

**MAUI COUNTY COUNCIL
SPECIAL MEETING
MINUTES**

**August 13, 2025
9:00 AM**

Pursuant to §92-3.7, Hawaii Revised Statutes, the meeting was conducted as a remote meeting by interactive conference technology, via Microsoft Teams, <http://tinyurl.com/2p9zhjr2>.

In person testimony and viewing: Council Chamber, Kalana O Maui Building, 8th Floor, 200 S. High Street, Wailuku, Hawaii.

Video recording of meeting available at: www.mauicounty.legistar.com

TIME MEETING CALLED TO ORDER: 9:02 a.m.

ROLL CALL

Councilmember	Pres.	Abs.	Exc.	Time(s) In/Out (during meeting)
C Pro Tempore Tasha Kama	√			
Vice Chair Yuki Lei Sugimura	√			
CM Tamara Paltin	√			
CM Gabe Johnson	√			
CM Keani Rawlins-Fernandez	√			
CM Tom Cook	√			
CM Nohelani U'u-Hodgins	√			
CM Shane Sinenci	√			
Chair Alice L. Lee	√			
TOTAL PRESENT	9			

TIME PUBLIC HEARING ADJOURNED: 12:44 p.m.

COUNTY COMMUNICATIONS:

CC 25-18 COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed amendment to Bill 171, CD1, FD1 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.90A, MAUI COUNTY CODE, RELATING TO KĪHEI-MĀKENA PROJECT DISTRICT 9 (WAILEA 670)".

	AYE	NO	EXC	Time Deliberations Began	12:35 p.m.
Pro Tem Kama		√		Time Motion Made	1:47 p.m.
VC Sugimura		√		Motion	AMEND with CC 25-18/FILE CC 25-18
CM Paltin	√			Maker	Rawlins-Fernandez
CM Johnson	√			Secunder	Johnson
CM Rawlins-Fernandez	√			Time Vote Taken	3:00 p.m.
CM Cook		√			
CM U‘u-Hodgins		√			
CM Sinenci		√			
Chair Lee	√				
TOTAL VOTES	4	5		MOTION FAILED	

ORDINANCES - SECOND AND FINAL READING:

Bill 171, CD1, FD1 (2024) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.90A, MAUI COUNTY CODE, RELATING TO KĪHEI-MĀKENA PROJECT DISTRICT 9 (WAILEA 670)"

Bill 172, CD1, FD1 (2024) "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3554, AS AMENDED BY ORDINANCE 4849, RELATING TO KĪHEI-MĀKENA PROJECT DISTRICT 9 (WAILEA 670) ZONING (CONDITIONAL ZONING), FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUAHOU, HONUA‘ULA, DISTRICT OF MAKAWAO, MAUI, HAWAII"

	AYE	NO	EXC	Time Deliberations Began	12:37 p.m.
Pro Tem Kama	√			Time Motion Made	1:46 p.m.
VC Sugimura	√			Motion	PASS bills on second and final reading
CM Paltin		√		Maker	Kama
CM Johnson		√		Secunder	Sugimura

CM Rawlins-Fernandez		√		Time Vote Taken	3:30 p.m.
CM Cook	√				
CM U'u-Hodgins	√				
CM Sinenci		√			
Chair Lee	√				
TOTAL VOTES	5	4		MOTION PASSED	

TIME SPECIAL MEETING ADJOURNED: 3:33 p.m.

TRANSCRIPTION

Council of the County of Maui on 2025-08-13 9:00 AM - Special Meeting

>> Vice-Chair Yukilei Sugimura. >> Excused. >> Council Member Tamara Paltin. >> Aloha Kakahiaka. I got to take my daughter to the Dentist in ten minutes. But I will monitor on the phone. >> Okay, thanks.\r\n\r\n>> Council Member Gabe Johnson. >> Aloha, Chair, Council Members, community members. There's no testifiers at the Lana'i District Office, and I'm here and ready to work. Thank you. >> Council Member Keani Rawlins-Fernandez. >> Aloha Kakahiaka, Chair. Aloha Kakahiaka kakou.\r\n\r\nThere are currently no testifiers at the Moloka'i District Office. Mahalo, Chair. >> Council Member Tom Cook. >> Aloha, and good morning. There's currently no testifiers in the Kihei regional office. >> Council Member Nohelani Uu-Hodgins. >> Good morning again, Chair, and everyone.\r\n\r\nI'm still at the Pa'ia District office and there are no testifiers now, but if anybody feels like testifying we'll be here today. Thank you. >> Thank you. >> Council Member Shane Sinenci. >> Aloha Kakou at Hawai'i County with District Staff Member Donna Tai and there's no testifiers in Hana, Chair. >> And Chair Alice Lee. >> Here.\r\n\r\nGood morning and aloha. >> Chair, you have eight members present, one excused, which means that you have a quorum to conduct the business of the Council. For the record, I'm the County Clerk, Moana Lutey and present are Legislative Division Staff Joyce Murashige, Lauren Saldana and Dell Yoshida Arthur Suyama and assisting Council with maintaining order and decorum is ambassador Ryan Martins joining from the meeting of the Office of Council Services is Director David Raatz and legislative Attorney Karla Nakata. Could you call up the item? >> Sure. Chair, beginning with County Communications we have County Communication 25-18 Council Member Rawlins-Fernandez transmitting a proposed Amendment to Bill 171 CD 1, FD 1 (2024) entitled a Bill for an Ordinance amending Chapter 19.90a Maui County Code relating to Kihei-Makena Project District 9 Wailea 670. >> Okay, Members you are thinking more about lunch right now. So I was going to call on Member Rawlins-Fernandez.\r\n\r\nBut to let you know what the plan is. She can make her motion on her ASF. And then we're going to break for lunch. >> Mahalo, Chair. So I was going to request that the item be brought up. >> With the main motion first. >> Yes.\r\n\r\n>> The main motion first and you make your motion to amend, and we're not going to get into discussion and we're going break for lunch. >> Is in a sufficient? >> This is what David said. We have a question by Member Paltin. >> I just wanted to let folks know there's an in-person community meeting at Lahaina intermediate school at 5:30 that I would really like to go to. >> Well, we should be able to do it by then. >> I would be in favor of a shorter lunch.\r\n\r\n>> Okay. How about 1:45 -- I mean 1:15. Everybody can fit that in. >> I think we're required 45 minutes. The Collective Bargaining Agreement. >> For my Staff, Chair, they are entitled to a 45-minute break by their contract. >> Okay. So 1:30. How about 1:30. Okay.\r\n\r\nIs that fine? All right, you can call up the item then. Did you just. >> I did, Chair. >> Okay. I need a motion. >> No, she only called up my item and I requested that it be held until Bill 172. >> The Bill, the insurance.\r\n\r\n>> Chair, before you is Bill 171 CD 1, FD 1 (2024) a Bill for an Ordinance amending Chapter 19.90a Maui County Code relating to Kihei-Makena Project District 9 Wailea 670. >> Vice-Chair Sugimura. >> Did you want me to also call up the second Bill? Yes. >> May I ask the Clerk to also call up Bill 172, CD 1, FD 1 (2024). >> Ms. Clerk. >> Chair, before you is Bill 171 CD 1, FD 1 (2024) a Bill for an Ordinance to amend Ordinance 3554 as amended by Ordinance 4849 relating to Ky hey Makena Project District 9 Wailea of 670 conditional zoning for

approximately 670 acres situated at Paeahu, Palauea, Keauhou, Honua'ula, District of Makawao Maui, Hawai'i. >> Chair, even though it's a shorter Council Meeting if the body wants to do a last call on bills now that we moved to this Section, then you can conclusively close all testimony for the day. >> I thought you did.\r\n\r\n>> We closed testimony, because we already heard testimony on these items. We have to take it up again? >> It would be safer probably, Chair. I understand what you are saying we spent the whole morning accepting testimony on these bills. >> Okay, I don't want to spend any more time on it. Ms. Clerk, call up testimony.\r\n\r\n>> Chair, calling for testifiers on the County Communications, or Ordinances for seconding and final reading. There is no one currently signed up to testify, but if there's anyone who would like to, please make your way to the podium or raise your hand in teams. >> He already testified. >> I did not get to on the third item. I was cut off at six minutes. >> Did you ask to -- go ahead, go ahead with your testimony and you have three minutes. >> Aloha again, I'm back.\r\n\r\nI didn't know there were three items to testify on. Now that I have another three minutes I appreciate the grace given to me to give testimony today. Given the attempts at censorship of the other testifiers. The entire purpose of these changes is to remove the golf course. It's my understanding that the golf course is not allowed because they were sued by the Sierra Club and have to build a conservation area instead. So I want that to be clear, the people that are not supportive of these changes we don't want a golf course, we want housing. To suggest that we're here to defend Hono'ula partners right to build a golf course is disrespectful to the People's time that come here to testify, month after month, year after year, meeting after meeting.\r\n\r\nIt would be nice if the council members who know better wouldn't make that suggestion, and insult our community. It's been so frustrating to watch these proceedings intentionally misunderstood the public and the Amendments being made in order to suit this developer. We as the public and Council need clarification on what the deed restrictions actually are on this project. I have been told five years, I have been told ten years, I have been told 30 years and uncle Junao is saying that they will be in perpetuity. I can guarantee you most people have not read every single page and I doubt this Council has read every single page and every single sentence and to get clarification on what the deed restrictions are. I want to ask again that we implement a deed restriction on the whole project to be owner-occupied. The affordable thing I understand there being limits to, but the intention of the Vern to build housing for people of Maui, they should have no problem with restricting the entire thousand plus units regardless of affordability to be owner-occupied.\r\n\r\nSo that we don't just have a bunch of second vacation homes taking up space in our very limited island and taking up water that we do not have. It's really hard when we take our time to be here and it's pretty clear that the Chair is not listening and we're -- >> Please concentrate on your testimony. I'm checking on technical issues so please proceed. >> I would just like to be listened to. We get our three minutes per item and it's really frustrating when we come here and you are not even listening. You are not hearing. I said before you are not listening, but you are not hearing when you are talking to someone else.\r\n\r\n>> Your time is up. Any questions? Member Paltin. >> Thank you, Chair. Thank you, Ms. Alapai. I just wanted to clarify, is it not your understanding that the rentals would be affordable for 50 years and the County has the first right of refusal, 90 days before the 50 years to come up for-sale and affordable for ten years, but owner-occupied or long-term occupied in perpetuity if rented at HUD affordable rates.\r\n\r\nIs that not what your understanding was? >> No, I did not know that,

but I really appreciate the clarification. To be year it's only owner-occupied in perpetuity for owned units and the others are 50 years and 30 years? It's really confusing. >> Owner-occupied. The units are deed restricted for ten years, affordable, if they were to be sold after that, they would be owner-occupied from perpetuity or long-term rented at an affordable rate. What is the number?\r\n\r\n>> 120. >> Member, maybe you can give her that information during the break. >> I think it's really good that we have that clarification in public because many testifiers have different opinions of what that number is >> They will get it during our deliberations. Any more clarifying questions for the testifier? Seeing none, thank you very much. >> Pleasure as always, Chair Lee. >> Chair, there's no one else currently signed up to testify. If there's anyone who would like to testify on County Communications, or the Ordinances for second and final reading this is last call.\r\n\r\n3, 2, 1, there's no one indicating a desire to testify. >> Any objections to closing public testimony and accepting written testimony for our special meeting and we are already closed the Public Hearing. >> No objections. >> All right, Members, I guess it's still 1:30. Exactly 1:30. We'll resume at 1:30, and we'll take our lunch break now. This meeting is in recess. [GAVEL] [GAVEL] >> Will the special Committee -- Council meeting please reconvene. It is approximately 1:42 on August 13th, 2025. Ms.\r\n\r\nClerk. >> Thank you, Chair. Prior to the recess, we called up bills 171, CD 1, FD 1 (2024) and bills 172, CD 1, FD 1 (2024) and the County Communication as well, which I think Member Rawlins-Fernandez wants to address during the bills. >> Okay. So that would be after there's a motion on the floor, Ms. Rawlins-Fernandez? Okay.\r\n\r\nI think we called it up first, because it was in that order. Member Kama. >> So we called up the two bills. >> There's no motion on the floor. >> Chair, if there's no deliberation or discussion, do we have to close public testimony again, because we didn't have any deliberation and went to recess. >> We did close public testimony twice, once after the Public Hearing, and once after we opened up. Director Raatz.\r\n\r\nndo we have to do it a third time, Director Raatz. >> Thank you, Chair. Council Member Rawlins-Fernandez raised a good point, if you wanted to be ultra safe, I do think realistically there's no potential testifier that would be prejudiced by how the deliberations have proceeded at this point. This would be nothing wrong with doing one additional final call, if you wanted to be safe. Thank you, Chair. >> >> We don't want any surprises. Any objections, Members, to closing public testimony?\r\n\r\n>> No objections. >> Everything on County Communications, okay, any objections? >> Chair, we have to say are there any testifiers first and then we close them. >> Oh, I'm sorry. Director Raatz says there weren't testifiers. I shouldn't have taken his word -- [laughter] Ms. Clerk.\r\n\r\n>> Thank you, Chair. There are no testifiers signed up. Would you like me to do another last call? >> Yes. >> If there's anyone to testify on any of the items on the agenda today, please raise your hand on teams or make you are way to the podium. Chair, seeing no one, final countdown, 3, 2, 1, Chair, there's no one indicating a desire to testify. >> I do have a question for Mr.\r\n\r\nRaatz, is that the correct order? Thank you, Chair, the testimony guidance under the updated Sunshine Law, you can take testimony at the beginning of the item, which you did, and you can also open up for people that haven't testified to testify on each item as it comes up, or each Section of items, which is what the Council traditionally does. I think you have called up the entirety of the sections for action on the meeting now. The County Communication, and the Ordinances. So the order at this point, I don't think matters. I think you are fair to proceed into deliberations. Thank you.\r\n\r\n>> Okay. Ready to go. Any -- so there being no testifiers, any

objections to closing public testimony on all of the items? >> No objections.
Mahalo, Chair. >> So ordered. Now we're back to Pro Tem Kama.\r\n\r\n>> Thank you, Chair. I move to pass Bill 171 CD 1, FD 1 (2024) and Bill 172 CD 1, FD 1 (2024) on second and final reading. >> Second. >> Moved by Pro Tem Kama, seconded by Vice-Chair Sugimura to pass Bill 171 CD 1, FD 1 (2024) and Bill 172 CD 1, FD 1 (2024) on second and final reading. discussion? >> No discussion, Chair. >> Member Keani Rawlins-Fernandez.\r\n\r\n>> Mahalo, Chair. I move to amend Bill 171 CD 1 by reinstating the last line in Section 2, subsection b. 450 affordable units shall be within the Project District. >> Second. >> And file County Communication 25-18. >> Second. >> Moved by -- I thought Member Johnson seconded. You did, okay. I heard a voice from Hana after that.\r\n\r\n>> It was an echo. [Laughter]. >> Okay. So the motion is to amend Bill 171 with the ASF proposed by Member Rawlins-Fernandez. And to CC25-18. Discussion, Member Rawlins-Fernandez. >> Mahalo, Chair. In hearing and listening to our community members, this is one of the main things that they asked that remain in this project. It started off as 700 units for the community for residents, and now it's all the way down to 288. And while many of our community members do not support this project in its entirety, at the very least, since it would -- our community would not get 700, 450 is more than 288, and is more than 338 potentially, if the road is widened Pi'ilani Highway is widened 100% by D.O.T.. I also stand firmly with the community against corporate greed.\r\n\r\nI believe that they can afford to develop the 450 units affordable units, because that is what our community needs. I represent our people here, our community members, and I don't represent foreign corporations. And this is what our people need. Our people need housing. So that they can remain here and continue to develop in a flourishing community to maintain a Maui Island, and Maui County that we love, and cherish, and that we want our children and generations to live in and not a Maui that they will not be and to afford to live in and that is the direction that we're heading in. Our community doesn't want, nor need more mansions that our people cannot afford. Especially in the amount of land that is used, and the amount of water that it will potentially use.\r\n\r\nWe talked about this in Committee and at first reading that you know, water was already limited before climate change exacerbated the situation. And at the rate that we're going, there's even less water. So continuing to build houses as if you know, the amount of water is growing is irresponsible of us to put that on the next-generations. Mahalo, Chair. >> Thank you >> Any more discussion? Member Johnson. >> Thank you, Chair.\r\n\r\nI seconded this Amendment, and I appreciate Council Member Rawlins-Fernandez for introducing it. You know, I live on Lana'i, 98% owned by a billionaire and wealth has directed our development for many, many generations and I hate to see it happening in Maui and it's happening where the wealthy are developing. We're developing homes for people that don't live here yet, after a town burned down, after we went through a tsunami warning that showed that we need infrastructure before we build all of these homes. This type of development is the same old thing, where they get the cake and we get the crumbs and trying to make it better by supporting this amendment. The idea that there's a -- we can't operate from a position of scarcity. I wish they would work with us, because we have an affordable housing fund. I think that is a missed opportunity for homes not to be built for our community after all of the things that just happened.\r\n\r\nI don't even have any more comments because the podium spoke today, and they can't make it more articulate. I just want to rise in support of that. Thank you, Chair. >> Let's see, Member Sinenci. >> Mahalo, Chair. And for my opportunity, and I know Chair, you've tried to be a fair Chair for us, and you have always told us that for us to

come to a compromise. I think this Amendment by Member Rawlins-Fernandez is a great compromise for this Council.\r\n\r\nWe came down from 700 affordable homes that a past Council had approved. So you know, having the 450, I think, is a great compromise. We did hear loud and clear from the community today that the needs for our community. Mrs. Kalani reminded us of the young families that continue to leave the islands for mainland addresses. And so you know, again, stressing our housing crisis that we're currently in. So I want to represent -- while I'm here on the Council, I want to represent our community, our residents for the next seven generations.\r\n\r\nAnd not for outside investors, Ms. Hill also brought up clearly that the stakes and the amounts of money from all over the world that is invested into this project. Ms. Alapai brought up that you know, despite the developer's not wanting to open up their books, we don't have any real evidence that they cannot pencil out the additional affordable homes. Last time I checked the MLS listings in Wailea, those homes are going for \$11 million, \$22 million. So the amount at-stake here is huge. Including what Mr.\r\n\r\nPerez said about giving these developers these additional funds as kind of like a gift to them, a giveaway, he mentioned. So I'm hoping that we can compromise on this, Chair, and those are my thoughts. Thank you. >> Thank you. Member Paltin, did you want to say something? >> Member Uu-Hodgins also has her hand up, Chair. >> Okay.\r\n\r\nMember Uu-Hodgins. >> Thank you, Chair. I will yield to Member Cook from this area to speak and if you don't mind, I'll go after him. >> Okay. >> Thank you, Chair. I won't be supporting this Amendment, not because I don't support affordable housing, and not because I would like very much like to have the additional affordable housing. The 288, hopefully 338, if it does work out with the State done by 2030 that is unequivocal that they need to do it, they have to do it.\r\n\r\nI'm an advocate of them not being able to do any other sales or any other construction on the balance of the project until those two commitments are done. One of the byproducts that benefited this that will occur simultaneously with that is the water infrastructure improvements will also benefit Maui Meadows Fire mitigation, Fire control. They have standing pipes at the top subdivision and don't have hydrants because they don't have the capacity, the way it's constructed. This will also add the Fire protection in the area. The balance of the homes it's been stated that this is going to be an avalanche of homes and traffic immediately. They have 100 market-rate homes that they can do a year, 50 at max for 16 years. This will approximately \$400 million worth of labor for people, workers, doing it.\r\n\r\nWe have tourism, we have agriculture, and we have construction and the trades. These \$400 million will enable locals -- I'm hopeful and optimistic we'll have local Hawaiian residents who have moved to the mainland, who have gotten educated who have successful jobs who move here professionals that we need. If I thought the 450 homes would happen and not just delay everything perpetually, I would have hope for it, but I don't. I will take the 338, the 288 guarantee by 2030, the 338 provided they work it without with Department of Transportation and I want to see the road widened. I want to see the affordable housing built, no if, and or but by 2030. Thank you for the opportunity to express my opinion. >> Member Uu-Hodgins. >> Thank you, Chair. If we could please have a roll call, I would appreciate it.\r\n\r\nWhile I agree with the majority of what Member Rawlins-Fernandez said, I too, agree with Member Cook, that I don't think the 450 is a legitimate reality we can depend on right now. It is 388 and after maybe I speak, we could hear from -- I don't know if Mr. Chipchase is there, because I'm not there in-person. 338 -- about the standard of the homes. I'm sorry for the D.O.T. widening. So for me, I'm voting for 338, that is what I'm voting on today. That is

what I'm hoping to see if Wailea.\r\n\r\nit's very difficult to use the cost of a future home that they are not going to sell to determine how much affordable homes they should provide now. Just recently Civil Beat had an Article about one of the our local families in Lahaina and how expensive it is for him to build back. He estimates \$1.2 million and he already owns the land. I think it was about \$30,000 in permitting and permitting fees. So none of this is cheap. There's been so much changes as we have discussed from 2018 -- I'm sorry, 2008, when we were originally discussing this and yes, 2.96 had the 50% and it was also a lot cheaper to build then, with the tariffs and the State of the world, it's ridiculous, even if you own the land, is why I'm going to vote no on this. It's not that I don't support affordable housing, because I ran on it, which is why I'm supporting this project at 338. If Mr.\r\n\r\n\r\nChipchase could clarify the status of the D.O.T., if he is there, I don't know. Of the D.O.T., because that would help -- >> Designating Mr. Chipchase as a resource. >> Could we get Mr. Whitaker instead? >> It's up to them who wants to represent? Mr.\r\n\r\n\r\nWhitaker is pointing to Mr. Chipchase. No objections. Can you repeat your question, Member Uu-Hodgins? >> Thank you. I wanted to clarify because we heard from Mr. Moran about the D.O.T., and their commitment to widening the lane.\r\n\r\n\r\nI want to make sure that we do address that. That is a legitimate concern and I want to make sure that he knows that we were listening as that is being discussed today and have that addressed on the floor to make it very clear, whatever it is to discuss that. Thank you, Chair. >> Mr. Chipchase. >> Yes, Chair. >> Happy to.\r\n\r\n\r\nI'm not Mr. Whitaker, but I will do my best to do, as well as we would have done. I discussed the status of the agreement with D.O.T. with both the Deputy Director for highways and the Director of D.O.T. himself today. Was authorized by the Director of Highway -- Director of D.O.T. rather, Mr. Sniffen, to represent to the Council that we're working together on a partnership to provide affordable housing and infrastructure. The specific status of the agreement is that we're down to one clause that deals with the possibility that D.O.T. is not able to timely complete the road. At which point we would take it over, so it gets done either way.\r\n\r\n\r\nThere's no possibility that the project moves forward beyond the affordables without doing the the road. That is a clear condition and that last clause is all to negotiate and the Director of Highways asked me to confirm that as well. >> Member Uu-Hodgins. >> Thank you, Chair. For now. Thank you. >> Members, anybody else have questions or comments for Mr.\r\n\r\n\r\nChipchase, while he is here? Member Rawlins-Fernandez. >> Mahalo, Chair. Okay. So I have two questions. One I was going to ask Member Cook, but since -- you are welcome to answer, too, if you want. By 2030, is it the lots that are going to be completed, or is it the vertical construction and actual houses?\r\n\r\n\r\nBecause that is one of the reasons that you were saying that you are not supporting this Amendment, because you would like to see -- >> My understanding from previous conversations, and it will depend upon -- that Mr. Chipchase can confirm, but by 2030, the buildings would be constructed. >> You are referring to the affordable housing portion of the project? That is our project schedule that you 4/2030 that we had extensive discussion last time at our last meeting on that, and I explained that is our project schedule. There's a lot that is outside of our control. But that is our expectation. And since we can't do any market housing until the affordable housing has been completed and reached Certificate of Occupancy point before we can sell a single market unit, we have every interest in meeting that project schedule.\r\n\r\n\r\n>> And then Member Johnson asked why affordable housing fund couldn't be used to subsidize the 162 units to make up the 450? If D.O.T. doesn't not pay for the widening, or if it does, that

would be 338, a difference of 112 units and the affordable housing fund could cover or subsidize the cost for 112 units to make a total of 450. >> Mr. Chipchase. >> Yes, happy to, Chair. So there are two things, Member. One is that there's no interest in slowing down this project for further Council proceedings. So the project will proceed as approved. It's not seeking any subsidies, and any subsidies would require another process.\r\n\r\nThe second point, I'm not sure that everyone appreciates how extensive the subsidy would be, more than \$1.5 million per unit. So we be looking at a subsidy in excess of \$200 million. I don't think that there's those kinds of funds available in the Council budget for affordable housing. >> I guess we just have to take your word for it. >> Well, I don't know what I could produce to you that would be more than my word any pro forma or document prepared would be our word. Those are the numbers. >> Do we have those documents that I can look at to confirm what you are saying is true?\r\n\r\nEven before HP represented itself or misrepresented until to government agencies. >> I'm not sure that is true, Member. I don't have any documents for you. My point is that I have nothing to give you that you would believe more. Those are the numbers. >> The misrepresentation it's entitled in exchange for 700 workforce units and then it changed. That is the misrepresentation and ripping our community is what you are referring to.\r\n\r\n>> I understand that is the requirement at the time, under Chapter 2.96. >> Mahalo, Chair. >> Any other questions for Mr. Chipchase. We'll go with Vice-Chair Sugimura first. >> Thank you for Mr. Chipchase. So thank you for clarifying the arrangement with the State D.O.T., because yesterday Kihei Community Association met with me regarding the South Maui community plan.\r\n\r\nBut the last thing they talked about was I guess because they must have known we were going to talk about this today, this project. They talked about the broken promise that they had understood from State D.O.T.. So I hope that Kihei Community Association is listening to what you just said, because they affirmed that there was no deal basically. >> I'm not sure why they made that representation, but I can confirm it's inaccurate. >> I appreciate that a lot. >> Before we get -- Member Uu-Hodgins had her name up -- her hand up. And then we'll go to Member Paltin. >> Thank you, Chair.\r\n\r\nI wanted to give Member Chipchase an opportunity to comment on the lawsuits that were discussed earlier today as well Sorry, I don't know what was funny. >> You said "Member." Oh, sorry, oh, my God. [Laughter] We call everybody Member at this point. I did ask earlier about the lawsuit that happened today to Mr. Perez and then Mr. Hurley commented on it and wanted to give you the sail opportunity and any update on the slap lawsuit and to address that as well and do the same, so we can have an update on any of the latest legal drama outside of this Chambers? Thank you.\r\n\r\n>> Mr. Chipchase. >> Happy to, Chair and Member. There has been a lot of drama. That is certainly true. The hearing today was over a challenge that had been filed by Maui tomorrow from the Planning Commission's recommendations on these amendments. And it argued that Maui tomorrow should have been permitted to intervene in those proceedings and seek and obtain a declaratory ruling that their process was invalid.\r\n\r\nThe Circuit Court -- the grounds articulated were extensive by the court and included that Maui tomorrow only appeal from an oral decision and had not waited for the written decision. Once a written decision was issued for whatever reasoning Maui tomorrow opted not to appeal from it. So it was not part of the record before the court, and without a written final decision the court has no jurisdiction. The court went further and articulated there is no right to intervene in a recommendation process before the Planning Commission because they are not the final decision-maker and the request for declaratory ruling concerning the

application of existing rules rather than the creation of new rules. So it was inappropriate to bring in the form of declaratory ruling. The court expressed six or seven other reasons that the appeal should be dismissed, but those are the salient ones that I can share with you. The suit I think you're referring to -- well, I may get it wrong.

Tell me if I do. I recall in our last hearing on these Amendments there was a discussion about whether there was a gag order or slap suit against any individuals that explains the status of it at that time. That there was a claim for breach of contract filed against Wailea 670 and counterclaim by Wailea 670 and there was an allegation that the counterclaim was a slap suit and the Circuit Court rejected that and allowed the counterclaim to proceed. The individuals in that case then appealed to the Intermediate Court of Appeal, and the Intermediate Court of Appeal affirmed the Circuit Court's ruling. So agreed with the Circuit Court that the counter claim is appropriate and is not a slap suit in any form. So it is able to proceed as well.

>> Member Uu-Hodgins, are you done?

>> Yes, Chair. Thank you.

>> Member Paltin.

>> Thank you, Chair. Mr. Chipchase, can you refer to exhibit B, page 2a on page 2. Is there an objection --

>> Wait one second. Is Mr. Hopper moving to that page?

>> Chair, real quick.

>> Yes.

>> I think that is Bill 172, the exhibit b and we're on 171.

>> Actually we're on both.

>> Oh, we're on both. Disregard.

>> We're on your Amendment.

I thought you said just asking questions and asking him questions --

>> If it's not going to interfere with this vote, I mean, is it connected to the vote for 171?

>> You just said if anyone had questions.

>> Okay. I changed my mind.

>> He asked questions about not 450 and she asked question about an extraneous lawsuit.

>> That is true, you have a point there. She tricked me, you see? She tricked me because she started off talking about housing and she switched gears on me.

So I should have caught it, but I missed it. You know what, since I did that for her, why don't we do for you?

>> Appreciate it. Thank you. So I'm at the part it says, "four lanes of traffic from Kilohana drive to Iki drive Hono'ula partners, LLC. will provide an additional 50 residential workforce housing ownership units in the Project District with the number of units allocated in proportion to condition 5d's income bracket." Did you read that?

>> I have that right here.

Is there any objection to adding as well as condition 5F on page 5?

>> And 5F is the owner-occupied in perpetuity and the ten years -- owner-occupied in perpetuity and long-term rental in perpetuity. So the intention, Chair, while Mr. Chipchase is looking for that, is that if whatever number that the State D.O.T.'s widening of Pi'ilani Highway, whatever number of housing units that results in, we held those 50 or less units to 5D's conditions, but not 5f's condition and I think that was the intention, but it was an oversight. That is the purpose for that. And I think that he should just agree to it.

>> Let him think about it. Are you finished thinking about it?

I think I am finished thinking about it. We already prepared submitted and recorded the unilateral agreement.

>> That is right.

>> I would not agree to any change that would require us to come back for another review of it or to modify that. I -- as much as I enjoy the time,

>> Aren't you getting like a thousand dollars an hour?

>> If only that were true, but it's not. What I can say, my understanding is that any affordable housing would be subject to that condition, too, whether it's 288 or 388. I think it's the last time we were here, expressed any representations I make are binding as well.

So I will --

>> I do recall that.

>> So I will agree that is my understanding that we're already subject to 5F.

>> Mr. Hopper, could you confirm?

>> Yes, 5F, that says all residential workforce housing units, ownership units, for ownership units again, just brought this up. But my understanding is that would --

those would be consistent with any of the units required by this Ordinance whether they were units that were in the 288, or further required by the clause allowing additional units to be used in exchange for the D.O.T. doing the roadway. That is how I would read it. I think that is how Council intended it, that these requirements apply to any of these.\r\n\r\n>> That is how we intended it. Just double-checking that is how you interpreted it. Because he did cross his heart and hope to die on that. >> He did. >> We're professional here. You have to do that. Okay.\r\n\r\nAny more questions for Mr. Chipchase? Okay we're asking whatever, because we're going from one thing to the next. But the common theme you are here to answer the questions. >> Understood, Chair. >> Member Rawlins-Fernandez. >> Mahalo, Chair.\r\n\r\nEspecially if he is getting paid a thousand dollars an hour. Page 5 of exhibit b subsection f, we were just on that Section. So for the ten years under 2.96, and so maybe this is for Corp. Counsel, too. When does the clock start on the deed restriction. Owner-occupied, no clock there, but for the ten years, and for whatever is greater at the time that 2.96 whatever the guidelines is under 2.96 at that time, is it when the lot is sold that ten years starts or is that when the ownership unit is being lived in like occupied? At what point does the ten years begin for the deed restriction for affordability?\r\n\r\n>> So I'm not sure if that is specified in Chapter 2.96 or not. And maybe Mike has a better answer for me. My presumption, just in my common understanding of is that it begins when it's sold. >> What is sold? >> The unit. >> And occupied. >> Whether they live it or not.\r\n\r\nThey have to live it because it's deed restriction, owner-occupied. >> It has to be owner-occupied subject to these exceptions. >> Or long-term rental. >> Right. So my understanding, but again, Mike can confirm if 2.96 is more specific. I think he is looking at it right now, it would begin when it's sold. >> While Mr.\r\n\r\nHopper is looking at that, perhaps another question is okay, so we said ten years is the deed restriction period, or whatever is required under 2.96, whichever is greater. At what point is the greater no longer applicable? So when is it locked in at ten years? And we're in the process under Bill 40, to increase the number of years more than ten. And so I don't think it was clear in our discussion at what point we would no longer be able to have that be increased in excess of ten years? >> It would be at the point there's an affordable housing agreement entered with the Housing Department. >> Okay.\r\n\r\nIs that everyone's understanding? Mr. Hopper? >> I don't want to misrepresentation something to you. I had my computer to do the review. I switched my phone to try to do that. Maybe we can have a recess, or I can continue to look at it as you have additional questions.\r\n\r\nOr if housing is available? This wouldn't change, I would say, the deed restriction periods may be different, but it wouldn't change the timing from any other unit under 2.96. And how as far as the period would begin to run, so whether this is a longer period, I think the intention here is to say it's the deed restriction period is ten years or required under 2.96 whichever is greater. The timing is not going to be different than 2.96. >> You are looking in the code to could be firm? >> I'm doing that but hopefully you have a clear answer if housing is available, but I could look through here. I see the deed restriction periods, but it doesn't necessarily appear there's a very clear statement that this will begin as of this time. Since this is certainly not the first time this has been done, a practice of this in this condition would not apply differently than any other unit required by 2.96 already. So as far as how you would measure the deed restriction period.\r\n\r\n>> I appreciate you not wanting to misrepresent something. >> Me, too. >> Do you agree when they enter into the affordable housing agreement they will see if 2.96 has a longer deed restriction

and that is the cut-off date? >> I think that is what he was confirming. >> That is the second part I didn't quite totally catch until restating it. >> Thank you, Member Paltin ? that makes sense, because 2.96, throughout 2.96 they have timing requirements. I think once you enter into that agreement is when that would have to be determined.\r\n\r\nThat would make sense. >> Thank you for representing. >> Is that what the code said? >> One second, everybody. Just want to remind you or let you know, if you didn't know that Member Paltin has to go to Lahaina this afternoon and we don't want to lose her vote. So everybody try to keep your questions precise. So it's Member Johnson's turn.\r\n\r\n>> Just Chair, I believe the agreement has to be entered at subdivision approval. So that would be the timing requirement for when you have to enter into the agreement. So I would want to have that clarified building a certain number of units or prior to subdivision approval. >> It looks like Mr. Whitaker is joining us and might have an answer. Oh, he does not. Let Mr.\r\n\r\nHopper keep researching. >> Mr. Johnson. >> I will pivot to a different topic in regards to the email sent to us by Dr. Oltenberg, April 2018 draft mitigation plan and habitat conservation plan for Hono'ula which is Hula Wailea 670 approved detailed habitat management and monitoring fund of \$2.9 million to support 15 years' of management, all mentioned of funding in the entire Section 8 of the 2018 ACP were deleted in the July 2022 Hono'ula natural resource preservation plan and none of the documents submitted and current Amendments mentioned the \$2.9 million. It still appears no one in any document submitted by the Hono'ula partners LLC to Maui County since 2022. Is there a way to obtain this and just know? So can you respond to that?\r\n\r\n>> I'm happy to, Member. It's something I have explained many times in different Public Hearings and including ones that Dr. Oltenberg has been present at and happy to do it again. The funding obligation he refers to in the habitat conservation plan was an outgrowth of anticipating taking of endangered species. So for a period, this project was thought though have an adverse partial or potential adverse impact on endangered species. When you apply for an incidental take permit so you can accidentally impact protected species; you need a habitat conservation plan. That habitat conservation plan usually has a funding element.\r\n\r\n>> Right. >> Set out in the Code of Federal regulations. Upon further review, extensive studies of the property, in conjunction with fish and wildlife DOFAW, there was no impact to endangered species. >> You are saying there's no endangered species. >> The one yellow faced bee was determined not to exist in the habitat of the property and the second species was Black finch and it was determined the appropriate way -- one, the moth was not identified. Two, the appropriate way to mitigate impact against the moth is to remove invasive tree tobacco from the property and ensure it's cut to a specific level, a fish and wildlife direction and in conjunction with the determines it was determined no species would be impacted by the project and therefore, there was no longer need for incidental take permit and therefore, no longer a place to have habitat conservation fund, or plan with federal funding commitments. However, in between those two points there was an agreement with Sierra Club, that we would under contract funding the same commitments set forth in the conservation habitat plan, even if that habitat conservation plan went away.\r\n\r\nSo those funding commitments remain contractual, no longer regulatory, because there no longer a potential for a take. >> So they are with the Sierra Club. That contract was a \$1.9 million value. >> It doesn't specify the number. You think Dr. Oltenberg is a little off on the number, but specifies the same funding commitments made in the HCP. >> I don't know how you could do a commitment without a number?\r\n\r\n>> What I'm saying is to you, I don't recall

what the funding commitments in the HCP were, that is the obligation incorporated whenever those were. >> Okay. I would like to know what those funding commitments were. So if you have them, send them to the Committee would be great. I want to -- so my last question, hopefully, Chair it's quick. The idea that you said it would cost \$1.5 million for an Affordable-Housing Unit. >> That is not what I said.\r\n\r\nThe I said the subsidy would be in excess of \$1.5 million. >> okay because we went through it on Lana'i, which is really expensive to build because we're in the tracks. One unit was \$800,000 in Hokuwa with the solar from Tesla solar, you know? All of fancy bells and whistles, even that was \$800,000 and now you are saying it -- you are saying the difference between the affordable and the market is \$ -- help me understand, because it opened my eyes on that and shocked to hear that, so explain please. >> Hokuwa was my project as well, which is extensively subsidized by -- extensively. Through substantial greater tune than that number. In any event, the project here has a maximum number of units of 1150. So every affordable unit you build in excess of the requirement, which is actually only 230, every excessive unit take a market unit away.\r\n\r\nSo two components -- one you have to give the affordable housing fund the land and subsidize the affordable housing developer in order to make that pencil. If you put those two together, plus I no longer can sell that lot as a market unit, the total loss per affordable unit is in excess of \$1.5 million. >> Okay, that is the way you are framing it. It just doesn't seem -- you know, at some point you have to look at the effects of not having housing and the cost of. You answered my question. I just don't agree with the way you guys think about it. Thank you, Chair.\r\n\r\n>> Who hasn't asked a question yet? Pro Tem Kama? You don't have any questions? You have an answer, Mr. Hopper? >> I think I can provide the answer to the question of when the deed restriction period begins? And 2.96 -- this could be more explicit I would say, but in 2.96.060b2b talks about for the deed restricted period, the following shall apply: d says upon sale of the unit, the deed restrictions shall remain in full force and effect for the remainder of the deed restricted period that commenced at the time of the initial sale.\r\n\r\nSo I think it's making clear the commencement of the deed restriction period is the time of initial sale. The workforce housing agreement I would think would have that as timeframe as well. It reads the deed restriction period starting at the time of initial sale of the unit. >> Are we just going to assume that it means the unit and not lot? Or should we like make that clear in the condition that is what we mean? >> If you want it to be something different or more specific than 2.96, you would have to make that more specific or get clarification as to lot or -- >> I don't want it to be lot. I want it to be when -- >> I can continue to look on that issue as well.\r\n\r\nI think we were looking at the timing. So initial sale, it does not say initial sale of the unit or the lot. >> Okay. >> So subdivision timeframe would be when the agreement would have to be in place, and perhaps need to look into the actual workforce housing agreement itself to the extent that 2.96 or conditions do not specify that, but I don't have an answer on that right now as far as when that would begin. Yes, we would want to have that clarified for you. >> Absolutely, mahalo, Mr. Hopper.\r\n\r\nAppreciate that work. Mahalo, Chair. >> Besides watching the time, I want to remind you that it will be easier to get your proposed changes across not with an Amendment, but with an agreement. Because any Amendments would require sending this back. It would need new UA, you know, executed and recorded. But that is why from a practical point of view, the developer is here and could agree to some of your suggestions, which it seems he is. Anybody else want to say anything?\r\n\r\nMember Rawlins-Fernandez. >> Mahalo,

Chair. Since we're talking about -- so if with the 288 units, the developer saves 164 from the 450 on-site that was originally in Bill 171. Then that would result in a savings of the \$1.5 per unit, which is like 240 million dollars plus the additional 162 market-rate ownership units. So over 400 million dollars, like a \$400 million gift to the developer. That's what my math tells me. >> Mr. Chipchase.\r\n\r\n>> Well, I would have to say that your premise is not correct, Member. That 450 was never set as a minimum number of units, and we have been through that history many times. So I would have to disagree with your premise. As for your conclusion, I would say if the Council were to impose 450-unit requirement and that were to pass, and we didn't simply withdraw all of the Amendments in response to it, then the project wouldn't go forward. So the difference you are really advocating for is really nothing, to highway, no preservation, no affordable units or minimum of 288 with a potential for 338. There is no third option 17:34:04 out there. >> I have another question. I think it might be for Member Paltin, because we were talking about the 201h project last week.\r\n\r\nIn Kahului and for this project, I don't remember us talking about doing in-person applications, like the HHFDC project in Kahului. So I was looking and I didn't see it in here. I was wondering if Member Paltin would recall? >> I don't believe we did. >> I don't believe we did either, although that is an idea I have long advocated for. >> So that is what you are committing to on the record? Look he is agreeing.\r\n\r\n>> I have no problem representing that we with do in-person applications. But we also -- we also have put into our affordable housing agreement the residency preference that Mr. Johnson and that is under review by the housing Department now, which largely serves the purpose that I had always used in-person applications for. >> And another math question. So what is that? >> It doesn't seem like a math question. >> That one with the 400 million was a math question.\r\n\r\nThis is my other math question. The ownership units. So total number of the units. If D.O.T. widens 100%, or covers 100% of widening the highway, and there's 58 units -- I can't remember what was said. Is it 50 additional units or 50 units less of market and 50 more of like a total number of 1150 or change the total number. >> It doesn't change the total number. >> Mahalo for that clarification.\r\n\r\n>> Chair, if it's not very clear on whether it's the sale of a unit or lot, would clarifying 2.96 in condition 5F result in a need for amending the UA, the unilateral agreement? >> Mr. Chipchase. >> It would. Any change to the conditions, even a minor change results in a new UA that has to be recorded. So I wouldn't go down that road, but deep respect for Mike. I don't know what is unclear in 2.96 because it's a concept of workforce units and the deed restriction would have to be measured from the sale of the unit and not the lot, because the sale of the unit is what satisfies your obligations.\r\n\r\n>> I know, but if it's vague, or if it's not -- if there's even like a little bit of uncertainty, like I don't trust that. I would like full certainty. But I guess, if that is what we're saying it is on the record, now, Mr. Hopper. Is that sufficient for us to ensure that that happens as we're stating it in this meeting now, as we're presenting it? >> Well, I would want to get clarification from housing and there's also the definition -- the definition of residential workforce housing unit means a unit or lot to be sold or rented to residents. So the unit is the lot.\r\n\r\nSo it would appear that Upon the sale of the lot, that is when the period would begin. this is not the first timing this happened and there's residential workforce housing agreements that have to be in place at the time of subdivision approval. So I do suspect it's correct that it's upon the sale of the lot. They don't want someone to not have that restriction started once the deed restriction would start on the sale,

so you make sure that person doesn't own the lot without that restriction on it. I think that is why you would have to have that at the time of sale it would start. Again, clarification to the Department would help. But I don't think your condition intends to do anything different than what is already covered in 2.96, which does appear to begin, because it's defined as unit or house, whether it's a unit or -- so I would say it would start at that time period.\r\n\r\n>> I would short circuit there and I didn't realize there was a definition with lots. We're selling workforce housing units, 288 units, not 288 lots. 288. Because that is what we're providing is the unit, based upon sale of the unit not upon the sale of the lot. >> My questions was on the ownership lots. >> that is what I'm saying. >> And HP is developing, doing the vertical construction on workforce ownership? >> It will be through an affordable housing developer that we subsidize.\r\n\r\nBut we're not selling -- we're not selling -- we're not selling lots to individual owners. We're selling units. >> Okay. And that is on the record. Okay. >> Mr. Cook has a question.\r\n\r\n>> Just for clarification, you can't sell something unless you have a certificate of occupancy, is that correct? >> That is true. >> And so these units are going to be completed, approved, financeable dwellings for-sale or that somebody can rent that will have a Certificate of Occupancy by the County, that will be a livable unit. >> Yes, there's a separate condition that provides we can't sell any market units until the Certificate of Occupancy for the last affordable or workforce unit has been received. >> I have a question for Member Uu-Hodgins. To my knowledge, unless they changed the terminology, houses don't get a Certificate of Occupancy. They get a final inspection report.\r\n\r\n>> They do. They get a Certificate of Occupancy and for the larger units that will be rentals, those will also have a Certificate of Occupancy. They do, they have all of the things. >> Okay. I thought that they didn't call it a Certificate of Occupancy for a single-family dwelling. So you are saying they do. Okay.\r\n\r\n>> Yes. We have a similar process as the final inspection to ensure that all of the construction has been met to the safety requirements, and then they give you the final go ahead and you can move in or occupy the space. Thank you. >> Sorry, it's irrelevant, but it was bothering me though. So okay, who has a question? Let's keep it back on-track. So we're ready to vote roll call.\r\n\r\n>> I think those are all my questions. Chair, if your intention is for us to vote on my Amendment do any final discussion and vote on the main motion, I had requested Fire and MEMA Representatives from the Departments to speak to evacuation. >> The Fire Chief is currently monitoring the meeting and is available. He will need to be off of our meeting by 4:15 to make it to Lahaina. And I have contacted MEMA, and asked them to be monitoring I'm not sure if they are currently on the line. >> Is the Fire Department okay? >> Yes.\r\n\r\nI can see Member Uu-Hodgins raising her hand. >> Member Uu-Hodgins. >> Thank you, Chair. I was just going to point out which I'm sure you folks already know, but for the record, for people watching we did receive a letter from the Fire Department dated June 27th of 2025, that discusses a few things including emergency access, boundary access with Hale'akala Ranch and flow requirements. I don't know if they are available for not? But we do have a letter from them. I think that was discussed in our testimony as well >> Mahalo, Member Uu-Hodgins.\r\n\r\nI think after this last tsunami scare it really opened folks eyes up to how as the testifiers stated, like, they were given hours of advance notice versus like a Fire, which within an hour burned the whole turn. >> We're still trying to reach Brad. >> I yield. >> We'll skip over the question for now. Member Sinenci. >> Thank you, Chair. And I didn't want to belabor this issue, but a question for Mr.\r\n\r\nHopper about Mr. Iczkovitz's concern, if

Chair, if we're going to go ahead and vote, is it okay for us to continue? Is there any legal issues? >> Yes, ask all the questions that you want. >> Thank you. >> I mean, if there's a pending ethics complaint and Mr. Raatz can specify how that is handled but it's generally up to the members to decide, give the allegations whether they would vote, not vote or how to handle those in a meeting, and the Board of Ethics would handle of decision-making for that.\r\n\r\nSo that's generally up to the individual Member based on whatever allegations there are, whatever is pending to decide whether they are going to vote or not on an item. >> Mr. Raatz, thank you. Did Mr. Raatz want to weigh-in? >> Thank you, Chair. Mr.\r\n\r\nHopper is correct, the decision on whether to recuse belongs to the Member and not to the body. So it's not Council business. Thank you. >> Okay. Thank you. Thank you, Chair. >> You're welcome.\r\n\r\nMember Cook. >> Thank you. Thank you, Member Sinenci. You would like the opportunity to basically state I will vote the allegations presented were baseless. I recognize my responsibility legally and integrity as far as disclosing if I have any interest in the property, if I'm being compensated any way financially or being influenced? There is not. The company I work for is a relatively small grading and excavation concrete company and they do not work on projects like this.\r\n\r\nThey have -- I have currently no conflict of interest and I will vote on this. Thank you. >> Mr. Johnson. >> Thank you, Chair. Mr. Hopper mentioned he was going to text the Department of Housing and I'm just curious if we got a response?\r\n\r\n>> I did not say I would text them. I said I would get in touch with them. I think the question, if sort of not an issue, if all of the affordable units will essentially be built and sold as a unit and lot package and not just lot. So the question we could look at in general. If the representation and plan is that there's not going to be any affordable lots sold without homes on them, that is not going to be, how that period would run would not be relevant to that. discussion. >> Okay.\r\n\r\nI just wanted to follow-up to that in regards to housing. Sounds like we got clarity on that. Thank you, Chair. >> I believe we have the Fire Chief online. Brad, are you there? Okay. Very good.\r\n\r\nMember Rawlins-Fernandez, you had questions. >> Mahalo, Chair. Aloha, Fire Chief, mahalo for joining us today. We had some testifiers speak to the concern of evacuation and adding more housing units to an existing precarious situation, especially after folks were locked -- gridlocked in traffic after the tsunami warning last month. Was it last month? Earlier this month? Within the last couple of weeks.\r\n\r\n>> Thanks, Chair. I guess I can speak to what I understand about the project, and what our requests have been to make it as safe as possible. You know, I'm not a traffic engineer. So I won't be able to give you a definitive answer on what you are probably looking for, but obviously if we're adding more home and more people and more cars we should add more ways to get out and more ways to traverse the area. As mentioned in our letter that we submitted last month, we did work with the developers to connect roads to Maui Meadows, to make additional roads for us to access at the top of the parcel that is being developed here, to access the ranch lands. So that we can intercept the Fire, so it would be above the neighborhood. But the truth of the matter is with evacuations, obviously early notification and early going is the key.\r\n\r\nAnd so you know, as far as will a development add to traffic? Chances are it's a possibility. I have heard lots of arguments today on this topic by lot of people saying that maybe the workforce will move further South, but the gist of it, we do need the roadways to evacuate people and we need to work on education of evacuation, because there was a lot of people leaving Kihei heading up to Kula which wasn't necessary during the tsunami. So that is on us as your safety organizations and

working with MEMA to get the right amount of people to move at the right time. So that is really all I can add. If there's a specific question I might be able to answer it, but we did encourage and require connections to Maui meadows so people could move both ways through neighborhoods as well as get onto the highway. A lot of people want to leave Kihei or think to leave Kihei if there's a Fire, but the lava fields down South of everybody is a good place to shelter, because that will not burn in the lava field.\r\n\r\nWe have the availability of the ranch when we need them and when the Police deem necessary to open the gates. So we have additional ways to get people out the Kihei when needed. >> Mahalo, Chief. So those roads were opened -- I looked it up, July 30th, for the evacuation? >> So all three agencies were in communication with each other during the tsunami evacuation, and because the point of impact was going to be later in the evening, the Police Department was monitoring traffic, which was very slow, and as some people described gridlocked. But it was moving out of Kihei. After they were able to set up a receiving group of people that was Mauka of the road, because you need to give people directions when they go out through the North Mauka side of the ranch where to go and had to set that up.\r\n\r\nAlso the ranch wanted to escort people through and didn't want people just going through the ranch and leaving the roadway. A lot of things had to be set up, but eventually the road was open and dozens of cars were brought Mauka of the Hale'akala Ranch road. >> Was that the first time we did that? >> Good question. >> I ask, because thankfully, there wasn't destructive waves this time and it was good practice for us to set up protocols. In hearing the description of the challenges that arose, it sounds like something we hadn't practiced many times before. >> Yeah, I would agree with you there.\r\n\r\nI think a good thing for people to recognize also, is the evacuation shelter, like Kihei Community Center is below the highway. And so those that were on the highway were outside of the evacuation area for the tsunami. >> Mahalo, Chief. Those are all my questions. >> Any other questions for the Chief? Member Sinenci? >> Mahalo, Chair.\r\n\r\nThanks, Chief, for being with us this afternoon. I guess we heard a lot of the concerns from South Maui residents. It is a one-way-in road, and one-way-out road and those are the main concerns. So finding those, where we can circle back or even go mauka, those roads are going to be important. A testifier of impending projects that will eventually be developed and planned for South Maui. We have been hearing some already. So moving forward and in anticipation of increasing the Wailea community to 5,000 more units.\r\n\r\nDo we need to make more changes should we see that population expansion? >> My advice would be that is a smart thing to do. The more we increase the population, the more impact it's going to have on all of our infrastructure. So identifying -- we have tried bypasses in several communities, and maybe a road -- when I grew up, the highway didn't exist. And then the highway had no lights and now the highway has all lights. So it's just constantly adapting and overcoming the growth we have on this island, but properly planning for it and funding to put the roadways out. >> Including increasing Fire protections in the Department.\r\n\r\n>> Yes. For us, for us, we enforce the current Fire code. So when things are built, we follow the Fire code you folks approved. When new developments, we require more hydrant and more water, and more distribution systems. So that we are safer as a community. So we are leaving the old Fire codes in the past, for all new construction. >> Thanks, Chief.\r\n\r\nThanks, Chair Member Rawlins-Fernandez. >> Mahalo, Chair. I thought of one more follow-up question, Chief. Mahalo. So you know with the tsunami, the warning came out around 2:00, and then the expected time of the arrival of the waves were around 7:00, about five hours. We know in 80 miles

per hour winds like what happened with Lahaina, you know, it took like an hour or less. It was just really fast.\r\n\r\nSo with fires in very strong winds like 80 miles an hour, we don't have that luxury of five hours to get people moving in safe locations. You know, like as you were describing, setting people up in the different places to ensure that folks don't go meandering through the ranch, or nowhere to go after they get to the exit at the different roadways. Will we be set up in sufficient time when we don't have five hours to be prepared and get people evacuated? >> It's a great question. So when you look at the Lahaina Fire, and when you are talking about evacuations, that is considered a no-notice event, which means there's no way to set up tiered evacuation, like a ready, set, go, sort of thing. So it's an everybody goes at once. I'm not aware of any place that infrastructure is built to evacuate 100% of the cars at the exact same moment.\r\n\r\nSo it's going to be important and what we mentioned in the past, if you are looking at that day particularly, August 8th and the weather is doing what it is doing, it's okay to leave before anything happens. It's okay to evacuate your home before there's a Fire and put yourself in a safe location hours before anything starts. So what we want to basically be aware of the environment around them, and be ready to go should you get called. If you are able to go prior, or you see that you are in a risky area, it's a red-flag running with 80 miles an hour, maybe you don't want to be in that area today. So you could leave before we call for evacuations. Because a lot of our events in Maui when it comes to wildfire are no-notice events because. Speed of the Fire moving, and the proximity of the homes to all of these fires.\r\n\r\n>> Mahalo, Chief. I don't think there will be any other questions from me. Mahalo for joining us, and answering my questions, and anyone else's questions. I do have another question for Mr. Chipchase later. >> Okay. But are we ready to vote on the Amendment?\r\n\r\n>> Okay. I have a question for Mr. Chipchase. >> Mr. Chipchase. >> All right. So I just want to go through this to clarify each Section of all 80 pages -- just kidding.\r\n\r\nFor the public for the workforce rental units that will be -- the vertical construction will be developed by HP's partner or whatever? >> By an affordable housing developer. We'll engage them to do it. >> Okay. And then the affordable housing or workforce housing because they are not all affordable, they are workforce. The workforce ownership units will be developed by an affordable workforce housing developer that you will partner with, that HP will partner with? >> Correct.\r\n\r\n>> And the market rate lots the 862, those will be sold as undeveloped lots, all of them. >> I didn't mean to cut you off. As we talked about last time, the anticipation is that those lots would be sold off as lots either individually or in groups. No firm decisions have been made, in other words, that no lots HP itself would develop, but the Expectation to be sold off individually or in groups. >> Okay. mahalo for clarifying this meeting and anybody who didn't want to watch us past 12:30 first meeting they have that information here today. >> Sure.\r\n\r\n>> Mahalo for that. I think that is my last question. >> I think that is my last question, Chair. >> Thank you, roll call. >> Thank you, Chair, proceeding with roll call. >> We're voting on my Amendment to reinstate 450 affordable units to be built within the Project District. Mahalo, Chair >> Council Member Pro Tempore Tasha Kama?\r\n\r\n>> No. >> Vice-Chair Yukilei Sugimura? >> No. >> Council Member Tamara Paltin? >> Yes. >> Council Member Gabe Johnson? >> Yes, please.\r\n\r\n>> Council Member Rawlins-Fernandez? >> Aye 'Okina, mahalo. >> Council Member Cook? >> No. >> Council Member Uu-Hodgins? >> Sorry, no. >> Council Member Sinenci?\r\n\r\n>> Aye. >> And Chair Lee? >> No. >> Chair, there are four ayes, five nos. Motion fails. >> Pro Tem Kama. So we're going to talk about motion on the floor is to pass the two

bills on second reading now.\r\n\r\nMember Rawlins-Fernandez. >> For my final discussion I want to thank all of the community members, mahalo to everyone that came out to testify whether they supported it or not. But particularly those that did not support this project, didn't support the Amendments, and just came out regardless of knowing that their testimony wouldn't necessarily change the final outcome. I really appreciate everyone that pushed through that feeling of despair, and being demoralized by this, by fighting this over 17 years, some for more. While at the same time, there was a sweep happening in -- with community members being arrested, same community members who if a sweep wasn't happening would have been here today, either in-person or online to provide their testimony. You know, it's heartbreaking irony that it's happening at the same time and that is me being hopeful in calling it an irony, and not, you know, like intentional. That it would split the community that would otherwise show up for this item; who are showing up for people, who are fighting for a place to live, because in both instances, those same folks are fighting for a place, a home, for our residents to be able to stay here, and to live here near their family, where they were born, where they are ancestors were born.\r\n\r\nMahalo, Mr. Dick Mayer, for this chart that was printed and put on our desk and provided in testimony. I will put it up for cameras. He broke down for us the ten projects that are in progress and describes where it's at in the approval process. And of the 8300 housing units, 5704 are market. 1960 would be workforce. So out of 8300, on 1960 would be attainable for most of our community members.\r\n\r\nI can't remember the exact projected year that Mr. Matt Jerowski presented on it. I think it was over 200 years that it would take for us to build enough workforce units for our residents to live in at the rate that we're going, and Mr. Mayer's chart really shows why. Which is why, you know, I knew I wasn't going to get the votes for the 450, but I'm not going to give up, and our community is not going to give up, and we're going to keep trying. I'm going to stand with our community and keep on keeping on, even when the odds are not in our favor. One testifier remarked about how a girl from Moloka'i has to come and fight for the community on the South Maui community who asked specifically for this Amendment.\r\n\r\nIt is because I remember in my 40 years of life, Maui looking a little more like Moloka'i and a little less like O'ahu. And it breaks my heart for our generational families to see Maui continue marching towards looking like O'ahu. I know what it feels like to have developers come in, make promises and then lie to your face, or do a bait and switch. I know what it feels like to not be able to live, you know, in your homelands, and so that is why I will keep fighting for our community members, especially our Kup'aina, to they have a place in their ancestral Homelands, where their family is, and their ancestors had Kuleana. I know folks are saying this is 288 possibly 338, and that's -- from 700 units to that much, it's ridiculous. So I will be voting no. I know it's a surprise to many folks probably.\r\n\r\nI will be voting no on the motion. Mahalo, Chair. >> Anybody else? Member Paltin and Member Cook. >> I will yield to the area Representative. >> Member Cook. >> Thank you, Chair.\r\n\r\nI also heard all of the testimony all the weeks and I also heard the testimony and witnessed this project over the last 20 years. When I look at Dick Mayer's paper, and I see the way that he has been advocating and promoting it, if this could happen as fast as he is stating, it would be really scary. When you look at these projects, many of these projects have been in the works for 20 years. This particular project, I'm supportive of it, because we have a guaranteed non-subsidized affordable workforce housing in the Wailea area, close to the employment, and it's only the beginning. The district that I'm currently

privileged to represent, South Maui, we have flooding issues that we can have the opportunity to do with opportunities with CIP projects to utilize R-1 water for irrigating the pasture lands with nitrates keeping them out of ocean so they are not harming the reef and assist in keeping topsoil where it belongs and not sedimentation in the Districts. The Hale'akala Ranch and working with irrigation systems where they have done successfully and put down irrigation that is County can graze on and totally transform over the next years by fencing and mitigating the deer, by utilizing R-1 water to regenerate and revitalize the pasture land to basically reforest and regenerate. So I want to put on the public encouragement to any and all of people in my District to make an appointment, come talk-story with me, because many of them don't understand my background. \r\n\r\nDon't understand my values, have been making understandable possibly misrepresentations, and not knowing. I'm grateful to be a Representative. I'm available and I enjoy talking to people, whether they agree or disagree. This is a roadmap to what we're going to have to deal with and to me, I look at this identifying the infrastructure that is necessary, the infrastructure that is possible, the infrastructure that we need to pay for. And besides the workforce housing for this particular project, I'm looking at the potential tax revenue from this project Wailea-Makena to basically be the annuity to assist in paying for the capital and necessities and not burdening. We just approved approximately 186 affordable housing project in Kahului on Ka'ahumanu Avenue and that property will never pay property tax. So 186 units with minimum tax. \r\n\r\nProperties in my -- projects in my District have the ability to be able to enable the County and community to subsidize and pay for projects like that. So as current intuitive, it is building the projects that we desperately need. We will be keeping a keen eye on this project, and the commitments that have been made will be honored. The challenges that they encounter need to be brought to our attention along the way, so if the government is the impediment, can hopefully, we enabling instead of obstructive. Because we need these homes. We want these homes. We need the road widened. \r\n\r\nWe want the road widened and why we're approving this because we'll have the commitment that we'll get the Housing in Wailea for workers, we're going to get the road widened and have increased infrastructure paid for by the developer that will help for Fire mitigation for Maui Meadows and the general area. So I welcome people who have disagreed with me or questioned me to get to know me. I'm a South Maui Representative and I'm available. So thank you for the opportunity, Chair, to clarify my support, acknowledge the challenges, and the fear that are legitimate in our community, and to share with you some of my perspectives of the way that we can collectively mitigate these challenges that are very real. Thank you, Chair. >> Thank you. Other members? \r\n\r\n>> Member Sinenci had his hand up. >> Mahalo, Chair. I too, wanted to mahalo all of the testifiers who came out today, as well as the first reading. All of your testimony mattered for me, and it did cement my decision to uphold my vote from the first reading. I just wanted to share that. You know, the tsunami warning emergency evacuation still holds heavy with me. And luckily, it wasn't worse, you know? \r\n\r\nIt could some really bad for us, but we did see, you know, what happened. People were driving on the bike lane, people were going around the traffic lights, and taking all of the side roads, the sugarcane roads. So I mean, it was pretty -- and I didn't witness it, but people did post it and I saw a lot of that. So I'm really concerned. Then also last Friday, we honored those 102 souls that lost their lives two years ago in the Lahaina fires, two of which were my classmate and his mom that didn't get out in time. So for me, I would rather focus policy on those, on the safety of our community first and

foremost. So all of these reasons, Chair, in good conscience, I cannot support this at this time.\r\n\r\nThank you. >> Anyone else? Member Johnson? >> Well, I don't like voting against affordable housing projects and I will say that on the record. I will say for myself, I don't like voting against it. I asked in the first reading Members, what are we doing here, if we're not willing to do any kind of movement? I'm not a rubber-stamper and that question still stands today, what are we doing?\r\n\r\nSweeps, fires, tsunamis, floodings, traffic, wealth income inequality. If this was a movie, it would be a tear-jerker and yet, no reaction. It's funny, in our deliberations, we say a lot of things but one thing Council Member Uu-Hodgins said today was irony of calling Mr. Chipchase our 10th Member. We all do it once in a while. But boy, did his voice sound like a Council Member to me in these discussions where we just said what do you think? And that is what we went with.\r\n\r\nSometimes I felt like Mr. Chipchase, I respect you and all, but sometimes I felt your voice was louder than mine and I have a loud voice. I feel sometimes that I try to get my point across and I try to be malleable and try to be able to listen and debate, and move my opinion, move my stance every once in a while. But it wasn't -- it wasn't like that this time around, and I don't think we're -- we don't have the best product on the table. We don't have the best development on the table. I don't agree that a bird in the hand is worth two in the bush and we should be happy with what we got. That is what gets us in trouble.\r\n\r\nUnfortunately I won't be and to support this and I always want to support affordable housing projects. Thank you, Chair. >> Member Paltin. >> Thank you, Chair, I did go to the Kihei Community Center in 2007, and I stayed past midnight for that Public Hearing when it was the change in zoning. And it wasn't that great of a project with 700 affordable housing and it's worse of a project with 450 affordable housing and it's much worse of a project with 288 affordable housing. And you know, at the end of last year, it seemed like the fix was in on the projecting and no matter what it was moving forward as fast as legally possible. And somebody sent me this. So I asked -- you know, if it comes to it, if Wailea 670 gets to second reading, if you wouldn't mind if I read his poem?\r\n\r\nHe said, I could. It's from Adam Camp and it makes me feel when I read this poem, it makes me feel like how this development bait-and-switch happened. It's entitled "Vegas isn't home." They did not come with guns, they came with Escrow. With contracts, slicker than oil, with rent hikes so high, even Maui's strongest rope snapped mid-pull. For-sale signs lined up like gravestones whiling crosses stabbed into the ribs of our dreams, they flipped paradise like a busted H GTV episode and turned the 'aina into backdrop for selfies, packaged it, auctioned it, staged it for white lotus fantasies for chasing tans, chasing a fake version of us, they could wear and toss like plastic leis. They sold the land, the memories, sold the bones to only Street signs, and we stuffed our grief into battered suitcases, boarded planes, not chasing dreams, just trying to stay alive. Why did you leave Hawai'i? Because I got tired of playing junk poll with the bills.\r\n\r\nTired of watching -- like a riverbed and never call her number. Tired. Of cousins calling Wal-Mart home of dreams bulldozed into luxury condos. They call Vegas the 9th island, like it's something to celebrate. Las Vegas ain't home, it's fallout. Blown West by greed, laid out on stolen Piute desert, chasing scraps across other people's homes, driving Ubers, with teeth cracked from holding in rage, never the owners, never the guests, but this place does not own erased, scattered doesn't not mean silent. You think we disappeared when the plane lifted off, think about, Brada, we rooted ourselves in concrete and into cinder blocks and leashed 'Olelo on Zoom call and learned 'Olelo

on Zoom calls and hunt like -- buying dollar leis and for keiki graduating High School.\r\n\r\nWho never once stood on island sand and gofundmes, but we're still here, still breathing, still fighting, still Kanaka and when the tides raise, every stone sold would spit their names in the sea and call us home. This is about more Kanaka Maoli have come fully to grip with the new demographic, now more than half of the people are scattered across the world not by dreams, but by hunger, by eviction, and by an economy addicted to mass tourism and construction, something even Hawai'i is a choice, it's not. >> Anybody else? I will just quickly say for me, Member Cook's comments encapsulates the positive benefits that the County will receive from infrastructure, to homeownership, to cultural and recreational spaces and more. Yes, you know, I can see some of the truths in the poem that was just read. But you know, change is undeniable and we have to keep going and hopefully, we can find common ways to do that, and work together to make a better place for everyone, not just some people. So are you ready for the vote?\r\n\r\n>> Chair? >> Yes, Member Rawlins-Fernandez. >> Mahalo, Chair. Section 4-2 of the Charter says upon the request of the three-Members of the Council a Public Hearing shall be held on any proposed Ordinance or Resolution, I request a three-person hearing. >> Which is that one? >> This doesn't say that it would -- the simultaneous Public Hearing preempts this under the Charter. Director Raatz.\r\n\r\n>> Thank you, Chair. We have a long standing Corp. Counsel opinion that says when a Public Hearing is already been held on a Bill or Resolution, that 3-Member requirement no longer applies to that particular Bill or Resolution. Thank you. >> Chair, may I request a recess so I can see what Member Raatz plan -- Member Johnson. They are all members now. Director Raatz is referring to.\r\n\r\n>> Are you suggesting that you will approve or not approve of the interpretation of the Director of Council Services? >> I just want to see what he is referring to. >> I would be glad to ask him, but it's not going to stop the continuation of roll call. >> We didn't start roll call. You were about to, if anybody had anything he is to say. >> We're in the process of taking roll call. I will -- I will take a one-minute break, one-minute recess.\r\n\r\nYou can talk a look at it and we'll resume with or without you, thank you. Recess. [GAVEL] [GAVEL] Will the special meeting of August 13th, Council meeting, please reconvene. Madam Clerk, please proceed with roll call. >> Thank you, Chair. >> Chair? >> Mahalo, Chair.\r\n\r\nSo Director Raatz is still looking, because a minute wasn't long enough. Because he didn't have it readily Available. >> Excuse me, I did not recognize you. >> I'm just saying -- >> I'm not -- Madam Clerk -- can you take roll call. >> Yes. >> Chair? >> Proceeding with roll call.\r\n\r\n>> Director Raatz is still looking for that opinion. They think it's like from 2006. And past practice -- -- do this hearing -- >> [INAUDIBLE] Chair, you said you weren't going to be a dictator and that is what you are being right now. So I'm just going to keep talking. So that Director Raatz -- no, Director Raatz can look it up, because I asked for it. I have a little more courtesy to have that information be put up so I can see for myself what it was that was being said. >> Let's continue. >> Respect is supposed to be mutual.\r\n\r\nI asked for this -- under Charter Section 4-2 -- >> Are you voting yes or no? >> I want to see the information that I requested. >> I don't care what you want. >> I know you don't care, Chair. I didn't say you did. I care. I want to see what it says.\r\n\r\n[INAUDIBLE] >> He was trying really hard to find it really quickly. >> We have Member Uu-Hodgins -- this is to pass Wailea 670 on second and final reading. >> And Director Raatz is still looking for the information I requested, Chair. So I'm still waiting for that information and Director Raatz is looking. >> She is unmuted. >> Director Raatz, as soon as you find

it, and I'm and to see it, I would appreciate that. Thank you, Director Raatz for looking.\r\n\r\n>> I cannot hear, there's too much noise for me to hear. >> For that opinion from 2006, I would really like to see that from Corporation Counsel. Director Raatz is still looking. >> [INAUDIBLE] they are both looking -- -- as quickly as they possibly can. So that they can find the opinion that I can read for myself. I would like to see the opinion. >> Otherwise, I'm going to vote you yes.\r\n\r\nYou have to vote yes or no. >> I was requesting to see the opinion from Director Raatz, who is still looking. >> The vote is so far 5-3 yes. 5-3 yes. So either you can vote now, or you are going to be put down as a yes. >> Chair, I have such aloha for you, but just like the testifiers before us, I feel like you don't care, and you actually -- that is what you said to me that you don't care what I say and the testifiers said again and again that you don't care what they say, and that is very disheartening. Please mark it that way Okina -- >> This meeting is adjourned.\r\n\r\nThank you everyone. [GAVEL]

TRANSCRIPTION

Council of the County of Maui on 2025-08-13 9:00 AM - Public Hearing

[GAVEL] >> Will the Public Hearing and special meeting please come to order. It is approximately 9:02 a.m. on August 13th, 2025. Ms. Clerk, please proceed with roll call. >> Chair, proceeding with roll call. Members participating from non-public locations should state who if anyone except minors is present with them as part of roll call. Council Member Pro Tempore Tasha Kama. >> Aloha Kakahiaka, Chair.\r\n\r\n>> Vice-Chair Yukilei Sugimura. >> Excused. >> Council Member Tamara Paltin. >> As a reminder testimony must pertain to items on the agenda, please direct your remarks to the Council and not to any individual Council Member, or Member of the public. Each testifier will be allowed to speak for up to three minutes. For individuals wishing to testify on teams, please click the raise your hand button to be added to the log. If you are calling in, please follow the phone prompts to be added to the testifier log.\r\n\r\n\r\nDecorum shall be maintained at all times. Any person who behaves in a manner that disrupts, disturbs or impedes the orderly conduct of any Council meeting can at the discretion of the Presiding Officer or a majority of present Council Members be ejected or banned from Council meetings, or if participating remotely, muted or dropped from the meeting. Examples of disruptive behavior include, but not limited to heckling, shouting, use of profanity, threatening or slanderous remarks made to any Member of the Council, Staff, or general public. All meeting attendees whether on-line or in-person are expected to wear clothing in a manner that is respectful of others, and appropriate for these proceedings. For example, attendees should wear a shirt when testifying. Ms. Clerk, please proceed.\r\n\r\n\r\n>> Chair? >> Yes. >> Can we get a count of how many testifiers we have? >> We currently have 13 signed up thank you so much. >> We're welcome. Chair, proceeding with the presentation of oral testimony, at this time, any Member of the public can testify on an agenda item. We'll be with Assistant Chief Greg Okimoto, testifying on bills 173 and followed by Michael Hill.\r\n\r\n\r\n>> Good morning, Chair, good morning Council Members. >> Good morning. >> Assistant Chief Greg Okimoto testifying on behalf of the Police Department on Bill 171 and 172. The Police Department we support this Wailea 670 project for us it's an opportunity for us to expand the services with the growing needs of the growing population and the needs of the community. Conceptually we're looking at two acres building a Substation out there for us. We put our K-9 unit and also our special response team out there just to get a presence, and also, expand on our training program. And also, we share that space with the Fire Department for whatever services they need. I know they have ocean safety station at Wailea station.\r\n\r\n\r\nSo the plan is that we share that facility with them. I also conceptually we like to build a Memorial Park on that property as well, too. Just to honor all fallen first-responders, whether it's in the line of duty, and also, we make it available for public use as well, too, just as a gathering place for reflection, and what not. So that is my testimony. >> Thank you. Are there any questions, Members? Seeing none, thank you very much.\r\n\r\n\r\n>> Thank you. >> Chair, the next testifier is Michael Hill. >> Did you have a question? >> For you. >> Sure. >> Mahalo, Chair. Sorry if I missed it did you explain why the Public Hearing isn't being held in South Maui?\r\n\r\n\r\nI may have missed it, if you didn't explain. >> I would be happy to, but the County Clerk has more details because she is the one who does the research. If you could hold off one second. Madam Clerk, can you explain why and why we didn't schedule the meeting in South Maui, and why it's here today?

>> Thank you, Chair. So part of this involved consultation with OCS legislative Director David Raatz. Part of the issue for us specifically our office was with issues running this online.\r\n\r\nIt's difficult even at remote locations for us to get that working we do it in-person. Something that would have done, but there's a legal aspect that I will punt over to Mr. Raatz. >> Mr. Raatz. >> Thank you, Chair. The rules of the Council for this term say that when a Public Hearing is required by law, it must be held in the Community Plan Area that is most impacted by the Bill or Resolution.\r\n\r\nAnd also, to occur no earlier than 4:30 p.m. and for today, the Public Hearing is not fully required by law, so that provision was not triggered. Thank you, Chair. >> I'm not sure why you mentioned it, if it's not triggered. Madam Clerk, do you have anything else to add? >> Mahalo, Chair. Because that was going to be a follow-up question. >> I see.\r\n\r\nThat is why you asked the question. >> Yes. So it -- well, in the last meeting that we took up Wailea 670, we talked about having the meeting in South Maui. So that folks in the impacted area could have an easier time coming to testify in-person and generally when we have Public Hearings that we have -- we would have them after work hours, so that more folks would be able to testify. >> We tried -- I know that the Clerk's office really tried to see if that could happen, and it couldn't for various reasons, even with the Parks Department, we couldn't get the right dates and times and so forth. Member Cook. >> Thank you, Chair.\r\n\r\nOur South Maui regional office is open, the new one, available for public testimony, fully acknowledge the need for the community that is affected to be able to have easy access, and with the telephone. So I feel that sincerely people have the opportunity to give testimony, to listen and weigh-in on this, whether they are working or not. So we made sure that our South Maui office was up -- was open and available before this meeting, and I encourage anybody who is in Kihei who wishes to give testimony, who can't come to Wailuku, go to the office to give testimony. >> Mahalo, Chair. Mahalo, Member Cook. So it's not only about access and testimony, we also heard folks ask us to drive out there to experience the traffic firsthand. Being in Wailuku is one thing and there's reasons why we go out to specific pa places to be there, feel that, be there, so folks can look us in the eye when they are testifying.\r\n\r\nIt matters to people. We talked about it and why I was bringing it up. Because we were going to call a 3-person hearing, Public Hearing, but you offered to do one. So that is why we didn't call for one. So do you have more information that you were going to share, Madam Clerk? >> No, I didn't. >> Okay. Mahalo, Chair.\r\n\r\n>> Any more questions? Madam Clerk, so if you see somebody raising their hand online, please let me know, because I'm looking at the Chamber, the people in the Chamber and I don't always see somebody's hand being raised. Sorry to keep you waiting. You can start now with your name and the item you are talking about, of course, we only have one item today. >> Okay. Thank you. Good morning, Council and good morning, Chair.\r\n\r\nMy name is Michael Hill and I have live on Maui over 30 years. I wasn't going to testify on this issue any more, because I have already testified three or four times. The first/first reading at the Council, the Planning Commission and the Kihei and last first reading of the Council when I testified at the second first hearing the last one regarding the Amendments to Wailea 670, I mentioned Council Members who voted against the he wishes of the majority of people of Maui may have some other motivation to do that that apparently upset some members, although I didn't name any particular person or mention any specific motive for ignoring the vast majority of the community's testimony. After hearing hours and hours of testimony, it was very clear what the people of Maui want, over 90% of the testimony was against these Amendments. There were several of

you that decided to ignore what the people want and voted d for slick talking corporate Attorney for the wealthy developer wants. So I have been give something thoughts to what those other motives might. One possibility is that Council Members just think that they are smarter than everyone else that they don't have to listen to them.

There were comments by the Members of the Council in their deliberations that testifiers were just uneducated or they just didn't know anything about building, or I'm just tired of people it'll me what I should think. That would show a level of ego and arrogance that to lake you're representing the wishes of the people. That is an insult to the people who voted for you. Another possibility is a feeling of obligation for a campaign door support in an election. An even worse possibility would be a backdoor secret deal. In that case, you should definitely be ashamed to claim that you are represent the represent. Again, I'm not accusing any particular person.

Of any of these possibilities. But if I struck a nerve and the shoe seems to fit perhaps you should take another look at what you are elected to do. >> Are you done? >> I'm done. >> Members, do you have any questions? If not, thank you very much. >> The next testifier is Janice Hill testifying on bills 171, and 172, to be followed by Paula Nikko.

>> Aloha Kakahiaka kakou. My name is Janice Hill, testifying against Bill 171, and 172. Most previous testifiers are against this development citing scarce water resources, bad traffic and dangerous road conditions in South Maui. King tides, tsunamis, fires, hurricanes and flooding are real. At any first attempt at testifying against Wailea 670 last November, I heard Tasha Kama happily comment that she looked forward to this completed project, because she could imagine little Brown children playing in Wailea. I have 500% part Hawaiian little Mau Puna and they can't get through the gated-communities and required beach access that is usually hidden. I watched the deliberations June 27th around midnight there was discussions about swimming pools. Nohe Uu-Hodgins said she prefers swimming pools because she is not a beach cool.

Chipchase offered pool covers as evaporation solution to water. In Bill 172, there were \$300 fine if luxury home comply with swimming pool covers to the billionaires. Do you really think that compliance merits? That is like pennies to them. Who Polices that? Then I heard Alice Lee comment that the testifiers don't know how to build a home. In 1983, I hired a Committee Planning employee to draw up up my blueprints.

He helped me acquire my owner builder permit, which was difficult to build my home on Kihei lot purchased from realtor developer Isaki for \$65,000. I subcontracted the framer, drywaller, electrician, plumber small home for \$30,000. Building can be done without luxury homes in the mix. I wondered why the Council is willing to stay up past midnight to work with the developer's Attorney, when Bill 9 was still pending? Why has the South Maui community action plan not been approved before Wailea 670? Why not make Lahaina a priority? Why are the Council Members from Lana'i Moloka'i Hana and Lahaina willing to vote in favor of testifiers and not Kihei resident Tom Cook? This is Kapakahi and does not make sense. And does not make sense. What is the rush?

Why allow only 288 affordable home and not stick with the 750 previously approved? Why prioritize Bill 171 and 172 over 9? Build the K-9 Police Park and Memorial Park at the Kihei police station or in central Maui. Why does the Police Chief spend paid time testifying for this project? The County will end up paying for it anyway, of course we need more Police and Fire stations. Over 8,000 homes are proposed to be developed in South Maui. This is beyond carrying-capacity for water, sewers and roads. I have taught school, worked at Wailea resorts and lived here for 56 years.

Enough already. >> Questions? If not, thank you very much. May we have the next testifier? >> Chair? I have a question regarding the

timer. So I see three minutes on the time.\r\n\r\nThere are three agenda items. So if -- >> It's okay, I'm Pau. I do have some copies. I tried to get it under three minutes even with the three bills. >> That is the reason I didn't stop her. >> Yes. >> I appreciate Ms.\r\n\r\nHill for your testimony. Earlier, I think Madam Clerk, said there was one agenda item -- oh, it was Chair. So there's three agenda items. Three minutes per agenda item. >> I didn't mean there's only one. We have one subject-matter. Let's not trip over -- we're taking away from her testimony.\r\n\r\n>> That is okay, I'm Pau. >> Okay, good. Thank you. >> Mahalo. >> Mahalo, Ms. Hill. Mahalo, Chair.\r\n\r\n>> Chair, next testifier is Paula Calani testifying on Bill 171 and bilge 172, followed by Charlotte McLaughlin. >> Aloha Kakahiaka. Thank you, Council Members for this opportunity to have to testify on Bill 171 -- 172. My name is Paula Kalin kawa, resident of Kulaki moku. I have lived there for 62 years, plus, even back in the Moku at that time, years later, was so surreal. And a natural but beauty that surrounds us. Today I experience seeing some -- I see -- experiencing sea-level rise over the South Maui road. And condominiums and hotels that are being damaged and threatening further resorts.\r\n\r\nTsunami warning and evacuation that took place recently was devastating to many that were held in the gridlock in traffic for 3-and-a-half hours. There were also cars that were taking over on the bike lanes to escape. And it is a tragedy to see such disaster happening to us in South Maui. Yet I stand here before you several times over to object to the subject of 171 and 172 at this time. Due to the fact that this are all infrastructure issue. Until that infrastructure issue are in place I'm objecting to Bill 171, and 172. Although we have in dire need of home for -- affordable home, our people needs homes, too. Necessary is infrastructure we're not able to exit through South Maui, we're not, they are going on Pi'ilani Highway and the subdivision that are not able to get out safely.\r\n\r\nYou need to listen and be pono with this, it's very important. So also, as to why we're not addressing our South Maui community plan and we're into the Wailea 670 South Maui community plan plays into it and we have not yet completed that. So I'm questioning that as to why we're not done with that? I think that should be addressed before we address the 670. I just heard earlier today why we're meeting up here in our Maui County Council Chambers. I was concerned as to why our people in South Maui are not giving opportunity to have their meeting in South Maui, because they should have that right. They should. People work and people go to school.\r\n\r\nSo they are not available always during the day and until the afternoon or evening. That is my mana'o for now. Thank you very much for your time. I just brought a little something here that you might want to lookat that says, "local family moves away." Local family moves away. So think about that. We need to think about our people that lives here and deserves to live here. This is their 'aina.\r\n\r\nThank you. >> Thank you very much. Members, do you have any questions? If not, thank you. >> Chair, the next testifier is Charlotte McLaughlin, testifying op bills 17 and 172, followed by Charleen McCain. >> Aloha, Chair, Members of the Council. I'm here to testify against these Amendments 171 and 172. These Amendments facilitate Wailea 670, and 1150 unit water intensive luxury development, who did these Amendments benefit?\r\n\r\nThey benefit a foreign bank with assets over \$250 billion. The DCCA of the State of Hawai'i lists of Officers of Honua'ula partners aka Kawaielae 670 as handprint hold could, LLC. HP hoco as a subsidiary of German bank Helaba Bank, the European Central Bank fined Helaba \$7.29 million in 2023 for consciously misrepresenting risk. So I do not consider them an ethical bank, I consider them an unethical bank and that is the second highest fine by the European bank at that

point. You may ask how will an overseas bank hiding behind, LLC.'s possibly care about the needs of the Maui community? Good question. If they cared, we wouldn't be here, as they seek to wriggle out of conditions, coded into the Maui code, that are designed to protect the community and give something back for all that will be lost.

In 7/08 the community rose up against this development, generally at least 150 Members of the Community testifying against it. With the approval of a majority of the Council, we obtained conditions, which included 50%, 700 affordable housing units for Maui, 450 Affordable-Housing Units on-site. Also included was the widening of Pi'ilani to four lanes where traffic backs up at the bottleneck. A wider Pi'ilani provides better emergency evacuations to save lives. It increasing events of fires, tsunamis and hurricanes. So lives are at-stake. The principles of Helaba Bank won't be stuck in traffic on the Pi'ilani and won't have to live where so many can't afford a home.

They care about their bottom-line for that they will try to wriggle out of anything that reduces their profit. They want the State to pay for the widening of the Pi'ilani. That is us, that is our taxes. Your vote will show where your heart lies, and the voters will be informed. Please vote no. Thank you very much. >> Questions?

If not, thank you. >> Chair, the next testifier is Charlene McCain, testifying on bills 171, and 172 and she will be followed by Jim Gleve. >> Aloha, my name is Charlene McCain and live in Maui Meadows. I'm against the County allowing the builders to develop 670 at this time. We definitely don't need more multi-million-dollar homes built in South Maui. There's no water or infrastructure to support over 1100 new homes. This developer doesn't care about our quality of life or safe emergency situations.

The developer has not lived up to the conditions in the original agreement granted in 2008. Now this developer wants to avoid widening Pi'ilani Highway and building agreed upon workforce housing and I urge this Council to deny the proposed changes to the original agreement. Mahalo. >> Thank you. Any questions? If not, thank you. >> Chair, the next testifier is testifying on bills 171, and 172, followed by Lee -- I think there's a typo there in your last name, but it starts with an O. >> Aloha, my name is Jim Gleve, I live in Maui meadows. I'm simply against modifying the conditions for developing 670. Particularly as to the widening of the highway, and the workforce housing.

We really need the four-lane Pi'ilani Highway to extend into Maui Meadows before they start developing it . There's many businesses and many roads that will be impacted very negatively unless they get that road opened up. We have obviously the specter of clogged of highways. We see it every day now, and I don't know that extending the four lanes is going to solve all of the problems. But it certainly can't hurt anything, and can make it much safer. We want affordable housing built for workers in the community, so they can live in our community, and they will make it a better place to live. I'm just asking that you keep the conditions that have been in effect for over 15 years in this project. Thank you.

>> Thank you. Members, questions? If not, thank you. >> I have a question. >> Member Paltin -- excuse me, a Member has a question. Member Paltin. >> Thank you, Mr. Gleve, the he just wanted to clarify the condition that you were speaking to was the 700 affordable home or the 450 affordable homes and that they widen the highway, is that the ones? >> I think the answer is yes to both. >> 700, and they widen the highways. >> Yes. >> Okay. Thank you. >> Thank you.

>> Thank you. Chair, the next testifier is Lee -- he is online. I'm just not sure on the last name. It starts with an off, followed by Dick Mayer. >> Aloha, can you hear me? >> Yes. >> Okay.

Aloha, Chair Lee, and County Council Members I'm Dr. Lee Oltenberg, that is my user name that was put on the list there. Testifying today against bills 171 and 172. So I

wish to get on the record before the public that the 3 million dollar endowment for management of the native plant preservation area in Wailea 670 was deleted from the July 202 Hono'ula natural resources preservation plan and is not mentioned in any document that I'm aware of provided by Hono'ula partners in their application for these bills. This native plant preservation area is among the oldest WiliWili dry forest remnants anywhere in existence and its created to preserve the legendary for the people of Maui in perpetuate. The \$2,914,484 ebb downtown was described in the April 2018 draft preservation and mitigation plan and habitat conservation plan for Hono'ula Wailea 670, which was approved by the Planning Commission. I testified at the September 24, 2024 Planning Commission meeting on the deletion of this endowment from the 2022 plan. And Mr.\r\n\r\nChipchase responded with this testimony, and I quote "the funding commitments for that are also set. Dr. Oltenberg was simply wrong. We talked about this extensively at the phase 2 hearing. The funding commitments have remained in place. \$2.5 million is an initial contribution, as well as an additional \$25,000 a year, for I believe 30 years or some long duration." I emailed Mr. Chipchase to request the documentation that shows this continued to be a legally binding commitment, but Mr.\r\n\r\nChipchase never responded. So two weeks ago I email each Member of the Council with a report on this situation and that a request that such documentation be obtained. So today I'm requesting that you provide an update on what you found. mahalo for your attention. >> Thank you. Members, questions? Member Johnson.\r\n\r\n>> Thank you, Dr. Altenberg. I did receive your email. We went through it. Thank you for that. I have a question, clarifying question. Where do you think the plan went?\r\n\r\nIt just deleted, erased, where do you think it is? Is there a way to find it. >> That is what I'm trying to find out and that is why I contacted Mr. Chipchase and hoped he would respond, but he did not. So I'm hoping that you have a resources and respect to get that response. >> Okay, so you mentioned that it included a deer fence. So what else do you think that would include that is a big chunk of change for just a deer fencing, I'm sure there's more to it; right?\r\n\r\n>> Well the whole entire Section 8 from the 2018 habitat conservation plan lays out in detail all of the management actions that were needed to maintain the viability and vitality of this remnant dry forest. That included propagation of plants, elimination of deer, elimination the weeds and curatorial activities. >> When we get into it, I can ask some questions. Thank you so much, Dr. Altenberg. >> Any more questions? Let the record show that Vice-Chair Yukilei Sugimura is present.\r\n\r\nMay we have the next testifier, please. pardon me? >> I have a question. >> You still have a question of the same person? >> Me. >> What is your question? Me Tamara?\r\n\r\n>> Yes, you Tamara. >> My question is go Dr. Oltenberg be a resource when the item comes up? >> I would certainly be honored to do that, yes. >> No objections, Chair. >> Exactly, what is the expertise of this testifier? >> He has followed the project since day one and he has been involved with the Flora fauna stuff and you knee about the \$3 million endowment when nobody else seems to have known about it.\r\n\r\nHe is like a doctor of the WiliWili or something? >> I can clarify that. So my 2007 report on the remnant WiliWili forest is explicitly mentioned in condition 27 of the unilateral agreement for the rezoning ever Wailea 670. >> I don't think anyone else has that kind of expertise in this room. >> I personally don't have any objections. I do believe that -- I highly doubt any of us have been following this for 17 years, even myself. I'm not that old. >> I was there during 2008. >> So I'm going to assume there are no objections.\r\n\r\nSo Dr. Oltenberg, I don't know where. >> Oltenberg. >> When we'll be deliberating this matter, but if you put your number in the chat,

we can call you what it's time. >> That will be today? >> Hopefully, we're not sure. >> Okay.\r\n\r\n>> We're not sure. It all depends on the amount of testimony, and the list keeps slowly increasing. So it's hard to tell you when we think this might be -- the testimony portion will be over. So if you want to watch for a while, or we can just call you when it's time, is that okay? >> Yes, that is fine. Thank you. >> Thank you.\r\n\r\n>> Chair, the next testifier is Dick Mayer, testifying on bills 171, and 172, followed by Pane Meatoga 3rd. >> Thank you very much. Can you hear me? >> Yes. >> Thank you. I'm speaking on both bills 171 and 172. Council Members, I would like you to visualize this vote is being taken the week that ballots are being sent out for the 2026 County Council election. How would you vote on these two bills on that date?\r\n\r\n\r\nFor the unknown mainland or foreign investors who wish to reduce affordable housing, and get local taxpayer residents to pay for the highway, and intersections that the investors previously agreed to pay for on behalf of the Maui residents. You are being asked to make a choice today between the mainland and foreign investors who have made no effort to present themselves to you or the people of Maui. Can any Council Member name their project's investors? They have represented by a very smart lawyer, Cal Chipcase has made numerous recommendations on how to change the previous County Council approval for this project you must remember that unlike other votes that came before new project employing construction workers today's vote is the project's considerable benefits and make the investors richer. New houses being built, this is not a project to increase construction. Wailea 670 has already been approved and will definitely provide employee. For the construction workers who have come before you how most important is the needs of Maui residents who now being grossly sacrificed for benefit of the mainland and foreign investors.\r\n\r\n\r\nAnd you are being asked to go against the voters of Maui, who -- to provide affordable housing for their families and their children the voters of Maui are pleading with not to. Degrade some of the project's benefits. This will potentially help so many local families of these two bills before you are merely difficulties to the developer who will no longer have to build as many affordable houses and the highway and the in numerous intersections South of Kilohana road as required not only in the Council's previous approval of Wailea 680, but also in South Maui community plan. These are enormous multi-hundreds of millions of dollars worth of savings. And gross profits for the developer and investors, who have been unwilling to even show their faces here in the hallowed Council Chambers now before Maui voters make their selection on the next County Council. Please vote no on both ever these Bill and allow developers to provide their promised affordable housing and improvements to the Tylani highway and the intersections and yes, a yes-vote is not needed and is certainly not wanted. I would like to add that with regard to the issue of water in one of the reasons why many people are concerned is the that water wells for the project just below the Hawaiian Homelands area up above the area and if they drill these wells and pump the water at the rate that is going pumping it will endanger perhaps the Hawaiian Homelands.\r\n\r\n\r\nWell, which are now planned and have been proposed by the Department of Hawaiian Home Lands Commission, so please consider all of the these elements but and most importantly recognize that the original conditions placed on the project are good and should be maintained and you and your vote on the bills should be difficult no on these bills and thank you very much for listening to me. >> Any questions? >> I have a question, Mr. Mayer. It appears you have been following this project from the beginning. Any understanding is that we're not here for change in zoning. There are conditions being asked to be changed.\r\n\r\n\r\nSo were you there ten years ago, or so, when the other Council, the

previous Council passed it? Passed this change in zoning? >> I have been to so many of these meetings and can't say particular meeting that I was at. I have followed it all the way back. >> So you are aware that this Council didn't change the zoning, it was a previous Council? >> Absolutely. >> And today we're not considering a change in zoning, but we're considering a change in conditions.\r\n\r\n>> Correct. >> Are you saying -- one of the changes, you said just leave it as it is. One of the changes is to take out the golf course. So you are saying leave it as it is? >> I would rather have you leave it as it is and they not build the golf course. They are not required to build the golf course. That is one of the things that they would be allowed to do.\r\n\r\nI would hope that they would not build it. I would hope that they would build the affordable housing as originally required and not build the golf course. I would much rather see that original Bill stay. >> Thank you for that clarification. Seeing no other questions, thank you very much. >> I have a question. >> Member Paltin has a question for you.\r\n\r\n>> Thank you. So I just wanted to clarify what you just said. If the golf course condition remains in, they are not forced to build the golf course. >> That would be -- just below this project, exactly below this project, Mr. Chan has come in a proposal that the Golf Course on the Wailea site be discontinued and his argument that there's no longer the great demand for golf that there was 30 years ago, 20 years ago. And he is trying to convert that into a housing project also right below this project and convert that golf course into a large -- so my guess is the developer, even if they were allowed to put a golf course in, probably would not find it financially viable and would probably not go ahead with it and would probably put in the Housing that is being required in the project so the condition. >> One of the problems -- one of the problems is that we do not have the developer, the investor actually in the room with you, helping you makes had decisions, and giving you the promises.\r\n\r\nWe a lawyer making recommendations but his word is not necessarily bound to happen. So I would allow the golf course and assume they would probably not build it. >> So the conditions that you want to keep is \$5 million for parks, 450 affordable housing on-site, the road widening by the project those are the conditions that you would like us to stick to is what you are saying? >> Yes. There's no reason to change any of that. In fact, the South Maui community plan requires the widening of that highway. So that is a condition that they have to follow.\r\n\r\nAnd I would not give them any leeway to say oh, the taxpayers of Hawai'i will pay for that highway. We're talk about several hundreds of millions of dollars to put in the widening and the intersections that they promised to do it, not alone, they promised to do long with Wailea and Makena resort and in 2012 an Environmental Impact Statement was done for that highway. They paid for it and they have now had 3 years to build that highway at lower costs than it would be today and they have put it off, put it off, put it off. So I would not give them leeway. They have stretched you, meaning the Council's indulgence over the years and not fulfilled what they promised years ago. >> Okay, thank you. Chair, I forget to disclose -- I was in my vehicle with a minor.\r\n\r\nAnd now I'm in an office building in the hallway outside of my child's doctor's office and it's a public area that anyone can walk by. >> Thank you. Thank you. Thank you, Mr. Mayer. >> Thank you. >> May we have the next testifier.\r\n\r\n>> Pane Meatoga 3rd testifying on bills 171 and 172 followed by Noel Patel. >> Chair, Pane Meatoga 3rd Deputy Political Director for operating engineers local 3 just wanted to come and testify while here online in support of Bill 171 and 172 and now we'd also like to reiterate that the current project the requirement changes are in line with the current law. This will allow the developer

to build, nor affordable housing sooner and there is also support of the cultural center and the need of the plant nurseries also supporting the joint police/fire station. This will provide housing. This will provide jobs and our local people can work and play and stay. Thank you. >> >> Thank you Members, questions.\r\n\r\n>> Member Uu-Hodgins has her hand up, Chair. >> Member Uu-Hodgins. >> Thank you, Chair. I don't have a clarifying question, but what I wanted to add, I see Mr. Langford keeps raising his hand and if he is allowed to testify, I will turn off my camera and I not be visual when he is testifying yesterday. Some really atrocious things in our chat he specifically told you to count your breath, told pe Member Kama that she helped somebody murder somebody and that he called all of us murderers and knowing -- that we're helping somebody traffic cocaine. I hope we figure out a better way to protect ourselves and he already put words in the what.\r\n\r\n\r\nSo he if is going to testify, I will be turning off my camera. Thank you. >> Next testifier. >> Chair, the next testifier -- we have a question. Member Johnson. >> I also saw Council Member Sinenci's hand up. This is for pane, if you still on the call.\r\n\r\n\r\nYour voice was a little quiet. I didn't hear if you said you were from Maui. Can you tell us are you from Maui? >> Oh, the previous testifier, he is still online? Apparently he is off. >> Okay. >> All right, Members.\r\n\r\n\r\nWe'll -- Member Sinenci. >> I just wanted to add to Member Uu-Hodgins' remarks, I mean, I did not personally see those, but if Chair, if it's enough to upset our Members, and taken in light of things that are happening all over the nation, I want to protect not just our testifiers, but also our fellow members, Chair. >> Yes. Thank you for those comments. I was going to, if it came to, I was going to ask for a recess and check with the members to see. To see if -- well, mow what I need for you to go on record if you want this person to testify or not? Comments?\r\n\r\n\r\nMr. Johnson. >> Thank you, Chair. You did mention the decorum needs to be kept the Chambers at all time and that is across the Board. I think there was decorum was broken. Thank you. >> Good point.\r\n\r\n\r\nAnybody else? Member Uu-Hodgins. >> Thank you, Chair. I will clarify, if he wanted to provide testimony to our agenda item, like anybody else, whether I agree personally or disagree, I'm obviously willing to hear it, but way beyond what we should be allowing is physical threats of violence to any one of our members. I don't think it's safe for us, as Member Sinenci said. We just had this conversation No. too long ago.\r\n\r\n\r\nSo I know it's top of mind and just yesterday, this was the comments he posted on our meeting that we had. I took screen shots. I sent it over to OCS. It's getting to the point where it's absolutely unacceptable to allow somebody to behave this way. We have already had issues with this person and I don't feel safe with him around. So I would prefer if he didn't and I would prefer for all of us if he was blocked somehow, because it's a scary experience to be told that we know somebody who murders somebody, which we don't. I don't know even know cocaine traffickers and I don't know why he is telling you to hold your breath. I think those are disgusting threats and so I would be supporting disallowing him to testify and participating in this meeting which is a right people have and they needle to exercise it appropriately.\r\n\r\n\r\nThank you, Chair. >> Thank you. Are we agreement that we're not going to allow this person to testify? >> Chair, Staff would interject. We certainly appreciate the concerns. We have reported the incidents to the appropriate security officials for follow-up. For purposes of this meeting you are in what the courts call limited public forum.\r\n\r\n\r\nThere are first Amendment right has it all people enjoy absent a court ordered to contrary testifiers are disruptive, can be warned, and then ejected. But failing that, the body doesn't have the right to in advance prohibit somebody from testifying. Thank you. >> We'll see

about that. We'll deal with it if it comes up. Member Rawlins-Fernandez. >> Mahalo, Chair.\r\n\r\nI agree with Director Raatz' assessment. My question for Director Raatz is if threats are being made on the chat in realtime, what is your opinion on not upholding decorum in the public forum, and that already violating decorum in the chat? >> Thank you, Chair. That would be a basis for a finding of disruption that could allow for testimony to be restricted. I don't think the comments that have been put forward so far have occurred in today's testimony chat. I think they are in reference to social media comments in recent days. I may be mistaken, but I haven't been informed of comments that would meet the standard of disruption, which are reflected in our standards of decorum, which talked about threats, and profanity and things of that nature.\r\n\r\nThank you. >> Mahalo, Director. Mahalo, Chair. And Member Sinenci has his hand up. >> Member Sinenci. >> Thank you, Chair, and thank you, Member Rawlins-Fernandez. I think to Mr.\r\n\r\nRaatz' point, we have to consider past incidents at this point. We continue to report on past things, but just knowing that we have had precedence, and we have had reports before, we should take those things into consideration, Chair. Thanks. >> Thank you. Member Rawlins-Fernandez. >> Mahalo, Chair. So in my experience sitting in this seat, by denying someone the opportunity to engage and participate in our meetings, it kind of just upsets people even more.\r\n\r\nAnd makes them behave even more -- >> That is one thing to consider, but I also have to consider the safety and mental health of our members. If somebody is feeling threatened, and this guy has -- he is not a new person. We have dealt with him before. So we know what he is capable of. That is the unfortunate part. It's kind of a dilemma for me, too. I want to err on the side of protecting you guys.\r\n\r\n>> I appreciate that, Chair. I'm willing to be here for quorum to enable him to testify, and if as Director stated, decorum is violated, then at that time would be warned, and could be stopped at that point. But I'm willing to sit here and I would support any of my colleagues if they don't feel safe to not be here. I can do that, Chair. >> Yes, because otherwise, we may have to take this into Executive Session. If that happens, be prepared Corp. Counsel, everybody.\r\n\r\nOkay. So may we have the next testifier. >> Chair, the next testifier is Nohe Patel testifying on bills 171 and 172, to be followed by Johann Lall. >> Hello, good morning, my name is Nohe Patel. I'm with the Hawai'i Regional Council of carpenters and here to testify in support of the project. I just wanted to share a couple of things that I observed over the times just driving around. I have seen more storage units being built than housing units, and to me, I kind of think about it's easier for people to come and store their stuff than it is for people to live in a place, and then bring their stuff with them.\r\n\r\nI think about things, like, the widening of the road, and I think it's a good thing. I think that when the project goes on and it's simultaneously thing when the workforce housing goes on the same time as the road, I think about the people that live in Wailea, and work in Wailea, and how it could have the potential to alleviate traffic. I'm just trying to think about solutions when we talk about traffic. I see the traffic firsthand myself while I'm driving on the roads. So I know it's a real thing, but we just got to look for solutions. And then finally, I just, you know, for myself firsthand, I have seen some of the people that I have conversations with. I have to look them in the face while they tell me they are moving, and know that they don't want to, but they have to.\r\n\r\nJust because they don't have a place to live, and it's tough for them to look for a place. So I just wanted to share some of those observations that I have seen, and I thank you guys for your time, and thank you for your consideration. >> Thank you. Are there any questions? Mr. Johnson. >>

Thank you, Chair.\r\n\r\nThose folks that you mentioned that are considering moving, I too, have a concern with. Are they -- do they have the means to move into some of these mansions with swimming pools, or they are more of workforce housing kind of need. >> I don't know if they have the means to move into mansions. I think that's a good question. With the swimming pools. I'm not sure about what their personal life is like and how they set themselves up for success in their finances. I would imagine they are more of a workforce type of people.\r\n\r\n>> Right, that is my focus. Thank you so much. Thank you, Chair. >> Thank you. >> More clarifying questions? If you see somebody online, let me know. Thank you.\r\n\r\n>> Chair, the next testifier is Johann Lall, testifying on bills 171, and 172, followed by Kopicki Santos. >> Johann Lall, I'm testifying on behalf of myself, and I think I Mike be the only person who is not for or against this at this point. I am against the original purpose which was to reduce the units from 450 down to 288, the workforce units within the District. However, I see that some Council Members have had a lot of success in adding some really good Amendments. So I support anything that helps the community, especially the one that would require the higher amount, if the law changes to require more affordable units, because at least the voters can have a say, and it will increase, and the community will get more housing. I do have concerns about the conservation issues that were brought up by Leoltenberg, and I think that was an important part of the project, and one of the major things that the Maui Planning Commission took into account, which was the large conservation area. And the funding for continued work on that, which also includes jobs, you know?\r\n\r\nThe construction jobs are temporary, but those conservation jobs are like forever. So that is an important thing, as well as actually protecting the cultural resources, the WiliWili trees and of that stuff. Those kind of conditions are a way that development helps the environment. So it's not just destroying and causing damage, but on the balance having positive impact. So that is super important. And I thought this was a condition on LiDAR and archaeology and all of that stuff. I couldn't find it, but if that is not in there, I would also ask that be addressed.\r\n\r\nI think it's important to have good archaeology, so even if things are removed, we have a record, historic record and I think it's important that all of that information be given to the Office of 'Oiwi Resources and UH for archival long-term and for future generations to be able to understand this landscape. And this reminds me of a project that was at Maui Planning Commission maybe a year or maybe more, but Bruce Uhu said imagine there was archaeology done on Maui Meadows. I completely agree, because that landscape when it was developed like we don't know what was there and there's no record. So the more that can be done to at least capture information so that we know and we can learn and see especially with the astroarchaeology things that have been bought up by folks in the Hawaiian communities. That is all super important. Anyway, I support all of the Amendments that help -- it would be nice to have the 450 units stay. So I would be in favor of removing that condition, but still keeping all of the good stuff.\r\n\r\nMahalo. >> Questions, Members? If not, thank you very much. >> Chair, the next testifier is Kapuki Santos, testifying on bills 171, and 172, followed by Stacey Alapai. >> Aloha, Mai Kakou. My name is Kyala Koki Santos and I'm a resident of the moku of Honua'ula. My husband and I both grew up in South Maui and recently returned to the property that he grew up at.\r\n\r\nWell, I know that decisions were made regarding Wailea 670 long ago, I feel that much has changed in recent time and feel that concern factors should be considered when weighing the decision regarding the development. On July 29k, just two weeks ago we all experienced tsunami warning that

caused widespread evacuations across the island with all hotels and homes evacuating along the coast. South Maui traffic was in a complete gridlock. With so many Lahaina reporters residing in Kihei, I can't imagine the fear that they experienced once again being stuck in traffic during an emergency evacuation. I feel it's completely irresponsible to allow any more development in South Maui without proper infrastructure such as alternative and accessible roads for escape in place first putting lives at risk while waiting for private road owners to authorize entry is not a reliable emergency operation plan. If there was a Fire, instead of a tsunami, requiring the same level of evacuations, that outcome could have been devastating and now we're planning to add thousands of more people to the area. Another concern is that South Maui has been under drought with water restrictions for almost a year.

While Wailea 670 was approved years ago, weather conditions have since changed; we don't get nearly as much rain as we once did and have greater demand on our already limited resources. At what point do these factors come into play when we're considering adding more people to the area? Finally my heartaches for those waiting on affordable housing. I'm sorry. My heartaches for those that have -- that are waiting for affordable housing. I know I'm speaking from a place of privilege, as I have a home and place where we grew up. While so many have lost theirs, I truly want long time Maui residents and especially Lahaina residents to have -- displaced Lahaina residents to have a place to stay on Maui, but that place first and foremost be saved with the proper infrastructure and safe for approximate infrastructure and evacuation.

Secondly there should be enough resources to sustain life there for generations and lastly affordable housing should be the first priority for any new build should be specifically for displaced Hana and life-long Maui residents. Affordable housing should not be allowed to be reduced while luxury homes remain in the plan. I understand that certain decisions have already been made, but I do feel that it's time to request things that no longer make sense to put pressures on developers to stick to their words and solve for new challenges. I ask that you prioritize safety well-being of our people and resources when making your decisions. Council Chair, and Council Members, I respect you. I know you have very difficult decisions to make. And I honor the work that you do.

I understand that these decisions were made regarding Wailea 670 long before you were in office. But I feel that if the developer has the opportunity to request to make changes to the plans, so do you. And this is the time to do that. Mahalo. >> Thank you. Members, questions? I don't see any hands.

Ms. Clerk. >> Chair, the next testifier is Stacey Alapai, testifying on bills 171 and 172. To be followed by Greg Willski. >> Aloha Council Members. Aloha Council Chair. I have been wracking my brain since that late-night/early morning midnight meeting last month of with a I could possibly say to you to have you listen to reason. We have legal standing to hold this developer to build 450 affordable homes in this project.

And you are just going to let them delete it because they asked you nicely? Or they say, it doesn't pencil out? That they can't afford it? This is textbook wealth extraction from our very limited 'aina that has been undeveloped. And maybe it wasn't this specific Council, but this body is complicit in the wealth extraction from a developer who has said out of their own mouth that I quote "the proposed changes are not necessary for the project to move forward." I can send you the video, if you need it. So these proposed changes are not necessary, yet you continue to allow them to gut this project of the community benefits that people fought for when I was still in High School. And the few affordable homes that are going to be left aren't even deed restrict in perpetuity.

They are not deed restricted affordable, or owner-occupied. When

my son is in High School, so you are not planning for seven generations in the future, you are not even planning for half a generation in the future. I'm so disappointed. Look at this room, the people who continue to show up for this, even though every message this Council is sending that you don't care what we say. We could have a hundred people stand here against this project against these proposed changes that are not necessary and you will still vote or say what does Chipchase think? It was -- it's so hard for me even to be here today, knowing it's futile. That the pleas of not just me, not just the Kupuna who have been here since day 1, begging you to build as many affordable homes as we can in the project.\r\n\r\nYou tell us, if we don't do what they say, they are not going to build anything. They are not going to build anything anyway. Chipchase was saying they are not doing any vertical construction and you will let them will maximum profits so this can do these legal changes with changing the zoning, changing the rules, make this Council do their bidding. So that they can take as much wealth out of this as they can, and subdivide it, so someone else builds it. So they are going to have to cut corners so that the people actually building these homes are going to have to cut corners, and do what they can to be profitable. If we're worried about them making money on this development, we should be doing what we can to make sure that the construction workers are making enough money on this or that the people who are actually going to be building these properties have a lower cost to purchase the land that they need. And it's so insulting to hear you consistently say that we're uneducated about this.\r\n\r\nWe don't know what we are talking about, when you aren't doing the simple math. Open your books, if you want us to believe you are not making a profit or this, or is it that they are not making enough of a profit on this? Because I also tried to figure out who is behind this Hono'ula development partner Shell corporation that path led to Avenue the Stars in Hollywood and deadline in Delaware. Who does that, who has the money, time and lawyers to hide beyond multiple Shell companies in multiple states and you are worried about their profits when we're in a housing crisis? When people are being from the only place that they know as a home. Look at the big picture. You are supposed to represent this.\r\n\r\nInstead, you are working against us, trying to crush our spirit, trying to tell us no need to show up, because it's a done-deal already. Why bother? Why bother trying to call you? Why bother trying to email you? Why bother trying to talk to you, when you are going to do is go what you planned from day one. Our testimony means mog to you. You have a chance today to show us that I'm wrong, that you are listening.\r\n\r\nWe need one extra vote to stop these proposed Amendments that are not necessary, straight out of Cal Chipchase's mouth, these are not necessary. So why are you doing it? Why are you robbing our community of 450 affordable so they can build 162 more luxury? They need 162 more luxury Mark rate homes in order to be profitable. I don't believe it. That is BS and you know it, and everybody in this room knows. Everyone in this room knows and you are just continuing to gaslight our community into saying you know better than us.\r\n\r\nWhen? Who is the one who is going to have to live with this project? No offense, but you are probably are not going to be the ones who are watching this thing. Continue to be invaded by outside investors, second homeowners vacation people who want have their second, third homes in Maui the so they don't stay at our resorts. They want to go to Costco and make their own meals. Why are you doing this to us? Have we not been through enough?\r\n\r\nThis is so frustrating and you are just sitting there not like you are listening and then you are going to vote yes. You are going to ask Chipchase what he wants and do whatever he tells you to do. It's so frustrating. >> Questions, Members? Clarifying questions? If not, thank you

very much. >> Chair, the next testifier is Greg rillski testifying on bills 171, and 172, to be followed by C. rose Riley.\r\n\r\n>> Aloha Council. Chair Lee has reminded us this project was approved many years ago, but here we are with a chance to prevent the elimination of affordable housing. You know, it's not unheard of to propose and pass Amendments today at this reading. You want past midnight, so you have the tenacity, you have the endurance, you have the desire to do things when you want to. So I hope you want to increase affordable housing. 700 would be great. 450, we'll take it.\r\n\r\n\r\nYou know? Anything. Driving from the West side today, went through Olowalu, everybody knows what is happening this today; right? Because I saw the homeless sweep, as well as peaceful protesters trying to give dignity to the people that are homeless. How ironic driving to this meeting to come here to ask for affordable housing. Why should we be asking for affordable housing? What is the harm in having deed restriction and priority for life-long Maui residents?\r\n\r\n\r\nIs that really something we cannot do? It feels like this Council wants to help the residents. I'll just hoping this was ang oversight and I went really long that night. Today is the day that you can resolve those things that maybe didn't quite have the energy for. You know, the other thing is the roads and the infrastructure is that an afterthought? Were You going to put how many people back in South Maui? They moved me back to West side with some very happy -- to South Maui, but I'm back there.\r\n\r\n\r\nI couldn't imagine you know, went through a tsunami. I end up walking to the airport just because the traffic was so -- so there I'm on foot. You know what? I certainly left a whole lot sooner than I would have any other time, but post-fire, I'm a little more sensitive to these things. We then quickly had the other Fire and the roadway is getting washed over. There's a whole lot of opportunity, and what are we eliminating? Affordable housing, there is no harm, no foul -- >> Members, questions?\r\n\r\n\r\n>> No questions. >> Thank you, Chair. Next testifier is C. rose Riley testifying on bills 171, and 172 to be followed by Scarlett Martin. >> Aloha and good morning. I could talk forever about how inappropriate this project is. So I will start with being in the presence of those WiliWili trees. I have spent many hours up in that land clearing, and you know fighting for the protection of that dry land forest that is one of the most valuable things this island has.\r\n\r\n\r\nAnd to not know what it's like to be in the presence of those incredible WiliWili trees is something that future generations are threatened with; right? So when we talk about threats, digging another well underneath Hawaiian homes, I feel threatened. I feel threatened in my heart. I feel threatened with my life. I feel threatened with my community's life. I feel threatened by my community's life. I feel threatened with my planet's life.\r\n\r\n\r\nI feel threatened by this body decisions at 12:30 in the morning. I feel threatened by the amount of water and I know because my family is from South Maui and I have been in South Maui and Kihei for 30 years. This is the traffic is awful and that is just regular day. What happened with the road washed out a little bit? We were sitting in three hours' of traffic. I work 15 minute down the Street. It took me three hours to get home for weeks like that is not -- that is not even like a major emergency.\r\n\r\n\r\nThat is one little Section and so when we talk about widening the road down at Wailea side, like I don't even see that as helpful like we're looking at the bottleneck at the end of the road, like there's no water. There's no room for traffic. There's no room for people there. No reason to destroy the precious forest, these luxury homes like proposed swimming pools. Just blow my mind if you went to the water meeting that I have been to over the last 15 years you would never approve another swimming pool anywhere. We don't have the water. Let me assure you from the

Kupuna's mouths all over.\r\n\r\nWith so when I say I feel threatened by these actions it's daily, it's hourly and all the time. I am actually down at this meeting because I came to testify about ethics within the body, but that meeting got moved to next month. So I will be there for that. So in any case, like, when we talk about how there was originally 700 homes, that was what was approved by this other body. So we have gotten down to this 400 and whatever 88, 450, you know what is throwing around another 30 homes to people just looking to make as much money as they can? Well, it comes down to the pennies there, but it comes to another luxury home, they have all the money for it. Oh, yes.\r\n\r\n\r\nSo as far as coming in to widening the road and coming into it, the road and who pays for it every time I past Holokai and Baldwins didn't pay for the sidewalks and lights every single time. So every single time I think that is what this project that aren't paying for money and all of the things that are distracting from murdering Cher children and so this is the fascist uni. It's murdering children in Gaza. It is starving them alive. It's not just doing it. They did it in South America, when I was a kid. It does all through the Middle East as I am growing up they have been doing it everywhere and that is why they are invested in.\r\n\r\n\r\nThey're invested in oil and war dollars and they are coming over here to steal our water our community values, because they are running away from the mess that they have created. So they are the ones that are draining their communities dry. Of their spirit and they're wanting to be here and they want to -- we've created over here, but had he don't know how. The only know how to take and so if they are not instructed to learn how to give and to live in their hearts and in change that happens here. They are just going to come here as parasites that they are and continue to act as they have and every bit of compassion they seem to acquire seems to be lost in the fact. That they don't actually want to be in the heart center. They want to feel included so that they have more which doesn't go together.\r\n\r\n\r\nIt's not the same thing. So I like completely oppose the project. I completely oppose any new construction. I think that all the golf courses in South Maui need to go. Maybe keep one. And that you know, we're looking at brackish water, we're looking at people that don't want to pay for it and you know extracting water from the ocean because desalinization so expensive and they think if they just drill these wells it's half the price to drain the half the salt out of brackish well and that to try to get water out of the ocean and so these projects just don't have like I'm driving down the mountain today because I'm moving from Ha'iku recently and the water that is supposed to be in Hana is coming down. So there's the river that is down on Hale'akala highway.\r\n\r\n\r\nSo all these poisonous trees that I fought for and you know, that was a win because developers had me crying in every parking lot across this town. So those developments have been on the books since the 60s. So there is no way that you can stop that housing. I'm talking about the water and what is being in Wailuku and listening to every week a family coming in and tell Meg that their family land over in Hana doesn't have water from the Taro patch any more. So it's very relevant when you are looking at to take water from the Hawaiian Homelands for this project. Thank you so much. >> Members, questions STP if not, thank you very much. May we have the next testifier.\r\n\r\n\r\n>> Chair, the next testifier is Seattle er Martin, testifying on County Communication 25-18, bills 171 and 1723 to be followed by Mark Clemente. Ms. Martins if you could let me know what you finish your testimony on CW 25-18, I will restart the clock. >> So first on cc. >> Wherever you want to start. I have six minutes and changing this seems to be a bit of a task >> So I can do the six minutes. >> I thought she had nine minutes.\r\n\r\n\r\n>> You would have nine. >> I see what you are saying. >> My name is Scarlett Martin and I

would like to point out that everyone testifying in favor for this Bill is getting paid, and I don't mean it by the developer with the exception of the lobbyists lady. But every union is on a payroll. I checked. Chief Pelletier and his Deputies in uniforms presumably on the clock. So the only people who have to take a day off and come here on our dime are the residents.\r\n\r\nSo the little that we do deserve, I would say respect, but I would settle for your attention. The last time I was here until :00 p.m., drove home and watched until midnight, on to hear somewhat Council Members say and I quote they all say the same thing and I quote "they exaggerated the Pi'ilani traffic." and I quote "they don't know what it is to build homes." Well the belittling and mockery aside, with all due respect, some of us did build homes. I have built several houses on this island. And we are not anti-developers. We have had some good ones that have done right by this 'aina. This shady developer is not one of them. They have wiggled and weaseled out of over contractual agreement that they have signed and they keep come back for more.\r\n\r\nI would like to remind the Council, and the public that they don't have the power, you have the power. We gave you the power. You have the power to say no. You have the power to say 450 -- or nothing. You have the pay to say Pi'ilani Highway, first, don't touch the land. So here we are, and we will watch how this vote is going to go. I urge you to be better ancestors, and it takes a Councilwoman from Moloka'i to come here, and fight for South Maui.\r\n\r\nIt's sad, but thank you. And for any of the Council Members that are running for re-election next year, I will urge you to really consider this vote, because the minute affordable housing comes out of your mouth, I promise you, we will all be there to remind you of this vote. Chief Pelletier was here and I was here last time to ask before Chief Ventura. Mr. Chipchase keeps flouting around a statement that is signed by Chief Ventura. I ask this Council to ask Chief Ventura. I don't know anybody did, but Chief Ventura doesn't recall the letter and b, asked if it was signed prior or after the Lahaina fires when we all know it's very different.\r\n\r\nSo now I would like to ask Chief Ventura to go on the record about this Bill because him and his Deputy numerous times said Wailea is almost impossible to evacuate. Recently we have seen the shit show, it was a very painful evacuation with hours' of notice. So in the case of Fire, this may be another tragedy, and you will be the ones with the blood on your hands, sadly. So last time Uu-Hodgins, I'm not sure where she is, asked me a question, what are the citizens doing about our evacuation plan? It cause an uproar on the Internet. I promised I didn't take offense to it. I believe she is right, we all need to have plan ABC, but our Legislators should not make it impossible for us citizens to evacuate.\r\n\r\nWith that being said, I know she mentioned her husband is in the Waimea Fire Station and I don't know how he feels about it, but the Firemen that you talked to do not appreciate to be thrown under the bus. Because it's close to impossible as it stands now, throwing another 1100 on top of them is not fair to our Firemen. So I would like one of you Council Members to call Chief Ventura and get it on the record. I said this in the Planning Commission that if 99% of your verbal and written testimonies of your constituents are telling you to vote certain way and you vote against the people, you either have a comprehension hearing issues which I'm happy to pay for any doctor's visits or you get paid. It's not like it's 50 Shades of Grey. It's black-and-white. If you get paid, the kicker is that I don't even care.\r\n\r\nKeep the money, because they can't prove it. We can't prove it. But I urge you to change your vote as a better ancestor. Some of you are in your 70s. You will be dead by the time this is finished. Be better ancestors. Some of you are Kanaka. Most of you are born and raised here.\r\n\r\nYou are 'aina. I'm the haole,

the transplant with an accent and I'm fighting for your ancestors' land in really? That will be my testimony today. >> Thank you. Any questions for the testifier? If not, thank you. >> Thank you.\r\n\r\n>> Next. >> Chair, the next testifier is Mark Clemente, testifying on bills 171 and 172. To be followed by Jordan Hawker. >> Aloha, Chair, Vice-Chair, Members. Mark Anthony Clementon, government relations for the Hawai'i regional Council of carpenters and strong support of Bill 171 and 172. You know, I want to stand by my written testimony and previous testimony I have given to this Council. But I just want to point out a couple of things. Every time we let perfect be the enemy of progress, the enemy of the good, we get nothing. We get no homes.\r\n\r\nNo jobs, no road improvements. This project Hono'ula or Wailea 670 meets and exceeds every legal requirement, preserves nearly half its land as open space and delivers hundreds of units all without take a dime from the County. We can't solve Maui's housing with slogans and wish-lists, but solve it by saying yes to real projects that build actual homes. This is our chance, let's take it and please support this project. Mahalo. >> Thank you. Anyone have questions?\r\n\r\nIf not, thank you. >> I got a question? >> Pardon me? Member Paltin has a question. Go ahead. >> Thank you, Mr. Clemente, you know we're in a housing crisis.\r\n\r\nJust wanted to clarify on what you said. You have a problem with the County providing money if it's going to create affordable housing? >> Oh, no, that is not my point at all. My point -- >> Thank you. and is to weren't you the one that testified against changing conditions for another affordable housing project that would create housing? So you choose when we're in a housing crisis which projects you support and which projects you don't on Maui? >> I do not live on Maui.\r\n\r\nI live on O'ahu. >> So how important is it to you that housing -- affordable housing that is built on Maui? >> Well, with respect to affordable housing on Maui and across the State of Hawai'i, I think it's really important that we build what we can. But with respect to the project that you are referring to, I think Council Member Paltin, you know, we did have some serious concerns about that project. And that developer. But I think you know the issue at-hand here is Wailea 670. And those are the things I'm going to stick to today. >> Okay.\r\n\r\nSo just clarifying that you don't live on Maui, you support changing the conditions for this project so that there will be less affordable housing, but you can't support other projects to change conditions so there will be affordable housing in West Maui, where it's sorely needed. Thank you. I just wanted to make sure I heard correctly. >> Any other questions? Let's stay with clarifying questions. >> Very clarifying. Thank you.\r\n\r\n>> Chair, the next testifier is Jordan Hawker, testifying on bills 171 and 172, follow by Les Iczkovitz. >> Aloha, Chair Lee, Vice-Mayor and Council Members, Jordan Hawker testifying on my own behalf today on bills 171, and 172. Mainly citing water and traffic infrastructure issues. During a time that our housing crisis has led the County to conduct a housing sweep on how to address the issue humanely, if you haven't read it, February 2024 report Commission states, "clearly that our houselessness issue is driven by two factors: housing affordability and income inequality." That is it. Those are the two things that determine whether we have people on the streets. And so we're in a crisis right now. And our leaders, as that last meeting that went to midnight voted to reduce the number of affordable units that could go to local people, and I stand with the previous testifier, in my shock, because it's illogical. And to mirror what was said by another testifier previously as well, some of you who voted to reduce the number of affordable housing specifically campaigned on more affordable housing it doesn't make sense to me.\r\n\r\nAt the very minimum, 450 affordable units should be the requirement of

what is built and I would support an Amendment to bring that number back up. Overall I believe Wailea 670 is bad news, but we certainly need affordable housing. This is the crux, the nexus we're stuck in here. Community doesn't want it; we don't have the infrastructure to support it and to put it plainly, it doesn't seem like these developers want to build housing for our local people or they wouldn't have hired the greasiest Attorney in the State. The same jobs exist where they build affordable or luxury units. So the difference is that if we build affordable units our people won't continue to be displaced by the mechanics of the free-market. I'm not sure whose got who by the britches on the back-end here, but our community deserves better.\r\n\r\nAnd I'm asking you to do our bidding, and not the bidding of an out-of-state equity firm and luxury home developer, because we need more affordable units. That is the end of my testimony. Please vote to support the Amendment to bring 450 units back into the language for this project. Thank you. >> Members, questions? Member Rawlins-Fernandez. >> Mahalo, Chair.\r\n\r\nAloha, Ms. Hawker. Mahalo for your testimony. I heard you mention something about a sweep today that is happening this morning. I was wondering where folks were to testify? >> I would say that there are a number of people who are boots on the ground trying to serve people and make sure in places like Oul Lai and Olowalu that people are not further traumatized. The reality without adequate housing to our home, houselessness will continue and if this is an appropriate policy?\r\n\r\nIt's stated in the report that was commissioned and I'm not sure how much that report cost the County to do. >> Thank you for the clarification. Member Rawlins-Fernandez, what was the connection between your question and the sweep? And this subject-matter? >> Oh, the timing of it. >> Yes, I think -- she was going way overboard in explaining her point of view on this. >> Oh, she was talking about houselessness and how we need more housing.\r\n\r\n>> How we need more housing is fine, but talking about the sweep in Olowalu. >> I would love to testify here who were at the sweep. >> Any more questions? >> Chair, while we're continuing public testimony, if we could have what Ms. Clement testified on to prepare resource folks to state for the record when we do close public testimony. So that folks are ready to answer our questions for the public at their request on the reality of evacuating the area with this much more development there? So if we could have Chief Ventura, and maybe the Administrator Hewitt available to speak to that, Chair.\r\n\r\nMahalo. >> The Chair doesn't have any problem asking the Administration to be online, but not in front of us as resource people. Because it's just going to hold -- it's like we're going to relitigate this whole thing from the very beginning. We should be finishing this project -- I mean, this process. Whether it's up or down, we need to be finishing it. >> Mahalo, Chair. >> So maybe other Members can let the Clerk know who we could ask besides the members that Fire Chief, the MEMA Chief and who else?\r\n\r\n>> Fire Chief and MEMA Administrator and mahalo, Ms. Hawker for your testimony. KalaMai. >> Anybody else you want from the Administration, let the Clerk know. >> What Dr. Oltenberg -- that one, Lee. He asked about the plan.\r\n\r\nIf we could have -- I don't know who the resource person would be for that? >> I think he was going to be the resource person. >> Oh, in addition because he had a question about where that was? So whoever -- >> Where what is? >> Maybe Jenks. >> That one. >> Okay.\r\n\r\nWe'll figure it out whether it's Parks or Planning who might be the better person. We have Mr. Hawker here. Just let the Clerk know so that we're prepared. And to ask people to be online. Okay. Who is the next testifier, please.\r\n\r\n>> Chair, the next testifier is Les Iczkovitz talking about bills 171 and 172, and he will be followed by Mike Moran. >> And how many more? >> Three more

after Mr. Moran. >> Okay. Thank you. Good morning.\r\n\r\n>> Good morning. I think that you control my video, because I'm not able to turn on my camera. >> Well, we can hear you. So that is fine. >> Oh, I prefer to be on video, like everybody else is. Anyway, Aloha County Council Members. >> Excuse me, could you wait a second?\r\n\r\nWe're going to take a five-minute recess to see if we can help you with the video. Recess [GAVEL] will the special meeting of August 13th, 2025 please reconvene. Let's resume testimony. I see Mr. Iczkovitz is online. >> Aloha, County council members. I Les Iczkovitz, South Maui resident and licensed Attorney since 1979pt I first visited Maui in 1974 and fell in hoof with Maui then and my love for Maui has only grown stronger since then.\r\n\r\nI moved to Maui in 20 is the to be of service to the people of Maui and the Island of Maui. I'm an Attorney, entrepreneur and licensed massage therapist and low-level therapist. You like to help people. That is what I do. I'm representing myself today. I do believe I speak on a majority of South Maui residents based on the testimony of South Maui residents over the many hearings of these bills. I sent an email personally to you last night, as well as the County Clerk.\r\n\r\nI hope each you had a chance to read the short letter I sent. With my email, I attached the ethics complaint, which I filed against Tom Cook with the Board of Ethics on June 30th, as well as the supplement to my complaint, which I filed on August 6th. >> I object. >> The Board of Ethics hearing on my complaint was scheduled for today's Board of Ethics meeting at 12:30. Due to the Board of Ethics violation of the Sunshine Law, the Board of Ethics hearing on my complaint was canceled yesterday. I also sent to you each of you a copy of email from the Office of Information practices to the Board of Ethics notifying the Board of Ethics of the Sunshine Law violations that I have informed OIP about. It was in response to the OIP email that the Board of Ethics cancel the hearing today on my complaint of Tom Cook. >> Point of order, Chair?\r\n\r\nPoint of order. >> I'm speaking truth -- >> Please ask the testifier to stick to the agenda items. >> I'm going to -- excuse me. >> I have three minutes. do you want to talk at the same time as me? >> I'm sorry to interrupt you. >> We're going to ask our -- can you stop talking?\r\n\r\nSo we can clear this up. Mr. Raatz, because we have gone around the Bush on this before. Mr. Raatz, give your clarification, please. >> Thank you, Chair. A couple of notes.\r\n\r\nWe have been looking at recent OIP opinions on testimony, and the OIP has advised that Sunshine Law boards such as the Council can allow testifiers to talk on non-agendized items if they so choose. Council Members themselves per law Board Members are restricted from discussing non-agendized items. But even if you think something is not relevant to get it go, err on the side of the caution, but you could also, if you so choose, make a determination that it's not part of the agenda. I would notice an observation Code of Ethics matters are within the Board of Ethics province and the Council has no role in adjudicating Board of Ethics complaints. >> Vice-Chair Sugimura. >> I object. It's not on the agenda and I would like to stick to the agenda.\r\n\r\nHe is an Attorney, he said and he must know what is on the agenda. >> Other members? Member Rawlins-Fernandez. >> Mahalo, Chair. So this is the second testifier that we would be preventing them from sharing their thoughts regarding today's meeting. And so for me, even if this testifier was talking about their concerns about me, you know, and their concerns about my ability to discuss an agenda item, because they have concerns that I have somehow a financial conflict of interest, I would still support the person being able to share their thoughts in testimony on why they believe that I shouldn't be able to discuss or vote on a matter, because we need to be supportive of our community and our public having that freedom and ability to speak to these items. I'm sorry Member

Cook you are actually the -- >> The. \r\n\r\n\target >> Of this testimony. If it were me, and not Member Cook, I would still state the same. >> Who is the first person? >> Oh, Mr. Langford. >> We didn't stop him. >> Oh, but we talked about stopping him and there were members that wanted to stop him. \r\n\r\n\r\n>> Okay. we didn't stop him. >> We didn't. We didn't. I saw that he is not online. But in this one meeting this is the second person in this one meeting that we're talking about, whether we're going to allow them to testify or not? And I don't want us to be that Council that does that. I don't want to be censuring people. I want people to have the ability to speak. \r\n\r\n\r\n>> That is your opinion. -- no, I'm saying this is your opinion, and I'm going to go right down the line. I'm going to go right down the line to make sure that everybody has the chance to say something on this subject. Every Council Member. Member Cook. >> Thank you, Chair. I have no objection to the citizen stating the case about the Wailea 670 people, oppose and, et cetera. \r\n\r\n\r\nThe issue with me as been widely publicized. It's not news. The Ethics Board is going to have a hearing on it. This is not the place. I will just share it's been extremely distressful to my family and I feel for this meeting today, by all means giving testimony supporting/not supporting the Wailea 670 project, stating the reasons why is not news that they question my objectivity. So I would like to listen to everybody in regards to the project. I am opposed to having a side bar ethics conversation that is not part of this legislative process. \r\n\r\n\r\nThat is my feeling. I don't mind if he gives testimony. I don't want to regrind down all of the same misinformation, et cetera that the Ethics Board will clarify, because that is their job. Thank you. >> Member Paltin. >> For disclosure, I'm in my vehicle with my minor, who shall remain unnamed. I am okay with it, he can say whatever. \r\n\r\n\r\nIt doesn't make it true or false or whatever. So >> Okay, you are okay with it. Member Johnson. >> As long as decorum is followed, people got their three minutes, and as long as it's non-violent, I'm okay with that. >> Vice-Chair Sugimura. >> I thought I expressed myself. So I want us to stick to the agenda, when we're talking about the project, Wailea 670. And the Board of Ethics, I think that is what he is talking about, the person who is receiving the threats, I call it "harassment" has already bon to the Board of Ethics twice, because I checked and today was going to be a third meeting caused by this group, pono network is what I checked or the text message I got. \r\n\r\n\r\nThat is my feeling on it, it's inappropriate. >> Pro Tem Kama. >> Thank you, Chair. We start our meetings with telling people we have so many items that they can testify three minutes per item. So we give everybody their three minutes. When something is not on the agenda, how many minutes do they get; right? So to me, stick to the agenda. \r\n\r\n\r\nGet the business out of the way and all this side bar stuff I don't think should happen. Are we going to change the rules in the middle of the river? Or how consistent or inconsistent do we want to be? Let's just lay it out, let's make sure that the rules are the same all the time. We can't keep changing things all the time. It's time to be consistent about stuff. Thank you, Chair. \r\n\r\n\r\n>> Right. So where is Mr. Sinenci? Mr. Sinenci? Do you have an opinion on this? >> Chair, you know, unfortunately, just seems like the nature of our job; right? \r\n\r\n\r\nAnd unfortunate for Member Cook this side bar discussion has come up during all of these Public Hearings. So you know, if he is okay, I know he doesn't want -- I mean it's going to the -- I mean, it's just Member Sinenci. He is not okay with it. >> He is not okay with it. Just seems like, I guess the nature of our work. I get it. I mean, we all get this, but yes, just moving on, Chair. \r\n\r\n\r\n>> So you are okay? You are with it? >> Yes. >> Trying to keep count of this. One, two, three, you would be four. You are not okay -- >> I'm okay with it. Yes. \r\n\r\n\r\n>> Okay,

finally Member Nohe Uu-Hodgins? >> Thank you, Chair. I have a question for Director Raatz. If people are allowed to testify on things that are not agendized, how far can people go from what is agendized? Do we have a criteria of what shouldn't be discussed or what can be discussed? Because I was always under the assumption that we needed to stick to the agenda items, and now you are telling us that is not necessarily the case. I don't think that this person is the same as the last person with the last person was threatening bodily harm.\r\n\r\nI just want to make that really clear. The last person we were discussing, Mr. Langford threatened bodily harm to several of the Council Members. So I don't think it's the same. But I want to clarify how far people are allowed to stray off of the agenda item? >> Mr. Raatz.\r\n\r\n>> Thank you, Chair. I will try to be brief. We're still in the testimony period and we should get back to testimony as soon as possible. Council Members are prohibited by the Sunshine Law, like all boards are from deliberating on non-agendized items. So the risk if you allow testifiers to talk about non-agendized items and then engage with them, then you are getting into Sunshine Law trouble. If you just passively listen, as we have read the OIP advice, it's probably okay. It's probably the safest approach from a Sunshine Law perspective.\r\n\r\nIf you would like me to weigh in, a possible ethics issue not totally unrelated to the agenda item. >> So we can talk about it, but we cannot talk about when we go into deliberation, is in a what I heard you say? >> In a nutshell, that is the. >> I would prefer if our testifiers stay on-task task and we discussed what is agendized, but if he can say whatever he wants to say, regardless if it's true or not true, I think you know, we start kind flirting with some slander discussions and to make sure we don't discuss it on the floor. I guess they can say whatever they want to say, knowing that some of it can be outright lies. Thank you. >> So it appears that, and I am going to agree with Member Uu-Hodgins.\r\n\r\nDid you have your hand up? >> Yes, mahalo, Chair. This discussion has taken longer than the four minutes that the testifier would have taken. We're not making a judgment or determination on whether Member Cook has a conflict of interest or not? The testifier is just stating that person feels that there is a conflict, which is why Member Cook shouldn't vote on this item. Finally it's a very slippery slope we're heading on and making me very nervous, that something that maybe somebody doesn't like that Yuki may object to it and don't want us to start to filter out the things that perhaps we don't want to hear or we don't want on record. That we allow people that flexibility to make the connection to the agenda item and say what they feel.\r\n\r\nMahalo, Chair. >> The idea is not to debate this issue. I wanted your input, just your input. And because as you know, I don't like to be dictatorial in running this Council. This is a Democratic process. So I wanted to hear from everybody. >> Mahalo, Chair.\r\n\r\n>> Okay. >> Appreciate that. >> I know, thank you. I lost my train of thought. Thank you very much. Okay. So anyway, all I'm saying is every time we think we know the rules, our Attorney comes along and says, you know what?\r\n\r\nNot exactly, you could do it this way or that way. Because we have kind of an unclear direction honestly -- no offense, Mr. Raatz. It's kind of unclear, because of recent opinions from OIP is making this happen today. So that is the reason why all of us for the public's sake, all of us -- all these years up until now have thought that people should not -- may not stray from the agenda. Now we're finding out well maybe they can, okay? So rather than debate this any further, it is just better to let it go, and let the person continue talking, and just remember for all of you out there, we know that with people come up to the mic, or are at home, and are providing testimony, it's their point of view.\r\n\r\nAnd their point of view is not always

right. So we try to be the adults in the room, and accept it. Whatever it is, whatever they say. They agree with us, they don't agree with us, it's their opinion, and they're entitled to their opinion. And you, Members, I'm going to remind you, that your turn -- your turn to express your opinion is not when the testifier is at the mic. Your turn to express your opinion is in deliberations. So this is where we have to be patient and disciplined.\r\n\r\nWe just have to listen to what they have to say, period. Okay? So what more clarification do we need? >> Mahalo, Chair. This has gone on for some minutes. And I think that it would be appropriate to ask our testifier if he would like to restart since we interrupted him? >> No, I would like to ask our testifier to use the three minutes, because he is probably used about six already.\r\n\r\nYou know, the problem with all of these minutes honestly that people just repeat themselves. >> Chair, it says four minutes. So if that is four out of six, then he only testified for two minutes. >> I don't want to argue with you, but he didn't even testify on the project. Okay? I want him to testify on the project to the extent possible. Because we already heard his point of view on the other matter that is somewhat related.\r\n\r\nSo Mr. Iczkovitz, I'm sorry to have delayed you for the Housekeeping issues and this is a fairly new rule we're following and it's hard to follow a rule when it's not year. So if you Won't mind, how many more minutes would you need to finish your testimony? >> Because I barely got started I'm asking for three minutes. >> Chair, can he have four minutes?>> We're going with what he said. >> I don't think he can see the timer.\r\n\r\nThe timer said three minutes, 4 seconds, Mr. Iczkovitz. >> Let me talk to him. He is the person. >> You would have given him one less minute, Chair. >> Let me talk to him. Mr.\r\n\r\nIczkovitz, I couldn't hear you over the conversation of somebody else. So could you repeat what you just said in terms of how long -- how many minutes would you like? >> I am asking for three minutes starting whenever you tell me to start. >> Okay. That is good. All right. How about right now, you have three minutes.\r\n\r\n>> I want to thank the Council Members who voted in favor of the first Amendment, and I'm disappointed this those who thought I didn't have a right to speak. There's a pending ethics complaint against Tom Cook, which definitively establishes with a legal analysis on contained in my complaint that no Attorney disputed Mr. Cook has a conflict of interest many voting today. I'm assuming Corp. Counsel hasn't provided Council Members with any type of legal memo addressing the legal motion in which remains pending in BLE. Without such a memo it's irre Spoth for the Counsel to ignore the legal memo, when you have now received a copy of. I urge the Council to table and continue the hearing on bills 171, and 172. The Maui code the ethics require you to do so.\r\n\r\nIf the Council fakes votes and Tom Cook is the deciding vote in the majority passing these bills, these votes will be deemed to be invalid and the actions taken will eventually be voided by a court due to Mr. Cook's apparent and undeniable and undenied conflict of interest. I don't want to file law enforcements against the County Council, but I will do so if the County forces me to do so, and proceeds to violate the law. Hawai'i Supreme Court has unanimously ruled in any favor over 12 years ago when I represent a convicted sex offender falsely accused of sexually molesting a woman when I sold my company I took them to three-panel arbitration, defended by a law firm with the help of my best friend in law school, he got \$2 million from them and ruled in my favor why I co -wrote -- in the email separate you last night I explained Corp. Counsel has a con politic of interest, which prevents from providing legal advice to the Council regarding the ethics complaint which I filed against Mr. Cook. Corp.\r\n\r\nCounsel is legally not allowed to advise this Council and/or the Board of Ethics regarding matters that

involved Corp. Counsel's clients such as Tom Cook. If you ignore this on anybody of interest this is another interest that the court will eventually rule in my favor. Any developer who invests millions of dollars in Vermont projects that I court will eventually stop because of the legal issues raised to this Council will be wasting millions of dollars. I hope these developers are smarter than that. We know these developers are incredibly greedy and I hope they are just not Tuned with the money. Hundreds of South Maui residents testified against this project.\r\n\r\nThese emotional pleas have being completely ignored by five Pro-developer Council Members time and time again. Now one Member of the silent majority has publicly stated BC they are voting in favor giving the developers a 100 million boondoggle, contributing to the five-Member majority for their election and the best investment these developers have ever made. The majority of the Council has proven by their conduct they are truly for-sale to the highest bidder. The lack of integrity shown by the pro-development majority of this Council is undeniable. If any of you have any spiritual beliefs according what you believe there is a higher power, that there's a heaven and hell, please consult the spiritual guide that guides you in life before you vote today. If you completely ignore the testimony from hundreds of South Maui residents -- >> Time. >> You will definitely not be going to heaven.\r\n\r\nI'm done. >> I hear an echo. Someone has their mic on. >> Member Paltin. Member Paltin. >> Thank you, Mr. Iczkovitz.\r\n\r\nI read your email. I just wanted to clarify, I got no problem with waiting or holding off, but clearly I'm in the minority, not in the majority, I'm in the minority. >> Of course. The five who voted in favor. >> Making a clarification; right? Any clarifying questions, Members? If not, thank you very much.\r\n\r\n>> Thank you. >> Our next testifier is Mike Moran testifying on bills 171 and 172, and he will be followed by Zandra Crouse. >> Good morning, Chair and members, Mike Moran, Kihei Community Association. I have to start off with a process question. When we sign in online to testify on teams, we have no way to say which items we want to testify on. And yet, it seems to be a default that we're not being able to testify on that first item, cc 25-18. Is that the case? Am I prohibited from testifying on that?\r\n\r\n>> You can testify on one of three or three of three items. The two bills and the ASF. >> Okay. Thank you, Chair, for the clarification. >> Just let us know which ones you want to testify on. >> Okay, I would like to testify on all three starting with CC25-18. Our Association was very pleased to say the Member adding us to the agenda asking for the 450 affordable homes. It seems like everyone that I can hear agrees that we with an more affordable housing.\r\n\r\nYet when an issue like this comes up, oh, no, we don't want to do that, no - and we don't bring back up to that level. We started with 700. And it's gone downhill from there. So we are in completely support of this measure to say we want 450 affordable so-called affordable anyway houses in this project. And we can't understand why anyone is saying no to this? So in your deliberations, if you're not in agreement with that, we hope you would explain why you're voting for fewer affordable houses in this project? Okay? That is on 25-18. On 171, and 172, which I can kind of put together, Chair, you made a statement about how you think you understand things in a Council, you think the law is clear on what you can -- what can be done.\r\n\r\nThat is how our community seems to feel that when we were told way back when, this was an agreement. This was the legal agreement on how many affordable houses were going to be, that this entity touched on building vertical and widening the highway. They agreed to give \$5 million to our County Parks for our South Maui kids could have some facilities. We understood that was -- everybody agreed to that. But now we got to change it? So we feel like you feel,

like wait a minute, we thought this was settled, all agreed to. And now we're saying oh, well we want it make the change mid-stream.\r\n\r\nSo we're very distressed with that. As far as the business of widening the highway, we feel the developer's Representative has certainly strongly implied that the state is going to do this. Right on the edge you are about to agree and yet we never see there is any agreement. We never see Director Sniffen signing any document or stating publicly that yep, the State is going do this. And we asked our State Senator is there money in the State coffers to do this? And he said absolutely not. Nobody has even asked for funding.\r\n\r\nSo how can we say this is going to be done, if there's no funding, no agreement? This goes back to the bait-and-switch. Oh, We were going to do that, but no, let somebody else do that and let us start so we can generate the revenue we want. So we're in opposition to 171 and 172. We want to go with the agreement that was made, that the prior Council agreed to even cutting down from 700 units that we all said we want more, and even if it's going down to 450, we can agree to that. But not keep chipping away and chipping away. If you approve these today, who is to say in six months, they won't be back again and say, well you know? We really don't want to give that many affordable.\r\n\r\nHow about we round it down to 100? Where does it stop if you keep allowing these changes to be made for the benefit of this mystery owner of the land that just keeps asking for more and more and giving less and less. We're short on playing-fields for our kids. \$5 million would have gone a long way to giving more playing-fields for our children. So we just don't get it. Why we keep giving in to this developer for more and more, and I speaking for our Association certainly fear that if you ask for more, you get more. Wow, gee, the precedent has been set. I will come back later and give a new reason, you know?\r\n\r\nEverything has gotten more expensive now. Let's cut down on those. We're not making any money of those so-called affordable houses. As far as the transportation issue, we all know that the Pi'ilani Highway is choked every morning and every afternoon with mostly the workers going down to Wailea, and coming home. If we built for affordable housing for these workers right on the edge of where they work, that would cut down on the traffic. It doesn't mean that we don't need to widen the highway, but we're going -- consistently going through these traffic issues right now. Those of you who live in South Kihei may know our on North-South South Kihei road has been closed several times for days on end.\r\n\r\nI know it was completely shut down on Monday on the North end. I haven't been down there, but I will go down this afternoon. This was because of the King tides flooded the road, and destroyed part of it. So we don't have that going up a little bit further South. We all know that road construction has to happen for improvements. But for well over a month, most of the day, the next segment of South Kihei road become a single lane while pipeline is being put in. We get it, but this is all happening when there's no emergency.\r\n\r\nThere's no Fire, fortunately for us there was no true tsunami. Just some dip and dives in the Harbor. So our infrastructure is struggling. We're building more and I couldn't want to go off-topic of housing, but that is part of the infrastructure. If we keep developing without providing for proper infrastructure, we're exacerbating the problem when we do have an emergency. So thank you for the opportunity to testify today. And hopefully, you'll listen to our appeal and our community's appeal.\r\n\r\nMahalo. >> Thank you. Questions? Member Paltin. >> Thank you, Chair. Thank you, Mr. Moran for your testimony.\r\n\r\nI just wanted to clarify, you are not -- you are not having a problem with changing the conditions of zoning, if they were to benefit the community? It's that you feel that these changes are not a benefit? Like if they wanted to change it and say hey, we

made some calculations to build 800 units you would be okay with that. The problem with these changes you don't feel they don't benefit the community, the kids can't play soccer because the ball going onto the highway and the \$5 million would have been a benefit and 450 isn't the same as 700, but it's better than 288. Just to clarify, you don't have a problem changing the conditions, but your problem is the change in conditions is not a benefit to the community? >> Exactly right. Thank you for clarifying that issue. That we just feel that the changes made are for -- all the changes that we see here are for the benefit of the developer and to the detriment of the community.\r\n\r\nSo what you are saying is correct. >> And then the other clarification I had was you said you spoke to your Representative and senator, did you also speak to the Department of Transportation that they did not have money to widen the highway? Is that what you said? >> No, we attempted to -- we were hoping that Director Sniffen would be asked to come to this meeting. So he could answer the question. We don't have as good communication with some of the Departments in the State as we do with our Legislators, which is very similar to what we find in the County often. That our Legislators are easier to reach.\r\n\r\nSo no, we were not able to get a comment or an opinion from the Department of Transportation. We hope maybe you guys will be able to. Mahalo. >> Okay. You didn't talk to Mr. Shishido, you were unable to talk to anybody in the State Department of Transportation is what you are saying? >> That is correct.\r\n\r\nJust to be clear, we did not approach Director Shishido, because we feel that as somewhat subordinate Deputy Director that he is obligated to go with the Director, maybe that is not the right stance to take. But that is how we approached it. >> Okay. Were you able to speak to your State Senator or State Representative about it? Because I think they control some of the money. >> That's correct. We did meet with Senator on several issues and brought that up to get clarification and that is what he said when we asked about funding for this.\r\n\r\nHe said no, there's been no request to us. So there's nothing in the budget now, and there's been no request for funding in the future. And that was our understanding -- I'm sorry, go ahead. >> I was just you Mike Moran asking, but the Kihei community Association asking? >> Correct. We have periodic meetings with our State and County Legislators >> Any more clarifying questions? Vice-Chair Sugimura.\r\n\r\n>> So at the appropriate time when this issue comes up, Mr. Moran, I guess he is talking about not from the Kihei Community Association, or did you say it was from the Kihei Community Association? Regarding the road? >> Yes. I'm speaking for the Kihei Community Association >> At the appropriate time, I have a comment about that. >> Thank you, may we have the next testifier, please, go ahead. >> Chair, the next testifier is Ms.\r\n\r\nCrouse followed by Nancy. >> Okay. >> Aloha Kakahiaka Zandra Crouse (speaking Hawaiian) Wailea 670. Mahalo, I would like to open to tell you that the approved and proposed South Maui projects that is stipulated in the plan comes to 5704, none affordable houses. Stipulated is on the affordable housing we have -- what is it? 1960. For those of our people who can on afford workforce, or affordable housing, you have on the books, Council Members, 1960. For everyone else who comes into Hawai'i to invest, and take away housing from our community, you have on your books 5704 houses. I do not see -- I do not see the Justice in that. Also, I heard it said, and stipulated on paper that no money is coming from the County.\r\n\r\nI would like it known on record that I feel the people of not on Maui County, but the State of Hawai'i are being charged to make these developers improvements for the roads. Council Members, this is our tax money they are wanting to take to improve their profit. Is this fair? I submit to you, in

my Humble opinion, no it is not. People should not pay for investors to come into Hawai'i and take away housing. You recently voted on affordable housing. You ran on affordable housing, not good.

Traffic in South Kihei when the tsunami warning came, and there was none, I someone who was born and raised here along Waiahai river and the beach evacuated numerous times when we had tsunamis, and the river was overflowing because we lived at the corner, oceanside and we had to evacuate up to the Heiau. I know the developer also stipulated in their testimony and their documents that they needed these changes, and concessions because things have changed. Council Members, I stipulate to you that they, in fact, are telling the truth, things have changed. Things have changed so this plan cannot change. It needs to revert to the contract that the sitting Council at the time made using us, the people, in their decision-making. A developer should not because things change and these are the things that changed since they first came forth in 1980: development has increased people from outside coming in has increased a thousand, a trillion times fold. Causing traffic to cause some of our people to pass away, because evacuation was not adequate.

Are we going to wait for that to happen again? Are we going to be reactive or are we going to start being a proactive community? And the only way that is going to happen is through legislation that supports traffic accountability, housing accountability, and taking care of the very people who have been here a long time. I have heard people saying in their testimonies that they have been here, 20 years, 30 years, 40 years, well the Hawai'i territory 1952, I have been here 73 years of my life and I have seen the crying of the people and the wanting of our citizens to be able to simply stay where they were born. Traffic, when I came over here, I was gridlocked in traffic. This was right along Pi'ilani Highway. No warnings, no nothing, no emergencies, but yet, that was the traffic on the road when I was coming into Wailuku it was the same thing.

School was in session. So we cannot say that was school traffic. Everybody was at work. So we said it's not working. I will go on to my next testimony. Thank you. Thank you.

As we look at this project, what I would like and what I hear that people saying, and have heard people saying for the past 40 years of my life we need homes. And to my brothers and sisters in the construction industry, I want you to know that no one in Kihei, not the community Association, not anyone in Kihei is talking about taking jobs from you. Because we feel it takes as many hammers to build affordable homes as it does to build luxury homes. Use your hammers and your drills and nails my dear friends in the construction industry, to support affordable homes and keep your children, your grandchildren and keep them here. We need Pi'ilani widened to facilitate more homes, but what we don't need is to have our citizens of Maui County and our citizens the State of Hawai'i have to pay to have this developer make a larger profit. You might ask how are we paying? It is our tax dollars.

We need to put the burden where the burden lies and again, I ask this Council to honor the contract that this people of Maui County made with these contractors years ago. Things have changed. What has not changed is the promises that they made to us in 1980. I leave my Humble testimony, brothers and sisters, I ask, when you look at a project, this is no haste. The haste comes when we look at affordable homes for our children. And I know many times I hear comments from this body at times, secondhand, firsthand, or on this floor today, they are repeating themselves. Yes we are. You are will continue to do so until you hear our voice.

I submit to you, that we are not children, that we're responsible people that live, and raise children in this community and I ask Kama'aina, mahalo. >> Questions? If not, thank you very much. May we have the next testifier. >> Chair, next testifier is Nancy testifying

on bills 171 and 172 and she will be followed by the Royal House of Hawai'i. >> How many more? >> Four. We have four more after Nancy.\r\n\r\n>> Please begin. >> Nancy, this is your opportunity to testify. >> Next. >> The next testifier is Royal House of Hawai'i testifying on bills 171 and 172, followed by Kelsey M. >> Aloha. >> Aloha. >> Perfect. Sorry.\r\n\r\n\r\n>> We could hear you. >> I'm so sorry. Okay. Dear Honorable County Council Members, County Council, I am a descendant and heir and Royal Patent Allodial land resident of Hava Hava. >> Can you speak a little louder, please? >> Okay. I am a descendant and heir allodial patent of Hava Hava real property 7447 Halau 3237 Apana 2 hereby submit this testimony in opposition to the Wailea 670 Bill that proposed development on lands containing historic properties including sacred religious site and burials that are historically cultural significant to me and my community.\r\n\r\n\r\nFindings and objections, and pursuant to H.R.S. Chapter 6e historic preservation, we have identified the presence of significant historic properties within the proposed development area. These properties include, but are not limited to pre-historic and historic human skeletal remains associated burial goods and other cultural resources that hold deep spiritual and cultural significance to our community. The proposed development would directly impact these resources causing irreparable harm and desecration and for the Bill to adequately protect these resources as required by law. I request for action in light of these findings, and I demand the County Council to take actions that one, conduct through a thorough historic preservation review to consult with affected community like the Royal Patent and Allodial land descendants of that land we do -- we do love affordable housing though, and you should be putting the people on top of crown land, which DHHL builds, and which all their titles are all invalid. So why are they not being put on crown land? For example Ke Akua, DHHL lands, why is DHHL building on top of the Ahupua'a considered crown land, but the bottom of Ahupua'a considered DHHL land and not told it's DHHL land? And Chapter -- H.R.S. Chapter 6e what is that called?\r\n\r\n\r\nProtects all of the cultural preservation and follow that. Contact the descendants because that is clear violation on international level and would result in significant harm to our practices, and religion and would have to take action to this. Representing more than 5,000 descendants of Hava Hava, we urge the County Council to consider all that has been said and take immediate action to protect our historic properties and Heiaus or my great grand Ma will not be happy. Thank you for your attention to this matter. >> Thank you. Questions, Members? >> Oh, and I also wanted to add please call up again the descendants of the Royal Patents, Allodial land titles made by the royal government of Hawai'i. Yeah, the 'Ohana hasn't been contacted also, like please let us know, and why are the RP real property Royal Patent being erased from the TMKs?\r\n\r\n\r\nMay I Ask? Because it's getting erased from the legal information that is a violation on the international-level the original metes and bounds of this country. Mahalo. >> Thank you. Questions, Members? >> Ms. Clerk.\r\n\r\n\r\n>> Next testifier is Kelsy M. testifying on bills 171, and 172. Followed by Albert Perez. Kelsy? Kelsy M? >> I see her. Hi. >> Aloha. >> Aloha. >> My name is Kelsy and I live up country, and I'm here to testify on all of the agenda items CC25-18, and bills 171 and 172. I urge all Council Members, but especially my Council Member Vice-Chair Sugimura to listen to and stand with us the people of Maui.\r\n\r\n\r\nPlease fight for every single unit of affordable housing we were promised when it this project was approved and hold the developers to their word by vetting yes on CC25-18 and no on bills 171 and 172. I am here with my keiki. I wasn't going to testify today because it's really hard to stay tuned in and be present, and it does feel futile sometimes.

But I want to be a good ancestor and so I'm here. I imagine a future, where my kids can afford housing when they grow up, a future where they don't need to work multiple jobs just to survive, where community value of compare and compassion are put above profit and greed. I imagine a future where our limited resources are held as sacred, and shared in ways that are equitable and just. It's an insult to our intelligence to suggest this future is not possible. I hope you consult your conscious and choose to be a good ancestor.\r\n\r\nIt's clear that the majority of testifiers are in agreement what is best for our community. Please listen and put people over profit. Mahalo. >> Thank you. Questions, Members? If not, thank you very much. Next testifier.\r\n\r\n>> Chair, the next testifier is Albert Perez testifying on bills 171 and 172. And we'll circle back to Nancy after him. >> Hello, Mr. Perez. >> Good morning. Aloha, Chair Lee. Council Members. It's Albert Perez with Maui tomorrow Foundation.\r\n\r\nAnd testifying on all three items, yeah. So we're opposed to bills 171 and 172. 172. Especially the reduction in required affordable housing. We support Member Rawlins-Fernandez' Amendment to keep the language requiring 450 affordable homes. As the proposed changes to Wailea 670 have moved through the Maui Planning Commission and Council, we have learned a few things. No. 1, most surprisingly we discovered that some planners under a previous Planning Director were letting the applicants do the work for them. Not all the planners, but when we intervened we discovered that the consultant was being allowed to draft the Staff Report, thus evaluating their own client's project.\r\n\r\nIt's an obvious conflict of interest. Does anyone think that the developer's consultant is going to recommend against what the developer is proposing? It's unethical. Because the developer consultant by doing the work of Staff, is providing something of value to that Staff person. And also, because doing the employee's work may impair the employee's independence of judgment. Second thing we learned was that the letter of the law is not always followed. The law requires that phases 1, 2, and 3 of a Project District be processed in that order.\r\n\r\nBut this developer is being allowed to change phase 1, with substantive Amendments to the Ordinance 3553. After phase 2 was already approved by the Maui Planning Commission. So it's backwards. The law need to be followed no matter how pervasive the developer's Attorney is. Now there's a stark contrast Gwen what the 2008 Council did and what is being done now. There has been no attempt to examine the developer's claim that building 450 affordable homes won't pencil out, even though in 2008 it was no problem for 700. We estimate that the additional profit you would be giving this developer is \$240 million. As far as I know, the biggest give away in Maui County's history. If you to vote yes on the predication in affordable housing, you will do so now that you support the outcome of the flawed process leading up to today.\r\n\r\nWe can that you vote no on the reduction of affordable housing, and respect the hard work that the members of this Council did in 2008 to get some benefit for the people. Please, stand up for the people of Maui, not foreign corporations. Stand up for the 450. Mahalo. >> Thank you. Questions, Members? Member Paltin. >> Thank you, Chair.\r\n\r\nThank you, Mr. Perez. I just was wondering is there any time-sensitivity on that 450 that you were talking about? >> Time sensitivity? Do you mean in the law? >> Yes, like, were you going to court tomorrow or something? >> We had a hearing today.\r\n\r\nIt's not on the 450 though. It's on the process. The other one is making its way through the Circuit Court on the 450 -- not the Circuit Court, the Intermediate Court of Appeal. >> How did it go today? >> They ruled against us on a technical issue. What happened as soon as the Planning Department issued a letter saying that there would be no written order, we appealed the

Planning Commission's decision. So the judge according to what I'm told ruled today that we appealed too early, because the written order was issued.\r\n\r\nSo I haven't seen the actual written order of the judge, but it doesn't make sense to me. So it's very likely that we would appeal such a technicality. >> Thank you. >> Thank you. >> Anybody else? >> Member Uu-Hodgins has her hand up. >> Member Uu-Hodgins.\r\n\r\n>> Thank you, Chair. Thank you, Mr. Perez for your testimony. I wanted to clarify what you said to Member Paltin trying to follow along, because it's a lot of information. So there was no written order by the Planning Commission? I'm sorry, can you just restate for me, so I can understand it. Thank you.\r\n\r\n>> So the written order from -- from the judge says that -- so the written order we're appealing was a letter from the Planning Department, Planning Commission, I guess, that says there was not going to be a written order. >> Okay. >> So based on the fact that it said there wasn't going to be a written order, then we said, okay, we better appeal now. And I guess they came out with a written order. I could have our Attorney address that, if you want? >> Sure, yeah. Thank you.\r\n\r\nI appreciate that. Thank you, Chair. >> Okay. Thank you. >> Any more questions? If not, thank you very much. Ms.\r\n\r\nClerk. >> Chair, the next testifier is Nancy, testifying on bills 171 and 172, followed by e'e >> Okay. We can't hear you. Can you unmute yourself. Try now, yes, good. >> Thank you. Good morning.\r\n\r\nCouncil, thank you for letting me speak today. I am getting an echo. But I will try to go through it. Yeah, it's kind of annoying. Is there a reason it's echoing? >> Please proceed, we don't hear that echo. >> Well, I will just keep trying.\r\n\r\nThe reason I'm speaking today is because I am against development because South Maui doesn't have the infrastructure. We don't have enough water, water restriction for a year now. Please speak to the water Director about the lack of water. This is not a short-term problem. Actually, attended a Water Board meeting, and it didn't look good. The other thing is that Hawaiian homes, deserve to have the water that is sharing the same wells. That needs to be looked into more.\r\n\r\nOf course, we all know the roadways are really jammed in South Maui. It is a concern to evacuate this area. It's a big safety concern I know they are doing many things in West Maui nothing is happening here. This needs to be addressed. We can't just keep on building more luxury homes often go with pools. I know people in this area, they have pools. They are spending \$350 a month for water.\r\n\r\nNow you are going to let luxury homes be built with pools, and it's just more and more water being used. The water in the pool evaporates. So please look at this. You can't just keep on keeping the construction industry employed, and putting us at danger for evacuation, putting us in danger for water; this is not right. Find other places to build. We don't need more luxury units. Actually what we need is to build big apartment buildings vertically, instead of trying to give a plat of land to everybody.\r\n\r\nIt's not going to work. We should take the revenue we can from taxpayers and start building these homes. Look into Vienna, Austria, what they have been doing and, by the way, they don't make the developers make a lot of money. But they all line up to get the project, and do the best job they can. That is my feelings. This is what I think you need to look at before you make any more decisions. And, by the way, I have noticed that there's five people on the Council that are always voting for the development that received a lot of campaign funds from the carpenters union and it's being noticed by the voters here in South Maui, because they are frustrated.\r\n\r\nThey are frustrated about water restrictions. They are frustrated about the roadways that never get expanded. We have waited for many, many years for a collector road that never happened. So please make these considerations before you vote. Because most of

you don't live in South Maui. You are not the ones in the -- on the roads all the time. You are not -- maybe you are not on water restriction.\r\n\r\nAll right, thank you for your consideration. Sorry it was hard with the double echo. >> Thank you. Members, questions? If not, thank you very much. May we have the next testifier. >> Chair, the next testifier is e' EA n followed by Mikey Burke.\r\n\r\nE' e, this is your opportunity to testify. >> Next. >> Chair, we'll move on to Mikey Burke. Mikey Burke, this is your opportunity to testify. >> Aloha, can you hear me? >> Yes. >> Okay.\r\n\r\nAloha Chair Lee, and Council Members. I have been listening to the meeting, and I didn't intend to testify, but I would like to testify on all three agenda items. I don't know if I'm just having like a decreased capacity moment, but I just don't feel like this is a hard one to get through. This is not like you as the Council, or us as a community is asking a developer to pretty please build more housing. It's like on the books. It's part of the Ordinance that they were required to build, well first they were required to build 700 and then it's in the Ordinance what they could build, but they need to build 450. So you have them against the wall here; right? We're in -- you cannot have a conversation during the day without alluding to the fact that we're in a housing crisis and we're so far into this crisis that it's criminal to leave any of the units on the table at this point.\r\n\r\nYou know as a matter of principle, I don't support Bill 171 or 172, but I know it's going to pass and because it's going to pass, I support CC25-18. And putting back the language in there to require them to build the 450 affordable units. They stated before that they are going to go forward with the project, whether you hold them to the 450 or not. And so they are going to be laughing all the way to the bank regardless; right? So this is a decision between developer profit, excess profit, and homes for the working-class community here? And you have all stated compassionately in your campaign speeches, in other bills, in community conversations that this housing crisis and building -- having more affordable housing is top priority for the community; that this is the inflection point for our generation and what we do right now is going to affect what our children and grandchildren inherit. So I know you think about that all the time. So when you pass -- when you pass the Bill, please pass it with the restoring the 450 affordable units language, 450 affordable units shall be within the Project District.\r\n\r\nPlain and simple. We cannot let them get away with 288 unit or whatever it is. This is -- this is probably the best chance you are going to have as a Council to require affordable homes to be built. And so just take that opportunity you know? They are going to build anyway, make them build the 450. Mahalo. >> Thank you. Questions?\r\n\r\nMembers? If not, may we have the next one. >> Chair, the next testifier is Ryan H-and currently Ryan is our last testifier. >> Aloha, Chair. Members of the Commission. My name is Ryan Hurley, testifying today on bills 171 and 172 and I know most of you have seen me before. I served as the answer Attorney for the intervenors in the Planning Commission and spent hundreds of hours reviewing the testimony and legal history.\r\n\r\nSo a little frustrated to be back here. First I want to know that we raised almost all of these concerns during the phase 2 process, affordable housing, obligations, the golf course requirements, and the related public benefits that came with the golf course, as well as multiple other impacts. In prepping for today, I reviewed the closing arguments and Testimony from the developer and the developer's consultant related to phase 2. They went through 15:07:20 great lengths to argue it was already brought before Council and the formal phrase 1 approval wasn't necessary. Now the developer is back here, asking you to formally change the Ordinance, and exactly those areas. This is classic have your

cake and eat it too moment or bait-and-switch as everybody has been saying. One advantageous to them and the opposite when it's more convenient. 450 units are critical because they represent a firm numerical commitment made to help address Maui housing crisis.

When the primary benefit used to justify this project's approval in 2008-2009 and replacing that obligation with a lower formulated based on Chapter 2.96 which significantly reduced the guarantee number of homes shifting the benefit away from working class families on Maui and towards the developer's profits making this reduction now after the fact is effectively stabbing the community in the back when they need it the most. Taking away this core promise that helped secure approval in the first place. The rules have all been clear, phase 2 must comply with the commitments in phase 1 and not the other way around. It's absolutely clear that the developer to comply with 29 and the Project District Ordinance, the on thing keeping them from doing both is greed and profit, let's be clear about that. Greed and profits. Onto the Golf Course. Let's be clear, this is just not about a golf course for rich people.

When this golf course was proposed, there was a -- it was not just for priest recreation. It came with a host of number of people benefits including use for High School students and the community. So it wasn't a golf course behind a gated-community like a lot of golf courses are. Now they are removing them and removing it not on erasing benefits for the broader community, but doing it without providing any compensation and that is what we're talking about here. We're okay with taking away the golf course, but talk about the benefits and how will you help the High School students interested in golf get on the golf course and to address that benefit and frankly comes down to money, but the developer doesn't want to pay. These Amendments we're talking about today just don't weaken public benefit, but create a new you public safety risk allowing occupancy of affordable housing they already reduced affordable housing before the expansion of Pi'ilani Highway gives the developer and County a feel-good photo opportunity while playing the lives of our most vulnerable Members at-risk. So you folks can line up take a picture saying we're building more Ferris, Baker Watts, while risking those people's lives.

This breaks my heart and you know better. Adding more residents without ensuring safety and access is not progress, but inviting disaster again. We learned this after the Lahaina fires and the recent tsunami alert when crushed here on O'ahu and we all know what it could have done to Maui. Have we not learned any lessons? Are we that arrogant? Don't turn your back in on the community. To be clear allowing occupancy of any part of this project before the expansion of highway is not phase 2 approval and would require second phase 2 approval by the Planning Commission.

This has not been analyzed at all and nobody looks at disaster that could happen if you allow occupancy of these units before the highway is expanded of it's been the exact other way around through years' of hearings you were always going to expand the highway first. It's not just my opinion and the Planning Commission noted it might have to come back. It's clear, the phase -- the expansion has to come before any occupancy. It will need a new phase 2 if you do this. I know my time is running short. So I will keep it brief. After Lahaina everything we have been thought of as a community is time to walk on the public safety -- excuse me.

To walk the walk and think about public safety and accountability. The developers must keep the promises made that earned approval in first place. I urge you to reject the Amendments until evacuation and Pi'ilani Highway expansion is complete and all public benefits previously discussed and approved and based are preserved. It undermines the law and puts lives at-risk. Mahalo for the opportunity. Next I just want to take a few moments to address Albert

Perez' testimony. He wasn't able to make it to the hearing today because we had to jump between multiple hearings.\r\n\r\nThe judge did rule that a motion on Hono'ula partners motion to dismiss and granted for a number of reasons, many very technical. I will say one of them came down to we challenged the oral order from the Maui Planning Commission that they were going to approve the recommendation. We appealed based on that. Then we wrote a letter saying are you going to write a written order and they wrote back and said no, we're not going to issue a written order. They are basically saying that letter is saying that they are not going to issue a written order was the written order we should have appealed. Again, the order hasn't been finalized and hasn't been approved by the judge. It was just a verbal order, so take it for what it is, but more to be decided on that case and we may still appeal that.\r\n\r\nThank you very much for the opportunity to testify. >> Questions, Members? Clarifying questions? If not, thank you. May we have the next testifier. >> Chair, we don't have anyone else signed up, but it looks like Mr. Nakoa would like to testify.\r\n\r\n>> Good afternoon. Nakoa been testifying against this project for how many years? From the very beginning. Every time our Council comes out, then they pass them or no pass them and all kind of headaches coming here -- how many times testify, testify? The bugger is still going to get passed, yeah? Still going to get passed. Then now, I heard thing came up again.\r\n\r\nwhere we go again, all mad again and you know me, wait until the last-minute to testify. You guys know, not a secret. While sitting in the Council Chambers and even at home, I listened to some of the amendments kind of made me wake up a little bit. Oh, whatever. What is happening here? The golf course no more. They are going to take away 50 and give 50 more affordable homes -- so me I was like okay, still never testified yet.\r\n\r\nBut I was still confused, totally confused, guys. This is what this whole process is doing. Today you guys look confused about one of the rules that the OCS or whatever gave you guys. All confusion I hear, okay? You guys -- hear it every damn time and can you image us guys not here every damn time. So try to figure it out, okay? Oh, I usually get kicked off, and no can testify and shut off my mic, block me out.\r\n\r\nSo why didn't you give the guy the chance to testify and cut him off? I don't know. I'm confused like you guys. But again, I ain't going to do my own homework. I called the Departments over here, called the brother in the Departments, Planning, what the hell is really going on? What is it? Is it 700? 450? 283? Confused, okay?\r\n\r\nConfused. Planning guy you have a resource today who told me 283 or 280 something if the Amendments do not pass. That is what I was told by the people we're paying our tax dollars to. So who I got to go with? I got to go with that guy who supposed knows what he is doing and the Commission asked, what is the recommendation of the Department? So aren't we always asking the Department for their advice on things? Yeah?\r\n\r\nSo I did that. So whoever is going to get mad at me, because I'm supporting the Amendments, okay? I was told if it gets passed it's 338 homes, I was told that number. So it's not 450, but the small circle there -- I thought we were to build homes, workforce housing, okay? So I don't know. You guys have to figure it out, is it 450 or 280 whatever because that is confusing me. So please help me clarify and I will sit here and listen to your deliberations, because a lot people, a lot of people not in here, because they are just as confused as I am.\r\n\r\nOkay? I talk to them, and they said I don't know, is it 450? According to some people in the Council, it's 450. So according to some groups it's 450. But according to the Planning Department it's 280. You guys know me, I usually come and testify, I'm firm and I'm not scared -- I usually get -- turn off my mic. So I'm thinking I'm still supporting this Amendment, because of the information I

got in this head of mine, that I go research on. I ain't going to try to figure it out. I don't know. That is the only reason -- that is the reason why that -- and okay, then also, I called Cal Chipchase okay? He told me he put additions -- in perpetuity.\r\n\r\nFour -- four residences all kind of stuff and said they are putting them in. So you have to ask that guy. Hold him to his word, because I will. Anybody tell me something, they tell me something, I will hold them to their word, yes. He knows that. I don't know, he only knows me a couple of months, but he is going to know that. I'm probably going to get my ass kicked and ridicule and called all cap, I don't care.\r\n\r\nI speak my mind because I'm Junya strong. The Department didn't prove me wrong. According to what happened in the court -- -- the courts cannot figure them out. So what we're going to do sit back and wait until all these things come true? Like how you get deliberation -- you just had the thing with Tom Cook and for ethics thing and all that stuff. So for a way for people to keep on saying this kind of stuff and we're going to wait for the Housing? Now, okay, getting back to this one.\r\n\r\nOne the main reasons why I fight to make this project better there are five of you guys who are going to vote-yes, okay? Everybody said today, I'm going to say it, okay? I like all you five guys, girls, ladies, people and Council. Remember, when we say "perpetuity." a lot of you guys say they are not going to like perpetuity, you know? Because they like earn credit, earned interest, and all kinds of excuses that they give. You are saying no need perpetuity. Us Hawaiian homes we got perpetuity, we're stuck with them guys, we're stuck with them.\r\n\r\nSo every one of you in here, especially the five that will vote -yes for this thing, got to remember that. When another project comes over here, hold that developer accountable for perpetuity, forever. Okay? If they don't like, sell it back to the County. The County can give it back to another person for affordable. Do not lose that title affordability workforce house. Keep it inside there.\r\n\r\nAnd that is all. You fight -- I hope you listen, because next thing is going to come, I will hold you accountable. Okay? I'm going -- hopefully, when he is going to talk, he will tell you the same thing, okay? Just remember all that kind of stuff that you will see especially with the Bill 9. Yeah? The certain projects that you said you guys weren't support when you were talking about Bill 9. Make sure that the next projects that come up is in perpetuity, length of residency and go back to 50/50. My daughter is getting out of FEMA next week, she said f -- >> Chair, we're over time. >> I will just let you know, me and my family work hard and are educated.\r\n\r\n>> Thank you, Junya. Any questions? >> Chair? >> Yes? >> Question for you. Member Rawlins-Fernandez. >> I think if it wasn't six minutes and he was testifying on the third item.\r\n\r\n>> I gave him nine, six and three. >> Mahalo for that clarification. Mahalo, Mr. Nakoa for bringing your cute grandson and testifying. You said you would hold the developers, Mr. Chipchase accountable to what they is assured you, will you share how you will hold them accountable, because that is what the conditions are for, to hold them accountable for all of the things that they tried to promise and changed on us. >> Good question.\r\n\r\nI can make local conditions, I can make local kind of conditions, that I think is a little bit of powerful. I'm never running again for office because outside of office I'm more powerful. I'm going to be knocking on his door. I'm going to do that. I am going to do it. That is all I can do in my power. You know, my power.\r\n\r\nAnd then okay, maybe I will bring -- I think you all know this what I do on social media; right? I can make his ass look stupid, too, if he goes against his word. >> Okay. Does that answer your question? >> Yes, mahalo, Chair. >> Thank you very much. We'll see you.\r\n\r\n>> Chair, the next testifier is Judy Allen followed by Jordan Ruidas. >>

Can you hear me? >> Yes. >> Thank you. Thank you for allowing me to testify. And I would like to speak to all three items. Although I don't need much time.\r\n\r\nI think -- >> Can you speak closer to your mic, please. >> Can you hear me better now? >> A little more -- >> Can you hear me better? >> A little louder. >> Trying to find where my mic is. Can you hear me better? >> Okay, well -- >> I'm sorry.\r\n\r\nI will speak loud and I won't be speaking very long. Thank you very much for allowing me to testify. I really, you know, am disappointed that the number of affordable housing went from 700 down to 450, down to 288, and I hope that the Amendment will go through, in at least bring it back to 450 housing units. Because housing is such a critical issue these days in the County of Maui. And if there are -- no housing and more people leave, well it will impact business. And businesses will go out of business, because they won't have any employees. So I hope this Council really rethinking this project.\r\n\r\nThere are very little benefits to adding 6,000 houses in Maui and they are starting to pay attention and believe me, they will probably be at the ballot box in 2026. At any rate, I want to say also that the tsunami exercise that we had not too long ago was most frightening thing that any of us have ever experienced. Because there was hardly a way to get out of South Maui. Now I am near the Waipu'ilani Park and getting on to South Kihei road is a nightmare, because there's so much traffic and it's been closed in both directions at the North end. That is a common occurrence, because it's always a Band-Aid and never a fix. So then the option is to try to get over to Pi'ikea and get out there. And it was closed too. It was a damn good thing that the tsunami never materialized and the flooding was at least after the tsunami occurred.\r\n\r\nSo I just want to speak to the idea that we need to honor the tragedy that was experienced in Lahaina of which we all still feel the pain. And understand that one of the reasons that 102 people perished and two people still missing is because the exit out of Lahaina town was very improbable. It was not mapped out clearly and no exercise in terms of evacuation. And we do not want to have that same thing occur in South Maui, where we have such a bigger population, and have the same thing occur down there. So it really is with heart that I ask this Council to please consider No. 1 you know, since this project is already halfway through, more than halfway through the process to at least give back the affordable housing to at least 450 units. And secondly, require that Pi'ilani Highway expansion be paid for by the developer, and done so before they start stacking up the traffic any worse than it already is.\r\n\r\nYou need to come down and spend a little time in South Maui, our beautiful District, and hopefully, you know, please do not approve any more luxury housing projects in South Maui. We want you to come and enjoy it, we want to be able to live there and we want to be able to get out of this safely, when Mother Nature gives us the order to do so. Thank you very much. >> Thank you. Questions, Members? If not, may we have the next testifier. >> Chair, currently the last testifier is Jordan Ruidas.\r\n\r\n>> Aloha. Chair, and Maui County Council Members. My name is Jordan Ruidas and testifying on behalf the Lahaina strong and testifying on all of the items. The Lahaina strong opposes Bill 171 and 172 as written. These amendments would rediscuss the Housing benefits promised to the community shift infrastructure obligations from the developer to the public and weaken safeguards for water and cultural resources. When this project was approved in 2008, the public was told it would provide 700 units including 450 within the Project District. The current proposal removes the District requirement and cuts the tote to 288. Workforce units less than half of what was promised.\r\n\r\nJust recently during the Bill 9 hearings both supporters and opponents agreed that Maui needs more affordable housing. Wailea 670 is a rare

opportunity to deliver on that shared goal. Allowing the developer to reduce the number of affordable units and directly counter to what the public has said we need. The developer has offered 50 additional workforce units only if the State or County takes over their responsibility for widening Pi'ilani Highway. I mean with the 50 units the total is still less than originally proposed and shifts a Marine cost to taxpayers while the developer stands to profit from selling those additional unit. If the public is covering costs of infrastructure, that directly benefits their project, the public should receive a far greater return than what is being offered. If the developer is claiming they cannot afford to build the 450 affordable units to props and open their books and prove it the Council and community have the right to see that and additionally definition of "affordable" must be strengthened, units should be kept affordable in perpetuity through long deed restrictions targeted to lower AMI that target our working-class families and long-time Maui residents.\r\n\r\nWithout stronger terms affordable become a temporary label that does not solve our housing crisis. Water is another limiting factor. The project's reliance on a private water system raises concerns about long-term supply and drought resistance and the County should require hydrology studies and halt construction if adequate water is not secured we acknowledge positive changes such as removing the golf course, creating native plant preserve and adding critical facilities; However, these do not replace the need for strong housing commitment and safe infrastructure and water. Lahaina strong respectfully urges the Council to restore the original commitments and infrastructure on the developer and require proof before -- and secure water assurances before constructing. If these conditions cannot be met, we ask you to vote no on bills 17 and 172 and negotiate terms of the promises made to Maui residents. I have a couple more thoughts that are my thoughts. I want to point out that the few Affordable-Housing Units that aren't in perpetuity is only a small Band-Aid and not a solution that is impactful and to remind you, bills 9 six of you Council Member were courageous enough to vote with the in mind and we're watching how you vote on this.\r\n\r\nHow you vote on Bill 9. Please be courageous, be the heroes that this community needs, stand with the community, and stand with your constituents. Time and time again, opposition has overrided the support. Please we're begging just one of you to be courageous and be the hero that we need. Mahalo Nui. >> Thank you. Questions? If not, may we have the next testifier.\r\n\r\n>> Chair, there's currently no one else signed up to testify. This is last call. If there's anyone who would like to testify on the agenda items today, please raise your hand in teams, or make your way to the podium. Again, last call. Countdown, 3, 2, 1. Chair, there's no one indicating a desire to testify. >> Any objections to closing public testimony and accepting written testimony for the record? so ordered.\r\n\r\n>> Chair, I think also at this time adjourn the Public Hearing. >> And I am also adjourning the Public Hearing. >> And we can just continue with the special meeting. >> Yes.