline had passed. Now, would I have been allowed to proceed if I was missing documents? Of course not. But in the interest of providing the appellants the opportunity, the city -- city was willing to disregard the law. So, if we are not willing to follow the letter of the law, then, the spirit of the appeals process is intended for situations like the homeowner whose backyard would now be permanently overshadowed by the building of a large apartment tower. The true meaning of not in my backyard. It's not intended to be abused by citizens who live thousands of feet or even miles away who disagree with the business or by large corporations anti-competitive practices, because they want to be the only one on that corner with music and a liquor license. I find it interesting that these appellants didn't have such an opposition to the other 61 licensed drinking establishments that went up in Meridian, but, instead, chose to target the one facility with flyers showing false information, intentionally deceptive practices, such as artificially inflating the number of opposition records by having the same people write in multiple times and after our initial approval I stopped adding to our list of hundreds of people who were excited by our project that was moving forward, simply because I lost count. Now, we live in an age where social media dictates how much support something has. Now, if you would have told me that ten years ago I would have said that was crazy. Now, people don't follow pages they don't support and as of yesterday we have over 1,100 unique users who are following our pages. There are established businesses in Meridian that don't even have that level of support. To show you the power of social media, there is one recent cause that has roughly the same amount of followers. The Murguotio Park project. It would help if I knew how to pronounce that. And just because of that level of followers on social media that was enough to get Mayor McLean to no longer consider the land swap and we garnered that level of support without fabricating information, manipulating actions or posting yard signs on private property without permission or having the same couples write in multiple letters, some as many as ten times to artificially inflate their numbers. So, later they can come back and say look at these ten people, all things that the appellants have done. It's unfortunate that those who claim to have the highest moral character are the same people who would use apparent and intentionally deceptive practices. I had to pay nearly a million dollars to get the secured credit and deposits just to be able to sign this lease that I'm tied to it regardless. Now, do you think our developers would have asked Starbucks for such a deposit? Of course not. That left me in a strained financial situation, as that money was a bulk portion of our improvements and equipment budget. It's exponentially more difficult not only as a minority business owner, but as an independent one as well, not backed by the hundreds of millions or even billions of dollars that chain stores have. Now, the 99 percent of Americans can go back to work and just make more money and there is the one percent of the people like me that are just crazy enough to refinance their house and put their entire life savings on a venture. Now, when faced with the obstacles that have already been presented to me, my contacts in financing, most of the local radio stations, music promoters and even local artists and musicians, have already said most people probably would have given up a long time ago and this difficulty is probably the reason

that we are in Meridian, a city of over 100,000 now, doesn't have a mid size community venue space and yet when was the last time the City Council heard a third party appeal on a permit? I'm not sure anyone can remember, as the planning staff certainly could not. We live in a world now that banks and enterprise support large corporations and, then, watch them grow so big that the fed has to step in with antitrust lawsuits. At the same time you see situations like this where small businesses are consistently targeted and stepped on by large national firms, propaganda, and anti-competitive practices. Councilman Bernt, you said in your May reelection campaign that our valley partnerships are extremely important, making it so people are able to continue to spend money and patronize restaurants, bars, and businesses. We are starting with the addition of over 30 jobs, supporting local businesses, and I'm not sure who would be against a minority owned business trying to open during a pandemic when the global music industry has lost over a trillion dollars in revenue, at a time when over 150,000 bars and restaurants have permanently closed their doors due to COVID. Now, did anyone file an appeal for Villa Sport when they asked to have outdoor speakers and a pool side bar less than six feet from the residential street? Of course not. Do you think Villa Sport offered any kind of good neighbor policy or provided a direct phone number to the residents as we did, so that management could immediately address any issues? Of course not. Do you think a company like Big Al's or TopGolf would pledge over 25,000 dollars worth of venue use to the Idaho Humane Society, the Meridian Canine Rescue, the Meridian Arts Commission or dozens of local dance groups and musicians to use the space for free? Of course not. Now, would any of these national chains reach out to local nonprofit organizations to put their events on the calendar before they have even opened? Nope. They are here to make money and not to involve the community in something that's truly spectacular. But when the last 61 conditional unit use permits were approved did the Commission asked for a ride sharing plan or a comprehensive safety plan, one that the Meridian Police Department said was incredibly thorough and well thought out? Of course not. No one asked Villa Sport for a safety plan of how they plan to keep intoxicated patrons from drowning at their swim up bar or how they plan to keep noise away from a pool that's 20 or 30 feet away from the closest house? I would say as a business I have jumped through more hoops and red tape than most businesses have ever had to experience. So, here we are in front of the very City Council that for over a decade now I have asked promoters all over Idaho what it would take to bring a music venue to Meridian and now that one is here I have been subjected to the constant harassment and aggressive smear campaigns of the appellants, who will say any falsehood they can think of. The most recent one -- we have never applied to be inside The Village. That was never part of the public record or any other record, because we never consulted with any of their realtors. So, the bottom line is this: Idaho Code Section 62-6512(a) of the Idaho Local Land Use Planning Act states that the permit may be issued provided it is conditionally permitted by the ordinance, which it is. A subject of the condition of the ordinance and the Meridian Unified Development Code 11-4-310 meets all the requirements of not being located within 300 feet of a church or an educational institution, where, in fact, nothing is located within 300 feet, which is a full football field, which is the radius -- radius designed by law for the potential impact regarding conditional use permits. And, voluntarily, the City of Meridian expanded that to 500 feet. And the staff report -- I would just like to thank Mr. Dodson, Mr. Parsons, for your hard work and your continued effort. The report states that this

permit approval would be in compliance with over eight different requirements for approval and added that the project -- and I quote: Will add to the city's commercial base and will likely be of a higher benefit to the users of the future Villa Sport and residents to the southwest of this site. The proposed business offers a new commercial use, not only to this area of Meridian, but to Meridian as a whole. Now, they added in conversation that much of the city staff, including the planners, love the proposed use and want it in the City of Meridian. In addition, the project promotes the action item 6.01.02D in the Comprehensive Plan to develop indoor and outdoor multiple use facilities for a variety of recreational, educational, cultural and sports purposes and uses. Now, unfortunately, Councilman Cavener isn't here today. Are we really to believe that of the eight elements that are required for a conditional use permit to be evaluated against, the entire team of dozens of experts in their field at the Planning Department, the representatives of the fire marshal and the Meridian Police Department who said they have no issues or have any additional comments, along with the members of the Planning and Zoning Commission, most of whom have years of extensive experience making decisions on the Commission, all somehow got it wrong. All I'm asking for is a chance to start a business of the people who chase a dream of something they have always wanted to do and bring something that Meridian has been missing for decades and provides a massively positive community opportunity and also for financial and economic growth that provides growth for both citizens, government, and, in turn, increases available funds for schools, education, and other community programs. Now, the appellants also accused me of using these community relations as a ploy to gain the first approval. Well, that was two months ago and we could have just as easily stopped fielding calls and giving out offers. Instead, the Idaho Humane Society asked if they could use our facility to host a fundraiser, as they didn't have any space in west Ada county before. In addition, they asked if they could raffle off the free use of the event space as a fundraiser, which would be in total over 5,000 of cost to our facility. Of course I said yes. What about the several dozen wedding couples who are interested in booking an event with us, because there are no midsize event centers available in Meridian? Now, less than 20 percent of operations can be considered nightclub use and that's why if we removed that wording from our permanent signage and promotions we have booked over ten couples, many free of charge, to have their weddings and receptions at our facility, putting both the Idaho Humane Society and the Meridian Canine Rescue on our calendars, opening the venue to pet adoption events, welcoming all ages, including kids and family events. A representative of the Meridian Canine Rescue, which is just a couple miles away from our site, said that they were very grateful for the opportunity to use our venue space. We have several local dance clubs to be featured at our space that are excited to bring dancing for all styles, including hip hop, ballroom, and country western and these groups span all ages, including a local swing dancing group comprised primarily of age 60 and over members. We are even working with some local high school cheerleading groups, so they can host their seminars and meets at our venue. In addition, we reached out to the Meridian Arts Commission and offered them the free use of our space as well for any of their future projects. Now, Mr. Mayor, you were recently at the Elks Lodge in Caldwell and I even met the organizers of the Elks Lodge in Boise recently and they as well were excited to have a meeting space just down the road from them for larger events. Now, when I started taking names for our invite only a soft opening, I figured it would take me a few months to fill. In less than a

few weeks we had received such overwhelming demand that the list was full and I had to start turning away anyone who was interested. A developer once told me that many groups interested in booking before you even open is a sign of the community as a whole is highly supportive of your project. Now, when this permit was first approved there was a little bit of uncertainty regarding the future developments, such as which would be the future tenants and if they would have conflicts with our site based on their hours and now that we know for certain that there is not. If the Dutch Bros is approved, they are a drive-through only facility, vehicles come and immediately leave with no parking and the same with the Wienerschnitzel. We certainly don't expect their busiest hours to be at 8:00 p.m., where the other facilities are already closed and we are the only facility that's open door, nor do we expect them to be having their peak hours at that time of the night. The other consideration was would someone drive south through the neighborhood and become confused with how a roundabout works, as Commissioner Cassinelli mentioned? Well, that the drive aisle is fully complete and built out, I have driven it many times and I can say with certainty that there is no confusion about how to get to Eagle Road. Now, we provided a diagram showing the right-in, right-out configuration of the parking lot in the areas of bidirectional parking flow and in the event that there is a sudden increase of parking, either ingress or egress, we have implemented procedures to address this within our safety plan, which I will get to later, and this is in addition to the fact that only a small portion of operations would be at maximum capacity. The rest of the time assuredly there would almost always be empty parking spaces available. The scale of this project is small and for that reason there is no traffic impact site that was required based on the -- the -- I guess the scale of it and the fact that that's even acknowledged in the staff report. The project is less than 1/10th the size of some other entertainment developments. So, we are not talking about thousands of cars or people, we are talking about numbers in the hundreds or less. I did work with the developers of the site to create a designated ride sharing area where vehicles can get in and out of the parking lot without affecting traffic flow to the rest of the site. It was incorrectly proposed that that would be blocking the driveway, as there are designated parking spaces on the -- what would be planned west of the photo, if you can go to the next slide there. In addition to that, we have the plan to promote the increased use of ride sharing services. This plan which I submitted to the public record as well outlines in detailed capacity thresholds to which certain plan policies will be implemented, providing discounts on product and ticket prices used in conjunction with a rideshare service, providing the security staff as needed to direct rideshare vehicles into the designated space and addressing concerns of potential congestion within the lot itself during periods of ingress-egress. Now, as far as enforcing our capacity, that's one of the biggest questions I have been asked many times. As mentioned previously, I'm sure that some people nearby we will be monitoring our ingress to check for an overcapacity situation, but that is not their job, nor should it be required. That's something that's the responsibility of the business to enforce diligently and as a responsibility to the safety of the patrons. Our entrance scanner is a state of the art system made by the same company who makes scanners for the TSA, the NSA, and other entities. To my knowledge there aren't any midsize venues in the northwest using such an advanced system that can notify in realtime the capacity counts and if they change, so if we are to violate our own terms regarding the city's enforced capacity, I would be more than happy to turn in that conditional use permit myself. Now, many studies have been conducted

within documented use of ride sharing from occupants and drivers showing on averages as an analysis with multiple studies 40 percent of the people who attend a maximum capacity event will use some type of ride sharing services. Because these same numbers have been documented nationwide, there is no reason to expect our numbers would be any different. This means in reality our proposed four to one -- now three to one parking ratio would, in reality, become closer to two to one with so many patrons using ride sharing or carpooling. This is based on the numbers of one person per car, not five per car. Now, keep in mind there are many venues without -- around the valley with much higher person capacities that operate just fine with absolutely zero parking spaces dedicated to their use. Now, because the City of Meridian does not have a statute or code regarding specific requirements for parking, I have learned in my law enforcement career that anything that isn't illegal is therefore legal. Now, using the most strict parking regulation based on the City of Meridian's code, only 38 parking spaces are required. Now, based on the chart -- the one with the Excel spreadsheet. Because the city doesn't have an ordinance with the parking requirements specifically for venues and event centers, I looked at ten other cities around the country, many of which are nearby or have similar populations, and you can see that even at the four-to-one ratio we already have anywhere from 31 to 521 percent in excess of the number of required spaces. In the staff report Mr. Dodson states that at the final build out the site has the ability to provide 132 parking spaces, exceeding the code requirement by over 450 percent. These spaces are solely confined to our lot and does not require the need to obtain cross-parking agreements. Now, the safety plan promotes and enforces policies and procedures to maintain a safe atmosphere that's free from illegal activity to the best of our ability. The point of a safety plan is not to scare anybody or try and outline the potential crimes, it's to address all of the potential crimes that could possibly come up, so that we have a procedure and a policy in place to address those concerns before they happen, not try and retroactively take care of them as they happen, as many facilities do. Now, a recent incident that occurred at Wahooz is unfortunate, but it demonstrates that violence occurs anywhere and as the Meridian police acknowledged in a public statement, these are incidents that come with growth to become a large city. It's not related to any one location or business. Now, you have already heard the list from the appellants. The safety plan was created in conjunction with many other venue owners and other states across the country to include addressing exactly when and how these procedures will be implemented, including that list of items that he listed off. That includes all the way through fire safety, criminal incidents, screening of promoters, identification procedures, employee safety and so on, including a two page, 12 action item document that facilitates our good neighbor policy to be distributed to our --

Simison: If you can wrap up.

Tsai: All right. Sorry. As you can see I'm not here to do something half assed. If it's meant to be done, it's meant to be done right, with the safety of our patrons and the surrounding community held as a paramount standard. We are not trying to squeeze in a stadium where it doesn't belong and I wouldn't say it's trying to fit a square peg into a round hole, because the zoning has not changed. The zoning has been the same as far as I can tell congruent with the City of Meridian's Comprehensive Plan. Last paragraph.

The appellants have attempted to demonize the nightclub term by providing false information and using intentionally deceptive practices to mislead the public into believing the club portion was our only operation and just as a -- using parking for an anti-competitive move, when a simple e-mail could have clarified that our site already had all the parking we needed. With thousands of supporters across the valley, many of whom who actually live in the area, we are only here to provide a new, fun, exciting and most of all safe multi-purpose venue for all of the Treasure Valley to enjoy. Thank you for your time and consideration.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. You know, one thing I heard in your testimony that -- hi. Sorry. Council Woman Strader. Thank you for coming before us. One of the things you stated in your testimony right now in front of us was that there is not a residence within 300 feet. I just want to get really clear on that. So, page four of our staff report says the closest home is approximately 330 feet from the southern property line.

Tsai: That's correct.

Strader: Is that not true?

Tsai: I'm sorry, I --

Strader: Yeah. I just -- I'm just quoting from our staff report. It says the closest home is approximately 330 feet from the southern property line. Do you agree that that is true? Do you believe that that is false?

Tsai: No. That's correct.

Strader: And why?

Tsai: So, there is nothing within the 300 feet, because the closest house is 330 feet away.

Strader: Got it. Okay. Thank you. Mr. Mayor. So, just to be clear -- so, there is not one within 300 feet, but they are -- you don't dispute the staff report that the nearest residence is 330 feet from the property line?

Tsai: That's correct. I'm agreeing with the staff report.

Strader: Okay.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I have a question that might -- the response might come from Joe or Bill. Mr. Tsai, you had mentioned about the disregard of law and filing documents and things may not have been done properly. Are we here for no reason at all or is everything above board?

Nary: So, Mr. Mayor, Members of the Council, Mr. Tsai raised this question early on when the filing was done by both Mr. Black, as well as Mr. Hoeger and the Kynastons. So, this is a quasi-judicial hearing. This is not a court. So, there is no statute of limitations. There is no strict compliance requirements. We do provide great latitude to all applicants as they file certain things and we have provided that to both applicants for initial projects, as well as on appeals, as well as on request for reconsideration we have granted great leeway. This Council has great discretion to grant that. So, what I told Mr. Tsai when he raised this question was I was not, as the city attorney, going to prohibit us from moving forward. That's certainly something that Council can consider. You can make that part of your decision either way. But we don't have anything in our code that prohibits supplementing your request for an appeal with additional information, as the same as when we file -- an applicant files information. They may file a number of supplements before their application is complete. So, we consider this to not be like a court filing or a court deadline, but more like a quasi-judicial discretionary decision of the Council.

Hoaglund: Thank you, Mr. Nary. So, I -- Mr. Mayor, if I might follow up --

Simison: Mr. Hoaglund.

Hoaglund: -- with some questions here.

Simison: You are recognized through the duration of your questions.

Hoaglund: Okay. Thank you. Just a few items, sir. If we can go back to the slide that had the parking and the Jamba Juice and -- there we go. That rideshare works. And in -- same question that I -- that I have for you and it looks like there is -- I would call it a musician loading zone and in that west side of the building and can you describe to me how Jamba Juice drive-through operates in this -- this picture here?

Tsai: So, I guess I should have covered that in my original testimony. As part of the contracting process to obtain the lease with the developers, it was part of the plan that the Jamba Juice would be forced to close about 7:00 p.m. I believe is the number. So, before peak hours. That would leave that entire drive aisle clear, since that -- as the plan west would dictate, that loading area that's on the west of these plans would be very rarely used, as that would be kind of a loading area for after hours or otherwise use. So, most of that ride sharing and designated pick up and drop off area would always be open for the traffic flow, as well as around the drive aisle, because it would be not in service.

Hoaglund: Okay. And to get to The Village situation, so you didn't apply there, rejected, didn't -- didn't happen, just to clarify?

Tsai: Essentially we had checked what their rate was and, then, never filed a formal letter of -- I think it was called a letter of intent.

Hoaglund: Okay. And I also want to ask you about regional draw, just to make sure we are -- we are on the same page on that. People use words and can mean different things. And I guess with that question it's also -- in previous documents there is talk about the Buffalo Club Revolution Concert House. Where do you see yourself fitting in that? Where are you looking to draw people from? Tell me a little bit about that.

Tsai: Both of those questions I actually get quite -- asked quite often -- is, one, are you going to be in competition with the other concert houses and I would say, no, just because of the -- the scale. So, you go from smaller venues, into mid size venues, into large venues. So, something even larger would be like the Idaho Center or Revolution Concert House with the several thousand number capacities. Down from there you would have acts that would actually be touring from Salt Lake and Portland, Seattle, those are the ones that would fill something like the Knitting Factory, those of the one thousand number capacity. The reason we didn't have those numbers ahead is because that's something the architect has to deal with and we have those numbers available now solely because we are farther along in the process and our architects have returned to us what the proposed fire code occupancy would be, would be about 550. So, the 400 number is only slightly below what the fire code would have approved anyway. But we don't have that information up front, so the only way I would have to compare would be to look at other venues and see what their capacities are. As far as our draw, we get asked that a lot as well, just because of the nature of the acts that we intend to book. Because of the smaller capacity around the few -- or around the 400 to 500 range, those are acts that are -- typically aren't specifically touring, but are more local musicians and artists.

Hoaglund: Okay. Thank you. And I don't know if you can answer this. It sounds like the architectural work is not done, but there is -- there is drawings with mezzanine square footage. Can you tell me -- it sounds like 7,000 square feet plus. So, what's the plus?

Tsai: That's correct. So, the intention was to build the mezzanine space, as it wasn't considered a floor area, as anything that's mezzanine isn't considered to be -- I guess another floor as an addition. It is solely considered as mezzanine. That's designated as either alternative seating or perhaps an overlook area that goes -- you know, that oversees the dance floor. That allows us to have more of an open space. So, as you have heard -- experienced a typical concert before, kind of packed in there in front of the stage, in this sense we can have a separate seating area for maybe people who don't want to do that, but still want to see the actual performance and that's available to all types of performance and art, not just concerts.

Hoaglund: So, Mr. Mayor. It's probably a concert that I wouldn't attend. If there is standing room only and you are excited and you are at the stage and that sort of thing, that's not

my thing anymore. So, for us older folks we could go up to the -- to the mezzanine it sounds like.

Tsai: Yeah. So, the mezzanine is provided as a designated seating area, but it can also work as an alternative space, if somebody wants to do -- you know, say their birthday parties or, you know, their -- their celebration events up there, they can be there and seated away from the entire crowd and packed in there, but still have a full visual of the stage.

Hoaglund: Okay. There was a comment you made that I guess bothered me a little bit, but, you know, about comments not from the neighborhood and, then, basically, saying are they relevant and that sort of thing. Conversely, then, as a Council, do we take comments from people who aren't in this neighborhood or out of the area saying as a musician I want to do something there, are they not relevant to us? I -- I struggle with that, where you say don't consider these, but for me consider these.

Tsai: To me there is a certain number of things that we can readily address. Those are things like the safety issues, the noise, the traffic, those are things that are certainly applicable to thing -- to people who drive outside of that area. So, for example, if you always drive down Eagle Road, you know, is there the -- you know, even though you don't live nearby, if you always drive down the same spot of Eagle Road for your commute every single day, are you going to be, you know, inconvenienced by the addition of extra traffic coming in and out of this corner? Is there real consideration of, you know, what -- of the people who live outside. So, it's not to say that everybody who lives outside doesn't matter, but it's to take into account of the fact that how would they be affected by things that are addressable by our facility.

Hoaglund: Okay. Can you tell me how that hundred -- you talked about a hundred vehicles can be cleared out in a single traffic light and I'm very familiar with that -- that intersection. How do you -- how do you come to that calculation?

Tsai: So, it was actually in the slides here. I think -- I believe it's number four or five. How I came to that conclusion was something I didn't have time for in the original presentation. If we can -- no. Sorry. I didn't realize you -- it's either slide four or five.

Johnson: Joe has your presentation. He has control. Joe.

Dodson: I apologize, sir. What was the question?

Tsai: Four or five. It's the one with the satellite view of the parking lot. That one right there. Okay. So, this is a very familiar building. It's actually the Boise School District's district service center that's located in south Ada county. I use this as an example after I had located it, because it has primarily right-in, right-out parking just as we do. It has roughly the same amount of parking spaces and it also feeds directly onto a major arterial, which is Victory Road right there and how it came about that conclusion is that I literally sat there in a lawn chair with a stopwatch and since their salary workers they hit 5:00

o'clock and they all got in their cars at the same time and leave the facility at the same time right there at 5:00 o'clock rush hour traffic and that was roughly the amount of time that it took for all the vehicles to get out was just a few minutes to make that right turn and get out on Victory without adding any additional burden onto the arterial.

Hoaglund: Mr. Mayor and Mr. Tsai, they do not have a -- no right turn on red signal that prevents that; is that correct?

Tsai: I'm sorry, are we talking about here or --

Hoaglund: Going on to Victory. Eagle has -- if you are off of Ustick turning right, there is a no red -- no right turn on red light due to the U-turns that are -- that are conducted. They did not have that constraint; is that correct?

Tsai: That's correct.

Hoaglund: Okay. You also mentioned the Knitting Factory, no -- no parking spaces required. You also showed a slide with a lot of major cities. Capital City Development Corporation provides parking garages and it works pretty well downtown. If you go downtown Boise, you know, 99 percent of the time you are going to end up in a parking garage. Unless you get very very lucky. I just -- I'm a little -- I just -- I kind of discount that, because that's -- that's an apples to oranges -- oranges comparison and I really think this boils down to the ability to -- to park and I hear a lot of different things that are -- whether this is a nightclub or a kid's fun zone, if it's going to draw a lot of people, we have to consider what are the impacts and is their ingress-egress and does it -- is it going to work. It's really not the -- what the facility is used for and we are asked to look at these other things that are completely irrelevant. So, I hope we kind of focus on that going forward, because that's -- that's very important. You -- one -- one last thing I want to touch on. I don't want to dominate -- I will wrap this --

Simison: The time is yours.

Hoaglund: You know, you mentioned again nearly put a million dollars in. In March 18 you said I poured -- I have poured millions of dollars into this facility and, then, the lease and all the obligations that go along with it and it's very obvious you do a lot of in-depth research. You -- you are very diligent and work hard at it. You put a substantial investment into this facility. Have done a lot of planning. There is a return on investment and my wife and I in a much younger life had a retail establishment in Boise and you run those numbers and you figure what the flow -- cash flow is going to be, you look at what your employee costs are, and you base it on certain assumptions of what your business is going to be and when you go down in the number from 1,000 to 700 to 500 to 400 and it could be that you have ways to make that up, maybe it's in the cost of alcohol, you know, you are going to change the price, which, then, changes your return customer base completely. So, I -- I would like -- so, I have to say I'm skeptical about the ability to invest this amount of money and have a return based on a lower -- lower usage. So, can you help my skepticism?

Tsai: Certainly. Just to -- to clarify that. The 1,000 number was never formally presented anywhere as an official capacity number. So, to go down from there to say, hey, you are now 60 percent below what you had originally proposed -- that number was never proposed. The reason we are kind of up in the air as far as a lot of the capacity numbers is, one, we were waiting for the architectural design to get back to us for an actual reasonable number and, then, we were waiting to see, you know, what the staff report from Mr. Dodson and his staff would say is what would be an acceptable number based on the parking to have. So, you know, one -- you know, I guess I'm trying to explain it in a way that works. So, in that sense we are not trying to make one thing fit another and not vice-versa. I realized that that just made no sense in my head. But I guess what we are trying to say is that we were waiting for the addition -- the official numbers to come out of what we actually could have as far as the capacity, as opposed to proposing a number and, then, having to go down from there. So, now that we are aware that the building by the fire code is approximately in the 500 range, you know, it's not that far to go from 500 to 400 versus if you were to look at it as, hey, you presented this project originally as 1,000 and, you know, we ran the numbers of profit and loss and the balance sheets and everything off of that 1,000 number, how do you go from 1,000 down to 400. But, in reality, those numbers were based on the drink per customer and not the overall capacity. The drink and food sales, because we are a full service restaurant and food service as well. So, those were calculated based on the ingress-egress of the persons, the amount of rotations for the persons, the number of food and drink per person not necessarily based on the overall capacity.

Hoaglund: Okay. Thank you, Mr. Mayor.

Simison: Council Woman Perreault.

Perreault: Mr. Mayor. I also have a few questions. So, if I may --

Simison: Yes.

Perreault: -- have the floor during that time. Thank you. So, I would like you to address some of the concerns that we have already heard by the applicant. First we will start with -- how do you propose to keep that limited number of individuals to 400, being -- given that that is something you need to self regulate?

Tsai: That's actually a portion of not only our safety plan, but also the ridesharing services plan, which, in total, I believe is about 15 pages or so and as part of that system -- it's a system called TokenWorks. It's what's -- it's the machine that if you go and travel that they stick your passport in and it scans it real quick. That's integrated into a network of that -- of similar systems that have that same capacity. So, for example, in the -- you know, the -- as I mentioned there is the maximum capacity events are the small percentage of our overall operations. So, in the event that that happens, we would have to have policies and procedures in effect in order to address how we are going to deal with certain thresholds of occupancy. So, in the example of, hey, you know, we are -- we are scanning people based on their ticket sales and, you know, our expected tickets sold

for that night. Now, if somehow, you know, we sold tickets at the door or something and that number is getting up towards the actual occupancy threshold, it will notify immediately the management and myself by text message and e-mail the system has now hit that pre-programmed threshold. So, say it's 80 percent. Well, now we are 80 percent, we know that that parking lot is probably getting close to where it's going to be full and potentially start affecting other things. Now, at that point it's written in our actual safety plan that at that point we will be able to dispatch the security staff out into the parking lot to direct people out and away from the neighborhoods, direct the rideshare services towards the designated spot where they are to drop off and pick up people and, then, that's part of our rideshare plan is where we incentivize people to use those services, as opposed to driving or carpooling to the site.

Perreault: Thank you. That makes sense. So, you will have a -- you will have an electronic way -- some -- some -- the -- the patrons will scan something that will count them and you will have a way to -- to make sure that there is a specific head count every time that there is an event and that's at every event or just during nightclub hours?

Tsai: That's at every single event, because we would -- not only does that system count the overall occupancy, it would also count -- you know, it's networked with a number of different venues around the entire world as part of the system. So, say somewhere, you know, someone is -- they attended an event where they have caused trouble or they started fights or something and they were on this blacklist, that scanner would, then, immediately reject that person at the door prior to them entering and getting access and saying, hey, we -- we have somebody who is potentially under age or a fight instigator or likes to drink too much or any of these things can be screened out at the door, including ingress and egress based on the system. So, that if at any moment a police officer or code enforcement come by, hey, what's your capacity, there is no reason to speculate. We could say, hey, it's 329 and that's a live updating figure. That's in realtime. It's not something that, oh, well crap, I didn't count. The guy with the clicker went to lunch. We could say, you know, we hit the button and it's immediately there. Here is our occupancy right now realtime and we are addressing it as is.

Perreault: Thank you. So, along lines -- the same question I think Councilman Hoaglund was getting at, which is if your business -- we want to understand what your business model was based off of ultimately and it's -- it's not our job to make sure that your business is profit producing, but we also don't want to have a business, you know, be operating for a year or two and now we have an empty building with weeds on the corner of Eagle and Ustick. So, just to be really candid about that. So, you don't need to necessarily go into significant detail about your profit and loss that you expect. Hopefully, not loss, but -- you know. But I would like to understand kind of the thinking along those lines as you are -- as you are making these decisions and in addition to that you mentioned that -- I want to make sure I understood what you said. You said the nightclub is only approximately about 20 percent of what is it -- the number -- 20 percent of your -- of your profit? Is it 20 percent of the time that the facility is being used? Is it 20 percent of the amount of patrons that are coming through the door? Help us understand what you meant by that and, then, in addition it will -- along those same lines, you know, there is very little event space in

Meridian. Truly. There is almost no place to book anything. As a matter of fact, the city has had conversations about where do we book our events; right? So, there truly is a need for that. There is no doubt. But there you could likely book that facility in the evening for events that aren't nightclub specific events with likely very little problem. So, why not -- if most of the public's concern is that this -- is about having a nightclub, why not just make this an event center? Can you help us understand more about that? Is it -- it is a -- is it a profitability thing? Is it just a passion project for you? Help give some more understanding -- if it's really only 20 percent of what you are doing, why is that a value add to you and the community?

Tsai: I guess I didn't really anticipate from the very beginning that the term nightclub would have such a stigma attached to it, because if something is new, then, the only resolution you would have as far as a mental image would be to think -- if you have never had experience with a nightclub or you have -- it's the first one in Meridian or nobody's done this before. Well, the only thing for you to lean back on is headlines, you know, stereotypes and things that have happened in the past and at a certain point that's reasonable, because if I have never been to a nightclub and I search nightclub Boise and the first thing that comes up is man is stabbed at China Blue, well, then, that's the image that I have in my mind is that, you know, this -- this is the situation and the reason that we have -- took our permanent signage and changed it to the lounge event center and concert house is part of that reason. The 20 percent represents the 20 percent approximated of what would be our total operating hours. So, for example, as far as the all ages events, you know, yes, we would absolutely love to say, hey, this is not a nightclub period. This is a bar-restaurant where -- and that was originally what the -- even plan said, I believe, it said restaurant-bar -- as a place where people could come off work, they can enjoy some drinks, it's a nice festive beach themed place so they get to sit and relax. The only difference is on week nights, you know, we have more -- I guess visual elements. So, a lot of the LED wall portions. The large screens that we can use for different sports events or the family nights, the interactive floors, that type of thing. Those are all elements. For example, we were approached by a local Latin dance group and they asked if we could book the entire night as an all ages event. Well, then, I'm asked, well, how do you designate -- well, what is a nightclub and what is the family friendly portion of your facility? Are they segregated or are they not. And that's where there is a little bit of confusion, because that's where you would run into that situation if it was solely a nightclub where we would have to designate certain, you know, places where people can and cannot go. Whereas for the all ages night, you know, certainly there is going to be families in there with their kids, they are going to be teaching how to dance and the way we can segregate that is very much like you would at Canyon county or the Ada county -- the Western Idaho Fair, where we would pre-screen people at the door in advance with like the Tyvek wristbands or an alternative method based on their IDs, where instead of having to segregate people based on their physical location within the building, they are free to explore the entire building and still hang out with their friends and family and do that in a safe manner.

Perreault: Okay. So, are we to understand that it may not be operating as a dance club nightclub every night of the week? There would be --

Tsai: That's correct. I would imagine that's only for weekends. Most of the nights would be strictly almost just like a bar or a hangout location.

Perreault: So -- so, approximately 20 percent of the operating hours will be used for, quote, unquote, nightclub uses and so can you, please, answer the question regarding whether your model works with the 400 person limitation and -- and also if there is any consideration of making this just an event center and if -- if so -- I mean it's not -- obviously not, because that's not what you have applied for, but help us understand. What I'm trying to get at is I really want the public here that has concerns to understand -- and I want to understand all of the consideration that was taken into why not just turn this into an event center essentially.

Tsai: If you were to imagine say, for example, the Galaxy Event Center where you hosted the State of the City address, it's a specifically large designated event center where the issue with event centers is typically that they don't have as much of their own equipment. Everything that they provide for your event is either rented or brought in for that day of the event, much like a wedding or reception would be, the floral arrangements and things, those are brought in on the day of the actual event. The difference between that and what would be considered the lounge space and the concert house element is that the concert house element, as well as the lounge -- kind of the visual and the audio element of that, is those -- that equipment is permanently housed within our facility and that's what distinguishes us between what would be the lounge slash event center. So, the event center -- most of the people who would book a facility like that would want that entire -- essentially a shell space. They would want to bring in all their own lights, all their own visuals, their own dance floor, their own decorations and for us that makes sense financially speaking, because we are able to book a higher rate as a result of furnishing the equipment in house versus saying, hey, it's -- you know, it's cool you can book a venue here, but now you have to pay an extra 3,000 dollars to get -- book, you know, tables and chairs brought in from a third party versus us as an all inclusive facility would be able to provide that firsthand. So, the answer to your question regarding the kind of feasibility of a business model such as this -- I would explain that as our -- our original calculations -- we started these probably three or four years ago -- was based upon how many drinks, alcoholic and nonalcoholic, the food products and, then, premium products, things like cover charges, coat checks, VIP section, you know, backstage passes, those types of things, which are considered premium products. We did that as a balance between the alcohol sales and the actual overall revenue of the business, not as a specific, hey, we need a thousand people to come in this door every single night to make that not a loss. So, those calculations were done via how many of these would we actually sell. So, for example, if somebody is going to have one appetizer you could sell them an entree as well. Or, hey, they are going to have an entree, why not add -- try this drink. So, those are based on sales per person based on the amount of -- as the restaurant industry would consider it as rotation of tables. So, for example, you have a capacity of 400, but these guys are coming off -- this group is coming off of work and wants to go and have some drinks and, then, they are going to go home and, then, the late night, you know, parents are going to -- we have had several e-mails to -- I'm going to put my kid to bed and my husband is going to watch them and I'm going to come over and have some drinks. Can

we do that? We would have another, you know, section of customers that would come with a different hour of the night. So, the number wasn't based on what is your overall capacity, how many can you physically fit within the building without being either illegal or dangerous, but it was based upon the numbers of how many people will actually come in and out of that building. A good example is I talked to some of the facilities that are downtown in Boise and they say, yeah, our capacity is 375, but we get 1,200 people who come in and out of this facility throughout the portion of the night, each one with a calculated amount of how many drinks or how many food items will they purchase or, you know, share with their friends. So, that number isn't necessarily dependent upon the capacity specifically, but it's actually based upon the ingress and egress of the patrons, so that they are all not in there crammed in at once.

Perreault: Thank you. Just two more quick questions. I have been on Council for a year and a half and I was a Planning and Zoning Commissioner prior to that and I have had -- I don't know how many conversations about parking spaces in the years that I have done this. I don't know that I have seen any application that's had a more convoluted explanation of what's happening with the parking than this one. So, there has been a variety of different numbers thrown around about parking spaces and specifically it's -- it's obvious at this point that we need to be considering parking spaces without a cross-parking agreement. It sounds like that's not going to be a feasible option for you and so -- and what -- I would also like our planning staff to weigh in on this as well -- what are the number of parking spaces that you can use that's not reliant upon any of the parking within -- with the neighboring businesses and clearly if the staff could address for us what the requirements were, because I just -- I'm completely lost in the variety of conversations we have heard about it.

Bernt: Mr. Mayor. Great question, Ms. Perreault.

Perreault: Thank you.

Dodson: Mr. Mayor, would you like me to go first to the applicant?

Simison: Why don't you tell us what the code requirements are.

Dodson: Thank you. So, it's one per 250 square feet of the gross floor area, which, again, at this time does not include the mezzanine, because it's just a shell of the building. That's our most restrictive parking ratio and it's based upon our -- the restaurant use. That only requires, again, 7,000 square feet. I haven't done math in a long time. I apologize. Liberal arts major after all. That -- four times seven -- 28 spaces, give or take, so --

Simison: I was going to help you out.

Dodson: Thank you.

Perreault: Say that again.

Dodson: Twenty-eight spaces would be the minimum code requirement.

Perreault: Twenty-eight.

Dodson: One per 250 square feet. Correct. Which is a restaurant use. So, going into this, obviously, I already knew that's not even close to the amount of parking that we are going to need. Per code that's the minimum for these. With most conditional use permits that's never enough. That's never what is the minimum required. I tried to use -- one per -- would obviously be -- in the development community it's usually based on a thousand square feet of gross floor area. So, 250 out of a thousand is a wonderful ratio. So, I tried -- because I did not want to limit his capacity, knowing that we probably, would just pick a number out of the air. I do not like to do that. I don't want to do things arbitrarily. I don't think that Planning should do that. Nor should Commission have to do it. So, I tried to utilize that same ratio. So, instead of using the per square foot, I utilized it per person and based upon one space for every four people, which would be a capacity of 500, which was my original recommendation. That's on site 125 spaces and I think with the current approvals, which do not include any of the parking on the north side right here, there is a little over a hundred. It might be like 108 spaces. This is the most -- the latest site plan and doesn't include the -- yeah. That's what it was. One hundred and two and, then, it does not include the six next to the building. So, it's 108 spaces. Without any additional parking on the north side of this establishment. We, then, required, through the Planning and Zoning Commission hearing, 125 minimum. So, as those other sites develop on the north side -- and even if they don't, prior to commencing this use, they need to construct those additional parking spaces. So, at a minimum 125. If you do the math they don't have any drive aisles. You have a 19 foot wide -- or nine foot wide drive aisles, they can add an additional -- it was like 34 spaces along the north side above 108. So, you get more than 125 at least. So, again, I didn't want to pick an arbitrary number. So, I tried to use the ratio and use some kind of mathematical quantitative basis for that. The cross-parking agreement was not attainable, because of Mr. Black and all of those -- whatever situation that occurred and that's fine. So, then, Commission decided, well, instead of the 500 we will lower it to 400. That is basically how we got here.

Perreault: One clarification on that if I could. So, the 34 spaces along the north side the applicant would be required to construct that parking area prior to certificate of occupancy at their own cost, irregardless -- or regardless, excuse me, of the -- when the -- the actual sites will develop?

Dodson: Council Woman Perreault, that is correct. I don't -- maybe not this applicant. I don't know how they would work that out with the landowner, because he doesn't own those other pieces and he's just a tenant, but that -- yes, those would have to be constructed prior to this use commencing regardless of what uses are proposed there.

Perreault: I know it's a condition of approval.

Dodson: Yes.

Perreault: Okay. One more question. I apologize to my fellow Council Members for getting long. If -- there was a -- there was a statement made by the applicant that if you have to address the -- the danger concerns -- safety concerns is a better way to put it. If you have to address the safety concerns up front, is this too heavy of a use? Is this too significant challenging of a use for us to be discussing? I would like to hear your thoughts on that.

Tsai: Only from -- I guess a public safety standpoint. Before I was a police officer I was an EMT. I worked in a lot of hospitals and trauma centers, that type of thing. So, that type of response isn't unusual to me. It would be the same reason if you were to go to a Walmart and see the bomb evacuation schedule posted on the wall. Well, of course, Walmart doesn't expect a bomb to be brought into the building every single day, but it's nice to see that on the back wall, that they have prepared for that, they have created a plan of how they are going to evacuate the building, who they are going to call, how they are going to address that situation. So, to me that makes me feel better that they have planned for something in advance versus if somebody brings a strange backpack into Walmart and all of a sudden they are like, hey, there might be a device in there, I have no idea what to do with it. So, to me that -- I guess that's a little bit different than how certain members of the public would perceive something like that, but in that sense I would want to have that prepared in advance for all potential scenarios that could come up surrounding -- we won't say as a club use, but just alcohol in general. We are not saying that the solution of, you know, having less DUIs is to just ban all bars and become a dry county. We are saying that we are taking all the potential steps and the potential circumstances and issues that could potentially arise to our knowledge and mitigating those circumstances in advance using effective policies and procedures. It's what every corporate entity and police department and fire department and -- that I know of does. So, that way if that situation comes up there is written procedures and policies to follow as far as how we are going to handle this situation. So, it's not in an essence that we are intentionally trying to create something that's frightening or heavy or scary. Because of that it's actually the opposite way. That if we have acknowledged that these are potentials for any type of business -- back to the Walmart and the bomb scare situation -- that I would know that they have planned for this in advance and, therefore, that isn't a situation that could have been.

Perreault: Thank you. I appreciate you answering all those questions.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Just to put a finer point on that and to clarify for the public, as well as the applicant and the Council, the -- some of the issues that came up for that safety plan were asked by the Commission. That's why he made that. It wasn't something that he just arbitrarily created. Second to that and even before that -- during our pre-app meeting, because of the known stigma for a nightclub and people attempting to put immorality to that use, I told the applicant that you should address some of these potential stigma

concerns. It's something that I do with every applicant and tell them, hey, you are probably going to run into X, Y and Z problem. You should probably address that in your narrative. I don't want that to harbor every applicant in any future application to say, well, you brought up three problems, so that's the three problems that you can't have. I just want to reiterate that for everybody.

Simison: Councilman Bernt, just checking to see if you have any questions for the applicant before we likely go to a break.

Bernt: No, Mr. Mayor. I think I'm good. Thank you so much.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a few that I have been waiting to see if others would ask. I am concerned about the capacity and you talked about -- you have a system and it will tell you when you are close to capacity. You talked about the mitigation efforts that you will take to alleviate the parking. Does that mean that definitively, when you have the 401st person in line to enter your establishment that you will turn them away?

Tsai: Absolutely. Yes.

Strader: And how will the City of Meridian verify that or enforce that? Let's say we get a complaint from a neighbor that there are 600 people. How is that going to work?

Tsai: Well, that system that I mentioned earlier actually takes a count of every license and ID -- or any form of ID that's scanned into that system. So, if in the event that comes up, hey, you -- you have 600 people in your facility, we can pull up the names of every single person who is within that facility, what time they entered and what time they left. So, we can provide an exact paper trail of how many people are in that building at any time provided that we are asked.

Strader: Maybe a few follow-up questions. So, if somebody leaves for a smoke break will that person be subtracted from the total capacity?

Tsai: Well, that's something we have kind of talked about a lot with Mr. Dodson regarding compliance of code of where smoking areas have been designated and if you were to look at the plan that's kind of in the plan -- plan west of the section where there was that kind of loading dock area right across from the ride sharing area, there is a potential for there to be an enclosed area or a patio or a fenced area or something there that can be designated as a smoking area, but since they are not typically on larger events there is no entry in -- or, sorry, there is no reentry as it said. That's the same policy that exists for NFL games, NBA games, all of the major events across the country, there is no reentry, which means once you are within the facility for the event is there for the designated time that the ticket is for and, then, once you leave you are not allowed back into the building

and it's part of the reason that we are able to say, hey, whoa, wait a second, this person entered twice, so are we now counting him twice and that's one of the features of that TokenWorks system is that it also prevents anti-pass back, which is the event that if somebody scans into the building using an ID, they will go around the side of the building, pass that fake driver's license to their friend and, then, their friend tries to get in with the same ID and that's anti-pass back, which is to prevent the same person from entering twice using the same ID -- or two separate people and it's for that reason if somebody were to go out towards the smoking area, that's a kind of a fenced in kind of like corral section, much like they would do at the Buffalo Club. There is a designated smoking section that's only accessible from within the facility itself in and out and people are free to go to that section and back in as they please. So, to answer your question, no, that person would not be, then, considered to have reduced the occupancy count, because they are still physically within the event of that building and, therefore, we don't suddenly take them out and try to lock them back in. They are not considered to have left the building until they go out the exit and they are checked out at the exit.

Strader: Well, I will just follow up on that. And so who authorizes you exceeding capacity or staying under capacity? Is it you personally? Do you have managers who will enforce that? How is that going to work?

Tsai: So, that's written into the safety plan as well. So, along with members of management who have the phone that the neighbors can call if something comes up, so we can immediately address that, that same phone is also linked to the TokenWork system. So, if we reach the capacity thresholds, if there is a banned person that's attempting to enter, if there is a prohibited person -- anything along those lines, that's something that can be immediately -- think about how quickly your phone reacts if it's like your wireless alarm at home goes off, it's an instant notification that comes up on your phone. It's not something that's subject to a kind of latency and that's exactly what happens with ours is once that threshold is reached -- it's not like, oh, shoot, we -- we reached the capacity half an hour ago. It's, well, we are at 80 percent now and here is the action items it will take to mitigate that.

Strader: Thanks. And I guess what I'm struggling with is -- let's say, you know, you are giving your word that you are not going to exceed capacity. Let's just say that happens. there is a great concert, someone incredible comes to town, you are overcapacity, what -- what recourse is the City of Meridian going to have? What -- you know, what can we do to enforce that?

Tsai: That was asked several times and Mr. Dodson also covered it in his testimonies as well. One of the biggest recourses is the revocation of that conditional use permit and once that's gone and say no alcohol, you know, anything that's associated with it can no longer be operational and that's why I said that, you know, all I really have at this point to give you my word that we will abide by that occupancy is that -- you know, it's not the neighbor's job to enforce the capacity, it's not the person down the street, and we don't even want to get the police officers involved, because, then, they are taking time off of their call to come and inspect it and count people and get those numbers. I would rather

that all remain in house and if that ends up being overcapacity, then, I would be the first person to turn that permit back in and say we are not selling booze anymore.

Strader: Mr. Mayor, if you will allow me, I have a question for staff and, then, some more questions for the applicant. I have a question about fire capacity. What square footage -- what total square footage would we typically associate with a total fire capacity of 400 people and event space?

Dodson: Council Woman Strader, Members of the Council, that is something I don't know specifically, because I'm not in -- I don't determine occupancy. I -- my discussions with the fire plan reviewers were that it varies greatly based upon what is in the building, meaning if they have tables, it's -- it greatly changes versus if it's standing remotely type of an event versus -- kind of like what the applicant noted. If it's an event center where you don't have anything in there versus when you have set tables and a restaurant area that's going to drastically change your maximum occupancy. But I think that the fire, police personnel could give you a much better answer to that than I can.

Simison: Chief, are you able to take that without Mr. Bongiorno?

Blume: I can. Absolutely. So, Council -- Council Woman Strader, to answer that question it is largely determined by occupancy and use and I think it's ironic -- we just looked at the back of this room, the occupancy indicated here is 400 people in this -- in this space. It also is dictated by -- whether it's sprinklered or not and, like I said, intended use of the occupancy and the space.

Strader: Thank you. Wouldn't the ultimate way to enforce this whole capacity just be to require you to build a smaller building footprint that correlates to a smaller capacity and maybe that would make your business plan work better, because you wouldn't be incurring the capital cost of a larger facility that you can't use? Could you comment on how that would work with your business plan?

Tsai: And part of that reason is we want that space to feel grand. So, the high ceilings, as I would have imagined by the visual the way we have planned it and architecturally, if you were walking in to see, you know, 16 foot floor-to-ceiling palm trees and these visuals that go along with it, it would be more cost effective for us, certainly, if we were to say, hey, I want one less section of this building, because originally it was planned as a six tenant building, I believe. We will -- hey, I don't want this piece attached to the Jamba Juice anymore, can you take 1,500 square feet off of my rent check, essentially. But that would detract from our overall theme of what we are trying to provide, which is that more upscale, the -- you know, an inviting atmosphere where people don't feel like they are crammed in there and that leads into also the whole reason of the plan around the mezzanine, because the mezzanine certainly isn't a critical element to any of the facility itself. That's why we consider it as just the floor space of the 7,000 some odd number and that -- part of that reason is for -- is to provide that kind of grandeur for that overall space. It also allows us the extra space in the event that it's needed. So, for example, we have dance competitions or, for example, that cheerleading camp, where, yeah, we

are not going to fit 400 people into this building, but one person who is dancing in a flamboyant way is going to use more total square footage than what a small space that is compliant with fire code would overall provide.

Strader: Yeah. I guess I'm -- I'm struggling a little bit with -- the original business plan at some point had a much higher occupancy and if your capacity is being reduced by more than half, you know, did you have profit margins that could be reduced by half? I mean I'm just having a hard time tracking that train of thought. I mean if you had a plan to increase your parking in the future or something like that, that might make more sense.

Tsai: And that's certainly something that we were taking into consideration. That's something we are working with the developers as well. I didn't get an opportunity to answer Council Woman Perreault's question regarding the actual planned parking spaces. So, this is an e-mail I got from our developers -- the developer's boss's boss back in January with their actual plans and what they -- what they did for me was they broke down the absolute worst case scenario, which is that every single building within this development is a food serving building, which would reduce the amount of parks required from one per 500 down to one or 250 square feet for every single building within the plat and given these assumptions, including the shops building with the floor space and not including the mezzanine, the plan as currently provided has approximately 125 spaces, with the absolute worst case scenario the amount of spaces required by code, if every single building was as large as it could be and serve food would be 76 parking spaces, so --

Strader: Mr. Mayor?

Simison: It's your time.

Strader: Just to interrupt a little bit, but -- but that's according to code, but we just heard from our Planning staff that you are definitively being required to far exceed code, because of the type of use. Do you have to share -- I mean I -- just to like do the simple math here, right, a one-to-four parking ratio -- and it sounds like you are required to have 125 parking spaces. Do you have to share those parking spaces with the other tenants or not?

Tsai: At the full -- let me just go back to the staff report, just because that's more related to the developer. So, I can't give you an exact concise answer. Let me get to the --

Simison: And that was going to be my question from that standpoint. In a development like this typically you would say first in gets the rights, for lack of a better term. If -- if this was approved tonight, for example, 125 parking spaces and there was 125 parking spaces on the plan, would it preclude any other development on the property absent additional parking being put in? So, all those other pads would be essentially rendered useless, because there would no parking. Is that accurate?

Dodson: Mr. Mayor, Council, the -- it's not accurate, because of the cross-parking agreements and that -- that occurs for every commercial development that happens. We require the cross-parking, so that the different buildings, different users can use it. Maybe you go to one building, you don't have to park on that lot, because you don't know where the lots lines are.

Simison: But if you have them saying you need 125 and that takes up every single parking space in the property already, how would you approve any other building on that property, which needs seven spaces to attribute it to when you have already assigned the rest of them out? Really, it's kind of coming backwards into the conversation to a certain extent, because the -- you know, as we said, this is really the first one and nothing else has been approved from that standpoint, so it is the first bite at the parking. To me it would mean everything else potentially would need to be not included -- and I even come backwards to the point where, you know, 20 percent versus 80 percent of the time it -- you know, I'm more -- I'm as more concerned about what happens from weddings from 2:00 to 7:00 with your parking in the space, when all the other businesses are open and operating and you are aware that your weddings have a definitely different demographic, they can have as many as 400 people. That's when you could have as big of a parking problem on that property is during the day for events, more so than that at night. So, that's -- at least from that standpoint -- again, I don't know if I'm misreading the expectations, but this in order for this full lot to develop would have to have adequate parking for whatever is required by this, plus whatever may or may not come forward in the future or won't get developed.

Dodson: Mr. Mayor -- making me have to think. Yes and no I guess to your points. In my experience stating that it needs 125 doesn't mean it needs 125 by itself one hundred percent of the time. That is not how cross-parking generally has worked and that's not how I have seen it interpreted through any site that I have reviewed or seen others review and approve. Though I understand the logic there, especially at peak capacity events, that is something that through this approval -- Mr. Nary can correct me if I'm wrong -- you -- could be added as a clarifying point to that condition and, therefore, it would, essentially, render some of the future uses to be very minimal square footage, which would be a Dutch Bros that only requires three spaces, because it's 500 square feet box and if that's what we want and that's what we want. But that would be a finer point that I think would have to be added by this Council. I don't think that our current code and the way that we review and interpret parking agreements would say that -- that 125 just for this site one hundred percent of the time would be the requirement and everybody else -- sorry.

Simison: Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: I would add to what -- what Joe is saying. I mean I think the concern you are raising -- and it's a valid point for the Council to consider -- is is that consistent with a mixed use regional; right? Because the intent of the regional is to have a variety of uses.

Allowing this one use up front with, again, correct me if I'm wrong -- the building's not built.

Dodson: Correct.

Nary: So -- so, there is a lot of ifs that are -- we don't know versus going into a building that's already built. So, there is some concern -- or maybe at least some valid concern for the Council to consider whether or not this could impact the future ability for other users to locate on this site. If you don't mind, I would like to at least address something that Council Member Strader brought up -- and this -- I don't know if it helps or hinders the conversation, but there has been a lot of conversation about this building and its function, both as the nightclub and by other functions and, again, the building is not constructed, so I don't know where the kitchen is going to go, I don't know where the floor plan is, I don't know -- in Idaho you can have a restaurant that serves alcohol and you can have a bar that serves food. They are not the same thing and they are classified differently by the state and restaurants don't allow you to have smoking, so you can't have a smoking area in a restaurant. So, again, I don't know what this is yet, because there is no floor plan, there is no application, and there is no liquor license application. So, we would look at all of those things in trying to figure out how to separate minors from adults in certain functions. Again from an enforcement standpoint it becomes a real challenge to deal with. We haven't had a lot. I mean we have an event center, like Galaxy, where they have minors there at weddings and events. So, I mean we can work through it, but I just don't want to leave it open or unclear to folks that somehow there is just very defined matrix that we can -- you know, that we know all of that and the capacity and how we are going to enforce is clear, we just aren't there yet. Again, we don't have an application to review or any way to know what the state's perspective is going to be on this as well. So, this is just a conditional use to allow this use to happen on this site. It doesn't have any of the other details to it yet. So, some of those things I don't have a good answer to, but I just wanted you to know there are some questions out there that we still would have to answer if this were to be approved.

Strader: Thank you. I think I'm good now with my questions and will hold off on the rest.

Simison: Okay. Council, anything else?

Hoaglund: Mr. Mayor, one quick question. Very simple straightforward. On a full concert night how many employees will you have working at your facility?

Tsai: I would guess in the range of 15 to 20.

Hoaglund: Okay. Thank you.

Simison: Okay. With that, Council, we are going to take a recess. We will try to reconvene at five after 9:00. So, just about 15 minutes.

(Recess: 8:51 p.m. to 9:08 p.m.)

Simison: All right. Council, we will go ahead and come back from recess and we will move into our public testimony for the evening. As a reminder, each person will be provided three minutes, unless you are representing the homeowners association, where it can be up to ten minutes. Just as a -- as you come up remember to state your name and address for the record, so I don't have to repeat that every time, please. Otherwise, I will interrupt you to get that on the record for those that wish to testify. But we will just go in the order that the clerk has to bring people in, both remotely and in the room and, then, we will get to anybody that would like to provide testimony that did not sign up in advance. So, Mr. Clerk.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: Sorry to interrupt. Just real quick -- and you might have covered it at the start. But one of the things just -- we have got a lot of members of the public here, but we spent a lot of time before tonight starts reviewing both the appellant's materials and the developer's materials. We also spend a lot of time -- a lot of time on something like this -- going through all of the materials that you submitted. A lot of people submitted information to us that aren't here. Many of you probably are here and you also submitted things in writing. So, prior to tonight we have reviewed all of that. We might have questions for you on individual things that you might have provided to us. So, just wanted to make that acknowledgement that we have gone through it. We appreciate it. It's a huge part of this public process. It's a part of our preparation coming into meetings like this and so we appreciate you participating in writing and if you are not here and you are watching remote, thank you as well for providing us your comments in preparation for tonight. Thank you, Mayor.

Simison: Mr. Clerk.

Johnson: Mr. Mayor, I'm starting with those that signed up in advance online. Also regarding HOAs, several people marked HOA -- several people from different -- similar HOAs. We have multiple representatives from one HOA, so I will defer to you and I would defer to the crowd to recognize -- or state their -- state they are representing an HOA so you can make that call. Our first sign in is Colleen Shaw.

Shaw: Honorable Mayor and esteemed Members of the Council, I appreciate this time to address you. My name is Colleen Shaw and my address is 2344 East Garber Drive in Meridian. Now, we rely on you as our elected Meridian City Council to balance the business vitality, safety, and quality of life in our community. The Oasis nightclub decision should not be made with haste or without considerable scrutiny. It is a decision that will set a precedent for other similar venues in the future and how they will be managed. We don't have a nightclub currently or a venue of this sort in Meridian, so this will set a precedent. Nightclubs and other venues of this nature will best serve our city being placed in commercial areas and entertainment districts where the impact on residential communities will be minimized. There is plenty of space in our city outside of the

residential areas. During the Planning and Zoning meetings The Oasis nightclub was mischaracterized by being compared as similar to restaurants that serve alcohol, such as Chili's and Barbacoa. This is not true. Many major cities throughout the U.S. have made this distinction very clear in their zoning laws and ordinances. Retail and commercial zoning is very dissimilar and completely unlike to nightclub zoning and one of the -- I think one of the main differences is if you go to a Chili's or a Barbacoa you don't see security guards at the door and a nightclub could not operate without -- without security guards at a door because of the nature of their business and because of the clientele they will attract. While most patrons to a business like this may be law abiding citizens, intoxicated, disorderly, and violent individuals are also anticipated to come and this is the reason that all nightclubs have to have security and Chili's and Barbacoa do not charge different amounts for the men and the women who are attending, like Oasis nightclub does. The Oasis nightclub is a nightclub and not a restaurant and should not be treated as such. I'm also very concerned about this intersection on the corner of Eagle and Ustick. It's in the heart of our community. It is the lifeblood bind between the highway and State Street. So many people travel it every day. If we negatively impact the traffic on this we are impacting our whole community. Our community deserves to be -- have a sustainable traffic flow and I'm concerned a business like this, with the few access points they have, the right turn in, right turn out and the problem at the light will increase the number of traffic accidents. Meridian has experienced tremendous growth. City planning for the future becomes even more critical to the viability of our city and the surrounding areas. Many cities in the United States already have zoning ordinances banning some -- banning nightclubs by residential areas or schools or churches for a reason.

Simison: Thanks. That's the wrap up noise.

Shaw: Thank you very much. Appreciate your time.

Simison: Council, any questions? Thank you.

Johnson: Mr. Mayor, next is Jeffrey D'Andrea.

D'Andrea: Mr. Mayor, Members of the Council, my name is Jeffrey D'Andrea. 2347 East Wigle Drive, Meridian. 83646. Although I appreciate the applicant's work in the past and his work as a police officer, EMT, and all those other kinds of things and how much he has spent into this, those are playing to emotions and it should have nothing to do with what is going on and what we are trying to stop here or why we are trying to stop it. It's only because of code and what it is bringing to us. Even though they have mentioned that they have gone down to 400 persons, I want to read to you what this is. This is directly from their homepage. Oh, great. I just disappeared. Sorry about that. They say they are a nightclub and they want to be a world class nightclub. They want to be an EDM, which is electronic dance music nightclub. That is what they are set up to be. Even though they want to propose themselves as wedding and other functions, even if we have those during the day you tell me if we have 400 people capacity at an EDM, a lot of times -- I have talked to people in Portland, I have talked to people down in Utah, a 10,000 square foot venue has anywhere from 750 to 1,200 capacity and they have an overflow

of people waiting sometimes to get in. Just because they have a monitoring system that says I have 400 people in, doesn't mean I only have 400 people that came in and are parking. There could be people loitering in there. There could be extra parking spaces. The same can be said for a wedding. If I have a wedding of 200 guests or 300 guests, they are not going to come at four in a car. They are going to come at two, maybe three if it's a family. The same thing with the cheerleading things. If you put ten to 12 cheerleaders per team and we have ten teams in the valley with two parents, we are talking anywhere from 200 adults to 240 adults coming in cars. That's 100 cars or 120 cars in a space that does not have that many parking spaces and that's going to be during the day, especially on a weekday -- or weekend day. Excuse me. The other thing I take exception to is that he called into question the public's -- almost the morality of our -- of our proposals and things like that with taking into questions how we were acting and things like that. We are bringing up information that we find to be in discrepancy. I could care less if it's an EDM. If they had a parking lot like they do at Kohl's or like they do at Lowe's, this would be a great place, but he says we have those -- I'm closing now. That you -- like you said, Councilman, that we are not supposed to take the members of the community. Well, we had a bunch of members of the community here supporting us and each one of these I have come to -- all three of them. They have had minimal members supporting them. So, if they have all those members supporting them where are they and why aren't they here with their information? Thank you very much.

Simison: Council, any questions? Thank you.

Johnson: Mr. Mayor, Deanne Scheldan.

Scheldan: Honorable Mayor, distinguished Councilman, Deanne Scheldan. 2748 East Van Oker Court in Meridian. Thank you for giving me this opportunity to express my concerns about The Oasis nightclub. I have lived within a one mile radius of this area for the better part of 30 years. I currently live within a half a mile of this location, so I take offense to the fact that he said that nobody within this area of impact, because 300 feet, of course, yes.

Johnson: Can you speak into the mic.

Scheldan: Oh. Sorry. So, the -- the reason I'm here tonight is because what -- the reason I love this area is because it's a quiet and safe neighborhood, in spite of the development that's already there. This parcel of land has been approved for the Villa Sport, which we have already talked about, and we have talked about the -- the traffic concerns. I feel that there is inadequate parking, which will force people into that Jackson Square neighborhood, which is a mixed use neighborhood, which has very narrow streets. There is a lot of residential parking. Residents that park -- if you add another resident or another patron parking in that neighborhood there is no way a fire truck is going to get in that neighborhood. That to me is a safety concern. They talked about Ubers and people taking rideshare. Patrons from Boise and Nampa will probably rideshare, just like we do when we go down to downtown Boise. Meridian residents like their cars. It's a rural area. People -- it's -- and to be fair, it's not a very walkable and bikeable neighborhood yet. We

hope that it will be. That's everyone's goal. But it's not. So, to think that people are going to Uber in I think that's rare. I think people will think it's only a mile away, it's only two miles away, and they will drive their cars, because Ustick at 2:00 a.m. right now is a very quiet street. That's their thinking. My final point tonight is that I love the City of Meridian. I chose to live here for a reason. Like you I want all businesses to thrive and survive. This business -- this business model, the only way it is going to thrive is if it's packed with people. As you guys have mentioned tonight, it's going to require a high density in order for it to be successful. This EDM genre that is touted on their website is loud, bass driven music and laser lights and the drug and alcohol consumption is going to drive his business. It's very very close to that neighborhood. I feel sorry for those people. They are going to already experience some extra noise from the sheer traffic, the outdoor music of Villa Sport and all that, that's changing their neighborhood. I get that we don't -- we are not against commercial property, but just one last thing is -- I know that you are looking to become an AARP livable community. That's one of your goals on your website. We have two over 55 developments that have been within a mile of this location. I'm not sure that this is going to benefit you in that request or that desire to become an AARP development. So, I would just ask you to, please, consider the long term effects of -- of this and the precedence that it could set for future development in other areas of the city.

Simison: Council, any questions? Thank you.

Johnson: Mr. Mayor, next is Michael Fassler. He is online and, Michael, you can unmute yourself.

Fassler: Great. Thank you. Honorable Mayor and City Council, my name is Michael Fassler. My address is 150 Lincolnway, San Rafael, California. I'm speaking on behalf of Villa Sport, which, as most of you know, is planning to build a large athletic club and spa that caters to families on the track directly adjacent to the proposed site. But Villa Sport is a proponent of assisting local businesses and developing the area around it. However, Villa Sport cannot support the project as proposed due to its fundamental problems and the fact that throughout this process the applicant has consistently misrepresented the true facts of the project. Applicant fact. The parking lot will be 125 spaces with 40 to 70 spaces to be added by new tenants to the north. True fact. The landlord's own marketing brochure shows only 117 spaces with Wienerschnitzel and Dutch Brothers coffee on the northern pad. Applicant fact. Other tenants will be a bank and a coffee shop that close early, so project's parking requirements won't overlap with other tenants. True fact. Two of these other tenants are actively being marketed under a marketing brochure, Wienerschnitzel and Dutch Brothers, both of which would be open until at least 10:00 p.m. seven days a week. Applicant fact. Villa Sport has even refused to even consider a cross-parking agreement by developers, including applicant since 2018. True fact. Absolutely not true. And I note that applicant has never directly contacted Villa Sport or our representatives. Applicant fact. Villa Sport tenants filed this appeal per applicant's Facebook page. True fact. These appeals were filed by nearby residents and an adjacent commercial landowner. Finally, applicant fact, applicant was rejected everywhere else in Meridian, because it was not a national tenant, as he spoke at the most recent P&Z meeting. True fact. I spoke yesterday to the vice-president of

leasing at The Village, who said that with more information and subject to capacity, he would entertain this use within that project and that The Village always considers nonnational tenants and has quite a few nonnational tenants among its mix. So -- and aside from these misrepresentations fundamental issues exists with the project itself. First, project is under parked. Actual site parking being marked as 117 spaces and six of those are designated by applicant to be dedicated to rideshare companies. So, it really is only 111 spaces and these parking requirements also should account for the Wienerschnitzel and Dutch Brothers late night uses and, then, finally, as brought up this evening, project parking should also account for overlap between patrons waiting to go in and out throughout the evening, which could also be a very significant amount of traffic. Second. Traffic circulation poses a safety risk and create major traffic flows over areas directly in front of our club. Serious safety concerns are created by applicant's excessive use of the proposed driveway traversing into the club to North Centrepont Way. Even the P&Z had access concerns and they -- they conditioned the proposed project upon approval and construction of this east-west driveway and as would be expected, these will attract, with nightclubs and concerts, younger patrons attending these events. Studies have shown that they tend to be less experienced, pay less attention, and drive more aggressively. Villa Sport will have families crossing this driveway in order to --

Simison: I don't know if you could hear that where you are remote, but your time is up. If you can wrap up, please.

Fassler: Sure. In conclusion, applicant is trying to make his problem our problem, without really considering The Village a more appropriate destination, applicant chose the subject site, a site that lacks enough access and parking to support his desired use. If it doesn't work he needs to find another location. Thank you for your consideration.

Simison: Thank you. Council, any questions? Okay. Thank you.

Johnson: Mr. Mayor, next is Joyce Mauck. Joyce, if you were online -- oh, never mind. There you are. My apologies.

Mauck: Good evening, Honorable Mayor and distinguished Council Members. I am Joyce Mauck. I reside at 4031 East Conklin Drive, Meridian, Idaho. 83646. I live very close to this proposed site of The Oasis going in. We could ride our bikes to -- over to Jimmy John's, Kohl's, and all that. But we don't, because the traffic is crazy. So, for safety reasons we don't. And I'm here first and foremost because I'm a homeowner and I'm a parent and I think, as I said, traffic already is crazy there. This concerns me more and it's been stated, so I'm not going to go too much into that. I am concerned about the safety out on the road. I have children that are now adults, just graduated, one has, and I worried about their safety out there with -- and if we add more drunk drivers -- I mean if we add more drivers that could potentially be drunk from going to an establishment like this so close to home, I worry about safety, vandalism, crime, all that. I'm a teacher and I teach my students about our city government, how we can be involved and make a difference. We do mock city council meetings to demo and we take a topic and -- to show the kids what they can do when they are adults, how they can come participate in their --

in their city and what's going on and make a difference. So, we have a right to our concerns and to express these in a respectful -- respectful manner, just as we are doing tonight and just like I teach my children in the classroom, but that's why we are all here tonight. I mean there is lots of other things we could be doing, but everyone is here for a reason, whether they are -- they oppose it or they are for it. We all took time out of our schedules to do that. We care. We want Meridian to be a great place. This is our future affecting our families, our neighborhoods, and our friends. The other thing I wanted to say was that -- that chart that was shown about the Boise School District and how they can clear that parking lot really quick, it's -- thank you. You are awesome. It's up presently. So, this shows -- I teach in the Boise School District, for over 20 years, and this is our -- as Brian showed, this is our district office and so that -- when we go for PDs and when we go for board meetings, things like that, and we have a lot of us there, that parking lot doesn't clear out quick. There is not enough parking. It gets busy. So, he must have hit it on a good day for it to clear like it did. Like I said, I have attended a lot of things there over the last 20 years. So, that was kind of -- that was inaccurate. And the other thing that really struck me -- and I want to just mention this really quick is Brian mentioned that the Planning and Zoning meeting that he was a minority and he mentioned it again tonight. Well, I have the most amazing beautiful daughter that is -- was born in the beautiful country of China and we are so proud of her. She graduated with honors because of hard work, perseverance, and going through a lot of obstacles with things she's had to overcome, so -- and she -- she didn't graduate with those honors and all that hard work because of her race. She did it because of who she is. So, I'm not here tonight opposing this, because of anyone's race, I'm here tonight opposing this because I don't feel like it's a good thing for me, for my neighborhood, for my family and our community. Thank you.

Simison: Council, any questions? Thank you.

Johnson: Mr. Mayor, next is Irene Wagner. She is not here. So, next is John Buckner. Mr. Buckner, I'm -- you are going to be able to share your screen in just one moment.

Buckner: Can you hear me?

Simison: Yes, we can.

Buckner: Thank you, Mayor and Council, for the opportunity, again, to speak here. First I just wanted to thank each of you for your measured and logical interaction with the information offered and the arguments put forward. I'm just -- I have been really encouraged tonight just by having you there on the Council.

Simison: John, if you can, please, state your address for the record.

Buckner: Sorry. Thank you. John Buckner. 3877 South Picasso Avenue, Meridian. Many of us who have migrated here in the past few years and continue to do so, especially from the coastal areas, we are familiar with nightclubs and all the bells and whistles that go with urban life. The applicant would have us believe that Meridian is deficient without

these things and yet, ironically, for all that our city lacks, many of us have willingly given up the urban life in favor of Meridian. Despite all the cities which Mr. Tsai named have music venues, for Meridian, not these others, like Emmett or Boise or anything, with -- with the more advanced venues, that ranked number three in the fastest growing cities of U.S. in 2020 and the longer that I and my family are here, the more that we are convinced that we really do live in a Treasure Valley. However, I believe that The Oasis will have a net negative impact on the community. Now, listening to the discussions it seems like there could be more nuance to this than I realized, but one of the things that really stuck out to me was the presentation, especially on Mr. Tsai's website, of the emphasis on EDM. Now, I appreciate Mr. Tsai's concerns about the tendency for people to overreact about things that they don't have any personal experience on. That's a very reasonable concern. But I do have personal experience. I have a close friend whose life was nearly ruined because of the prevalence of the drug culture in EDM type venues, both in terms of participation and even dealing in drug trafficking. My friend's life nearly ended in imprisonment. Now, obviously, anybody can make poor decisions and anybody can really seek out, you know, harmful substances if they want to, but I would like to ask do you really want to be respected for making it easier for the youth in our community to have access to these things when that type of culture is prevalent in these types of establishments? We came here a couple years ago and we had our first Christmas here and we picked out our first Christmas tree. Now, change is hard and moving to a new places is hard, but this farm that we found right there on that corner of Ustick and Eagle, it really kind of helped us be one of the things that cemented our sense of welcoming and calling Meridian home and we had a great time and I really think this captures the reason why a lot of people want to be here, why they are coming here. You know, they -- Meridian was the fastest growing in 2020. Third ranked -- and that's before places like The Oasis.

Simison: John, you probably didn't hear your -- the buzzer went off. If you could, please, wrap up.

Buckner: Yes, sir. Anyway, I just wanted to conclude by saying, you know, we have a great pearl here in Meridian. You know, let's hold on to, rather than letting it become just another shiny shell of what it once was. Thank you very much.

Simison: Council, any questions? Thank you.

Buckner: Thank you.

Johnson: Mayor next Carmalita Kerry. She has left. Ben Wilson.

Wilson: Mr. Mayor, Council, I'm Ben Wilson. I live at 1932 East Star Lane. I appreciate you staying with us late and hearing us out. I submitted a personal testimony online and I will let you read that and it was a little on -- more on the emotional side. I want to add a professional testimony. I am a family physician, work part time in urgent care, and I also I'm an assistant professor of family medicine at Idaho College of Osteopathic Medicine, where I spend most my time. We experience -- we teach in medicine that when somebody comes in with a toxicity and you will find out that they have been in an EDM type of

investment, in your diagnostic probability of intoxication with Ecstasy and -- excuse me -- MDMA is much higher, to the point the association is so strong that it's in our literature that you ought to be considering this if somebody is involved in this culture. So, I want to provide just a little bit of evidence that what Mr. Buckner just said, that it's a drug culture, is not just stigma. Mr. Tsai spend a lot of effort in his core arguments tonight saying he is a restaurant. He is a regular event center. But the -- to cite one article in 2016 published by Cambridge University Press that I read earlier today, they did a study in New York on an EDM festival and they found that 40 percent of attendees had used Ecstasy or other illegal drugs. So, there is good data in the medical world to support the idea that this is not just a benign restaurant or another event center. There is a strong drug culture that is a dangerous drug culture associated with this. So, in addition to my personal written testimony, I strongly recommend not allowing this to move forward for the sake of our community. Thank you.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I saw in your written material that you also teach at ICOM?

Wilson: Yes, sir.

Borton: How long have you been doing that?

Wilson: About a year and a half.

Borton: Good for you.

Wilson: Yeah. It's been great.

Borton: So, I take it from your written testimony and your comments here that your concerns are -- are much different than it's not adequately -- adequately parked or -- or it's going to have sound pollution to the neighboring community, it's more the substance of what occurs on the property; is that a fair statement?

Wilson: Yes. Precisely. Yeah. And I know in -- in a setting like this we have to deal with code and details. Big picture wise we came here because we love Meridian and it's a family friendly area and -- so, both in my -- my whole soul I want to keep this special and I think this decision would detract from that and, then, from my professional self, this is not a benign decision. This is -- there is good evidence that this is -- bring in drug culture, which is not safe.

Borton: Thank you.

Simison: Council, anything else?

Wilson: Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, Cherilyn Kynaston.

Kynaston: Hello, Mr. Mayor, Councilmen, Council Women. I know that I am one of the appellants who brought this before you, but there have been disparaging remarks made about me and my co-appellants that I feel compelled to talk about and I also have ten people who have asked me to speak for them, so with that I respectfully request ten minutes to speak on their behalf.

Simison: Mr. Nary. As a -- as a listed person on the thing as a -- that's what their time is for is to -- their 15 minute follow up.

Nary: Mr. Mayor, yes. I mean we have had occasions where one of the people in the appellants wanted to make their own personal statement, but it's still three minutes. I mean it's just their own personal statement. But, again, if -- if this is part of the rebuttal that needs to be part of the rebuttal.

Kynaston: No, this is not part of the rebuttal.

Nary: Okay.

Simison: They are your comments in reference to comments made by the applicant then -- because you are listed as one of the applicants on this where, technically, if you are making comments about what other people have said in this room, I will consider it part of the rebuttal and take it from the 15 minutes of that portion. I think you would prefer to have that done later. Is there anybody else in the room that can speak -- make these comments on your behalf, rather than yourself as one of the applicants listed? I just have to be -- I need to be fair and equitable.

Kynaston: That's a good question. If people would like to speak on my behalf, meet me in the back of the room and I will tell you the points.

Simison: If you wouldn't mind going and finding the person and, then, you can have them come up, that would be great.

Kynaston: Okay. Do I get my three minutes though?

Simison: I would prefer not.

Kynaston: Okay.

Simison: I prefer that to be during -- again, you are listed as one of the people on it.

Kynaston: Understood. Thank you.

Johnson: Mr. Mayor, next -- and I apologize if I am not reading this correct, but Corrina Beard.

Beard: Thank you for allowing me to speak, Mayor and Council. I live at 3027 North LeBlanc, which is one of the closest houses to this development. I'm opposing this development because there is not enough parking. Along the side of my house is this public street. On the opposite side of my house is the public street with fire hydrants, with no fire lanes, and I witness people running the stop sign there -- I would say ten cars go by, one stops. If you want to look at the map you can see exactly where my house is. It's dangerous already. I worry if my dog gets out. I worry if my neighbor's grandkids get out. Jimmy John's speeds through there. There is not enough parking in this Oasis parking place to -- the overflow is going to come on my street right in front of my house. I don't want a nightclub. I love going to nightclubs. I love going to concerts. I love venues. I'm a social person. I have lived across the street from a park, a football stadium, Shakespeare festival. I live in public places, because I like to walk and I like to go do things and this nightclub -- I mean if there was adequate parking and it wasn't going to flow over in front of my house, which I have tailgated out in front of people's houses very disrespectfully and I feel bad about that though now as a homeowner and I just -- I don't want it in my house. I don't want it in my front yard. The NIM -- or whatever they said, whatever the -- NIMBY or whatever -- I mean I don't -- I have the right to have my opinion and I'm not -- I'm not for this.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor, quick question.

Simison: Councilman Hoaglund.

Hoaglund: Corrina, what -- what is the source of the traffic right now? Is it like the freaky fast drivers or --

Beard: Yeah. It's the freaky fast drivers for sure. But I will tell you that I have seen -- I can see out my window where -- exactly where this is going to be and I see people zipping through that road right now. I mean I can count ten cars a day just washing dishes -- zipping through that road that's not even developed. I mean there is big sewer lines that are exposed with -- there is cones around there. But I see people like -- oh, there is a shortcut, let's go through there and, then, they end up where the roundabout is and they fly through the stop sign -- I mean it's a safety problem. I mean it really is.

Hoaglund: Great. Thank you.

Beard: Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, next is Leah Schultz.

Schultz: Good evening, Mayor and City Council Members. My name is Leah Schultz. My address is 12782 West Fiddleleaf Drive, Boise, Idaho. So, technically, I'm Boise, but I live less than a mile from this house -- or from this location. And I have lived all over the world. Nairobi. Casa Blanca. I have been in major cities. Paris. New York. So, the unknown change -- a drinking establishment is not scary for me. That's not why I'm here. I'm here because I'm concerned about my kids' safety. We walk from my house over to The Village or Kleiner Park frequently, crossing Ustick Road, and it is already scary. We have the pedestrian crosswalk, but when you are -- anything with a two year old is scary. So, we already navigate that. We do it in the great summer evenings that we have in Idaho. I'm from Idaho. And I am really concerned about adding traffic to that and trying to navigate across that street with children that are unpredictable, even though I have death grips on them. In addition to that I am a housing owner. I have never had a real estate agent say you should buy next to a nightclub. It does great things for your home value. So, I am very concerned about that and I'm also concerned that in the cities that I visited and lived in you rarely find one of these establishments by themselves. They tend to draw more of these types of establishments and this is my community, this is my home, and I do not want to live in a type of place that encourages heavy drinking. We use Eagle Road frequently. It is busy all the time. I used to be able to go from 10:00 to 3:00 and now it doesn't matter when I go, it is crazy busy. So, those are my main concerns tonight and I also am concerned that there is an Uber shortage, a Lyft shortage of drivers right now. There is no place that patrons can walk safely to. Used to go backpacking a lot when I was younger. I lived in the north end and came home a lot of times late at night -- I saw people downtown Boise that could barely walk and now you are going to put those same type of patrons right up in Eagle Road and I see that just as a recipe for disaster. The patrons -- the bartenders may monitor what people drink when they get there, they cannot drink -- monitor what people come -- drink beforehand or other locations. So, I urgently ask that you consider this and that you consider the safety of the community and my kids as you look at this proposal.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor, I have a question.

Simison: Council Woman Perreault.

Perreault: This is something I wanted to ask several of the individuals giving public testimony and, hopefully, also we will hear from the applicant. Is there a difference -- you know, you have got Wingers and you have got gas stations that have alcohol and you have got Chili's, you have got a variety of drinking establishments in that area in which any of those individuals could -- could drink and be drunk and -- even in the daytime.

Schultz: Yeah.

Perreault: So, is there a difference that there is a drinking establishment that's serving it at night when fewer people are on the road than in the day when more people are on the road, as far as like concerns over safety with alcohol use?

Schultz: So, in my experience when I go to a restaurant I'm drinking beer or wine, if I'm drinking. I'm honestly not much of a drinker. But, you know, it's lighter stuff. Whereas if you go to a nightclub it's usually heavy alcohol that is served and promoted and those are the drinks that are usually most expensive, the fancy ones, and so it's not just the fact that there is some drinking -- if you have a beer over an hour with food the result is going to be much different than if you are throwing back, you know, several shots or anything like that. So, that would be my type. It's -- it's not just that there is some drinking, but it's the type and a lot of times, let's be honest, people are going to get -- dance, they are going to get intoxicated. That's the goal. And if you wander out there is no Lyft, there is no Uber drivers, it's going to be very easy for these people to be -- end up on Eagle Road and it doesn't matter what time of night it is -- it's -- it's busy, you know, in my experience at least.

Simison: Thank you.

Johnson: Mr. Mayor, Lexi Paden. Paden?

Simison: Lexi, if you can state your name and address for the record.

Paden: Hello, Honorable Mayor --

Johnson: Can you pull the mic down to you.

Paden: Hello, Honorable Mayor and City Council Members. I'm Lexi Paden and I live at 3514 North Hawkins Avenue, Meridian, Idaho. 83646. And I speak on behalf of families of youth in Meridian and my own family. I'm here to say that I respectfully disagree with the nightclub. Meridian is a growing city with many kid friendly activities, such as swimming, like libraries, and the nightclub, on the other hand, which is one of the most busiest streets of Ustick and Eagle that is already congested, will make people drunk and more result in car crashes and do parents want this environment for their children? Children are growing up here Meridian and parents don't want this for their children. I am speaking for the youth here at Meridian and I hope you will keep this in your mind and thank you for your time.

Simison: Thank you. You did a great job.

Hoaglund: Mr. Mayor? Thank you, Lexi. Just have to realize you conquered one of the biggest fears in life and that's public speaking, so good job.

Johnson: Next is John Critchfield.

Critchfield: Honorable Mayor and Members of the City Council, thank you for allowing me to speak. My name is John Critchfield. My address is 4529 North Tempest Way, Meridian. I live close to this area and I realize this is very emotionally charged issue and so a lot of people are here for that reason, but at the same time I realize that your decision tonight is based on the objective facts as stated by our honorable attorney here earlier on and so with some of those objective facts I think it's important that we are also fact checking some of the things that are -- some of the statements that are made tonight and whether or not that corroborates with some of these points that we are trying to make, which our decision is based on tonight and so, first of all, some of those facts are the fact that the -- I agree and side with the -- with the appellants over here, Mr. Black and the Hoegers. To make that clear I add my testimony to theirs that I don't think that this is a viable use of our community space, that it will actually be a detriment to -- to our community if you just focus on the traffic factor alone. But the fact is is that 83 percent of the e-mails that were received that were corroborated by our appellants here, were from very -- were from unique people were against this proposition and 17 percent of those e-mails, of unique people, were actually for the nightclub. Also one of the most important fact checks is that TokenWorks is the name of the company that actually is responsible for doing this electronic door check-in process to determine whether or not -- how many people are the maximum occupancy and TokenWorks does not actually have ability to connect with other businesses and nightclubs. You can only connect with nightclubs or other businesses that you own. So, you are not able to collaborate with others that -- whether or not this is somebody who is a dangerous person or drinks too much or something like that. So, that's not -- not something that should be included. Villa Sport is already the regional draw to this area and we don't need Oasis to help us out with that and if 20 percent of the occupational use of the time being spent on this nightclub is for nightclub purposes, if you actually look at the hours of operation throughout the week, you are talking about he is only going to use two hours a night. Now, I realize that most of that is probably going to be on the weekend, so if that's the case, then, we should probably make as a condition of the CUP that that 20 percent is only on weekends and not during the week as a suggestion. But the fact is is that the city is not responsible for his irresponsible investments or his lease agreements. We are responsible for making sure that we are doing what's right for our community and, obviously, according to these points, it's going to be a detriment to our community, just on traffic alone, but also making sure that we are fact checking some of these factors and, let's face it, you are all elected officials and we all believe in a government that is for the people, by the people, of the people and we hope that our combined voice is also making sure that that's being known here tonight and we appreciate you taking that into consideration. So, thank you very much.

Simison: Thank you. Council, any questions? Okay. Thanks.

Johnson: Mr. Mayor, next Cynthia Stack. Okay. And I'm having a difficult time reading this, so either -- Paul or Cara Mika -- Mika? It is Connor Street. Okay. Linda Lannon. Lauren. And that's Scotfield Street. No? Okay. Irina Voyce.

Voyce: Oh, cool. Right there. Perfect. You guys have a fancy setup here. Can you hear me? Testing. Testing. Greetings, City Council Members and guests and law enforcement as well. Thank you for this opportunity to provide me to share my --

Perreault: Ma'am? Mr. Mayor?

Simison: State your address, please.

Voyce: Oh. My address is 2922 North Centrepoint Way. This address is right down the street from where Oasis is being built.

Simison: Thank you.

Voyce: I am very excited for this club to go into my neighborhood. This is going to be awesome. We need a place to gather. This is a community space. We are going to have weddings. We are going to have cheerleading camps. We are going to have a lounge. Food. Like this is great. This is going to bring so much business, so much jobs. The development plan is fantastic. I think with a few minor tweaks this traffic plan, like all these things, could be eliminated. I literally -- my ring doorbell picks up like five cars a day going past my house, like that's it. Like there is no traffic problem. This is a -- this is something that can be fixed. In addition, I really don't appreciate the smear campaign that's been done. I don't appreciate the website that was put up. I was deeply offended by some of my neighbors. I personally am an electronic dance music DJ. I have put my blood, my sweat, my tears and everything I have into my music and it just personally just breaks my heart that some of my neighbors would treat my art like this. You know, I don't do drugs. I am clearly not a druggie. I don't have a -- any kind of association with that, other than I play music, I have fun, and people dance. You know, I just -- I don't appreciate -- I don't appreciate -- I was actually kicked out of my -- I have been ghosted from the neighborhood association, although I pay dues because of my opinions of Oasis nightclub. Some of my neighbors have even accused me of stealing their science and they have yelled at me while I have had been walking my dog. Yes, I have been harassed for the type of music I play. Electronic dance music -- it is coming up in the world. Some -- I mean Europe, big cities, everywhere and, you know what, most people actually aren't on drugs. A lot of these people here they have never been to a festival. They have never been to an EDM club. They don't know what it's like and it's just very frustrating to me. You know, it's just -- I wish that people would look past stereotypes and just find love in their hearts to accept everything. I love country music. I love bluegrass. You know, I accept everything. I have even been to a Christian music concert. That was fun one time. You know. And the last thing I want to say is if you don't like drinking, don't do it. Don't like smoking, don't smoke cigarettes. Don't like nightclubs, don't go to them. But don't take away my rights to express myself and my art. Any questions?

Simison: Thank you. Council, any questions?

Voyce: I will take them all.

Simison: We are good. Thank you.

Johnson: Mr. Mayor, next is Brian Voyce. Good? Okay.

B.Voyce: My name is Brian Voyce. I'm at 2922 North Centrepont Way, just like she is, and I just want to make just a quick point about parking. I have been going to these events basically for 15 years and not everyone shows up at 10:00 -- at 10:00 o'clock p.m. Not everyone leaves at 2:00 o'clock a.m. Usually the -- the most compact -- or the most busiest time during this process is usually between 11:00 and 1:00 a.m. and most people -- my friend -- I'm like -- my friends, but me included, we usually rideshare, get down there, we usually have two or three people in the car and, then, rideshare back. We don't want to risk getting DUIs or risk the public safety of others and so that's kind of just the point I want to make. A lot of people make, you know, conclusions of a certain genre of music and try to tie it to some kind of drug culture, but in my opinion alcohol, with other genres, is just as bad as alcohol with us or even drug use, if that. So, that's mostly what I want to say. But the parking I don't think would be that big of an issue, considering the major, you know, busiest times of the night, so --

Hoaglund: Mr. Mayor? Brian, I'm just curious. For -- for these clubs and the music that you like is -- are you attending them in the Boise -- in this area or other cities?

B.Voyce: Yeah. Yeah. I'm basically just referring to, you know, the -- the clubs I attend in the city. I have rarely ever seen a police officer show up to any of these clubs. If they do it's usually some outsider who came and just -- to try to riel things up, stuff like that. The majority of the people that I hang around, which is a lot of people, which is the majority of electric dance music scene, they don't want to cause trouble. They are not there to get hammered and be belligerent and get drunk and just go and drive their car. That's not what we are about. We are about just being safe, having fun, enjoying each other, like minded individuals and, then, getting an Uber home. That's, essentially, what it is. We are not there to, you know, have this drug culture that everyone thinks that --

Hoaglund: Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Borton: Brian. And just -- based on your experience in taking -- taking Uber and whatnot, does it help from taking Uber, because parking is kind of limited in areas downtown, in different places? How do you view that? I mean that's really kind of one of the main things of this whole thing is is this the right location because of the parking area. So, I'm just trying to get a sense for that and you have got some experience with that, so --

B.Voyce: Yeah. The main reason why I take Uber is just because I don't want to drive drunk. That's the main reason. I don't do it because of the proximity of where the club is or anything like that. I'm willing to pay whatever I need to in an Uber to get where ever I need to, just so I know that I'm not going to get a DUI --

Hoaglun: Okay.

B.Voyce: -- or anything like that and that's -- that's what the majority of the people who attend these events think. You know, there -- of course are going to be, you know, some people that do, but --

Hoaglun: That's not -- you are answering questions, so that doesn't count.

B.Voyce: Oh. Okay.

Johnson: Forgot to stop it. Sorry about that.

Hoaglun: You are good. But just to wrap up, I appreciate you taking Uber and being mindful of that, so --

B.Voyce: Thank you.

Hoaglun: Thank you.

Johnson: Mr. Mayor, next Amanda Forest. Okay. Again, I'm -- difficulty reading, but Bill Devorge? Please correct me on that when you come up.

Devrode: Mr. Mayor -- Mr. Mayor and Council, my name is Bill Devrode. I own two units right here in Centrepont. 2991. And my son owns a unit and friends of mine that stayed here for a long time, they wanted to make a statement, but they -- they were getting sleepy, so they left. Anyway, the reason we bought in Centrepont, knowing that we are adjacent to a commercial area and I'm a retired police officer and after I retired we got into home renovations and I have built houses and the idea of city planning lately has been where downtown cities are made walkable and so that's the reason we bought in Centrepont. It's walkable to everything. You go across the street and you have just about anything, you know, entertainment. And so I support this project, The Oasis, as long as all the facts have been figured out and, you know, checked and as an immigrant myself 30, 50 years ago, I know what sacrifices this young man is making where he -- he mortgaged his house in order to save enough money and I think if he complies with all the regulations that are put upon this, if he is within the parameters, I would say he -- he deserves a chance -- a chance to fulfill his dreams, just like I did. My dad came here with no money at all and I own a home in -- in Eagle, I own several units, and that's what we came here for to become Americans and to live the American dream and if this guy complied with all the regulations I would give him a chance. We have to support small business, because that's where the jobs are created and so I urge you to consider the facts and the -- the statements about a bunch of drunks and alcoholics and druggies, we haven't seen that in Boise and the gentlemen cited all these statistics, which are fact checked and they could be checked again and so if everything is according to your regulations, I would say give him a shot. Thank you.

Simison: Thank you. Council, any questions? Thank you.

Johnson: Mr. Mayor, we have Randy Black. Are you the same -- okay. Thank you. Amanda Keetch.

Keetch: Mr. Mayor and Council Members, I'm Amanda Keetch. I reside at 4202 East Tahiti Street. I come before you as a -- okay. I come before you as a very concerned parent. I have teenage children. Some that have left home and I have many that are 18 and some getting ready to -- have a driver's license that are, you know, almost 16. We give a midnight curfew to our older children and this is the primetime. We live not far. We actually live by Kleiner Park and they are out and about doing many different things throughout the night and they are frequently crossing Eagle and Ustick to be able to come home. It gravely concerns me that my child could be hit by a drunk driver. We are asking you, as the community, to help us protect our children, to protect our community, to help us to keep that intersection safe. I can tell you from personal experience through going to soccer practice multiple days to get from -- about a third of a mile through the -- that intersection going from Ustick towards -- or, I'm sorry, from Cloverdale towards Ustick it takes 30 minutes and there is no way that the amount of traffic that this facility would bring in would be able to clear that intersection in a reasonable amount of time without causing congestion. I have never been to a meeting like this before, but after seeing everything that has gone on with this and knowing what the implications of what this would bring to our community, I have sat through four hours of this meeting tonight to be able to talk to you to give you from the bottom of my heart my concerns. It was mentioned earlier the character of our community. This does not fit the character of the corner of Ustick and Eagle Road. Kleiner Park came in, it is a very family oriented place, and even that has brought homeless people walking through our neighborhood and some riffraff here and there. This facility that is planning -- or trying to be built, unfortunately, is not -- I fear that it is not the family oriented facility that they are trying to make it out to be and very easily could turn into something that we all could regret down the road. The cost to this community is stressed parents and could be loss of life. It could be the things that our children are going to see and the repercussion of what that could bring into our community through the things that they could be exposed to could be horrible. I thought it was interesting that the company that wants to build here, they are -- they are trying to say that we are like these other cities in one of their slides. Chicago. San Francisco. These are -- these are not Meridian. I plead with you to, please, take our families into consideration and to protect us and our community. That really is why people are moving here. Not for the nightlife, but for Meridian itself.

Simison: Thank you. Council, any questions? Okay. Thank you. That -- that concludes the people that signed up in advance to testify. If there is anybody in the audience who would like to come forward and provide testimony you can -- we will just let you determine who is walking up. I'm not -- you know, amongst yourselves and anybody online that would like to provide testimony, please, use the raise your hand function on Zoom and we will also put you in the queue to provide testimony at the appropriate time. If you would state your name and address for the record.

Deamcicis: My name is Roger Deamcicis. 3834 West Harbor Point, Meridian. I thought I signed up online, so I thought it would be before now, so that's why I'm taking my first

spot. So, I just wanted to clarify a couple things first before I kind of read what I want to read, but the Knitting Factory that was mentioned is really a live music venue. It's not a DJ centric venue. Also I just wonder myself if I committed a -- a million dollars into this and if it was going sideways, would I really see clearly? It's just a question I have. If I -- if I would be able to do that and also on their website it says Idaho's only world class nightclub. So, this is different than just your typical nightclub. It's Idaho's only world class nightclub. So, to me Meridian is a family community. It's not a clubbing community. I do like their venue when they talk about corporate events, weddings, trade shows and photoshoots and I strongly encourage them to pursue that, but I fear that The Oasis, as an electric dance music nightclub, doesn't reflect Meridian values. I don't -- I don't think -- I would really encourage you to take a survey. If 51 percent of Meridian says I want a nightclub, go for it. If 51 said, no, that's not Meridian, I would heartily encourage you to consider that. There was a past example -- not related to this, but this kind of shows you how there is clashing values. In 2012 there was a company that came to Meridian from Seattle saying I want to build Bremerton Surgery -- Surgical Facility. They came to Meridian, Zoning and Planning, said I want to build an outpatient surgery healthcare services. They got approval. The building was completed in 2013. When the sign went up it was Planned Parenthood. Now, Meridian is Idaho's only surgically approved abortion facility for Planned Parenthood. So, what are we going to be known for for Meridian? What's driving people here? So, I don't believe this reflects Meridian's values. We already have bars. We already have restaurants. I don't want to be known as Idaho's, you know, world class, you know, nightclub. I do like the fact that they want to do corporate events. We need that. Wedding venue. We need that. Trade shows. I want to strongly encourage that you permit that and reject the nightclub. Any questions?

Simison: Council, any questions? Thank you.

Johnson: And, Roger, you had signed up on the public forum, but on this part you didn't put you want to testify. So, sorry to make you wait. I did check.

Price: I also signed up. I was on the back of the sheet.

Johnson: No one on the back did a check, so I had no way to know.

Price: My name is Rosellen Villarreal Price. I live at 2700 North Wingate Lane, which is probably not even a half a mile from this particular nightclub venue. Wingate Lane is a unique lane in Meridian. We are a private lane. The houses there have acreage. I live on approximately four -- five acres. My neighbor has four. I can say that because of the development and everything that's been happening around us, our way of life has been irrevocably and badly impacted. We have the private lane, but everyone treats it like their own private greenbelt. I have a neighbor who had alpacas. Because of the bungalows development the residents' fences are so close -- their back doors are so close to her development -- I have got pictures of everything that I'm talking about. So, I can provide photographic evidence. The people in the back of the house have started feeding her alpacas and killed one, because they fed it the wrong thing. Alpacas are very delicate animals. They ended up having to sell all of their alpacas, because the neighbor said we

won't stop. I have horses. I have people come and try to feed the horses. My horses can't handle sugar cubes and things like that. I have to run out there and tell them don't do this. They treat me like I'm the enemy. They are not even supposed to be there. Right now I have other neighbors that -- we worry about people walking down our lane. The developer for Verado promised that he would keep all of the people out of our lane. He built a fence that was immediately torn down. So, we have people coming in all the time. We have to consider that Verado cannot go out. The bungalows cannot go out. What is lost for us is permanent. Any decision that you make now cannot be reversed. Even if it is a conditional use permit. I suggest that the traffic and the traffic patterns are going to only cause problems on Ustick. Right now for me to get a horse trailer out onto the street is very very difficult. I can't even imagine what it would be like if we have even more traffic at all hours of the day and night because of the different events that are going to be held. I am asking that you, please, deny this application, because it will impact us even further and our lifestyles will be that much less. Thank you.

Simison: Council, any questions? Mr. Clerk, do we want to go to the person online with their hand raised.

Johnson: I will get Mr. Jayne next, if that's okay.

Forest: Thanks, you guys. My name is Amanda Forest. I'm sorry I wasn't here earlier. My kids had a thing and I had to get them home. So, now that that's all taken care of I really appreciate you guys giving me this opportunity to voice my opinion and my perspective as a lived experience expert of sex trafficking.

Simison: Can you state your address for the record, please, and the Clerk will set the time.

Forest: Yes. It's 2705 Rebecca Lane. So, I love all of the good things, like the venue space. I love that weddings can take place there. Music events can take place there. I think that one thing that we need to take into consideration whenever we are looking at considering putting in a nightclub is that, unfortunately, there is an underbelly that comes along with these things and so while some of the testimony that was given earlier was saying that not every participant there is there to use drugs, get high, commit criminal activity and that sort of thing and that's true, not everybody in those arenas are there for that. I was trafficked for about six years through an EDM nightclub. We were forced to go there when we weren't making our quotas and we were forced to recruit girls and bring them in through there and usually these girls are high on things like Molly and Ecstasy, which there is a little bit of a difference and so we need to know those things before we make such a big decision to have a nightclub come into our community, because as it was stated earlier, it's true, if there is not a law written to say that something is not okay -- morally it may be wrong and we may all be able to see that there is a victim to an unnamed crime, even though on a federal level there -- there are statutes of limitations and there is law written. As far as Idaho legislation goes there is not very much on the books. So, it's important for us to keep these things in mind when we are making these kinds of decisions, because it does affect our community. Currently we border six different

states and most of those states I think -- I think even Montana is working on things as far as legislation goes, where they are protecting the victims of these crimes that are often, as I mentioned, brought through these kinds of vicinities and it's not only these vicinities, so I don't want to set a prejudice or bias there, but it is a part of the whole picture and we don't have very much legislation. So, we have actually become a hub for this kind of crime, because the bad guys can't get in trouble like they can in the surrounding cities -- or, excuse me, states, because their legislation is much harsher for buyers, as well as traffickers, and so we need to keep these kinds of things in mind, not to say that this -- this young man's career goal, like what his vision is -- not to say that there aren't some good things in there, but we have to be prepared to handle the stuff that comes along with those things. If we are not prepared we are setting our community up for an influx of criminal activity, an influx of victims, which we are not prepared to respond to, and our law enforcement, which I have the utmost respect and admiration for, just isn't equipped to respond to these situations, to identify these situations and respond adequately. So, we are creating a cesspool of misfortune and it is preventable and so I just think that that should be kept in mind, because I know that at the heart of everybody who is sitting on this board, everybody getting -- everybody, excuse me, got into this arena to help the community do better, to protect our citizens and to have a flourishing thriving community and so that information needs to be presented, because my experience was horrific and I wouldn't wish that on anybody and so if there is an arena that we need to have that education brought to, so that we can be well equipped, then, I want to bring that voice to it, because I don't believe that anybody would ever want someone to experience what I went through and what I still have to deal with and I have been out of the life for ten years. Thank you so much for your time.

Simison: Thank you. Council, any questions? Thank you for sharing.

Forest: Have a good night.

Johnson: Mr. Mayor, next is Reggie Jayne and you are unmuted.

Jayne: Hello. I live at 4117 North Heritage Woods in Meridian. I'm not particularly a fan of EDM music, but I do like going out and having fun. I just want to share a few thoughts based on the testimony over the last four hours. I think Mr. Tsai opened up the business and other -- his opening up the business to other events like swing and country dancing or events by the Humane Society, is awesome and would do a lot for our community. He seems to have done his due diligence and I'm so very impressed with the care and the work that he has put into this project. He seems to have really thoughtful answers to everything and I'm just super impressed. I live about 1.5 miles away. I would absolutely ride my bike, walk, or Uber if I were going to this club and I think I would go to this club. You know, I have got five children. I have heard a lot of parents they talk about safety of their children. Rest assured, members of our City Council, I promise you I won't put them near The Oasis at last call, but I will take them when there are open family events. I will bring them with me. I'm going to enjoy it and I look forward to it. You know, a venue in Meridian is not the same as you -- in a much more negative place. A place like maybe -- well, I don't want to label another place, but an inner city district that is already rife with

crime. What happens there won't necessarily happen here. What does offend me here, though, is the clear smear campaign led by some privileged members of our community. I'm very upset that signs have appeared on private property and that stickers have been taped to my door. I urge the City Council to look into this and take action as appropriate as they should not be infringing on my property. I urge you to support this emerging community leader in his efforts. That's all I have got for you. Thank you so much.

Simison: Thank you. Council, any questions?

Bernt: Thanks, Reggie.

Simison: Okay. Is there anybody else that would like to provide -- just come on up.

Blue: My name is Paul Blue. I live at 2228 North Zircon Avenue, Meridian, Idaho. 83646. I want to thank the Mayor and the Councilman -- Council people for taking the time to listen to my comments. When I first became aware of this nightclub, an experience came to my mind. I was accompanying some students -- I work for the College of Western Idaho. I was accompanying some students to a conference in Salem, Oregon, and we spent the night at a hotel and one of the things I noticed when I was there in Salem, Oregon, was a lot of homelessness, a lot of litter. Definitely not the kind of neighborhood I would want to live into and I realized how nice Meridian is compared to -- to Salem, Oregon. And I wondered -- I started wondering why it was that way. One thing I noticed was there were -- I don't know if there were nightclubs. I know there were strip clubs, but those were the kinds of facilities that were in that area and I -- and I -- and so when I became aware of this I was -- I became concerned about the impact that this nightclub could have. I don't want Meridian to turn in to Salem, Oregon, because that is not the kind of neighborhood I would like to live in. After the -- after this experience also it turns out that one of my students that were staying there witnessed two of the other students involved in a marijuana drug deal and as the advisor I had to work through that whole thing and it was quite difficult and time consuming and so quite a bad experience and I -- and I can't say that was the main reason, but I do know that nightclubs were in that area and possibly impact it. So, my concern with this is, of course, the possible degrading or lowering the level of quality of life in Meridian because of the nightclub and -- and also the possible impact it could have on my daughter Tosia and our family. That's my main concern, like the person from the -- the College of Medicine. I do believe that we should do some due diligence and research on -- on these nightclubs. What are -- what are the -- and make sure we look at studies that are quality studies that really do measure the impact of nightclubs on a neighborhood and get to the facts and the truth and make sure those -- those research studies are sound research studies and -- and -- and have done a sound research on some of these issues and get to the truth about the impact that these kinds of facilities can have on a community and that's all I have to say. Thank you.

Simison: Thank you. Council, any questions?

Johnson: And, Mr. Mayor, we have an online person after our speaker here.

Sur: Hello. My name is Aniket Sur and I live 3518 North Chatterton Way, Boise, Idaho. But it borders like Eagle and Ustick. So, the nightclub is going to be by Kohl's. So, as an avid party animal -- and I go downtown Boise like every week. I party hard. World class nightclubs. I go to Vegas. So many times I have been to world class nightclubs. Pakistan. Awesome stuff. But what happens in Vegas stays in Vegas. Okay. You don't bring that stuff back here. Okay. And if you do put it like more towards Boise. Boise downtown that has like the infrastructure. It has the parking spaces. All right? My worry is -- if this was like a bar -- if this was a bar or a nice Hawaiian restaurant -- I wear Hawaiian shirts. You know, I love all this Tiki stuff. It's great. That would be awesome. But putting a EDM concert house when you have people like Calvin Harris are awesome, like EDM people come. I have been to EDM festivals. It's awesome. But I'm worried about the parking, because once the parking is filled what are you going to do? You are going to park in the neighborhood and just walk, man. I can park in front of my house and just walk there. So, other people are going to do that, too. I mean if you have been to BSU games or like fairs and stuff, when there is overflow, the traffic is crazy and now imagine that every weekend, Friday and Saturday. Eagle is already pretty congested at Eagle Road and now, you know, people are parking their cars in neighborhoods, going to the concerts, coming back and I already see so much shady stuff on my ring camera. Now there is people going to be like throwing up next to my car. They are going to be walking drunk and doing crazy stuff. I don't want to deal with that. And then -- oh. And another thing - - so going downtown -- downtown Boise, what happens is there is a huge police presence there. Okay? They are there ready to break up fights, you know, once the bars and nightclubs close in downtown Boise, people are out on the street, you know, and even people who can't get into those clubs, like they are not 21 or whatever, they are outside just driving aggressively or just chilling there. I'm afraid this area of people who aren't going to be in the club are going to chill in the parking lot. Be out there. High school students, people who are under age, will still kind of go there to hang out in the parking lot or just chill there, you know, like -- I don't want that near my -- near my hood. All right? So, that's why I oppose it and, you know, the houses were built here first, you know, and if you told me that there was going to be a nightclub there I wouldn't have bought a house here. Okay. That's -- that's not cool. I mean I don't want to get all conspiracy theory like, but if you want to lower the house prices, this would be the best way to do it with all the -- with all the stuff that it brings in and, then, you know, you have some other alternative motive to just buy all the houses and everything. I don't know. But I'm just saying -- and no need to play the race card. I'm an Asian minority. I'm pretty successful. No one was racist to me. So, that's not why we are opposing it. Please oppose it. I hope you guys oppose it. If not, I mean -- I don't even pay attention to City Council meetings and you guys seem like cool people, but three of you are up for like reelection or whatever in January, so we are not going to forget your names. So thank you.

Simison: Council, any questions?

Bernt: Nope.

Simison: Okay. Thank you.

Johnson: Mr. Mayor, we have online Terry Silsby.

Silsby: Hello. Can you hear me?

Johnson: I can see you are talking, but we cannot hear. Give me one moment here. Can you try again?

Silsby: Can you hear me now?

Johnson: Much better. Thank you.

Silsby: All right. Hi. My name is Terry Silsby. I -- my address is 104 East Fairview, Meridian. 83642. I did help Brian with his lease on his contract for this property. We did spend a lot of time looking at a lot of different locations. This is the ideal property for his business. It's also the ideal business for the traffic count in that area. It's below -- it -- the -- the peak traffic time for this business is after the peak traffic time for the rest of the area and so the load on the traffic is a lot less then -- than you would assume and at the same time on another point, as fast as I can here, we are a community of laws and rules and regulations. Brian has met and exceeded every single point that he is able to do. He has committed everything he has got to this. There is no going back for him and he did it knowing he would meet all of these requirements. Now, regarding other businesses of similar types -- you have got the Buffalo Club. There are residences much closer to the Buffalo Club. They are not experiencing the kind of problems everybody's fear mongering about. The Cowgirls Club in Kuna. Not experiencing all these problems these people are fear mongering about. The property values, I am an associate real estate broker. I deal in residential and commercial. Those properties have not suffered in prices and values. In fact, they have gone up. So, another point. In the event that you look at the process and what Brian has been put through, he has been put through -- I would say to me he has been treated differently than all the other businesses of similar -- both restaurants with alcohol, other businesses that have alcohol and not restaurants -- that have been approved and that are closer to residences than his. There is a sports bar that's going to be closer to the residences than his. In the same complex. Okay. So, I haven't heard anything about those properties or any complaints on there. So, to me Brian has met every single one of the requirements. He can write his success -- he can rise or fall on his own merits. All of the activities inside that business are going to be monitored by him and everything outside that business, if there is any activities that are illegal or misdemeanor, law enforcement will handle and they are not going to be bring any -- in any --

Simison: Mr. Silsby?

Silsby: Yes.

Simison: The timer went off, just so you are aware. If you can please wrap up.

Silsby: Thank you. His business is not going to be bringing or increasing any greater difficulties in the community than any of the other businesses of similar type and he is a benefit to our community. One of the finest young men that I have ever known and we are lucky to have him. Thank you very much. Any questions?

Simison: Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Mr. Hoaglund.

Hoaglund: Terry, thank you for your testimony. This is Councilman Hoaglund and you mentioned the Buffalo Club. I don't know if you know the answer to this question, but, you know, they are -- they are in a strip mall that is a quarter mile in length. Do you know if there are any restrictions on cross-parking agreements for them?

Silsby: I don't. But I'm really glad you brought up that point, because I got involved in the country swing and swing dance community. For over three and a half years I have attended there myself personally, twice a week minimum for long periods of time. Then I would meet with other swing dance members of a group that I'm a member of -- in a home here in Meridian to practice and the majority of those people would bring their children to come practice with us. These are family members and members of our community, the type of people you want to have come over to your house for a barbecue. They are wonderful people. Regarding the Buffalo Club, I don't see more than 60 to 90 cars there. Very frequently on -- on a given night sometimes there is as many as a hundred. I don't know if there is more than that. As far as cross-parking, I don't know that they need it. But I'm going to guess that there is not much of a concern about that, because the majority of the businesses are closed at that time. As far as residences, they are right behind and right beside that business.

Hoaglund: Okay. Thank you.

Simison: Council, any other questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Mr. Silsby. I don't know if you were part of the discussions when the Wadsworth Subdivision originally came before us, but one comment -- and I was just curious as someone who has been part of the process, maybe you will have some insight. I guess it's the applicant's right and the developer's right to get a CUP after the original development was approved, but I have to say I'm pretty surprised that the developer of the Wadsworth application would not have, you know, disclosed this possible conditional use when they came before us and taken that opportunity. I was just wondering if you

were part of those discussions, because to me a big part of what the applicant's been through is a result of that -- that strategy or approach.

Silsby: Right. And I appreciate you bringing that up. My memory is that another development company had the project prior to Wadsworth. Wadsworth took it over. There were some discussions with both parties at the time, but it was primarily through their representative, their realtor. The -- the -- the uses and land uses were recognized that would show that it did fit the use there and that that's -- this business was something that they would consider having as a tenant. So, we didn't know of any other restrictions other than that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks. Yeah. It sounds like maybe a miscommunication or just -- again, it's your -- it's -- it's the applicant's legal right to come and request a CUP later, but certainly there -- as you all can see now, there are different standards specific for nightclubs as a use and there is a reason for that. So, I appreciate your insight as someone who was involved in the process.

Silsby: Sure. But isn't it true that if -- if it was simply a bar that it might be treated differently in the fact that there was a music venue that that added to the complexity?

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: I'm not testifying as to -- as to what it is. I can give you my opinion as a Council person, just as one person up here, but I don't think that a bar or a restaurant is the same thing as a nightclub. I don't view those as the same use. This is a unique use and this decision, no matter what way it goes, should be tailored toward that use. Thank you.

Silsby: Thank you.

Strader: Thanks, Mr. Mayor. That's the extent of my questions.

Simison: Council, any further questions? Okay. Thank you. There was one other person, someone over here has been looking -- come on up, ma'am. You have been standing up for awhile. We will give you an opportunity to sit back down.

Johnson: It looks like we have two in the room and, then, three online, just to give everybody warning.

Hudson: Thank you, Mr. Mayor and Council. I'm Tera Hudson. I live at 2722 East Omera Court. I'm in the Champion Park Subdivision. I put on my running shoes and I can get to

this lot in about one minute and 45 seconds on a good day. It's very close to residential as you have heard. I just want to point out it -- from business to business I also am representative of plenty of buyers in both the commercial, residential, and land sector. I recently just over this weekend have had buyers in the neighborhood that have not put in offers in an advanced state because of this nightclub. I have also had people in the past before this proposal to purchase in all surrounding subdivisions and in and around within a mile of The Oasis. No hurt for what his project is. We love development. We love seeing the arts. We love seeing music. I love to dance as well. This is not about a restaurant. This is not about potential art center. I also am a mother of a cheerleader and I could see this as a fundraising event, but this is not the intent of the use of this property. We are not -- we are supportive of restaurants and venues that are going in there, like a Jamba Juice or the Wienerschnitzel or what have you, but a nightclub -- the music itself is a noise nuisance and I want to refer to Ordinance 5.01.02 with the reinforcement of neighborhood character and sustainability. I have lived in there since Champion Park has started in phase two. There is no way that this sustains my neighborhood or any of the other ones around and I would have you listen and answer to that in making that decision, along with the other points to ordinances as we have spoke about all night. Thank you. Any questions?

Simison: Council, any questions? All right. Thank you.

Metzger: Mayor and City Council, my name is David Metzger. I live at 3626 Justin Avenue. The place belongs to my girlfriend. She actually is in California. So, I'm here. We have -- they had Barrel 55, Pinnacle, and all these places that were restaurants and bars. Where are they now? Those buildings are empty and now we want to put in something else across the street. Why? Can I ask a question? You all came here tonight. How many of you rode together? I bet none of you. So, how many people are going to go to a club together? One? Two? So, I have worked -- I have worked -- sure. I have worked in restaurants and I have worked in hotels. These events -- I mean -- and I told -- I told Mr. Tsai on the way out that his 20 person staff I think is -- is a really low number. I do believe that that's going to be much higher and if people drive there where are they going to park? They are going to have to park in one of those 117 places that is for the people to park and you are only going to -- you know, if you have 50 people you can only have 350 inside at a time. So, how are we keeping track of the employees? Are they going to go through the front door? I mean it's just -- it's a great -- it might be a great idea on the outside, but I really think that the parking and the traffic is a bad fit for that area. There is a much -- there is much better properties around the corner or a little further down the street, but there is -- there is no need for right there. That -- that corner is way too busy. I won't even walk across the street. I can barely get across the street in my truck most days. So, I have to sometimes go opposite of where I really need to go, just to come back and -- and make a circle. So, that -- that would be where I'm at. It's just -- I think the traffic and the failures already that are there -- I mean D'Alessandros left. You know, we have got -- there is -- there is other things that could be going in and -- and maybe do something better.

Simison: Council, any questions? Thank you.

Johnson: Mr. Mayor, Malissa Bernard. And, Malissa, you can unmute yourself.

Bernard: Can you hear me all okay?

Simison: Yes.

Bernard: All right. I'm Malissa Barnard. I live at 4025 North Dashwood Place in Meridian. 83646. I'm going to defer to the DA agreement and the conceptual plan for Wadsworth. You were shown in 2019 and, again, as recently as near Christmas, December 22nd, 2020, a conceptual plan before you for this complex that shows shops. It doesn't show restaurants, it doesn't show bars, specifically on that pad alone you were shown shops and this kind of came into question on other application where recently you have had The Village come before you about a credit union deviating from a conceptual plan and how that needed an MDA. Was there an MDA that's come before -- since before The Oasis came forward? Also you were shown conceptual elevations. None of the buildings were taller than 23 feet, with a 26 foot high detail and now you are getting shops that have grown by four feet. So, if your DA says number three for this development and this was carried from 2019 to the new owner, future development of this site shall substantially comply with the conceptual development plan and provisions contained therein. So, how do we morph from shops to a nightclub? I mean this isn't going to raise any alarm with any of the citizens when they are watching your proceedings, yet they show up. They see shops in the application. They see shops on the video. How did this morph into The Oasis? That's a really big question and so if there was such a big deal at Linder Village over this conceptual plan and holding people to the DA, how come this one isn't coming under scrutiny? I mean all these people they could have checked the plans. They could have checked everything online when the Wadsworth application came before you and they see shops. There is no sense for alarm. And, then, they -- you know, they signed a least November 28th, 2020, and here it is December 22nd before you and in the staff report it says end users are unknown. So, I'm a little concerned -- and if that's the end of my testimony I think I have said it, so thank you. I appreciate your time tonight.

Simison: Thank you, Malissa. Council, any questions? Thank you.

Johnson: Mr. Mayor, next is Audrey Dalley online. Audrey, you should be able to unmute.

Dalley: Good evening. I appreciate you taking so much time to discuss or hear testimony on this matter. My name is Audrey Dalley. My address is 3632 North Colbourne Way and I had no intention of testifying this evening. However, after listening to the -- the gentleman who wants to build this nightclub, I believe that he answered questions thoroughly. I didn't detect any deception what he was saying. Initially I was not in favor of this establishment. However, it appears to me that he meets all the -- the regulations and city code for parking, which was my main concern, but the thing that prompted me to -- to testify is the fact that everyone who is against this establishment appears to believe that this EDM -- is that correct? Is going to be that kind of music all the time and it's going to draw people who are seedy, so to speak, and from the gentleman's testimony, who is proposing this establishment, that is not what he has in mind at all. He mentioned country

music, bluegrass, Hispanic groups that would come in. So, I think that there has been -- that a lot of us have been misled by this EMD or EDM or whatever it is and I don't think that's accurate at all. I think that there is also some misunderstanding that the people who -- who go to a nightclub go there to become incredibly intoxicated, so they can leave and behave poorly and I don't believe that is true either. Obviously, some people do that. Excuse me. but that's not the majority and that's all I have to say.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next we have Courtney McBride and, Courtney, you can unmute.

McBride: Can you hear me?

Simison: Yes, we can.

McBride: Okay. So, my name is Courtney McBride and I live at 980 West Parkstone Street, Meridian, Idaho. 83646. It's an apartment complex just off of Ustick down the road and I actually was a part of the Mayor's Youth Advisory Council for about three out of my four years of high school and I was actually part of the exec council as well and one of the meetings that we had someone who worked from the city, I don't remember exactly who, they came to talk to us, because there is a problem in the city with once people are done with high school they leave and they wanted to know what they -- like what the city could do to keep people here, but also once kids are done at college and they finally start their families like bringing them back to Meridian, but also what they can do to keep them here and I think a big issue is that there is not a lot of things for young adults to do. There is a hosted by the city that are for family orientated things and a lot of people in their early 20s -- yes, people in their early 20s do have kids, but like, for example, I just graduated high school, I'm only 18 years old and I don't plan on having kids for a while. I would love -- I plan on staying in Meridian for probably ever, but -- because I love it here and it's a great city to live in and I just feel like there is such a negative connotation around a nightclub and I -- for example, it was quoted like that it would increase the risk of drunk drivers, but people are going -- like there is plenty of bars in Meridian. People -- if they are going to drive drunk they are going to drive drunk and, unfortunately, that's just the way it is and we can do everything we can to prevent it, but I don't think a nightclub is going to increase anything. It's just providing -- and it's not even just a nightclub, like he stated -- and I don't think he was being deceptive. He was stating, oh, there is going to be all these events and other things and it's not just going to be a nightclub and so I think it would be a -- if he meets all the requirements for it I think he should have a chance to prove that it's not going to be a problem and that it's not going to be this big nuisance and also just, for example, I drive for Door Dash, so I am driving Eagle Road all the time, because there is a ton of restaurants on there and so I pick up restaurants all the time and most of those restaurants don't have enough parking. So, yes, parking is a big issue and so I totally get that, but also the Ustick and Eagle intersection is one of the easiest intersections on Eagle to get through. I have maybe sat at that light for maybe two times in a row, but other lights I have sat at for five cycles, because they are terrible to get through. But the Eagle and Ustick one there is not a really big traffic problem, except for

maybe during rush hour, but there is a traffic problem everywhere during rush hour, so I don't really think it makes a big difference. But I think that the nightclub is a good idea and I think that there is just a lot of false information being spread about it.

Simison: Thank you, Courtney. Council, any questions? Okay. No questions. It's good to hear from you, Courtney. Is there anybody else that would like to provide testimony? And if there is anybody online and you would like to provide testimony, please, use the raise your hand feature on Zoom.

Beers: Hi. My name is Adam Beers. I'm at 267 East Havasu Falls Street in Meridian. I'm not really going to touch on any of the morality issues. That's been hit pretty hard. I did want to -- Mr. Nary over here, one of the things was like, you know, what are our concerns with the usage and whatnot. I think I would pay the price of admission to see a hundred cars exit this spot and go out through that light in one cycle and I'm sure other people would as well and that's a big concern. Like the traffic is crazy everywhere. I live close to a major intersection and from 3:00 o'clock to 7:00 o'clock it's backed up at least a half a mile. So, I think that that is a big concern about the traffic adding to it and, then, also, you know, whether or not they use only a hundred spaces if you say -- there is only a hundred spaces and if you say -- like most people will go by themselves, they are going to be coming out of a drinking establishment that that's the whole purpose of is going to drink and the police aren't going to be there giving everybody breathalyzer tests, right, to keep them off the road and I know that some people will do rideshare and whatnot, but there are going to be people doing that, which is another concern; right? Having those people out on the roads. And, then, I think the -- one other quick thing, the mezzanine trick, it seems a little tricky, since it's not counted towards floor space, it's counted as something different, but if I was there on the mezzanine and I didn't get the front row seat to the venue and I was in the back, I'm pretty sure there is no way I'm going to be seeing down a mezzanine to the show that's going on, but that's kind of what I was -- just all I wanted to say. I think there is major concerns about the traffic and the parking and it's not really fair to those other businesses that potentially are going to go in that they have to deal with that as well in the future.

Simison: Thank you. Council, any questions? Is there anybody else that would like to provide testimony -- come on up.

Vrba: Hello, Honorable Mayor and City Council here. My name is Jeff Vrba. I live 3005 North LeBlanc Way in Meridian, Idaho. 83646. And I'm the vice-president of the homeowners association and I'm here to speak on their behalf right now, some of our concerns that we have with that. Our subdivision has 40 single family homes in it. It's kind of divided a little bit, 75 percent are against it, there are 25 that's for it. You can hear -- they had some over here that was really strongly for the individuals and some that were against it from our subdivision. The main things I'm really concerned with is the applicant himself and his trustworthiness of what he's telling you guys. Back in November he sent out a letter and -- to all the homeowners out in the area to have a meeting with him at the Smoky Mountain Pizza here in Meridian. We went there, he gave us a spiel of what he was looking at for the facility. At that time he told us he wanted a thousand people in

there. It was going to be a restaurant and he was -- we asked about security. He said he's going to have 30 -- 30 people on his staff and about five to six security that are going to be -- their jobs are going to be outside walking around patrolling around their facility at that time. We questioned a little bit more on his restaurant that he's having there. If I wanted to go into the restaurant how do I get in? Do I need to pay the cover charge and, then, go to the restaurant and he goes, well, it's not really a restaurant per se. We are going to serve food that may be themed for what we are doing in our nightclub that night. So, if we got a beach theme we are going to be going Mexican tacos, little street tacos, a little bit this. But it's with an award winning chef. So, that was what his idea was. It wasn't going to be a restaurant that we all think about going to a restaurant, sitting down with your family to eat, it is finger foods, bar foods, whatever you want to call it, snacks, while you are there. So, you are not getting a full meal, you are not getting that. So, right away to me that was a farce when he's saying it's restaurant and it's not. Today he was saying he's looking at maybe 15 to 20 people in there and part of that was security, too, outside. My concern is that he's not making the money that he was suggested of making money. Who is the first one he is going to cut? The security guards outside, because you got to keep the people at the front door you got to keep your bartenders there, you got to keep the people making the little snacks for the people, you got to keep a few inside. So, the security is going to be -- and he was saying today that the security was there to make sure that the people, if there were too many coming in, that they would direct the Ubers to the right spots, they would direct the people out, they would direct them this way. I have the feeling they are going to be the first ones cut and as the multi-purpose facility or venue that he was talking about and offering it to all these other nonprofit organizations around Meridian, that is great. We are all for that. I know Villa Sport, they said that they do the same thing with some of the stuff they are going to be doing, too. But when you have a cheer competition you are going to have a lot of people going to that competition to see it. It reaches 400. But he's not going to have three to one ratio to cars, four to one ratio. Uber people coming in. You are going to have parents driving their daughters, driving their sons to the competitions and items like that. We are going to have a lot more than 125 cars. Where are they going to be parking? They are going to park down along Cajun. They are going to park down along the Piccard. They are going to park in our subdivision along LeBlanc, Centrepont, and stuff like that and that's what we are fighting more against. We do not need the extra parking in there. We have enough issues with the cars being parked out all on both Piccard Street and along La Blanc Way there right now. That was -- that's some of the main concerns that we have. I know it's been brought up that it's a drinking establishment, people are against it and stuff. There is other areas around, but the other facilities that are in the area, the drinking area there, are food establishments that serve alcohol. It's not an alcohol establishment that might serve food if somebody wants it. So, that's where we are concerned with a little bit that way. Another thing is with them trying to leave their facility, they got to go out onto Ustick Road, take a right. If the people want to go down -- heading into Eagle Road, they are going to have to cut across four of those traffic lanes there to get in the turn lane. The turn lane maybe from where their facility is at is only five cars long. So, they are going to get a backup going back. If you got a lot of people that want to turn down, go down to State Street or whatever to get back home. If they want to head into Meridian they are going to come back to Center -- Cajun, cut across through the little bumps that are there on Piccard to

go up Centrepont. If the east-west drive through is not set up, I recommend not allowing them to get the conditional use permit at this time, because you are running all that -- that extra traffic through the subdivision. They can go out onto Eagle Road through the roundabout there on Cajun and go out to Eagle Road, but the problem with that is it's only a right turn only. So, if they need to head north on Eagle how are they going to do it? They are going to come down someplace, try to make a U-turn to come back, cut across the barrier that's there or something else. That's where my main concern is -- our concern is trying to get the people out of there and moving in the directions where they need to be moving to get to their homes and, basically, trustworthiness of the individual that's there, because every time he turns around he is telling everybody what he wants -- he told us it was going to be a thousand people coming in there. The bands he was bringing in from -- traveling down. The other thing with extra 20 employees there, that's taking up 20 parking spots in his facility there. Now, if he has a band in, if it's a local band they might have two to three more cars in there. So, now you are 23 cars that might be just for the staff and not a single patron coming into the building yet. Where are they going to park? If he brings them up from -- catch them coming up from Salt Lake City going up to Portland, like he said, they are going to be in a -- like a mini van or mini tour bus or something like that, where are they parking at? He has not ever -- I brought that up in previous meetings. He has never decided where they are going to be parking at. My concern is they are going to be parking in that subdivision that's right behind them, taking up residence parking spots and that's where our main concern is. So, basically, that's it for my portion on -- for the homeowners association. Just my personal one. I do not like the facility going in there and my recommendation would be because of parking and items like that, he is not meeting his requirements that he is suppose to have for that building there and I have been to every single meeting that you guys had setting up previous to this, what was going to be going into that facility, what was being marketed for that facility, everything sounded good until all of a sudden in January -- oh, guess what we are putting in here. Surprise. And I don't -- I didn't like that feeling there. If we have planning and zoning setup -- area set up to design what we are planning on putting in these empty lots, we need to try to keep it to those types of buildings -- these type of establishments and that to keep people are moving into the homes nearby wanting to move into these homes with an empty lot sitting next to them and, once again, on the Buffalo Club, everybody keeps mentioning that club. When you are leaving there you are not driving through a subdivision to get out, you are going right out on a major road. That's the difference. If they got to go out head west on Ustick, they got to come through our subdivision. They got to come through the other subdivision that's over there with the apartment complexes. Thank you for your time.

Simison: Council, any questions? Thank you. Is there anybody that would like to provide testimony on this item? And if you are online, please, use the raise your hand function.

Freidenberger: Hi. My name is Kimberly Freidenberger. I'm at 13242 West Passage Court, Boise. I just live right -- kind of down the road from where the establishment is going to be built or planning to be built. I wasn't planning on talking tonight. So, I hope my thoughts are not too scattered. This isn't the perfect place for this type of venue. I have teenage drivers that are coming down Eagle Road, 11:00 o'clock, 12:00 o'clock at

night, whether they are out with friends or they are out to dance or whether they are coming home from work. The gentleman here that had left had mentioned he got -- he gets an Uber, because he knows he is going to go to the venue or go to the EDM clubs to get drunk and so someone had mentioned before that that's kind of the goal is to go and drink. It's a social thing. So, alcohol is a problem and the other gentleman who was the real estate agent who said that he thought it was the perfect location and cited Buffalo whatever and Cowgirls. That there is no problem. My next door neighbor was the county sheriff -- Kuna county sheriff. I heard about all of the problems at Cowgirls all the time. So, there are problems there. I don't know what world he was living in, but there are problems at the Cowgirl Kuna place. As well as the mission statement on the website says a nightclub. So, this is a nightclub. It's not a wedding venue. It's not a -- it's being tweaked to try to fit his -- to just get it built. I don't know. He is trying -- is it a nightclub? Is it a wedding venue? Is it a cheer place? It's a nightclub. That's what it says. I had two daughters who cheered for cheer competitions. Believe me, there are way over on hundred cars at a cheer competition. So, that doesn't pass the scratch and sniff test either. To the community who passed out the flyers and put signs in their yard, thank you. Thank you for letting me know what was happening, because you know what, I'm busy, I work, I have three kids. I didn't know. And so I appreciate you guys taking the effort to let us know what's going on in our neighborhood and that's what's happening, we are living in a bigger city, there is a lot of burn and churn, people are coming and going, thank you for taking the time to make it known for the rest of us and that's -- that's pretty much all I have. Thank you.

Simison: Council, any questions? Is there anybody else that would like to provide testimony? If you think you want to provide testimony, if you can come up to the front row, so I don't have to keep asking. It would also help us try to figure out how we are going to finish this evening and what time is appropriate. So, we are just trying to get a good gauge on people.

Hatch: Well, good evening, Honorable Mayor and City Council. I also wasn't planning on talking tonight and certainly hesitant, so wasn't --

Simison: Name and address for the record, please.

Hatch: Yeah. Oh. Sorry. My name is Rhead Hatch. I live at 1020 East Redwall Court in Meridian. So, I think I was going to make some of the similar comments. I think if I had just listened to the testimony or the presentation from the applicant tonight I would have the impression that this is just like a community event center, we are going to do lots of fun things here. If you look at their website and the About Us, the -- the emphasis is the nightclub. It's going to be how loud it's going to be. It's going to be how much lights there is going to be. Dancing. That is his emphasis on the website for how he is trying to present himself there. I think part of my concern is there is a number of these things, whether it's the parking or the occupancy limit, there are a number of these things where it's kind of like we have got some estimates, we think this is going to be okay. He is voluntarily going to say my occupancy is going to stay lower than the fire code would allow. He doesn't have any constraints on that and it's kind of we are trusting him or

expecting people to report on that. These also -- I appreciate the sacrifice that he's put into this. That also means he is going to have a strong incentive to not necessarily follow some of those voluntary agreements and concern that his incentives are not aligned to keeping those voluntary agreements. And, then, I will just echo -- I lived probably half a mile or a mile from Cowgirls in Kuna and Kuna has I think three or four bars out there and had at least one altercation happen in front of my house and the police officer said this is not an uncommon thing, because they have those establishments where there is a lot of drinking. So, I think that's all I had to share. So, questions?

Simison: Council, any questions? Thank you very much. Seeing that no one came up to the front row, I'm going to assume that we have heard from all the public in the room that would like to provide testimony. So, based upon the information we have before us, Council, we would have 15 minutes from both the applicant, the appellant, followed by deliberation. What I would maybe propose is an eight minute break, unless Council would rather just keep going or if Council would rather put a stop this evening and come back at a later point in time. So, I'm just kind of throwing that out if -- where people feel like they are. If they are of sound mind this evening to continue or not, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have had two Diet Cokes so far. I'm going to get another one and I will defer to the rest of Council, but I'm going to be ready to make a decision tonight if we want to grind through this. That's just me.

Bernt: Do it.

Simison: You got that from the Council President Bernt as well.

Hoaglun: I'm good with continuing, Mr. Mayor.

Simison: Did you want to take an eight minute break or you just want to keep going?

Bernt: Whatever.

Simison: We will keep going then. So, let's keep on going. All right. So, with that, the -- so, you are recognized for up to 15 minutes.

Tsai: Thank you, Mr. Mayor and the Council, for your patience. I know this has been a long time. The biggest difference I noticed about our overwhelming number of supporters versus the opposition is their reasoning. But as you know with your experience here on the Council it's the supporters that very rarely promote their voice. It's this time around that I didn't ask anybody to write their letters or otherwise because of this reason. But the people here have been pent up with COVID restrictions for over a year now and they just want a place to let their hair down, to dance, socialize again. The letters of both the city

and I received were from people who had unique stories for why music was important to them. They talked about the time that they lost a family member and it was this song that pulled them out of a dark place. They talked about the time that they got engaged and realize another song was playing on the radio at the time. They talked about the time they were in a grocery store and randomly bumped into the person and that person turned out to be the person they married and that song was playing inside the speakers inside the store. Every single one of their stories were unique. They support our project because they wanted to and not because somebody told them to copy and paste an e-mail. While someone -- while some opposed to our project have raised very real concerns that have potential to impact the community, these are things like drunk driving or traffic, you can see with our comprehensive analysis in the narrative and we have presented here today that we have worked diligently to ensure none of these concerns have an impact to the families of Meridian when compared to the massive benefit in both economics and overall need that the community as a whole has asked for over a decade. Are there elementary schools within a mile? Sure. But there is also 12 other bars with hours of operations that are not when the schools are open and kids would not be walking by themselves at midnight on a state highway. I'm not sure how our operations could ever endanger the lives of kids. What we have done is partner with businesses in the community to host events during the daytime that would allow kids and parents to attend family and community events at our facility. We expect to pay over 6,000 dollars a month for insurance to operate as an endorsed multi-purpose venue. We are not here just to serve alcohol and, then, let them leave. When compared to over a dozen other licensed establishments in the area, our insurance would never allow us to operate in such a reckless or unsafe manner. The only way a bar of any type would prevent real concerns, such as drunk driving to occur, would be simply to prevent overserving. On the other hand, we have the ability to post staff at these doors, seeing patrons as they enter and exit. Training bartenders and staff above and beyond what is required by law and a combination of these circumstances would allow us to effectively prevent nearly all incidents of drunk driving should they ever occur from our facility. This hearing is really to discuss the potential impact of an alcohol establishment to our neighbors to the immediate area. Somehow this wasn't a concern to those opposed to our project when this same Council approved the permit for Villa Sport, with an outdoor pool, swim-up bar, and outdoor speakers less than 30 feet from the closest house. We are ten times further, 1/12th the size, and have zero outdoor activities of any kind. When I met all our neighbors when I was handing out the neighborhood meeting invitations, I did that in person, many of them spent the time to ask me about the project and that they were excited to have a place not only to attend events and socialize without having to go all the way to Boise downtown, but also to get good food later at night. This even includes the HOA representative that was just speaking before. After his testimony previously he asked us if he could get late night tacos. Most of them told me flat out that they would not be attending the meeting, because they support the project and, in fact, many of the supporters tonight won't be able to attend because they are still at work. We don't have the same noise concerns as the complaints I pointed out, like Revolutionary -- Revolution Concert House, because our sound system is not engineered to be as loud as physically possible. It's designed for clarity, while still allowing patrons at the rear of the building to carry on a conversation, and we have demonstrated that using sound scientific principles

that even without the soundproofing the outside noise of our facility, when measured to the closest house, would always be less than the sound of ambient traffic coming from Eagle Road. I have seen my -- my fair share of court cases and trials, including several appeals. I have never heard of a third party appealing a decision, but appeals are based on findings of fact and provide a secondary option in the event that a procedural or judicial oversight has resulted in an improper decision as a result of a significant error and just like jury instructions in a criminal trial, the commissioners were provided with a list of eight criteria to which to judge the permit upon. Now, both the staff report and the Planning and Zoning Commission's decision determine that none of these eight items would in any way prevent the permit from being approved and not only do you have the entire Planning staff's existing recommendation of approval, who are the experts tasked with determining if the proposed use fits the city's nature, character, and Comprehensive Plan, you additionally have an existing approval from the Planning and Zoning Commission itself. The appeal process in this case is designed for potential impactful oversights, such as -- as I mentioned earlier, the approved tower that would permanently shade residential areas backyard. It's not to be -- intended to be used as an anti-competitive practice by a neighboring tenant, whose national presence is attempting to prevent small businesses from opening. Trying to stop this facility only hurts the thousands of citizens who are excited about it and, in turn, stops the revenue from it, which could improve roadways, schools, bolstering acts and music, expanding the arts and other uses from additional food services and tax revenues. As you see in the staff report, it's noted that our proposed facility is of a relatively small scale. I wish I could just up and pick to an alternate location, but in case you haven't tried to lease any commercial space in Meridian lately, there is already a wait list to just even get The Village to consider something. It's more difficult to find commercial space than it is to find residential space in some places. Councilman Cavener, who isn't here, he mentioned in a previous update that an intern had created a study at the City of Meridian that indicated that commercial space has been in decline in Meridian for over the last decade and the loss of commercial space opportunities is a high threshold to overcome. We were told by several dozen people before we picked this place that this corner was perfectly suited for entertainment. It's right on the main drag of Eagle Road, situated just north of the existing entertainment hub, and what I soon discovered is that the majority -- in fact, every single major developer, except for the Wadsworth Group, wouldn't even look at my proposal. They told me that in the current state of development for Meridian they would lease exclusively to corporations with national presence or chain stores, but would not consider leasing to anyone else. So, you can see it's been a battle for me just to get to this step. But now that I have signed the lease with Wadsworth, I'm bound to it without even starting our improvements. As I mentioned earlier, we are not trying to squeeze a stadium where it doesn't belong. It's not trying to squeeze a square peg into a round hole. Zoning has not changed and it is congruent with the City of Meridian's Comprehensive Plan. Now, with so much information and testimony tonight, we have lost sight of why we are here. It isn't to prevent a business from opening, because everything we are doing, including the music venue, the event center operation, including the full kitchen and food service, is principally permitted within the C-G zoning district, without approval other than a CZC. It's solely about the drinking establishment portion. If I had said this was a plain bar-restaurant with a 400 capacity, I suspect we wouldn't be in the same situation. Seeing how there is

already the alcohol licenses in all four corners, even right across the street, including the Villa Sport approval. Now, as venues tend to immensely support the surrounding areas in which they are situated, you should have seen how happy the manager of Jimmy John's was when I told him about our project when I was handing him our neighborhood notices. He had already started making plans to expand their hours. The bottom line is this: The music industry in Idaho is a 200 million dollar a year industry and right now Meridian doesn't really get a penny of that, apart from a few local acts on temporary or outdoor stages. This doesn't include our support to local organizations, the nonprofits I have listed previously, support for art or other entertainment, corporate events, weddings, food services. But considering all those circumstances and seeing no outstanding situation or errors on the Planning and Zoning Commission's decision, with no legal basis for any overturning, I once again respectfully asked for your approval again tonight. Thank you for your consideration.

Simison: Thank you. Council?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: There was a question that was brought up earlier in the public testimony that I would like to have you answer if possible. Somebody had asked about where there is loading and unloading restaurant supplies, staging items, tour buses. Can you go over that with us? We didn't have that conversation when you were here first.

Tsai: Yeah. I don't know if we can pull up the floor plan again that was there. But originally we had planned to have very -- as far as the scale of the actual venue itself, we are now able to book a lot of the larger acts, for example, like what the Revolution Concert House or Knitting Factory would book, the 1,000 to 5,000 number capacities, the touring groups. So, a lot of those issues with whether there is going to be a big tour bus and a big trailer or a semi truck, these big loadouts don't occur with the smaller local acts, because those acts are typically musicians that are already based here in the Treasure Valley that have the approximately -- the 500, the half thousand capacity draw. So, we wouldn't have any issues with the large -- the large profile vehicles not having a place to park. As far as the loadout itself, if we were to look at the plan here, on the plan west, that loading bay there is not really for equipment. We had coordinated with the -- with Wadsworth that the loadout would be primarily done either after hours or at another convenient time right at the backside of that building where there is another roll up door, in a time that wouldn't be in conflict with the Jamba Juice use of that drive-through. So, for example, if they close at 7:00 p.m. we would do it at let's say 8:00 p.m. Does that answer your question?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Not exactly. To me -- I guess I'm trying to understand after hours if you close as late as you close, you know, and, then, of course, if -- yeah, maybe they are not pulling up in a big bus, but they have got equipment most likely and music equipment most likely. So, is there a safe and easy place for them to access the building outside of the front entrance? Is that -- you mentioned this area in the west. That is not a loading dock.

Tsai: So, we don't have a loading dock per se, which is a -- like a different -- like a specific one that they could back into.

Perreault: Yeah.

Tsai: There is a -- I believe it's a ten foot by 12 foot roll up door that's on the back of the building that just occurs right in the drive-through aisle and typically those acts would all show up the day before their performance. So, if say their act was the next day, we would be able to load them in at say the 8:00 p.m. within our operating hours, but not, you know, at 3:00 a.m. where it's disturbing anything around there and that does facilitate that -- that roll up door and the access which is directly into the backstage area. So, there is not a lot of equipment that has to be pushed across a parking lot or something. It goes right in through that roll up door and, then, straight to that staging area.

Perreault: Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: So, let's say you have three events in one day and you have caterers coming in and you have supplies being delivered by maybe Tate's Rents or something and you have all of them show up at the same time, what is that going to look like and where is that -- how is that going to work and function with -- with -- with patrons coming to the other businesses in the area?

Tsai: I would say the easiest solution to that is that we would never book that many events in a single day. For example, like when we had the -- the weddings that we were giving away for free, when they were booking their facilities we would say, hey, we can do an afternoon offload, where you would come in -- or the night before and do your setup and, then, you know, subsequently once we were into normal operating hours, then, your event is over and, then, you know, we would just become a regular lounge or a restaurant. Lounge-bar for that operation. So, we would never book, you know, several consecutive big loadout events on the same day or even the same time, for that exact reason that we don't want them all showing up at once and trying to get through the drive-through or the loading area all at once.

Simison: Council, any additional questions? Okay. Thank you.

Tsai: Thank you, Mr. Mayor.

Simison: Ask the appellants to, please, come forward. You will have 15 minutes.

Black: Your Honor, Council Members, I will make this quick. Let me touch on a couple of things. Mr. Tsai claims that there -- there was no complaints when Villa Sport had a swim-up bar and outdoor speakers. We have ambient noise speakers around the pool that are shut off at certain hours and there is absolutely no swim-up bar. So, I find it a little disingenuous with the misinformation that continues to go on with him. He is a great orator. He tells a great story. He's trying to live his life's dream. I respect that. Everything he talks about as far as the people taking their time out to protect their community, he's got a lot of innuendos and slights on them about after hours tacos, et cetera. It's a little upsetting. So, all of his information that he offers is basically him telling you that he did a study and he gives you his word that he is going to make sure that we don't have these people in there. If that isn't the definition of putting the fox in charge of the hen house, I have never seen it. His attempt at a traffic study was horribly misleading. His counts that he cites on the 320 feet -- I think Commissioner Strader had a question on that. The separation distance requirement is a minimum of a thousand. That's another reason that he keeps skimming over that you need a conditional use permit. A conditional use permit is a privileged license. He -- he doesn't have a right to be granted all this because he is completely compliant. He has not demonstrated the ability to handle the parking. We don't have any concrete evidence about the fire marshal approving a plan, because he hasn't submitted any of his architectural plans. So, how could you know what you are approving as a fire marshal when it's an empty box that he says I'm only going to fill with 400 people? There feels like a lot of hide the ball that's going on. We get some information, again, provided by him, not third parties that are qualified to consult or discuss or quantify some of these issues that need to be addressed and his entire rebuttal to our comments was his very same story and pitch and plea and proposition of why he should put this here and how great of a deal it is. He has not answered any of the questions from any form of a meat and potatoes or put some teeth into some agreements and have some other people that are authorities on these things, like parking, traffic circulation, stacking, et cetera. He's not offered any of that. He just keeps telling you, oh, alcohol is not a problem. Oh, parking is not a problem. Oh, traffic is not a problem. Oh, the neighborhood is not a problem. Oh, their concerns are disregarded. That to me doesn't fly. Is there anyone here from Wadsworth at all? Never heard from Wadsworth. I would think a developer who gets a five unit plotted pad use on the hard corner would talk to the neighbors and try to come up with some solution about this very restrictive and hyper inadequate infrastructure to handle the type of traffic that they are putting there. Malissa, I believe was her name, who was on there is exactly right. When the plat was put before us and everybody looked at it, no big deal, standard retail, little shops. That is a -- can't tell you how big of a chasm to cross between those uses and a nightclub that we have now cut from 1,000 to 400. I think everybody read between the lines. Commissioner, you had some great questions on how do you run a business on a pro forma. We run plenty of food and beverage businesses. There is an absolute number of patrons that have to go in there and you are figuring out your covers and your drinks that you are going to sell. For him to dodge that question and not answer it tells me that there is something that's a little wrong there. You either have your pro forma down or you don't go spend a million dollars if you are a research analyst. There is a lot of stuff that doesn't connect here. So, I would like concrete answers, supported by information from third-party people that are authorities that relate to traffic, parking, stalking, policing. He's

already agreed to -- to give up his -- his conditional use permit, a privilege license, if he is found in violation of any of these if for some reason this was to get approved. I would love to hear some of those conditions that we can measure to and have third parties verify and thank you for your time.

Hoeger: I very much appreciate the opportunity to be able to stand before you again and for how much time you have taken and dedicated this night. I have a thousand points. I'm going to try to stay as high level as I can. I think that rather than go point by point and talk about all the details, you know, the public was kind enough to hit some of the more important things. We have seen a variety of different places where some pretty bold statements have been made that have been proven very very false. Not a single applicant that wrote in an opposition lived anywhere near this. How many of those testimonies would be here tonight? Why would somebody make a statement that's so easy to discredit? It doesn't even make sense to me. So, clearly there is opposition coming from the community. Clearly a lot of these arguments that he's made don't hold water any better than a colander. We have got -- we have got to stop talking about -- you know, in the initial presentation I made the observation of are we talking about apples and oranges or are we -- you know, is everything that has legs a cow and we have just heard repeatedly tonight that his establishment is compared to restaurants or to bars or to all these other places. The code doesn't even see it the same way. We have got to put all of those arguments -- they need to be stricken and put aside, because the code treats it separately because it is a separate establishment. It's a different business case. I want to address The Village comment. So, I will own this one. I made an assumption because in a previous testimony he said I have been to all these places, I have looked for real estate -- or even tonight he said, look, I have gone everywhere I possibly can and have you tried leasing commercial real estate lately? I can't go anywhere else. So, yeah, I made an assumption that he actually had conversation with them, because he said I have gone everywhere and I can't find a place. This is the only place I can find and this is the problem with the slippery slope that we have gone down, is that he will make a statement on one hand and say this is the way it is. Another example is this is Idaho's only world class EDM nightclub, but yet we are just like the other 61 venues that have alcohol licenses and we just want to be number 62. Well, you can forgive me for being confused when he is making these statements all over the place of the things that he has and hasn't done and, then, he says the exact opposite thing two sentences later. It's not a representation that if I were an investor in his business, if I were hearing these answers, it's not a representation that I would feel comfortable with. Your questions have shown that you are seeing through a lot of stuff. I don't have to tell this to you guys, because you are smart enough to connect the dots and you have a vested interest in the city or you wouldn't be sitting in the seats that you are sitting in. So, a lot of it is smoke and mirrors. I wasn't necessarily planning to go here tonight, but the testimony of the woman who spoke about trafficking really hit home with me. The reason I got involved with this appeal in the first place -- because I'm a busy business owner, I have other things to do. I have five daughters. I, in my day job and because I am a father of five girls, I probably care more than most about what my girls will grow up and inherit. My sister worked for the Polaris Project, which is a 501(c)(3) based out of Washington D.C., that deals with human trafficking. Here is the reality. There is clearly a difference between restaurants and

nightclubs. Extreme statements are almost never true. Okay? Most of the people that are going to go to this venue are going to be good citizens. They are going and looking for a good time. I don't disagree with that. They are going to be responsible. They are going to use Uber. But we would be lying to ourselves and we would be irresponsible stewards of the city if we didn't recognize that there will be some sub portion of the people that are being attracted by tactics like five dollar coverage for women, 15 for men. Men dressed up nice. Women come in your swimming suits. The marketing is deliberately attracting a certain subsection of society that is going to lead to some of that behavior. That's not his intent, but it's kind of like a friend of mine used to say, square dancing and moonshine are not the same thing, but they are often found in the same place. It's inevitable. This should be a pretty easy decision. Code is an adequate; right? We have talked about this already. We don't have the proper code in Meridian yet to deal with this very specific use case. Mr. Black mentioned to me as we were sitting here that in Las Vegas the parking ratios are -- are ten to a thousand for nightclubs. We don't have that code here. It's not something we have had to deal with. A city like Las Vegas we will bring it up. Can we bring up that slide that has the list of cities? Mr. Dodson, would you mind doing that if you can. You know, I wrote down a quote here when -- when he talks about -- and he said I pulled -- let's see. I have too many notes. The quote was -- here is a list -- here is a list of cities that are similar in size or location that I would reference. And these cities here that are either similar in size or location, these are all over the country and most of them are major metropolises. This is irrelevant. Like most of the arguments that we have heard, they are use cases that don't even apply. At the end of the day I took some notes when we opened up at the very very beginning. Mr. Nary, you read a list of the deciding factors that should be considered in the conditional use permit. We have heard public testimony, we have had facts that have been presented and what we are supposed to be looking for is a site that's large enough to accommodate the use. We don't have that. If there is anything else we can agree on tonight like that -- we just don't have a site that can accommodate this use. It has to be harmonious with the Comprehensive Plan. At the close of my testimony I listed several points of the Comprehensive Plan that it does not meet and it's not harmonious with. That it will not adversely change the area. I don't think that point can be disputed. To not create excessive additional cost to public services and to not set precedent for additional noncompliant uses. How many times tonight have we heard the code is met. It's C-G. It's -- it's principally permitted. And there are two reasons why it needs a comp -- needs a conditional use permit, not one. So, it's not principally permitted. You have got parking. You have a history of pandering. I really appreciated the -- the representative from the HOA that came up and talked about the November meeting and how the story continued to change. We are asking you to use your judgment. We are asking you to read through all these different misrepresentations. We are asking you to be able to act in the best interest of the city to continue -- to consider the Comprehensive Plan to make a decision that's going to uphold the vision of the City of Meridian, which is to create the premier city in which to live, work, and raise a family. We appreciate everything that you have done and appreciate the sacrifices that you make to be able to be here and to be able to be stewards of our city and with that thank you and close.

Simison: Thank you. Council, any questions? Okay. Thank you. Council, you have your Legal Department here. Planning. Police. Fire. Clerks office. Who ever you want --

Perreault: Mr. Mayor?

Simison: -- for additional comments or questions. Yes, Council Woman Perreault.

Perreault: I, myself, would like to hear from the Police Department. Not any specific questions per se, but maybe some anticipated concerns that could come up with a venue of this size. As a police officer would you say the primary concerns would be crime, traffic safety, all of the above? Give us your thoughts in general.

Leslie: Mr. Mayor, Council Perreault. Obviously, I don't have a crystal ball. Can't predict what actual issues we will have at the facility. But, obviously, the traffic would clearly be a concern for us. Parking I think probably is -- is going to be at the top of the list as well. We see parking issues all throughout the city, whether it be in our parks, with the large scale events, other bars that have been mentioned tonight, obviously, we have parking issues there as well. Anytime you have alcohol, late night, fight calls you are going to be there. We see those in other establishments in our city. It takes a good strong management team on site of those facilities to make sure that it keeps it to a minimum and as long as we have that good partnership with the management of a lot of the facilities in town, establishments, we seem to have a pretty good handle on those types of situations. To say that a lot of it depends on the trustworthiness and the accountability within the facility, the staff they hire, how they manage it, really seems to be a driving force on -- on the quality of life issues that come from the facilities or the establishment. So, if ran right, if managed appropriately, we seem to have very little problems with -- with alcohol establishments. It's -- it's when those attention to details is not maintained at those facilities that we seem to have a lot more work there. Hope that gives a little insight. But it definitely would -- I think it's going to increase our workload for sure. I mean you get 400 people in a nightclub is -- is definitely going to require our attention for sure. And it can be minimized based off of how well it's ran and the clientele they attract for sure.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm looking around, but if we -- if we feel like we are ready for discussion -- we tend to err on keeping the public hearing open, because something comes up maybe we will need to hear from somebody. I think we have heard a lot. I will just give my opinion. I think there are unique community safety risks associated with a nightclub. I do not think a nightclub is the same as a restaurant. I think that that's the reason that we have this specific CUP process in place. For me the number one consideration is location. I do not believe that this is a good location for this establishment. Very simply, the location of the southern property line is 330 feet from the nearest residents. That's just incompatible with that neighborhood. To me that will adversely affect the neighborhood. It's not about

electronic dance music, it's not about your music preferences, it's not about the character of the business owner, it's not about any of those things. It's simply -- to me it is a question of location and to me this is a terrible location for a nightclub. Some of the other points that -- well, I could go on and on, but that for me is number one. I definitely don't think the site is big enough to accommodate this use. I don't believe the parking is adequate at all. I think maybe as a city we should look at our code and establish parking standards specific for nightclubs, if we think this is going to come up again, but that to me came out loud and clear and, then, I think the access is inadequate for this use as well and I also am afraid that this would create a precedent going forward to see similar type of uses in this location in close proximity to residences. So, for me, yeah, that's where I'm coming out on it. Again, it's not about what type of music you like, it's not about having fun or not having fun, it's about the location of a nightclub. This is a poor location for a nightclub in my opinion.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Continue the discussion. I will dovetail a little bit on what Council Woman Strader had raised. I mean first and foremost we want to encourage entrepreneurs to take risk and -- and to try and make Meridian a home for their business. So, it's exciting to see something that, in preparation for the hearing, has been described as a truly innovative, unique, kind of one of its kind facility that's going to provide for our city an extremely attractive and intentionally popular destination, which I think is fantastic and you should be encouraged to do something like that in our community. But to Council Woman Strader's point and some of the discussion, the review that we have got in determining what is appropriate here on this appeal, all falls with the CUP and it's -- I have been listening to the testimony and the remarks, looking at these eight factors and legal counsel just spoke of them initially, but the CUP findings and there is just several of them that I didn't find sufficient and I -- and I don't think there was ever really a record that -- that made them sufficient and one of the greatest challenges is that comment on location. I think this club could be exciting. I think if it's -- I'm not as concerned with EDM music or whatever music that's played in it and I think there is a lot of opportunity to be extremely unique and diverse and fun, but you have a location proposed here that absolutely does not have parking. At the same time, it's absolutely designed to drive massive demand for parking. It would certainly I think be wildly successful and I think that's some of the concern is what if you do everything great and what if this is really popular? You know, I noted in preparation that there was reference to a thousand people is the intent, which as a business person in the pro forma comments I think makes great sense. I mean you want as much as you can to get into your -- into your business. So, to see it scaled back I, then, had concern about how do you go from a thousand to 500 to 400, but not, then, reduce your capital cost the same and -- and to hear that a lease was committed to without this getting addressed first, all made it extremely concerning that -- that there was some structure to this business model to make it successful. At least as much as I initially thought. So, it still seemed to be a business where you are going to have intense demand for a unique product and there is -- there is no way to solve parking. At lease it's not

solved yet. When we hear that there is not cross-parking going to be permitted, as had originally been discussed during P&Z hearings as perhaps a solution and that's gone and the lease has been signed and committed to and there is not a vested certain right to possess all 120 spots, which you certainly would never get, but that doesn't exist. So, you have an absolute certainty for demand of 120 spots and that's after deducting the rideshare assumptions of 40 percent of the 400 and the -- the math still gobbles up all the parking. So, all 120 spots are gone because it's going to be really successful. There is no place to put all the cars for any other business, so -- it steers back -- at least some of the analysis to the CUP findings that I just -- I struggle with being able to make. I just can't get there. You know, the first one that we are looking at is is the site large enough to accommodate the proposed use? I don't think it is at this location. Oh. Thank you for putting that up. Number one, I don't think we are there. I don't think the record supports it. I think this -- this concert venue, this -- this nightclub is intended to have lots of people and so one problem. Two somewhat dovetails. And harmonious is a bit loose of a word and it is C-G, but it's conditionally -- you know, you can only do this if a unique license is granted to do it, set on certain conditions to make it successful. Otherwise, it's not permitted. It's prohibited, quite frankly. So, two, I -- I struggled really with one. I struggle with three. Right. Is the operation and maintenance -- maintenance compatible with other uses in the general neighborhood and existing area. The same problem I think strikes out number three. That element I just don't find in this record to have been supported by the evidence and we can't impose a condition on number four, because, really, I think that condition would be provide with certainty and absolute vested right in perpetuity to have 120, for example, parking spaces dedicated for this particular use and there is zero means -- there is no mechanism to do that. Certainly not in the record today. So, there is not a condition that -- that we go with number four. So, those -- let me see if the other -- what I marked on the other ones. Number six. I think the record doesn't support finding number six is met and the concern I saw with number six was, you know, it won't create -- the first part isn't as much of a concern, additional cost for public facilities, but to be detrimental to the economic welfare of the community. That principle ties into if your success requires use of a hundred percent of the parking, I mean the other four pads are never going to develop. If the developer was here he probably would say it on the record, but nobody is going to lease those other spots if you have got to take 120 -- basically all of the parking spots. So, I think it is detrimental if it's going to be as successful as -- as you certainly would make it, detrimental to the economic welfare of that area. So, the last one that I made notes on, in listening to the testimony and reviewing today, was number seven and number seven -- one of the elements that I thought was -- I hadn't cleared the hurdle was the excessive production of noise and there was reference to noise studies, but there wasn't -- I didn't see a noise study reference, other than -- it was in the application and its mid teens pages and there is reference to one of your -- one of your experience points was 12 -- I think it was 12 years -- 12 years of commercial sound and lighting experience and I thought I was going to see a study and analysis and we saw the inverse -- I forget what it was called. The inverse law of -- it basically was two paragraphs that tried to articulate in -- with certain brevity how there is not going to be any sound and to the -- to the statistic of there is not sound beyond ambient car noise to Eagle Road, there wasn't any analytical data from a third party research tested that supported that conclusion. So, the -- that was just an additional consideration that I just didn't see the record having met

with them -- and the particular -- that claim in particular that was really big, that it's not going to generate any noise beyond the adjacent traffic. And it was referenced in the application as well to a science background and the -- the necessity to require a review of third party tested verified research material to support conclusions, I didn't see it with regards to the sound. So, I thought number seven was a problem for me as well. Just to run through the list, number eight -- I didn't find any concerns with number eight. And not necessarily number five. It really wasn't a concern for me. I think you could get there, because any use on this corner, these five pads are going to create traffic. It's -- it's less safe with businesses there than it is as an open field. So, I'm not certain that one is the problem. But the other ones that I have referenced -- I think those five other required findings, I don't believe the record satisfies them and based on that I -- I, too, can't be supportive of the CUP as requested. Those are the thoughts that I have kind of compiled in prep and through hearing all the public comment and the applicant's and the appellants' comments.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: As usual Councilman Borton was very thorough in his analysis and that's always appreciated. The applicant -- the applicant said something at -- at the end about, you know, if this is a bar-restaurant with 400 capacity it would not be, you know, going through -- you know, going through the same issue as this facility. Well, if it's a commercial and it's not required to go through the CUP process, of course not. But any facility at this particular location, if it had to go through the CUP process, conditional use process, we would be doing the same thing. Four hundred capacity -- whatever that -- like I said earlier, a fun zone, whatever it was, and they don't have a cross-parking agreement, there is not enough space here. I agree with Council Woman Strader on -- that we need to take a look at for entertainment venues or whatever we want to call them, that we have to come to some sort of resolution on that and looking at other communities and what -- what they do. For a facility like this I would be at 2.5, you know. That would be 160 spaces needed for that, you know, just off the top of my head when I do the math and there is no way you can meet 160 parking spaces. So trying to make a condition here from my perspective can't be done. So, to me it's one of those situations that -- where the impact of parking and -- is stopping this and -- and we are very familiar with parking issues. We hear about these places. I think the appellants brought up some locations that we hear about quite regularly and I could add a few more to your list where you have a strip mall, somebody goes in with a bar-restaurant and it's very popular and, boy, the complaints we get, you know. So, I did a little research online looking at Revolution Club. You know, folks -- someone came up from Salt Lake and they said, yeah, we couldn't find a place to park, we kind of laughed at this facility, because it's an old grocery store and we ended up parking at this transportation office thing. You know, that's ITD District Three office. Seemed like it was okay. And, of course, Commissioner Lorcher in the -- in the P&Z meeting had mentioned the fact that running a towing company operation and how many people they towed from Dairy Queen at 300 dollars a pop. I'm thinking, wow, I'm wrong business I guess, but -- and I mentioned earlier the Buffalo Club. I took a look at

that facility. It's not a huge facility, but it's part of a quarter mile strip mall. That's why I asked about the cross-parking agreements, because there is room to spread out without impact to the residents and that's the complaints we get are from the residents about the parking and the traffic and the noise and people and different things like that. So, Councilman Borton has laid it out pretty well I think. So, it's -- as -- and as our legal counsel has laid out, this is a new hearing, this is a decision that we make based on the information we have, reviewing all the comments, all the information, the applicant, the appellants have brought forward, the hearing material, other research that we do to make a decision on this. So, I'm quite comfortable on the decision I can make.

Simison: Councilman Bernt?

Bernt: Hey guys, I'm still here. I haven't fallen asleep yet. You know, I completely agree with my Council Members who have spoke previous and I believe in brevity, so I will be -- I will be very quick. In Bill's introductory statement he mentioned how we make decisions on these type of appeals and it's real simple and it's been real simple for me and it boils down to code, boils down to ordinance, and it boils down to law and there is a lot of testimony, there always is. There is a lot of emotion and a lot of opinion and I appreciate the testimony that was given. On top of that, I -- I believe that this is an interesting business model. As a small business owner myself I respect wholeheartedly those who invest, those who have vision, those who are willing to spend resources and -- and, you know, to provide something to a community that's not currently available and I have a lot of respect for the applicant and for what he has presented. For me it boils down to a couple things and Joe spoke about it, so I won't get into it very -- very much in detail, but the first note that I wrote down is that I don't believe The Oasis nightclub would be in harmony with the comp plan. I don't know which one that is. Which -- which finding that is. But also I -- I also do believe that parking capacity will affect other properties in the vicinity and -- and along with the -- the other details that -- that -- that Joe mentioned I -- those were -- that's where my decision will -- will be tonight.

Simison: Council Woman Perreault.

Perreault: Thank you, Mr. Mayor. After reading through all of the written testimony and the -- the application and all the information, again, I -- I really came into this trying to keep an open mind and -- and not necessarily have any set expectations and I have to say -- I really appreciate the creativity of this project. I love the idea of having the multi-purpose event venue. I like the idea of a place to socialize with music in our city. I'm really supportive of all of those. I believe that we do have a city that wants to see those things and so I'm -- I'm disappointed of the limitations that are created with this property because of its location and so I have really tried to hear everything and really process it this evening as open minded as I can, taking into account very specifically what it is that we have to consider and as Councilman -- Councilman Bernt said, really respect the applicant's effort and investment in this and I'm disappointed that it's -- it's coming down to sort of a technicality of -- of issues with parking and for me specifically it is an issue of parking -- more specifically the cross-parking agreements that aren't existing that I believe Councilman Hoaglund is correct that we would have required those. But it's also the

circulation through the site that has me concerned. So, we have had several applications where there is, you know, three to five acre properties on major corners. Some of those applications have been commercial, some of an office, some have been residential and every time we hear an application with those -- that small amount of acreage on a major corner, it almost always comes down to not having great access. Whether it's right-in, right-out limitation, whether it's through a neighborhood and it -- because of the small size -- physical size of that acreage it creates limitations on use almost every time and it's not just because it's an entertainment venue, it's -- we have had these conversations on Linder and Ustick down the road where there was a four acre application for four-plexes. We have had these conversations in this same area where we have small acreage projects that have limited access that requires the traffic to go through private neighborhoods and so I -- this has been a really -- I really struggle with this decision, because I really like the concept, I like the idea, I like the use, I like the creativity, I want to have more event spaces in our city, but I have -- I have concerns about the circulation, I have concerns about the traffic, I have concerns about the parking and I don't have -- I own a real estate company and have been in the industry for a long time, I don't have concerns about property values. I do think there are going to be enough structures that are going to be built in between this location and the residences that will block a lot of what is going to happen between Villa Sport and the -- whatever will go to the south of this I think there is going to be enough that's going to be there that's going to block a lot of -- of the noise concerns and light concerns. So, that for me wasn't an issue in my consideration. So, that's all I really have to share. Primarily it's traffic circulation and, you know, I -- as far as this being a venue that serves alcohol -- maybe that wasn't all I had to share. As far as this being a venue that -- that serves alcohol, you know what, there are -- there are liquor licenses in all corners of this and in my opinion somebody can -- can overindulge at 6:00 p.m. or at midnight or at 2:00 a.m. or at lunchtime and create a great harm to others as far as drunk driving goes. I understand the concern that there -- that there is potential for that harm to be greater in a nightclub type of environment. However, I would anticipate fewer people would be on the road between midnight and 2:00 a.m. in general. So, that for me was not as much of an element in the decision, because I do believe there is potential for -- for poor choices made at any time of the day and night. So, that's -- that's what I have to share and I agree with my fellow Council that -- that this location is just too limiting for the use ultimately.

Simison: And, Council, I'm going to go ahead and share my thoughts real quick, because I don't disagree with anything that's been said and it's -- it's maybe a little different than what Council Woman Strader said at the very beginning is when I first got our first e-mail about this way back when, you know, honestly, this location is part of our community, it's fine for this event from my perspective, but kind of what was alluded to is -- it's last in into this property that's already been developed with other uses and trying to fit in and that makes it difficult, because I think that if it's -- this would have come in at the very beginning when this area started developing and was part of a plan, you could have addressed a lot of these issues, you know, but the corridor location of Ustick and Eagle was never the concern from my standpoint. But especially it just doesn't -- it doesn't seem to have enough space to work in this location with all the other strategies and had it been eight years ago, nine years ago, when this first area was -- you know, these things were being

thought about or the adjacent neighborhood was before it was built, it probably could have fit in in a way, but it would have taken the time and effort at that point in time, in my opinion, to really fit in with the overall area, because I would say it is a major commercial corner, there is other -- other uses in that, but for the -- at this point in time for all the reasons you all have said I agree, it doesn't -- it doesn't make sense at this point in time in this way.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Do you mind if I address one more thing?

Simison: Absolutely.

Perreault: We have had a lot of conversation about the type of use in this location. This -- this is -- this is -- mixed use regional is intended for regional uses. So, there was so much testimony about this being a residential area and it is, but this is intended for these types -- not specifically an entertainment venue, but it is intended for commercial business with a -- with a lot of traffic you are on two major -- you are in a major intersection that's designed to handle traffic of this capacity. So, I just want to put that out there, because that -- that's what our Comprehensive Plan is for. That is designed for uses with a lot of traffic. The primary concern with traffic in this location is that there is not a great entrance and a great exit for that -- that many people coming in. So, I just wanted to clarify that, because I don't consider this a residential corner at all and so I just -- I just wanted to state that specifically, because I feel like that that has been a lot of what's been said as far as concerns and I'm saying that because whatever does come into -- whatever future applications come into play, like -- whether they have a conditional use permit or not, this is still going to be considered as a regional commercial location. So, wanted to put that out there.

Simison: Thank you.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of Council, as you contemplate whatever your decision -- so, in a conditional use permit process your decision is twofold -- and Council Member Borton sort of hit on the first one. Can you make these findings that this -- this application can meet those specific CUP findings that are necessary. I think Council Member Borton -- or, excuse me, Council Member Hoaglund hit on the second prong of that, which is are there any conditions that we could impose and enforce that would allow it to, then, meet those conditions. So, as you contemplate that decision would you, please, be sure to add that into your findings of both that -- when it doesn't -- it didn't provide adequate -- if it didn't provide adequate evidence for you to make the findings or there isn't enough conditions and as -- I think as Planning has stated and I have stated, you know, conditions

for -- often for Planning or Legal as we try to enforce, deal primarily with things like building height, building size, locations of drive-throughs, locations of access and hours of operation. Much of the testimony you have heard are use driven. This type of -- gymnastic meets and dance contests and other things that we can't really enforce on the business owner on what type of uses they have, whether this becomes a nightclub, EDM club, country western bar, whatever, we really can't -- we really can't enforce those types of restrictions, so that's much more difficult to condition. As we have already told you, you know, enforcing conditions of capacity is very difficult to do. So, I won't say it's impossible to do, but it is incredibly difficult to do. So, it really -- if -- if whatever you are contemplating as a decision point here, if you could at least make the record clear what your thought process is, because, again, we have had at least one other venue I can think of in our city that, again, we had the similar challenges and we could not enforce the kinds of restrictions that have been talked about, it was really more on hours of operations and locations and access. So, anyway, just wanted to add that for the record, Mr. Mayor.

Simison: Thank you. Councilman Borton.

Borton: Mr. Mayor, I move we close the public hearing on Items 5 and 6, CR-2021-0004, CR-2021-0005.

Hoaglun: Mr. Mayor, I will second the motion.

Simison: I have a motion and a second to close the public hearing. Is there discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Taking both of these together, I move that we -- identified as City Council reviews. So, I will phrase it as a grant of the appeal on both Items 5 and 6, the consequence of which is to deny the CUP application that's been presented in CR-2021-0004 and 2021-0005. The basis for the denial of the CUP application as presented includes the Council's comments with regards to the eight conditions from UDC 11-5B-6E, that the permit as requested has failed to meet based on the evidence that's been presented in tonight's hearing. It's inclusive of the comments of staff, the appellant, the developer, as well as comments of the public. In addition to that, there does not appear to be from this record conditions that would satisfy the concerns that have been raised by Council to those eight elements of the UDC and for both of those reasons the appeal would be granted and the CUP would be denied.

Hoaglun: Mr. Mayor, I will second the motion.

Simison: Have a motion and a second. Is there discussion on the motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Mr. Nary, is that sufficient for your findings?

Nary: Mr. Mayor, Members of the Council, yes.

Simison: Is there further discussion? Clerk will call the roll.

Roll call: Borton, yea; Cavener, absent; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: All ayes. Motion carries. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

- 7. Ordinance No.: 21-1935: An Ordinance (H-2021-0014 – Artemisia Subdivision) for Annexation of a Parcel Being a Portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Ada County, Idaho, and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 25.67 Acres of Land from RUT to C-G (General Retail and Service Commercial) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: We still have some more business to do, so you are welcome to stay or not, but we will be wrapping up here in about two minutes. So, with that, Council, I would like to move on to Item 7, which is Ordinance No. 21-1935. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related H-2021-0014, Artemisia Subdivision, for annexation of a parcel being a portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Ada county, Idaho, and being more particularly described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 25.67 acres of land from RUT to C-G (General Retail and Service

Commercial) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 21-1935 with the suspension of rules.

Hoaglund: Mr. Mayor, I second the motion.

Simison: I have a motion and a second to approve the ordinance under suspension of the rules. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Council, anything under future meeting topics?

Hoaglund: Mr. Mayor, just probably in the future something about parking in entertainment districts, stadiums, whatever. Large venues, so --

Simison: So, is that another UDC?

Hoaglund: Exactly. Somewhere down the road, so --

Simison: With that do I have a motion?

Hoaglund: Move to adjourn.

Perreault: Mr. Mayor, second that motion.

Simison: Motion and a second to adjourn. All in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 12:11 A.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ / / DATE APPROVED
ATTEST:	

CHRIS JOHNSON - CITY CLERK