

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 15, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, APRIL 15, 2016, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Maui County Council shall please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you very much, Mr. Clerk. And for opening remarks this morning will be made by Member Crivello.

OPENING REMARKS

The opening remarks were offered by Councilmember Stacy Crivello.

CHAIR WHITE: Thank you very much for those remarks, Ms. Crivello.

Members and audience, will you please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: And, before we proceed, if you would all please turn off your noisemaking devices.

And, Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, we have received no requests for testimony on ceremonial resolutions. Shall we close testimony on ceremonial resolutions?

CHAIR WHITE: With no objections, we'll close testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 16-60

RECOGNIZING THE HAWAII STEM
CONFERENCE ON MAY 6-7, 2016

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"RECOGNIZING THE HAWAII STEM CONFERENCE ON
MAY 6 THROUGH 7, 2016".

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Can I request that the reso be read in its entirety by the Clerk please?

CHAIR WHITE: So ordered.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Members, today we recognize an outstanding event in our community; the annual Hawaii Stem Conference. The Conference offers students exposure to advanced technologies in software training; and supplements the science, technology, engineering, and math curriculum in our Maui schools. The event is sponsored by Maui Economic Development Board's Women in Technology Project in partnership with the County of Maui.

And, Members, we all heard in our district meetings, budget hearings, that STEM was very important to everybody in all the districts that we went to.

Since 2009, the Conference has continued to grow, attracting national partners and sponsors from the tech companies like Microsoft, Google, and ESRI. This year, they'll be joined by the National Science Agency and the National Science Foundation.

This is an, is an exciting opportunity for our Maui intermediate and high school students and teachers to experience a regional technology conference. They'll attend breakout sessions, and participate in software competitions ranging from game design to video, GIS and cyber security.

Students learn about STEM career pathways, and teachers attend sessions designed to motivate and increase STEM learning. We are fortunate to have an event like this to inspire our youth and keep them on the leading edge of technology. And, I ask the Members for their full support of this resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Members, further discussion on the item?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, I would like to echo the sentiments of my colleague Mr. Couch, and thank him for bringing this forward.

Also, I think the STEM Conference brings together many, many groups from different islands, student groups, to share their technology and their experiences in various areas, as Mr. Couch has mentioned. But, more importantly, is the comradery that they, and the lifelong friends they make in these programs that I think are, are invaluable. They're, they're not something you can quantum, quantify by saying, oh, I went to two conferences. But the friends you make, the relationships you form like in our, in our business. It really helps them grow as individuals.

And, I believe that many of them, the seniors that are out there that I got to talk to this morning, are off to colleges of esteemed educational levels. And, many with technology backgrounds. So, I want to wish them well.

I want to say that as a board member of MEDB, I've been proud to continue to help in our way in, in the ways we can make these programs continue to grow throughout the County and throughout the State.

And, I love to see when Molokai can go to Oahu and beat Punahou. I just have this love to beat Punahou attitude. So, I apologize. And, the Buff 'n Blue are going to call me tomorrow, but that's okay. I can handle that.

CHAIR WHITE: That's all right, I'll call--

COUNCILMEMBER VICTORINO: But, thank you.

CHAIR WHITE: --I'll call you today.

COUNCILMEMBER VICTORINO: Yea, you know, see, cause I knew where somebody comes from; Buff 'n Blue. But, that's okay, they, they're not all bad, no, no, no. But, thank you, Mr. Chair.

And, congratulations and best of luck in our upcoming Conference.

CHAIR WHITE: Thank you, Mr. Victorino.

Further discussion, Members?

Seeing none, I'll just add that, you know, STEM for me, is a, is a really, really important thing for us to have in our schools, because it, I think it opens all the kids eyes to opportunities. And, as you grow, the, the number of options that you have makes it possible for you to be happier. Because if you graduate from school with limited options, then you may not be happy with what you end up with. But, if you take the time and energy that you guys are all putting into learning, it increases your options. And, in life, having the option to do something you really want is a spectacular thing. And, having options in general is going to make you and your, you know, and your family that much happier.

So, I take my hat off to MEDB for bringing this into our schools. I take my hat off to all the teachers that are embracing it. And, for those of you kids who are in these classes, you should be feeling very, very fortunate, because having options means you've got opportunities, and opportunities translate into happiness. So, hats off to MEDB, and I thank you so much for making this happen.

So, Members, any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. On behalf of my alma mater, Molokai Middle, Molokai High School, and our island community, I also want to extend most congratulations to our students who participate in the STEM Program.

But, most of all, the extension that MEDB extends to our island with the training on behalf of our staff. And, you know, whether its STEM or Robotics, I know in a couple

weeks we'll be participating, the middle school, in the world champions in Kentucky. So, that would even, wouldn't have happened if it wasn't through the efforts of MEDB and the, the many advisors that come from our schools. So, thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, thank you for the opportunity. I too would like to add my congratulations and support for the resolution on the floor today. This is a very important matter that we're discussing here today.

You know, the science and technology capabilities of our youth have become so important. We just can't function anymore without them. And so, I do want to thank MEDB for their serious, wonderful good work in this area. And, to congratulate the kids, parents, and everybody who supports them. So, thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. MEDB and many people have gone to great lengths to make sure that this program was available. But, it would be for nothing if the people, the students did not take advantage of it. And, I'm really, really proud of them, that they have gone that extra mile to take advantage of what's out there that they can, as you said, to make their life better in the end. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk, or Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, may I request that Leslie Wilkins, the Vice-President of Women in Technology Project, and Mapu Quitazol, Program Manager at the Women in Technology Project, please come up and receive the resolution. Thank you.

CHAIR WHITE: Yes. Thank you.

COUNCILMEMBER COUCH: And, Mr. Chair, if, if I may ask Akaku to take a look at the group of children that are, young adults at this point, that are involved in the STEM Projects. I would, it would be good for the audience to see that. And, while they're doing that I want to introduce--

CHAIR WHITE: I can hear the camera moving.

COUNCILMEMBER COUCH: Yea. While they're doing that, I'd like to introduce Leslie Wilcox *[sic]*, she'll, wants to say a few words.

CHAIR WHITE: I think its Leslie Wilkins.

MS. LESLIE WILKINS: You know, Leslie Wilcox and I have a long standing joke that I benefit often from her celebrity, because our names only deviate by one-syllable, the last syllable.

But, thank you very much for introducing this. Thank you to all of the Councilmembers for entertaining this today. I know it's a very busy time of year. But, your messages today and your inspiration really was impactful.

The, this Council has been at the forefront at supporting STEM education. We've taken that investment very seriously at MEDB, and try to leverage it across the globe. This year we're welcoming some of the most prestigious sponsors in STEM education across the nation. We are the only regional STEM Conference in the State. So, again, Maui County, I think, is leading the way in progressive, cutting edge technology.

I also want to say thank you to the teachers that are here. They are our heroes and sheroes. Their amazing effort every day to inspire students to create a learning

environment where students can self-teach, peer-teach, have access to the state of art industry technology, and create solutions to problems that they feel are important.

We just want to say that the STEM Conference is the culmination of a year's work of work, and several of the projects will be shown. So, our students don't just learn technology to be cool, and smart, and savvy, and get good paying jobs. But that all is true, they will. But, they use technology in service.

The premise of STEM works is they pick issues in our community that resonate with them that they want to make a difference. And, they apply this cutting edge technology for solutions whether it's environmental, whether it's being more energy efficient, or whether it's helping students with special needs. It's an amazing group of projects.

So, we have a representational sample. Not all of our schools, which we have STEM works in all of our schools in Maui County are here. But, I want to commend that the early risers that have found their STEM Conference shirts from last year and have them clean are wearing them, thanks to the moms who did the laundry, are here from King Kekaulike, Maui High, Baldwin High, and Maui Waena.

So, and just to let you know, all of our Maui County schools will be involved in the STEM Conference, including Lanai and Molokai will be there and probably, always win, they probably will win again. So, thank you for investing in our future. As you can see, it is very bright.

CHAIR WHITE: Thank you all for coming.

And, Clerk, may we proceed.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-60.

Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and the first testifier is Susan Pu, testifying on item no. 16-72.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. SUSAN PU, (testifying on Committee Report 16-72):

Aloha, Councilmembers. My name is Susan Pu, and I'm a long-time resident of Hana. I want to thank you today for the time and effort you spent to modify the STHR legislation.

I am a property manager for a single vacation home in Hana, and I've been doing this since 2009. I just want to say that with extremely limited employment options in Hana, this measure allows for potential 30-individual jobs who will support many members and families of the Hana community. And, so I just ask that you will really consider this, this exception for Hana for property managers versus real estate agents.

We, property managers out here in Hana, we know our owners very intimately. We communicate with them regularly. We take every aspect of the property management for, on behalf of the owners, including, I do, I should be speaking for myself, including, you know, bill payments, and tax filing, and overseeing the property, overseeing the outside contractors who may work on the property to do property maintenance and, and so on.

And, we just, I just appreciate your attention to this problem, and hope that you will consider allowing property managers in Hana. Thank you very much.

CHAIR WHITE: Thank you.

Members, any need for clarification of the testimony? Seeing none, thank you very much for providing your thoughts this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and our first testifier is Ron McOmber, testifying on County Communication 16-65.

MR. RON MCOMBER (testifying on County Communication No. 16-65):

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. MCOMBER. Councilmembers. I'm testifying on 16-65. I'd like to have you approve the time extension for the Council, for the enactment of the Lanai Community Plan. Reason is we still haven't finished our business yet, and it needs to be done.

And, in lieu of the items that I sent you yesterday by email, that Pulama is encouraging their employees to speak against this item. And, those people, 90 percent of them, probably all of them, never showed up at the CPAC meetings. This is, this is like the old tactics of what happened with the windmills. So, if these people had showed up and give their, their mana`o at the, at the meetings, it would be different. But, she's asking people, and she gave them four typical statements to make. And, one of them called us, the people on the CPAC "dissidents". If, if we're fighting for Lanai, how in the hell can we be called "dissidents"? We're concerned citizens about this Community Plan.

I appreciate it if you will give us the extension that we need for the Lanai Community Plan. Thank you very much.

CHAIR WHITE: Thank you, Mr. McOmber.

Members, any need for clarification? Seeing none, thank you again.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have eight individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Chris Clark testifying on Committee Report 16-72. Chris Clark will be followed by further testimony from our Hana District Office.

MR. CHRIS CLARK, (testifying on Committee Report 16-72):

I wasn't ready to be number one.

Good morning, Mr. Chair and Councilmembers.

CHAIR WHITE: Good morning.

MR. CLARK: My name is Chris Clark, and my wife and I own an oceanfront home on Uluniu Road down in Kihei. And, we submitted an application for a short-term rental permit nearly two years ago. Our home is one-unit of a two-unit residential condominium lot. It's located in apartment zoning. The current ordinance has required us to submit our application jointly with our neighbor, our condominium neighbor for one permit.

And, we'd like to thank the Council for the amendment that's contained in the revised ordinance that's under consideration today, which would allow us to be granted a permit independently of our condominium neighbor. And, I encourage you to improve, or to approve that change.

Now, there is a, another permitted short-term rental 320-feet away from our home. So, as a result, we presently would be required to go before a public hearing at the Planning Commission. And, as was made clear in the Planning Committee meeting, the Planning Commission thinks dimly of short-term rentals. As a result, we have refrained from requesting our hearing in hopes that an amendment would be made to allow applications like ours to be approved by staff.

We have support letters from all of our neighbors. There's been no complaint filed regarding our application, and we believe that our application could be adequately reviewed by staff. And we're asking today that the rule requiring a public hearing when another short-term rental is located within 500-feet, be deleted in cases where there's no neighborhood objection after posting the public notice signage and sending letters to all the neighbors.

Now, finally, I understand that some have connected permitted short-term rental homes to the issue of the need for more workforce housing on the island as a whole. But, you should know that homes like ours are not really the solution to that problem if for no other reason than the fact that we live in it half the time, and we couldn't do any sort of longer term lease. Our home wouldn't be considered affordable if we could lease it.

There are many homes such as ours along the shoreline on Uluniu, Halama, and down in Makena. And I believe it's in the best interest of all citizens on the island, that homes like ours be put to a better use than sitting empty when we're not in it. They can generate income for service providers, and visitor businesses, and allow guests that want that single-family home experience. Thank you for your time.

CHAIR WHITE: Thank you, Mr. Clark.

Members, any need for clarification? Seeing none, appreciate your coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: Hana Office, please introduce your next testifier.

MS. LONO: Our next testifier is Stacy Lynch, testifying on item 16-72.

MS. STACY LYNCH (testifying on Committee Report 16-72):

Hi, my name is Stacy Lynch. I am here to testify on item number 16-72. I wanted to thank you for the special consideration you have made for us in Hana.

I have been a property manager for 30 years. The owner handles her own bookings and pays all of her taxes, as I do. And, she also shares all the bookings and the information with me. I touch base with the guests so they can, so I can answer any questions they might have. I provide flowers and fruits, and the owners get great reviews. After the guests depart, I follow up with a, a report to the owners if there are any issues.

My husband is a retired contractor and is available if any immediate need should arise.

I thoroughly enjoy my work. I live four minutes away from the house. I have been very close friends with the owners for 30 years. This is my livelihood. I love, and I love my work. Mahalo for your kokua.

CHAIR WHITE: Thank you, Ms. Lynch.

Members, any need for clarification? Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Lanai Office, please introduce your next testifier.

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

DEPUTY COUNTY CLERK: Thank you.

The next person to testify in the chamber is Kauai Kahaialii testifying on Committee Report 16-62. Following testimony will be further testimony from our Hana District Office.

MR. KAUI KAHAIALII, ROYAL ORDER OF KAMEHAMEHA (testifying on Committee Report 16-62):

Aloha kakou, good morning.

CHAIR WHITE: Aloha.

MR. KAHAIALII Chair, Councilmembers, if you don't mind, I invited my whole hui of Royal Order brothers and sisters to join me this morning, or those who could be here this morning to attend.

Come, mai, mai, mai, mai, come.

My name is Kauai Kahaialii. I am a Mamo Hawaii within the Royal Order of Kamehameha. Flanking me to my right is my Co-Chair George Kaho`ohanohano, who has been the Co-Chair of the Royal Ball of the Royal Order of Kamehameha, this Jubilee. And it was an awesome event. Thank you.

To my left here, we have our Ali`i Nui, William Roback, and also other members of the Royal Order of Kamehameha.

We are here this morning to mahalo you for those who have participated in our week long ho`olaulea, which in my mind, those who participated, who came and left with more mana`o. Who have, we were able to empower with education of who we were. And a little makana, gift, whether it was po`i that they pounded by their own hands, or a pohaku kui ai, a kukui lamp that they made with their own hands, or a mele or a

hula they have learned. So, these, these events that unfolded gave our lahui, or our people a gift from the Royal Order to take home with you. Now, whenever, there ever is a luau, they can dance hula and they can play the mele they learned.

Also, on this one week, 150th Jubilee Anniversary we had, it was a Royal Ball, or the Royal Banquet. And, it was a success. Mahalo to the Members who participated and came out. Brother Mike over there, you was looking dashing with your colorful bowtie and vest over there. Brother Guzman, mahalo, mahalo. And, mahalo for showing, mahalo for coming out and supporting us.

We would like to ask the Council to continue to support us on this amendment. And, not just as Royal Order members, but as members of the community. We are retired fire captains, accountants, police chiefs, police officers, we are people of the community as well. And, we would like to thank you and ask you for your support, your continued support. Mahalo.

CHAIR WHITE: Mahalo.

Members, any need for clarification? Seeing none, thank you so much for being here this morning.

MR. KAHAIALII: Aloha.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Hana Office, please introduce your next testifier.

MS. LONO: Our next testifier, and our final testifier, is Robin Gaffney, testifying on 16-72.

MS. ROBIN GAFFNEY (testifying on Committee Report 16-72):

Hi, my name is Robin Gaffney, I'm testifying on item 16-72.

Aloha, Council Chair and Maui County Councilmembers. I thank the Committee for their recommendation to allow for the management of an STRH in Hana and Lanai by someone who is not a licensed real estate broker. And, I ask for the Council's support on this--

Scarcity of jobs in Hana, we need every opportunity to be able to stay here and support our family. Each management position results in income for one more family.

I am born and raised in Hawaii, and a resident of Hana for over 28 years. Managing properties in Hana requires many skills, and as managers as a single property, we're far better equipped to handle all that comes our way than a real estate salesperson caring for multiple properties and guests.

I know Hana and the property I manage intimately. I know every shutoff valve, every fuse box, where everything is on the property. I know who to call when a big job needs to be done. I'm close by in an emergency.

Being involved so closely with this property allows me to respond knowledgeably and quickly to any problem that might arise during a guest visit to Hana. I also spend time with each and every respective guest to make sure they understand the policies that the County Council has put into place regarding short-term rentals. Thank you very much for your consideration.

CHAIR WHITE: Thank you very much, Ms. Gaffney.

Members, any need for clarification? Seeing none, appreciate your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify in the chamber is Sydney Smith, President, Maui Coffee Association, testifying on Committee Report 16-72 and Committee Report 16-58. Ms. Smith will be followed by Francis Ballard.

MS. SYDNEY SMITH, MAUI COFFEE ASSOCIATION (testifying on Committee Reports 16-58 and 16-72):

Good morning, Chair.

CHAIR WHITE: Good morning.

MS. SMITH: Good morning, Council. You were introduced to me already, and most of you know me already. I'm also a member of the Ag Working Group, and a member of the Maui Flower Growers Association.

On behalf of the Maui Coffee Association, I want to sincerely thank you for filing BF-70 today. Thank you for hearing us. Thank you for saving agriculture. We really learned a lot through this process and it made us get involved.

It created a common cause that forged relationships between conventional and organic farmers, cattle ranchers and sheep herders, coffee farmers and nursery men, big ag and little ag. This was a very positive outcome for us, and it united agriculture. So, thank you for listening.

On Committee Report No. 16-72, Maui Coffee Association really appreciates that you're updating the short-term rental home requirements, especially to eliminate the provision to apply for a Special Use Permit for farms and ranches on agriculture property.

I went through the process and already have a Special Use Permit for my farm. And, while the commissioners were great and encouraging, and even gave me a standing ovation for the work I did on my farm, it was very expensive and time consuming to go through the process.

And, since now it's an allowable use on State law, and has been for several years, it's an unnecessary procedure. This will make it more accessible for other small farms and ranches to do, that don't have the money for that process. So, I appreciate it a lot. So, thank you very much. Aloha.

CHAIR WHITE: Thank you, Ms. Smith.

Members, any need for clarification? Seeing none, appreciate your comments this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Francis Ballard, testifying on Committee Report 16-71. Mr. Ballard will be followed by Sandra Aki.

MR. FRANCIS BALLARD (testifying on Committee Report 16-71):

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. BALLARD: Good morning, Councilmembers. My name is Francis Ballard. I'm a resident, current resident of Hale Makana O Waiale, and I'm here to speak about the Communication 16-71, recommending filing of communication to add Waiale Park located in Wailuku.

This park is very important, I feel, to our keiki. We are dealing with a lot of security issues. We had recently had meetings with the Maui Police Department, Juvenile Division, with our newly founded Hale Makana O Waiale Tenant Community Association. We are trying to change the culture positively in the area; trying to imbue folks in the area to pretty much own their community. Trying to also increase the effectiveness of security coordination with leasing folks with KHAKO Board Members, you know.

And, I think removing the opportunity of intoxication is a really smart thing. My experiences with security that many of the issues that we have over there, stem from complications in the park. There's a lot of escape routes in there. People tend to hang out in the evening past hours. We have a security company, currently that doesn't necessarily feel comfortable going into the park to police it. And that's something that we're working on solving, but with neighborhood watch and various other issues.

But, I just feel that because it means so much, we have the presence of Big Brothers, Big Sisters over there, we see a lot of kids playing there through the day. But, during the evening, it turns into a real problem. And, I think by creating rules and limiting the, the opportunity to drink in that park, you would be increasing safety, security, just an overall feeling of responsibility for the community. And, I urge you, and I thank you.

So, with those remarks, I would, I would also defer to our President of the HMOW Tenant Community Association, Sandra Aki. She's your next speaker. Thank you.

CHAIR WHITE: Thank you very much for your, for sharing your thoughts this morning.

Members, any need for clarification?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

Thank you very much for being here. I'm not sure if you're aware that we've recently passed a new chapter in the Parks Division, and Waiale Park was included on that, in that, in that new revision as a park that would prohibit alcohol and liquor. So, therefore, this bill, as presented, was not necessary.

MR. BALLARD: Well.

VICE-CHAIR GUZMAN: So, that, would come into effect on April 1, 2016.

MR. BALLARD: That's interesting. I was not aware of that.

VICE-CHAIR GUZMAN: Okay, thank you.

MR. BALLARD: Thank you.

VICE-CHAIR GUZMAN: Thank you, Chair.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, and just for clarification, we had put Waiale as a separate entity because we weren't sure when this other issue would have been resolved, when the entire group would be put in. So, it was my plan that if it didn't, then here we would include it. But, it has, and I apologize, cause I did let Ka Hale know, and I thought they would spread the word. But, it is a non-alcoholic park at this time, so.

MR. BALLARD: That's, that's excellent news. Thank you.

COUNCILMEMBER VICTORINO: Yea, so we've worked on it, and we've got it completed. So, I wanted to just let you know. And, I apologize. I had to run and pick up a call, and I came back and I heard you, and I said, oh I better come back and tell him. And, Mr. Guzman, beat me to the punch.

MR. BALLARD: Okay, well then I owe you thanks. Thank you.

COUNCILMEMBER VICTORINO: No. You're welcome. Thank you, Chair.

CHAIR WHITE: Anything else, Members?

Thank you very much for your testimony this morning, Mr. Ballard.

MR. BALLARD: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Sandra Aki, President, Hale Makana O Waiale Tenant Association, testifying on Committee Report 16-71. She will be followed by Thomas Croly.

MS. SANDRA AKI (testifying on Committee Report 16-71):

Sorry, I'm short. Good morning--

CHAIR WHITE: Good morning.

MS. AKI: --ladies and gentlemen on the County Council. I am overjoyed at hearing that the park at Waiale has been turned into an alcohol-free park. Being a resident there at Hale Makana for 19 years, I've witnessed many things. And now, being the President of the newly formed association, I take it very seriously when I look at the children and the families that live where I live, and for their safety.

And so, I had a whole list of things that I wanted to share, but I was not informed, but I am glad to be here this morning and hear that it has been passed. I thank you folks for doing that. It means it's one more thing off of my checklist, and many more things to go forward with. So, thank you again. Have a nice day.

CHAIR WHITE: Thank you, Ms. Aki. I don't think we need any clarification. But--

MS. AKI: Thank you.

CHAIR WHITE: Thanks for your presence this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Thomas Croly, Board member of MVRA, testifying on Committee Report 16-72. He will be followed by Bobbie Patnode.

MR. THOMAS CROLY, MAUI VACATION RENTAL ASSOCIATION (testifying on Committee Report 16-72):

Aloha, Council. I'm Thomas Croly testifying on behalf of the Maui Vacation Rental Association on Committee Report 16-72, from the Planning Committee.

I want to thank Committee Chair Couch, and all the Planning Committee Members for their consideration of the changes necessary to help several permit applicants who have been stuck in the short-term rental permitting process for as much as three years, to finally have their permits be granted. Helping get more, more permits

granted is a very important step in better regulating the short-term rental uses throughout Maui County.

Many property owners who would like to make this use have not yet come forward because they have watched others who have been stuck in the process either with no, no progress or have their permits denied. So, getting some of these people unstuck and getting some permits granted is one of the steps along the way.

I do want to ask the Council for consideration of the clarifying amendment to be made to the bill before Council today. It's vitally important that our ordinances be as clear as possible so everyone can understand the rules and the permit processing procedures.

The Committee made very clear in its deliberations that the five-year ban should never be applied to anyone who wasn't first notified of the violation that would result in, in any kind of a ban. As was previously clear four years ago, when the original short-term rental ordinance was crafted, the intent of this ban language was that it would only be applied after a notice of violation had been issued. And, I believe it would serve everyone involved if the, what was passed today added one sentence that said, "who is issued a Notice of Violation" to Section 19.65.80E, so it would read, "Operating without a permit shall result in a property owner, who is issued a Notice of Violation from being ineligible to apply for a permit for five years".

I also would like to suggest that the six-month exemption to this five-year ban, run from July 1 to December 31, 2016, to allow the back-permitting fee that's referenced in the ordinance to be set by the Budget Committee and be part of, of the upcoming years rates and fees. And, also to allow the Department to establish the paperwork necessary so that people can properly make application to the procedures that we're adding to, to things.

It's also very important that our ordinances do not encourage people to lie in order to get a permit. And, that is currently the case. I want to be very clear, most people have to lie to get through the current permit process.

I'm in full support of the new requirement contained in the application procedures that have applicants clearly reveal any past operations, pay a back-permitting fee, show that they were tax compliant and, and so forth. But, we need to make clear that them revealing this is not going to disqualify them from, from making application. It just is the worst of County government for people to come forward, try to apply, and then be told bang, now we got you.

So, let's make sure that our ordinances are clear. That they invite people to come in, that when people come in and they make application, we treat them fairly, we process their applications fairly. And, hopefully we can get a handle on regulating this, this industry. Thank you.

CHAIR WHITE: Thank you, Mr. Croly.

Members, any need for clarification? Seeing none, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Bobbie Patnode, Moderator for Agricultural Working Group, testifying on Committee Report 16-58. She'll be followed by J.D. Wyatt.

MS. BOBBIE PATNODE (testifying on Committee Report 16-58):

Aloha, Council.

CHAIR WHITE: Good morning.

MS. PATNODE: My name is Bobbie Patnode, and I'm here today representing the Agriculture Working Group. We wish to express our deep and heartfelt gratitude to you for your actions on March 10, and today's filing of BF-70.

Today, your service to agriculture makes you heroes. The Agriculture Working Group was formed by a Councilmember, expressly for the purpose of helping the Council obtain input from the agriculture community. We take our responsibility very seriously, and worked hard to give you what you asked of us. And then you all worked hard, many hours, listening to the community. You all know it is nerve-racking to come here and testify.

I want to especially thank Mr. Hokama for his courtesy and kindness to many testifiers. Believe me, it really helps when we can feel the Council welcomes our input. So, thank you, Mr. Hokama.

The Ag Working Group looks forward to continuing to work with all of you on several upcoming bills designed to make successful agriculture possible in Maui County. So again, with humility and respect, thank you for your support for agriculture, for your hard work, and what you have done for Maui. Thank you.

CHAIR WHITE: Thank you, Ms. Patnode.

Members, any need for clarification? Seeing none, thanks for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is J.D. Wyatt, Executive Director, Big Brothers Big Sisters of Maui, testifying on Committee Report 16-71. He will be followed by Debbie Mitchell.

MR. J.D. WYATT, BIG BROTHERS BIG SISTERS OF MAUI (testifying on Committee Report 16-71):

Good morning, Chair, Councilmembers. It, two great things, my testimony has turned into a mahalo with this recent news and, I'm no way going to violate the three-minute rule, so I'm happy about that. Thank you all for the, the work that you do. Of course, I think the residents of Hale Makana said it best. But, we at Big Brothers Big Sisters, we are renewing our efforts to become a major player in that community.

Many of you know we've been piloting a new program just for the kids of Hale Makana, and Councilmember Carroll and Victorino came to our blessing, which thank you for that. But, this, this park is the only backyard and sanctuary for the kids, both Hale Makana and KHAKO. And it's really imperative that, that we were to keep that alcohol-free because we see the problems every day. We have an average of 15 kids a day attending our programs. And, as soon as we release them about 4:30 or 5:00, it's kind of a free for all in the park. So, we really need that, and I appreciate the fact that that's already been taken care of. So, thank you.

CHAIR WHITE: Thank you, Mr. Wyatt.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Debbie Mitchell, testifying on Committee Report 16-72. She will be followed by Rosemary Robbins.

MS. DEBBIE MITCHELL (testifying on Committee Report 16-72):

Good morning, Chair.

CHAIR WHITE: Good morning.

MS. MITCHELL: Good morning, Councilmembers. My name is Debbie Mitchell, and I am a consultant that assists folks with their short-term permit application; been doing it for, since the ordinance was approved.

COUNCILMEMBER COUCH: Excuse me, Mr., Mr. Chair, can she get a little closer to the microphone?

COUNCILMEMBER VICTORINO: Yea.

MS. MITCHELL: Is that better?

COUNCILMEMBER COUCH: Yea.

COUNCILMEMBER VICTORINO: There you go.

MS. MITCHELL: Okay. I'm speaking today on behalf of the folks at the International Colony Club. We appreciate the sub-committee's consideration of our changes that we've requested.

(Vice-Chair Guzman was excused from the meeting at 9:50 a.m.)

MS. MITCHELL: International Colony Club is a group of single cottages, if you will remember, that are all on one tax parcel number, but are all individual residences. They've been, they were constructed in 1964, and basically have 27 of them that are currently paying the hotel tax rate.

Upon hearing that there was a possibility that the ordinance could be changed to allow them to apply individually under one tax parcel number, I was contacted by 15 of the owners requesting, even though it hadn't been finalized, that I begin work on their permits.

So, this is a community that is extremely motivated to become legal. They want to, they, understanding even that it's not quite final yet until the Mayor signs it, they wanted me to proceed. So, I'm just appearing before you today to ask you to please consider that part. These are folks that really want to come into compliance. We're

under the impression they were doing so already, have been paying the increased tax rate, have been paying general excise and transient accommodations tax the entire time.

So, just asking you today, as their representative, that you go forward with this change to the ordinance, and, and pass this. Thank you.

(Vice-Chair Guzman returned to the meeting at 9:51 a.m.)

CHAIR WHITE: Thank you very much, Ms. Mitchell.

Members, any need for clarification? Seeing none, appreciate you being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins, testifying on County Communications 16-69 and 16-70. Ms. Robbins is the last individual who has signed up to testify in the Council chamber.

MS. ROSEMARY ROBBINS (testifying on County Communication Nos. 16-69 and 16-70):

Good morning, everybody. Rosemary Robbins, concerned citizen.

CHAIR WHITE: Good morning.

MS. ROBBINS: First of all, I'd like to thank all of you for being out there in the community, and listening to the people.

(Councilmember Hokama was excused from the meeting at 9:52 a.m.)

MS. ROBBINS: So, it's been very gratifying for me to see that happen. And, thank you for your compassion in the way you handled all of that.

These two items are under the county communication section in today's agenda, on page 5, down at the bottom. They're talking about Maui island planned, plans, Maui community plans that were developed by the people who live in these geographies. And, through a number of different strategies, including rezoning, people are being disenfranchised from their opportunities to be able to enjoy what we have here on Maui.

And, I was here at a meeting the other day for the Planning Department, and there was a statement made that the Department, oh, that permit applicants sometimes submit a questionable application, and hope that the Department doesn't catch it. A little problem with the pono there, that we all voted for back in the 2012 Election. If the Department does pick up on that, then it takes time and money, therefore, to straighten it out. So, something is the matter with this whole permitting system that needs to have some strong comeuppance in order to apply to just plain common sense, integrity, pono.

And this, these two items here this morning, reflect on what we heard last night at the Haiku Community Center when all nine of our representatives were there to listen. I'm not from that geography, but I couldn't miss it.

And, thank you, Elle, for the history that you made at Honolua to give people courage from other parts of the County to be able to speak up and know that those things can be improved.

There was a young woman there, a local girl who requested that a property that is available to the County, to please go ahead and take that opportunity and act on it.

(Councilmember Hokama returned to the meeting at 9:55 a.m.)

MS. ROBBINS: Because, there are people over on that East side, on the shoreline who are walking those areas and have been forever. And, now the people who have been given permits that the local folks didn't necessarily know about are being confronted by the people who have permits, and saying we, we can't walk in this area because this is mine. Something's terribly wrong with that. Doesn't that echo a history of which we cannot be proud?

So please, if you have access to actually acquiring that land do it, make sure with gentle firm oversight, that indeed nobody is disenfranchised from that. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. ROBBINS: You're welcome. Thank you for coming out.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office conference call at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one to testify at the Lanai Office.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we've received written testimony. Without objections, we'll enter it into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Sydney Smith, Maui Coffee Association; and
2. Thomas Croly.

CHAIR WHITE: And, without objection, we will close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 16-58 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 11-227, from Councilmember Mike White, relating to the disparity of real property assessments for agricultural versus non-agricultural lands, including the matter of an investigative group as permitted under Section 92-2.5, Hawaii Revised Statutes, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: With no objections, I'd request the Clerk to bring up Reports 59, 60, 61.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT

NO. 16-59 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 16-21, from the County Auditor, transmitting a report entitled "DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, (A Proprietary Fund of the County of Maui), FINANCIAL STATEMENTS AND SUPPLEMENTARY INFORMATION WITH INDEPENDENT AUDITOR'S REPORT, Fiscal Year Ended June 30, 2015," submitted by the County's independent auditor, N&K CPAs, Inc., be FILED.

COMMITTEE REPORT

NO. 16-60 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 15-89, from the Director of Finance, transmitting the following reports by Matrix Consulting Group: 1) "FULL COST ALLOCATION PLAN, FY 2011/2012 Actuals, COUNTY OF MAUI, HI," dated February 26, 2014; and 2) "OMB A-87 COMPLIANT COST ALLOCATION PLAN, FY 2011/2012 Actuals, COUNTY OF MAUI, HI," dated March 31, 2014, be FILED.

COMMITTEE REPORT

NO. 16-61 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That County Communication 15-230, from the Director of Personnel Services, transmitting a report of the reclassification of positions that were transferred from one compensation plan to another for the calendar year 2014, be FILED; and
2. That County Communication 16-51, from the Director of Personnel Services, transmitting a report of the reclassification of positions that were transferred from one compensation plan to another for the calendar year 2015, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 16-58
THROUGH 61, INCLUSIVE, BE ADOPTED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the motion covers four reports from your Budget and Finance Committee. Just let me quickly give some brief comments. I would hope that the Members read the committee reports. Because the committee reports from this Committee specifies the intent, direction, and part of the discussion that the Committee had, so that those that wish to understand the actions of the Council may have a better sense of where we were heading, what we were trying to accomplish, and then the final action of the body.

If you see in Committee Report 16-58, we did make notice, after going through the history of this process, that Members of this Council have taken upon themselves to reintroduce portions of legislation that they indicated at the Committee meeting, Mr. Chair. I would also state that we had also then directed the Department of Finance to implement the current law to its full effect as currently stands.

Report 16-60 is, of course, the overhead study which where we even had interesting comments from departments not too keen on the assessment that Budget Office has allocated to their department overhead cost for support services.

And, other than that, Chairman, the rest is housekeeping matters. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on these items? Seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COMMITTEE REPORT

NO. 16-62 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 38 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would request the Clerk to bring up all further reports from the Budget and Finance Committee, including 16-66.

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT

NO. 16-63 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 39 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT ACT)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 16-64 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 40 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF WATER SUPPLY (STATE OF HAWAII - WELLHEAD PROTECTION PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 16-65 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 41 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (STRATEGIC PREVENTION FRAMEWORK PARTNERSHIPS FOR SUCCESS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 16-66 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 42 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PARKS AND RECREATION (STATE OF HAWAII - MOLOKAI ATHLETIC COMPLEX)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 16-62 UP TO AND INCLUDING 16-66, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Basically, all bills relate to either receiving a grant or regarding 16-62, the Council is recommending a grant or approving a initial reading

of a grant request by the Royal Order of Kamehameha. And, this morning we had testimony from those representing that organization, and we thank them for their presence. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, real quickly. I would like to congratulate and let the Royal Order of Kamehameha I, to say to them that was a wonderful program, and the ball was excellent. The history that was provided about the Royal Order was excellent. And, if you had an opportunity to attend, you walked away a lot more enlightened with what they have done through the years, and the history of the Royal Order. Many of us just realize that they come around with their red cloaks and they are part of ceremonies. But, the history is very rich and very colorful, but more importantly, very important, in perpetuating the culture of Hawaii Nei. So, I want to congratulate them.

And, the last one is the wellhead protection. I think this money was much needed to continue our, our, our objective of making sure all our wellheads are secure. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 16-62, that's BILL 38 (2016). Relative to Committee Report 16-63, BILL 39 (2016). Relative to Committee Report 16-64, BILL 40 (2016). Relative to Committee Report 16-65, BILL 41 (2016). And, relative to Committee Report 16-66, BILL 42 (2016).

(Councilmember Cochran was excused from the meeting at 10:03 a.m.)

COMMITTEE REPORT

NO. 16-67 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-61, entitled "AUTHORIZING SETTLEMENT OF LARS M. GASCON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01155; LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD CASE NO. AB 2015-319(M)," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO RECOMMEND THE, THE ADOPTION OF
COMMITTEE REPORT 16-67.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on February 5, 2016, March 18, 2016, and April 1, 2016, to consider a request by the Department of Corporation Counsel to authorize settlement of this workers' compensation appeal.

A Deputy Corporation Counsel noted Lars Gascon, a County employee, was injured during the course of the scope, course and scope of his duties. Mr. Gascon was treated by Dr. James Hattaway. While being treated by Mr. Hattaway, he suffered an industrial injury in a car accident which exacerbated his injuries and increased the length and frequency of the treatments necessary. The County was never informed

of the motor vehicle accident or the injuries. Mr. Gascon continued to be treated by Dr. Hattaway for his injuries under both his workers' compensation claim and his private insurance.

The Deputy said that the Disability Compensation Division found that Dr. Hattaway had committed 69 counts of fraud. Dr. Hattaway has appealed the disciplinary, Disability Compensation Division's decision to the Labor and Industrial Relations Appeals Board. And, the Deputy said that the settlement has been offered in, in the, in this appeal.

Following the executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution to authorize settlement of this matter under the terms proposed in the executive meeting.

I ask the Members for their support of this motion.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,
CRIVELLO, HOKAMA, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", one "excused";
Ms. Cochran.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-61.

COMMITTEE REPORT

NO. 16-68 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-62, entitled "AUTHORIZING SETTLEMENT OF JANET SIM, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 15-1-0571(2)," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Chair, may I also request the Clerk to call up Committee Report 16-69.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT

NO. 16-69 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-63, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30153921887-0001 OF MERLINO FETALVERO," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE OF THE WHOLE REPORT 16-68 AND 16-69.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on April 1, 2016, to consider a request by the Department of Corporation Counsel to authorize settlement of these cases. The complaints and the Claimants allege that the damages were to their residence at Kihei, Maui, Hawaii, as a result of sewage leakage from a main sewer line that infiltrated their homes on or about November 18, 2014 *[sic]*, and subsequent remedial efforts.

A Deputy Corporation Counsel noted raw sewage entered the Plaintiffs and Claimants home as a result of the overflow, and the County took immediate measures to clean the home and remediate the damages.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolutions to authorize settlement of these matters under the terms posed in executive meeting.

I ask that the Members support this motion.

(Councilmember Cochran returned at 10:07 a.m.)

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, relative to Committee Report 16-68, is RESOLUTION 16-62. Relative to Committee Report 16-69, RESOLUTION 16-63.

COMMITTEE REPORT

NO. 16-70 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-64, entitled "AUTHORIZING SETTLEMENT OF NADJA VITAVEC NKA NADJA NEIDHART V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-1-0181(1)," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN:

MOVE TO ADOPT THE RECOMMENDATIONS, REPORT
NO. 16-70.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr., Mr. Guzman, I almost said Crivello, but, and a second by Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. On April 1, 2016, your Committee met to consider the request from the Department of Corporation Counsel to authorize settlement of this case.

The Complainant alleges that she suffered personal injuries on or about May 8, 2013, when a large tree branch fell on her at Puamana Beach Park in Lahaina, Maui, Hawaii.

A Deputy Corporation Counsel said that the, the plaintiff was visiting from Austria, and at the time of the incident, this was on or about April 18, 2016. The Plaintiff will return back to Maui for mediation.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution to authorize settlement of this matter under the terms proposed in executive meeting.

I ask the Members for full support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-64.

COMMITTEE REPORT

NO. 16-71 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND
RECREATION COMMITTEE:

Recommending that County Communication 15-285, from Presiding Officer Pro Tempore Michael P. Victorino, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.044, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT WAIALE PARK, WAILUKU, MAUI, HAWAII", be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 16-71.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on February 2, 2016, to consider a proposed bill to add Waiale Park, located in Wailuku, Maui, Hawaii, to the list of parks at which consumption of any intoxicating liquor is prohibited under Section 13.04.044 of the Maui County Code.

Your Committee does agree with the proposal, but also notes that the proposed bill is not necessary because Waiale Park was added to the list of parks where alcohol is prohibited by Ordinance 4302, which was recently signed into law on April 1, 2016.

Ordinance 4302 revised provisions dealing with the regulations and management of the County parks and recreational facilities, therefore, your Committee recommends filing of the communication.

I respectfully ask the Council for this full support of this recommendation. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any discussion on this item?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Real quickly, I want to thank Mr. Guzman and the Committee, which I'm a part of, but getting this ordinance brought forth for the entire scope of parks throughout the Maui, throughout Maui County. So, not only Waiale Park, but others were inclusive. So, I was very happy with that. And, as I stated earlier, I had put this out before this other resolution had come out as far as including all the other parks.

So, I thank Mr. Guzman for his help and the Committee. And, I hope all our, my colleagues will support this filing, but more importantly support non-alcoholic parks throughout Maui County. Thank you.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-72 - PLANNING COMMITTEE:

Recommending the following:

1. That Bill 43 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-278, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, may I request a short recess please?

CHAIR WHITE: Yes. A recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:13 A.M., AND WAS RECONVENED AT 10:16 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: This meeting of the Maui County Council shall come back to order.

Members, without objection, we're going to move this item to the end of calendar.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: We're, we're still working on one, one amendment that Mr. Couch wants to add. So, this item is at the end of the calendar.

(See pages 73 through 80 for discussion and action on Committee Report No. 16-72.)

CHAIR WHITE: Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 16-64 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated March 24, 2016)

Transmitting 52 contracts/grants for the month of February 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask Members if they have specific contracts they would like to have referred to the Budget and Finance Committee for finance responsibilities regarding the review and accountability of specific components of the report. So if the Members would make their intentions known.

AT THIS TIME, I MOVE TO FILE COUNTY COMMUNICATION
16-64, BUT HAVING CONTRACT C5966 AND C5739-1
REFERRED TO BUDGET AND FINANCE.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Hokama, and a second from Mr. Victorino.

Members, do you have any other contracts you would like added to the referral list? And, please state the contract name and the Committee to which you would like it to be referred.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Please to probably IEM, C5119-4. It's one page 1 of 7.

COUNCILMEMBER HOKAMA: Chairman, the motion is regarding the filing, and referral to Budget Committee.

COUNCILMEMBER COUCH: Oh, only Budget?

CHAIR WHITE: Thank you for that clarification. Yea, it should go to Budget.

COUNCILMEMBER COUCH: Okay.

(Councilmember Crivello returned to the meeting at 10:18 a.m.)

CHAIR WHITE: Okay. Okay, any further items you would like to have referred to Committee? Seeing none, all those in favor of the motion, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

NO. 16-65 - DON COUCH, CHAIR, PLANNING COMMITTEE,
(dated April 4, 2016)

Transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT OF
COMMITTEE REFERRAL AND REPORT PURSUANT TO
RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, this matter relates to the Council's extension of the deadline to enact the Lanai Community Plan which is April 29, 2016, therefore, time is of the essence.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: We're back to Councilmember Couch.

CHAIR WHITE: Oh, I'm sorry. Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 16-65,
ENTITLED "APPROVING A TIME EXTENSION FOR THE
COUNCIL TO ENACT THE LANAI COMMUNITY PLAN", AND
TO FILE COUNTY COMMUNICATION 16-65.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This resolution would extend till June 30, 2016, the deadline for the Council to approve the Lanai Community Plan. The extension would allow Council time to complete a thorough review of the plan. We've, going to discuss this after this meeting today. So, I urge the Council's support of this resolution.

CHAIR WHITE: Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak against the motion. I am getting to a point of more than discomfort. It's getting to be downright anger about this process in, how it regards to our island of Lanai.

We had quorum last week; sufficient to do the business of the people. We're in front our community. I don't know who is making recommendations to the Chair, whether it's the Department or our staff downstairs. But, Chairman, there was no excuse for us not to take action last week in front our community. Quorum is required to conduct business. We had quorum. We had Members who justified could not be there, but we should not have punted, if that's the right word, it's not football season, but punted to not make a decision.

I find it interesting how this process is going. Yes, the island is going through a difficult time. When it's our, was our turn for this plan, many factors were happening. One, change of landownership, big impact. During the process, we had a very tragic incident. Factors that does not normally come into play in a community plan's review.

Attitude of the Department toward what we were at once told was one of the better community plans; it just needed tweaking. Well, I see a damn re-writing, not a tweaking of our community plan, to the point where I am happy to continue to support the 1990 existing community plan which I know very well since I was part of the group that wrote that plan.

I find it interesting that those are the families that built our community, invested in our community, fought for our community during conflict, and even died for our community. Those families are now by those who are the true outsiders, non-residents, non-Lanaians, saying that our people are "dissidents". You know for people like our families who have been investing in this community for 100 years, that's pretty insulting. Our people are looking out only for the best interest of our families, our neighbors, our families who operate businesses and carried us through the difficult times of transition from pineapple to tourism. You know, this company wala'au's great. But, at the end of the day, it's just waha.

And so for me, Members, you know, we want to keep dragging our island, our community through this bullshit process, then we'll deal with it in August and November. But, I don't think this is deserving of our community.

I don't have a problem of us considering to defer this community plan. I know there's a schedule going on. I'm happy to allow the Department to focus on Molokai, cause I know it's their turn. I'm happy to, I'm happy to also support the continuation of the process to allow the Maui districts to have their proper review in a timely manner.

And then, when the dust settles and the property owner has finally a better sense of where they want to go with the island, then we can continue our process back on Lanai. Because, Chairman, the current plan is solid, it's still pertinent, and it still reflects the intent of our community, especially those that worked hard, invested, and made this community what it is today.

It is interesting that for, on a community plan, the basis of who built our community and sustains our community has issues with this proposal, because it is not being viewed as truly a community plan.

And, I know who have been going to those meetings. I've been paying attention. I've been watching. I know who's been doing the talking and who hasn't, who has shown interest, and those who depend on others like any other community, to be the ones to step up and speak for others. I know my community well; I've invested my life in them.

And, so I would hope the Members would take my comments seriously and to heart regarding this matter today, cause the people of Lanai are watching. It's getting personal for me. It's about my home now. It's about who I am, cause that community helped shape my foundation, my philosophy, my beliefs. It nurtured me to become what I am today. So, it's getting personal. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I understand Mr. Hokama's comments, and I think we're planning on discussing that in the, in the special meeting that follows this meeting.

We still need to extend the deadline. The deadline says we're, we have till April 29. Even if we say no, there's still, we have to do something in order, if he needs, if he's interested in suggesting it be deferred, maybe change the date in the reso to a little bit later so, or till the end of this year, something cause we have to rewrite a few, redo a few ordinances in order to move it, move that to the bottom of the list. So, we still need to extend the deadline in order to even get those done. So, I'd be open to a, an amendment to change the date to, you know, December 31, or whatever. But, we can't do anything before April 29, and then we would be in violation one way or the other. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion?

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: I understand where Mr. Hokama is expressing, especially coming from our small island, and appreciate allowing the Molokai Plan to continue

its process. And, I also would like to know if, if Mr. Hokama is willing to express this, if, if we defer or shall we, in your opinion because this is your island's plan, about us deferring it or extending it to a date that is compatible to what, what you would, you and your community would like to see as the out, final outcome? I guess I'm asking Mr. Hokama.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. To my colleague from Molokai, I thank her for her comment and question, and her consideration for our community and our people of Lanai.

You know, it's too bad we don't have that kind of power to turn the clock back, cause I wouldn't mind turning the clock back and, you know, allowing our community. I find it interesting, I'm, I'm, you know, I stated my comments earlier, Members, but I'll say that I'm happy to work with you.

I think deferring this, if that's your desire, is appropriate, but I think we should give sufficient time. But, at the same time, I think Mr. Couch needs to give us comment because, again, Lanai doesn't want to get in the way and take away the focus that Molokai deserves. It is their time. People need to focus, the Department personnel staff, and appropriate members that have volunteered, need to be given their due consideration and time of proper focus, and not be split between Lanai and Molokai.

So, if we're going to extend the time, Chair, that's great. But, I would expect then the, I don't know what kind of focus this Department's going to go, cause now they're working on two plans. So, does this mean Molokai gets kind of pushed on the side because they want to finish Lanai first?

One of the things that I am viewing that I don't appreciate though, is the you being, the using of Lanai Community Plan as a basis of what we are trying to set, either in countywide policy, or what others have intentions for this island in their district community plans. I don't like our people to be used in that manner, our community plan to be used in that manner.

So, if you guys want to change the date, I would just say please give due consideration to the needs of Molokai also.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

CHAIR WHITE: Followed by Ms. Baisa.

COUNCILMEMBER COUCH: Okay, thank you, Mr. Chair. Yea, I too have major concerns with the process. And, my staff is in the process of finalizing a letter that I want to introduce at our very next Council meeting. And then, should it be, that subject matter be sent to my Committee, I would hope that in the very next Planning Committee meeting to discuss the process before we move further and just get deeper and deeper into this craziness.

So, that's one of the things that I'm working on, is to say look, let's call a timeout, figure out what's wrong with the process, which, and I agree with Mr. Hokama, it is flawed at this point. And, I think the Planning Department thinks that as well. So, that's one of the things that's coming up, my staff is working on diligently as we speak. So, I'm willing to do that, to commit to that as well.

Like I said, we do need to at least extend the date, and settle things down, figure out what we can do to make this process, because we have Molokai next who's gone through most of the process so far and they've had some concerns as well. From what I'm hearing is there's concerns about the process there. And, we've got the other seven plans to go through. So, let's be proactive.

Unfortunately, Lanai got brought up essentially the, the problems with the process. And, that's the way, you know, our system works. We found the flaw so let's, let's fix it.

Aside from that, you know, we can talk about in the special meeting, that some things about the current plan for Lanai too. So, thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I've been listening with great interest to the discussion. You know, having the scars of being the Chair of getting the Maui Island Plan through, you know, I've been involved in this for before I came to the Council, and I've been here almost 10 years. I was already attending the meetings of the GPAC before I came to the Council. So, I've been watching this for a very long time.

And, I'm already on the record as having said that I think the process is dysfunctional, and that it needs to be, it needs to be fixed. And, I agree with Mr. Hokama in that

sense, that I don't think it's a good process. I think it takes too long. I think that it just is unwieldy, and we got to find another way to get community planning done.

I also felt that the whole thing was upside-down. I would have preferred to see community plans done individually and then put together in a general plan, rather than a general plan driving the community plans. It's kind of backwards in my opinion.

But, we are here with what we have, and we do have a deadline. And, we got to extend it or we're in violation of our own deadlines. It's sad that every time we come against a deadline, we tend to have to extend it. So, that tells me that we really have a problem, cause our deadlines are not realistic and they don't match the work that's required to, to meet those deadlines.

And, so as far as extending the deadline, I'm not going to say whether I think we should make it what is, was being suggested, or at the end of the year, or whatever. But, I do, you know, have a real concern about this process. I think we need to work on it right away. I've been talking about it ever since I chaired the general plan, and we're pretty much still going along the way we have been.

I think that it's time for some decisions, because the communities need to know. They need to know. And, the people that are going to invest in our communities, and the plans that are going to go into our communities need a general plan or a community plan to guide them. They cannot be just waiting for us to make up our mind. So, I want us to urge people. I think we need to decide if we're going to keep the old plan, well then we keep it. If we're going to have a new one, then let's have it. But, I don't think we can go on, and on and on, year after year after year, trying to figure out what is the document that we have to follow.

CHAIR WHITE: Thank you, Ms. Baisa.

Further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I agree with a lot of the points that Ms. Baisa had made, and hear Mr. Hokama's heartfelt comments in regards to this, what we're going through, cause I'm third in line.

After these two islands, it's West Maui and I'm already plugging the community to let them know that it's coming our way, and please gather your thoughts, and get prepared, and you know, get ready for these community meetings to get your input, and all that stuff. And, you know, if they're paying attention they're going to go whoa, what you know, you folks have it together.

So, I, you know, and, and I'm completely in support of Mr. Hokama's take on how that island's ought to go at this point. I too not real happy about the extensions on the extension on the extension, and now another extension on the extensions. It's just, where are we going to draw this line? And, so I appreciate Mr. Hokama saying, you know, if it's that sort of up in the air, defer it, carry on with Molokai because we don't want to drag them on and on, and on, and on. And, now West Maui is now left.

So, we just created this domino effect, as Ms. Baisa said. Just, it's too, takes too long, it's unwieldy, and so forth. So, at this time I hope we can really come to some kind of agreement of sorts to set the pace here to get it back on track. And, you know, the, the meeting after this, I would think we could come to something, and move it through, have everyone somewhat happy in a sense, and then continue with the next plan which is Molokai, and then in turn West Maui at that point.

But, you know, all, we all just need to work together here and figure out what's the best. But, I'd like to iron out the kinks before we all head into West Maui. So, I'm here to help assist that. Thank you, Chair.

CHAIR WHITE: I think we would all agree. And, each of us will take each of these plans very personally when they're our own district plans.

The Chair would just like to offer that, you know, we have a, we have a responsibility to get this plan voted on, whether it goes up or it goes down. There is a huge amount of, of human time and capital, and a significant amount of cost that has gone into this plan.

I took a look at the maps that were provided by the, I believe it was at the, at the Advisory Committee level. They didn't change much with the, with the provision to the Planning Commission. And, what came to the Planning Commission, I believe there was some changes around Kaunapapa. Around the city, there's no change from our maps, or from the Planning Commission submittals to our maps. The one change, the major change was that we removed the third resort. And, so that was action that we, you know, we felt was appropriate. And, I don't know if the community necessarily agreed, but the community had come together and said yes we want that; we took it out.

The Chair has been a little concerned with, with some, I quite honestly, I'm a little confused at exactly what the specific changes have been, and one of the items that was brought up, and I think rightfully so was that we had no matrix to compare what happened at the Advisory Committee, what happened at the Planning Commission level, and then what changes were made at our recommendations. And, I think that's a real problem. Now, maybe, maybe they didn't feel that that was necessary because the changes were not as significant as we had with the Maui Island Plan; I don't know. But, it's, I think that has led to some of this confusion because we don't have what did they think, and what did the Advisory Committee think, what did the Planning Commission think, and what are we specifically changing.

So, the Chair's feeling is that we need to, we need to get this right. We need to make sure that Mr. Hokama is comfortable with where this is going. We all need to be comfortable with where this is going. The Department needs to help us clear up those items. And, it's my belief that we shouldn't take up time for Molokai. My belief that we should get this done by this June 30 deadline.

And, I think, you know, Mr. Couch has done a, a lot of work on this. The, the Department has done a lot of work on it. But, if we can't get this one right, we're going to have problems with Molokai, and we're going to have problems with West Maui, we're going to have problems. I don't even know who's next, but.

COUNCILMEMBER COUCH: South Maui.

CHAIR WHITE: Oh, South Maui. Oh, that'll be a piece of cake.

But, you know, we, we've got to get this right. We've got to, we've got to have a clear understanding of what, what has changed from the advisory commission, or Advisory Committee to the Planning Commission. Because it's, it's my understanding that the Planning Commission and the Advisory commission, or Committee worked very well together, and at the end, what was presented by the Planning Commission was something they were all accepting of. So, we need to focus on what changes have been made since then.

And, we have to decide whether those changes, the changes that we're making are appropriate or not. So I, you know, I fully understand where Mr. Hokama is coming from. But, I would like to think that with the Department's assistance, we can figure this out in another couple of meetings.

I've ask the Department to come this afternoon prepared to share with us what those changes are from the Advisory Committee to the Planning Commission, and then to the Council, what is being recommended because, you know, we have a

responsibility to do it right this time. We also have a responsibility to not only the people of Lanai, but we have a responsibility in, on Lanai as we have here. We've got to provide some clarity, some certainty for people who are investing in the livelihoods that we all enjoy.

I've worked for the same owner for 27 years. That owner has stuck by us through thick and thin. And, when we had 9-11 hit, we cut no hours, we laid no one off. We had a significant drop in, in funds, but the owner stuck by us. In 2008, again, we lost between 30 and 35 percent of our revenue. The owner did not insist on layoffs. We reduced our staffing through attrition.

In 1991, we had a plan to knock down our lobby, knock down our, our big meeting room, and build an eight-story tower. The owner, at that time, agreed that we could keep everyone on payroll for the entire time their services were not needed at the hotel. They could go back to school, they could go to work at a nonprofit, but we, we wanted them to do something. They weren't just going to sit home. So, that was something that I had never heard of before.

But, we were able to convince our owner to take that, take on that significant expense, because it was good for the people that had committed their lives to the, to our company. In the 20 or 30 years that they had worked there, they had never gone anywhere else. They never jumped ship. So, they had made a commitment to our company. And, I convinced the owners that that was a good thing to do for the long-term, because it would keep our ohana whole.

In the 25 years since, I have never seen another owner until Pulama Lanai that has been willing to stand up and say we care about you, and keep everyone who, from the hotels as they closed, on payroll. So, you know, as, the reason that we have a responsibility here is because there is a push and pull between the community and owners.

But, we need to be mindful that almost all of us depend on outside ownership for our livelihoods. And, we have to have a sense of responsibility, firstly to our community, but secondly to make sure that we're being somewhat fair and providing a somewhat equitable playing field for those who are investing significant amounts of money in the futures of our, of our community.

I don't know what the investment has been in the, in the resort at Manele. But, I can tell you as a hotel guy, if, if they've invested what I've heard, is well in excess of \$100 million, it's not likely they're going to get that money back.

The issue with Makena is that, well I don't know if in the, in the more recent times, but I know at one point I had spoken to the person in charge of Makena and they said, we open 20-something years ago and we've never made money.

So, you know, these are economic realities that we, we have to at least try our best to balance. So, I hope that we will be able to focus on getting this item figured out. Let's make sure that we have a list of the inconsistencies between what came out of the Planning Commission and what we're doing now.

I agree with Mr. Hokama, if we're using the Lanai Plan to set the tone for other, for other plans, then let's have that discussion. Let's be totally clear about what those decisions are, because they're probably things that we all agree on. But, they're being, you know, they, I'm not the only one who is a little bit confused as to exactly where we are, because we don't have that comparison.

So, I'm not excited about providing a further extension beyond June 30. But, I do think we can get this job done in the amount of time we have between now and the 30th. We've got a lot of budget work. But, after the budget is passed out of Committee in the beginning of May, we've got time to get this done by June 30. It may require some extra time, but again, we've got to get it right, because Lanai should be easy. Molokai we anticipate is probably going to be more challenging than Lanai.

So, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we, I thank you for your comments. You know, for me, Chairman, Members, this is the fourth owner in my life, okay, the fourth that I got to deal with in my 62 years. Every own, new owner speaks the same lingo, promises or says the same rhetoric, okay. It's the actions that followed the words that count. So, for me, you know, hey, I'm not the new guy on the first date, on the first prom, on the first dance. I've been at this rodeo before. I know how these things work.

And, would be interesting because it could be that this may be the first time the district member will vote against their own plan, first time, cause always the plan was acceptable to the district member. And, as it goes through Council, even for the Maui plans, I would respect my colleagues that represent those districts with the, with the integrity and respect of knowing their district. I would ask the same for my district and the island that I, I have the privilege to represent.

Because people like me are not just keiki o ka aina, we keiki o Lanai. We are the children and sons of Lanai, not just of the islands. We have a inherited stake and responsibility that many of us feel to our island. That's why I can appreciate the sentiments when those that speak for their districts express themselves that way, because it's engrained in us as islanders, I believe.

But, Chairman, you know, this dickering around with deadlines and whatnot, I would just say let's make it December 31, end of our term. Doesn't mean we should take that long. We finish sooner, hooray. But, again, I will not take away and become a distraction for the proper respect I have to the Molokai residents who are doing, it's now their time in their review. I don't want to take away from them. I would ask for some consideration to finish our plan. But, I think we need to allow the appropriate staffs, the people who volunteer, the sufficient time to be able to do what they want to do.

What I will say, though, in, I at this time, Members, is that, I will say that Mr. Couch, as our Chair, did request for a matrix. It was denied. Well, for me, Chairman, we may, should make that a requirement, not a request, it's a requirement. If the Department wants us to move forward on plans, make the damn matrix. Cause, I agree, it would have avoided, I, what I think is some of this confusion on what date, what version, what format. I mean, we've heard it all.

Like I said, I'm getting damn angry about this process. And it's getting really personal for me, because now it's about my home, my neighbors.

I leave it up to the Council to make the appropriate decision.

CHAIR WHITE: And, I think all of us agree with the sentiment. And, that's why I think it's, it's critical that with our first, our first plan, that we respect the, you know, your concerns that there's no matrix. We've, and, it has created confusion. And, so the rest of us owe it to you to make a strong effort to get this right. And, I think all of us would commit to doing so.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: So, Mr. Victorino.

COUNCILMEMBER VICTORINO: You know, I've listened very intently, and I got to be very honest; I won't get to Molokai, I won't get to West Maui, South Maui, and all the rest of the plans, because I don't care how quick we are, we're very slow in getting this done. And, I'll be long gone from this chamber by the time we even get there.

Ms. Baisa and I have sat through the GPAC, sat through the Island Plan, and now we get to the point where we're ready to do the individual communities. Whether I agree or not with Ms. Baisa and others that we should have done it bottom up, not top down, it's too late. You can't change, and I don't care what Mr. Couch tries to do, you can't really change that process unless you make a Charter amendment. You can change the process we're going through now.

However, we have two unique situations in Lanai. Lanai is one island, one owner, basically, with one challenge; the change. All the other communities have multiplicity of owners with various groups. So, if you think we're having a hard time in Lanai, whoa, we have not start, we have not started to have some fun with our communities, mine included.

What I'd like to do is ask the, the district rep, give me something specific as far as a date that you want to work with. I will give you that. And then, let's pass it out, the extension, so we can move on, so we can finish not only Lanai, but do Molokai. I'd like to be a part of that if I could get that one done, you know. Beyond that, I know it's not going to happen.

And, if this process is taking this long with one community, with one basic owner of the island, with one challenge of change, what do you think is going to happen to all the other future communities that are coming forward? Not to say they're not going to be as responsive, I think they're going to be maybe more responsive. But, I'm looking forward to that.

But, I would like to say, district rep, tell us what you want as far as a date, so we can plug it in, get this approved, work on it, get the Department. I know they're coming this afternoon. Hey, if we get it done earlier like the district rep said, fine, done, good, move on. But, we're not going to take away from Molokai, we're not going to take away from any of the other, the other districts. We want to make sure that they come up in line, and that we give them the same attention as we're giving Lanai.

So, that's all I'm asking for. Give me some clarification so we can move on. Thank you, Mr. Chair.

CHAIR WHITE: Any further discussion, Members?

VICE-CHAIR GUZMAN: Chair. Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Yea, I actually feel the same sentiments, a lot of my colleagues. I, I wish there was a matrix. It would have been much easier. I know that when we did the park chapter, we did a matrix of what, what's in the original versus what are the amendments, and what the Council wanted to change.

But, that being said, I haven't heard, you mentioned that we're going to have another meeting after this Council meeting. So, I'd like to hear from the Department and, and whether they can put together a matrix in time. So, if it's possible, can we defer this, this item to the next Council meeting so that I could hear what the Department is going to say after this meeting?

CHAIR WHITE: Yea, I believe the next Council meeting is on May 6.

COUNCILMEMBER COUCH: Right.

VICE-CHAIR GUZMAN: May 6, so, oh okay.

CHAIR WHITE: Which is, which is past the--

VICE-CHAIR GUZMAN: It would be past the date, okay. We got to make a decision then.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Speaking for myself, I have attended all the meetings, I believe. I don't think I've missed anything over there. And, after the last one, I was ready to pass out the Lanai Plan. I was looking to Mr. Hokama for his recommendation since he is the closest to the island.

However, for what's on the floor right now, the extension, I seconded the extension because I do not know how the other Members are going to vote. I do not know what is going to come up. Personally, I would like to pass out the plan, but I don't want to leave this Committee and the people of Lanai stuck between a rock and a hard place if we can't come to some resolution quickly.

So, I would urge that we pass this out, and we work on it. It doesn't mean that we have to go to the deadline. We should be striving to pass it out as quickly as possible. Thank you.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: I appreciate the Members comments. One thing I did learn though, that my father was wise enough to share with me, was that even if you have a new proposal before you, maybe it took time, doesn't mean it's good enough to pass, okay. I learned that. We just went through BF-70.

Well, the proposed Community Plan is not good enough to pass, and that's why I can live with the existing plan. Because, that damn plan is a good plan. It is an accurate reflection of where our people have been for the last 40 years. From those that helped build, work the plantation, to the transition to this new, it's like a co-dependency, you know.

SO, I WOULD SAY, CHAIRMAN, I WOULD MAKE AN
AMENDMENT TO MOVE THE DATE TO DECEMBER 31,
2016, BECAUSE THAT'S THE END OF THIS TERM.

I think the Members should be able to have a chance to vote on it that sit on this term. And, well, let me just make the motion.

I JUST MOVE TO AMEND THE DATE FOR FINAL ACTION TO
BE DECEMBER 31, 2016.

COUNCILMEMBER VICTORINO:

I SECOND THE MOTION FOR DISCUSSION, MR. CHAIR.

COUNCILMEMBER VICTORINO: Okay, we have a motion from Mr. Hokama, and a second from Mr. Victorino.

Any further discussion, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I think it gives the Department sufficient time to create and present the matrix, not only to Mr. Couch's Committee, but members of the Lanai CPAC, Lanai Planning Commission, those that are interested in seeing the differences of, of what each is recommending. And, I would hope that they would put the dates of those things, because it was a snapshot of time during their review and what was going on at that time.

Things have changed. We have now no Island Air service. We have laid-off the whole transportation department on the island from Pulama Lanai. Things have changed. And, so I would say maybe the time is healthy.

And, that is one of the disadvantages of only having one major landowner. Options is very limited compared to those that have multiple landowners. So, don't think we have a healthy situation on Lanai, cause it's just like co-dependency almost. Thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And, I appreciate what Member Hokama is saying, and I understand the, the suggestion of the end of the year date.

Personally, I will support that with great reservations if that's what the group wants. I, my experience has been that the more time we give people, the more time they take. I would rather shorten it and say we got to get this done, so let's focus and we get this done by June 30. That's where I'm at.

CHAIR WHITE: Ms. Crivello, followed by Mr. Couch.

COUNCILMEMBER CRIVELLO: Thank you. I, I really appreciate this discussion, and appreciate Mr. Hokama's consideration for us to, to delve more into this.

As far as our island, we've gone through the CPAC, we've finalized Planning Commission's review, and I ask that the Department provide the matrix with the changes. And, I think it would be helpful too. And, you know, if, if it's, I'm out of whack, I think it's important to, for us to even have a column with how it cross-references with the old plan, okay. And, and so that we can see.

So, for instance, if the old plan says population 30,000, you know, today they, they wouldn't want or can't afford to sustain a population of 30,000. So, I think those kind of consideration needs to be listed. I appreciate the fact that we're, we're going to request of the Department and hopefully they can be supportive of that, to come and provide us a matrix. I think it will help us move faster, or expeditiously if, if we would like to, you know.

So, no community process is easy. But, the community needs to be heard through the process. If there's anything I know from my island and involvement in our community, is process, process, process. And, it, that, what's before the process is community, community, community. So, I hope we can satisfy the Lanai community, and more their, their district representative because, you know, when you're into the heart of, of where you come from, it's important to hear the pulse of, of everyone, because there's a broader community, there's a broad community out there. And,

then all the voices, somehow, if you ever can bring them in harmony, whoo, but good luck. Thank you.

CHAIR WHITE: You know, you bring up a good point, because most issues that we deal with here are, are ones in which we have full agreement. But, those issues where we have differences, we have constituencies that come in and, and pitch their side, whichever that side is. So, this is, it's, it's a normal part of this process.

The plan process is that the advisory commission, or Advisory Committee does the first run at it. Then it goes to the Planning Commission for another level of review. And then it comes to the Council for final action. And, I think we have, you know, we have done a, a significant amount of work during Ms. Baisa's time on the Maui Island Plan. We had lots of, of similar, you know, challenges with that. In fact, I think they were way, way more dramatic than the differences in the Lanai Island Plan.

So, I don't think there's any, any way we can't get this figured out. I think we can. My sense is similar to Ms. Baisa's, that if we give them until June 30, I think we put the pressure on the Planning Department to come up with the right, the right way of putting together a matrix. And, I like a matrix, because as you all know, I like spreadsheets.

COUNCILMEMBER VICTORINO: He likes statistics.

CHAIR WHITE: Because you can see all the numbers, you can see all the, the relationships of one to the other. I think Mr. Hokama has brought up some, you know, very salient points.

But, when I look at the Lanai, the Lanai Plan is much simpler than the Maui Island Plan. We went through the same discussion, and we went item by item and decided on it. We can do the same with the Lanai Island Plan.

So, I, I would prefer that we keep the, keep the focus on getting the information that Mr. Couch has requested, that Mr. Hokama has requested. And, if we can't get it by June 30, then we extend it again. But, I, anyway.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, hearing the comments of the body, and I respect that, those comments from the different Members.

I'LL WITHDRAW MY MOTION TO AMEND.

Because I want to then be able to recommend to my community, come August and November, who we should be supporting. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: So, so now we're back to June 30? Is that correct, is that?

CHAIR WHITE: With the withdrawal of the motion, yes.

COUNCILMEMBER COUCH: Oh, I was going to support the motion, okay. So--

CHAIR WHITE: We can, again, we can always extend it once again.

COUNCILMEMBER COUCH: Yea, yea, understood. We are discussing some of the stuff that's supposed to be discussed at the next meeting. But, if in case not everybody is going to be here, I want to just remind the Members that we took out several things that the Community Plan Advisory Committee, and the Planning Committee, Planning Commission approved and wanted in. The one big one being the, the resort, the third resort.

So remember, we get the input from the communities, especially the district representative. When we passed it out of Committee, everybody liked it and nothing changed. So, I'm not sure what happened there. But, right now we're, we're right at the, just the date. So, I'm ready to, to call the question. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, real quickly just to move this forward. But, in this next special Council meeting, that does not prevent it from being voted on, that that's what the whole next meeting is about.

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: Correct? I mean, so this could totally just be, you know, we'd be in line and on track, actually, from this original extension. But, I thank you, the matrix were one of my loves of trying to figure out the transition from GPAC to Planning Commission, to us and what changes. And, that made a world of difference.

And, so, but highlighting on Mr. Couch's comments just now, I believe at the time when both parties agreed on that initial plan, desal was on the table and then desal was taken out. And, they kept coming, saying that's the idea we thought was going to happen, that's why we're okay with it. Now, they're not, we're not. So, anyways, I mean, we can go into more detail. But, changes, as Mr. Hokama said, daily things are not the same. You know, snapshots change all the time.

And so, anyways, agree with whatever, what we're going to agree on, our, our motion. Thank you.

CHAIR WHITE: Okay, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA AND VICTORINO.

CHAIR WHITE: We have, I believe I heard only one "no". Are there any others?

COUNCILMEMBER VICTORINO: No.

CHAIR WHITE: No, okay, thank you. Mr. Victorino and Mr. Hokama vote "no", the remaining seven vote "aye"; the measure passes.

With that Members, we're going to take a ten-minute break. So, please be back here at 11:20. And, thank you for sticking with us for this length of time.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:07 A.M., AND WAS RECONVENED AT 11:33 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting of the County Council shall come back to order. And Members, we, we'll move on with county communications.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-65.

(Councilmember Hokama returned to the meeting at 11:33 a.m.)

NO. 16-66 - MIKE WHITE, COUNCIL CHAIR,
(dated April 5, 2016)

Transmitting a proposed resolution entitled "APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO, THAT THE PROPOSED RESOLUTION BY CHAIR WHITE, ATTACHED TO COUNTY COMMUNICATION 16-66, ENTITLED "APPOINTING A REPRESENTATIVE AND ALTERNATIVE, ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES" BE ADOPTED, AND THAT THE COMMUNICATIONS BE FILED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, with a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. The proposed resolution appoints the HSAC representative and alternate for Fiscal Year 2017. The resolution approves the appointment of Michael P. Victorino as the HSAC representative, and Gladys C. Baisa as the HSAC alternate.

Chair, I respectfully request support of this motion.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak in support of the motion. I would just have one area of, of component that I think we might need some guidance from maybe Mr. Victorino or Mr. Guzman.

Our term officially ends December 31, January 1, midnight meridian time, I forgot how the Charter states it, and then the new Council takes over. Is it appropriate for us to make the term into the next Council's authority, or shall we at least support our Members for this term till the end of our term, this current term that we are sitting Members of? I would just ask for some guidance, so that we can make the appropriate decision, Chairman.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: It is, and this is also with the Hawaii County, in fact, let me very honest first and foremost. We have, HSAC runs from, like our County, runs budget-wise as well as Fiscal Year is from July 1 to June 30, as it, as it states here. We have a number of members that will be terming out that are returning for the final six months of the term. And, like everything else, you never know who's going to get re-elected also.

So, we've gone through this, Mr. Hokama, a number of times. The decision was made to make it for the full term knowing in December, depending who's re-elect in November, then December rolls around, if there are members that are terming out or members who have lost election, that each County then submit their name for the remaining term starting, starting January to June 30.

So, that has been the common practice of HSAC over the years, because we have this same question come up in different, from different Members. And, that's the exact standard answer we give them; cause no one knows who will return for the next term. And, the way the years run, they are not concurrent.

CHAIR WHITE: Right.

COUNCILMEMBER VICTORINO: So, thank you, Mr. Chair for the question, and for allowing me to make that response.

CHAIR WHITE: Thank you, Mr. Victorino. Any further discussion, Members?

VICE-CHAIR GUZMAN: Nothing further.

CHAIR WHITE: Okay. Without any further discussion, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-66.

NO. 16-67 - MICHAEL P. VICTORINO, CHAIR, POLICY AND
INTERGOVERNMENTAL AFFAIRS COMMITTEE,
(dated April 5, 2016)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF
EMMANUEL BALTAZAR TO THE COST OF GOVERNMENT COMMISSION".

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO DISCHARGE THE POLICY AND
INTERGOVERNMENTAL AFFAIRS COMMITTEE FROM
FURTHER CONSIDERATION OF THE PROPOSED
RESOLUTION ATTACHED AS COUNTY COMMUNICATION
16-67, ENTITLED "RELATING TO THE APPOINTMENT OF
EMMANUEL BALTAZAR TO THE COST OF GOVERNMENT
COMMISSION".

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. The vacancy on the Cost of Government Commission, due to resignation of a member, the Mayor did not submit to us. And, the Council has nominated this gentleman to fill the position for, that will expire March, that starts March 3, 2016, or is slated for the March 3, 2016, deadline.

In accordance to the Section 13-2, Revised Charter of the County of Maui, 1983, as amended, the Chapter 2.41, Maui County Code, I submitted the nomination for Emmanuel Baltazar for this position.

Mr. Baltazar attended a special PIA meeting on April 7, 2016, to explain why he wanted to be a member of the Cost of Government Commission. He is also available if any member has any questions. He is available in the audience, and can be called up with your permission, Mr. Chair.

This matter is time-sensitive because of the deadline. The Council has to approve or disapprove this nomination by May 2. So, we have no more Council meetings between now and May 6, if I am correct. So, I'm requesting the Committee, please discharge from this, this matter so that the Council may consider it by the May 2, deadline. Thank you, Mr. Chair.

CHAIR WHITE: So, the motion is to discharge.

COUNCILMEMBER VICTORINO: To discharge, that's correct.

CHAIR WHITE: And, did you second?

COUNCILMEMBER COUCH: Yes.

CHAIR WHITE: Yea. Okay, so any further discussion, Members, on the discharge? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR THE PURPOSE OF THE
RESOLUTION ATTACHED TO THE COUNTY
COMMUNICATION 16-67, PURSUANT TO RULE 7(E) OF THE
RULES OF THE COUNCIL.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch to
waive.

Mr. Victorino.

COUNCILMEMBER VICTORINO: No further discussion.

CHAIR WHITE: Any discussion, Members? Seeing none, all those in favor please signify
by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", and zero "noes".

Mr. Victorino.

COUNCILMEMBER VICTORINO: Okay, thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO THE COUNTY COMMUNICATION 16-67.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion again from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Again, as I stated, Mr. Baltazar did attend the special PIA meeting on April 7. I know some of the Members had, had heard him. And, if anyone has any question, with your permission, we can call him down to answer any questions by any Member.

But, I would ask for your full support on the nomination of Mr. Baltazar to the Cost of Government Commission. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino. In the interest of time, I think everybody had a, a shot of asking Mr. Baltazar questions when he was here for the Committee meeting. So, unless you have a burning question, anyone have any burning questions for Mr. Baltazar?

Seeing none, Mr. Couch, you had a comment?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I think this is a, just a technical thing. Are we going to file this County Communication 16-67 in the same motion? Or is it, you had, is Mr. Victorino intending to make a second motion for that?

COUNCILMEMBER VICTORINO: Recess.

CHAIR WHITE: I'm assuming we're filing the communication.

Mr. Clerk.

COUNCILMEMBER VICTORINO:

YES, MR. CHAIR, I MOVE TO FILE THE, THE 16-67, COUNTY
COMMUNICATION.

Thank you.

CHAIR WHITE: We'll just consider that added to the main motion.

COUNCILMEMBER COUCH: Yup.

COUNCILMEMBER VICTORINO: Yea, thank you.

COUNCILMEMBER COUCH: Yup.

CHAIR WHITE: Thank you.

Okay, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-67.

Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 16-68 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated April 1, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, BOARD OF LAND AND NATURAL RESOURCES, RELATIVE TO THE OPERATION, USE AND MAINTENANCE OF THE CENTRAL MAUI REGIONAL SPORTS COMPLEX".

The recommended action is that County Communication No. 16-68 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-69 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated March 31, 2016)

Transmitting the 2016 Annual Status Report on the Implementation of the Countywide Policy Plan and Maui Island Plan.

The recommended action is that County Communication No. 16-69 be referred to the Planning Committee.

NO. 16-70 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated March 31, 2016)

Transmitting the 2016 Annual Status Report on the Implementation of the Maui County Community Plans.

The recommended action is that County Communication No. 16-70 be referred to the Planning Committee.

CHAIR WHITE: Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 32 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE -
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY
ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: With no objections, I would request the Clerk bring up all further bills for second and final reading, up to 37 and including **37**.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 33 (2016)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES -
SCHEDULE OF REVOLVING/SPECIAL FUND FOR FISCAL YEAR 2016,
HIGHWAY BEAUTIFICATION AND DISPOSAL OF ABANDONED
VEHICLES REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 34 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FINANCE, COUNTYWIDE COSTS;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 35 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 36 (2016)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228,
BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
(COUNTYWIDE EQUIPMENT)

ORDINANCE NO. _____
BILL NO. 37 (2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WASTEWATER ADMINISTRATION PROGRAM - SEWER FUND,
DEPARTMENT OF FINANCE, COUNTYWIDE COSTS;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT BILLS 32 THROUGH 37,
INCLUDING, PASS SECOND AND FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Members, any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

And, that brings us back, I believe to item 16-72.

Thank you, Mr. Hokama.

(Councilmember Hokama was excused at 11:45 a.m.).

CHAIR WHITE: So, we are back to Mr. Couch.

DISCUSSION AND ACTION RELATING TO
COMMITTEE REPORT 16-72

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I, let's see, is the Clerk bringing it up or do I go for it?

DEPUTY COUNTY CLERK: I already did.

COUNCILMEMBER COUCH: Okay.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
PLANNING COMMITTEE REPORT 16-72.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Planning Committee met eleven times to consider a proposed bill to update the requirements and permitting procedures for the Short-Term Rental Homes in Chapter 19.65, Maui County Code. The update is a requirement of the Code.

Your Committee noted that the bill improves the permitting process for Short-Term Rental Homes based on the planning permit departments experience with administering the Code. The Planning Commission's recommendation approval of the proposed bill, and various revisions.

Renewal procedures have been simplified, and enforcement provisions have been strengthened. Your Committee's report lists the major accomplishments of the bill. The revised proposed bill includes a last chance six-month period for unpermitted operators to apply for permits provided they meet certain conditions of, as proof of payment, and such as proof of payment of taxes and paying an after-the-fact fee.

Your Committee recommended passage of the revised proposed bill on first reading, and filing of the communication.

At this time, Mr. Chair, found some, a discrepancy or two that I would like to make a motion to amend if I may.

I MOVE TO REVISE THE PROPOSED SECTION 19.65.080(E)(2), MAUI COUNTY CODE, OF THE PROPOSED BILL ATTACHED TO COMMITTEE REPORT 16-72, BY STRIKING THE PHRASE "EXPIRE SIX MONTHS FROM THE DATE OF ENACTMENT OF THE ORDINANCE THAT CREATED THIS EXCEPTION." AND INSERTING IN ITS PLACE, THE PHRASE "APPLY FROM JULY 1, 2016 TO DECEMBER 31, 2016".

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. The, the proposed Section 19.65.080(E)(1)(d), Maui County Code, requires the payment of an after-the-fact short-term rental home application fee, as set forth in the annual budget ordinance, at the time of the application. That fee will need to be established on the Fiscal Year 2017 Budget, and will take effect on July 1, 2016. This amendment will conform to the Committee's intent to allow a six-month window for an applicant to apply for an after-the-fact permit.

CHAIR WHITE: Thank you.

Members, any discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,
CRIVELLO, VICTORINO, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes"; one "excused", Mr. Hokama; and one "no", Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

BASED ON A, SOME TESTIMONY AND ALSO TAKING A LOOK AND SEEING THERE'S SOME INCONSISTENCIES IN ANOTHER SECTION, SO AT THIS POINT, I MOVE TO REVISE THE PROPOSED SECTION 19.65.080(E), MAUI COUNTY CODE, IN THE PROPOSED BILL ATTACHED TO THE COMMUNITY, COMMITTEE REPORT 16-72, BY REPLACING THE FIRST PARAGRAPH IN ITS ENTIRETY, AND AS AMENDED, I'M SORRY, AS DONE IN AMENDMENT SUMMARY FORM THAT I SUBMITTED.

CHAIR WHITE: Is that PC-CR, no. Is it 19.65.080(E)?

COUNCILMEMBER COUCH: Correct.

CHAIR WHITE: It doesn't appear that that's a, to replacing the entire paragraph?

We'll take a quick recess.

COUNCILMEMBER COUCH: Okay.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:49 A.M., AND WAS RECONVENED AT 11:53 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER HOKAMA, EXCUSED.)

CHAIR WHITE: Thank you, Members. We're back to Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I, I'm going to change my motion since I didn't get a second anyway.

COUNCILMEMBER VICTORINO: Yes, you did.

COUNCILMEMBER COCHRAN: You did.

COUNCILMEMBER VICTORINO: Yes, you did. Mr. Carroll.

COUNCILMEMBER COUCH: Oh, I did. Oh, I'm sorry.

I'D LIKE TO WITHDRAW MY MOTION AND, AND COME UP
WITH A NEW MOTION.

CHAIR WHITE: Thank you.

COUNCILMEMBER COUCH: Thank you. All right.

COUNCILMEMBER VICTORINO: Bob, put your mic next to you, Bob. Mic, there you go.

COUNCILMEMBER COUCH: Okay, thank you.

MR. CHAIR, I MOVE TO AMEND SECTION 19.65.080(E),
MAUI COUNTY CODE, BY ADDING THE, THE PHRASE
"WHO HAS BEEN ISSUED A NOTICE OF VIOLATION" IN THE
LAST SENTENCE AFTER THE WORD, THE WORDS
"OPERATING WITHOUT A PERMIT SHALL RESULT IN A
PROPERTY OWNER", TO READ, THAT LAST SENTENCE
SHOULD SAY, "OPERATING WITHOUT A PERMIT SHALL
RESULT IN A PROPERTY OWNER, WHO HAS BEEN ISSUED
A NOTICE OF VIOLATION BEING INELIGIBLE TO APPLY
FOR A PERMIT FOR FIVE YEARS".

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Okay. Thank you, Mr. Carroll.

Mr. Couch.

Oh, I'm sorry, we have a motion from Mr. Couch and a second from Mr. Carroll.

COUNCILMEMBER COUCH: Yes.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Mr. Chair, we did talk about this quite a bit. And it, it was not up or down, it was like a three to two vote or something like that, so essentially it went down.

But, there was concern that Mr. Kushi brought up during, may have been the same meeting, that the people need some sort of due process. If you give somebody a notice of violation, notice of warning, at that time there doesn't appear to be any due process. They, that now starts their due process. And, if they don't do anything and go to the notice of violation, they've had their due process. But, if you don't, either you need to, to, to get, put a milestone as to where they start, where they become prohibited to, to the five-year ban.

So, my thought is still notice of violation. You know, we can discuss whether it should be warning or violation. But, something, something needs to be in writing in order for them to be banned for five years. They can't just be banned outright without getting any kind of notice.

CHAIR WHITE: Okay, thank you.

Members, discussion? Boy, you're a quiet bunch now.

COUNCILMEMBER COCHRAN: Chair, Chair. Okay, Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: We all know my feelings about this. But, I, you know, as Mr. Couch said eleven meetings later and here we are at full Council still tweaking, and the bill. And, just not happy with it, to begin with. So, that's my dissent and opposition to any amendments, any, the entire thing completely. So, just reiterating, once again, that I've been saying for eleven meetings later. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

And, the Chair has similar concerns. But, I would be comfortable going with a notice of warning, but not a notice of violation, because these people, many of them know what they're doing. And, and we've had a lot of discussions in this that we need to take out the big stick, and we need to provide some consequences. So, I won't be supporting the proposal to change it to violation.

So, but, any further discussion, Members?

DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Mr. Chair.

CHAIR WHITE: Yea.

DIRECTOR OF COUNCIL SERVICES: Excuse me, staff would just like to clarify the sentence that Councilmember Couch just read into the record. We understand it's at the top of page 23 in the bill. It's the first full sentence. And, in the bill, the sentence concludes with an underscored phrase, "except that;" and then a list of exceptions follow. And, we just want to clarify that that phrase is intended to remain in the bill.

COUNCILMEMBER COUCH: Yes. Sorry, I missed that.

CHAIR WHITE: Yes.

Okay, any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

COUNCILMEMBER COUCH: Aye.

COUNCILMEMBER CARROLL: Aye.

COUNCILMEMBER BAISA: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER COCHRAN: No.

VICE-CHAIR GUZMAN: No.

COUNCILMEMBER VICTORINO: Roll call, Mr. Chair.

CHAIR WHITE: Okay, roll call.

DEPUTY COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: AYE.

DEPUTY COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: AYE.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.
COUNCILMEMBER COCHRAN: NO.
DEPUTY COUNTY CLERK: Councilmember Don Couch.
COUNCILMEMBER COUCH: AYE.
DEPUTY COUNTY CLERK: Councilmember Stacy Crivello.
COUNCILMEMBER CRIVELLO: AYE.
DEPUTY COUNTY CLERK: Councilmember Riki Hokama.
CHAIR WHITE: EXCUSED.
DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Michael P. Victorino.
COUNCILMEMBER VICTORINO: AYE.
DEPUTY COUNTY CLERK: Vice-Chair Don S. Guzman.
VICE-CHAIR GUZMAN: NO.
DEPUTY COUNTY CLERK: Chair Mike White.
CHAIR WHITE: NO.

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,
CRIVELLO, AND VICTORINO.

NOES: COUNCILMEMBERS COCHRAN, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

EXCUSED: COUNCILMEMBER HOKAMA.

DEPUTY COUNTY CLERK: Mr. Chair, there are five "ayes", three "noes", and one Member "excused". The three "noes" being Councilmember Elle Cochran, Vice-Chair Don Guzman, and Chair Mike White; motion passes.

CHAIR WHITE: Thank you.

Okay, we're back to the main motion. Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I have no further comment.

CHAIR WHITE: Okay, any further discussion on the main motion, Members?

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH,
CRIVELLO, VICTORINO, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER COCHRAN.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with seven "ayes", one "no", Ms. Cochran, and one "excused", Mr. Hokama.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there's no further business before the Council.

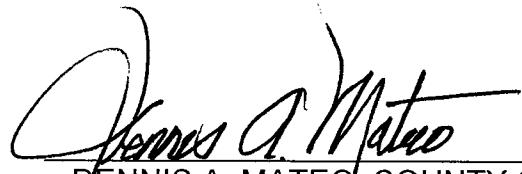
For the record, BILL 43 (2016), for Committee Report 16-72.

CHAIR WHITE: Thank you very much.

Members, please, please stay in your seats for a couple of minutes. We are, the Chair's plan is to reconvene the recessed meeting from Lanai, and then recess it until after the COW meeting this afternoon. So, if you'll please, we need a little bit of time to reset. So, it'll take us about five minutes before we can, and so we will now adjourn this Council meeting. And, we're adjourned.

ADJOURNMENT

The regular meeting of April 15, 2016 was adjourned by the Chair at 12:00 p.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



April 15, 2016

COMMITTEE REPORT: NO. 16-58

Maui County Council

Good morning, my name is Sydney Smith, my husband and I own Maliko Estate Coffee, a commercial coffee farm in Makawao where we also grow tropical flowers for sale. I'm the current president of The Maui Coffee Association, a member of The Maui Flower Growers Association and I'm on the Ag Working Group.

On behalf of the Maui Coffee Association I want to sincerely thank you for filing BF-70 today. Thank you for hearing us. Thank you for saving Agriculture. We really learned a lot through this process and it made us get involved.

It created a common cause that forged relationships between conventional and organic farmers, cattle ranchers and sheep herders, coffee farmers and nursery-men, big Ag and little Ag. That was a very positive outcome for us. It united agriculture.

Thank you for listening!

Aloha,

Sydney Smith

808-268-3646 (call or text) 808-572-0072 (farm)

Maliko Estate Coffee
365 Kaluanui Rd.
Makawao, Maui, HI 96768
malikoestate@hawaii.rr.com



April 15, 2016

COMMITTEE REPORT: NO. 16-72

Maui County Council

Good morning, my name is Sydney Smith, my husband and I own Maliko Estate Coffee, a commercial coffee farm in Makawao where we also grow tropical flowers for sale. I'm the current president of The Maui Coffee Association, a member of The Maui Flower Growers Association and I'm on the Ag Working Group.

The Maui Coffee Association really appreciates that you are updating the Short-Term Rental Home requirements to eliminate the provision to apply for a Special Use Permit for Farms and Ranches on Agriculture Zoned properties. I went through the process and already have a Special Use Permit for my farm. While the commissioners were great and encouraging and even gave me a standing ovation, it was quite expensive and time-consuming to go through the process. And since it's now an allowable use according to state law, and has been for several years, it's an unnecessary procedure. I'd like to point out that this does not circumvent the Application process, it just removes the Special Use Permit component that only Ag-zoned parcels had to provide.

Please pass this update on first reading!

Sydney Smith

808-268-3646 (call or text) 808-572-0072 (farm)

Maliko Estate Coffee
365 Kaluanui Rd.
Makawao, Maui, HI 96768
malikoestate@hawaii.rr.com

Testimony for Planning Committee report 16-72
Submitted by Thomas Croly

There are 2 small amendments needed in today's revised Short-term rental ordinance revisions. The first is to make clear that the county must first inform anyone who is subject to a ban from compliance thru getting a permit. I suggest the insertion of the words "**who has been issued a Notice of Violation**" as shown in the sentence below

19.65.080 E

Operating without a permit shall result in a property owner, **who has been issued a Notice of Violation** being ineligible to apply for a permit for five years[.], except that:

The other is the period that the ban will be waived. Rather than saying 6 months from the adoption of this ordinance, I think it would be better to begin this period on July 1, 2016 with the start of the new fiscal year. Since the council will need to establish a back permit fee in the budget to allow this portion of the code to be administrated and the department will need to develop a policy for processing the new application requirments codified here.

19.65.80 E

2. This exception to the five-year ineligible status for owners operating without a permit shall [expire six months from the date of enactment of the ordinance that created this exception.] **apply from July 1, 2016 to December 31, 2016.**