

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

September 16, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, SEPTEMBER 16, 2016, BEGINNING AT 9:04 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

### ROLL CALL

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

EXCUSED: NONE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, there's nine Members present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning, we have remarks from Mr. Hokama.

### OPENING REMARKS

The opening remarks were offered by Councilmember Riki Hokama.

CHAIR WHITE: Thank you, Mr. Hokama.

Will you all please rise and join me in the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And just a reminder for everyone to please turn their phones to silent mode, as we move through the proceedings.

Mr. Clerk, please proceed.

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

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

And pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

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

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

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

COUNTY CLERK: Thank you.

Mr. Chair, we have three individuals who have signed up to provide testimony in the Council chamber. The first person to provide testimony is Elizabeth Ayson, Director, Friends of Old Maui High School, testifying on Committee Report 16-137. To be followed by Richard Lucas.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ELIZABETH AYSON, FRIENDS OF OLD MAUI HIGH SCHOOL (testifying on Committee Report 16-137):

Chair White---

CHAIR WHITE: Good morning.

MS. AYSON: --Members of the Council, aloha kakahiaka. On this very beautiful windy Maui day, I would like to take a few minutes to do exactly what Mr. Hokama has just suggested, which is to exercise my civic responsibility. I'm here today because I truly believe that the Old Maui High School campus needs to be preserved for our future.

I believe in preservation, because it marks history for those who come after us. And I now have four sons, five granddaughters, and I hope more will be coming. The Old Maui High School campus was a very important place for us who grew up on Maui. I did not graduate from that campus, however, many of my friends did, and they're still my friends today, because the friendships that are forged during our teenage years are very, very long and important. And I think those friendships are the things that bolster us in our adult lives.

This is a beautiful campus. I remember many times going there to share the activities that were being conducted by my friends there.

The future of this campus is important to me because I really would like to honor our late Congresswoman Patsy T. Mink, who was a graduate of this wonderful campus. Also, when I was Vice-Principal at the new Maui High School campus, I learned that many of our new graduates of Maui High School had never been there. And it is our duty, again, our civic duty to make it available so that all Maui High School graduates, in the future, will have a way to find some of the roots that their predecessors gave to Maui.

The organization that is today requesting to come and help us preserve this campus has my full support. And I hope you will also support them. Thank you very much.

CHAIR WHITE: Thank you very much.

Members, any need for clarification of the testimony?

Mr. Clerk.

COUNTY CLERK: Next testifier is Richard Lucas, Program Manager, Friends of Old Maui High School, testifying on Committee Report 16-137. To be followed by Kathy McDuff.

MR. RICHARD LUCAS, FRIENDS OF OLD MAUI HIGH SCHOOL (testifying on Committee Report 16-137):

Council Chair White, Members of the Council, and hardworking Council staff; aloha. I am Richard Lucas. I'm the Program Manager for Friends of Old Maui High School. And I'm here to testify in support of the proposal of Teach Development for the reuse and redevelopment of the Old Maui High School campus.

Fifteen years ago, Old Maui High School was on the endangered species list. The campus was overgrown. We had had three arson fires. And the place, quite frankly, created a danger to the public. It was on the verge of being demolished. And a small group of preservationists and alumni came together and said we can't allow this to happen. They went to the Mayor and asked for permission to take over care of the place, and to try to save it. And the Mayor, in his wisdom, allowed this to happen.

Now, the mission of Friends of Old Maui High School has always been the preservation of the historic buildings and the campus located in Hamakuapoko. But, in order to be successful in historic preservation, it's necessary to also define and adapt a reuse for the property so that it doesn't, again, fall into a state of decay.

In 2007, Mayor Arakawa directed Friends to prepare a masterplan for the reuse of the campus. And we enlisted the expertise of Chris Hart & Partners in that endeavor. The Chris Hart team set up a series of community meetings and workshops, and invited members of the community to come in and tell us what is the best use for this beautiful campus. How can we define a use that will be beneficial to the community and will respect the history of this place?

Out of those meetings came a masterplan. The masterplan outlined an environmental sustainability center. We've been looking for a way to implement that masterplan for the last 10 years. I feel that the Teach proposal largely accomplishes the goals that the community defined in that masterplan.

The Teach proposal is a bold plan and incorporates the features of the Old Maui High School masterplan, and adds some additional features that enhance that mission. I regard the proposal as an excellent opportunity to preserve the historic Old Maui High School campus, while incorporating an exciting facility that is committed to sustainability and renewable energy technology. It may be our last and best chance to stave the historic buildings and campus of Old Maui High School.

The Council, over the years, has been generous and supportive of the mission of Friends of Old Maui High School in trying to preserve the campus for future generations. We now have an opportunity to accomplish the success of that mission and I would humbly ask you to approve the proposal of Teach Development and to direct the signing of the lease. Thank you very much.

CHAIR WHITE: Thank you, Mr. Lucas.

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

MR. LUCAS: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Kathy McDuff, to be followed by Barbara Long. And Kathy will be testifying on Committee Report 16-137.

MS. KATHY MCDUFF (testifying on Committee Report 16-137):

Aloha and thank you.

CHAIR WHITE: Aloha.

MS. MCDUFF: My name is Kathy McDuff, and thank you for allowing me to come and talk to you today.

Almost 15 years ago my family and I started going to Old Maui High and helping with the, with the preservation and cleanup after the fires. We fell in love with this special, special place. And when I joined the Friends of Old Maui High, it was to help preserve the historic buildings and the campus. They so deserve to be, to be saved.

And I want to ask you today to look at this new group that's coming in, because I do believe that they can take over this kuleana that we have been trying to get the money for it for 10 years.

Everyone else had given up on this place, and we didn't, and they're not going to either. They came in to take over our mission, and to bring it to life. This group is willing to spend their money to renovate the campus, maintain it, bring back the historic Administration Building, and to benefit the community. They're going to have demonstration projects on permaculture, organic farming, alternative energy, water reclamation, classes on sustainability, Hawaiian land use, and show the community and the State and the world what is possible.

How can we live within the resources that are available without consuming what is left for future generations? That's a, that's a worry to me, it's a worry to the world, and this group is trying to prove what can happen. What a noble mission. What benefit, not only for the community and Hawaii, but again, for our children and the future generations of Maui.

This is an important and significant endeavor. It is our opportunity to make it happen. Please don't let it slip away. Mahalo.

CHAIR WHITE: Thank you, Ms. McDuff.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Barbara Long, past president, Friends of Old Maui High School, testifying on Committee Report 16-137. To be followed by Keoki Raymond.

MS. BARBARA LONG, FRIENDS OF OLD MAUI HIGH SCHOOL (testifying on Committee Report 16-137):

Good morning, Chairman White and Councilmembers.

CHAIR WHITE: Good morning.

MS. LONG: I am Barbara Long, past president of Friends of Old Maui High School, and I'm here on behalf of the Board of Directors, as well as the thousands of alumni of Maui's first high school. Here today, we have a number of alumni and some board members as well. How about you all raise your hands so the Council could see who you are; alumni, board members. Thank you.

Back in 2003, when I got involved, the historic campus was a mess. It was an overgrown jungle and the buildings were trashed. The proud Saber alumni joined friends in the massive cleanup and preservation work, contributing many hours of labor and thousands of dollars towards securing the school's future.

Alumni were part of the focus groups and the taskforce, that in 2008, created a masterplan for the campus that would preserve and reuse the school, respecting its legacy of education and inspiration to be named in honor of Congresswoman Patsy Takemoto Mink, who was a 1944 graduate.

Old Maui High alumni care deeply for their school and what happens to it in the future. The board and the alumni are pleased that Teach's proposal is modeled on that masterplan, and honors the history and legacy of this iconic school. Teach center will ensure preservation of the campus and school buildings and will continue the emphasis on education and agriculture.

On their behalf, I ask that you approve the resolution today to enable the Teach team to begin their work to preserve and repurpose the Old Maui High School, and give the 100-year-old campus a new life. Thank you.

CHAIR WHITE: Thank you, Ms. Long.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Keoki Raymond, testifying on Committee Report 16-137.  
To be followed by Hugh Starr.

MR. KEOKI RAYMOND (testifying on Committee Report 16-137):

Aloha no.

CHAIR WHITE: Aloha.

MR. RAYMOND: I'm Keoki, not Kiope, that's my cousin. He's the one that speaks Hawaiian. That's the limit of my Hawaiian, you just heard it.

I first encountered Old Maui High first as a, actually as a surfer driving down Hamakuapoko Road to get to the surf spot at Ho'okipa. And it was a beautiful spot. I, I drove by it for 40 years and it was always beautiful. Kind of crazy towards the end, and then I noticed a lot of people cleaning up there back in the early 2000's, and it was pretty impressive.

I signed on with a group called Teens on Call, Brian McCafferty's pretty well-known in the County. And we ended up doing a lot of restoration work on an extreme. They couldn't have done it. I don't think Friends of Old Maui High could have done it if they'd gone out into the public. We were one non-profit helping another, and it was good fun, good, beautiful place to work.

I really fell in love with the physical plant up there, what was left of it, and enjoyed my work up there a whole lot. And after a few years, some of the board members approached me about being on the board, sort of the technical liaison. And I was pleased and flattered to do it. And I think my experience there has taught me that, save it, it's worth it, it's a Charles Dickey building, the Administration Building it is, and if you know the one's in Honolulu and even the one's here in Maui. They're, they stand out as, as real beautiful pieces of early twentieth century kind of, kind of a modern combination of Polynesian, Asian, and Haole architecture, some of the best around, I think. The guy really got it.

And I would love to see it preserved. These people want to do that. That's going to be the focus piece of their project. I can't really discuss the politics, cause I'm not a politician. But, I would say that that building and those grounds are worth preserving and sharing with everyone for posterity. And if these guys can do it, give them a chance. Thank you very much.



CHAIR WHITE: Thank you very much, Mr. Raymond.

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

Mr. Clerk.

COUNTY CLERK: Next testifier is Hugh Starr, testifying on Committee Report 16-137. To be followed by Trinetta Furtado.

MR. HUGH STARR (testifying on Committee Report 16-137):

Good morning, Chair White, Members of the Council.

CHAIR WHITE: Good morning.

MR. STARR: My name is Hugh Starr from Makawao. First, I'm testifying on the Hamakuapoko.

First of all, I want to strongly commend Councilmember Guzman and his EAR Committee for making what I consider really important amendments to the lease regarding the County's obligation with respect to road improvements. So, in all sincerity, thank you so much. I think this is a really important thing.

And also, I want to just say that, of course Barbara Long and I go back many, many years, and my brother actually went to Old Maui High, and I've, I feel all the work that the Old Friends of, the Friends of Old Maui High had done, and I've watched it through the years, so that goes unnoticed. And I feel their frustration and their optimism.

Having said that, there's one thing that I alluded to in my comments back to the Committee after the last Committee meeting in the middle of August. And this had to do with the context to the Executive Orders 4117 and 4343. I apologize, I brought this one-page. I did not affix my name to it inadvertently, but that's why it's in front of you. What I'm intending to illustrate here, and I hope that you will direct Corp. Counsel or whoever the appropriate, you know, person is that could analyze this, it appears as though, well from my observation, Executive Order 4343 was a, was an amendment or an augmentation of to Executive Order 4117.

Executive Order 4117 clearly stated that the purposes that this was being transferred to the County was for public purposes. And then they made one further elucidation, which was public purposes for the purposes of social services programs. All that Executive Order 4343 did, excuse me, in my view, is amend that to add additional public purposes of education, agriculture, and related support purposes.

Now, the Office of Economic Development sensibly requested an opinion from the State Department of Land and Natural Resources. Chair Case responded in a one-page letter, which is alluded to here as "Exhibit 5" on your page 142. Again, I think Chair Case perhaps could have misconstrued the context of this. So in my view, the intention of the Executive Orders was for public purposes.

And I think where I'm concerned is for the liability of Maui County. If we enter into an agreement with a private developer, then are we subject to any kind of litigation because the uses are challenged down the road, because they aren't purely public purposes? This is, this project is a, a public-private partnership, or it is a private development for profit. And, and I'm concerned about this for us, we the taxpayers. So, I urge you to look into this. And thank you so much for indulging me. Aloha.

CHAIR WHITE: Thank you, Mr. Starr.

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

MR. STARR: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Trinette Furtado, testifying on Committee Report 16-137, to be followed by Rosemary Robbins.

MS. TRINETTE FURTADO (testifying on Committee Report 16-137):

Aloha mai, good morning--

CHAIR WHITE: Good morning.

MS. FURTADO: --Chair White and Councilmembers. You already know me, you've seen me testify on several matters before. But for the record, I will state, O Trinette Furtado ko'u inoa. Noa Hamakualoa mai au . . . o kaikamahine.

I am here before you today knowing all of the work that has gone into Old Maui High School across the years, across the span of, of many groups and, and much time and effort.

That being said, I also know that there have been many groups that have expressed interest in wanting to be a part of that group that malama's Maui High for the uses that are stated and intended in Executive Orders, I believe 4115 or 4117, and 4343.

I ask that you defer your decision-making on CR 16-137, and that you discuss this matter a little more in-depth with thought to possible future ramifications for our County budget, and for our community before rendering a decision. There's several troublesome items I'd like to mention, and I hope you will consider these responses that will be pono for the aina and our Maui people.

The RFP 14-15/P-15 of the Mayor's OED states that the most financially viable proposals that fit the parameters of EO 4343 will be considered. And on the previous page, it also states proposals that rely on government funding other than fee for service will not be considered.

I don't want to assume, but I am thinking this must be the reason behind this Council's reluctance to secure a local entity to assume administration and maintenance of the Old Maui High School property. Is it that there just hasn't been an entity who's been able to meet these requirements? And if so, how has Teach Development LLC, who has no website and no information that can be found about them in a casual internet searchable to prove this private funding and its financial viability for the County of Maui?

If they can provide this, why do they state in Section F of their documents that you have in your folder, "Contribution from the County of Maui" of their proposal, they not only want, they not only want but absolutely need assurances from the County that bonds, road improvements, historic tax credits, all of these things will be expedited in a manner that will give them a shorter time frame than everyone else here in the County.

There have not been adequate community informational meetings, input or collaboration, so further reading gives us no details as to how they can be certain they'll provide significant employment. There's no impacts on traffic studies.

And so, I do ask that please reconsider deferring this decision, because we do need more community input and we do need community involvement. Again, mahalo for your time and listening to this.

CHAIR WHITE: Thank you, Ms. Furtado.

Members, any need for clarification?

Seeing none, thank you for being here this morning and sharing your mana`o.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier Rosemary Robbins, testifying on Committee Report 16-137, to be followed by Napua Hueu.

MS. ROSEMARY ROBBINS (testifying on Committee Report 16-137):

Good morning, everybody. If I had a hat, I would take it off to you. Thank you so much for all the Friends of Maui High that have just stuck to an allegiance to their, their whole outlook on how valuable this area is. So, thank you so much. And thank you, Mr. Guzman, for the good stuff that you did in here.

We're talking about page 3 of today's agenda, and it refers to that Committee Report No. 16-137. I got it, I read it. I also got the whole deal. I got it. I got to read some of it. But, and, and I'm concurring with the folks who have spoken before me this morning. I've tagged off a few pages, because I'm really encouraging you to get to the seventh floor. If I got these materials, you can get it too. The folks there are wonderful. The attorneys and the other staff that are there, thank you so much for all that you've done to make this available to the community at large.

On this Committee Report, it talks about the fact that there will be, on page 301, that there will be indeed social services, education, agriculture and related purposes. The first three in that are pretty definitive. The related purposes to be seen.

Also, on page 3, it says that the studies conclude the studies that the folks from Old Maui High and their supporters had done that there was a lack of public water, excuse me, of potable water, fire protection, and sewer system. So they said that, and they said that at the same time that the Upcountry Oversight Advisory Committee on contaminated water from Upcountry was working on this, including with the people on the national level who were pros in this. So keep in mind page 3 of this report.

Keep in mind page 5 of this Committee Report. They, one of the revisions was to require Teach Development to provide an annual written report to the Council; written every year. Not too much room to let this thing run away with us. It also mentions

that there is no obligation for the County to provide water, and the developer anticipates the need to drill a well. Where have we heard that kind of stuff before?

And then also on page 7, "Your Committee notes the proposed leases require the County to construct and maintain paved, public roads to the property." So that means that's going to be a bill for the County.

So in particular, over to page 36 on this 335-page document, all proposers that might want to work on this geography . . . to thoroughly review the studies, which are listed in this document, to fully understand all of the issues and the inadequacies of infrastructure. The most significant infrastructure inadequacies are the lack of potable water, and the lack of protection, and the lack of septic/sewer systems. Right here in this document, they'll be happy to set you up with it.

There is background on the people, Teach. They're an outfit in Honolulu, private sector as was mentioned here a little while ago.

COUNTY CLERK: Four minutes.

MS. ROBBINS: And it does give their background.

CHAIR WHITE: Ms. Robbins, you've exceeded your time. Could you please provide a concluding remark?

MS. ROBBINS: Sure. Last period, last page, 68. And again, I want to thank everybody who has been involved in the development of this. There's loads of legalese in here, and everybody has been wonderful about making that available. So, thank you all.

CHAIR WHITE: Thank you, Ms. Robbins.

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

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Napua Hueu, testifying on Committee Report 16-137.

MS. NAPUA HUEU (testifying on Committee Report 16-137):

Aloha, Maui County Council Chair and Members. My name is Napua Hueu. I am testifying today on CR-16-137, on behalf of a newly organized citizen and business organization, the Hana Highway Regulation Authority.

While our first meeting is on Monday, members of this organization have emailed and called expressing the need for this group to speak to the concerns of Hana Highway. There is concern about this County lease to this new and unfamiliar entity, Teach Development LLC. While there are many issues surrounding this resolution, I will speak to the concerns related to the roadways, including Hana Highway, Holomua Road, and Baldwin Avenue.

This resolution cannot be entertained because of the following: the right turnoff of Hana Highway onto Holomua Road requires a traffic study that has not been conducted yet. The traffic that piles up as you approach Ho`okipa from the Kahului direction has been long in need of visitor education and traffic signage. There have been distracted drivers in this area due to the world famous surf and windsurfing spot. Numerous accidents happen in this specific location which has poor visibility on the corners from both directions. We have present day unresolved issues with parking at Ho`okipa Park. Existing traffic issues in this area have not been intentioned, and it is presumptuous to expect any expedited permitting as the entity demands in their proposal.

The entry road to Hamakuapoko is a massive undertaking, as widening the road and accommodating for walking traffic shall be expected. The moving of electric poles will need to be considered, and the removal of either east or west facing trees will likely have to happen along the existing narrow road.

The proposal severely underestimates the cost to comply with DOT requirements. The increase in traffic will also negatively impact three schools on Baldwin Avenue where morning and afternoon traffic is already fatigued. The last road mention of the Paia Bypass is a presumptuous notion on a matter that Maui residents demand input. How this project relates to the construction or the government green flag to do so is evasive and incomplete.

As it has been recently witnessed with the multiple dangerous landslides, it's obvious Hana Highway is in a precarious state. Automobile accessibility to this remote area is only possible through this one route of Highway 360. For some residents, the access to doctors and emergency care is life-threatening. Our famous Maui Hana Highway has met its challenges with the influx of tourism averaging 1,826 vehicles a

day, and over 3,000 individuals. Hana has enough challenges and this is not the time to add congestion to a highway that has unresolved issues.

Please defer CR 16-137, and make serious consideration to the roadways, and conduct traffic analysis before proceeding with this entity or any others who choose to.

I have copies of the survey that we conducted if you would like copies of it.

CHAIR WHITE: You can provide them to the staff if you have them there with you.

MS. HUEU: Thank you for your time.

CHAIR WHITE: Thank you, Mr. Hueu, Ms. Hueu.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there's no further individuals signed up to testify in the Council chamber.

If there's any individual wishing to provide testimony, please proceed to the District Office staff or the podium in the chamber at this time.

CHAIR WHITE: It appears that we have additional testifiers.

MR. MARK CHASAN (testifying on Committee Report 16-137):

Chair White, Members of the Council and staff, thank you so much for your consideration of Teach Development's project to repurpose, and renovate, and evolve the campus of Old Maui High School.

I can understand the concerns.

COUNCILMEMBER BAISA: Chair.

COUNCILMEMBER VICTORINO: Chair, can we have his name?

CHAIR WHITE: If you could mention, mention your name.

COUNCILMEMBER BAISA: Introduce yourself.

MR. CHASAN: Oh, I'm sorry. Mark Chasan, CEO of Teach Development.

CHAIR WHITE: Thank you.

MR. CHASAN: Thank you. This project has been categorized in some social media as a theme park. And we really do come from the heart, and I think in our conversations with Council and the Committee hearings, we really do want this to be for public benefit. If we wanted to make a theme park or a hotel, there are plenty of places to do it much more easily and much more profitable.

(Councilmember Hokama was excused from the meeting at 9:41 a.m.)

MR. CHASAN: It is our purpose and my mission in life to actually create a paradigm shift that will, will really create a world that is regenerative, a local living economy. And we believe that this site and Maui can be a showcase for something that is truly amazing.

Mother Teresa said, if you ask me to go to an anti-war rally I won't. But if you ask me to go to a peace rally I will. And quite frankly, we are looking to create something, not fight against an evil, but to create something amazing with the collaboration of the community. And we invite, you know, whether it be farmers, activists, business people, entrepreneurs, inventors and makers, we want to create a place that really is exemplary and creates a demonstration of what is possible for a healthier, thriving, sustainable Maui and world for this and future generations.

I understand concerns around traffic. We have those same concerns. We want to do the traffic studies. We want to do the deep environmental studies. We have one of the leaders in the world on our team, Bill Reed who has done amazing regenerative design, planning and applications work for 30 years. We take this seriously and we take our obligations seriously to the environment, and to the community, and to the land.

We would like the opportunity to roll up our sleeves, to fund this, and to do the studies, and the work necessary to make this an exemplary showcase of innovation and benefit for land and community. However, we are dealing with a very challenging site. There is water and soil contamination. There's no potable water. There's no sewers. You've heard some of the issues that we have to face.

And quite frankly, until we get an approved lease, and can get on the land, and do our research, and do our studies, and roll up our sleeves with the community, you



know, we're talking about three and a half million in the first year, and six to seven hundred-thousand-dollar investment just in these studies and community engagement in the first six months. We want to be able to find a way to work with the Council and the community to be able to create an exemplary and amazing project that will benefit Maui. And we hope that we can find a way to do that and address everybody's concerns. Thank you.

CHAIR WHITE: Thank you very much, Mr. Chasan.

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

(Councilmember Hokama returned to the meeting at 9:43 a.m.)

MR. CHASAN: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next individual to testify is Dan Grantham, testifying on Committee Report 16-137.

MR. DAN GRANTHAM (testifying on Committee Report 16-137):

Thank you, Chair and Members. I am also a board member of the Friends of Old Maui High.

I'm quite familiar with the difficulties up there. We've had a lot of people want to do something up there, but it requires a really large investment to make the thing actually functional and usable. Having, I feel that we are lucky to have people of this quality, from what I know of them. And we've had a few meetings, and I feel that their character, they are honorable and they are visionary.

CHAIR WHITE: Mr. Grantham, would you just state your name for the record?

MR. GRANTHAM: Oh sure.

CHAIR WHITE: Thank you.

MR. GRANTHAM: Dan Grantham. And I also want to offer respect to the people that have been reviewing this in the community, and raising some questions, because I think that you can always improve something. And there's way, you know, you have to

look at it, you have to, I mean, as in the same way that what might be a problem in the beginning could become an opportunity to make a larger improvement.

I think that there's no question this is going to provide public services in the same way that the University of Hawaii on Maui provides public services. You have to pay to do things there too. Like the Maui Arts and Cultural Center provides public services, but sometimes it costs so much that people are unable to use it. The idea of the things they're offering is wonderful.

Now, my concern here is a 60-year lease, are we locking ourselves into something too specific that does not foresee stuff in the future. And I don't think anybody here, except maybe this young lady in the front row, is going to be alive in 60 years to have some input on things. That's, that's one thing.

The other thing is, it looked to me, I haven't been able to read all the literature that is coming out here, but it looks to me that the County is committing itself to fixing Holomua Road to be the access, the main access to this thing. And I would respectfully suggest that we all know we have a horrible traffic problem through Paia. We all know that we need to have a Paia Bypass.

I would like to suggest the possibility that going through Sunnyside Road, it runs into the Mill Road, crosses Baldwin just above the Mill, and there's another road right on the other side, Hamakuapoko, which has a couple of branches and the upper branch crosses Holomua right at the lower edge of Old Maui High. Now, that would eliminate running traffic up past two schools, and walking neighborhood of Skill Village. The, I mean, this would not be a good idea, I think to use Holomua as the main access for this Committee. And I see I'm out of time, so I'll quit, unless you have questions.

CHAIR WHITE: If you have a, if you want to provide a concluding remark, that's fine.

MR. GRANTHAM: I think this is a wonderful program here. I think this is a great thing to do. I think let's also listen to the people who are raising questions. Let's not miss an opportunity to go even larger, and create more public benefits. And I think in the example I'm giving you of a Paia Bypass, that does not create greater traffic impact, and indeed relieves traffic impact could be something that you might want to look at in this lease before locking yourself into something that makes that hard to do.

CHAIR WHITE: Thank you very much, Mr. Grantham.

COUNCILMEMBER COUCH: Chair.

CHAIR WHITE: Members, any need for clarification?

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Seeing none, thank you for being here this morning.

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Oh, I'm sorry. Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

Thank you, Mr. Grantham for your testimony. Just wanted to clear up, are you in support of the resolution today, or no?

MR. GRANTHAM: The resolution being to take a vote today on this? I wish I had read the document that Rose had. I, I don't know enough about what the actual thing you're voting on is to be able to answer that question, whether definite yes or no.

I tried last night to find information on the internet. Got up at four in the morning again to try. I just couldn't find the information that I was looking for.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR WHITE: Thank you.

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

MR. GRANTHAM: You're welcome. Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, another individual comes forward.

CHAIR WHITE: Please proceed.

MR. JASON HOBSON, TEACH DEVELOPMENT (testifying on Committee Report 16-137):

Good morning, Chair White, Councilmembers. Jason Hobson, I'm General Counsel and Chief Development Officer for Teach Development. Good morning.

Councilmember Guzman, thank you again for the hard work that you and your Committee put together. I think we have a very good product as a result of two hearings and work with Corporation Counsel.

I wanted to kind of use this, my testimony, just to clarify, cause I, I know that there's been, in social media, a lot of different ideas and comments, some productive, not, some not so much. But really use this as an opportunity to not only echo, I think, the sentiments of my colleague Mark Chasan that, you know, we don't, we are not going to do this alone. And we don't intend to do this alone. This is going to be very much a collaboration, not only with Council, but with the community as well, non-profits. I mean, that's, that's in my DNA, and that's within the essence of the Teach team. But I just want to make sure for the record, I addressed some points that were raised here today as well as in social media.

And the first, and thank you Mr. Grantham, for your testimony. You know, there was a concern raised about a 60-year lease. And something that we've talked about in the EAR Committee that was on the record was really the importance and the need for a 60-year lease. And one of the reasons why is you need to make sure that a lease is a financeable lease. I deal on the capital markets all the time.

I deal the capital markets all the time, Mr. Chair. And you need a financeable lease, a lease in which a lender would place a long time, a long-term mortgage or deed of trust on the property, as well as investors who are making a significant investment in this project for there to be an adequate period for a return of that capital, and in their investment in general.

And then, we anticipate preserving the, the Dickey Building, the Administration Building, and taking Federal historical tax credits, and other tax benefits on that property. We will be depreciating, over 40 years, the tax benefits for that property because of the significant investment. So at a minimum, you need a 40-year term, but the capital markets dictate that you have a financeable lease which you can put a long-time mortgage on, as well as a period of time to refinance. And so a 60-year term was kind of the minimum term. I've been in other jurisdictions where you have a 99-year term. But, we took precedent from the Kula Farms and some other leases in which the County entered as precedent for that period. And so that's point one.

In our RFP, we did ask, because the RFP asked for any applicant to request what you would like from the County. And so, we did ask for maintenance of the roads to help us facilitate approvals to cooperate with any funding. And how that translated into a lease is the only obligation the County has to provide any financial support is paving and maintaining the roads. And that obligation, and our work from the last

Committee, at the EAR Committee, was to clarify that at all times that's subject to appropriations. And so that would be subject to a separate public hearing process.

There's been some concern about traffic studies. And we will, as part of our development process, have to go through the various planning and zoning hearings, that we'll always address, even as part of the EA will be undertaking traffic studies to look at the impact that this project will have on, not only Holomua, but the surrounding roads, and likely the State highway, Hana Highway.

A comment on the Executive Order, and whether or not Director Case had the context. I was part of that submission and that request for clarification and preliminary consent to the uses. And in that consent, we did identify the lessee, and provided the context in which DLNR can give us that, that consent letter which was part of the package.

CHAIR WHITE: You're, you're approaching your four-minute timeframe.

MR. HOBSON: Well, I think with that--

CHAIR WHITE: If you could provide a concluding remark, you just past the--

MR. HOBSON: I guess the concluding remark is, I think we've done a tremendous amount of work that the County has, and the Corporation Counsel has done a very, very good job in protecting the interest of the County. We have the vision and the resources to continue to work through this project with the community as part of our community engagement process, which we've always anticipated would be robust and significant.

So I think, with that, I will remain as a, as a resource within the galley to the extent there are additional questions. Thank you.

CHAIR WHITE: Thank you, Mr. Hobson.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, going to the District Offices.

Hana Office, are there any testifiers?

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

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

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

COUNTY CLERK: Thank you.

Molokai Office, are there any testifiers?

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

COUNTY CLERK: Thank you.

Mr. Chair, we have another individual in the chamber.

CHAIR WHITE: Thank you, Mr. Clerk.

Please proceed.

MS. CARIN ENOVIJAS (testifying on Committee Report 16-137):

Aloha. My name is Carin Enovijas. I'm a resident of Pukalani. And I would like to thank the Friends of Old Maui High School for their stewardship and their hard work, their forward thinking. And I would like to also encourage their continued involvement should this project move forward.

(Councilmember Cochran was excused from the meeting at 9:56 a.m.)

MS. ENOVIJAS: Almost 25 years ago today, the County entrusted a citizen's advisory committee with a task of gathering information to facilitate an update of the Haiku Community Plan. A key problem identified by this endeavor was a "immediate need" to create a Paia bypass road to mitigate then current traffic congestion, and to address the area's projected growth through the year 2010.

Now, nearly another decade past that window of projected growth, the County has failed to address traffic congestion in the Paia and Haiku communities, as others have detailed today.

According to documentation provided by Teach Development, this project will invite upwards of 550 students, volunteers, and attendees, to travel on Holomua Road and the already congested and ill-maintained roads that lead to it.

Additionally, Teach Development is demanding that the County not only provide all necessary road improvements, they want it to be done on a "expedited basis", as noted in Section F, page 33 of EAR 673 *[sic]*.

This Section also has a laundry list of demands and required assurances that the County will provide County bonds, road improvements, historic tax credits, low interest loans, new market tax credits, expedited entitlements, licenses, permitting and similar processes will be handled by the County on an expedited basis. They continue on to delineate a need to prioritize the needs of Teach Development above any "business as usual time frame".

By contrast, the County's unprecedented \$1 annual lease for a period of 60-years appears to list virtually no demands from Teach Development that would ensure that the project actually provides the numerous for-profit services they describe, which seems to entail everything from ending global hunger, solving climate change, curing cancer, and balancing the forces of good and evil. In other words, this proposal hits a lot of environmentally and culturally friendly buzzwords, but it fails to delineate the means by which they will be accomplished, funded, or maintained.

(Councilmember Cochran returned to the meeting at 9:58 a.m.)

MS. ENOVIJAS: Numerous references in the proposal references revenues that will be gained from "entrepreneurial incubation equity and mentoring fees". This seems to be a euphemism for a business technology park, which is most definitely at odds with the Haiku Community Plan's intention to limit this particular property to education and agricultural uses in keeping with its historical designation, as well as Executive Order 4343, which states the Old Maui High School should remain designated for uses related to social services, education, agriculture and related support services. I do not believe that for-profit "glamping and camping" nor spa services planned by Teach Development fit these designations.

Finally, it is my opinion that the County needs to stop handing over stewardship and preservation of our cultural resources to well-connected outsiders seeking only to capitalize, commercialize, and "showcase" what is sacred and fading from our current experience as we speak today.

I thank you for listening, and I urge that you open up this resolution to more community input as soon as possible. Thank you.

CHAIR WHITE: Thank you for your testimony this morning.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no other individual in the District Offices nor in the chamber that, who wish to offer testimony at this time.

CHAIR WHITE: Thank you.

Members, we have received written testimony. Without objection, we'll receive it into the record.

MEMBERS VOICED NO OBJECTION.

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

1. Hugh Starr;
2. Napua Hueu;
3. Carin Enovijas;
4. Karen Chun;
5. Sandi Ioakimi;
6. Joseph Kohn;
7. Susan Douglas;
8. Judy Jarvie;
9. Mary Baker;
10. Charlotte O'Brien;
11. Lloyd Fischel;
12. Matt Brown;
13. Nicole Busto;
14. Linda Clark;
15. Faith Chase;
16. Ann Evans;
17. Tulsi Greenlee;
18. Dawn Hart;
19. Elizabeth Key;
20. Misha Lococo;
21. Naone Gwen Morinaga-Kama;



- 22. Pamela Palencia;
- 23. Jami Power;
- 24. Jim Smith;
- 25. Susan Vickery; and
- 26. Jan Dapitan.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with the minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of July 15, 2016 was presented at this time.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE THE MINUTES OF REGULAR MEETING  
OF JULY 15, 2016.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

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

### COMMITTEE REPORTS

#### COMMITTEE REPORT

NO. 16-133 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 89 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (KUPUNA CARE PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-165, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I request that the Clerk bring up all other committee reports.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 16-134 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 90 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (STATE E911 WIRELESS COMMISSION)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-166, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 16-135 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 91 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (STATE AND FEDERAL ASSETS FORFEITURE PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-184, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 16-136 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 92 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF POLICE, COUNTYWIDE, COUNTYWIDE POLICE FACILITIES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-183, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 16-133 UP TO AND INCLUDING 16-136, WITH ITS COMMITTEE REPORT, BE ADOPTED, ALONG WITH ITS RECOMMENDATIONS, BE ORDERED TO PASS FIRST READING AND BE ORDERED TO PRINT, AND THE FILING OF ALL APPROPRIATE COMMUNICATIONS.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Members, any further discussion on these four items?

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL 89 (2016), BILL 90 (2016),  
BILL 91 (2016), and BILL 92 (2016), respectively.

COMMITTEE REPORT

NO. 16-137 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND  
RECREATION COMMITTEE:

Recommending the following:

1. That Resolution \_\_\_\_\_, entitled "AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY CONSISTING OF TAX MAP KEY NUMBERS (2) 2-5-004:014 AND (2) 2-5-004:053, TO TEACH DEVELOPMENT LLC, PURSUANT TO CHAPTERS 3.36 AND 3.40, MAUI COUNTY CODE," be ADOPTED;
2. That County Communication 16-102, from the Economic Development Director, be FILED; and
3. That County Communication 16-103, from the Economic Development Director, be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

AT THIS TIME, I MOVE TO RECOMMIT COMMITTEE  
REPORT 16-137 BACK TO THE ECONOMIC, ENERGY, AND  
AGRICULTURE AND RECREATION COMMITTEE.

COUNCILMEMBER COCHRAN:

CHAIR, I SO MOVE.

CHAIR WHITE: A second.

COUNCILMEMBER VICTORINO: A second.

COUNCILMEMBER COCHRAN:

SECOND. I MEAN, SORRY, I MOVE HIS SECOND.

CHAIR WHITE: Thank you, we have a motion from Vice-Chair Guzman, and a second from  
Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. And, at our last meeting at the EAR Committee,  
as indicated in the committee report, it was quite extensive, and several suggestions  
to change or make amendments to the lease were requested. The Corporation  
Counsel Deputy did do that, however, it was, she needed more time to actually  
incorporate those changes. So, what has been out there circulated to the public may  
not necessarily be the correct version.

We do have before us, the amended version, which I'm sure the Members would like  
an opportunity to review and go over. It would be most likely advisable that we hear  
those, or have that opportunity in EAR Committee so that we can address some of  
the other concerns about traffic impacts, as well as the tax abatement.

I, I also realize that there's been an ordinance that has been submitted by the  
Administration regarding the vehicle or the process to grant that tax abatement. So  
that also needs to be discussed, and I would rather that we discuss both items at the  
same time in EAR Committee.

Being the fact that it only takes one reading to pass this measure, I believe there's enough information or issues that have been raised in the general public that we need that opportunity to address those in another EAR Committee so that we can basically educate the public or at least make things better. Like one of the testifiers had mentioned, issues come up and it may, you know, may be an opportunity to make this project better, or the lease tighter, or more, avoid any future challenges that we may have, so it's in our best prudence to do so. And I request the Members to support this recommitment.

I know I have a challenging master agenda. We're nearing the end of the year and I, I wanted to make sure that I can get all my items out. But I'm, I also realize of the importance of this project, and also the hard work that the Friends of Old Maui High have put in over the years. If they can stick with us a few more months, maybe a couple more months, we can address some of these issues. And that's not, it's not really a long period and I would do my very best to try to arrange my agenda to accommodate.

So thank you, Chair. I ask the support for this recommitment. Thank you.

CHAIR WHITE: Members, any further discussion on this item?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much. And I want to thank Chair Guzman of EAR to recommit this to Committee. Once again, yes, and after hearing the concerns of the community, I think number one, I'll speak for myself but I probably share sentiments of the rest of this body that we support preservation of our historical areas, and especially Old Maui High School. So I, for me, it has bearing on the work that has been completed, the work that they wanted to complete, and handing it over to an entity they feel can fulfill that.

So for me, it's a lot of other issues. And Chair Guzman did mention, you know, the tax abatement issue, you know, the one-year lease for 60-years right off the, right off the bat for a for-profit company. I mean, the list goes on and on. You heard them through all the testimonies today. So, I just want to reiterate that I completely support the, the re-committal of this item at this time. Thank you very much, Chair.

CHAIR WHITE: Thank you.

Members, any other comment?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask Mr. Guzman if he is aware regarding the status of the right-of-entry? Cause part of the, this whole process is allowing them access to property to do due diligence, to be able to come up with a recommendation whether or not this project is really going forward or not.

And so, you know, I just bring this up because hearing the testimony, I realize there's other physical limitations because of what the community has asked for will impede and potentially be disadvantage for this project, such as a designation of Hana Highway as a "National Heritage Road". And our inability, again, by designation to make the appropriate improvements regarding vehicle weights, safety of bridges, spans, dimensions and widths, whereby we are all aware that some of our new modern first response equipment cannot now traverse those bridges because it is over-gross volume weight. So, and it's by the community's request to have this road designated in such a manner that now our people have a difficulty in response.

So I bring up these challenges. And for me, the sooner we get this due diligence done, we'll be able to make a better informed decision, Chairman. And I would ask that we not delay that portion of the process regarding the due diligence aspect. Thank you.

CHAIR WHITE: Mr. Guzman, if you'd like to respond.

VICE-CHAIR GUZMAN: Yea. Thank you, Chair.

In our Committee, I believe it was the second Committee meeting, we did address that, or at least pose the question for the right-of-entry. And the Deputy Corporation Counsel did do research on it, and it was indicated in the Deputy's report that, yes, the Administration could grant a right-of-entry. So, that right-of-entry wouldn't have to be approved by the Council, but if the Administration would like to allow or at least execute a right-of-entry for Teach, they could go ahead and proceed with their preliminary analysis while they're awaiting, I guess, the recommitment and the processes to review some of the issues.

CHAIR WHITE: Thank you.

Mr. Couch, followed by Ms. Baisa.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

And I wanted to find out if they're, on page 8 of the committee report there are three questions, were they ever answered or will they be brought up at the, at the re-committal?



VICE-CHAIR GUZMAN: Thank you, Chair.

As indicated in my committee report, there were several questions that hadn't been answered. And two of the, two of the questions were answered and incorporated into the lease agreement as an amendments. And that was some of the changes that the Members have not been able to see.

One of the, I believe one of the questions was about the tax abatement which was recently answered. And so that was not, well, that needs further vetting, Chair. I think by having the most recent ordinance that was drafted and the lease in the same Committee, I believe further discussion can be made, and vetted through and resolved.

So, there's a little bit, a little few loose ends that need to be tied up. I don't feel comfortable moving forward, considering the fact that this does not have to have a second reading. This is the final reading.

CHAIR WHITE: Correct.

VICE-CHAIR GUZMAN: So, I think we just need, you know, a couple more meetings to resolve some of the loose ends. Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank, thank you very much, Chair.

I'm glad for the opportunity, and I'd like to thank Chair Guzman for recommending that we take a little more time to look at this better.

You know, as the sole Sabar on this Council, I definitely would like to see Maui High preserved. Of course, you know, when I talk about Maui High, be very clear, I'm talking about Old Maui High. You know, us old people have this great, great, great aloha for that school. And of course, I want to make sure that what we're doing here is the right thing. And if it takes more time and more input from community that's good.

And I agree totally with Mr. Hokama, that if we can find a way to get these folks on the property so that they can start digging around to find out what can really be done, I think we ought to try to support and get that done. Cause if we did that, then there

wouldn't be a whole lot of concern about the long-term contract, you know, if we knew more or less what are they going to do?

And here I go again, you know, trying to look ahead. But, you'll find out when you're as old as I am that it's easy to look back, but it's hard to look forward. So better sometimes, let's take a little bit more time, and let's do this right so that later on we don't say, oh God if we had only checked that out.

So I'm in support, and I want to thank you very much for recommending that. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I, I want to thank Committee Chair Guzman to, to ask for the re-committal. And when you read the written testimonies, and you know, I, there's no question that we want the preservation of the Old Maui High. And, I'm sure with more due diligence, it will all fall in place if it's supposed to be. So, I want to thank him for giving us this opportunity to revisit the, the lease agreements, especially. And to go more into detail as far as the concerns that Council had originally.

I want to thank everybody for their work also. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any other comment? Seeing none, all those in favor of the motion please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 16-138 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 93 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 16-149, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

COUNCILMEMBER COCHRAN: Chair, may I also request that the Clerk pull up item Committee Report 16-139?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT

NO. 16-139 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 94 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON PILI STREET, WAILUKU, MAUI, HAWAII, AND NAHONO PLACE, LAHAINA, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That County Communication 16-148, from the Director of Public Works, be FILED; and
3. That County Communication 16-150, from the Director of Public Works, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

AND, CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS  
IN COMMITTEE REPORT 16-138 AND COMMITTEE REPORT  
16-139.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much.

So in Committee Report 16-138, your Committee met on August 29, 2016, to discuss a proposed bill to update the Maui County Code to include a mid-block crosswalk installed on Hanawai Street, Lahaina, Maui, Hawaii.

And this request for the crosswalk was prompted by a concerned citizen who is seeking a safe way to cross the street using a wheelchair.

The Public Works Commission unanimously recommended approval of the crosswalk at its meeting of April 27, 2016.

And your Committee noted the crosswalk was installed three years prior to transmittal for Council approval, and as part of Department's Hanawai Street Curb Ramps project.

To address the visibility of the crosswalk for motorists, the Department said it would determine whether Flashing Beacons would be appropriate after evaluating site-specific data to justify its installation.

And so I, I'll move onto the next Committee Report 16-139. And this one was discussed on August 23, 2016, and August 29, 2016, to discuss proposed bills to: 1) delete, from the list of streets where parking is prohibited in Wailuku District, Pili Street, located between Market and Church Streets, since Pili Street has been consolidated into the Wailuku Municipal Parking Lot parcel; and 2) to prohibit parking at all times on the south side of Nahono Place, from Lower Honoapiilani Road, Lahaina, Maui, Hawaii, as prohibited by signs, which will improve safety on that street.

And your Committee noted Public Works Commission unanimously recommended approval of both of these bills at its meeting of April 27.

Your Committee on August 23, discussed Pili Street matter. Director said updates to Maui County Code were necessary after title issues concerning road remnants, such as Pili were resolved and incorporated into the Wailuku Municipal Parking Lot.

And there's little more, let's see, the Nahono Place, Director confirmed appropriate signage would be installed to mark off designated no-parking zones south side of Nahono Place, and that the Department of Fire and Public Safety Department, and Department of Police have no concerns with the parking prohibition or location of the signs.

So your Committee agreed that the proposed amendments for Pili Street and Nahono should be consolidated into one bill as both amend parking prohibitions notated in the same Section of 10.48.040, Maui County Code.

And with that, Chair, for both items, I respectfully ask for this body's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for Committee Report 16-138, it's BILL 93 (2016). And for Committee Report 16-139, it's BILL 94 (2016).

COMMITTEE REPORT

NO. 16-140 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-112, entitled "RELATING TO THE APPOINTMENT OF DOREEN CANTO TO THE MAUI PLANNING COMMISSION," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-140.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At its meeting of August 29, 2016, by a vote of 8-0, your Policy and Intergovernmental Affairs Committee recommended the adoption of the resolution, entitled "RELATING TO THE APPOINTMENT OF DOREEN CANTO TO THE MAUI PLANNING COMMISSION".

Your Committee noted the Council must approve or disapprove this nomination by October 11, 2016, or the nomination will be deemed approved.

In the interview with the Committee, Ms. Canto stated she was committed to attending Commission meetings and fulfilling her responsibility to the various Commission, Commissions I should say.

I respectfully ask my Councilmembers to consider this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-112.

#### COMMITTEE REPORT

NO. 16-141 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-113, entitled "RELATING TO THE APPOINTMENT OF KRIS MCPHEE, ALTERNATE, TO THE URBAN DESIGN REVIEW BOARD," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Again, thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-141.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At its meeting, again, of August 29, 2016, by a vote of 8-0, your Policy and Intergovernmental Affairs Committee recommended the adoption of the proposed resolution, entitled "RELATING TO THE APPOINTMENT OF KRIS MCPHEE, ALTERNATE, TO THE URBAN DESIGN REVIEW BOARD".

Your Committee notes that there was no deadline for Council approval or disapproval for this Mayoral nominee.

A representative from the Mayor's Office stated that Mr. McPhee is an engineer, as required for this position.

In the interview with the Committee, Mr. McPhee stated that he is committed to attending Board meetings. He stated he understands his responsibilities to the Board and will include, which includes protecting and preserving the architectural character of the community and advising the planning commission.

So again, I respectfully request my Councilmembers to consider this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.



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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-113.

COMMITTEE REPORT

NO. 16-142 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-114, entitled "RELATING TO THE APPOINTMENT OF ROBERTA PATNODE TO THE COST OF GOVERNMENT COMMISSION," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-142.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Chair, at the meeting of August 29, 2016, again by a vote of 8-0, your Policy and Intergovernmental Affairs Committee recommended the adoption of the proposed resolution, entitled "RELATING TO THE APPOINTMENT OF ROBERTA PATNODE TO THE COST OF GOVERNMENT COMMISSION".

Your Committee noted the Council must approve or disapprove this nomination by October 11, 2016, or the nomination will be deemed approved.

In response to your Committee's question, Ms. Patnode stated that she is committed to attending the Commission meetings. She further stated she understood the Commission's responsibilities, which included studying of the organizations, the methods of operation of the Maui County's department, boards, and commissions.

Again, knowing Ms. Patnode, I know she will do an excellent job and I request my Councilmembers to consider this motion. Thank you, Chair.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

And Members, we're going to take our morning break, so please be back in your seats at 10:35. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:26 A.M., AND WAS RECONVENED AT 10:37 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting will please come back to order.

And Members, without objection, the Chair would like to bring up Bill No. 88 for consideration prior to commencing with the remainder of the agenda. Ms. Crivello has a--

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Ms. Crivello has a very important meeting regarding tax delinquencies with an entity that we're all familiar with, which will for now remain nameless.

So, Mr. Clerk, if you wouldn't mind bringing up that bill.

COUNTY CLERK: Thank you.

Mr. Chair, relative to Committee Report 16-142, that would be RESOLUTION 16-114.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 88 (2016)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 14.34.090 AND  
14.35.080, MAUI COUNTY CODE, RELATING TO THE EXEMPTIONS FOR THE  
WASTEWATER ASSESSMENT FEES FOR FACILITY EXPANSION  
AND COLLECTION/TRANSMISSION SYSTEM UPGRADE

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO PASS BILL 88 (2016) ON SECOND AND FINAL  
READING.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Chapters 14.34 and 14.35, Maui County Code, establish wastewater assessment fees for the expansion of the Kihei wastewater treatment plant and transmission system, and the expansion of the Wailuku/Kahului wastewater treatment plant. Bill 88 amends the exemptions from these fees, allowing these exemptions to apply to developments comprised of 100 percent residential workforce housing units, as defined in Section 2.96.020, Maui County Code, making Sections 14.34.090 and 14.35.080, Maui County Code, consistent with the Residential Workforce Policy.

I ask for the Council's full support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

And, we're back to Committee Report 16-143.

Mr. Clerk.

### COMMITTEE REPORTS

#### COMMITTEE REPORT

NO. 16-143 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 16-115, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND COMMUNITY MEETINGS," be ADOPTED;
2. That Resolution 16-116, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS TAX," be ADOPTED;
3. That Resolution 16-117, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY," be ADOPTED; and
4. That Resolution 16-118, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE REVENUE FOR EACH COUNTY'S AFFORDABLE HOUSING FUND THROUGH A ONE PERCENT CONVEYANCE TAX," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 16-143.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At its meeting of September 6, 2016, by a vote of 8-0, your Policy and Intergovernmental Affairs Committee recommended the adoption of the following proposed resolutions, entitled:

"APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND COMMUNITY MEETINGS";

"APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE TRANSIENT ACCOMODATION TAX";

3) "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY; and

4) "APPROVING FOR INCLUSION IN THE 2017 STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE REVENUES FOR EACH COUNTY'S AFFORDABLE HOUSING FUND THROUGH A ONE PERCENT COVENANCE [SIC] TAX".

Before I go on, Mr. Chair, I believe Councilmember Cochran has an amendment she would like to introduce. And, if I would, I would like to allow her, if you would allow that please, Mr. Chair.

CHAIR WHITE: Certainly.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Victorino, and thank you, Chair.

SO YES, I MOVE TO AMEND THE PROPOSED RESOLUTION BY AMENDING THE PROPOSED STATE BILL AS FOLLOWS: AND THIS IS ON THE FOURTH BULLET THERE THAT MR. VICTORINO JUST MENTIONED AT THE END OF THE EXISTING PROPOSED TEXT FOR SECTION 247-7(3), HRS, I'D LIKE TO ADD THE FOLLOWING:

And I believe, Members, you can follow along with me on the handout that was given.

ADD THE FOLLOWING: AND SHALL ONLY BE USED TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING BY THE FOLLOWING MEANS: (A) THE PURCHASE OF EXISTING HOUSING UNITS AND OTHER INTERESTS IN REAL PROPERTY; (B) THE PLANNING, DESIGN, OR CONSTRUCTION OF HOUSING UNITS; (C) MAKING GRANTS OR LOANS TO NONPROFIT ORGANIZATIONS, INCLUDING COMMUNITY LAND TRUSTS; OR (D) INVESTMENT IN PUBLIC INFRASTRUCTURE.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion from Ms. Cochran, with a second from Mr. Victorino, to amend the measure.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And so, Members and Chair, I am introducing these amendments to address concerns both at the County and State level to make this effective and to give it a chance of passing at the State level.

Because our experience with the TAT, I am amending to add stronger language requiring 100 percent of revenues to come back to the County in which the sale was made. And as we know, the State is trying to move away from the use of special funds because of the possibility of abuse.

I did some research into what kinds of affordable housing funds exist in other Counties and found that not all Counties have a specific affordable housing fund, or that there, there aren't specific about how these funds are to be used. And so to appease State concerns, I added language, I added this language to specify how these funds should be used. So the language is a summary version of Section 3.35.040, Maui County Code, of our affordable housing use of fund.

So, just to hopefully add more teeth, I guess, in this respect. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item?

Mr. Hokama, followed by Mr. Guzman.

COUNCILMEMBER HOKAMA: Chairman, let me just try and get couple of my points in line first. I thank Ms. Cochran. I think she is giving us some good food for consideration in how to approach our concern. I had made statements recently about my unhappiness with the status quo and its lack of achieving some of our intent regarding affordability.

For me, I'm going to say I can support this. And I'm going to use the word with reservations, not from what Ms. Cochran is proposing. My reservation is at, under the current State law, and this is what I would ask the Members to think about. Cause I like the intent, but Lanai, with its recent ownership, went through a change of corporate assets procedure which from Castle & Cooke, David Murdock to Larry Ellison, Oracle, paid no taxes on the conveyance because there was not a traditional real property transaction. This was a transfer of corporate assets where they pay no conveyance tax.

And we talk about big money, people. And so that's my reservation, Ms. Cochran. I like the idea, but we need to find a way to adjust the statute to force this type of exchanges or really a real estate transaction to be properly reviewed and taxed accordingly. I think the State of Hawaii missed out a great opportunity to get some reasonable financial resources from this transaction.

But again, this is another, well, my list of displeasure with the State is continuing to grow longer and longer. But this is another example of they know the issue, they know the loophole, and yet they refuse to address it in a responsible and timely manner. I blame the Governor's Office for this. I blame the Legislature for this.

We have to find ways to make this work. And so, I'm going to support this, but I ask that the Members think about how we can adjust the statute to close the bigger loophole, which is letting the corporations use a allowable technique to avoid paying conveyance taxes. And that's my beef, because then your one percent of nothing is still nothing. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

Oh, Mr. Guzman, did you have a?

VICE-CHAIR GUZMAN: Oh no, that's fine. I think Mr. Hokama hit it right on the head. Thank you.

CHAIR WHITE: Okay, thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

Oh no, I'm sorry, we're back to Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And thank you, Members, for allowing Ms. Cochran to--

COUNCILMEMBER COCHRAN: Thank you, Chair.



COUNCILMEMBER VICTORINO: And thank you, Mr. Hokama for your insights. You do make some great points in that respect. And there's a lot more work that needs to be done on this. But again, it's like every, everything we do, we got to take the first steps before we start worrying about the end results. So, this is the first step, and hopefully we can make some other corrections as we move on.

And so, these proposals have been discussed at length in the Committee. I believe we've done everything possible to get a, what I call a very good Legislative Package. We have a few more items that we hope to bring up in our next PIA meeting and, and be able to bring that forward, and hopefully have that included in the HSAC.

So again, with your, I respectfully ask all of my Councilmembers, again, to consider this motion as amended. And thank you for your understanding and all your hard work. I do appreciate it, everyone's, really, the public as well as all of you Members contribution to these inclusions to the HSAC Legislative Package for 2017. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NOS. 16-115, 16-116, 16-117, and 16-118, respectively.

Mr. Chair, proceeding with county communications.

## COUNTY COMMUNICATION

NO. 16-203 - ANNA M. FOUST, EMERGENCY MANAGEMENT OFFICER,  
(dated August 26, 2016)

Transmitting a notice of grant award from the State of Hawaii, Hawaii Emergency Management Agency, for the Emergency Management Performance Grant in the amount of \$100,000.00.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request the Clerk to bring up CC's 204, 205, and 206, with no objections from the Members.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

NO. 16-204 - JOHN D. KIM, PROSECUTING ATTORNEY,  
(dated August 30, 2016)

Transmitting a notice of grant award from the State of Hawaii, Highway Safety Division, for the Impaired Driving Program in the amount of \$16,642.00.

NO. 16-205 - JOHN D. KIM, PROSECUTING ATTORNEY,  
(dated August 30, 2016)

Transmitting a notice of grant award from the State of Hawaii, Highway Safety Division, for the Traffic Records Program in the amount of \$14,950.00.

NO. 16-206 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated August 31, 2016)

Transmitting the Taxicab Rate of Fare and Baggage Charges.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATIONS  
16-203, 204, 205 AND 206.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the Departments are just informing Council of required notification regarding grant awards, transmission of fares of rates. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

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

Mr. Clerk.

NO. 16-207 - ALAN M. ARAKAWA, MAYOR,  
(dated August 29, 2016)

Informing of a vacancy on the Committee on the Status of Women due to the resignation of Leigh Fitzgerald on August 29, 2016.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. If there is no objections, may I ask you to request the Clerk to also bring up County Communication 16-208, 16-209, and 16-210?

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 16-208 - ALAN M. ARAKAWA, MAYOR,  
(dated September 7, 2016)

Informing of a vacancy on the Maui County Arborist Committee due to the resignation of Jackie Brainard on September 6, 2016.

NO. 16-209 - ALAN M. ARAKAWA, MAYOR,  
(dated September 1, 2016)

Informing of the appointment of Lance De Silva to the Maui County Arborist Committee for a term expiring on March 31, 2021.

(Councilmember Crivello was excused from the meeting at 10:53 a.m.)

NO. 16-210 - ALAN M. ARAKAWA, MAYOR,  
(dated September 2, 2016)

Informing of the appointment of Sharon Daniels (replacing Jennifer McLean) to the Committee on the Status of Women for a term expiring on March 31, 2017.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 16-207, 208,  
209 AND 210.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Well, first of all, I'd like to thank the two, Ms. Fitzgerald and Ms. Brainard, who are leaving us, and thank you for your services to the County.

And I want to welcome Mr. De Silva and Ms. Daniels for joining us. And Ms. Jennifer McLean, who she's replacing, thanking her for her contributions while she was on the, the Committee for Status of Women.

So I want to thank those who have served, and welcome those who are coming aboard. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; and that is Ms. Crivello.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 16-211 - WILLIAM SPENCE, PLANNING DIRECTOR,  
(dated August 18, 2016)

Relating to the Maui Impact Fee Study and transmitting the following:

1. A Report entitled "MAUI ISLAND IMPACT FEE STUDY";
2. A Report entitled "LEVEL-OF-SERVICE ANALYSIS AND ALTERNATIVE FINANCING STUDY"; and
3. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, PERTAINING TO IMPACT FEES FOR SOLID WASTE, FIRE, POLICE, AND WASTEWATER IMPROVEMENTS ON MAUI, HAWAII".

The recommended action is that County Communication No. 16-211 be referred to the Budget and Finance Committee.

NO. 16-212 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,  
(dated August 24, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN AMENDMENT TO AN EXISTING INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII REGARDING FEDERAL AID PROJECTS".

The recommended action is that County Communication No. 16-212 be referred to the Budget and Finance Committee.

NO. 16-213 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated September 7, 2016)

Transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2015 to June 30, 2016 as of June 30, 2016 and the Capital Improvement Projects Report as of June 30, 2016.

The recommended action is that County Communication No. 16-213 be referred to the Budget and Finance Committee.

NO. 16-214 - SANANDA K. BAZ, BUDGET DIRECTOR,  
(dated September 9, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, DEPARTMENT OF MANAGEMENT, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF POLICE, DEPARTMENT OF PUBLIC WORKS".

The recommended action is that County Communication No. 16-214 be referred to the Budget and Finance Committee.

NO. 16-215 - MIKE WHITE, COUNCIL CHAIR,  
(dated August 30, 2016)

Relating to the Hawaii Visitors and Convention Bureau marketing overview and strategies.

The recommended action is that County Communication No. 16-215 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-216 - TEENA M. RASMUSSEN, ECONOMIC DEVELOPMENT DIRECTOR, (dated September 6, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING AN AMENDMENT FOR AN EXTENSION OF A GRANT OF A LICENSE OF COUNTY REAL PROPERTY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLE QUICK CHARGERS AND LOCAL BATTERY UNITS".

The recommended action is that County Communication No. 16-216 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-217 - MIKE WHITE, COUNCIL CHAIR,  
(dated September 8, 2016)

Relating to the transfer of equipment from the New Energy and Industrial Technology Development Organization (NEDO).

The recommended action is that County Communication No. 16-217 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-218 - WILLIAM SPENCE, PLANNING DIRECTOR,  
(dated August 25, 2016)

Relating to an application submitted by A&B Properties, Inc., for the Waiale District South Project, transmitting copies of documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL DISTRICT TO WAIALE PROJECT DISTRICT SOUTH FOR PROPERTY SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII";
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO WAIALE PROJECT DISTRICT SOUTH (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII"; and
3. "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH PERMISSIBLE LAND USES, STANDARDS OF DEVELOPMENT, AND ALLOCATIONS OF LAND FOR WAIALE PROJECT DISTRICT SOUTH SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII".

The recommended action is that County Communication No. 16-218 be referred to the Land Use Committee.

COUNCILMEMBER COUCH: Mr. Chair, short, short recess.

CHAIR WHITE: Sure. Recess at the call of the Chair.



(THE MEETING WAS RECESSED BY THE CHAIR AT 10:58 A.M., AND WAS RECONVENED AT 10:59 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order. And I'll turn my mic on again.

Mr. Couch.

COUNCILMEMBER COUCH: Nope, I'm fine.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with general communications. The following general communication is being recommended to your Planning Committee.

### GENERAL COMMUNICATION

NO. 16-9 - GRANT Y. M. CHUN, VICE PRESIDENT, A&B PROPERTIES, INC.,  
(dated August 22, 2016)

Submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning, for property situated at Haliimaile, Maui, Hawaii, (Haliimaile Subdivision).

CHAIR WHITE: Thank you, Mr. Clerk.

Members, any objections to the referral being made to the Planning Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business for the Council.

CHAIR WHITE: Thank you very much.

Members, I want to thank you for your attendance this morning. Nice to have all nine Members here for the majority of the meeting. And with that, we will adjourn.

### ADJOURNMENT

The regular meeting of September 16, 2016 was adjourned by the Chair at 11:01 a.m.



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

To: Maui County Council  
RE: EAR-63  
September 16, 2016

Re: The Issue of Public Purpose Use of the Old Maui High School Property at Hamakuapoko

EO 4117(pg 21) states:

“..hereby set aside for the following public purposes: for social services programs purposes.”

EO 4343(pg 30) simply amends EO 4117(pg 21) to add additional public purposes of *education, agriculture, and related support purposes*

In light of this:

the State DLNR Letter(pg 142) identified as “Exhibit 5” should read:

*“...which states the purpose of the set side to be for public purposes for: social services programs purposes, education, agriculture, and related support purposes.”*

## SURVEY RESULTS

BY: Hana Highway Regulation, Resident Volunteer

DATE: 07/28/16, 08:00 AM – 12:00 PM

LOCATION: Hana Hwy. Approx Mile Marker 14

Honomanu at temporary construction traffic light post.

*This location was selected to utilize the pace of intermittent traffic flow due to the road work in effect, to provide adequate time to examine passing vehicles.*

PREMISE: TOTAL CAR COMMUTING IN EACH WAY

RESULTS: (913) VEHICLES COUNTED, TRAVELING IN BOTH DIRECTIONS

(2,815) ESTIMATED TOTAL, INDIVIDUALS IN COMMUTE

RESULTS SUMMARY: (4) TYPES RESIDENTS, VISITORS, BUSINESS OPERATORS, GOVERNMENT

APPROXIMATIONS: (32) PERSONS 16 government vehicles 2 passengers

(124) PERSONS 62 business vehicles 2 passengers

(520) PERSONS 260 local vehicles 2 passengers

(552) PERSONS 46 touring vehicles 12 passengers

(1,587) PERSONS 529 rental vehicles 3 passengers

NOTE: (20) SUSPECTED / CONFIRMED ILLEGAL TOUR OPERATORS IDENTIFIED, attached.

THANK FRIENDS FOR THEIR STEWARDSHIP AND FORWARD THINKING  
FOR THE FACILITY, AND, THEIR CONTINUED ROLE SHOULD PROJ  
+ PARTICIPATION MOVE FWD.  
URGE

Almost 25 years ago, the county entrusted a citizens advisory committee with the task of gathering information to facilitate an update of the Haiku Community Plan. A key problem identified by this endeavor was an "immediate need" to create a Paia by pass road to mitigate current traffic congestion and to address the area's projected growth through 2010.

Now, nearly another decade past that window of projected growth, the county has failed to address traffic congestion in the Paia and Haiku communities.

According to documentation provided by Teach Development, this project will invite upwards of 550 students, volunteers and attendees to travel on Honomua Road and the already congested and ill-maintained roads that lead to it. Additionally, Teach Development is demanding that the county not only provide all necessary road improvements, they want it to be done on an "expedited basis," as noted in section F, pg 33, of EAR673.

This section also lists a laundry list of demands and required assurances that the county will provide county bonds, road improvements, historic tax credits, low interest loans, new market tax credits, expedited entitlements, licenses, permitting and similar processes will be handled by the county on an expedited basis," continuing on to delineate a need to prioritize the needs of Teach Development above any "business as usual time frame."

By contrast, the county's unprecedented \$1 annual lease for a period of 60 years appears to list virtually no demands from Teach Development that would ensure that the project actually provides the numerous for profit services they describe, which seems to entail everything from ending global hunger, solving climate change, curing cancer and balancing the forces of good and evil. In other words, this proposal, hits a lot of environmentally and culturally friendly buzzwords, but fails to delineate the means by which they will be accomplished, funded or maintained.

Numerous references in the proposal references revenues that will be gained from "entrepreneurial incubation equity and mentoring fees." This seems to be a euphemism for a business technology park, which is most definitely at odds with the Haiku Community Plan's intention to limit this particular property to education and agricultural uses in keeping with its historical designation, as well as Executive Order 4343 which states that the Old Maui High School should remain designated for uses related to social services, education, agriculture and related support services. I do not believe that for profit "glamping and camping" nor spa services planned by Teach Development fit these designations.

Finally, it is my opinion that if the county needs to stop handing over the stewardship and preservation of our cultural resources to well-connected outsiders seeking only to capitalize and commercialize what is sacred and fading from our current experience as we speak today.

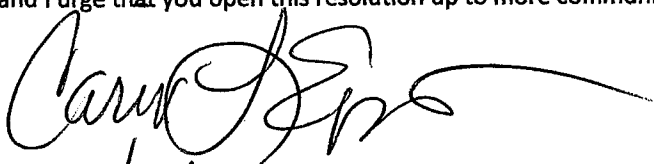
Mahalo for listening, and I urge that you open this resolution up to more community input as soon as possible.

Carin L. Enovijas

106 Noho Place

Pukalani HI 96768

(808) 298-2599

  
9/16/14

RE: 16-137

# Testimony opposing CR16-137

Karen Chun <karenchunmaui@gmail.com>

Tue 9/13/2016 11:13 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Dear Councilmembers,

A THEME park? A 60 year lease? WHAT ARE YOU THINKING? Is this going to benefit the public? I think NOT. What it is going to do is increase traffic on the already overburdened Hana Hwy and make our lives even more difficult than they are now.

Please oppose this.

Karen Chun  
87 Lae St  
Paia HI 96779

RECEIVED  
2016 SEP 13 AM 11:17  
OFFICE OF THE  
COUNTY CLERK

# More testimoney re CR16-137

Karen Chun <karenchunmaui@gmail.com>

Wed 9/14/2016 10:33 AM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2016 SEP 14 AM 10:40

OFFICE OF THE  
COUNTY CLERK

Appears that principal has been accused of fraud and also that another principal belongs to a sexist organization. Honestly, I read their description of their project and it is vague, pie-in-the-sky NONSENSE. Feel-good, unrealistic baloney. No deliverables. You guys are being SCAMMED.

Karen Chun  
87 Lae St.  
Paia HI 96779

---

Scam complaint:

<http://usacomplaints.com/business-finance/231176-greenbridge-capital-alan-collier-mark-chasan-complaints-reviews.html>

Complaint / review / scam report

Greenbridge Capital Alan Collier Mark Chasan

PPM deals are fraud ripoff dishonest raise capital for fraud deals investor money gone

Complaint / review text:

DO NOT WORK with this outfit. They are not a financial firm, they will get investors to put capital into PPM deals that are fraudulent and work with criminal activity. Latest deal the president was arrested, criminal activity, a complete disgrace to the financial community. They lead investors on about when the company will be trading by giving inflated and bogus numbers to lead the investors along making them believe they will see a return.in the end the investor sees ZERO \$ and then Alan Collier says that Greenbridge is not responsible and make more excuses than a convicted felon. HHMMM they will end up in prison some day. Stay away from this firm and these guys they will take your money and will never admit any fault along the way when it is all gone!!!

Contact information:

Author: Contact with Author

Offender: Greenbridge Capital Alan Collier Mark Chasan

Country: USA State: California City: Los Angeles

Address: Greenbridge Capital 11400 W. Olympic Blvd. Suite 200 LA, CA 90064

Phone: 8182612372

Category: Business & Finance

---

This guy is the head of the project and belongs to some sexist, discriminatory organization called "the Triangle Fraternity". Notice the description's sexist, anti-women language. As an engineer myself, I am highly offended - well not really because I don't GET offended but it is like something out of the 1950s and laughable.

"All Triangle Fraternity brothers strive to be leaders in the campus, local community, and their chosen fields of studies. In order to do so our brothers and volunteers are aware of our mission statement and objectives. Triangle's purpose is as follows:"

# Opposing CR16-137

Sandi Ioakimi <sioakimi@gmail.com>

Wed 9/14/2016 8:14 AM

To: County Clerk <County.Clerk@mauicounty.us>;

I send my testimony opposing CR16-137

Sandi Ioakimi  
808.283.6216

RECEIVED  
2016 SEP 14 AM 8:20  
OFFICE OF THE  
COUNTY CLERK



# Delay Adoption of CR 16-137 Long Term Lease of Old Maui HS Campus

Joseph Kohn <weareoneent@msn.com>

Wed 9/14/2016 12:54 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha Honorable Maui Council Members:

Please delay adoption of CR 16-137 (Long Term Lease of Old Maui HS Campus) pending public review of proposals by the lessee. I have personally and professionally considered a similar proposal to the County and I need to know more about the plans of Teach Development LLC before I could support such a long term lease. We Are One, Inc. might be willing to pay \$2 per year in total under the same terms. Or maybe I should be working with Maui County, or Teach Development LLC, to assist our future. Exciting times!

Thank you for your very kind attention.

Joseph Kohn MD  
Founder, We Are One, Inc. - WAO  
1268 W Hiahia Pl  
Wailuku, HI 96793-9762  
808-359-6605  
Joseph@WeAreOne.cc  
www.WeAreOne.cc

RECEIVED  
2016 SEP 14 PM 1:39  
OFFICE OF THE  
COUNTY CLERK

I oppose

Susan Douglas <sd3@hawaii.rr.com>

Wed 9/14/2016 2:02 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Giving away Old Maui High to a bunch of scam artists. 23 acres for \$1 a year for 60 years??? For an off island for profit company??!!!

Warmest Mahalo and Aloha!

Susan Douglas  
84A Iliwai Loop  
Kihei, Maui, HI 96753  
808 879 1112 (you can call 24/7)  
[sd3@hawaii.rr.com]sd3@hawaii.rr.com

RECEIVED  
2016 SEP 14 PM 2:10  
OFFICE OF THE  
COUNTY CLERK

# Old Maui High 23 acres

Judy Grodan <judygrodan@gmail.com>

Wed 9/14/2016 2:59 PM

To: County Clerk <County.Clerk@mauicounty.us>;

PLEASE DO NOT lease the Old Maui High property to an off island for profit company. Maui MUST have a better use that would benefit Maui.

Judy Jarvie

RECEIVED  
2016 SEP 14 PM 3:01  
OFFICE OF THE  
COUNTY CLERK

Maui Highschool

Mary Margaret Baker <marymargaret.baker@icloud.com>

Thu 9/15/2016 6:55 AM

To:County Clerk <County.Clerk@mauicounty.us>;

I am giving a NO to off island give away for 60 years at \$1/year. Not right for Maui residents. If you proceed---there must be very reasonable Kama'aina benefit to Maui residents. We are tired of being ripped off.

Mary Baker

Kihei, HI

Sent from my iPhone

RECEIVED  
2016 SEP 15 AM 8:20  
OFFICE OF THE  
COUNTY CLERK

# Old Maui High School (EAR-63?)

Charlotte O'Brien <charobrien@gmail.com>

Thu 9/15/2016 12:57 PM

To: County Clerk <County.Clerk@mauicounty.us>;

To Whom It May Concern:

I am just learning about the issues surrounding the potential transfer of the old Maui High School - public property for 60 years to a private corporation from the mainland. This concerns me and I am requesting that more due diligence be done before such a decision is made.

I am writing to request that this issue be sent to committee for further review before such a potentially significant decision is made.

Respectfully,

Charlotte O'Brien  
PO Box 886  
Haiku, HI 96708

RECEIVED  
2016 SEP 15 PM 1:58  
OFFICE OF THE  
COUNTY CLERK

RECEIVED

2016 SEP 16 AM 8:04

**RE: CR16-137**

FAX: 270-7171

OFFICE OF THE  
COUNCIL CLERK  
TESTIMONY: PLEASE DISTRIBUTE TO COUNCIL MEMBERS BEFORE MEETING  
9/16/16. THANK YOU!

\*\*\*\*\*

To: Mr. Guzman and All Council Members

The proposed lease of 20 acres at the site of the high school on its face has the feel of a good project, and to be a good project requires following the laws in place for such a grant.

Most normal people recognize the sublime beauty of the North Shore, and we can arguably consider the corridor a gateway to Hana, a place that is truly a world treasure evidenced by the million-plus people who attempt the drive, one of the few roads anywhere in the world through rain forest.

I believe you agree that our collective job is to protect and strengthen this area and the much acclaimed values of those who live in the area that place respect and aloha above economy and efficiency.

A project that stands to disrupt the lives and land-use designations of the people living on the agricultural North and East shores must be carefully evaluated to insure the lessening of unintended consequences for both the people and the environment. Indeed, in our growing society there are more reasons, not less, for the Council to follow the letter of the laws regarding change in boundaries and zoning changes that stand to change the character of communities—in this case from Pa'ia to Hana.

If passed the proposed Resolution will break state laws regarding environmental impact studies and Maui County Policy Plan to protect agriculture. Further, this proposal confounds the laws as to what is a grant and what is a lease. Moreover, there are land use boundary amendments that must be established in order for this project to become legal, and those should occur before the awarding of the peoples' land to a for-profit operation.

The events and structures are intended to generate income for investors.. The plan includes the construction of an amphitheater, meeting facilities much like the Maui Arts and Cultural Center. What restrictions are in place to insure the amphitheater is used for education, or can it be used for entertainment productions? Further, the promotion material includes employment of individuals to grow vegetables much like the theme park we know as the Maui Plantation the only difference is the sanctimonious use of the word "know" in place of "plantation".

Generating profit defines this as a for-profit enterprise and not an educational institution. The land could be used to create a really great middle-high school, but not as a charade to get the good (perhaps naive) people in Haiku to think this is a good thing.

This commercial use defines both the theme aspect of what is inaccurately described as a "park". One of the selling points identified in this promotion is that the promoters have over 500 years "aggregate" experience flattering the intelligence of those of us seen as country folk.

There has been no interaction with the public on this, which has been quietly discussed and planned (300 pages), similar to how the Mall dev in Kihei was pushed through.

The current planning director was the point-person from the department in the development of the Paia-Haiku Community Plan in law today. Mr. Spence has failed to disclose that he received plans at that time for a major development going east and west from A&B at that time. His job is to provide service to the people but he has failed to advise the public of proposals to amend amend County plan areas for subdivisions.

The erosion of our Community Plans has been accomplished in many ways, and not enforcing the Community Plans was the work of the Maui Island Plan. Similar to this Park, the sports complex on the edge of Central Maui was put through real quick as insiders lobbied the schools and churches in nearby Wailuku and Kahului to get the families to support it. Might makes right—is this not a cornerstone value in the Maui Island Plan?

The administrations move today in Haiku is similar...get the land freed and the deal put through quick. How can the Council pass this Resolution without identifying how to fund the project, to create a feasibility study, to raise taxes and other funds required for infrastructure roads, sewerage, etc. This is not good governance and is in line with the Baisa motto: "We must get something done" with no concern of unintended consequences or whether the Maui Policy Plan is affected.

The Council needs to do due diligence. There is no Impact Statement, and no assurances how the land and named structures will be used. This is potential chaos as the State Land Use Commission is likely to approve without any sense of the real impacts. How can the Council approve without knowing the environmental impact? What does right and wrong mean?

\*\*\*\*\*

Lloyd Fischel  
20 N. Lanikai Place  
Haiku, HI 96708  
Tel. 572-2269





Lloyd Fischel

Hawaii Hero of Agriculture in Education 2010

[LanikaiFarms.com](http://LanikaiFarms.com)

Tel. 808-572-2269

“Where Ecology Guides Us”

RE: CR 16-137

RECEIVED

2016 SEP 16 AM 8:05

Matthew Brown <[mbrown@myhta.org](mailto:mbrown@myhta.org)>

Fri 9/16/2016 5:50 AM

OFFICE OF THE  
COUNTY CLERK

To: County Clerk <[County.Clerk@mauicounty.us](mailto:County.Clerk@mauicounty.us)>;

Aloha Maui County Council Members,

Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

Ho'okipa is the most important beach on the island of Maui and the land around it must be preserved to preserve the beach!

--

Aloha,

:) Matt Brown, M.A. Education & Technology  
Neighbor Island Math & Science Teacher & Advisor  
[mbrown@myhta.org](mailto:mbrown@myhta.org)  
808-298-6849

HTA Logo  
Alt.png

**[myhta.org](http://myhta.org)**

*CONFIDENTIALITY NOTE: This email message may contain information which may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual or entity named above. If you think you have received this message in error, please email the sender then delete the email from your computer system and destroy any hard copies of the email. If you are not the intended recipient any dissemination, distribution or copying is strictly prohibited.*

CR 16-137

Nicole Brown <nlbrown623@yahoo.com>

Thu 9/15/2016 11:18 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha Maui County Council Members,

RE: CR 16-137

Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

There has not been adequate community informational meetings, input or collaboration.

The plan is riddled with vagueness and no substantive plan information.

The County is not in a fiscal position to be offering deals such as this one.

Sincerely,

Nicole Busto  
Kula, HI 96790  
808-463-7783

RECEIVED  
2016 SEP 16 AM 8:05  
OFFICE OF THE  
COUNTY CLERK

CR16-137

Linda Clark <clarkl004@gmail.com>

Fri 9/16/2016 7:03 AM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2016 SEP 16 AM 8:05

OFFICE OF THE  
COUNTY CLERK

Aloha Maui County Council Members,

RE: CR 16-137

Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

Thank You,

Linda Clark

Sent from my iPhone

# Defer CR 16-137 Hamakuapoko Land Lease

Faith Ewbank <mauifaith@gmail.com>

Thu 9/15/2016 11:11 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Cc: Mike White <Mike.White@mauicounty.us>; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Michael Victorino <Michael.Victorino@mauicounty.us>; Gladys Baisa <Gladys.Baisa@mauicounty.us>; Robert Carroll <Robert.Carroll@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Don Couch <Don.Couch@mauicounty.us>; Stacy S. Crivello <Stacy.Crivello@mauicounty.us>;

September 15, 2016

Aloha Maui County Council Members,

RE: CR 16-137

Please defer or defer indefinitely this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

There has not zero community informational meetings and no opportunity for input. The proposal is riddled with vagueness and no substantive planning information. Quite frankly, my college freshmen could have wrote this. It is conceptual with no substance, lots of fancy words. I have spent hours researching this entity and the endeavor and I see no example of what they are proposing. I know of several other qualified, experienced and proven entities that would jump at the chance to submit sustainable proposals for this lease rate.

The last mention from TEACH Dev LLC about waste to energy is way out of their league of understanding and the reach is too broad to be believable.

I thank you for the monies you presently allocate to maintain Old Maui High School this as it is. I will support Friends of Old Maui High School in different ways now that I understand they are desperate for support. I appreciate the small presence of environment education research they do conduct on the premises now.

The County is not in a fiscal position to be offering 'Blue Light Sale' such as this one. In addition, as the "Show Me The Water" bill was created to address surprises like this, show me the water.

Sincerely, Faith Chase

(808) 856-5864

RECEIVED  
2016 SEP 16 AM 8:05  
OFFICE OF THE  
COUNTY CLERK

CR 16-137

Ann E <mauimagic5711@hotmail.com>

Thu 9/15/2016 8:46 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2016 SEP 16 AM 8:05

OFFICE OF THE  
COUNTY CLERK

Aloha Maui County Council Members,

RE: CR 16-137 Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

There has not been adequate community informational meetings, input or collaboration.  
The plan is riddled with vagueness and no substantive plan information.  
The County is not in a fiscal position to be offering deals such as this one.  
In addition, as the bill was created to address surprises like this, "Show Me The Water"

Thank you,

Ann Evans  
Maui RESIDENT

CR 16-137

Tulsi Greenlee <tulsigreenlee@icloud.com>

Thu 9/15/2016 9:43 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2016 SEP 16 AM 8:05

OFFICE OF THE  
COUNTY CLERK

Aloha Maui County Council Members,

RE: CR 16-137

We do not need more cars out here. The traffic is already bad. Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

There has not been adequate community informational meetings, input or collaboration. The plan is riddled with vagueness and no substantive plan information. The County is not in a fiscal position to be offering deals such as this one. In addition, as the bill was created to address surprises like this, "Show Me The Water"

Thank you, Tulsi Greenlee

Sent from my iPhone

CR 16-137

dawn hart <boscomoka@gmail.com>

Thu 9/15/2016 10:03 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2016 SEP 16 AM 8:05

OFFICE OF THE  
COUNTY CLERK

[county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

Aloha Maui County Council Members,

RE: CR 16-137

Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

Thank You, Dawn Hart





CR16-137

RECEIVED

2016 SEP 16 AM 8:05

Elizabeth Key <liziemay2@icloud.com>

Thu 9/15/2016 11:02 PM

OFFICE OF THE  
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha, I am writing to speak out about the proposed sale/development across from Hookipa beach park. Every day our facilities are tapped out to the max with parking and people. Also, traffic in Paia is horrendous. Developing this land would only add fuel to the already burning fire of not enough facilities for the locals.

Please buy this land so it can be in perpetuity for the Maui people and add to the facilities badly needed for the area.

Thank you,  
Liz Key

Sent from my iPhone

Re:: CR 16-137

Misha Lococo <kiana96790@gmail.com>

Fri 9/16/2016 5:17 AM

To:County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2016 SEP 16 AM 8:05

OFFICE OF THE  
COUNTY CLERK

Aloha Maui County Council Members,  
RE: CR 16-137

Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

Thank You,  
Misha Lococo

CR 16-137

RECEIVED

2016 SEP 16 AM 8:05

Gwen Morinaga <gkama@hawaii.edu>

Thu 9/15/2016 10:05 PM

OFFICE OF THE  
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha mai Maui County Council Members,

Please defer resolution CR 16-137 that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years. Community members need more time to hear from the proposed leasee, Teach Development LLC about their plan for the Old Maui High School site..and to give our input into the plan. This is the first time I have heard about their application to lease.

Mahalo for your time and attention given this matter,

Naone Gwen Morinaga-Kama  
Makawao, Maui

old maui high

Kachina Palencia <kachinala@outlook.com>

Thu 9/15/2016 5:42 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Don't sell to unqualified buyers. Pamela Palencia

Sent from Mail for Windows 10

RECEIVED

2016 SEP 16 AM 8:05

OFFICE OF THE  
COUNTY CLERK

CR 16-137

RECEIVED

jami power <jpowermaui@yahoo.com>

2016 SEP 16 AM 8:05

Thu 9/15/2016 11:09 PM

OFFICE OF THE  
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha Maui County Council Members,

RE: CR 16-137

Please defer this resolution that would allow the County of Maui t Maui to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

Thank You, Jami Power

# TESTIMONY - FRIDAY 08\_16\_16 EAR Committee Report 16 -137

Jim or Belinda <2jbhome@hawaiiantel.net>

Thu 9/15/2016 8:39 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Chairperson White and Members of the Maui County Council

I have been interested in protecting the quality of life enjoyed by me as a member of the Paia/Haiku Community Plan area. The Resolution attached as part of Committee Report 16-137 radically changes the character of this area as well as threatens the quality of life now enjoyed and I ask that it be withdrawn until such time as this Council can review an environmental assessment or impact statement that is required before good judgment can be made, as to its impact and necessity for mitigation. Specifically, this Council should seriously consider participation in the financing of a by-pass road and at this point it does not appear to be considered.

A panel presented information to the Committee on August 2, 2016 and that presentation was not identified on the agenda for that meeting. And the public at large should have known the promoters provide a presentation. Further, It is appears the Executive order prevents the type of action proposed. one that gives public land resource away

I ask that action on the Committee Report and Resolution be deferred until these matters can be considered particularly the need for developers to participate in the financing of future public infrastructural developments.

Thank you

/s/ Jim Smith

08\_15\_16

RECEIVED  
2016 SEP 16 AM 8:05  
OFFICE OF THE  
COUNTY CLERK

# TESTIMONY - FRIDAY 08\_16\_16 EAR Committee Report 16 -137

Jim or Belinda <2jbhome@hawaiiantel.net>

Fri 9/16/2016 7:22 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Chairperson White and Members of the Maui County Council

I have been interested in protecting the quality of life enjoyed by me as a member of the Paia/Haiku Community Plan area. The Resolution attached as part of Committee Report 16-137 radically changes the character of this area as well as threatens the quality of life now enjoyed and I ask that it be withdrawn until such time as this Council can review an environmental assessment or impact statement that is required before good judgment can be made, as to its impact and necessity for mitigation. Specifically, this Council should seriously consider requiring participation in the financing of a by-pass road and at this point it does not appear to be considered.

A panel presented information to the Committee on August 2, 2016 and that presentation was not identified on the agenda for that meeting. And the public at large should have known the promoters provide a presentation. Further, It is appears the Executive order prevents the type of action proposed. There were other options considered by the Mayor and not presented to the Committee with reasons for their unsuitability. Further it appears The Executive Orders 4117 and 4343 require that the County control and manage the uses that the properties are put to.

I ask that action be deferred until these matters can be considered particularly developers participation in the financing of future public infrastructural developments.

Thank you

/s/ Jim Smith

08\_15\_16

RECEIVED  
2016 SEP 16 AM 8:06  
OFFICE OF THE  
COUNTY CLERK

# Old Maui High School Campus Leases

svickery@hawaii.rr.com

Fri 9/16/2016 6:44 AM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2016 SEP 16 AM 8:05

OFFICE OF THE  
COUNTY CLERK

Aloha Maui County Council Members,

RE: CR 16-137

Please defer this resolution that would allow the County to enter into two leases to Teach Development LLC for the Old Maui High School Campus for \$1 per year for a term of 60 years.

There has not been adequate community informational meetings, input or collaboration. The plan is riddled with vagueness and no substantive plan information. The County is not in a fiscal position to be offering deals such as this one.

In addition, as the bill was created to address surprises like this, "Show Me The Water".

Mahalo nui,

Susan Vickery  
3579 Pahala St.  
Makawao, HI 96768



9-16-16

To: Maui County Council

At last - - -

after years of community planning and searching for partners and resources to implement preservation and community use plans, the historic OHS Hamakua Park Campus is the focus of a comprehensive proposal by the TEACH organization.

The principals of the organization comprise a well-known Hawaii historic preservation architect, entrepreneurs, legal professionals; cultural, educational, and agricultural specialists.

The goals and vision of the Friends of Old Maui High School have been included in their proposal. The illustrious history of the place, the school, the exceptional trees, the Charles Dickey Building and other features of the site reflect the spirit and the beauty of a special time in Hawaii.

It is my hope that Maui County will approve the TEACH, Inc. proposal and support these new, vigorous, and diverse initiatives that will bring renewed life to the treasured campus and honor the educators and alumni of the past.

Jan Dapitan  
2180 Vineyard St 200  
Wailuku, HI 96793  
868-0205