

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

August 22, 2017

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 TUESDAY, AUGUST 22, 2017, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

### ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, G. RIKI HOKAMA, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER KELLY T. KING.

(Councilmember King was not present when the roll was called; however, she arrived at 9:09 a.m.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, eight Members "present", one "excused". Quorum is present to conduct the business of the Council.

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

And for this morning's opening remarks, we'll go to Member Guzman.

### OPENING REMARKS

The opening remarks were offered by Councilmember Don S. Guzman.

CHAIR WHITE: Thank you, Mr. Guzman.

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

### PLEDGE OF ALLEGIANCE

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

CHAIR WHITE: Thank you. And just a reminder to please turn your phones to the silent mode before the meeting starts.

And with that, Mr. Clerk, please proceed with our agenda.

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

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with 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 when testifying, please state your name and the name of any organization you represent.

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

(Councilmember Cochran was excused from the meeting at 9:08 a.m.)

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.

(Councilmember King arrived at the meeting at 9:09 a.m.)

MS. TINA THOMPSON: Good morning. This is Tina Thompson at the Molokai District Office and there is no one waiting to testify.

(Councilmember Cochran returned to the meeting at 9:09 a.m.)

COUNTY CLERK: Thank you.

Mr. Chair, we have five individuals who have signed up to testify in the Council chamber. The first person to testify this morning is Norma Cronkite, testifying on Committee Report 17-106. To be followed by Ernie Cronkite.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. NORMA CRONKITE (testifying on Committee Report 17-106):

Good morning, Council Chair--

CHAIR WHITE: Good morning.

MS. CRONKITE: --and Members of the County Council. Good morning. My name is Norma Barroga Cronkite, a resident of Wailuku Heights, retired school principal, and a former Maui planning commissioner. Thank you for the opportunity to speak before you this morning regarding Lona Ridge application for a Conditional Use Permit, CR 17-106.

I followed this application from when the Special Use Permit was filed, testified at Maui Planning Commission, and Land Use Committee public hearings. The Maui Planning Department saw the forest when they recommended approval on the Special Use Permit. The Maui Planning Commission also saw the forest when they approved the Special Use Permit with very stringent conditions.

When the Conditional Use Permit application was before the Land Use Committee, Members saw the trees and totally, totally missed the forest by filing the Conditional Use Permit application. You totally missed the opportunity to make this a win/win situation. Conditional use permits are intended to mitigate concerns related to the Special Use Permit. The proposed 32 conditions were very stringent and meant to address the concerns. It is my opinion that some of the conditions were even unreasonable and unrealistic that would make any business not feasible.

The Maui Planning Deputy Director stated several times at the last Land Use Commission meeting that Mrs. Wilson can actually, actually do various agriculture related businesses on her ag-zoned property including two restaurants, agriculture related tours, and she can have all the animals that she wants to raise. And these activities, in my opinion, are worse than what Mrs. Wilson has initially intended to do. It would have been a win/win situation if her Special Use and Conditional Use Permits were approved.

In the final analysis, after everything was said and done, Mrs. Wilson can do all the ag-related activities without any restrictions, time limitations, or what have you. So people who have not heard firsthand what the Deputy Planning Director said perceive this as a threat, but it is the truth. So, when this happens, as a resident of Wailuku Heights, it is my opinion that you had done a great disservice to all of Wailuku Heights residents for not having approved Mrs. Wilson's Conditional Use Permit when you had the opportunity to do it. You totally have missed the forest. Thank you.

CHAIR WHITE: Thank you, Ms. Barroga Cronkite.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Ernie Cronkite, testifying on Committee Report 17-106. To be followed by Al Corella.

MR. ERNIE CRONKITE (testifying on Committee Report 17-106):

Good morning, Council Chair.

CHAIR WHITE: Good morning.

MR. CRONKITE: Good morning, Councilmembers. My name is Ernie Cronkite, and I've been a resident of Wailuku Heights for over two years now. I'm here to represent Leona Rocha Wilson on CR 17-106, for the Conditional Use Permit at Lona Ridge.

On behalf of Ms. Leona Rocha Wilson, I would like to thank the Planning Department for clarifying the use of agricultural part of Lona Ridge; i.e. two restaurants, farmer's markets, ag tours, as many as she would like, no restrictions on alcohol, no restrictions on parking, no restrictions of any kind. I think that's, that's fantastic. And she really appreciates it, cause it gave her a whole better understanding of what she can do and what she can't do. Also, she can have cows, pigs, chickens, goats, sheep, whatever animal she would like.

The restrictions that were placed on the Conditional Use Permit, 32 of them on the Lona Ridge original application, were totally unrealistic and that's the end of that.

But, thank you very much for listening to me this morning. I really appreciate it. And you guys have a nice day.

CHAIR WHITE: Thank you, Mr. Cronkite.

Members, any need for clarification?

Seeing none, before you proceed Mr. Clerk, I'd like to welcome Member King. Good morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Al Corella, testifying on Committee Report 17-106. To be followed by Kathleen Stout.

MR. AL CORELLA (testifying on Committee Report 17-106):

Good morning, ladies and gentlemen. My name is Al Corella, and I have lived in Wailuku Heights for 14 years.

I want to thank the Land Use Committee very much for supporting my position of vehemently opposing the permit to Leona Wilson. I appreciate the fact that it was a unanimous vote, and that tells me a lot that you're in support of our community. You know, most of us in Wailuku Heights are hardworking people that have struggled to go up the economic ladder. And all we want is to be a neighborhood that has a quality of

life for us, and safety. By the fact that you supported our position in opposing the permit says many things to me that you are in support of our cause; our righteous cause.

You know, as I said we're all hardworking people. And Leona Wilson values her personal wealth, and she says it was all done through her endeavors. But, the reality is that she did it the good old-fashioned American way; she married into it.

So, I appreciate the fact that the Land Use Committee has been in our corner. And I would ask the entire Council to continue to support and deny this, this permit to Leona Wilson. Thank you very much.

CHAIR WHITE: Thank you for being here this morning, Mr. Corella.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next testifier is Kathleen Stout, testifying on Committee Report 17-106. To be followed by Rosemary Robbins.

MS. KATHLEEN STOUT (testifying on Committee Report 17-106):

Good morning, Chair and Councilmembers.

CHAIR WHITE: Good morning.

MS. STOUT: I'm Kathleen Stout. I live in Wailuku Heights. I live right below Lona's house. If you were to repel off the mountain, you'd be in my backyard.

I just want to say thank you. We did not take this issue lightly, and I speak for more than myself. We did a lot of hard work. We went and contacted our neighbors. And contrary to some of the comments that were made of us being rich, greedy, mean haoles; we are not. We are very closely committed to one another. We gather garbage cans after trash day. You can go up to our area right now, and you'll see that our trash cans aren't out on the sidewalk anymore. We collect newspapers, letters. We rescue and babysit dogs, cats, parrots, and even a lizard.

So, we are committed. And we wanted to present the best data we could to show you that we took this very seriously. And so, we appreciate the Land Use Committee seeing what we were trying to commit to you, and I thank you. And I also ask the rest

of the Committee to please support the Land Committee to maintain our neighborhood as a residential area. It's one of our largest investments. For many of us, it is our final resting place. Thank you.

CHAIR WHITE: Thank you for being here this morning, Ms. Stout.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Next individual to testify is Rosemary Robbins, testifying on County Communication 17-329 and Committee Report 17-109.

MS. ROSEMARY ROBBINS (testifying on County Communication No. 17-329 and Committee Report 17-109):

Good morning, everybody. Hope you all caught that beautiful double rainbow this morning out there greeting us; how nice.

In terms of, on the last page of our agenda this morning on page 5, the Water Resources Committee recommending filing of a communication relating to the acceptance of a 15-foot wide waterline easement for the Haliimaile Residential Large-Lot Subdivision, affecting property identified for real property tax purposes as tax map key such.

The filing in this, what people are asking in the community, what does it mean to be filed? And in a nutshell, it means that that's still in the record. So, at a point future in time should there be newly accumulated data, it may be old data that got turned over and discovered that there was more to it, or it may be indeed new data. But, in view of the fact that all of the issues that are before this County Council are issues brought before elected people countywide. They don't want to have things disappear that could be coming back to haunt us. So, I'm certainly in favor of this being filed. And I hope this is a help to concerned citizens out there that are saying just what does it mean to be filed. It won't be lost. So, thank you.

And the other one was on the, on the monthly resource and ground use reports. It's been brought up by a number of people, not just concerned citizens, but others who are on commissions and all who have said over and over again, accurately so, it depends on who's collecting the data, which data they collect and put into their reports.

And one of the concerns that we're finding out in our local counties and the State audits indicates that we really need to keep track of who it is that's accumulating this data. When we have maps that go with the written data, pretty easy to see areas that have loads of wells, areas that have no wells. And none of us can control the water source that falls from the sky. We're getting better at being able to identify it. We're getting better at being able to do things like plant encouragement for that water. But, that's still up to mother nature.

So, we need to be very careful about that as to who it is that's collecting the data. And it was said here before, well, they're going to collect the data that's going to make them look good; whoever they are. And when we take a look at what has happened with the plantation history here in Hawaii, on all of the islands, there's been caution brought up that if it's people who are part of for example, "Plantation X" that delivers that data, they're going to use some criteria and maybe not all of the criteria that would be available to come up with the numbers that they come up with. That's valid. So, we need to take a peek at that. There's a reason that those plantations, with the exception of Maui, went out years ago, and they got into other things. Good for them.

But it is important that we know who it is that's collecting this data. So, I'm encouraging you to make sure that everybody takes a keen look. We heard this morning about the old-fashioned way of getting your money and whatever. No sarcasm here. This is just a case of let's be real about what it is that we're dealing with. Let's take a good look at who's compiling those figures, who's coming up with those maps, who's, who's willing to do the homework to be able to read on this.

And the firsthand man in our administrative end has put out information that says that we need to make sure that we do all of this stuff on computers. Very little of the paperwork available by contrast, and some of us who work by way of, of paperwork are growing greater in numbers, so.

CHAIR WHITE: Thank you so much for your testimony this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Members, any need for clarification?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.



COUNCILMEMBER ATAY: Thank you, Ms. Robbins for your testimony.

MS. ROBBINS: You're welcome.

COUNCILMEMBER ATAY: So, I've heard you in your testimony at least five times emphasize that we must keep track of who it is that's accumulating this data. Are you suggesting that we bring this up on our, in our Water Committee, to, to--

MS. ROBBINS: I'd be happy to hear it. And the people who have asked me, who run into me at the hardware store or the grocery store, how come and what does this mean?

COUNCILMEMBER ATAY: Yea.

MS. ROBBINS: So, sure. You're the experts. Would love to have that brought up.

COUNCILMEMBER ATAY: So, in essence, you're looking for a second or third different party other than the County itself to, to do the data collecting?

MS. ROBBINS: And to be careful of who that second or third party is.

COUNCILMEMBER ATAY: Okay.

MS. ROBBINS: Yea.

COUNCILMEMBER ATAY: Thank you, Chair.

CHAIR WHITE: Thank you.

Anyone else needing clarification? Seeing none, thank you for being here this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

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

Hana Office, are there any additional testifiers?

MS. LONO: There's no one waiting to testify at the Hana Office.

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 additional testifiers?

MS. THOMPSON: There is no one waiting to testify at the Molokai Office.

COUNTY CLERK: Mr. Chair, there is no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have, there has been written testimony submitted. Without objections, we'll receive it into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY  
RECEIVED FROM NORMA BARROGA CRONKITE WAS MADE A  
PART OF THE RECORD OF THIS MEETING.

CHAIR WHITE: Thank you.

And without objections, we will close public testimony for the morning.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk, let's proceed with our agenda.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting/public hearing of May 19, 2017, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR  
MEETING/PUBLIC HEARING OF MAY 19, 2017, BE  
APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll?

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk

COUNTY CLERK: Mr. Chair, proceeding with County Communications.

### COUNTY COMMUNICATION

NO. 17-320 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated July 26, 2017)

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

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I'll request the Clerk to bring up County Communications up to and including 17-326.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 17-321 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated August 2, 2017)

Transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging in the amount of \$743,889 for Title III Programs.

NO. 17-322 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated July 28, 2017)

Transmitting the notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block Grant Program in the amount of \$1,803,099.

NO. 17-323 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated August 8, 2017)

Informing of the intent to expend \$25,000 in Federal Forfeiture Funds for the Employee Development Program to fund training and related expenses.

NO. 17-324 - TIVOLI S. FAAUMU, CHIEF OF POLICE,  
(dated August 8, 2017)

Informing of the intent to expend approximately \$7,452.03 in Federal Forfeiture Funds to pay for an all-terrain vehicle for the Wailuku patrol.

NO. 17-325 - RICHARD MINATOYA, DEPUTY PROSECUTING ATTORNEY,  
(dated August 10, 2017)

Transmitting a notice of grant award from the State of Hawaii, Department of the Attorney General Crime Prevention and Justice Assistance Division, for the Domestic Violence Investigations Program in the amount of \$53,022, with accompanying matching funds for a total of \$70,696.

NO. 17-326 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated August 10, 2017)

Transmitting 124 contracts/grants for July 2017.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE TO FILE COUNTY COMMUNICATIONS AS  
READ BY THE CLERK.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, just for note, we have from by direct referral, according to Council Rules, regarding Communication 17-322, we are, your Committee's already in receipt of a budget amendment regarding the increase of grant revenue by \$71,908. Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-327 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated August 2, 2017)

Informing of the acceptance of Sewerline Easement 7, Millyard Subdivision, Wailuku,  
TMK: (2) 3-4-020:078 (Por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR, I MOVE THAT COUNTY COMMUNICATION 17-327 BE  
FILED.

COUNCILMEMBER KING:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. This matter is a housekeeping item. And in accordance with Section 3.44.015H, Maui County Code, the Director of Finance is required to notify the Council in writing of any acquisition or conveyance made to the County pursuant to this Section.

And this dedication of the Sewerline Easement is in the Millyard Subdivision in Wailuku, and runs from Imi Kala Street, affecting approximately 7,767 square feet of Lot 55 for the new Tamura's Wailuku Market.

And the easement will include an underground 8-inch sewerline and two manholes, which were originally completed in 1986.

No County or CIP Funds were used to acquire this Sewerline Easement.

And the Director of Environmental Management has approved the dedication of the easement and transmitted in this county communication. So, therefore, I'm asking for the filing of the communication. Thank you, Chair.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-328 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated August 2, 2017)

Informing of the acceptance of a Warranty Deed for Road Widening Lot for the Makawao Avenue Reconstruction Subdivision, TMK: (2) 2-4-003:061 (Por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE THAT COUNTY COMMUNICATION 17-328 BE FILED.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Sorry, I didn't hear who seconded.

COUNCILMEMBER COCHRAN: Kelly.

CHAIR WHITE: Okay. We have a motion from Ms. Cochran, and a second from Ms. King.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And so, this matter also is a housekeeping item, like the previous. And this road widening lot is dedicated to the County's part of a Federal Aid project to reconstruct a portion of Makawao Avenue.

And the road widening acquisition rectifies a partial encroachment of Makawao Avenue onto private property as part of the Kokomo Road/Makawao Avenue Pavement Reconstruction Project. The total area of the Road Widening Lot dedication is 553 square feet.

CIP Funds of \$1,396 were used to acquire the Road Widening Lot.

And Director of Public Works has approved the dedication of this Road Widening Lot, which has been transmitted through this County Communication. So, I therefore ask for filing. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.



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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 17-329 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,  
(dated August 7, 2017)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending July 2017.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MR. CHAIR, I MOVE TO FILE COUNTY COMMUNICATION  
17-329.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, this report is strictly informational. There is no Council action needed. I appreciate receipt of the information, and also respectfully request the communication be filed.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "aye".

Mr. Clerk.

NO. 17-330 - STACY CRIVELLO, COUNCILMEMBER,  
(dated August 15, 2017)

Relating to a Councilmember's report on the Hawaii State Association of Counties  
Executive Committee meeting held on August 10, 2017.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 17-330.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Council Chair White, Councilmember Hokama, and I attended the meeting of the Hawaii State Association of Counties Executive Committee on August 10, 2017, at the Honolulu Hale Committee Meeting Room in Honolulu, Hawaii.

I am making this report pursuant to the State Sunshine Law, specifically Section 92-2.5(e), of the Hawaii Revised Statutes.

The HSAC Executive Committee received a brief report from each of the Counties. The Executive Committee discussed the timeline for the 2018 HSAC Legislative Package, the 10 measures approved for inclusion, and the 2017 Package will automatically be considered again this year.

September 29, is the deadline for the HSAC Executive Committee to transmit proposals to the Councils for consideration. November 30, will be the deadline for the Councils to approve proposals for inclusion in the 2018 HSAC Legislative Package. The final HSAC Package will consist only of those proposals approved by all four Councils.

A quorum of the Council was not present at the meeting. The HSAC Executive Committee meeting was not specifically and exclusively organized for or directed toward Members of the Council, but was a meeting of the HSAC Executive Committee Members. No commitment relating to a vote on any Council business was made or sought at the meeting.

Mr. Chair, this concludes my report. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

(See pages 35 through 39 for discussion.)

CHAIR WHITE: Mr. Clerk.

NO. 17-331 - MIKE WHITE, COUNCIL CHAIR,  
(dated August 15, 2017)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MARLENE K. REBUGIO AS A COUNCIL SERVICES CLERK IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ENTITLED "APPROVING THE APPOINTMENT OF MARLENE K. REBUGIO AS COUNCIL SERVICES CLERK IN THE OFFICE OF COUNCIL SERVICES", AND FILING OF THE COMMUNICATION.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The skills and experience of Marlene Rebugio possess, possesses make her an excellent candidate for the position of Council Services Clerk.

She comes to us with over 20 years combined experience in government administration, and clerical support, and retail management. Her expertise in government purchasing, financial accounting, reporting, inventory management, budget development, and personnel administration will complete the support services team in the Office of Council Services.

I recommend the appointment of Marlene K. Rebugio as Council Services Clerk for the Office of Council Services, and respectfully request the support of this resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Ms. Rebugio, is it Rebugio? Related to Jeff Rebugio, Kaanapali? So, Chair, my question is, sorry, this is the first time I've seen this name appear. And I'm not sure if my office did not receive an email or any sort of reference--

CHAIR WHITE: Yea, your office did receive--

COUNCILMEMBER COCHRAN: --resume, or anything.

CHAIR WHITE: --two separate emails, and offers of interviewing the individual.

COUNCILMEMBER COCHRAN: Okay. Cause it had occurred too with other appointments too, but, okay. Thank you.

CHAIR WHITE: Okay. Any further discussion, Members?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: No, just wanted to say that yea, I did receive the--

CHAIR WHITE: Could you move your microphone a little closer?

COUNCILMEMBER KING: Oh. I did receive the email to interview and, and actually had my staff interview, you know, sit with Ms. Rebugio, and, because the staff is very often the part of the office that deals more, more frequently with the clerks. And so, they had glowing reports from their interview. And, you know, just wanted to say I, I welcome this applicant.

CHAIR WHITE: Thank you very much. Any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 17-128.

Proceeding with County Communications for referral. The following communications are being recommended to the, to be referred to the following Committees:

NO. 17-332 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated August 9, 2017)

Transmitting the surveillance reports by both Moody's and Fitch Ratings.

The recommended action is that County Communication No. 17-332 be referred to the Budget and Finance Committee.

NO. 17-333 - LYNN A.S. ARAKI-REGAN, BUDGET DIRECTOR,  
(dated August 14, 2017)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER ADMINISTRATION PROGRAM – SEWER FUND, WASTEWATER OPERATIONS PROGRAM – SEWER FUND"; and

2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, COUNTYWIDE SEWER CAPITAL IMPROVEMENT RESERVE FUND".

The recommended action is that County Communication No. 17-333 be referred to the Budget and Finance Committee.

NO. 17-334 - RIKI HOKAMA, COUNCILMEMBER,  
(dated August 11, 2017)

Relating to the State of Hawaii Tax Policy.

The recommended action is that County Communication No. 17-334 be referred to the Budget and Finance Committee.

NO. 17-335 - RIKI HOKAMA, COUNCILMEMBER,  
(dated August 15, 2017)

Relating to the design, construction, and funding for the Wailuku Civic Complex.

The recommended action is that County Communication No. 17-335 be referred to the Budget and Finance Committee.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with General Communications.

GENERAL COMMUNICATION

NO. 17-9 - GRANT Y. M. CHUN, VICE-PRESIDENT, A&B PROPERTIES  
HAWAII, LLC, (dated August 4, 2017)

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: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO FILE GENERAL COMMUNICATION 17-9.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The annual compliance report is required by condition of zoning placed on this project. It is informational only, and does not require Council action. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.



CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

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

### COMMITTEE REPORTS

COMMITTEE REPORT  
NO. 17-103 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 74 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (HAWAII STATE COMMISSION ON THE STATUS OF WOMEN)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I ask the Clerk to bring up Committee Reports 104 and 105.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered. Mr. Clerk.

COMMITTEE REPORT  
NO. 17-104 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 75 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 PLANNING (COASTAL ZONE MANAGEMENT PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 17-105 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 76 (2017), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 (OFFICE OF YOUTH SERVICES GRANTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT COMMITTEE REPORTS 17-103, 104, AND 105,  
ALONG WITH ITS RECOMMENDATIONS, BE PASSED ON  
FIRST READING AND BE ORDERED TO PRINT.

Thank you.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we are just receiving grant funding through various applications. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, Committee Report 17-103, that would be BILL 74 (2017). Committee Report 17-104, BILL 75 (2017). Committee Report 17-105, BILL 76 (2017).

COMMITTEE REPORT

NO. 17-106 - LAND USE COMMITTEE:

Recommending that County Communication 17-128, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING LEONA ROCHA WILSON, MANAGER OF LONA RIDGE, LLC, A CONDITIONAL PERMIT TO CONDUCT SPECIAL EVENTS, INCLUDING WEDDINGS, CORPORATE AND NON-PROFIT RECEPTIONS, WORKSHOPS, ART SHOWS, PHOTOGRAPHY SESSIONS, FILMING, AND SIMILAR EVENTS, AS WELL AS HAWAIIAN CULTURAL PRACTICES, WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 588 KULAIWI DRIVE AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-002:010, WAILUKU, MAUI, HAWAII" be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE  
COMMITTEE REPORT 17-106

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee on three occasions and heard from 55 testifiers regarding a Conditional Permit request. Many testifiers noted concerns about the potential noise, increased traffic, road safety, and change in neighborhood character.

Your Committee found the proposed uses would be significantly detrimental to the public interest, convenience, welfare, and upset the harmony and sense of place of the residential neighborhood.

Therefore, your Land Use Committee unanimously recommended that County Communication 17-128 be filed.

Mr. Chair, I would note for the record that the filing of the communication is a means by which the Council would disapprove the Conditional Permit application. I ask for the Council's full support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

COUNCILMEMBER CRIVELLO: Chair. Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Chair. I, I just feel compelled to follow up on, as stated in the Committee Report, there was an overwhelming request to deny this application. However, I feel it's, it is my hope as a Member of the Committee, that the community will find an avenue to heal with another member of, of their community.

But, more important, you know, a testifier made reference today to the applicant's earnings or financials. And I would like to just make mention that has nothing to do with the Committee's report or even from the in, in reference to the neighborhood. I think too often it becomes personal, and she does not deserve the kind of, I call it unnecessary indictment. And, I just feel that we have to look at this very objectively. And when comments come back that way, it becomes quite personal.

So, it is my hope that the community will find a way, however this motion may, may follow through in one way or the other, that there will be the opportunity to find healing. I just needed to say that, Chair. Thank you.

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 ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COMMITTEE REPORT  
NO. 17-107 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE  
COMMITTEE:

Recommending that Resolution 17-129, entitled "RELATING TO THE APPOINTMENT OF BRANDIS SARICH TO THE URBAN DESIGN REVIEW BOARD," be ADOPTED.

*Approving the appointment of Brandis Sarich to the Urban Design Review Board for term expiring March 31, 2020.*

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 17-107.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on August 2, 2017 *[sic]*, to consider the Mayor's nomination of Brandis Sarich to the Urban Design Review Board, for a term expiring March 31, 2020, to fill a vacancy due to the resignation of Demetrios Callinicos.

There is no time limit for the Council to approve or disapprove the nomination.

And, and your Committee did not ask for the nominee to meet us at the meeting to be interviewed.

A representative, representative of the Mayor said Ms. Sarich has a strong interest in historical preservation, which she does, I did speak to her personally, and is a licensed professional architect who will help to fulfill the need to have a total of two registered architects to serve on the Board as required by Section 2.26.030, Maui County Code.

And your Committee voted 5-0 to recommend the approval of Ms. Sarich, and also asked to attend today's Council meeting. Your Committee did make a request to her in writing and I did hear from her that she is actually out of town today, so could not be here in, could not be physically here. But, we did pass on her information. Anybody of the Committee who wanted to speak to her could. So, unfortunately, she could not be present, but I hope that any questions that any of the Members had were directly answered through a phone call to her, which she made herself available. And I hope that you will recommend her approval. Thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 17-129.

COMMITTEE REPORT  
NO. 17-108 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE  
COMMITTEE:

Recommending that Resolution 17-130, entitled "RELATING TO THE APPOINTMENT OF DOUGLAS STEPHENSON TO THE LANAI PLANNING COMMISSION," be ADOPTED.

*Disapproving the appointment of Douglas Stephenson to the Lanai Planning Commission.*

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 17-108.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, with a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on August 8, 2017, to consider the Mayor's nomination of Douglas Stephenson to the Lanai Planning Commission for a term expiring March 31, 2018, to fill a vacancy due to the resignation of, of Beverly Zigmund.

The Council must approve or disapprove the nomination by September 30, 2017, or the nomination will be deemed approved.

While the representative of the Mayor said Mr. Stephenson could bring a transportation perspective as a Director of Fleet and Transportation of Pulama Lanai, your Committee heard concerns expressed over a conflict of interest as a result of Mr. Stephenson's employment.

Your Committee voted 6-0 to recommend disapproval of the nomination. I respectfully ask for your Council's approval. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 17-130.

#### COMMITTEE REPORT

NO. 17-109 - WATER RESOURCES COMMITTEE:

Recommending that County Communication 17-225, from the Director of Finance, informing of the acceptance of a 15-foot wide Waterline Easement, Haliimaile Residential Large Lot Subdivision, TMK: (2) 2-5-003:030, be FILED.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE REPORT 17-109.



COUNCILMEMBER COCHRAN:

CHAIR, SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Atay, seconded by Ms. Cochran.

Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, this matter was considered at the Water Resources Committee meeting of August 2, 2017. Your Committee noted concerns related to the sufficiency of the map depicting the easement, which only shows its "approximate location".

Your Committee notes the terms of the Waterline Easement states that within twelve months of the final subdivision approval, the grantor shall execute an amendment to the Easement, providing a metes and bounds description of the Easement area and a survey map showing the Easement area, stamped and signed by a licensed Hawaii land surveyor.

Your Committee's recommended the communication be filed. And I respectfully ask for the Members support of my motion.

CHAIR WHITE: Thank you, Mr. Atay.

Members, any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair Atay for the Committee. And as your Vice-Chair, I know I was excused, I was just trying to figure out cause it sounds like a lot of items that run through IEM; acceptance of waterline easements, which we just did earlier in our calendar. So, I was just curious, I'm trying to figure out the difference between what gets put forward through my Committee versus this item. I don't, if you have--

CHAIR WHITE: Yea, if I could, if I could share with you what the issue was. There's an existing, I believe it's an 8-inch waterline that goes across a parcel that was previously Maui Land & Pine property. And it is now becoming a, I believe it's a large-lot subdivision, Mr. Atay. And, they don't know exactly where that line is, but it's a County

line in the middle of, that goes, intersects a parcel of land that's a part of this new subdivision.

So, the subdivider needs, well the County needs the, needs the easement, but they don't know exactly where the pipeline is. So, they've postponed the require, the requirement of the easement until they, they clear the land and identify, and the owner is then going to have to identify where the pipeline is and come back to the County with the, with the easement.

So, it's, I'm not sure, it is kind of, a little bit of a crossover between the two Committees. But, I believe it went to the Water Committee, because it was pretty much purely an issue with the Water Department needing to identify where, where this, this parcel, or where this easement should be.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Mr. Atay, do you have anything?

COUNCILMEMBER ATAY: Yea, the, the Committee, in our finding is that the Water Department knows that the water, the waterline exists, but the, because it's, I guess, so many years ago, they're trying to look, they need to locate it first to then be able to give the actual metes and bounds of, of the actual, where the pipe is located. So, that's why we're, we're going, and it's primarily a water, water supply pipeline.

COUNCILMEMBER COCHRAN: Okay. Yea, thanks.

CHAIR WHITE: But, you bring up a good point, cause most of the easements have gone through IEM, so we'll, we'll be a little more--

DIRECTOR OF COUNCIL SERVICES SANANDA BAZ: Mr. Chair, I could add a little, just a little clarification.

CHAIR WHITE: Sure.

DIRECTOR OF COUNCIL SERVICES: Yes, you're correct in observing that. The IEM Committee typically handles when a development has completed its infrastructure improvements, and is now dedicating it to the County; that's really what goes through the IEM Committee.

Since this was an existing department of County, Department of Water Supply County waterline that we were just needing an easement for, it was more relevant for the Water Resources Committee. So, thank you.

COUNCILMEMBER COCHRAN: Oh okay. Thank you for all the explanations though. Got it. Thank you very much.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,  
CRIVELLO, GUZMAN, HOKAMA, KING,  
SUGIMURA, VICE-CHAIR CARROLL AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

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

CHAIR WHITE: Thank you, Mr. Clerk. And thank you all for being here this morning.

Mr. Hokama.

### DISCUSSION RELATING TO COUNTY COMMUNICATION NO. 17-330

COUNCILMEMBER HOKAMA: Chairman, I want to speak on a point of information. And, it's regard to Communication 17-330 on page 3, Chairman. This is not about the action Council taken. I just, it hit me late. Sorry, I'm a little slow this morning. But, I feel, if you would allow some comment, Chairman, within the rules of order, to let me just say a few things regarding this meeting and what we have known has transpired since, since I believe it is important to Members of this Council and to the residents of our community.

CHAIR WHITE: I believe that's a, that's certainly appropriate. So, please proceed.

COUNCILMEMBER HOKAMA: Yea, thank you, Chairman. You know, as of yesterday, Members and people of our community, it was interesting, both Houses of our State Legislature deferred their caucuses. The House and Senate have deferred meeting. The House is planning to go back into a caucus hopefully on Friday, which will they, hopefully will have a bill, special session bill that they can have agreement on, and at least enough 26 minimum votes to move the legislation forward, whatever it is which we are yet unclear of, Mr. Chairman.

The Senate, I would say is also awaiting the House, since the drivers seem to be Speaker Saiki and Finance Chairman Luke. And, I can tell you, Chairman, that currently the five percent GET doesn't seem to be the target. The target seems to be a couple of things. And we'll be blunt with our community. This seems to be a personality conflict between House Finance Chair Luke and Mayor Caldwell of the City and County of Honolulu. Major difference is of course the rail, and other things as when Mayor Caldwell served in the House. That is historic, and that needs to be put aside, Chairman.

The key is what does Oahu do with rail? Whatever they decide will impact people of Maui County, I can tell you that; either through taxation, or some other form, Maui County residents will be impacted by the decision on the rail, including the future obligations of how the State plans to pay their responsibilities for our State workers here in Maui County.

I would say, Chairman, one of the sad things about it is though they talk about it quite, maybe you would say cavalierish to let the rail fail, that means we are going to be required to pay the Federal government back billion plus dollars. We are going to need to tear down what we have built and restore what was, okay. That's the downside of not moving forward. And the tax base is going to have to pay for that, cause now we have no Federal dollars to support us. It'll be the total tax base of the State of Hawaii, including the people of Maui County and our ability to raise funds for our own programs that is mandated by our Charter.

So, what I'm telling you, Members of this Council, today is that it's hard to find a bill that'll come out on Friday by the House. It's going to be reviewed by the Senate. And hopefully on Monday morning, they're going to be ready to vote on this. Okay, that's the reality.

The Senate has been quite statesman-like I would say in my terms, of trying to be patient with the House. But I think we need to let the people know that there is no benefit of Maui County to keep paying, or pay for the rail. We already pay for the convention center, which in my opinion we get very little on zero benefits of. But, we helping to pay, every neighbor-island county is helping to pay for a convention center.

Part of the discussion is should the neighbor-islands pay through additional TAT taxes financing the rail, which we won't have direct benefits of?

And, of those new generated revenues of an increase in TAT, hundred percent is for Oahu, okay. Nothing comes back to the neighbor-islands. We had the smaller inventory compared to Oahu. We have one-tenth of the, Oahu's population, Chairman. The impact on our County is greater. It's greater on our property owners, home owners, businesses. Everybody in Maui County that's a tax base is going to get it worse than the Oahu tax base just by size. And I think we need to be real and let our State delegations know, you know, our House and State Senate representatives from Maui County that this is not what is good for Maui County. We cannot tolerate a TAT increase that we have no benefit of.

And I think Oahu has spoken. They prefer to just extend the Excise Tax as is. They've been paying for it for ten years. It is not a new tax. They read about reauthorization, and the borrowing, and the cost of interest. But, what nationally big massive public works project hasn't gone over cost and over schedule? I have yet to see one that has come under by government constructed on time and under budget.

So, Chairman, I think we just need to be real. I appreciate you allowing me to speak. I should've spoken up earlier during Ms. Crivello's comments. But, I think this is too important for the people of this County and this Council not to know what is happening, what is not happening at the State Capitol at this time. Thank you, Chairman.

CHAIR WHITE: Thank you.

Ms. Crivello, would you like to share HSAC's perspective that was part of the discussion at the meeting?

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, coming from HSAC, our support is where all the Counties in, in uniting with the City and County of Honolulu coming from recommendation from their Council, they support what Oahu residents are supporting to reauthorize the existing GET Tax, and to leave alone our TAT monies. And, to not, not even have a conversation to tax the neighbor-islands further with any kind of percentage with the GET.

I, I would like to encourage our community, as well as our, my colleagues to drop a line to our Representatives, our State Legislature, especially on the State House. I think our, our Senators are very, as, as Mr. Hokama said, quite statesman-like in, in just waiting on the side. But, for our Legislators to make a decision that they, there's no room to deprive us of the TAT monies. And, and well, they can deprive us of additional GET Tax, we're fine with that. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

I'll just add that Mr. Hokama's analysis of where we stand with the, the State Legislature is quite, quite accurate.

And it's, it's a bit disappointing, because all of us live with the Sunshine Law, where we can't even talk to each other if we both have an idea to create the same legislation. We can't work on it together. And yet, it's clear that since the session ended about three or four months ago, that they've been passing drafts or ideas back and forth. And that simply is not something that we get to do. The idea that drafts had been going back and forth with, with no responsibility on their part to share it with the public to me is really irresponsible.

The idea that they would even consider taxing the neighbor-islands in order to pay for Oahu's rail is reprehensible. We already generate, just, this is just Maui, not the other neighbor-islands, but just Maui generates \$155 million in the TAT now. It goes to Honolulu. They can't be spent on activities, and restaurants, and retail outlets here on Maui. It goes to Honolulu and is, and the majority of it goes into the general fund and is spent on general government responsibilities. Maui County gets back 21 million. So, we get back a very small portion. If we were to get back the average that all other local governments across the country get back, we would get back almost the entire \$155 million, because local communities across the nation average 67 percent of the money generated by, generated off of hotel or lodging room revenues.

So, it's, it's very difficult to sit here and say, yea, we're happy to watch what goes on down there. It's, it's concerning to me that there's no transparency. It's concerning to me that, that personal conflicts get into decision-making at, at a very high level. And yet, that's what we're dealing with. That's where we're at now. And, I think at this point it's quite questionable whether, whether there will be a special session.

But, the rail issue needs to be resolved. It needs to be resolved in a way that it's going to be uncomfortable for a number of people, but we have some very serious financial realities. And as Mr. Hokama said, whether, whether they levy the, the TAT on the neighbor-islands or not, all of us are going to end up paying for it in one way or the other because it's such a huge financial burden on Oahu. Some of those costs will likely fall to those of us who buy things on Oahu, those of us who travel to Oahu. So, it's, you know, it's one of those things where we, we just, we can't predict where this is all going to end up. But, hopefully our Representatives will stand firm and protect the interest of the neighbor-islands and of Maui County in particular.

So, for those of you who have close personal relationships with members of, or even if you don't have close personal relationships, if you have their phone number or their emails, please contact our Representatives and our Senators and, and share your feelings with them, because this is a, a big issue. It needs to get resolved. And we don't need to be on the menu.

So, with that, if any of you have any other comments pertaining to this item, I'm happy to leave the floor open. Anyone else? Okay, seeing none, I want to thank everybody for being here. And with that, we are adjourned.

### ADJOURNMENT

The regular meeting of August 22, 2017 was adjourned by the Chair at 10:12 a.m.



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

Norma Barroga Cronkite  
528 S. Alu Road  
Wailuku, HI 96793  
barrogaf001@hawaii.rr.com  
August 22, 2017

Dear Maui County Councilmembers,

Good morning. My name is Norma Barroga Cronkite, a resident of Wailuku Heights, retired school principal, and a former Maui Planning Commissioner. Thank you for the opportunity to speak before you this morning regarding Lona Ridge application for a conditional use permit.

I followed this application from when the special use permit application was filed, testified at Maui Planning Commission and Land Use Committee public hearings. The Maui Planning Department saw the forest when they recommended approval of the special use permit. The Maui Planning Commission also saw the forest when they approved the special use permit with very stringent conditions. When the conditional use permit application was before the Land Use Committee, members saw the trees and totally missed the forest by filing the conditional use permit application with no or yes votes. You totally missed the opportunity to make this a win/win situation. Conditional use permits are intended to mitigate concerns related to the special use permit. The proposed 32 conditions were very stringent and meant to address the concerns. It is my opinion that some of the conditions were unrealistic that would make business not feasible.

The Maui Planning Department Deputy Director stated several times at the last Land Use Committee meeting that Ms. Leona Rocha-Wilson can actually do various agriculture related businesses on her ag-zoned property including two restaurants, agriculture tours, and many other ag related activities with no restrictions or time limitations. These activities in my opinion are worse than what Ms. Wilson has initially intended to do. It would have been a win/win situation with a special use and conditional use permits. In the final analysis, after everything is said and done, Ms. Wilson can do all the ag related activities with no restrictions or conditions. In my opinion, her conditional use permit application has been handled with a tunnel vision, which led to missing the forest. As a Wailuku Heights resident and looking at this matter objectively, the final consequence is that the residents who opposed the application, and the Land Use Committee members have missed the forest and will therefore expect the worse-case scenario if Mrs. Wilson decides to do all the ag related activities that she is legally allowed to do. Some people who have not heard firsthand the facts about the ag related activities that Ms. Wilson can conduct on her property perceive this as a threat. The fact remains that we can expect ag tour buses, unlimited cars for the 2 restaurants, animals such as pigs, cows, chickens, goats, sheep, and others on the property. When this happens, as a resident of Wailuku Heights, it is my opinion that you had done a great disservice to all of Wailuku Heights residents for not having approved Mrs. Wilson's conditional use permit when you had the opportunity to do so. You totally have missed the forest!

  
Norma Barroga Cronkite