

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

August 9, 2019

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, AUGUST 9, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

COUNCIL CHAIR KELLY T. KING: Good morning, Members. Good morning, people in the chambers, our guests. This is the regular Maui County Council meeting of August 9, 2019. It is nine o'clock and I'm calling it to order. My name is Kelly King, I'm the Chair of the Maui County Council.

Mr. Clerk, could you please do roll call?

ROLL CALL

PRESENT: COUNCILMEMBERS G. RIKI HOKAMA, NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, SHANE M. SINENCI, AND YUKI LEI K. SUGIMURA. VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

EXCUSED: NONE.

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

CHAIR KING: Okay. Thank you, Mr. Clerk.

And then before I go to opening remarks, if I can ask everyone to silence their noisemaking devices; iPhones, pads, tablets.

And then we'll go to opening remarks by Councilmember Tamara Paltin.

OPENING REMARKS

The opening remarks were offered by Councilmember Tamara Paltin.

CHAIR KING: Mahalo, Member Paltin.

And so with that, those who desire to join me, would you please stand and recite the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR KING: Okay. Thank you.

Mr. Clerk, can we proceed with, are there any, we'll start with testimony on ceremonial resolutions this morning?

COUNTY CLERK: Madam Chair, we have received no requests for testimony on ceremonial resolutions. May we close testimony on ceremonial resolutions?

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Testimony is closed on ceremonial resolutions.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 19-137

CONGRATULATING NAIGHEL CALDERON, OF LANA'I HIGH &
ELEMENTARY SCHOOL, ON BEING INDUCTED INTO THE HAWAII HIGH
SCHOOL ATHLETIC ASSOCIATION HALL OF HONOR

CHAIR KING: Okay. Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE FOR THE ADOPTION OF THE RESOLUTION.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Hokama, seconded by Councilmember Lee.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. And thank you, Ms. Lee for your second.
I would request that the Clerk read the resolution in its entirety please.

CHAIR KING: Okay. Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR KING: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. It's a great day for Lanai.

CHAIR KING: Another one.

COUNCILMEMBER HOKAMA: Another one. Thank you very much, Chair. You know, it's a rarity for us on Lanai to have such outstanding individuals and I am so proud today. Let me first just say, he told me, "are you from Lanai"? And I said, "yea, I graduated like 50 years ago". And of course, for him, who has not even made 20 years old, you know, 50 years ago graduating from the same school maybe not easily fathomable.

But nonetheless, I am very proud of this young man. He's been a leader in his school. He's been a contributing member of his own family. He has supported others in his class and I'm just grateful he's made it this morning. He came directly in from Spain--

CHAIR KING: Wow.

COUNCILMEMBER HOKAMA: --in an instructional league for baseball. And shows his dedication of trying to improve himself. He can be the best he can be, not only for himself, but for his island, this County, and of course his school.

One thing I want to say about Mr. Calderon, as we were chatting before the meeting this morning; he is so into his family. He spoke about his dad, Charlie, his mother, Kimberly. He has a great respect for his older brother, Isaac, younger sister, Summer. And this is a big span of age between siblings; his sister is 10, his older brother is 24. And so, I told him, "boy, your family really get time to plan for graduation parties".

And so, as we were chatting, I said, "gosh, I don't know your dad well. So, who is grandpa, then"? And then he told me, "oh my grandpa, my papa is Conrado". And I go, bingo, I know that man, okay. And Mr. Conrado Calderon, to you, your grandson is a great outstanding example of our island and I want to thank you for giving your grandson the foundation to excel; the principles of family, knowing what is right and wrong, understanding, having a love for your community and church. These are the things that make this young man, to me, outstanding. He's not only a scholastic achiever, but a physical and athletic achiever.

And for us on Lanai, we know that we need to look at multiple ways of helping our youth have options for their future. Not everyone is a scholastic college student. Some of us, some of them will be outstanding people in the athletic field, some may be more prone to be a trades professional. We hope that these paths and this recognition will assist our young people to endeavor and look at the avenues provided that we can support, and we can nurture, Chair.

And so, you know, this morning, Mr. Sumagit is here with him, our athletic director of our school, so we thank him for his presence. Unfortunately, his parents, Charlie's parents [*sic*], Kimberly and Charlie, are unable to join him this morning. But I would ask you, my fellow colleagues, if you could join me honoring an outstanding Maui County young man; Naighel Calderon. Thank you.

CHAIR KING: Okay. Do we have any other comments before we take the vote?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: All I can say is wow, right. What an outstanding person. And I, I share Member Hokama's pride in being able to be with this kind of person. I mean, what an example for the community and from such a small island with the population or the enrollment base to have this kind of superstar. I mean, he's super everything, right; athlete, intellect. It sounds like one of the things, also, it sounds like he's spiritual too with his, his, you know, church and everything. So, very well-rounded. I'm proud of him going to my alma mater, which is UH. And I know that you'll do a great job. So, congratulations. This is well deserved.

CHAIR KING: Thank you. Any other comments? If not, I just want to add my congratulations. And I, when I served on the State Board of Education as Maui's representative, you weren't even born yet. But I spent, I spent time at Lanai High and Elementary and it's come a long way with getting all these State recognitions. So, it's almost getting to the point where we're not that surprised anymore, right; that these awards and accolades come from Lanai and Molokai. And we're, we, you know, we, I think we've gone beyond thinking of them as sort of step-sister islands, and we're all one.

So, I just want to say that I'm really proud of you for your, accelerating in these team sports too. Because, you know, because we've all been following the Little League team right now, the Central Maui that's been, that has their finals tomorrow and the, the level of sportsmanship and teams-man-ship that you have to have to excel and get beyond just, you know, trying to be the star. But, that's how, that is how you become the star. So, congratulations on rising up to this level. And I really look forward to see, to seeing where you're going to go in the future from here.

So, if there's no other comments, then we'll go ahead and call for the question. All those in favor of the resolution on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine "ayes", no "noes".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. I'd like to ask, with your approval, the presence of Mr. Calderon and Mr. Sumagit, our podium, to receive the congratulations of the body.

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA: Chair, with your permission, again thank you very much. Ladies and gentlemen, I'd like to introduce to you our Hall of Famer of 2019, Naighel Calderon. And before he takes the mic, I know I'm going to be criticized if I don't say this; on Lanai, to your grandmother Adorna, congratulations also.

MR. NAIGHEL CALDERON: Aloha, everybody. My name is Naighel Calderon, I'm 18, obviously from the island of Lanai; small island, population of 3,000. Grew up with probably 30 kids, but I know everybody.

The importance of family to me, it sits in a very special place in my heart. I'd like you guys all go home today with a lesson. I am a diamond in the rough. I was not made to be perfect. I worked hard for everything that I am. I should be speechless right now, because this is a big award. And I'm proud to represent the island of Lanai and Maui County. Thank you.

CHAIR KING: Coach, do you have any words that you would like to share with us?

COUNCILMEMBER HOKAMA: Mr. Sumagit.

MR. ROD SUMAGIT: Thank you for having us today. Naighel Calderon, like you said, is one and only spectacular athlete. Forgot to add one more thing to his accolades. He also published in the Doctor's Journal for his service with his classmates in the food serve, food--

MR. CALDERON: Service

MR. SUMAGIT: --service.

MR. CALDERON: Community Food Assessment.

MR. SUMAGIT: Yea, Community Food Assessment. So, he's also published in the Doctor's Journal too with his classmates, so another accolade for Naighel Calderon. And again, looking forward to seeing him as a Pine Lads to a Rainbows or Warriors?

MR. CALDERON: Rainbow Warriors.

MR. SUMAGIT: Rainbow Warriors, yea. Alright, thank you very much.

CHAIR KING: Thank you.

Mr. Calderon, if it's possible, maybe you can share, send that to the, to my office, the, your, your report on the, your food assessment. I would love to share that with the rest of the Council.

MR. CALDERON: Will do.

CHAIR KING: Thank you.

Okay. Mr. Clerk, proceeding with testimony. Do we have any testifiers signed up in the chambers or in the District Offices?

COUNTY CLERK: For the record, RESOLUTION 19-137.

Proceeding with the presentation of testimony on agenda items. Currently, we have no testifiers signed up at our District Offices.

We have two individuals signed up to testify at the Council chamber. First person to testify in the chamber is Chubby Vicens, testifying on Committee Report 19-93. To be followed by Bobby Pahia.

CHAIR KING: Okay. And I think everybody knows, but I'll just repeat for the sake of protocol that we have, it's a three-minute presentation. If you, if you have closing remarks after that, we'll give you an extra minute.

So, thank you for being here, Mr. Vicens.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. CHUBBY VICENS (testifying on Committee Report 19-93):

Good morning, Madam Chair, Honorable Members of the County Council. I'm here before you today to speak on 19-93. I had to tell you it's been approximately a 12-year journey. When I first saw this project, I thought it was one of the best projects, 12 years ago that I had, I had ever seen. And I had handled many projects for Alexander & Baldwin as you well know.

But I thought that what Mike was presenting here and his partners, was, was something that was, was really unique in that the affordable housing component would be, would be addressed and a community walking village would be part of the concept. And here we are, 12 years, 12 years later. Maybe, maybe this Council could be the very first Council to do something about shortening that particular span of time, because we, as a community are hurting for, for affordable homes.

And you know, so here we are 12 years later, obviously, it's, it's helped to rise the cost of, of this particular home that'll be presented. But at the same time, there are many projects that we think that that can help Mauians, and to be able to, to find a place that they could call their own; something that they could be proud of. Like this young man spoke of, he spoke of Lanai as being a special place. Well, I have to tell you, Maui is a very special place in my heart.

And I would like to see us not only approve this project and move it forward as it, as it's been presented, but to be able to think about what we can do as a community to come together as one to be able to end this length of time that it takes for a project to, to complete from the time we have the dream. And there are many, many, many Mauians out there that have the dream. I have family that are looking for, for, for this kind of opportunity.

And I think, and I thank the Maui Tropical Plantation Group, the partners that are here today for their, for their efforts in staying with the program to, to bring it to fruition today. And I thank you for your consideration. Thank you.

CHAIR KING: Mahalo. Any comments or questions? Seeing none, thank you for being here.

MR. VICENS: Thank you very much.

CHAIR KING: Next testifier, Mr. Clerk.

COUNTY CLERK: Next testifier is Bobby Pahia, testifying on Committee Report 19-93. Mr. Pahia is the last individual who has signed up to testify in the Council chamber or at the District Offices.

MR. BOBBY PAHIA (testifying on Committee Report 19-93):

Aloha. Good morning, everyone.

CHAIR KING: Good morning.

COUNCILMEMBER KAMA: Good morning.

MR. PAHIA: I come before you because I am advocating for this project. To start off, I just like the way they went about doing business. You know, before they came to the, the County and sought the various permits that's needed, I like the part about when he went to the Waikapu Community Association first, let them know what his plans were, their plans were, got feedback from the community. The developers worked with the community, took things out that they didn't want, took suggestions that they're, are in the process of implementing right now, which I'm totally excited about. So, so basically, I just like the way they did business, okay.

They went and sought the community first and then followed suit after that. I'm a farmer. I lease land from the, Mike Atherton and, and, and Partners. As a farmer, I farmed over here on Maui long time and I bounced around all over the place looking for land, security, and water security; it's tough. So, I finally got some land with them and created a relationship.

And I like the deal that's in process right now. I like the point that, you know, Victor Pellegrino basically gave the group an idea. An idea that I think that should set a precedent for the rest of the developers that come to Hawaii, okay. Cause they come and they exploit, they exploit our resources, you know, they do that. But in this instance, okay, they're giving back, because my message to all developers is that if you come to Hawaii, you cannot come over here and just take, okay. You gotta give back, and that's the part I like.

I think that their development should be used as a, as a model for the rest of the developers that come to Hawaii, okay. It's not a just a take situation. They're giving back and that's what I'm excited about. The suggestion from, from Vic was, you know, why don't you create some kind of ag easement, okay. So, we're going to have 900-acres in ag that's going to stay in ag in perpetuity.

I think that, you know, the rest of the people that come to Hawaii should be giving back too. So, I support that. I've got to know them. The, I got to know them as people. Their integrity is intact, just because of my workings with them. And I just ask that you support the project.

CHAIR KING: Mahalo, Mr. Pahia. Any questions? No questions or comments from the? Okay. Thank you for being here.

Mr. Clerk.

COUNTY CLERK: Madam Chair, there's no further individuals signed up to testify in the Council chamber. It appears that Jasee Lau would wish to testify.

CHAIR KING: If there are any other testifiers or anybody else in the chambers who wishes to testify, please come forward now.

Mr. Lau.

MR. JASEE LAU (testifying on County Communication No. 19-320):

Aloha kakahiaka. Number 19-320, I want to thank Mayor Victorino for appointing Barbara Fernandez on the Arborist Committee. I think there's, I think that's the one I'm thinking about because there's only one Barbara Fernandez.

CHAIR KING: Any questions? Okay. Thank you for your testimony.

Mr. Clerk, I think we have one more testifier.

MS. LUCIENNE DE NAIE, MAUI TOMORROW FOUNDATION (testifying on Committee Report 19-93):

Aloha, Councilmembers.

CHAIR KING: Aloha.

MS. DE NAIE: My name is Lucienne de Naie. I'm testifying on behalf of Maui Tomorrow, testifying in support of the Waikapu Town Project moving forward. They've worked with the community for many years and have gone through a lot of changes and probably some more changes yet to come. But they have had an honest process and have been willing to listen to input from the community, which is not always the case. So, we would like to offer our support that this project could go forward and provide some of the housing and facilities that we need in our community. Thank you.

CHAIR KING: Okay. Mahalo. And Ms. Lucy, Ms. Lucy, Ms. de Naie, when you say we offer our support, is it, are you representing Sierra Club or?

MS. DE NAIE: Maui Tomorrow.

CHAIR KING: Okay. Maui Tomorrow.

MS. DE NAIE: Yea. Yea, I'm representing Maui Tomorrow.

CHAIR KING: Okay. Any questions? Alright, seeing none, thank you for being here.

MS. DE NAIE: Thank you.

CHAIR KING: Okay. Mr. Clerk.

COUNTY CLERK: Madam Chair, there are no other individuals signed up to testify in the Council chamber or the District Offices. And we have not received any written testimony for this meeting.

CHAIR KING: Okay. So, if there's no objections, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Public testimony is closed.

Mr. Clerk, proceeding with the business.

COUNTY CLERK: Madam Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's public hearing of April 17, 2019, regular meeting of April 23, 2019, public hearing of April 24, 2019, and regular meeting of May 3, 2019 were presented at this time.

CHAIR KING: Vice Chair Keani Rawlins-Fernandez.

VICE CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ACCEPT ALL OF THE MEETING MINUTES.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Lee.

Ms. Rawlins-Fernandez. Any--

VICE-CHAIR RAWLINS-FERNANDEZ: No comment.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR KING: Alright. If there are no, any comments or questions? If not, all those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries, nine to zero; unanimous.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 19-308 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 9, 2019)

Transmitting the grant award document approved by the U.S. Department of Justice Office of Community Oriented Policing Services in the amount of \$181,512.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request you ask the Clerk to also call up County Communications 19-309 through 19-317 at this time?

CHAIR KING: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections. Mr. Clerk.

NO. 19-309 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated July 22, 2019)

Informing of the Police Department's intent to expend \$3,159.61 in Federal Forfeiture Funds to purchase a replacement printer for the Juvenile Section.

NO. 19-310 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated July 8, 2019)

Transmitting a grant-in-aid award notification from the State of Hawaii Office of Planning for the Coastal Zone Management Grant in the amount of \$416,950.

NO. 19-311 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated July 16, 2019)

Transmitting a notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block Grant Program, in the amount of \$1,830,988.

(COUNTY COMMUNICATION NO. 19-311 WAS REFERRED TO
THE HEALTHY FAMILIES AND COMMUNITIES COMMITTEE.
See pages 15, 16, and 26 for discussion.)

NO. 19-312 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 15, 2019)

Notifying that the Home Delivered Meals voluntary contributions received from senior program participants has exceeded the budgeted amount of \$98,000 by \$4,671.75 for a total of \$102,671.75.

NO. 19-313 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 12, 2019)

Transmitting the notice of grant award from the U.S. Department of Housing and Urban Development totaling \$25,813,932 for Section 8 Housing Program Grants, which includes HUD held reserves and Administrative Fees for calendar year 2019.

NO. 19-314 - ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS, (dated July 17, 2019)

Transmitting the Request for Project Authorization, Agreement, and/or Modification approving the Federal funds to advertise the Kea Street Pavement Reconstruction project bids.

NO. 19-315 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION, (dated July 17, 2019)

Transmitting the notice of grant award from the State of Hawaii, Department of Education for the Play and Learn Sessions (PALS) Food Service Program in the amount of \$200,000.

NO. 19-316 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated July 22, 2019)

Transmitting a summary of the temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund, as of June 30, 2019.

NO. 19-317 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated July 30, 2019)

Informing that funds from Countywide Costs programs totaling \$10,117.06 have been transferred to various programs to cover shortages due to unbudgeted salary increases and anticipated overtime incurred due to the implementation of the new Workday system.

CHAIR KING: Okay. Thank you, Mr. Clerk.

Ms. Rawlins-Fernandez.

COUNCILMEMBER HOKAMA: Chair.

CHAIR KING: Mr. Hokama.

COUNCILMEMBER HOKAMA: Yea, thank you, Chair. I had a consult with our Budget Chair and at this time, I would like to request that regarding Communication 19-311, that that be referred to the Council's Committee on Healthy Communities and Families for further review since, as I understand it, I believe the grant is less than anticipated, therefore, your Committee would be reviewing any recommended adjustments. And if there's a financial revision that then it will be referred to Budget Committee Chair.

CHAIR KING: Okay, is the--

VICE-CHAIR RAWLINS-FERNANDEZ: No objection.

CHAIR KING: No objections to that. Okay, so would you like to make a motion on the remaining items then?

VICE CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR KING: Okay, great. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO FILE COUNTY COMMUNICATIONS 19-308
THROUGH 19-310 AND 19-312 THROUGH 19-317.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Hokama.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These communications are for informational purposes only. None require Council action, I therefore request they be filed. Mahalo.

CHAIR KING: Okay. Any questions on the filing? Alright. All those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries nine to zero. And any opposition, any objections to referring 19-311 to Healthy Families and Communities?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. We'll move forward with that.

Mr. Clerk.

NO. 19-318 - MICHAEL P. VICTORINO, MAYOR,
(dated July 12, 2019)

Informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Sheila Villanueva on July 12, 2019.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, may we have the Clerk call up County Communication items No. 19-319 and 19-320?

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Mr. Clerk.

NO. 19-319 - MICHAEL P. VICTORINO, MAYOR,
(dated August 1, 2019)

Informing of a vacancy on the Committee on the Status of Women due to the resignation of Deneane Hamby on August 1, 2019.

NO. 19-320 - MICHAEL P. VICTORINO, MAYOR,
(dated July 10, 2019)

Informing of the appointments of Barbara Fernandez, Robert Burritt, and Douglas McBride to the Maui County Arborist Committee.

CHAIR KING: Okay. Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS NOS. 19-318
19-319, AND 19-320.

VICE CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. 19-318 has to do with the resignation of Sheila Villanueva from the Commission on Persons with Disabilities. And 19-319 has to do with the resignation of Ms. Deneane Hamby from the Committee on the Status of Women, effective August 1, 2019. I'd like to thank both of these individuals for their service to our community.

And County Communication No. 19-320 has to do with the appointments of Barbara Fernandez, Robert Burrit, and Douglas McBride to the Maui County Arborist Committee. And as you know, Members, the Maui County Arborist Committee's, the nominees are appointed by the Mayor with no requirement for approval by the Council, but the Mayor is required to at least notify us of these appointments. So, I'd like to thank these three individuals for serving on this particular Committee.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA: Thank you.

CHAIR KING: Any questions or comments? Seeing none, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries nine to zero, no opposition.

Mr. Clerk.

NO. 19-321 - HANNIBAL E. STARBUCK, CHAIR, MAUI COUNTY COMMISSION
ON CHILDREN AND YOUTH, (dated July 22, 2019)

Updating the Council on the recent efforts of the Maui County Commission on Children and Youth.

CHAIR KING: Councilmember Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 19-321.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Hokama, seconded by Councilmember Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, your, the Commission is just informing the Council of their recent efforts. They've been meeting regularly for the last two years. Prior to that, they have been quite dormant. But it seems that they're trying to reactivate and move forward. So, they're just informing us of that effort. Thank you.

CHAIR KING: Okay. Thank you. Any questions? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries nine to zero.

Mr. Clerk.

NO. 19-322 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated July 26, 2019)

Informing of the acceptance of Drainage Ditch Easement No. 3 Hauoli Street Drainage Basin & Outlet Repair, TMK: (2) 3-8-014:011 POR.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE: Chair, may I request that County Communication 19-323 also be brought up at this time?

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Mr. Clerk.

NO. 19-323 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated July 30, 2019)

Informing of the acceptance of Sewerline Easement "S-2", Sandhills Estates,
TMK: (2) 3-8-089:109.

CHAIR KING: Okay. Ms. Lee.

COUNCILMEMBER LEE:

I MOVE TO FILE COUNTY COMMUNICATIONS 19-322 AND
323.

VICE CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Vice-Chair Rawlins-Fernandez.

Ms. Lee, any comments?

COUNCILMEMBER LEE: Members, this communication is for informational purposes only. Section 3.44.015(H), Maui County Code, requires the Director of Finance to notify the Council in, turning the page, writing of any acquisition or conveyance of real property made pursuant to this section.

The easements will facilitate maintenance of the County's infrastructure. For the Drainage Ditch Easement, \$16,300 was used from the Hauoli Street Drainage Outlet Repair CIP fund. For the Sewerline Easement, no County funds were used. Thank you, Chair.

CHAIR KING: Okay. Thank you, Ms. Lee. Any comments or questions? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Mr. Clerk.

NO. 19-324 - TASHA KAMA, COUNCILMEMBER,
(dated August 1, 2019)

Relating to Councilmembers' report on the meeting to review the new Environmental Assessment and Environmental Impact Statement rules and procedures on July 26, 2019.

CHAIR KING: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I move to file this report, but I would be able to file it now and make the report later under committee reports, or would you like me to do it now?

CHAIR KING: It's actually, yea, because it's not a committee report, so we'll, we'll have you do it, but you can make the motion to file.

COUNCILMEMBER KAMA: Okay.

I MOVE TO FILE THIS REPORT.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Council Pro Tem Tasha Kama, seconded by Ms. Sugimura.

Councilmember Kama.

COUNCILMEMBER KAMA: Yes, so I will be giving this report later on during the agenda.

CHAIR KING: No. I mean, you, you can give the report now.

COUNCILMEMBER KAMA: Give it now?

CHAIR KING: Yea.

COUNCILMEMBER KAMA: Okay. It's kind of lengthy, so.

CHAIR KING: You don't, you can summarize. You don't have to go into detail. We heard that at--

COUNCILMEMBER KAMA: But it's so interesting.

CHAIR KING: We heard that at the OIP training.

COUNCILMEMBER KAMA: Well, this is for everybody, so everybody know what we did and what we spent three hours on. So, I'm making this report in accordance with the State Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes.

A quorum of the Council was not present at the meeting, but Councilmembers Sugimura, Rawlins-Fernandez, and I attended the presentation and this discussion regarding the new Environmental Assessment, Environmental Impact Statement rules issued by the Office of Environmental Quality Control on July 26, 2019.

The meeting was led by Scott Glenn, Director of OEQC. He explained that OEQC administers the environmental review process for the State, and is the primary environmental advisor to the Governor, and staffs the State's Environmental Council.

OEQC's administration of environmental reviews is governed by Hawaii Revised Statute 343, which requires such reviews to provide awareness of the environmental impact of project actions and is guided by Hawaii Administrative Rules (HAR).

Since the last update to the HAR for environmental review was made in 1996, the Environmental Council sought to modernize the rules, provide greater consistency with HRS 343, and to address issues of social justice. These new rules address recent court decisions on the statutes and seek to clarify the process. After these updates were made, nine hearings were held across the State to receive public comment on the proposed rules.

The new HAR clarifies who the deciding party is for the environmental review and that, if the project involves State funding, then the Governor is the accepting authority unless it is delegated.

For private projects, environmental review is not required unless there is both a triggering aspect (for example, use of State or County lands or funding) and a discretionary approval (for example, zone change, district boundary amendment, etc.).

This new HAR also requires that if an accepting agency issues an exemption from environmental review, it must provide notice of that exemption to OEQC for publishing. This approach provides constructive notice of exemptions.

The former requirement for transcription of oral comments in scoping meetings is now replaced with a simpler provision of audio recordings of oral comments to OEQC.

The HAR now recognizes that if the environmental impacts of a project would likely be found significant in an EA, the accepting agency can proceed directly to the EIS rather than first completing the EA.

Additionally, the HAR now permits the preparation of programmatic EA/EIS for a group or a series of project within the defined geographic area where the likely environmental issues are similar or the same for those projects. This approach has been used in Transit-Oriented Development areas of Honolulu where a single environmental document covers the potential rail-related development. This approach may be valuable for affordable housing projects as the HAR allows accepting agencies to exempt affordable housing from environmental review under very specific conditions.

For example, the Governor signed the new HAR in July 30, 2019 and it will take effect on August 9, 2019.

This informational session was not specifically and exclusively organized for or directed toward Members of the Council, but was open to Members of the Council, other County advisory boards such as Planning Commission, and respective staff members.

No commitments relating to a vote on any Council business was made or sought at the meeting. Chair, that concludes my report.

CHAIR KING: Thank you, Ms. Kama. That was very thorough and very educational. Okay, any questions or comments? If not, all those in favor of the motion to file Councilmember Pro Tem's report, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay, measure passes nine to zero. Thank you very much for that report.

And, Mr. Clerk, next item.

NO. 19-325 - TAMARA PALTIN, COUNCILMEMBER,
(dated August 1, 2019)

Transmitting an amendment to the proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN (WCT) DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII".

CHAIR KING: Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN: Chair, if there's no objections, I'd like to ask that this item be taken up at the same time as Committee Report 19-93 just for ease and understanding.

CHAIR KING: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR KING: Okay. This item is deferred to later on in the agenda.

(COUNTY COMMUNICATION NO. 19-325 WAS FILED LATER
IN THIS MEETING. See pages 37 through 74 for discussion and
action.)

CHAIR KING: Mr. Clerk.

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

NO. 19-326 - MAY-ANNE A. ALIBIN, DEPUTY DIRECTOR OF FINANCE,
(dated July 18, 2019)

Transmitting a report of short-term investments for the quarter ended June 30, 2019.

The recommended action is that County Communication No. 19-326 be referred to the Economic Development and Budget Committee.

NO. 19-327 - RIKI HOKAMA, COUNCILMEMBER,
(dated August 2, 2019)

Relating to the fiscal year 2019 grant performance and evaluation report for Department of Housing and Human Concern grantees.

The recommended action is that County Communication No. 19-327 be referred to the Healthy Families and Communities Committee.

NO. 19-328 - RIKI HOKAMA, COUNCILMEMBER,
(dated August 2, 2019)

Relating to Maui County telecommunications infrastructure issues, including property rights, privacy, and safety.

The recommended action is that County Communication No. 19-328 be referred to the Water and Infrastructure Committee.

(COUNTY COMMUNICATION NO. 19-328 WAS LATER REFERRED TO THE HEALTHY FAMILIES AND COMMUNITIES COMMITTEE. See pages 26 and 27 for discussion.)

NO. 19-329 - ALICE L. LEE, COUNCILMEMBER,
(dated July 30, 2019)

Relating to the way Photovoltaic Systems are assessed for permit fees.

The recommended action is that County Communication No. 19-329 be referred to the Water and Infrastructure Committee.

NO. 19-330 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated July 26, 2019)

Transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY (LICENSES) FROM THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER TREATMENT FACILITY AND OTHER EXISTING AND PROPOSED WATER INFRASTRUCTURE IN MAHINAHINA AND HONOKOWAI, MAUI, HAWAII".

The recommended action is that County Communication No. 19-330 be referred to the Water and Infrastructure Committee.

NO. 19-331 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated July 26, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT HAWAIIAN HOME LANDS (AGREEMENT FOR LICENSES FOR MAHINAHINA AND HONOKOWAI)".

The recommended action is that County Communication No. 19-331 be referred to the Water and Infrastructure Committee.

CHAIR KING: Okay, thank you, Mr. Clerk. And then along with that, we previously approved County Communication 19-311 be referred to the Healthy Families and Communities Committee. So, any objections to the referrals?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I have a request, not an, not an objection. I had hoped that I had framed the Communication 19-328 so that it could come to my Committee. And so, I would ask Ms. Lee if she has any objections for it to be referred to the Council's Committee on Healthy Families and Communities?

CHAIR KING: Okay. So--

COUNCILMEMBER LEE: No objections.

CHAIR KING: It's telecommunications infrastructure issues. But if no one has any objections, we'll refer that to Healthy Families and Communities.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. So, so ordered.

Mr. Clerk.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR KING: Alright, if there are no objections on either of the rest, we'll, we'll follow through with the referrals as read by the Clerk.

Mr. Clerk.

COUNTY CLERK: Madam Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 19-88 - AFFORDABLE HOUSING COMMITTEE:

Recommending that the Miscellaneous Communication, referring the matter relating to the affordable housing development project known as the Kaiaulu O Kupuohi Apartments Project (formerly known as Kai Mauka Ike Nui) in West Maui, be REFERRED to the Economic Development and Budget Committee.

CHAIR KING: Okay. Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your Affordable Housing Committee, having met on July 24, 2019, makes reference to a Miscellaneous Communication, dated May 21, 2019, from the County Clerk, referring the matter to the affordable housing development project known as Kaiaulu O Kupuohi Apartments Project in West Maui. The project was formerly known as Kai Mauka Ike Nui.

The Mayor's proposed budget for Fiscal Year 2020 included a request for funding from the Affordable Housing Fund for the project. Your Economic Development and Budget Committee, in its Committee Report 19-49, "expressed the desire to fully vet the project and recommended the matter be referred to the appropriate standing committee".

Your Committee received an overview of the proposed project from the Director of Housing and Human Concerns and the developer, Ikaika Ohana. The initial project proposed the development of 60 affordable rental units, along with 29 market rate units, on two adjacent lots located at Kupuohi Street in Lahaina. The developer initially applied for approximately \$3 million from the Affordable Housing Fund for land acquisition, site improvement, design, and construction costs for the 60 affordable units. The Director said the project received the highest score of the nine applications submitted.

Your Committee notes the developer has since revised the project to be 100 percent affordable development project, having arranged the acquisition of the 29 market rate units. The developer has increased his request to the Affordable Housing Fund to 6.4 million, to develop 89 affordable units for rent to qualified individuals earning 60 percent and below of the area median income, as set by the United States Department of Housing and Urban Development.

According to the project proposal, the project will contain 20 one-bedroom units, 34 two-bedroom units, and 35 three-bedroom units, with monthly rents for those who qualify ranging from \$443 to \$571 at 30 percent AMI; \$626 to \$825 at 40 percent AMI; and \$992 to \$1,333 at 60 percent AMI.

The developer noted that the rent and location of these units would be within the financial and geographic reach of the target residential workforce, including employees of hotels, restaurants, stores, and schools in West Maui. The Director of Housing and Human Concerns said the Administration supports revised project, and lauded the developer for leveraging County funds to abstain, to obtain substantial additional funding.

The developer has applied for and expects to receive approximately 50.4 million from the State and Federal tax credits and loans, including \$17.1 million from the Hawaii Rental Housing Revolving Fund. The County's allocation of funds would represent 11 percent of the total cost for the project, with the majority of the 56.8 million coming from the State, Federal, and private funding sources.

The developer noted the County will receive 2.6 million from the development in the form of fees. The developer further noted the project is not seeking any exemptions or changes in zoning; water and sewer have been allocated for both lots; and the developer's partner, UHC Communities, is providing the required guarantees. Once funding is secured, construction could be underway as early as March 2020 and completed within 14 months.

Your Committee received favorable testimony on the project, emphasizing the need for affordable housing in West Maui while noting concerns about traffic. Your Committee members echoed community statements of support for the project.

Your Committee also notes the developer's assertions that Ikaika Ohana: only build affordable housing units for 80 percent AMI and below; has a portfolio that includes over 2,000 units, including the 120-unit Kaiwahine Village currently under development in South Maui; provides for long-term operation and maintenance of the property; coordinates and provides on-site services that are available to the community at large, extending the reach of the project's benefits.

Your Committee notes the Mayor will need to submit a Fiscal Year 2020 budget amendment to allow the Council to consider funding the project.

Your Committee voted 6-0 to recommend that the Miscellaneous Communication be referred to your Economic Development and Budget Committee. Committee Chair Kama, Vice-Chair Molina, and members Hokama, Lee, Sinenci, and Sugimura voted "aye". Committee member Rawlins-Fernandez was excused.

Your Affordable Housing Committee recommends that the Miscellaneous Communications be referred to your Economic Development and Budget Committee.

And this report is submitted in accordance with Rule 8 of the Rules of the Council.
Thank you, Chair.

CHAIR KING: Thank you. Let's see, did you make a motion already to accept the Committee Report?

COUNCILMEMBER KAMA: Yes.

CHAIR KING: Okay. Any questions or--

COUNCILMEMBER HOKAMA: No. We need a motion, Chair.

COUNCILMEMBER KAMA: We did? I thought we did.

COUNCILMEMBER SUGIMURA: I thought we did.

CHAIR KING: I didn't think you did.

COUNCILMEMBER KAMA:

OH, I, OKAY, I MOVE, CHAIR, TO APPROVE THE REPORT.

CHAIR KING: Committee Report.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay. Moved by Council Pro Tem Tasha Kama, seconded by Ms. Sugimura.

Any questions or comments? The EDB Committee is willing to accept this? Okay. All those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Motion carries nine to zero. Thank you very much. And we are referring this to EDB.

And by the way, since you mentioned the Kaiwahine Village Project, that press release went out today noting the applications available, application dates for next week. In the first hour, I think my Facebook page had over 5,000 hits and almost 70 shares. So, there are people paying attention and seeking this level of affordable housing.

COUNCILMEMBER KAMA: Well, I think the fact that they're going to be ready in 2021 speaks volumes.

CHAIR KING: Yea, he is, he is hoping to have the certificates of occupancy by Christmas of this year, so he has moved that deadline up. He has worked, pushed his crew six days a week. So, yea, we, we found a good developer there.

Okay, Mr. Clerk.

COMMITTEE REPORT

NO. 19-89 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-138, entitled "RELATING TO THE APPOINTMENT OF JAMIE BECRAFT TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-89.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Councilmember Sugimura.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on July 23, 2019, to address the nomination of Mr. Becraft, who is a retired Maui County police officer. And after some Q and A, the Committee voted 7-0 to recommend adoption of the proposed resolution approving his nomination. Thank you.

CHAIR KING: Okay. Thank you. Any comments or questions? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Okay. Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-138.

COMMITTEE REPORT

NO. 19-90 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-139, entitled "RELATING TO THE DESIGNATION OF ARCHIE KALEPA AS THE NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES EXPERT TO THE MAUI PLANNING COMMISSION," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-90.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on July 23, 2019, and at the meeting, Mr. Kalepa came by to announce his intentions to withdraw due to his inability to attend commission meetings on a consistent basis. So, your Committee voted 7-0 to recommend adoption of the revised proposed resolution disapproving his nomination.

Now, just for the record, the disapproval has nothing to do with Mr. Kalepa's ability or character. It's more of a procedural matter. Thank you.

CHAIR KING: Okay, thank you. Housekeeping, not a judgment call.

Okay, Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, I just wanted to add that I spoke with Archie at length about it, and it was about the commitment of twice a month. And he had been under the impression that it was a commitment of once a month. So, he's still available to serve on boards and commissions for commitments of once a month. And I think he would be a great addition to, you know, possibly our Cultural Resource Commission or any, any other commission. So, just very supportive of him.

CHAIR KING: Thank you for that and that's good to know. And it's also nice to hear that commissioners are be, you know, potential commissioners and commissioners are being well aware of the commitment and taking it seriously. And so, you know, the Councilmember, our Vice-Chair asks that question every time, so keeping everybody on their toes and letting them know what the commitment is.

Any other comments?

Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: I just wanted to mention that, you know, as the GET Chair always says whenever we have to disapprove an approval because of situations like this, that it kind of doesn't sound good, doesn't sound right. Cause all it says is we're disapproving them but it doesn't give the backup statement about, because of your concern about not being able to commit and those kinds of things. And so, I had spoken to, I think, him earlier about how do we either not say this or say it in a better way? Or not even do this so that it doesn't sound or look good that we're disapproving somebody? And it could be somebody in our community that everybody says, what? You know, so how do we make it gentler that we're--

CHAIR KING: Well we, yea, I, I agree with you because I made that same comment, I think in my first term. And I think we could, we could look into language such as approving the, accepting the resignation of--

COUNCILMEMBER KAMA: Yes.

CHAIR KING: --or accepting the withdrawal of a certain member. And that puts a differ, at least for the record, that's put a different connotation on it. But we can look into that for future reference.

COUNCILMEMBER MOLINA: Madam Chair, yea, you know, Member Kama had some great insight on that, as well as you. Because I was thinking of a scenario where an individual applies for a job and on their resume they may see that you, the person was rejected for this particular board, so giving the prospective employer maybe a false impression

that the person was rejected for, you know, reasons other than for example the person was, because of this procedure taken, they were disapproved by the Council because of their inability to attend meetings.

I did discuss this with Council Services, Mr. Raatz, maybe some, you know, working on some other way we can, I guess, you know, soften this if you will. And so, anyway it's a work in progress.

CHAIR KING: Okay.

COUNCILMEMBER MOLINA: But hope to take it up.

CHAIR KING: We'll put it on your shoulder since it comes out of your Committee. But, I think--

COUNCILMEMBER MOLINA: Bring it on.

COUNCILMEMBER KAMA: Thank you.

CHAIR KING: --the language can be changed without going through a major, you know, Council rule change.

COUNCILMEMBER MOLINA: Thank you.

CHAIR KING: Thank you. Okay, so with the understanding that this is a person who withdrew his name because of the commitment, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Measure carries nine to zero.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-139.

COMMITTEE REPORT

NO. 19-91 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 19-140, entitled "REMOVAL OF RONALD KIMBALL FROM THE COST OF GOVERNMENT COMMISSION," be ADOPTED.
2. That County Communication 19-120, from the Mayor, be FILED.

CHAIR KING: Councilmember Molina, again.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-91.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GET Committee met on July 23, 2019, to discuss Mr. Kimball's removal from this particular Commission. And it was again, like the previous item was, Mr. Kimball had indicated to the Administration that he would have a difficult time attending meetings. And he also submitted a verbal statement, as well, to others.

The proposed resolution that was discussed in Committee was revised to reflect a retroactive date of February 11, 2019, consistent with the date of the Mayor's correspondence requesting Mr. Kimball's removal. So, therefore, your Committee voted 8-0 to recommend adoption of the revised proposed resolution. Thank you.

CHAIR KING: Okay. Thank you, Mr. Molina. So, is that, it went, because it goes back to the original date, is that why the term "removal" and not "resignation"?

COUNCILMEMBER MOLINA: I, I believe that was the case, Madam Chair. Thank you.

CHAIR KING: Okay. Cause basically we're just removing the nomination, not necessarily removing the person. Okay.

Any other comments or questions? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero. That might be another one. We need to work on that kind of language.

Okay. Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-140.

COMMITTEE REPORT

NO. 19-92 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-141, entitled "AUTHORIZING SETTLEMENT OF JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY V. COUNTY OF MAUI, ET AL., CIVIL NO. 18-1-0234(2)," be ADOPTED.

CHAIR KING: Okay. Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT COMMITTEE REPORT NO. 19-92.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Vice Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. This Committee Report has to do with a complaint alleging negligence by the County and the State while Mr. Firth was in their custody, resulting in injuries and damages to Mr. Firth, and loss of companionship for his mother.

Following an executive meeting, your Committee voted 8-1 to recommend adoption of the revised proposed resolution authorizing settlement. Thank you.

CHAIR KING: Okay. Any other questions or comments? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Okay. Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-141.

COMMITTEE REPORT

NO. 19-93 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 43 (2019), entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3061 (2002), WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP, FROM PROJECT DISTRICT 5, SINGLE-FAMILY AND AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 44 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO WAIKAPU COUNTRY

TOWN DISTRICT SITUATED IN WAILUKU, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill 45 (2019), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN (WCT) DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the unilateral agreement; and
5. That County Communication 19-95, from Councilmember Tamara Paltin, be FILED.

CHAIR KING: Okay.

COUNTY CLERK: And for the, for the record, Members, we also have before us County Communication 19-325.

NO. 19-325 - TAMARA PALTIN, COUNCILMEMBER,
(dated August 1, 2019)

Transmitting an amendment to the proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN (WCT) DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII".

CHAIR KING: Right. That was deferred from earlier, so that's an amendment.

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 19-93.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR KING: Okay, moved by Councilmember Tamara Paltin, seconded by Councilmember Sinenci.

Ms. Paltin.

COUNCILMEMBER PALTIN: The PSLU Committee considered proposed bills to grant a Community Plan Amendment and Change in Zoning for the Waikapu Country Town Project. The Change in Zoning is to a new zoning district entitled "Waikapu Country Town District".

Since this is a new zoning district, the Committee also established a bill to establish the new zoning district. The Committee recommended revisions for all three bills. For the Change in Zoning bill specifically, the Committee recommended amendments to the Conditions of Zoning.

I'd like to call the Members attention to County Communication 19-325 in which there is an Amendment Summary Form describing further amendments to the Condition of Zoning that I'd like to propose. And the reason that I'm making, I'm proposing these amendments is after we went through the Committee and it passed out, I was approached by the project consultant Michael Summers and developer Michael Atherton, and they had looked over the Conditions of Zoning and they wanted to further amend them. So, we met about a week or so ago and we talked about all the amendments. And I believe we came up with something we're both happy with, so I'd like to present that to you at this time.

For my amendments, I'm going to be doing each one separately so it's clear and transparent. And I don't want to assume that we want to take it all and give folks the opportunity.

CHAIR KING: Okay. And these are, these are codified in Exhibit "C" of that communication, County Communication--

COUNCILMEMBER PALTIN: Yea and then--

CHAIR KING: --on 19-325?

COUNCILMEMBER PALTIN: And then there's also an Amendment Summary Form.

CHAIR KING: Okay. Oh, I see. Okay. You want to work off the Amendment Summary Form?

COUNCILMEMBER PALTIN: Yea.

CHAIR KING: Okay. So, that's in County Communication 19-325, that we deferred earlier. And the Amendment Summary Form starts on, well, it's the second page in Granicus but it's labeled page 1.

COUNCILMEMBER PALTIN: Yea.

CHAIR KING: I think--

COUNCILMEMBER PALTIN:

SO, FIRST I'D LIKE TO MOVE TO AMEND THE DEFINED LANDOWNERS AS REFLECTED AT THE TOP OF THE CONDITIONS OF ZONING ATTACHED AS EXHIBIT "C" AND EXHIBIT "3" TO EXHIBIT "D" OF THE CHANGE IN ZONING BILL BY CORRECTING THE NAME OF THE WILLIAM S. FILIOS SEPARATE PROPERTY TRUST DATED APRIL 3, 2000.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved and second; moved by Member Paltin, seconded by Vice-Chair Rawlins-Fernandez.

Ms. Paltin, you want to speak to the motion?

COUNCILMEMBER PALTIN: Sure. This is just, you know, correcting the name of the William S. Filios Separate Property Trust.

CHAIR KING: Okay. So, the what, what's written here is the correct name? Okay. Any questions or comments? If not, all those in favor of the amendment on the floor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Measure carries nine, zero.

Ms. Paltin.

COUNCILMEMBER PALTIN:

SECOND, I'D LIKE TO MOVE TO AMEND CONDITION 16 OF THE CONDITIONS OF ZONING, RELATING TO THE AGRICULTURAL EASEMENT, BY INSERTING A NEW THIRD SENTENCE TO READ AS FOLLOWS: "THE FOLLOWING NON-COMMERCIAL OPEN LAND RECREATION USES ARE ALLOWED ALONG THE FIFTY-FOOT PERIMETER OF THE PRESERVE: HIKING, EQUESTRIAN ACTIVITIES, GREENWAYS, MOUNTAIN BIKING, AND ACCESSORY RESTROOM FACILITIES."

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay. Moved by Member Paltin, seconded by Member Sinenci.

Ms. Paltin.

COUNCILMEMBER PALTIN: So, we discussed, you know, that in, in being a walkable community and like that, while it might not be good to have folks going through the agricultural productions, it, it would be kind of cool to have them be able to walk around the, the fifty-foot perimeter of the preserve. And we both agreed that would be, that would be kind of a cool addition to this Country Town District and so the amendment.

CHAIR KING: Okay. Any questions or--

Councilmember Hokama, question?

COUNCILMEMBER HOKAMA: The preserve is still under the ownership of the developer, Chair, Ms., Ms. Paltin.

CHAIR KING: Ms. Paltin.

COUNCILMEMBER PALTIN: It's, the easement is going to be held by Hawaiian Islands Land Trust, but I believe the ownership is, is--

COUNCILMEMBER HOKAMA: So, who gets sued? The County gets sued since it's a government easement?

COUNCILMEMBER PALTIN: It's a Hawaiian Islands Land Trust easement.

CHAIR KING: It's a, it's a private, well, it's a agricultural easement held by the Hawaiian Island Land Trust.

COUNCILMEMBER HOKAMA: So, they are the responsible--

CHAIR KING: They would be responsible--

COUNCILMEMBER HOKAMA: --party for liability.

CHAIR KING: --for the easement. But the ownership stays with the landowner.

COUNCILMEMBER HOKAMA: Who gets sued, Mr. Kushi?

CHAIR KING: What was the question, Mr. Hokama?

COUNCILMEMBER HOKAMA: Who goes to court if there's some problem from the easement?

CHAIR KING: Mr. Kushi.

We have the developers here.

COUNCILMEMBER HOKAMA: Somebody gets hurt; somebody rides his horse, his horse falls, breaks its leg, you gotta kill the horse, the rider is injured. Who gets sued?

FIRST DEPUTY CORPORATION COUNSEL EDWARD KUSHI, JR.: Madam Chair, I don't, I don't understand your question. Repeat it again please.

COUNCILMEMBER HOKAMA: The amendment is to allow equestrian activities in the easement. So, the guy riding his horse. His horse trips, breaks his leg, you gotta destroy the animal. The rider gets injured. Who does the party take to court?

FIRST DEPUTY CORPORATION COUNSEL: Well, in any easement there's a grantor and a grantee, and their responsibilities are on either side. And usual, the case, the grantor is the owner of the property. However, as I understand in this case, the grantor is not the owner of the property, if I'm, if I'm correct. And the easement will be documented in the form of a unilateral agreement on a separate property which is not subject to this zoning ordinance.

CHAIR KING: Mr. Hokama, would you like us to bring the developer up to address your question? Or is it, the team is here, so there might be somebody on the team. This, and then to note too this is non-commercial activity.

COUNCILMEMBER HOKAMA: Well, that's a, you can fool me on many things but not many things. So, yea, I'll happy to hear this, their rationale for a last-minute amendment.

CHAIR KING: Okay. If there's no objections, can we bring up--

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Let's see, who, who would like to come down and answer the question? Mr. Summers?

COUNCILMEMBER HOKAMA: Who asked for the amendment?

CHAIR KING: And then just for the record, please state your name and your position.

MR. MICHAEL SUMMERS: Sure. My name is Mike Summers, Planning Consultants Hawaii. So, yea, this agricultural area, 877 acres, it's in the State Land Use Ag District and the County Ag District. Open land recreation is a permitted use in the Agricultural District, so it would be something that would be very unusual to not allow open land recreation in the Agricultural District. It has a permitted use. It's a common use on the agricultural land.

So, if you go back to kind of the original master planning for this project, we always showed perimeter trails around the, this area that's subject to the conservation easement. And the reason for that was because, you know, these are long linear agricultural areas that cover a broad sloth of area. And in order to create a more interconnected community, a healthier community to provide the opportunity for farmers to interact with people from our community, it seemed like a good idea to create kind of a more livable environment.

So, it was a concern when we saw this condition, because we were like, hey, you know, we've represented that we'd have eight miles of pedestrian hiking and biking trails. And it was kind of a key feature of our project. And we thought it was just unusual that, you know, in this case non-commercial activities at the very perimeter of the, of the preserve would be permitted. So, that's the reason for the requested change.

CHAIR KING: Okay. And then can you address the issue of liability--

COUNCILMEMBER HOKAMA: So, answer the question.

CHAIR KING: --that Mr. Hokama. His, his question is if there's accident or injury on the property, who is liable? Is it the Land Trust or is it the landowner? Or is it the person who rides their bike on your property?

MR. PAUL MANCINI: Good morning. My name is Paul Mancini and I've been working with Mr. Atherton, the group, I guess for 12 years on this project. This will be an easement from the landowner to the Maui Land Trust. The monitoring of the activities will be by the Trust. It becomes an encumbrance on the land. Although the fee simple land will remain in the applicant here, the monitoring of the covenants, all of the covenants under the easement will be under the Trust. And there'll be an ongoing relationship with regard to the monitoring by the Trust, the farmers, and the owners. I think, as Mike Summers indicated, there was some logic to have this, this change on the perimeter for the overall ambience and the activity there.

We've been working with the Trust for approximately two years now on the Trust document. And we needed this to finalize it, because obviously the Council has a condition that'll be in, put onto the Trust consistent with this. So, I'll be happy to answer other questions, Councilman Hokama, if you have a question. But it will be a grant like any other easement, the right to use. The, the land will be in perpetuity for agriculture and will be subject to that monitoring by the Trust. We will not, the owner will not be doing the monitoring, but will have a relationship with the Trust to make sure that the leasehold owners, the farmers as therein comply with the conditions of the Trust and the conditions of the unilateral agreement.

CHAIR KING: Okay. Thank you.

MR. MANCINI: Any questions I'd be happy to answer.

CHAIR KING: Okay. Thank you, Mr. Mancini. Councilmember Hokama, did that answer the question?

COUNCILMEMBER HOKAMA: No, but that was a good narrative. So, on the easement, why would you ask for accessory restroom facilities if it's just an easement?

MR. MANCINI: Well, I think--

CHAIR KING: Mr. Mancini.

MR. MANCINI: --Mr. Summers might answer the questions about the nature of what is necessary in the area rather than myself. That's a, that's a planning issue.

COUNCILMEMBER HOKAMA: Well, for Mr. Summers, my question is after 12 years and after the Committee worked hard, cause I was paying attention to Ms. Paltin's meetings, it get pushed out, now you come up with this kind amendments? Why didn't you bring it up during the Committee's review, before they voted on the matter?

CHAIR KING: Mr. Summers.

COUNCILMEMBER HOKAMA: They were very open, what was the conditions of approval. You come after the fact of the Committee's decision. Why didn't you say you guys have issues.

MR. SUMMERS: Well, thank you very much. And I do appreciate the due diligence that the Committee did in, in the context of reviewing this project. I think, you know, for us, you know, it was, you know, in the context of our master plan, again, for the last 10 years we've always shown perimeter trails around the agricultural preserve. And you know, in fact, this is something that the County of Maui has worked on to try to work with agricultural landowners to create opportunities for kind of more interconnected communities. So, we always thought, thought that that was an important planning principle to be incorporated into the project.

I think it was, you know, after sitting down and really reviewing some of the changes that took place to some of these conditions; kind of digesting them that we saw that hey, you know, this is going to take away that opportunity. And so, we thought it was a positive thing for the project and positive for the community and certainly something that would be worth sitting down and discussing with the Members to see if they agree with that. So, that's the reason--

COUNCILMEMBER HOKAMA: Not at Council meeting. At Committee meeting I would agree with you, but not at the Council.

MR. SUMMERS: So, that's, that's my explanation for that, yea.

COUNCILMEMBER HOKAMA: Thank you.

MR. SUMMERS: Yea.

CHAIR KING: Okay. Any other questions, comments?

Councilmember Kama.

COUNCILMEMBER KAMA: I, I don't know if I got the answer to that. Did anybody else get the answer?

CHAIR KING: What answer?

COUNCILMEMBER KAMA: The answer was, who gets sued if somebody gets—

CHAIR KING: Question, oh the question of liability?

COUNCILMEMBER KAMA: Yea.

COUNCILMEMBER HOKAMA: Nobody answered.

CHAIR KING: So, I--

COUNCILMEMBER KAMA: Well, I, I don't know. Maybe, I'm the only one who didn't get it.

CHAIR KING: Is that your question? Would you like to ask that question, or you?

COUNCILMEMBER KAMA: Yea, okay. That was Riki's question.

CHAIR KING: So, I guess the question is for Mr. Mancini of who, who's liability is it if there is, you know, some of this activity; horseback riding, biking, if there's an accident is it the landowner, the Land Trust, or the individual farmer

MR. MANCINI: The responsibility will be the landowner will have insurance on the property to cover all aspects of activity on the property as is normal. The Land Trust probably will have insurance of its own because they have got some monitoring responsibility and I think they would want to have coverage of their responsibilities.

And from time to time, even lessees have a responsibility under their leases for insurance. I, I can't recall whether the existing leases have that. So, each party will have responsibility for their activity. And of course, if their activity is negligent, then

their responsibility for their negligence in it. And most people who have activity, get underwriters to make sure that they are covered for that. That's the best I can explain the situation.

CHAIR KING: Okay. Alright, thank you. Any other questions? Do you have a question for the developer?

COUNCILMEMBER SUGIMURA: Yes. So, Mr. Mancini.

CHAIR KING: Okay. Hold on. Just, just, can you come back down Mr. Mancini? We have one more question for you. Sorry about that.

Ms. Sugimura.

MR. MANCINI: Sorry. I thought I was, I thought I was dismissed.

COUNCILMEMBER SUGIMURA: Good morning, Mr. Mancini. Nice to see you here.

MR. MANCINI: Good morning.

COUNCILMEMBER SUGIMURA: I guess just to summarize, so you're saying the, what everybody's trying to get to is, so the County will have no liability? That's what everybody's wondering.

MR. MANCINI: Unfortunately, you're correct. I don't know any liability with the County in this, in this situation. The County is not a party. The County passes an ordinance, the ordinance basically will be adhered to by the landowner and people under the landowner, and the County is, in my mind, not a party to any of the . . . agreements.

CHAIR KING: Okay. Thank you. I think we, we find that fortunate; not unfortunate. Is that, is that all your questions?

COUNCILMEMBER SUGIMURA: That's it.

CHAIR KING: Okay.

MR. MANCINI: Am I dismissed?

COUNCILMEMBER SUGIMURA: You're dismissed.

CHAIR KING: Any other questions for Mr. Mancini?

COUNCILMEMBER SUGIMURA: For a little while.

CHAIR KING: Okay. Thank you. Okay, any other questions on this, this amendment? If not, I'll call for the question. All those in favor of the second amendment, say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND VICE-CHAIR
RAWLINS-FERNANDEZ, CHAIR KING.

CHAIR KING: Any opposed?

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay. Measure passes eight "ayes", one "no"; Mr. Hokama.

Ms. Paltin.

COUNCILMEMBER PALTIN:

OKAY, THIRD, I'D LIKE TO MOVE TO AMEND CONDITION 22 OF THE CONDITIONS OF ZONING, RELATING TO THE INFRASTRUCTURE DEADLINE, BY: STRIKING THE LANGUAGE: "FEBRUARY 26, 2018, THE DATE OF THE STATE LAND USE COMMISSION DECISION AND ORDER APPROVING PETITION A15-798,;" AND INSERTING IN ITS PLACE THE FOLLOWING: "THE DATE OF THE FIRST FINAL SUBDIVISION APPROVAL."

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Paltin, seconded by Councilmember Sinenci.

Ms. Paltin.

COUNCILMEMBER PALTIN: As I was approached by the developers and his team, you know, the length of time from the process, it would just be easier for them. And I, I, you know, based on the, the applicants project and, and, and the way that we like to see developers come to the, the community with these types of projects, I thought it would be appropriate. And, and you know the length, there's a lot of things that can

happen in the course of getting the further approvals and permits that are needed, so I, I didn't see a problem with it myself. But, other people might.

CHAIR KING: Okay. Thank you, Ms. Paltin.

Any other comments or questions on this?

Councilmember Hokama.

COUNCILMEMBER HOKAMA: So, for Ms. Paltin, you, the amendment, I'm more concerned about when they're going to do the work. So, will the amendment help us get the infrastructure sooner or will this allow it to be deferred even longer than the 10 years?

COUNCILMEMBER PALTIN: It could be longer, but it would be before the date of the first final subdivision approval.

COUNCILMEMBER HOKAMA: Would you mind if I ask someone who can speak for the applicant?

CHAIR KING: Okay. Mr. Summers, can you--

COUNCILMEMBER HOKAMA: Regarding the difference of timing on delivery of--

CHAIR KING: Yea, I think, and, and for the record, the original date that's on there was put on according to the State Land Use decision. So, this recognizes the length of time between that decision and when they might get their first, their subdivision approval.

Mr. Summers.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Yea, for me, I want the infrastructure sooner than later. So, your proposed language now is to defer it longer than the February 2028 date?

MR. SUMMERS: Well, let me, yea, let me address that. We have a condition with the State Land Use Commission to essentially comply with the February, what is it?

COUNCILMEMBER HOKAMA: February 26.

MR. SUMMERS: Right. And that was based upon our approval from the State Land Use Commission.

COUNCILMEMBER HOKAMA: Right.

MR. SUMMERS: That's a 10-year infrastructure deadline. So, this condition, which you know is a County condition, was taken from the State Land Use Commission. And the reality is, is that, you know, that approval occurred 18 months ago and we're still in the process of getting entitlements. And, in all likelihood it'll probably require some additional time to have this resolved. And then of course, you have to go through subdivision, which will require at least another year. So, the reality is, is that you're not going to be even initiating any kind of infrastructure improvements until after three years have lapsed in the context of that State Land Use Commission approval.

And if you look at this condition, it talks about like development of the internal roadways, the off-site improvements, the internal improvements, including internal roadways. So, it's really a condition that's going to be very difficult to meet. And given the fact that we will likely have to go back to the State Land Use Commission, request an extension on that 10 years deadline. To go back to the County Council and have to go through that process would be very time-consuming; could cost project delays. So, that's what we're concerned about.

COUNCILMEMBER HOKAMA: So, you knew when the Land Use Commission gave you that ten years you guys wouldn't be able to make it then?

MR. SUMMERS: Well, we didn't anticipate that it would take, you know, two years to get through this process as well. So, you know, we're trying to be pragmatic. That's kind of a standard condition of the State Land Use Commission.

COUNCILMEMBER HOKAMA: Well, we're trying to be planners too, yea, Mr. Summers.

MR. SUMMERS: Right.

COUNCILMEMBER HOKAMA: We see this as a big component of a regional development of Central Maui. So, for us, the infrastructure right now is priority one. We need those roads.

MR. SUMMERS: Right.

COUNCILMEMBER HOKAMA: Before you start building anything else.

MR. SUMMERS: That's true. Well, the way the condition is worded, we wouldn't be able to achieve a subdivision until we have our, you know, comply with this condition, so.

COUNCILMEMBER HOKAMA: You mean to tell me, so what, see, because it's tied into Condition 23, yea. Cause my understanding is and you have to develop in substantial compliance to what you present to us at the Council, okay. So, my understanding was the roads was supposed to be coming. Now you're telling me that we're not going to get the roads on a, within the timely basis of the project? Cause then you screwing up everything else within Central Maui and getting in Wailuku, getting to Kahului. You're going to be the knot in the system.

MR. SUMMERS: Yea, I wouldn't, I wouldn't characterize it that way. I think we're going to have to develop an agreement with the County Department of Public Works which will specifically identify when the roads will be developed, so.

COUNCILMEMBER HOKAMA: No, we, Public Works would tell you what Council wants, yea. We want the roads.

MR. SUMMERS: Yea, I appreciate that.

COUNCILMEMBER HOKAMA: The house is important, but without the road, you ain't going to get the people to the house. And we don't need everything going through Waikapu, okay. My family lives there, okay. I know what it's like. I've seen it when it was in its glory days with sugar, okay.

Your project is great. I've supported in generality but you know, you're making things for me kind of upsetting right now because last minute conditions where you're changing your presentation to Council on what is or isn't going to be the project. And for Council's only hammer in the end is whether we feel if you fail to develop the project in compliance, we're going to revert your zoning back to the original.

MR. SUMMERS: And, and we don't have any problem with that condition.

COUNCILMEMBER HOKAMA: Yea, because it's a project district already.

MR. SUMMERS: Right.

COUNCILMEMBER HOKAMA: Okay. So, I don't know if you've pulled the wool over the Council or what on this one.

CHAIR KING: Any--

Councilmember Lee.

COUNCILMEMBER LEE: This is highly unusual for us to go through these, this many amendments at this stage. But, as far as I'm concerned you did have a lengthy discussion with the Chair of the Committee. And so far, none of these amendments seems to be substantive to the point of changing the project itself.

I agree with Mr. Hokama that this is highly irregular. But, I, I do part company with him in that this has taken 12 years and if it goes back to Committee it's just going to take much longer, even though that is the proper protocol. So, I'm, I'm willing, Madam Chair, to continue with this even though it's a little contentious, let's go, let's finish up your proposals and see if the other Councilmembers agree.

CHAIR KING: Okay.

COUNCILMEMBER LEE: Thank you.

CHAIR KING: Thank you. And then, and this doesn't, just to clarify, this doesn't mean that you will, you're going to, you aren't going to do the infrastructure first. It's just giving the extra leeway because it's taken, because of the time it's taken between the Land Use Commission decision and getting it out of Council. Is that the--

MR. SUMMERS: That's correct, yea.

CHAIR KING: Okay.

MR. SUMMERS: That's correct.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: Can I ask a question?

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Summers. So, this is a, kind of focal point for me cause it's infrastructure. And it's important, as I know it's, you know, roads, wastewater, water, I mean, it's kind of a biggie for the project in general to, before you can build your first house. So, what is your anticipated date of the first final, first final subdivision approval? What, what are you anticipating?

Let's say if you get the approval today, you have to, you know, go back to Land Use, what is your anticipated dates? Cause maybe we can look at a date from here to whatever, to give it a date certain so we're not hanging out there like some of the other projects that we saw from the Housing Department that just kind of fell off the radar

and was not doing anything because of the problem. So, can you give me a date or an estimate?

MR. SUMMERS: Well, I can just say that, that you know obviously we won't be able to build any, any housing until we get certain components of the infrastructure, such as water and wastewater. And then thereafter, you know, we'll, we'll be required to sit down with Public Works and work out a infrastructure development schedule so that we don't have impacts on the community, those impacts get mitigated. So, this will be orchestrated with the County agencies.

But assuming we have the infrastructure and if you just look at a timeline looking at, you know, how long it takes to get subdivision approvals and what it would take to get building permits. You know, it could be three or four more years before we can actually start developing a neighborhood. Building permits can take a year to prepare the building permits, prepare the construction plans, get it through the agencies. Same thing is true with the subdivision application; you have to prepare them, the sub, you know, the subdivision applications. You have to comply with all the infrastructure requirements. So, it's not something you can do overnight. So, I mean, I would say that, you know, if we had the infrastructure and we were just starting out, it would probably be 2022, 2023, before we can start building homes.

COUNCILMEMBER SUGIMURA: So, 2022 is more--

MR. SUMMERS: That would just be an estimate.

COUNCILMEMBER SUGIMURA: --more reasonable date?

MR. SUMMERS: Well, no. That would be to start, like, even the first increment of a, of a project, yea.

COUNCILMEMBER SUGIMURA: Will the infrastructure be started at that point?

MR. SUMMERS: Yea, you would have to have infrastructure in place. You'd have to have wastewater and water.

CHAIR KING: Infrastructure has to be built first. That's in the conditions. This is just pushing out that date because--

COUNCILMEMBER SUGIMURA: That's what I'm asking. So, the 2022 is your best guess where you're going to get your infrastructure?

MR. SUMMERS: Where you could start building out a neighborhood, yeah. Because you can't build anything until you get a building permit. And you can't get a building permit till you have a subdivision approval.

COUNCILMEMBER SUGIMURA: And I believe that the, this date was tied to a 10 year, the State Land Use gave you 10 years? So, it was 10 years from February 26, 2018? And 10 years forward was when you had to, is what they gave you, correct?

MR. SUMMERS: Yea, that's true.

COUNCILMEMBER SUGIMURA: Okay. So, would you be, would you be agreeable to adjusting the date so it would be more realistic with what you're seeing today rather than it being kind of open ended? So, it would give the County some urgency with working with you and maybe doing, I mean, I really would love to see us participate in some way to do a CFD or some, some other way so that we can help this project along. But, what is your thought, or maybe you could ask Mr. Atherton?

MR. SUMMERS: Well, I mean, the real, I mean, the reality of it is that when you get a subdivision approval, and a lot of the conditions, if you go back and look at this long list of conditions, you know, they're tied to the first subdivision approval. So, for example, if you look at the transportation conditions is tied to, you know, you can't have a first subdivision approval until you meet these conditions, right. So, once you get your subdivision approved, then you can start actually developing, right; putting in housing or commercial uses. There's going to have to be infrastructure developed before you even start building the housing, right. So, I mean, the reality is, is that this infrastructure is going to be developed once we get a subdivision approval, we'll be developing infrastructure. And then from that course on, depending upon the market demand, the infrastructure will be built over time.

So, in the context of, you know, is 10 years reasonable to build out all the internal roadways? The idea was that once you get the subdivision approval and you can actually start building roadways, maybe that's a good time to start tracking that 10 years; to build all the internal roadways.

COUNCILMEMBER SUGIMURA: So, you're saying from 2021, 10 years forward is--

MR. SUMMERS: Well--

CHAIR KING: No, we're saying that--

MR. SUMMERS: I mean, you could do it that way.

CHAIR KING: --the proposal is from the time they get the final subdivision approval, which comes from Public Works. So, you know, it's incumbent upon the County to get these approvals done so that we can get affordable housing finished. And the Council can't push Public Works. So, that's, we don't have a date certain for that.

COUNCILMEMBER SUGIMURA: So, I'm looking for some kind of way of assisting.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: So, is there a date certain--

CHAIR KING: Okay. So, noted.

COUNCILMEMBER SUGIMURA: --that you would be--

CHAIR KING: Councilmember Kama, you have a question?

COUNCILMEMBER KAMA: Yes, I did. I wanted to know what can we do besides this kind of stuff? I mean, who do we need to push? I mean, if we gotta push, we should push.

CHAIR KING: Public Works.

COUNCILMEMBER KAMA: I just need to know who to push. And let's just go do that because this project, I mean, I was talking to Mr. Atherton before I got in this seat. Two years before, I was talking to him about this project. And here I am, and I'm thinking I'm not even going to be here when this project will probably actually take place. And all of this housing that we can have for our people is not going to materialize. It's like, Chair, I'm kind of like frustrated. So--

CHAIR KING: I feel your pain, but I think that--

COUNCILMEMBER KAMA: I know. So, let's just go ahead and pass this.

CHAIR KING: Right.

COUNCILMEMBER KAMA: And take care of this and then we'll have a discussion with Public Works. Thank you, Chair.

CHAIR KING: Okay. Thank you. Okay, any other comments?

Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Not so much a comment, but just a question. So, it sounds like the infrastructure and everything else seems to be the concern. Are you able to give us maybe a date instead of just using first final subdivision approval? Would that, is that something you guys can I guess target? A target date rather based on the approval of the--

MR. SUMMERS: I mean, like I said--

COUNCILMEMBER MOLINA: I'm just asking.

MR. SUMMERS: I mean I would estimate that, you know, that probably realistically you're looking at, you know, probably around 2021 or 2022, if we're fortunate, to getting a subdivision approval. There's a, there's a whole lot of things that need to take place to get to the final subdivision approval, including meeting infrastructure demands. So, that's kind of a guess. I would, I would guess that that would be the case; it's probably going to take at least two years longer than what the State Land Use Commission's condition represents.

COUNCILMEMBER MOLINA: Something to the effect of by December 2021.

MR. SUMMERS: Yea, I mean that would--

CHAIR KING: We won't know that until--

MR. SUMMERS: That would be my estimated guess.

CHAIR KING: --Public Works gives them that permit. That's the problem--

MR. SUMMERS: Just bear in mind it's already been, you know, almost two years since we got the DBA from the State Land Use Commission.

COUNCILMEMBER MOLINA: Okay. Alright, thank you. Thank you, Madam Chair.

CHAIR KING: Yea, we, you know, we, we are at the mercy of the Administration and the Departments. And, you know, personally I think the Departments understand the importance of affordable housing; that we need to move these kinds of projects forward. Council has been holding up Public Works from moving forward on it, because we haven't passed it out of Council. This has been sitting on, as Councilmember Kama noted, this has, this was before I even got on the Council the last term. It was sitting on the books.

So, anyway, I'm going to, I'm going to go ahead and call for the question, unless there's another, you have another question, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yea, I just want to ask Mr. Have you already gone in for preliminary subdivision review and approval, Mr. Summers?

MR. SUMMERS: No, we have not.

COUNCILMEMBER HOKAMA: Okay.

CHAIR KING: Okay.

COUNCILMEMBER HOKAMA: So, so, Chair, just my last part on the motion, yea. I'll, gee, you know, gosh, I'm kind of torn on this one, because, you know, I had hoped, you know, we as Council, we've learned over the years, you were part of the County one time, yea? So, you know we've granted a lot of entitlements with conditions like this with this kind of narrative verbiage, and all it's done through the decades is still have this County owed by developers.

For me, it's over 5,000 affordable units that still need to be constructed, but there's no trigger on timing to force the construction of those units. That is why we're asking for something more than a verbiage; some kind of date that holds the hammer on us, as well as you. And if the Mayor's pronouncements is accurate in his support of housing, then I would think his people are listening and saying we need to then review the applications more efficiently and more comprehensively in a reasonable time frame that you guys should be recommending; 30 days, 60 days, whatever it be.

But for me, my disappointment is I don't think we're ever going to collect those 5,000 affordable units the County is owed by . . . big developers, okay. So, for me, you can understand why I want a date certain. Cause other than that, I'm going to be like Ms. Kama, one . . . I'll be dead by the time you build your first house. Thank you, Chair.

CHAIR KING: Okay. Councilmember Paltin, followed by Councilmember Lee.

COUNCILMEMBER PALTIN: I just wanted to add, you know, that I've had the opportunity of working with Mr. Atherton. And you know, for our Committee, we, as soon as we got the bill, we put it on the agenda, and then we were held up by a few months by the budget. And in the process of working with the developer, certainly I would have hoped that these things would have come up in Committee, but we're all human.

And I think, for me, what I noticed is that Mr. Atherton listens to people and he's very motivated. They, somebody didn't sign the papers correctly, they sent someone flying

out overnight, met a 9 a.m. deadline. So, to speak to Mr. Vicens testimony, I feel like, you know, we're just trying to do what we can to move housing forward for our people. And for me, certainly I would not be someone to put something without a date forward. But, in this case and the history of working with the developer and him holding up his end of the bargain, I'm willing to take a chance this one time.

CHAIR KING: Okay. Thank you.

Councilmember Lee.

COUNCILMEMBER LEE: Thank you, Madam Chair. I just want to say to the developer that, you know, we are, I guess most of us are in support of your project. But, it's very irritating that we have to deal with all of these details at this time.

Okay, with that being said, I want to also say that as the former Housing Director, I have seen the hundreds of projects come through my office. And oftentimes, I will advise them not to commit to specific dates as deadlines. And the reason why is because it's not only the County that has jurisdiction over this project. You're going to have to have approvals from DOH on the private sewer system. You're going to need approvals from CWRM, the State Water Commission and, and possibly other State agencies who could also hold up this project. And there are a number of things that, that are unforeseen when it comes to a project of this massive size. So, I would caution you to, to not commit because more than likely you can't keep it. So, because you, you're at the mercy of many, many entities, so it's important that we be realistic about moving forward. Thank you.

CHAIR KING: Thank you, Ms. Lee. And I think that's why it's taken so long as well, because of that. But, you know, I see this amendment as putting the onus on the Public Works Department, on the Administration to move this forward. Because if this is dependent on that permit approval, the final subdivision approval, then, you know, they need to get going on that so we can get this deadline started.

I think in my dealings with the developer, I believe that they, you know, they're not trying to just throw a project out there with uncertain deadlines because they don't want to do it. They've been trying to do this thing for the last three years. So, I don't think they're going to stall this anymore than they, than the County will. I think if this is going to be held up, it's going to be held up by the County and it won't be their fault. I mean, they've been trying to get this through the Council for the last two and a half years. So, I would be in favor of just moving this forward. Let's get through these amendments and let's give them the, the greenlight to start working with the County Administration.

Councilmember Kama.

COUNCILMEMBER KAMA: Last comment. It's urgent across the entire State, this housing issue. So, land use, water, public utilities, everybody, we all should be on board with this; everybody across the State and across the County. So, if we are doing our part to push, then Public Works has to push wherever they got to push, then Planning gotta push where we gotta push. But we all gotta push, because if we don't push, whoever it is that's at the end that gets to have the final say so is just going to wait. So, the push gotta come from someplace. And if it comes from us, then we just keep pushing. That's a lot of housing that's just going to sit there for years, and years, and years. And as the Housing Chair, as long as I'm here, we're going to keep pushing. Amen, everybody? Amen. Thank you.

CHAIR KING: Okay. Okay and with that I'll call for the question on the third amendments. All those in favor, say "aye".

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA,
PALTIN, SINENCI, SUGIMURA, AND VICE-CHAIR
RAWLINS-FERNANDEZ, CHAIR KING.

CHAIR KING: Any opposed?

NOES: COUNCILMEMBER HOKAMA.

CHAIR KING: Okay. Measure passes eight to one; Mr. Hokama voted "no".

And back to Member Paltin.

COUNCILMEMBER PALTIN: Okay, third, I'd like to move to amend Condition 22 of the Conditions of Zoning, relating to the, oh sorry.

FOURTH, FOURTH, I'D LIKE TO MOVE TO AMEND THE THIRD SENTENCE OF CONDITION 25 OF THE CONDITIONS OF ZONING, AS IT RELATES TO THE USE OF THE 270-ACRE AGRICULTURAL PRESERVE, BY: STRIKING THE LANGUAGE: "AS FOLLOWS: PRINCIPAL USES: NO ANIMAL SALES YARDS ARE ALLOWED; ACCESSORY USES: ONLY THE FOLLOWING ACCESSORY USES ARE ALLOWED: TWO FARM DWELLINGS PER LOT; SMALL SCALE ENERGY SYSTEMS, SMALL-SCALE ANIMAL-KEEPING; AND PARKS FOR PUBLIC USE. THERE SHALL BE NO MORE THAN TWO FARM DWELLINGS ON EACH LOT, AND THERE SHALL BE NO FARM LABOR DWELLINGS."; AND INSERTING IN ITS

PLACE THE FOLLOWING: "TO THE PERMITTED PRINCIPAL USES IN THE COUNTY'S AGRICULTURAL DISTRICT AND TO ONLY THE FOLLOWING ACCESSORY USES: TWO FARM DWELLINGS PER LOT, ONE OF WHICH SHALL NOT EXCEED 1,000 SQUARE FEET OF DEVELOPABLE AREA; STORAGE, WHOLESALE, AND DISTRIBUTION FACILITIES ASSOCIATED WITH AGRICULTURE IN THE COUNTY; PROCESSING OF AGRICULTURAL PRODUCTS; SMALL-SCALE ENERGY SYSTEMS, SMALL-SCALE ANIMAL-KEEPING; NON-COMMERCIAL OPEN LAND RECREATIONAL [S/C] USES; AND OTHER USES THAT PRIMARILY SUPPORT A PERMITTED PRINCIPAL USE, PROVIDED THAT SUCH USES SHALL BE APPROVED BY THE APPROPRIATE PLANNING COMMISSION AS CONFORMING TO THE INTENT OF THE COUNTY'S AGRICULTURAL DISTRICT."

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay. Motion and do we have a second? Is there a second? Oh, I'm sorry. Okay, moved by Councilmember Paltin, seconded by Councilmember Molina.

Ms. Paltin.

COUNCILMEMBER PALTIN: So, this condition had related to the upper portion and it's not within the, the zoning district change. But, similar to how the Land Use Commission placed additional conditions based on the representation that was made to them, we also placed additional conditions based on the representations made in the entire project.

The way that it was presented to me, and maybe they can speak to it better, was in looking at the condition. And those 270-acres that would, were to be subdivided into a maximum of five lots, they anticipated ranching as one of the uses. And I guess during the Committee, they didn't scrutinize it as much as they could. And changing it this way would allow for better of the ranching and other uses that they envision for those five lots that encompass the 270-acre agricultural preserve, or, yea.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: And you can call the developer down if I got it wrong.

CHAIR KING: Okay. Well, do we have any questions, other Councilmembers?

Councilmember Hokama.

COUNCILMEMBER HOKAMA: I just wanted to know. Would the current County's sliding scale on agricultural lots have any bearing on this project, Mr. Kushi?

CHAIR KING: Mr. Kushi, or Mr. Hopper.

COUNCILMEMBER HOKAMA: I just want to know how it may impact the, the subdivision of lots under ag.

DEPUTY CORPORATION COUNSEL MICHAEL HOPPER: I, I, Madam Chair, Michael Hopper, Deputy Corporation Counsel. I believe the understanding here is to limit the number of lots that would be allowed separate from the sliding scale, so it would a, create a maximum amount of, of lots that could be created through the subdivision, so this way--

COUNCILMEMBER HOKAMA: Try say that again, please, Mr. Hopper, slowly. They, they asking for a variance from the--

DEPUTY CORPORATION COUNSEL: It's actually--

COUNCILMEMBER HOKAMA: --sliding scale of the current ordinance?

DEPUTY CORPORATION COUNSEL: It would actually be more restrictive than, than the sliding scale would be. That's what the intent is. It would say that they would, if subdivided, the 270-acre area, this is Condition 25 in the existing language, "If subdivided, the 270-acre area shall consist of no more than five lots." So, this condition, I think, based on the representations made by the developer, would limit to five lots even if through the sliding scale they could do more than that.

COUNCILMEMBER HOKAMA: Okay. Provided that it hasn't been subdivided before, right?

DEPUTY CORPORATION COUNSEL: Well, in this case, I don't know if--

COUNCILMEMBER HOKAMA: Cause once you get subdivided, you cannot keep subdividing, subdividing, subdividing?

DEPUTY CORPORATION COUNSEL: Well, if, if you do subdivide once, you have to do what's called a allocation agreement, which specifies you have to, at that point say here's what I'm going to do with the other lots as a maximum. So, you can, I think you

can subdivide again, but you have to declare what your, your lot potential is for all of those areas. But I think in this case, it's going to end up being more restrictive and, you know, it would be good if the developer could speak to it. But it says, "no more than five lots" and, and that this, that these restrictions will be recorded on that property as well.

CHAIR KING: Okay, Mr. Hokama, do you--

COUNCILMEMBER HOKAMA: So, I appreciate that, because my understanding is our Chair, Ms. Paltin, is of the same mind, that's her understanding too, as it impacts the sliding scale of the current County Code. So, I'm fine, Chair.

CHAIR KING: Okay. She's nodding her head. Alright, any other questions about this condition, this amendment? Otherwise, I'll call for the question; all those favor of the amendment as stated by Councilmember Paltin, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero.

And, okay, we're on to the fifth one. I was going to ask Ms. Paltin if we, is everybody okay if we continue with the amendment, if we can take the fifth and sixth amendments together?

COUNCILMEMBER PALTIN: It's okay with me.

CHAIR KING: Okay. Can, okay, can you proceed with the proposal?

COUNCILMEMBER PALTIN: Okay.

FIFTH, I'D LIKE TO AMEND THE CONDITION OF ZONING BY STRIKING CONDITION 26 AND RENUMBERING THE SUBSEQUENT CONDITIONS ACCORDINGLY. I'D ALSO LIKE TO AMEND CONDITION 27, RENUMBERING TO CONDITION 26, THE CONDITIONS OF ZONING BY: STRIKING THE

PHRASE "ALL PRIORITY PROJECTS DESCRIBED" AND INSERTING IN ITS PLACE THE PHRASE "AS DESCRIBED THE FOLLOWING PRIORITY PROJECTS"; STRIKING THE PHRASE "'3," EXCEPT WAIKAPU STREAM PRIORITY PROJECTS #2 AND #3." AND INSERTING IN ITS PLACE THE LANGUAGE REFLECTED ON THE ATTACHMENT TO THIS DOCUMENT, RELATING TO PRIORITY PROJECTS FOR WAIKAPU WATERSHED MANAGEMENT, WAIKAPU STREAM, AND LAND AND CULTURAL RESOURCES; AND RENUMBERING THE SUBSEQUENT CONDITION ACCORDINGLY.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Paltin, seconded by Councilmember Molina.

Ms. Paltin, do you want to speak to the motion?

COUNCILMEMBER PALTIN: I think it might be faster to just let the developer's representative to explain it.

CHAIR KING: Okay. Mr. Summers, can you explain the motion, the amendment to strike Condition 26, which I think we discussed in Committee. I don't know why that didn't get stricken. But, and then the changes that were proposed for the, the new 26, which is currently in there as 27.

MR. SUMMERS: Right. Well, thank you very much and thank you for consideration. So, yea, 26 is a repetitive condition with what 27 was and that's why that was struck. I think it was more kind of just house claiming, house cleaning on your part.

But as far as the issue on the implementation of the integrated Natural-Cultural Resources Preservation Plan, the concern there was that it was a very generalized condition and it basically said that, you know, before you could get first subdivision approval, you had to implement all the recommendations that were spelled out in that condition.

And, and the problem there is, you know, implement is a very kind of broad word and it can mean almost anything. And if that was, you know, we, we could just see that, like, within the Zoning Administration Enforcement Division, for example, somebody might be struggling with, you know, are they complying with the implementation, like

what does implement mean? And one of the key recommendations is that we develop a Watershed Management Plan. And that's, for example, going to be at a minimum a five-year plan. And it could reach out well into ten years.

And this is a plan that would be implemented ongoing over many, many years. So, you know, for example, in that condition you'll have to develop the plan, and then over a period of years, you will implement the plan. And we were concerned that you might be in a situation where they would be looking at the compliance of that and say, well, you, I see that you've developed a plan, but you have all these implementing actions and I don't see that all the implementing actions have been implemented. And so that was a concern.

So, that same concern was a concern with the, with the plan to manage access into the Waikapu Valley where, you know, that is also a plan that will be implemented over many years. And so, that, we felt that, you know, the condition would be better if it said develop and initiate implementation. And then as the folks in zoning administration are reviewing that, they can look at the progress of the implementation. So, that was really kind of the, the concern there.

There was another issue where essentially, we're establishing a perpetual fund to help fund the implementation of the management plan. And if you go and you look at the plan that was prepared, that is an attachment to these conditions, it says that once a homeowner's association is established and revenues are being generated, but that's when the funding, the perpetual funding source would start. And we were concerned that, you know, we might not even have a first subdivision approval before a homeowner's association would be established and be generating funds, and therefore we'd be in non-compliance. And so, that could cause a long delay and we'd have to go back up to Council and request an amendment to the conditions. So, that's kind of the background on that proposed change.

CHAIR KING: Okay, thank you, Mr. Summers.

Any questions?

Councilmember Hokama.

COUNCILMEMBER HOKAMA: I think this is a good amendment that Mr. Summers is, makes. The only question I would ask you to give some comment is on the deletion portion under the new 26. The last, before you hit your letter "A" subsection, Mr. Summers, give us comment regarding the exception of Waikapu Stream Priority Projects 2 and 3, and then you just put 3. So, it, give us comment about that so I can have a understanding please.

CHAIR KING: Mr. Summers.

MR. SUMMERS: Sure. Yea, this was something that was discussed in Committee where those particular projects are, that are identified in the plan are, are good projects. They're certainly supported by Mr. Atherton. But the implementation of those projects are going to require other property owners getting involved as well. So, since we don't have control over some of those implementing actions, it would be difficult to be required to implement them as a part of this project.

So that's why at that Committee hearing, the idea was that, you know, those specific projects wouldn't necessarily have to be on the landowner's, you know, landowner's responsibility for implementing those actions. The way the conditions are worded right now, it doesn't specifically identify those conditions, but it doesn't really matter because all these other actions.

COUNCILMEMBER HOKAMA: Right. Right. So, so help me out. So, when you say, what are we talking about, like two, three big landowners are abutting your project site, sir? Is that what, when you say other landowners?

MR. SUMMERS: Well, for example, I, if I can recall correctly, one of those conditions was to establish a traditional auwai that would help feed some kuleana parcels that are, you know, wanting that improvement done. And Mr. Atherton might be able to explain this better than I can, but that traditional auwai goes through an abutting property. So, I mean--

COUNCILMEMBER HOKAMA: Okay. No, no, no, yea, I'm just trying to understand when you say the other landowners. So, it's not going to be other landowners that buy into the project?

MR. SUMMERS: Exactly.

COUNCILMEMBER HOKAMA: It's already existing other landowners surrounding the project.

MR. SUMMERS: That's exactly right, yea.

COUNCILMEMBER HOKAMA: Got it. Would you be open if the Council said you would try and work cooperatively with all property owners that impact Waikapu Stream Project 2?

MR. SUMMERS: Certainly. Certainly, I think that would be appropriate. I mean, we will certainly want to work cooperatively--

COUNCILMEMBER HOKAMA: Because I want to at least recognize Mr. Atherton's good faith effort.

MR. SUMMERS: Yea.

COUNCILMEMBER HOKAMA: He's willing.

MR. SUMMERS: I appreciate that.

COUNCILMEMBER HOKAMA: Because we still think it's a worthy project for that Waikapu Stream area. So, thank you. Thank you. Thank you, Chair. I would ask Chair Paltin for, if that would be a consideration for her? Thank you.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: Yea, I would, I would like to add that.

CHAIR KING: Do you have language, Mr. Hokama, where you would want to insert that word?

COUNCILMEMBER HOKAMA:

AGAIN, CHAIR, MY, MY LANGUAGE WOULD JUST BE THAT, YOU KNOW, IN RECOGNITION OF WAIKAPU, THIS ENTITY'S WILLINGNESS THAT THEY WOULD CONTINUE TO WORK WITH OTHER SURROUNDING LANDOWNERS COOPERATIVELY FOR THE, THE MISSION TO IMPLEMENT WAIKAPU STREAM PROJECT 2.

COUNCILMEMBER PALTIN: And I'll take that as a friendly amendment.

CHAIR KING: Okay, so we can insert that into--

COUNCILMEMBER HOKAMA: Mr. Summers, is that something you and Mr. Atherton could be open to?

MR. SUMMERS: Yea. I mean, that's, it's in our plan. It's talked about how that would be a project that would be implemented with the property owners affected, so I'm sure he would be comfortable with that.

CHAIR KING: Yea, I think the intention is there. So, we'll put the language in there, Mr. Hokama, into the amendment--

COUNCILMEMBER HOKAMA: Correct. Thank you, Chair.

CHAIR KING: --per Ms. Paltin. And the second?

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Mr. Sinenci, did you second that? You're good with that? Okay. Okay. Any other comments on questions on this amendment?

Councilmember Lee.

COUNCILMEMBER LEE: Okay. A lot of times when you don't have specific definitive language like as proposed, I think it might be best to end it with, "to the extent practicable". Cause, you know, how do you enforce their willingness or their ability to work cooperatively with neighbors, you know. That, that's very difficult to define and enforce. So, you know, I'm thinking that we, we need to at least narrow the window a little bit. Okay.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: I'm okay with that friendly amendment as well.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: So, what--

CHAIR KING: We'll add that in as a addition to the previous friendly amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I speak in support of this motion. Mahalo, Member Hokama for your advocacy. And, I understand Member Lee's concern about having specific language added for everyone's consideration right now for this vote. So, under Condition 26B, it would be an addition under Waikapu Stream,

under Priority Project #1, insertion of "2. Priority Project #2 - support south keleana landowners and lo'i kalo farmers in becoming independent". Sorry. To support--

CHAIR KING: Are you, are you proposing another amendment?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh.

CHAIR KING: I'm not sure what you're doing.

COUNCILMEMBER PALTIN: Trying to work on the verbiage.

VICE-CHAIR RAWLINS-FERNANDEZ: So, that--

CHAIR KING: Okay. Trying to reword the current amendment that's on the floor?

COUNCILMEMBER PALTIN: Cause we didn't, we didn't have like the verbiage. We just had the intent, I think.

VICE-CHAIR RAWLINS-FERNANDEZ: Yea.

CHAIR KING: Okay. Do you want to take a short recess?

VICE-CHAIR RAWLINS-FERNANDEZ: Brief recess.

CHAIR KING: Then you work on the, this, this amendment just keeps getting--

VICE-CHAIR RAWLINS-FERNANDEZ: Real fast.

CHAIR KING: Okay. We're going to, we're going to take a recess at the call of the Chair. So, three minutes to work on this.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:02 A.M., AND WAS RECONVENED AT 11:05 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS KAMA AND MOLINA, EXCUSED.)

CHAIR KING: The regular Council meeting of August 9, 2019, it is 11:05, and we have a revised amendment. So, let's just withdraw the previous one and then make a new motion. Can we make a new motion?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: I'll--

CHAIR KING: Mr.--

COUNCILMEMBER PALTIN: --allow Member Rawlins-Fernandez.

CHAIR KING: Okay. So, so Vice-Chair Rawlins-Fernandez, would you like to make the motion on the final amendment?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

I MOVE TO AMEND THE MOTION BY INSERTING LANGUAGE IN CONDITION 26 UNDER "B. WAIKAPU STREAM", BELOW 1, PRIORITY 1 PROJECT TO ADD "2. PRIORITY PROJECT #2 – SUPPORT THE KULEANA AUWAI RESTORATION IN SOUTH WAIKAPU TO THE EXTENT PRACTICABLE."

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Hokama.

The first part of this amendment was to strike amendment 20, to strike Condition 26 and move 27 up to 26. So, can you add that in so that what we're addressing here is in the new number, we're renumbering it 26. Okay, so just restate the amendment.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. The, oh, okay, because the--

CHAIR KING: Because the 20, the original 26 was redone and so--

VICE-CHAIR RAWLINS-FERNANDEZ: The new 26, the proposed 26.

CHAIR KING: Yea, so we're striking the, what's in, what's in it right now is we're striking 26, we're renumbering 27--

VICE-CHAIR RAWLINS-FERNANDEZ: Right.

CHAIR KING: --number 26. And then, and then putting that amendment in it.

(Councilmembers Kama and Molina returned to the meeting at 11:06 a.m.)

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So to add language under the existing Condition 27.

CHAIR KING: 27 and renumber that 26.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Alright. Do I have to say all of that again, or do we?

CHAIR KING: No, I think everybody understands.

VICE-CHAIR RAWLINS-FERNANDEZ: We're good.

CHAIR KING: We're, we're, the motion is to strike the existing Condition 26, add the language under 27, and renumber that 26.

VICE-CHAIR RAWLINS-FERNANDEZ: 26. Exactly. Okay.

CHAIR KING: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: Okay. And we have a motion and a second on the floor. All those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carried nine to zero. Okay. So, we have an amended motion on the floor, and are we all, is there any more discussion necessary?

COUNCILMEMBER PALTIN: I'd just like to thank--

CHAIR KING: Councilmember Paltin.

COUNCILMEMBER PALTIN: --the Members for working with me. I, I would have taken it back to Committee, but in the interest of time and getting housing, I, I appreciate the leniency of the Members in working with us.

CHAIR KING: Okay. Thank you, Ms. Paltin. And, and just for the record, we don't expect there to be any more changes on second reading. Okay. Your chance was now or never.

Okay, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, and again, we need them to have sufficient time to file the unilateral agreement with the appropriate State agency as well. So, I understand your comments, Chair. I, I speak this morning in support with reservations on this project. It's a good project, Chair. It's a big project.

I consider this a major piece in the regional development of Central Maui. I find that the components that make this project and, and why I'm kind of excited is because this can help us deal with our transportation requirements for Wailuku, going across Happy Valley, and going into Waihee-Waiehu area. Cause we know that the current transportation road system is inadequate, Chair. We hear it from our people everyday trying to get to work, trying to pick up children at schools, trying to do their businesses on a daily basis. We hear it every day.

So, my, my thing on the push to create triggers for infrastructure development was not only a push for the developer, but you're right, we need to push ourselves, Ms. Kama, as well as push our departments. And that, that I felt that the triggers would have been a good hammer reminder to all of us the urgency to make the housing happen sooner than later. My only fear about some of the amendments was the potential to push it further back, which I don't want at all, Chair.

But I commend the, Mr. Atherton. He's put together a good team. He's been very consistent in his messaging. He's very, he's very consistent in his approach to community, and the Council, and the Commissions. He's been very consistent, again, also in his management and his verbiage in how he's approached with respect, this project and that Waikapu community. So, I want to say I thank him for that consistency and the respect he has shown the community and that specific neighborhood. Cause they've got a lot of good historical traits and cultural advantages of that unique Waikapu.

And so, my only hope, Mr. Atherton, is I will do my best to help you because I think Waikapu needs to retain its identity. We cannot be absorbed and be Wailuku suburb, okay. It's Waikapu is Waikapu, and we should honor Waikapu for what it is and what it should remain to be as part as our central core. So, thank you, Chair.

CHAIR KING: Thank you, Mr. Hokama. And I agree in that, you know, I want to thank Mr. Atherton for pushing forward on this project and not asking for, you know, exemptions from wastewater treatment, not asking for exemptions from parks. He put that into his project, those things into his project in a very thoughtful way, as well as the school. And so, a lot of this project is designed to cut down on traffic, because people in that subdivision will have a school right there, they'll have a park right there. The wastewater treatment facility is there.

And that's what, you know, so, looking at things holistically, I think that's probably to me the main thing that makes this a great project, is it's a community, it's not just a bunch of houses being put on the outside of a perimeter or something. It's actually building in some mixed-use as well. So, I'm really excited to see it. And I'm really excited to see your new proposal for the, the biological wastewater treatment facility you're designing. It doesn't excite a lot of people, but it excites me.

Anyway, Ms. Sugimura, you have a comment?

COUNCILMEMBER SUGIMURA: Yea, I want to just also support this project. And, I, like Member Kama, before I decided to run or while I was running, I got to have a tour from Mr. Atherton as he zipped around in his golf cart. He's pretty good at, that he knows his land pretty good.

And, I also talked to the Waikapu Community Association and they, they have concerns as Mr. Hokama has mentioned about keeping Waikapu, Waikapu. And I think that their, their concerns with Hokuau and as well as his mother and father, who came to testify, but their concerns are being heard.

I, I just want to say that as part of the conditions, this project will be reporting to us on a yearly basis, their status. So, we will hear any kind of hang ups that they are having. I hope they tell us, you know, whatever we need to hear, and we'll pay attention to the, to the annual reports which are part of the conditions, which is important. And that I have to commend the team they put together, cause it certainly is a strong team with those of the who's who in the community, able to, to do a lot.

So, Mr. Atherton, thank you very much for your diligence. And I know this has taken a lot of money just to really, you know, as well as your time. But thank you very much

for everything you do and let's see this project forward. And we'll look for your annual report so we can make sure that we're doing the things we need to do to get this project done. Thank you.

CHAIR KING: Okay. So, if there's, if there's nothing further, can we, can we call for the question here? Is every--

Mr. Clerk.

COUNTY CLERK: Thank you, Madam Chair. It's our understanding that the changes made by the Council today to the Conditions of Zoning, that the Council would also like that incorporated into the unilateral agreement as well?

CHAIR KING: Yes.

COUNTY CLERK: Thank you, Madam Chair. And then without objections, too, from the Members, we just request that any non-substantive revisions that may be needed to incorporate all the changes be allowed.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KING: That's in the, yes.

COUNTY CLERK: Thank you, Madam Chair.

CHAIR KING: We can add that to the motion on the floor. Okay, if no other further comments, all those in favor of the motion on the floor, as amended, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes nine to zero. And, we are, we'll incorporate this into the unilateral agreement. If we can get that back in time, we'll get this on the next full Council agenda. And we, hopefully we'll, are done discussing amendments to the conditions. And thank you very much to Councilmembers for working on, working this

through. Thank you to developer and team for being here and answering questions, and all the supporters; appreciate this, is very exciting to move forward on this.

Mr. Clerk.

COUNTY CLERK: Madam Chair, for the record, BILLS 43, 44, and 45 (2019), respectively.

Before we continue on with business, Madam Chair, I just request that we get guidance from the Council as to the disposition of County Communication 19-325.

CHAIR KING: Okay, are we, can we file County Communication 325? You have a motion?

COUNCILMEMBER PALTIN:

YES.

CHAIR KING: Okay. Move to file.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: And seconded by Vice-Chair Rawlins-Fernandez. All those in favor, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Okay. Motion carries nine to zero. We are filing County Communication 13 or 19-325.

Okay. So, Council, we have, we have a few more items before us that we could go ahead and power out and finish. We won't get to the ordinance under second and final reading, because we have not received the unilateral agreements signed for that one. So, that will be deferred; the items Bill No. 40 (2019), 41 (2019), and 42 (2019). So, unless any, any status has changed, Mr. Clerk?

COUNTY CLERK: Madam Chair, the, we last checked about 10 o'clock and it still hadn't been formally recorded with the Bureau of Conveyances.

CHAIR KING: Okay. So, we'll likely be deferring those three items. So, is, should, is everybody okay to just continue on and try to finish?

COUNCILMEMBER LEE: Yes.

CHAIR KING: We have one Member who has to leave at 11:30.

Okay, Mr. Clerk, continuing on.

COMMITTEE REPORT

NO. 19-94 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending that the Miscellaneous Communication, referring Contract C6589-1, between the County of Maui and CH2M Hill Engineers, Inc., for Central Maui Landfill Groundwater Monitoring Services, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT THE RECOMMENDATION
IN COMMITTEE REPORT 19-94.

CHAIR KING: Okay. Do you want to, do you want to put the 95 and 96 with it?

COUNCILMEMBER LEE: Not really.

CHAIR KING: No. Okay.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Councilmember Hokama.

Ms. Lee.

COUNCILMEMBER LEE: Your Committee met on July 22 to consider this contract amendment, which provides for additional groundwater monitoring. This was required by the State Department of Health because the Central Maui Landfill expanded. The amendment, the total contract is now \$200,000. Thank you, Chair.

CHAIR KING: Okay. Any questions? Comments? If not, all those in favor of filing the Committee Report 19-94, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Mr. Clerk.

COMMITTEE REPORT
NO. 19-95 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending that the Miscellaneous Communication, referring Contract C6735, between the County of Maui and Fukunaga & Associates, Inc., be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT THE RECOMMENDATION
IN COMMITTEE REPORT 19-95.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Councilmember Molina.

Ms. Lee.

COUNCILMEMBER LEE: Your Committee met on July 22 to consider this contract for \$30,000 in professional services. The consultant will analyze the options for upgrading the effluent pump station at the Kihei Wastewater Plant. The pump station is over 30 years old and this capital project will increase pumping capacity and reliability. Thank you, Chair.

CHAIR KING: Okay, any questions or comments? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries nine to zero.

Mr. Clerk.

COMMITTEE REPORT

NO. 19-96 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. That Resolution 19-142, entitled "URGING THE DEPARTMENT OF PUBLIC WORKS TO EVALUATE THE INCORPORATION OF VISITABILITY STANDARDS FOR NEW RESIDENTIAL CONSTRUCTION IN THE COUNTY'S BUILDING CODE," be ADOPTED; and
2. That County Communication 18-198, from Councilmember Elle Cochran, be FILED.

CHAIR KING: Okay. Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT THE
RECOMMENDATIONS IN COMMITTEE REPORT 19-96.

COUNCILMEMBER KAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Councilmember Kama.

Ms. Lee.

COUNCILMEMBER LEE: Your Committee met on July 22 to consider visitability standards for a new residential construction in the County's Building Code. These standards would make homes of all types easier to live in and visit for people with limited mobility. This, amongst several other ordinances, were carryover ordinances from previous Councilmembers and I thank them for their work.

CHAIR KING: Okay. Any questions or comments? If not, all those in favor of the motion on the table, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 19-142.

COMMITTEE REPORT
NO. 19-97 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. That Bill 46 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.05.050, MAUI COUNTY CODE, RELATING TO REIMBURSEMENT FOR SUBDIVISION WATER MAIN EXTENSION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and;
2. That County Communication 17-242, from the Director of Water Supply, be FILED.

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO ADOPT RECOMMENDATIONS IN
COMMITTEE REPORT 19-97.

COUNCILMEMBER KAMA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Council Pro Tem Tasha Kama.

Ms. Lee.

COUNCILMEMBER LEE: Your Committee met on July 22 to consider this bill to improve the subdivision water main extension reimbursement process. The bill will help the County control costs by placing a \$100,000 limit on reimbursement and providing a consistent 50, 50 percent reimbursement rate. The bill also allows subdividers five years to complete this subdivision water system improvements. Thank you, Chair.

CHAIR KING: Okay, thank you. Any questions or comments? If not, all those in favor of the motion, say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure carries nine to zero; unanimous.

And, Mr. Clerk, so we are still not in receipt of unilateral agreements for--

COUNTY CLERK: Yes, Madam Chair. Our staff just checked with Bureau of Conveyances and we still don't have recordation of that.

CHAIR KING: Okay.

COUNTY CLERK: But just for the record, BILL 46 (2019), relative to Committee Report 19-97.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 40 (2019)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)

ORDINANCE NO. _____
BILL NO. 41 (2019)

A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-002:006 (POR.)

ORDINANCE NO. _____
BILL NO. 42 (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)

CHAIR KING: Okay. Thank you. So, I don't think we have any choice but to defer the last three items; Bill No. 40 (2019), 41 (2019), and 42 (2019). Any objections to deferring?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. No further business is before the Council. And I thank you for your work today. I think we earned our lunch. Thank you for working through the morning break. Meeting is adjourned, it's 11:21.

ADJOURNMENT

The regular meeting of August 9, 2019 was adjourned by the Chair at 11:21 a.m.



MARGARET C. CLARK, DEPUTY COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII