

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

October 19, 2018

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, OCTOBER 19, 2018, 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, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

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

CHAIR WHITE: Thank you, Mr. Clerk.

For opening remarks this morning we'll go to Member Cochran.

OPENING REMARKS

The opening remarks were offered by Councilmember Elle Cochran.

CHAIR WHITE: Thank you, Ms. Cochran.

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 please ensure that your phones are put on silent mode for the meeting.

And with that, Mr. Clerk, let's proceed.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-162

CONGRATULATING JOYLENE TABON FOR
BEING CROWNED MISS HAWAII FILIPINA 2018
AND VANESSA BALDOS AS THE NEW MISS
MAUI FILIPINA 2018

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"CONGRATULATING JOYLENE TABON AND BEING
CROWNED MISS HAWAII FILIPINA 2018 AND VANESSA
BALDOS AS THE NEW MISS MAUI FILIPINA 2018".

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. May I request that the Clerk read the resolution in its entirety please?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'd like to ask my fellow Members to also support this resolution. And, I had the opportunity of meeting Joylene at a Maui Academy of Performing Arts garden party, and, heard her. And I hope she'll share some of that today as, which is part of her journey and her, besides being beautiful and being with all her crowns, she has a mission that she is living and being out there in the community. So, I commend her for that.

I also wanted to make note of someone who I think is also very special, which is Michelle Santos. So, Michelle Santos is sitting there, and will receive copies of the resolution. But, she also should be recognized because I think she is the beauty queen pageant coordinator extraordinaire. And, for years, she's been doing this. I think she's probably created generations and helped with formulating the Filipino culture and customs through her work with creating these many pageants that she does. So, I wanted to make a special note and thank her.

Vanessa Baldos was a first runner-up and she became the queen for Maui when, when Joylene then moved up for statewide recognition. But, just amazing people, you know, that we are surrounded by in the community. And, I wanted to just give our congratulations and thanks to all of them. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Further discussion, Members?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I would be remiss without making a remark. I would like to congratulate our, our State winner and Queen, Ms. Tabon, as well as our new Miss Maui Filipina, Ms. Baldos. As the reso indicated, this pageant, the State pageant is one of the longest running pageants.

I recall back in the day when I served as the State president of the United Filipino Council, attending at least 17 pageants in one, in one year travelling the State. And not only does these, do these, these pageants raise money for each of the associations and umbrella-associations throughout each island, it also perpetuates the culture of the Filipino and as well as encouraging these young leaders, especially the women, to come forward and take leadership roles within their community. And then the State winner goes off to the Philippines as an ambassador on a platform.

So, these scholarships, pageants reflect their talents as well as they have to achieve a certain grade point average. And, they are lucrative in terms of the scholarships that are given out, academic scholarships. So, this is all one step forward in trying to enhance our economic and social status in, in Hawaii. So, I congratulate all of you for taking that move forward.

I always recall President Marcos's quote, and I, I always write it down, and it goes by this. At one point, Ferdinand Marcos said, "My countrymen: we have reached a turning point in our history. The choice is yours. Shall we venture into this brave new world, bright with possibilities, or retreat to the safety of our familiar but sterile past? I am for crossing the frontier". So, I congratulate all of you, women and queens, for crossing that frontier. Aloha and Salamat--

CHAIR WHITE: Thank you, Mr. Guzman.

Any further comments?

COUNCILMEMBER COCHRAN: Yea.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I was seeing the, the women in the lobby going, how do they look so, that way so early in the morning. And you know I think my last quote in my opening comments, the difference between a successful person and others is not a lack of knowledge or strength, but rather a lack of will. And, these women have some strong will to not just, you know, be presentable in appearance, but as Mr. Guzman mentioned, you know, workwise, studying, you know, intellectually and culturally. So, hats off completely to these ladies, and best of everything, you know, in their endeavors heading into the future and that, that brave new world that we, that they're going to be a part of. So, just, yea, congratulations, and their will to do what they're doing. Mahalo, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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, I guess back to Ms. Sugimura.

COUNCILMEMBER SUGIMURA: With your permission, may I ask Joylene and Vanessa to come down to the podium and receive congratulations?

CHAIR WHITE: Certainly. Please join us.

COUNCILMEMBER SUGIMURA: Thank you. So, I wanted to present to each of you the certificate. But, I wondered if you would say a few words to us and share with us some information about yourselves. So, thank you.

MS. VANESSA BALDOS: Good morning, everyone. I'd just like to congratulate Joy on her accomplishment for, as Miss Hawaii Filipina. I know that she did a wonderful job of representing Maui and showing the State what Maui is all about.

I would also like to thank the MFCC for my coronation and for bringing me into my role as Miss Maui Filipina. I'm very excited for the year. I'm very excited of, about perpetuating my culture and inspiring younger generations to become involved. Thank you.

MS. JOYLENE TABON: Hello. Thank you. Good morning, everyone. First and foremost, thank you so much, Yuki, for bringing this resolution forward and for giving everyone the opportunity to really shine a light on MFCC and all that it does, not only for perpetuating the Filipino culture, but also being a beacon to let Filipino women around the State to express themselves and to better themselves and find themselves. So, thank you so much.

My personal platform is suicide prevention and awareness. And, I was here a couple weeks ago for the Prevent Suicide Task Force resolution. And, I just wanted to share with everyone, although pageants may be looked at as just beauty things and things that people do to boost their self-esteem, it's also a platform for your platform. And, I am so humbled to be able to do this not only for Maui, but also for all of Hawaii. I want to be, I'm sorry I'm getting really emotional, but my goal in life is to be a beacon of hope to those who feel like they can't go forward, to feel like they aren't good enough to achieve something like this.

And, I'm just so emotional about it because I'm so thankful for all of the opportunities that I've been given and for all of the love and support that I've received not only as Maui Filipina going on to Miss Hawaii Filipina, but also in all of my years after I decided to take my own life four years ago. And, I, and I want to share this with everyone, because four years ago if you were to tell me that I would be standing here at the County Building receiving a resolution for being Miss Hawaii Filipina I wouldn't have believed you. And, with everyone's love and support and continued guidance, I am here.

So, I want to thank my parents, my family, all of my friends, my boyfriend. I want to thank you all. And I want to encourage everyone to, no matter where you are, who you come across, or what you're doing, to spread love and to be a light for someone that needs it, because you never know what anyone else is going through. Thank you.

CHAIR WHITE: Congratulations, ladies, and thank you so much for joining us this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-165.

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

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

When testifying, please state your name and the name of any organization you represent.

Currently, we have no testifiers waiting at our District Offices. We have five individuals waiting to testify at the Council chamber. The first person to testify in the chamber is Princess Cainguitan, testifying on Committee Report 18-175. To be followed by Joseph Blackburn.

Princess Cainguitan.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. PRINCESS CAINGUITAN (testifying on Committee Report 18-175):

Hello. Good morning, everyone. I'm Princess Cainguitan, and I was part of the UHMC emersion, I.M. Ready Program emersion to the Philippines. A little background about myself is I'm, about myself is that I grew up in the Philippines for nine years in a town called Badoc Ilocos Norte, and immigrated to Hawaii in 2008.

Currently, I'm a hospitality student and University of Maui College. Upon our arrival to, at Manila, we were welcomed by Councilor Vincent and Sir Jimmy from the City Government of San Juan. We took part in their Wattah Wattah Festival and through the event, we were able to oversee the bond and teamwork between Mayor Guia, Councilor Vincent, and leaders in the community to help organize the event. Truly the hospitality is so different from other places that we encountered, and it is evident to say that San Juan is the fruitful city because of their influential leaders who work hard for the community.

One of the most valuable lessons I took from the trip is the value of education, in which I learned that one graduate from each family in the Filipino resident is not for, Filipino residents not to be stuck in poverty. And, I was able to witness that public schools need more computers available for students to utilize. And so, Sir Jimmy made sure that Sam and I were placed into classes that led us to gain knowledge about the history and culture of the Philippines.

I strongly believe that it is important to maintain a good relationship between Maui County and San Juan. The two Sister Cities can work together to send exchange students from the Philippines and here to Maui. And, I'm, I'm grateful for being part of the I.M. Ready Program, because I got to view life from a different perspective, connect back into my home country, and discover myself. I hope to be influential by sharing my knowledge and stories to encourage others to . . . to apply the upcoming years. Thank you.

CHAIR WHITE: Thank you very much.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Joseph Blackburn, testifying on Committee Report 18-167. To be followed by Scott Crawford.

MR. JOSEPH BLACKBURN (testifying on Committee Report 18-167):

Good morning, Council Chair, Councilmembers.

CHAIR WHITE: Good morning.

MR. BLACKBURN: I'm just here as a resource person. I'm a homeowner and managing agent. So, when the item does come up, if there are any questions, I will be here to answer them. Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Scott Crawford, testifying on County Communication 18-369. To be followed by Tiffany Iida.

MR. SCOTT CRAWFORD (testifying on County Communication No. 18-369):

Aloha, Chair and Members of the Committee.

CHAIR WHITE: Aloha.

MR. CRAWFORD: I'm testifying on 18-369, regarding the Open Space Fund and, just wanted to give a little bit of background about this item. Back in, earlier this year, there were some properties in Hana that were placed under contract to be sold by Hana Ranch Partners. And, there was a large community meeting that was held at that time and expressing a lot of passionate feelings about the importance of these lands. And, the seller, the buyer ended up backing out at that time. But, it catalyzed the community to really come together and realize we needed to be proactive about trying to protect these lands.

At that time, it was sort of right at the end of the budget process, and Councilmember Carroll was good enough to, to place some funds into the budget to be used for the purpose of appraisal for these properties, to be able to move the open space request forward. But, at the time, we had just been focusing on those parcels that had been placed under contract. And after further discussion in the community, and with Mr. Carroll, and with the sellers, and with the Administration, we decided that it made more sense to actually focus on some other parcels in that same area of Maka'alae that are not currently under conservation easement.

But at the time, the budget item basically had specifically named certain parcels. So at this time we're just going, we're just requesting that that item, \$20,000 within the Open Space Fund for the appraisal simply the scope be changed to allow other, other parcels in that immediate area to also be included in the appraisal process as well.

And, because this has kind of been a long and winding process and we, we really would appreciate just any effort to expedite the process as quickly as we can to move through Committee and back to the Council to approve this so we can get on with the appraisal process and then, hopefully at some point bring a full request for Open Space Fund allocation to you in a budget amendment. So, happy to answer any questions regarding that. Really appreciate all your support. Mahalo.

CHAIR WHITE: Thank you, Mr. Crawford.

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

MR. CRAWFORD: Okay. Mahalo.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tiffany Iida, testifying on Committee Report 18-175. To be followed by Kai Nishiki.

MS. TIFFANY IIDA (testifying on Committee Report 18-175):

Good morning, Chair White, Vice-Chair Carroll, esteemed Councilmembers. Thank you for allowing me to testify today on Committee Report 18-175, potential Sister-City relationship with San Juan, Metro Manila. So, I just am here on behalf of the Maui County Sister Cities Foundation to state that we are supportive of this resolution.

And, you know, the last time we were here, there was a question asked on, you know, and I guess it wasn't really answered I was informed, so what would be the value of having them as a sister-city? And, one would be someone like Princess who was able to, you know, go to San Juan, Metro Manila, who will become potentially our sister-city, who also would like to send students here to Maui. So, I think that will be a valuable relationship for both of us.

Another is that from the moment, I, I wouldn't be able to testify to being there, and what it looks like because I have not been there, but I have met Councilmember Vincent, who Princess spoke about. And, he and his wife are beautiful people who immediately were nice and friendly to us and embraced us. And I, you know, Mayor Guia is also a personal friend to someone we all know, most of us know, and also have a lot of respect for.

So, I think the people there are very warm and welcoming, and they welcomed our students from the college there with open arms and treated them with such respect. And, they're a community that wants to grow. And, they value education, the arts, and also making the community a great place just as we do. So, if there's any questions, I would be happy to try and answer them.

CHAIR WHITE: Thank you very much.

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

MS. IIDA: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The last testifier signed up to testify in the chamber is Kai Nishiki, testifying on County Communication 18-361.

MS. KAI NISHIKI (testifying on County Communication No. 18-361):

Hi. Good morning. Good morning, Council Chair, County Councilmembers. I'm testifying on County Communication 18-361. I would just like to recommend that a public hearing be held before anything is moved on in this area.

This area is the area surrounding Mana Kai Resort in Kihei. And, there's a lot of State land, which is our public, our public land, around that area. And, this parking lot that is being talked about, there is a potential for a loss of public parking and access in this area. And, this has been a very controversial subject. And, there's also for Land Use 72, there's another project which is directly across the street from this that's being proposed. And, I just feel that it would be best that the community be informed of what the plans are for this area, and to have a little bit more input into perhaps like master planning this area.

There is the KIRC, Kahoolawe Headquarters in that area. There is the boat ramp. And, this is one of the most loved areas for our residents to go to the beach. And, this is actually the last view plain from the road to the ocean in South Kihei. So, as you leave South Kihei going towards Wailea, this is the last area of open space in Kihei. And I just feel like, for our community, that open space and park space is very valuable and very needed.

And that instead of having developers decide what they want to do with this area and how they can best utilize this area to make money, perhaps we should be looking at what the community wants in this area and what the community desires to have done. And, you know, I'm always here fighting for shoreline access and public access to our shoreline. And this was an opportunity for the Council and for our community to really make decisions proactively, and not just react to what people want to have done.

So, I just believe it's premature to make zoning decisions before the community has had an opportunity to comment on what they want for that area. And I also think that the needs of our residents need to have a priority over future development, and that segregating this parking lot is essentially saying that 50 percent of this parking lot is, is only for hotel guests, and then the rest of the parking lot is to be fought over by residents and visitors. And that just doesn't seem right to me. So, I just would like to have an opportunity for our community to have more input into this process.

And, I'm asking you, Bob, please, before these two items are scheduled in your Committee, will you please make an opportunity for the public to have the developers in the room and the community can have--

CHAIR WHITE: Ms. Nishiki, your, your time is up, and this is actually a referral. This is just a referral from Mr. Carroll's Committee, and the recommendation is to pass it onto Ms. King's Committee. And there, so it'll be up to her to decide whether she hears it and takes action. But, there's, there's no action on this item other than to simply referring it to another Committee. If the--

MS. NISHIKI: I, I, thank you very much. I absolutely understand what the process is.

CHAIR WHITE: Okay.

MS. NISHIKI: And, this is also an opportunity for the public to be able to speak to these matters.

CHAIR WHITE: Certainly.

MS. NISHIKI: So, thank you very much. I appreciate it.

CHAIR WHITE: Thank you.

MS. NISHIKI: Thank you.

CHAIR WHITE: Any need for clarification, Members? Seeing none, thanks for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals--

CHAIR WHITE: We have, we have one more. Please step forward.

MR. JASEE LAU:

Aloha. I am Jasee Lau from Kula. Thanks for being here this morning, Mr. White. Thanks for everybody, especially even Ms. Crivello, I saw you out on the road this morning.

CHAIR WHITE: Any need for clarification, Members?

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals signed up to testify at the District Offices or the chamber. And, we have received written testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Without objection, we'll receive the written testimony 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. Jay Arakawa;
2. Michael Baskin; and
3. Kit Zulueta.

CHAIR WHITE: And without objection, we'll close public testimony for this morning.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

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

MINUTES

The minutes of the Council of the County of Maui's special meeting of August 28, 2018 and regular meeting of September 7, 2018, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE SPECIAL MEETING OF
AUGUST 28, 2018 AND THE REGULAR MEETING OF
SEPTEMBER 7, 2018, 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.

Any further discussion on this item, 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, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 18-357 - WILLIAM R. SPENCE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 8, 2018)

Transmitting a Letter of Intent from the State of Hawaii, Executive Office on Aging for the Older Americans Act Title III Program in the amount of \$743,889.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE TO FILE COMMUNICATION AS READ BY
THE CLERK.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, no, this is just a housekeeping communication to Council, Chairman. 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.

NO. 18-358 - ALAN M. ARAKAWA, MAYOR,
(dated October 5, 2018)

Informing of a vacancy on the Commission on Children and Youth due to the passing of Lucy Feinberg.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. May I also ask the Clerk to bring up County Communication 18-359.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 18-359 - ALAN M. ARAKAWA, MAYOR,
(dated October 5, 2018)

Informing of a vacancy on the Moloka`i Planning Commission due to the resignation of Jaylene Nuesca on October 5, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER Sugimura: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 18-358 AND
359.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. The Mayor notified us of the passing of Lucy Feinberg on 10/8/2018, as well as for the resignation of Jaylene Nuesca on the Moloka'i Planning Commission on October 5, 2018. We, I just wanted to express our sincere condolences to the Feinberg's family, and would like to thank Ms. Nuesca for her service and wish her the best for the future.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion on these items?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, I too want to share my condolences and heartfelt prayers and strength to the friends and family of Ms. Feinberg, who was one of the very first people I got to interact with as a non-profit and, you know, a social service type group with my show I had on Akaku. And, what a, what a wonderful lady, so giving; and recently retired. But, unfortunately did not make it through a surgery that had occurred and so it's a shock to everybody. So, we're, we've lost someone that was very, very positive and instrumental in, in helping our people of these, of this County and beyond. So, again, prayers and strength for friends and family. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion?

Yes, Ms. King.

COUNCILMEMBER KING: I would just like to ditto that, Chair, it was a shock to, to read that she had passed away, that Ms. Feinberg had passed away. And, we'll miss her, the community will miss her. So, condolences to the friends and family; close friends and family. And our hearts are with you.

CHAIR WHITE: Thank you, Ms. King.

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.

NO. 18-360 - ROBERT CARROLL, CHAIR, LAND USE COMMITTEE,
(dated October 12, 2018)

Transmitting County Communication No. 18-52, attaching the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE PA'IA-HA'IKU COMMUNITY PLAN RELATING TO VISITOR ACCOMMODATIONS"; and
2. "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE PAIA-HAIKU COMMUNITY PLAN AREA".

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. If there's no objections, I would like to ask the Clerk also to call up County Communication 18-361 as well.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

NO. 18-361 - ROBERT CARROLL, CHAIR, LAND USE COMMITTEE,
(dated October 12, 2018)

Transmitting County Communication No. 09-246, relating to an application submitted by Western Apartment Supply & Maintenance Co., transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"; and
2. "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO WESTERN APARTMENT SUPPLY & MAINTENANCE CO. FOR THE CONSTRUCTION AND USE OF AN OFFSITE PARKING LOT WITHIN THE COUNTY PARK DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII".

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO DISCHARGE THE LAND USE COMMITTEE FROM
FURTHER CONSIDERATION OF COUNTY
COMMUNICATIONS 18-52 AND 09-26, 246, ATTACHED TO
COUNTY COMMUNICATION 18-360 AND 18-361,
RESPECTFULLY.

COUNCILMEMBER KING:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The Land Use Committee has many priority items to consider before the end of the term and does not have enough time to hear these two proposals.

Should the Land Use Committee be discharged, then the Council will be able to consider referring them to another Committee today, so they may be considered prior to the end of the term.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on the discharge?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: No, I just wanted to thank Mr. Carroll for the referral to the Planning Committee. And just for the record, to state that I have been working on 18-361 for probably over a year now. I have held community meetings on this, a couple of them, and so I think we're ready to move ahead. We just, there just wasn't time in his schedule. So, I'm happy to take this one on.

CHAIR WHITE: Okay. Thank you.

Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Okay, we have, I believe eight "ayes", and one "no"; Mr. Hokama.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO REFER COUNTY COMMUNICATION 18-52 AND 09-246, ALONG WITH THEIR UNDERLYING PROPOSED BILLS TO THE PLANNING COMMITTEE, AND TO FILE COUNTY COMMUNICATION 18-360 AND 18-361.

COUNCILMEMBER KING:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. After the Land Use Committee, the next appropriate Committee to consider these items is the Planning Committee. Thus, if Councilmember King is agreeable, I would like to have them referred to her Committee for further consideration. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

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.

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

NO. 18-362 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated September 27, 2018)

Transmitting the Series 2018 General Obligation Bond Official Statement and synopsis of the sales results.

The recommended action is that County Communication No. 18-362 be referred to the Budget and Finance Committee.

NO. 18-363 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated September 27, 2018)

Transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2018.

The recommended action is that County Communication No. 18-363 be referred to the Budget and Finance Committee.

NO. 18-364 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated October 9, 2018)

Informing of the sale of \$106,315,000 in County of Maui General Obligation Bonds 2018 Series A, B, C, D and E.

The recommended action is that County Communication No. 18-364 be referred to the Budget and Finance Committee.

NO. 18-365 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated October 11, 2018)

Reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of August 31, 2018.

The recommended action is that County Communication No. 18-365 be referred to the Budget and Finance Committee.

NO. 18-366 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated October 10, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2018 SUPPLEMENTAL GENERAL OBLIGATION BOND ISSUANCE".

The recommended action is that County Communication No. 18-366 be referred to the Budget and Finance Committee.

NO. 18-367 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 9, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".

The recommended action is that County Communication No. 18-367 be referred to the Budget and Finance Committee.

NO. 18-368 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 9, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM".

The recommended action is that County Communication No. 18-368 be referred to the Budget and Finance Committee.

NO. 18-369 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 10, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF

REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".

The recommended action is that County Communication No. 18-369 be referred to the Budget and Finance Committee.

NO. 18-370 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 10, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES REVOLVING FUND".

The recommended action is that County Communication No. 18-370 be referred to the Budget and Finance Committee.

NO. 18-371 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated October 5, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.08.040, MAUI COUNTY CODE, RELATING TO INVESTMENT POLICY".

The recommended action is that County Communication No. 18-371 be referred to the Budget and Finance Committee.

NO. 18-372 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated October 8, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR".

The recommended action is that County Communication No. 18-372 be referred to the Budget and Finance Committee.

NO. 18-373 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated October 8, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO CONDUCT AN AUDIT TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 75".

The recommended action is that County Communication No. 18-373 be referred to the Budget and Finance Committee.

NO. 18-374 - KELLY T. KING, COUNCILMEMBER,
(dated October 11, 2018)

Relating to real property tax relief for properties rented on a long-term basis at affordable rates.

The recommended action is that County Communication No. 18-374 be referred to the Budget and Finance Committee.

NO. 18-375 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated September 28, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 11, MAUI COUNTY CODE, RELATING TO PUBLIC TRANSIT".

The recommended action is that County Communication No. 18-375 be referred to the Housing, Human Services, and Transportation Committee.

NO. 18-376 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated September 28, 2018)

Relating to a Community Plan Amendment and Change in Zoning for property located at 337 Houston Street, Lanai City, Lanai, transmitting copies of documents and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE LANA'I COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029".

The recommended action is that County Communication No. 18-376 be referred to the Land Use Committee.

NO. 18-377 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated October 10, 2018)

Relating to a Conditional Permit for the Kukahiko Estate Special Events, transmitting copies of documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING THE JOHN & KAMAKA KUKAHIKO OF MAKENA CORPORATION A CONDITIONAL PERMIT TO CONDUCT SPECIAL EVENTS WITHIN THE COUNTY APARTMENT DISTRICT, TAX MAP KEY NUMBER (2) 2-1-007:079, MAKENA, MAUI, HAWAII".

The recommended action is that County Communication No. 18-377 be referred to the Land Use Committee.

NO. 18-378 - TEENA M. RASMUSSEN, ECONOMIC DEVELOPMENT
DIRECTOR, (dated September 26, 2018)

Transmitting the Office of Economic Development Grant Performance Report for Fiscal Year 2017.

The recommended action is that County Communication No. 18-378 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-379 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated October 2, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII TO FULFILL FEDERAL AND STATE TRANSPORTATION PLANNING REQUIREMENTS RELATING TO THE MAUI METROPOLITAN PLANNING ORGANIZATION".

The recommended action is that County Communication No. 18-379 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-380 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated October 2, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.35.040, MAUI COUNTY CODE, RELATING TO POLICY BOARD MEMBERSHIP".

The recommended action is that County Communication No. 18-380 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-381 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated October 2, 2018)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2018.

The recommended action is that County Communication No. 18-381 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, let's proceed with the rest of the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-162 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 18-166, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF FIVE THOUSAND DOLLARS (\$5,000) FROM THE WAILUKU HEIGHTS EXTENSION COMMUNITY ASSOCIATION FOR PARK IMPROVEMENTS TO THE WAILUKU HEIGHTS PARK, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED;
2. That Bill 89 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PARKS AND RECREATION (PRIVATE DONATIONS – WAILUKU HEIGHTS EXTENSION COMMUNITY ASSOCIATION)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 90 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, CENTRAL MAUI PARKS SYSTEM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 18-325, from the Director of Parks and Recreation, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would request the Clerk to bring up all reports under Budget and Finance.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 18-163 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 91 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, KIHEI-MAKENA COMMUNITY PLAN AREA, SEWER, SOUTH MAUI RECYCLED WATER SYSTEM EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 92 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, KIHEI-MAKENA COMMUNITY PLAN AREA, SOUTH MAUI RECYCLED WATER SYSTEM EXPANSION," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 93 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4856, BILL NO. 52 (2018), RELATING TO AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2019 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 18-310, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 18-164 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 94 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 95 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (COUNTYWIDE EQUIPMENT)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 96 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 18-328, from the Budget Director, be FILED.

COMMITTEE REPORT

NO. 18-165 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 97 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, HANA COMMUNITY PLAN AREA, WATER SUPPLY, KAUPU WATER TANK IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 98 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, HANA COMMUNITY PLAN AREA, KAUPU WATER TANK IMPROVEMENTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 18-327, from the Budget Director, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Yes, thank you, Mr. Clerk. That was a mouthful.

CHAIRMAN, I MOVE THAT THE COMMITTEE REPORTS AS BROUGHT FORTH BY THE COUNTY CLERK, ALONG WITH ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Your Committee vetted all of the requests that we are recommending passage on first reading and be ordered to print, Chairman. But, I will make a general comment. Your Committee has about two meetings left to, for scheduling. One, I've already decided that we should be taking up a joint-tier rate consideration and discussion.

The others are, again, as you see, Chairman, we were getting what, 13, 15 referrals today? We also still have, on the master agenda, quite a bit of requests to your Committee. I will tell the, you and the Members now, because of your Chairman's understanding of an issue regarding the debt and the cash of this County, your Chair would not be looking at scheduling amendments for the fiscal year, current fiscal year budget until we get a meeting and have a resolution on where we stand financially. Cause at this time I am refusing to sign off on the State's statute requirement of me sign off on our total indebtedness, Chairman. And, I'm sure you're aware of some of

the challenges that we need to discuss and deal with. So, at this time I'm giving notice to the Members. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, if I could ask the Budget Chair a question. Is it related to the Con, ConAm question that you're--

COUNCILMEMBER HOKAMA: No, this is on our own internal requirements. This has nothing to do with the Constitutional Amendment. This has to do about our reporting and our processing of our debt and our cash flows. Thank you.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER KING: Chair. Chair, just a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: So, I just wanted to just confirm that Mr. Hokama's comments don't have, don't affect the actual motion on the floor?

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER KING: The items. Okay.

COUNCILMEMBER HOKAMA: No. No impact on what is before the Council this morning, Chairman. Again, what I am going to be dealing with is something that can have a negative impact on the County. At this time, there is none. And we are working forward to make sure that it is not an issue for this County moving forward, Chairman.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Thank you.

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.

DEPUTY COUNTY CLERK: Relative to Committee Report 18-162, for the record, RESOLUTION 18-166 and BILLS 89 and 90 (2018), respectively. Relative to Committee Report 18-163, for the record, BILLS 91, 92, and 93 (2018), respectively. Relative to Committee Report 18-164, for the record, BILLS 94, 95 and 96 (2018), respectively. Relative to Committee Report 18-165, for the record, BILLS 97 and 98 (2018), respectively.

COMMITTEE REPORT
NO. 18-166 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Resolution 18-167, entitled "APPROVING THE FISCAL YEAR 2019 FIRST-TIME HOMEBUYERS PROGRAM," be ADOPTED; and
2. That County Communication 17-291, from Councilmember Stacy Crivello, be FILED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO:

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-166.

VICE-CHAIR CARROLL:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Housing, Human Services, and Transportation Committee met on November 2, 2017, and September 6, 2018 to review the First-Time Homebuyers Program.

The Committee again met on October 4, 2018, to discuss the proposed resolution entitled "APPROVING THE FISCAL YEAR 2019 FIRST-TIME HOMEBUYERS PROGRAM". The purpose of the which is to establish and approve the First-Time Buyers Program and Program Guidelines.

The program was last active from Fiscal Year 2010 through Fiscal Year 2013 and funded \$200,000 per each year, which yielded down payment grants to 52 families.

The 2016 Hawaii Housing Planning Study, prepared by SMS Research and Marketing Services, identified down payment costs as a top barrier to ownership for working-class families.

Pursuant to the Fiscal Year 2019 Budget, Ordinance 4861 (2018), the Council appropriated \$2,000,000 for the program, provided no funds shall be granted until Council has approved, by resolution, a program that shall include, but not limited to, the maximum grant amount to an individual and consideration regarding the overall subsidy received by an individual.

The Housing's division program parameters specified the maximum individual grant amount at 60,000 for applicants earning below 100 percent of the annual median income and 40,000 for applicants earning between 100 percent and 140 percent of the AMI, which would service approximately 33 qualified households.

However, after the Committee voiced its concerns, the Department revised the maximum individual grant amount for the program to \$30,000, which would double the number of qualified households to at least 66. Your Committee recommended the adoption of the proposed resolution. And, I ask for my Members support. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak in support of the proposal this morning. I would thank Ms. Crivello and her Committee to bring forth a consideration before us this morning, so I'm thankful. I know this is not the silver bullet, Chairman. This is an attempt to assist, you know, in the short-term at least 66 families, I believe. And I think that is worthy of us.

But, for me, this is not a sustainable type of program to keep taking our cash and putting in this manner. That will not solve the issue, okay. Because there comes a time when we may run out of cash for whatever reasons. So, it's a concern of mine that we still need to work hard to find multiple solutions since we do know, Chairman, you know, this is a national crisis. There is nothing that is one-size fits all. Every community is unique, and every solution needs to fit that community.

So, I am happy that we are at least making an effort. And although this is a short-term effort with some limitations, it is a positive step forward. And for me, taking steps forward eventually leads us to crossing the goal line. So, I support the efforts of the Chairman, Ms. Crivello, and I again hope that we can find additional options to address this in the future. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I'm glad to see this come before us, because as all of us know, being out there in the community not only do you have families working two/three jobs, and you know, a lot of them living together just because they can't afford to buy, or rent is unachievable in different ways. But, I also too appreciate what Member Hokama just said, because this is just one more tool in the tool box to help us with the many families that may need assistance. And 66 families, if this can help, I think this is up to 30,000, so maybe some people won't need as much and can help more people; I'm not sure. But I'm glad to see this and I support this wholeheartedly. Thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

Ms. Cochran.

(Councilmember Guzman was excused from the meeting at 9:57 a.m.)

COUNCILMEMBER COCHRAN: Chair, thank you. And, if I recall correctly, this is one of the items I had in my budget proposal during my session. And, it was through creative juggling of sorts with the dedicated affordable housing fund for West Maui that we were able to sort of, you know, switch out, put the cash, extra million here, and then also fulfilling some needs, in particular in the West Maui district with the dedicated affordable housing, restricted affordable housing fund for that district. So, I'm happy to be here today in full support, and to see that we can assist some families in getting some roofs over their head. So, thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Member Guzman.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-167.

COMMITTEE REPORT

NO. 18-167 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 18-168, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU COUNTRY ESTATES SUBDIVISION SITUATED IN WAILUKU, MAUI, HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE," be ADOPTED;
2. That Resolution 18-169, entitled "ACCEPTING THE GRANT OF NON-EXCLUSIVE EASEMENTS SITUATED IN WAILUKU, MAUI, HAWAII, OVER WAIHEE DITCH, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE," be ADOPTED; and
3. That County Communication 18-150, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-167.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. The first proposed resolution accepts a dedication from CGM, LLC, for 19 roadway lots located within the Wailuku Country Estates Subdivision, identified for real property tax purposes as tax map key (2) 3-3-017:189.

The Director of Public Works said the developer of the subdivision, CGM, LLC, intended to dedicate these roadways to the County and preliminary inspections were

conducted. The developer failed to meet conditions of subdivision approval, including improvements to the drainage system. The Wailuku Country Estates Community Association Inc. has expended approximately \$250,000 to improve roadways and drainage systems.

So, according to the Director, on July 14, 2014, the Department determined that although roadway improvements were suitable for dedication purposes, a portion of the drainage system did not meet County standards.

And because the drainage system does not meet County standards, the Wailuku Country Estates Community Association Inc., has executed a unilateral agreement, agreeing to defend, indemnify and hold the County harmless for claims related to any alleged failure of the drainage system.

The second proposed resolution accepts a grant of non-exclusive easements from Wailuku Water Company, LLC, over portions of Waihee Ditch, identified for real property tax purposes as tax map key (2) 3-3-017:187.

And the easements are needed to allow the County the right to construct, reconstruct, install, maintain, operate, repair, replace and remove the portions of the roadway and culverts over the ditch. So, with that, Chair, I respectfully ask for Members support of this motion. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, very quickly. I think as I stated in the Committee, this has been a problem child from its creation. And, there was a lot of need for perseverance, in particularly those that believed in the project, bought into the project, for homes and their dreams to, at least do some productivity, whether it be in the, with the agricultural component.

(Councilmember Guzman returned to the meeting at 10:02 a.m.)

COUNCILMEMBER HOKAMA: I'm in support of the proposal this morning, Chairman. And so, I just want to say couple of things. I appreciate the perseverance of the residents of that subdivision. They went through a lot. I'm still disappointed that the County has not additional tools to find ways to, is the right word penalize the type of developers and development? And maybe we should find ways of debarring these kind of

companies from doing work in this County. Cause this is not the right way to deal with our residents. This is not pono in our cultural description.

But, you know, the Council cannot continue to deal with all of these exempted projects and come back to place back the services that was exempted, okay. I mean, let's, let's find a way to make this work upfront so that we don't have to keep coming up with the additional general funds to make the subdivision whole after it gets bought into. Then, so, you know, obviously there's many things we need to look at; whether it's incentives, adjusting the building codes, what is going to be the requirements of subdivisions. But, we need to find something better, Chairman. And, I just state that at this time. Thank you.

CHAIR WHITE: Any further discussion?

A question for Corp. Counsel. The, as Ms. Cochran stated they're basically signing the agreement that holds the County harmless. Is that an effective tool to protect the County against somebody bringing the claim if the, if the County initially didn't require the improvements that are usually required for drainage.

DEPUTY CORPORATION COUNSEL ED KUSHI JR.: Mr. Chair, I wasn't there in the Committee discussion. But, as far as I understand, it's a covenant to indemnify us. Usually that suffices, but if it's not backed up by insurance, you know, what is it worth. But, again, this is a covenant to indemnify and defend any injuries that may happen because the infrastructure is not up to par. That's my understanding of the dedication. And again, you know, I can't say how strong that is. I was not in the Committee discussions, but apparently the Committee did accept it.

CHAIR WHITE: Thank you.

Ms. Cochran, do you, are you aware whether there's an insurance policy behind the indemnification?

COUNCILMEMBER COCHRAN: I believe. But, I wonder if Mr. Blackburn is here?

CHAIR WHITE: Without objection, we'll have Mr. Blackburn come down and help us with this.

MEMBERS VOICED NO OBJECTION.

MR. JOSEPH BLACKBURN: Thank you, Council Chair, and our Infrastructure Committee and Councilmembers; \$3 million and it goes into effect November 1. And, this was flushed out with David Goode, David and Corp. Counsel. And so, we've already

informed our insurance agent that as of November 1 there will be \$3 million of insurance added to our policy and carrying the County of Maui as an additional insured.

CHAIR WHITE: Okay. Thank you.

DEPUTY CORPORATION COUNSEL: Mr. Chair.

CHAIR WHITE: Any further questions on this? Yes.

DEPUTY CORPORATION COUNSEL: Mr. Chair, I stand corrected.

CHAIR WHITE: Any further discussion on this? Or questions for Mr. Blackburn?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I guess my question for Corp. Counsel, not really understanding all the legal liabilities, but is that sufficient, 3 million? What is this saying? It's saying that if there's any future liabilities that come up because of this, that the County has \$3 million? Or there's \$3 million from this policy to protect us?

DEPUTY CORPORATION COUNSEL: What is your question again, Councilmember?

COUNCILMEMBER SUGIMURA: I guess I'm trying to understand what this, what the \$3 million insurance does.

DEPUTY CORPORATION COUNSEL: Apparently that backs up their covenant or promise to defend any indemnifiers.

MR. BLACKBURN: Yea.

DEPUTY CORPORATION COUNSEL: So, if something happens and it's the cause, cause of action, or the cause of the accident is because of a substandard feature which the County has accepted, the association is saying that we would defend you and indemnify you to the extent of the insurance policy.

COUNCILMEMBER SUGIMURA: So, the \$3 million insurance policy would be first, and the County would be second? Is that how it works?

DEPUTY CORPORATION COUNSEL: Well, we, we being the biggest bag, we were always there. But, apparently this is, this would be the primary in case of a major accident, I would imagine. Again, I'm not a personal injury defense lawyer, but we would go after the primary insurance and then we would look at the big bag at the end. Because

apparent, you're dedicating, they're dedicating the property to us. If the property, my understanding is if the property was per code, they would dedicate it to us with no strings attached. If I'm wrong, please correct me.

COUNCILMEMBER SUGIMURA: Interesting.

CHAIR WHITE: Okay. Any further questions or discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: And, I got word that Director Goode said that the insurance will be in effect on the 1st, November 1. And he says if it need be it could be sooner.

MR. BLACKBURN: Absolutely.

COUNCILMEMBER COCHRAN: So, yea. But, just wanted to reiterate that part to. So, thank you.

CHAIR WHITE: Okay. Thank you. 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.

DEPUTY COUNTY CLERK: For the record, RESOLUTIONS 18-168 and 18-169, respectively.

COMMITTEE REPORT

NO. 18-168 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

1. Recommending that Bill 99 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 10.48.220 AND 10.56A.010, MAUI COUNTY CODE, RELATING TO TOW-AWAY ZONES AND LOADING ZONES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-283, from the Director of Public Works, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-168.

COUNCILMEMBER GUZMAN:

SECOND.

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

Ms. Cochran.

(Councilmember Atay was excused from the meeting at 10:08 a.m.)

COUNCILMEMBER COCHRAN: Thank you, Chair. The proposed bill adds the area on the makai (west) side of Front Street adjacent to King Kamehameha III Elementary School in Lahaina, Maui, Hawaii, twelve parking stalls in length, as a tow-away zone on school days between the hours of 7:00 a.m. and 3:00 p.m., and amends the time limits of the loading zone for the same area to the same hours. I respectfully ask for Members support of this motion. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Atay.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 99 (2018).

COMMITTEE REPORT

NO. 18-169 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending the following:

1. That Resolution 18-170, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO MAUI IN-LINE HOCKEY ASSOCIATION, INC.," be ADOPTED; and
2. That County Communication 18-333, from the Director of Parks and Recreation, be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-169.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO SUBSTITUTE EXHIBIT "1" TO THE PROPOSED RESOLUTION ATTACHED TO THE COMMITTEE REPORT, WITH THE REVISED EXHIBIT "1" ATTACHED TO THE MEMORANDUM DATED OCTOBER 15, 2018, FROM THE DEPARTMENT OF CORPORATION COUNSEL, WHICH IS ATTACHED TO MY AMENDMENT SUMMARY FORM DISTRIBUTED TO THE MEMBERS ON TODAY'S FLOOR.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER KING: Second.

COUNCILMEMBER GUZMAN: Second. There's two seconds.

COUNCILMEMBER KING: That's okay.

CHAIR WHITE: We have a motion to amend by Mr. Guzman, and a second by Ms. Cochran.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Members, as set forth in the Memorandum dated October 15, from the Department of the Corporation Counsel, the property is under the control and management of the County pursuant to a State Executive Order. Accordingly, the State needs to include an indemnification and insurance provisions set forth in Exhibit "C" to the lease. Unfortunately, we didn't catch that during Committee. We did then do a revision to add that provision in, within the current version.

(Councilmember Atay returned to the meeting at 10:11 a.m.)

COUNCILMEMBER GUZMAN: A few other housekeeping revisions, also, we made some changes in the Exhibit "C". The revisions are set forth in the Council's ease of reference in the boldfaced type in Exhibit "2" to the Department's memorandum. Only

Exhibit "C" to the lease has been revised. And the lease has been re-executed by the proposed lessees.

Chair, at this time, it is substantive, so I would request that we move forward and defer this to the next Council meeting once this amendment is passed.

COUNCILMEMBER SUGIMURA: No objections.

COUNCILMEMBER GUZMAN: Yea, but we need to still vote on the amendment.

CHAIR WHITE: Would there be any objections to just simply waiving the Rules of the Council, then pass it on the floor rather than bringing it back?

COUNCILMEMBER GUZMAN: I believe it, if it's substantive we can't waive the Rule 19. Can we?

COUNCILMEMBER KING: We can.

CHAIR WHITE: We can still waive the Rules.

COUNCILMEMBER GUZMAN: Okay. But we, there's still an amendment on the floor, Chair.

CHAIR WHITE: Okay, let's, any further discussion on the amendment? 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: And the measure passes by nine, all, all "ayes", no "noes".

COUNCILMEMBER GUZMAN:

CHAIR, MOVE TO WAIVE THE RULES OF THE COUNCIL
UNDER RULE 19.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. King to waive the Rules.

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. Guzman.

COUNCILMEMBER GUZMAN: Going back to the, move to adopt the recommendations, as revised lease and the revised committee report 18-169

COUNCILMEMBER KING: Second. Oh, we already have a motion.

CHAIR WHITE: Yea, there's a motion on the floor.

COUNCILMEMBER GUZMAN: Okay. So, your Committee met on October 3, 2018, Chair, to consider the proposed resolution to authorize the lease of the County real property identified as real property tax purposes as TMK (2) 3-9-005:052 comprising approximately of 22,796 square feet, to the Maui In-Line Skate Hockey Association to continue its operation of the skate rink at Kalama Park in Kihei, Hawaii. The lease would expire on June 30, 2036.

As noted in the proposed lease, the Lessee has operated its program at the site since 1997 and constructed the Kalama Park Skating Facility on the site.

The skate rink would accommodate public skating, youth and adult hockey league play, and pick-up hockey games for our youth and adults. The County would charge Lessee a nominal fee rental of 100 per year. I ask the Council's support of your Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just want to speak in favor of this, and appreciate the Council waiving the Council Rules because I think as, soon, sooner the better that they know that this is in motion so they can continue the program, you know, in good faith. And, this is more than just a skating rink. It's really a non-profit program that takes care of our kids after school in Kihei and brings people together in the community. So, I ask for my colleagues' support of this motion. Thank you.

CHAIR WHITE: Thank you, Ms. King.

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.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-170.

COMMITTEE REPORT

NO. 18-170 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Bill 100 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.16, MAUI COUNTY CODE, RELATING TO THE WAIIEHU MUNICIPAL GOLF COURSE," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 18-170.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met to discuss the Waiehu Municipal Golf Course operations and improvements five times this term.

The Council referred the matter following the Mayor's proposal in the Fiscal Year 2018 Budget to close the course at the end of the calendar year 2017 because of continued operating losses.

The proposed bill will update the provisions in Chapter 13-, 13.16 of the Maui County Code, relating to the definitions of fees for, and the management and operations of, the County's only municipal golf course.

The proposed bill makes adjustments to fee provisions and simplifies the process of qualifying a player for resident rates. The bill also amends the definition of "major tournament" for consistency with the Department's administrative rules and simplifies the hours of "twilight rate" to play beginning after 1:00 p.m.

The bill also establishes a definition for "special events" to allow the Department to diversify revenue-generating activities at the course.

The proposed bill will take effect January 1, 2019. I ask the Council's support for the, your Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 100 (2018).

(Councilmember Hokama was excused from the meeting at 10:17 a.m.)

COMMITTEE REPORT
NO. 18-171 - PLANNING COMMITTEE:

Recommending the following:

1. That a PUBLIC HEARING be HELD on the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED MOLOKA'I ISLAND COMMUNITY PLAN";
2. That the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED MOLOKA'I ISLAND COMMUNITY PLAN," be SCHEDULED FOR FIRST READING, following the public hearing; and
3. That County Communication 16-98, the Planning Director, be FILED.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-171.

COUNCILMEMBER CRIVELLO:

SECOND.

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

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

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Beginning on February 2, 2017, and meeting 25 times thereafter, your Planning Committee met to review a proposed bill to adopt the revised Moloka'i Community Plan, also known as the Moloka'i Island Community Plan, including decennial revisions required by Chapter 2.80B, Maui County Code.

The Moloka'i Community Plan Advisory Committee held 22 public hearings to review the draft Plan between March and October 2015. The Moloka'i Planning Commission held eight public meetings to review the draft Plan between November 2015 and March 2016. The Planning Director transmitting the draft Plan to the Maui County Council on May 5, 2016.

The Plan implements the Maui County General Plan 2030 Countywide Policy Plan's vision, principles, goals, policies, and core themes.

It identifies current and anticipated future conditions and needs on Moloka'i. These conditions and needs are addressed throughout the Plan by identifying strategic planning goals, policies, and actions that will guide decision-making and implementation through 2035.

Your Committee made every effort to ensure the community's input was reflected in the Plan.

Your Committee Chair and Councilmember residing on Moloka'i held three informal meetings, actually it's five informal meetings, on Moloka'i to receive input on the Plan. A formal Committee meeting was held on Moloka'i in September 2017, to receive public testimony on the Plan.

Your Committee recognized the contributions of the Moloka'i Planning Commission and the Moloka'i Community Plan Advisory Committee in providing significant input to the revised Plan and worked extensively to evaluate and process their comments and recommendations, as well as those from the Planning Department and other State and

County agencies, advisory bodies and the public. This Plan represents your Committee's collective judgment on the best balance of many competing concern.

In the course of the work, recommendations have been amended or modified, rejected or approved, all in service of producing a community plan that represents the best interest of the people of Moloka'i.

Your Committee voted 7-0 to recommend a public hearing to be held on the proposed bill, passage of the proposed bill on first reading, and filing of the communication. I ask for the Members support of your Committee's recommendations.

CHAIR WHITE: Thank you, Ms. King.

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.

COMMITTEE REPORT

NO. 18-172 - PLANNING COMMITTEE:

Recommending that County Communication 18-109, from Councilmember Kelly T. King, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.80B AND 2.90A, MAUI COUNTY CODE, RELATING TO THE KAHOO LAWE COMMUNITY PLAN", be FILED.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING:

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-172.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Your Planning Committee met on September 6, 2018, and September 20, 2018, to discuss removing the requirement of a Kahoolawe Community Plan from the Maui County Code. And, this was a subject that had come up early in this term when discussing the Community Plan agenda for going through the Community Plans.

Your Committee considered the historical and cultural significance of Kahoolawe and its connection as part of the County of Maui. Your Committee expressed a sense of stewardship for Kahoolawe and the fact that County officials are part of the Kahoolawe Island Reserve Commission. Although the County has limited jurisdiction over Kahoolawe, your Committee supported the requirement of a Kahoolawe Community Plan.

Your Committee voted 7-0 to recommend filing of County Communication 18-109. So, I ask for the Members support of the Committee's recommendation.

CHAIR WHITE: Thank you, Ms. King.

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. 18-173 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-171, entitled "RELATING TO THE APPOINTMENT OF SANDRA DUVAUCHELLE TO THE BOARD OF VARIANCES AND APPEALS," be ADOPTED.

Approving the appointment of Sandra Duvauchelle to the Board of Variances and Appeals for term expiring March 31, 2023.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Could the Clerk also bring up 18-174?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 18-174 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-172, entitled "RELATING TO THE APPOINTMENT OF RONALD KIMBALL TO THE COST OF GOVERNMENT COMMISSION," be ADOPTED.

Approving the appointment of Ronald Kimball to the Cost of Government Commission for term expiring March 31, 2023.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER COCHRAN: Thank you.

YOUR COMMITTEE, OH, I MOVE TO ADOPT THE
RECOMMENDATIONS IN COMMITTEE REPORTS 18-173 AND
174.

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 October 1, 2018, to consider the Mayor's nomination of Sandra Duvauchelle to the Board of Variances and Appeals, for a term expiring March 31, 2023, to fill the vacancy due to the resignation of Evelyn Kissen, as well as the Mayor's nomination to Ronald Kimball for the Cost of Government, for a term expiring on March 31, 2023, due to the resignation of Gayla Ann Haliniak-Lloyd.

The Council has until November 4 for the Board of Variances nominee to approve or disapprove. And for Mr. Kimball, we have to approve it by October 23, 2018. So, I respectfully ask for the Committee Members to approve these nominations.

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.

DEPUTY COUNTY CLERK: Relative to Committee Report 18-173 is, for the record, RESOLUTION 18-171. Relative to Committee Report 18-174, for the record, RESOLUTION 18-172.

COMMITTEE REPORT
NO. 18-175 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Resolution 18-173, entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH THE CITY OF SAN JUAN, METRO MANILA, REPUBLIC OF THE PHILIPPINES", be ADOPTED; and
2. That County Communication 18-274, from the Mayor, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-175.

COUNCILMEMBER KING:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Policy, Economic Development, Agriculture Committee met on October 1, to consider the proposed resolution to formalize a sister-city relationship between the County of Maui and the City of San Juan, Metro Manila, Republic of Philippines, for the purpose of strengthening the bonds initiated through cultural, business, education and economic exchanges; furthering the ties of friendship; and promoting enduring goodwill.

The Maui, Maui County has, currently has 24 sister-city relationships with various cities around the world, established in 1964. And the Committee is recommending establishing this sister-city relationship.

I also just wanted to make a side note that I am asking the Sister-City Foundation to clarify the conditions that they established to formalize the sister-city relationship so that maybe I can have a better understanding, but just so that we can understand the strength of all those 24 sister-city relationships that we have established. But, anyway, I respectfully request for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-173.

COMMITTEE REPORT

NO. 18-176 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending the following:

1. That Resolution 18-174, entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF (200) 2-COUNT NALOXONE NASAL SPRAY UNITS, TRAINING/TRAVEL EXPENSES TO THE DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 18-228, from the Chief of Police, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Could the Clerk also bring up 18-177 and 178?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

(Councilmember King was excused from the meeting at 10:26 a.m.)

COMMITTEE REPORT

NO. 18-177 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. That Resolution 18-175, entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF TWO HUMMER H2'S TO THE DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 18-229, from the Chief Police, be FILED.

COMMITTEE REPORT

NO. 18-178 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

1. Recommending that Resolution 18-176, entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 61 PAIRS OF KAENON SUNGLASSES TO THE OCEAN SAFETY PROGRAM OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 18-230, from the Fire Chief, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

ALL OF THESE COMMITTEE, OH, I MOVE TO ADOPT
RECOMMENDATIONS OF COMMITTEE REPORTS 18-176,
177, AND 178.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

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 October 1, 2018, to take up these three items. And, basically, they're all donations to the County.

The first item is a donation of (200) 2-count Naloxone nasal spray units, to counter opioid overdose and accident opioid exposure for police officers, along with associated training for others. This also accounts for training and travel expenses.

And, the Department will provide a donor report to the Community Health Outreach Work, or called CHOW Project, identifying the frequency of unit usage and situations when the units were used. And, this data will provide the County of Maui additional information.

The second item is a donation of two Hummers each valued at \$30,000 each, from the State of Hawaii Surplus Property Office from DAGS, Department of Accounting and General Services, and also to the Police Department.

A representative from the Police Department said one vehicle will be used for the CID, or Criminal Investigation Division to gather evidence from remote cities, and the second, I'm sorry, remote sites. And the second vehicle will be outfitted as a DARE vehicle to be used for community and public relations.

The third item is sunglasses valued at \$12,200 from Hawaii, from the Hawaii Lifeguard Association to provide eye protection for County safe, County ocean safety officers.

The, the manufacturer will provide the sunglasses to the HLA, in turn will donate the sunglasses to the County. So, it's not directly coming to the County. And, the ocean safety officers will have to sign up for the, for the sunglasses to be given to their respective employees. I think that was one of the concerns or questions that came up during discussions. The donations constitute a sponsorship under Section 13.04A.430, Maui County Code.

I respectfully ask for the Council's approval for all of these three items. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; Ms. King.

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 18-176, for the record,
RESOLUTION 18-174. Relative to Committee Report 18-177, for the record,
RESOLUTION 18-175. Relative to Committee Report 18-178, for the record,
RESOLUTION 18-176.

Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 84 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS
(VOLUNTARY CONTRIBUTIONS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. With no objections from the Members,
Mr. Clerk, please bring up all other bills for second and final, up to 80 and including 87.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

ORDINANCE NO. _____
BILL NO. 85 (2018)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF
REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, EMERGENCY FUND;
APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF
PUBLIC WORKS, PAIA-HAIKU COMMUNITY PLAN AREA,
EMERGENCY REPAIRS TO PU'U WAY

ORDINANCE NO. _____
BILL NO. 86 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER,
HAWAIIAN HOMES FORCE MAIN REPLACEMENT;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 87 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
HAWAIIAN HOMES FORCE MAIN REPLACEMENT

(Councilmember King returned to the meeting at 10:31 a.m.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE BILLS READ BY THE CLERK
PASS SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Any discussion, Members, on these items? 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.

ORDINANCE NO. _____
BILL NO. 88 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE
STATE OF HAWAII, DEPARTMENT OF HEALTH

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE BILL AS READ BY THE CLERK.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: No further discussion, Chair.

CHAIR WHITE: Any discussion on this item, 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.

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

CHAIR WHITE: Thank you very much. Thank you all for being here this morning.

And with that, we are adjourned.

ADJOURNMENT

The regular meeting of October 19, 2018 was adjourned by the Chair at 10:32 a.m.

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

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

Testimony for the Conditional Permit for

KUKAHIKO FAMILY CORPORATION

WEDDINGS& EVENTS – MAKENA

5034 Makena Road

Makena, Maui, Hawaii

TMK: (2) 2-1-007: 079

County Communication 18-377

Conditional Permit – 2017/0004

RECEIVED

2018 OCT 17 PM 3:19

OFFICE OF THE
COUNTY CLERK

My name is Jay Arakawa. I have prepared this testimony as a private citizen of the County of Maui. This testimony is not being submitted to lobby for denying the subject permit but to request that all facts be fully presented to the decision makers. Many times commissions and boards allow emotions and personal preferences determine decisions they make instead of the merits and information of each case. At times, all of the facts and updates do not reach you, the Council County members, before you make the final determinations for this type of permits.

These are issues that I feel I need to provide to Council Members prior to their determining whether to approve the subject permit.

- 1) One of the conditions that the Maui Planning Commission (MPC) approved was a capacity of forty-nine guests. My understanding is that forty-nine is the magic number that the applicant must meet to so additional fire requirement need not be added to the facility (exit signs, bar handle doors, two exits). The forty-nine person capacity, though, should include the total number of people in attendance. The forty-nine person capacity should include servers, attendants, and others providing services and not just guests. It doesn't seem like MPC can recommend a condition that is not in accordance to established regulations. Being a health and safety item makes this a big concern.
- 2) During the period that the applicant applied for the subject permit, the applicant disregarded the instruction of a Planning Department Staff member to cease all activities until they secure the subject permit. They informed the staff member that they would continue the activities.
A Notice of Violation was issued prior to the MPC meeting reviewing the subject permit but it was not included in the Staff Report.
- 3) During the MPC meeting on the subject permit, a member of the corporation admitted during discussions that they have operated for approximately ten years with the knowledge that the ongoing activities were illegal without the subject permit.

The Corporation claimed that the activities were required to pay for the \$50,000 to \$60,000 property tax bill. For the past two to three years, they have conducted 100-

110 events per year. They plan to continue events at the same pace if subject permit is approved. It appears the number of event appear excessive to just pay for the property tax assessment. If the subject permit is being sought to just generate revenue, be a money maker, just say so instead of being somewhat deceiving.

- 4) During the MPC meeting, a Commissioner who had previously conducted weddings at subject property, was allowed to vote on recommending the approval decision to the County Council. It appeared to be a clear conflict of interest with no concern being raised.

As previously stated, I am not lobbying for denial of the application but hope that Council will review all of the facts prior to the determination. Generating income to create revenue to enable a family to keep a property could establish precedence for approving these permits. Consideration should be given to impacts to surrounding neighbors, infrastructure, and other concerns for those in the vicinity.

Testimony for CC 18-360 October 19, 2018

RECEIVED

2018 OCT 18 AM 9:18

Michael <baskindesign@gmail.com>

Thu 10/18/2018 8:59 AM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>; Maui County Council_mailbox <county.council@mauicounty.us>;

4 attachments (13 MB)

Letter to County Council -Hearing 2-2-18 Re CC No 18-52.pdf; LU Committee.pdf; Letter to County Council -Hearing 2-2-18 Re CC No 18-52.pdf; Mopsy_my friends.MP4;

Maui County Council

Kalana O Maui Building, 8th floor

200 S. High St.

Wailuku, Hawaii 96793

Re: County Communication No. 18-360 for Proposed Bills
Hearing: October 19, 2018

Dear County Council Members:

I am writing in response to the County Communication No. 18-360 ("CC No. 18-360") for the County Council's ("Council") consideration for passage of two bills relating to Short-Term Rental Homes and a Pa'ia-Ha'iku Community Plan ("Community Plan") amendment, scheduled for Friday, October 19, 2018.

I own a permitted STRH on the shoreline in Paia. I am a 40 year resident of Paia and was the past vice-chair of the Paia Main Street Association of which I served for 8 years. We also own commercial properties in Paia. I wish to offer my summary of issues regarding CC No. 18-360 (previously LU 54; CC 18-52):

1. After the Planning Commission July 25, 2107 hearing, we attended the 2 community meetings both in Paia and Haiku for input from the community to be considered in the Community Plan Amendment.
2. We are in favor of the Community Plan Amendment for STRH allowable use in the Community Plan.
3. The Community Plan is outdated and should have been updated long ago and was meant to be a guideline only.
4. What was decided at the hearing is different than the final version from the Planning Department and therefore we recommend removing the language regarding abutting the shoreline and simply update to allow for its use.

5. Not in favor of STRH language prohibiting no new STRH for property abutting shoreline as the shoreline is where STRH homes are popular to both visiting locals and global visitors.
6. Also, if there is a change in the Community Plan, it should include TVR use as Council passed 8-0 Ordinance No. 4153, 4152, 4088 allowing TVR in the business districts. There has already been an application to have TVR in Paia and the Planning Commission debated its use per the community plan, but the Planning Director has approved TVR in Paia already. This needs to be clarified so as to avoid legal disputes in the future.
7. If the Council is not able to outright vote to include the TVR ordinance in the Community Plan, we request that the language be sent back to the Planning Commission to recommend amending the Community Plan to include TVR.
8. We therefore recommend the following language be considered to update the community plan:

“13. Limit visitor accommodations to permitted transient vacation rentals and short-term rental homes and owner-occupied bed and breakfast homes that are residential in both scale and character. Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action.”

I have attached additional testimony regarding this issue that I previously submitted to the County Council members, Planning Commission and the Land Use Committee for your further consideration (previously LU 54 and CC 18-52):

1. Letter to County Council Hearing (dated January 30, 2018) (County Council members)
2. Testimony of Michael Baskin (March 13, 2018) (LU Committee STRH CP)
3. Testimony of Michael Baskin (March 13, 2018) (LU Committee)
4. Testimony of Michael Baskin- Video (March 13, 2018)

Mahalo,

Michael Baskin
Architectural Designs
808.870.1800 - Direct

January 30, 2018

Via Email: county.clerk@mauicounty.us

Maui County Council
Kalana O Maui Building, 8th floor
200 S. High St.
Wailuku, Hawaii 96793

Re: County Communication No. 18-52 for Proposed Bills
Hearing: February 2, 2018

Dear County Council Members:

I am writing in response to the County Communication No. 18-52 ("CC No. 18-52") for the County Council's ("Council") consideration and passage of two bills relating to Short-Term Rental Homes and a Pa'ia-Ha'iku Community Plan ("Community Plan") amendment, scheduled for Friday, February 2, 2018.

1. The Paia-Haiku Community Supports an Amendment to the Community Plan to Include STRH

On July 25, 2017, the Planning Commission ("Commission") initially held a hearing regarding the proposed bills listed in CC No. 18-52 and discussed the conflict between the Community Plan and the Short-Term Rental Homes ("STRH") ordinance. The Commission discussed amending the Community Plan to resolve this conflict, but sought additional community input.

On August 23, 2017 and August 24, 2017, the Planning Department held community meetings in Paia and Haiku, respectively. I attended both meetings. While there were varying opinions, it seemed the community, as a whole, did not want to eliminate STRH entirely but to keep the cap at 88 and to amend the Community Plan accordingly. The community also wanted the County to strengthen enforcement against illegal operators. Attached hereto is Director William Spence's summary of the community input.

On September 26, 2017, the Planning Commission reconvened and recommended to the County Council that the Community Plan be amended to include STRHs in the Paia-Haiku area.

2. We Support Amending the Community Plan for STRHs as an Allowable Use

We support the first proposed bill listed in CC No. 18-52:

"A BILL FOR AN ORDINANCE AMENDING THE PA'IA-HA'IKU COMMUNITY PLAN RELATING TO VISITOR ACCOMMODATIONS". This bill's purpose is to update the Paia-Haiku Community Plan (1995), consistent with Ordinance 3941 (2012), by conditionally allowing Short-Term Rental Homes in the Community Plan Area.

3. The Planning Department's Second Proposed Bill Does Not Reflect the Planning Commission's Recommendation from the September 26, 2017 Hearing

In review of Director Spence's letter to the Council dated January 11, 2018, it is not entirely consistent with the Commission's recommendation voted on at the September 26, 2017 hearing. Specifically, I question the second proposed bill as listed in CC No. 18-52, as written:

"A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE PAIA-HAIKU COMMUNITY PLAN AREA." ...This bill's purpose is to amend Chapter 19.65, Maui County Code, to provide Short-Term Rental Home permits shall not be issued for properties abutting the shoreline in the Paia-Haiku Community Plan Area, consistent with the Community Plan.

The proposed bill also seeks to delete and insert the following language:

...[Any proposed] No new ["bed] bed and [breakfasts"] breakfast homes or short-term rental homes should [not] be [situated near] permitted on properties that abut the shoreline so as to avoid the proliferation of [this use] these uses and subsequent changes in the character of the region's coast.

I have reviewed the minutes from the September 26, 2017 Planning Commission hearing, and I do not find any discussion or determination that the recommended bill would prohibit new STRHs on properties that **abut** the shoreline in Paia and Haiku. This discrepancy is confirmed by the meeting minutes and the Maui News, which reported on September 27, 2017 that the Commission members stated:

Limit visitor accommodations to permitted short-term rental homes and owner-occupied bed-and breakfast homes that are residential in both scale and character. Any proposed **new bed-and-breakfast homes or short-term rental homes should not be situated near the shoreline if it causes the proliferation** of these uses and subsequent changes in the character of the region's coast. Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action... Commissioners did not decide whether 'proliferation' would follow dictionary definition or a specific number, though that is something the council could take up. (Emphasis added).

(See, attached Maui News article dated September 27, 2017).

Clearly, the second bill being proposed before the Council is inconsistent with the Commission's recommendation, which was voted on at the September 26th hearing. By comparing the current language of said Bill with the Commission's recommendations, they are at odds. The proposed bill discussed at the September 26th hearing prohibited new STRH near the shoreline. There was no discussion or language that prohibited new STRH permits for properties abutting the shoreline. Even if a property abutted the shoreline, the County would only prohibit the issuance of the new STRH permits if it caused the proliferation of these uses and changed the character of the region's coast.

Further, this second proposed Bill is also ambiguous. I am one of the owners of an STRH property that abuts the shoreline within the Paia-Haiku area. This proposed bill, as written, singles out our property and has the potential to effectively prevent us from renewing our STRH permit in the future simply because our property abuts the shoreline and not based on a determination that our properties are causing any proliferation of these uses and changing the character of the coast, which was the concern of the Paia-Haiku community when drafting their plan 22 years ago.

Based on the foregoing, we urge the County Council to deny the second Bill as listed in CC No. 18-52.

4. The Outdated Community Plan Must Also be Amended to Include the TVR Ordinances

To the extent the County seeks to clarify apparent conflicts between the Community Plan and current zoning policies, we, again, would like to bring to your attention to a similar conflict between the Community Plan and the Maui County Code ("M.C.C.") concerning Transient Vacation Rentals ("TVR"). This conflict is essentially the same issue the Planning Department was addressing with the STRH amendment to the Community Plan.

In a letter dated September 29, 2017, we notified Planning Director William Spence, and copied each Council member, regarding an additional amendment needed to the Community Plan in order to bring the variance ordinances into alignment. We believe the Community Plan's objectives and policies concerning overnight accommodations do not reflect current County policy and, therefore, are outdated and unenforceable. See, attached September 29, 2017 letter.

According to the Community Plan, its objectives and policies are to "Prohibit hotel/resort development within the region" and limit visitor accommodations to owner-occupied "bed and breakfast" establishments that are residential in both scale and character and not situated near the shoreline. The Community Plan's prohibitions, if applicable, conflict with the County's ordinances. See, attached ordinances (pertinent portions).

Maui County Code (M.C.C.), section 19.15.030 allows up to twelve (12) bedrooms for TVR in the B-CT of Pa'ia-Ha'iku (Ord. No. 4153). M.C.C., section 19.16.040 allows up to twenty

(20) bedrooms for TVR in B1 (Ord. No. 4152) and M.C.C, section 19.18 allows up to twenty (20) bedrooms for TVR in B2 (Ord. No. 4088) as of right and potentially more with a special use permit. The B-CT ordinance was properly vetted through the community, approved unanimously by 8 members of the Maui County Council and signed by Mayor Arakawa in 2014. The B-CT's intent and purposes include preserving and maintaining the "country town" atmosphere and establishing a means of implementing various provisions of the Community Plan. The majority of the commercial properties in Pa'ia-Ha'iku area are zoned B-CT. It is my understanding that the Community Plan intended to prohibit large scale hotel/resort development such as those located in South and West Maui and was never intended to prohibit small transient accommodations such as those currently permitted by the TVR ordinances in commercial districts.

In fact, in September 2017, the Department of Planning approved the conversion of 3 offices spaces into 5 one-bedroom TVRs in the B2 zoning district in Paia (See, attached SMA Assessment/Exemption form and Permit Summary for Paia Town Center approving the rooms). This approval further supports the need for inclusion of TVRs in the proposed Community Plan amendment. This approval was executed administratively by the Director with no Community Plan amendment. This TVR allowance in B2 is an outright use approvable without neighbor notification, community input, etc. It seems unjust that neighboring properties in the same town would have such different requirements to achieve the same outcome (BCT requires a Special Use Permit). I believe the best place for small scale transient accommodations is within the business districts of our community and look forward to this code conflict being resolved so that some of the tourism pressures may be removed.

By amending the Community Plan to allow for a limited number of STRH in residential areas and small scale TVR in the business zoning districts of Pa'ia and Ha'iku, this amendment will fulfill the purposes and intent of the Community Plan to preserve the character of the community and prohibit large resort-style developments. I believe that the intent of passing the TVR use in the business district was to allow some relief to the residential areas by providing TVR in areas that are already commercial in nature while providing some economic diversity to the small towns.

In summary, the proposed changes to MCC 19.65.030 must include TVRs as part of allowable uses to update in Community Plan. Since ordinances number 4153, 4152, and 4088 allow TVRs in this area, we urge the Council to make the Community Plan consistent by confirming that TVRs in the BCT, B1 and B2 districts are allowable uses along with STRHs and bed and breakfasts.

5. Vote to Approve STRH and TVR Amendments in the Community Plan

We urge the County Council to vote today to approve the following amendment the Community Plan that allows STRH in the Community Plan area:

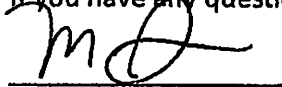
A Bill for an Ordinance Amending the Pa'ia-Ha'iku Community Plan Relating to Visitor Accommodations". This bill's purpose is to update the Paia-Haiku Community Plan (1995), consistent with Ordinance 3941 (2012), by conditionally allowing Short-Term Rental Homes in the Community Plan Area.

We also request that the Council determine that the TVR ordinance, as discussed above, should also be included in an amendment to the Community Plan.

In the alternative, if the Council is not able to currently vote on this matter, we request that the County Council refer it back to the Planning Commission to request that they include TVRs in a Community Plan amendment. By making these changes now to the Community Plan, the County will reduce the cost of government to address permit applications for existing and future TVR application requests, legal proceedings/appeals and provide the public with a better understanding of the TVR application process.

Thank you for your consideration.

If you have any questions, please call me directly at the number below.

A handwritten signature in black ink, appearing to be 'MB', written over a horizontal line.

Michael Baskin
(808) 870-1800

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING
September 26, 2017

MEMORANDUM

TO: MAUI PLANNING COMMISSION

FROM: WILLIAM SPENCE *W.S.*
PLANNING DIRECTOR

SUBJECT: COMMUNITY INPUT ON SHORT-TERM RENTAL HOMES IN THE
PA'IA-HA'IKU COMMUNITY PLAN AREA

Background:

At its meeting of July 25, 2017, the Maui Planning Commission deferred the matter of Short-Term Rental Homes in the Pa'ia-Ha'iku Community Plan Area for at least 60 days for the purpose of receiving community input.

As Commission members will recall, the Department of Planning has identified the following apparent conflict in County ordinances:

- Chapter 19.65, Maui County Code, adopted in 2012, includes a cap of 88 Short-Term Rental Home permits in the Pa'ia-Ha'iku Community Plan Area.
- The Pa'ia-Ha'iku Community Plan (1995) includes a policy against non-owner-occupied visitor accommodations.

Department personnel attended meetings of the Pa'ia Town Association on August 23, 2017 and the Ha'iku Community Association on August 24, 2017. Several dozen members of the public attended the Paia meeting, and more than 100 attended in Haiku. Many attendees provided verbal comments. More than 20 residents later submitted written comments, which are attached for your review. This report summarizes community input and provides my updated recommendation.

Summary of Community Input:

Strengthen enforcement against illegal operators

Most speakers voiced support for stronger enforcement against the operators of unpermitted vacation rentals. Illegal operations diminish the availability and affordability of long-term housing in the region, negatively impact neighborhood character, foster disrespect for the law, unjustly deprive the County and State of tax revenue, and are unfair to legal operators, according to numerous concerned citizens. The strong consensus on this point was notable, especially considering that enforcement was not a specific agenda item and the differences of opinion among attendees on other issues.

Maintain or strengthen shoreline protection

There was strong support for ensuring that the Community Plan's prohibition on visitor accommodations "near the shoreline" be maintained or strengthened, though there was some disagreement on how to define or apply this standard. A few residents suggested that "near the shoreline" should mean only those properties actually adjacent to the shoreline; another said the prohibition should extend to the Special Management Area line. The Department notes the SMA line is 1.5 miles from the shoreline in some areas.

County needs to take responsibility for conflict in laws

Some members of the public expressed dismay that the apparent conflict between the County Code and the Community Plan had not been previously resolved, although some also commended the County for seeking resolution at this time.

Do not lower cap on Short-Term Rental Homes in the region to zero

In Pa'ia, there was strong support for continuing to allow for the issuances of Short-Term Rental Home permits up to the Code-established cap, while opinion on this question was divided in Ha'iku. Some in Ha'iku requested banning new Short-Term Rental Homes in the Community Plan Area. Speakers in both places acknowledged economic benefits to local residents of having vacation rentals in the region, not just for operators but also for other small businesses in the North Shore region and other parts of Maui. There was some discussion that a cap of something between zero and 88 might be a reasonable compromise.

Amend Community Plan to allow Short-Term Rental Homes

In both places, most members of the public who expressed an opinion on the issue said the Community Plan should be amended to expressly authorize Short-Term Rental Homes. Some said the Community Plan is outdated or no longer as relevant as when it was adopted 22 years ago. Others, particularly in Ha'iku, advised that the Community Plan is a critical law that must be respected and retained.

Consider limiting permits to natural persons

Some concerns were raised about allowing business entities to hold Short-Term Rental Home permits because it can complicate enforcement action and tends to detract from the notion that the industry is for the benefit of local residents.

Recommendation:

In consideration of community input, the Department would now like to revise its recommendation on the legislation before you, as follows.

- 1) The Department recommends keeping the cap of 88 Short-Term Rental Homes for the Pa`ia-Ha`iku Community Plan Area, but also amending Chapter 19.65, Maui County Code, to add the following language immediately after "88," consistent with the Pa`ia-Ha`iku Community Plan:
 - a) "except that permits may not be issued for shoreline properties that may affect the character of the nearby shoreline."
- 2) The Department also recommends passing the bill to amend the Pa`ia-Ha`iku Community Plan that we put before you on July 25th, with the following revisions:
 - a) Add the following sentence:

"Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action."
 - b) Make minor wording changes to avoid weakening the Community Plan's existing language regarding uses "near the shoreline."

Revised bills incorporating these changes are attached for your consideration.

Thank you for your consideration.

Attachments
WRS:DMR:ckk
S:\ALL\APO\strh paia haiku\communityreport.docx

The Maui News

Panel moves to allow north shore vacation rentals

County Council will need to amend current Paia-Haiku Community Plan, which prohibits short-term rentals



County Department of Planning Director Will Spence addresses the Maui Planning Commission on Tuesday. The commission voted 5-1 to recommend changing the 1995 Paia-Haiku Community Plan to allow for short-term rentals. The community plan had been at odds with the Maui County Code, which gave the Paia-Haiku area an 88 short-term rental cap in 2012. The issue now moves on to the Maui County Council. • The Maui News / COLLEEN UECHI photo

WAILUKU — With most people speaking out in favor of allowing short-term rental homes, the Maui Planning Commission voted 5-1 Tuesday to

recommend keeping the cap of 88 permitted short-term rentals for the Paia-Haiku area.

It's an issue that's been circulating through the community since July, when it first came before the commission. The panel was saddled with a decision of whether to change the 1995 Paia-Haiku Community Plan, which doesn't allow for short-term rentals, or the Maui County Code, which permits 88. The discrepancy between the two documents went unnoticed until recently.

On Tuesday, the commission decided to recommend council members approve a bill to change the community plan and allow short-term rentals. However, commission members also recommended adding a provision to the County Code to avoid a short-term rental boom on the shoreline.

The issue now moves on to the County Council, which will make the final call.

"Prohibition doesn't work," commissioner Lawrence Carnicelli said. "As one of the testifiers said, if we change the law to zero (rentals), we're not going to stop vacation rentals on the north shore. . . . I think that we need to have a law in place to make these things legal so we can regulate them."

The difference between the community plan and the county code for short-term rentals was overlooked in 2012, when the council passed an ordinance allowing transient rentals in the community. As part of the new law, council members placed a short-term rental cap on each region. The Paia-Haiku area received an 88-rental cap and currently has 47 permitted, according to county Planning Director Will Spence.

Spence said that when the short-term rental bill was passed in 2012, no one really discussed how the bill would be at odds with the community plan, which was adopted in 1995 and only allows for bed-and-breakfast homes, which unlike short-term rentals, must have an owner on site. Planning staff members realized the problem after later reviewing minutes of council meetings.

So, the issue was brought before the commission this year. Two community meetings were held in Paia and Haiku in August. Resident responses have been split, from those who say short-term rental owners take good care of their properties and don't bother neighbors, to others who believe the rentals are subtracting from the local housing inventory.

But on Tuesday, the nearly 20 testifiers mostly took issue with illegal rentals and said that permitted operators should be allowed to move forward.

"The problem isn't the people who've gone through the process and are adhering to the rules," said James Huntington, a Paia resident who got approved for a bed-and-breakfast business last summer. "The problem is that there are more illegal rentals than there are legal rentals."

Huelo resident Mark Vrieling said he's been working to get his rental approved for seven years now and has invested more than \$10,000 in property improvements.

"After going to that much effort, to think that we could be shut down now because you draw the line at only those that are existing seems unfair on a personal standpoint," Vrieling said. "But on the bigger standpoint, 88 is still very, very few for all of the north shore."

Commission members agreed to keep the 88-rental cap, but suggested splitting Paia and Haiku into separate categories. They also hoped the council would discuss ways to improve enforcement on illegal rentals.

One of the two recommended bills moving on to the council changes the community plan to say the following: *"Limit visitor accommodations to permitted short-term rental homes and owner-occupied bed-and-breakfast homes that are residential in both scale and character. Any proposed new bed-and-breakfast homes or short-term rental homes should not be situated near the shoreline if it causes the proliferation of these uses and subsequent changes in the character of the region's coast. Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action."*

The other recommended bill doesn't change the 88-rental cap in the county code but adds a provision saying that *"permits may not be issued for shoreline properties if it causes the proliferation of these uses and subsequent changes in the character of the region's coast."*

Commissioners did not decide whether *"proliferation"* would follow its dictionary definition or a specific number, though that is something the council can take up.

* Colleen Uechi can be reached at cuechi@mauinews.com.

COMMENTS

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Seashore Properties, LLC

PO Box 790100, Paia, HI 96779
E-Mail: info@paiaproperties.com
Phone: 808.579.6364 Fax: 808.579.6362

September 29, 2017

Via Email: planning@mauicounty.gov

County of Maui, Department of
Planning
Attn: William Spence
2200 Main Street, Ste. 315
One Main Plaza Building
Wailuku, Hawaii 96793

**Re: Amending the Paia-Haiku Community Plan to include TVR
in the Business Districts**

Dear Mr. Spence,

I am writing on a matter related to the September 26, 2017 hearing wherein the Planning Commission recommended to the County Council that the Pa'ia-Ha'iku Community Plan ("Community Plan") be amended to include STRHs in the Paia-Haiku area. We believe the Community Plan's objectives and policies concerning overnight accommodations do not reflect current County policy and, therefore, are outdated and unenforceable. However, to the extent the County seeks to clarify apparent conflicts between the Community Plan and current zoning policies, we would like to bring your attention to a similar conflict between the Community Plan and the Maui County Code ("M.C.C.") concerning Transient Vacation Rentals ("TVR"). This conflict is essentially the same issue the Planning Department is addressing with the STRH amendment to the Community Plan.

According to the Community Plan, its objectives and policies are to "Prohibit hotel/resort development within the region" and limit visitor accommodations to owner-occupied "bed and breakfast" establishments that are residential in both scale and character and not situated near the shoreline. The Community Plan's prohibitions, if applicable, conflict with the County's ordinances (ORD. #4088, 4152 and 4153) involving approval of TVR in the B-2 Community Business District ("B2"), the B-1 Neighborhood Business District ("B1") and the B-CT Country Town Business District ("B-CT") zoned properties in this area.

M.C.C, section 19.15.030 allows up to twelve (12) bedrooms for TVR in the B-CT of Pa'ia-Ha'iku. M.C.C., section 19.16.040 allows up to twenty (20) bedrooms for TVR in B1 and M.C.C, section 19.18 allows up to twenty (20) bedrooms for TVR in B2 as of right and potentially more with a special use permit. The B-CT ordinance was properly vetted through the community, approved unanimously by 8 members of the Maui County Council and signed by Mayor Arakawa in 2014. The B-CT's intent and purposes include preserving and maintaining the "country town" atmosphere and establishing a means of implementing various provisions of the Community Plan. The majority of the commercial properties in Pa'ia-Ha'iku area are zoned B-CT. It is my understanding that the Community Plan intended to prohibit large scale hotel/resort development such as those located in South and West Maui and was never intended to prohibit small transient accommodations such as those currently permitted by the TVR ordinances in commercial districts, for a maximum of 20 rooms.

As such, the Community Plan should be simultaneously amended to include language rectifying the conflict between the Community Plan and the M.C.C. ordinances allowing TVR in the business districts. TVR are currently allowed in properties zoned B-CT, B1 and B2. The B2 allowance is an outright use approvable administratively without neighbor notification, community input, etc. It seems unjust that neighboring properties in the same town would have such different requirements to achieve the same outcome. I believe the best place for small scale transient accommodations is within the business districts of our community and look forward to this code conflict being resolved so that some of the tourism pressures may be removed.


By amending the Community Plan to allow for a limited number of STRH in residential areas and small scale TVR in the business zoning districts of Pa'ia and Ha'iku, this amendment will fulfill the purposes and intent of the Community Plan to preserve the character of the community and prohibit large resort -style developments. I believe that the intent of passing the TVR use in the business district was to allow some relief to the residential areas by providing TVR in areas that are already commercial in nature while providing some economic diversity to the small towns.

By making these changes now to the Community Plan, the County will reduce the cost of government to address permit applications for existing and future TVR application requests and provide the public with a better understanding of the TVR application process.

I request that this issue be brought before the Planning Commission by scheduling it for hearing and to recommend to the County Council that the Community Plan be further amended to include language allowing TVR use in the B-CT, B1 and B2 districts.

Should you have any questions, please contact me at (808) 870-1800 or email: baskindesign@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to be 'M Baskin', written over a horizontal line.

Michael Baskin

CC: county.council@mauicounty.us

Mike.White@mauicounty.us, Robert.Carroll@mauicounty.us,

Stacy.Crivello@mauicounty.us, Alika.Atay@mauicounty.us,

Elle.Cochran@mauicounty.us, Don.Guzman@mauicounty.us,

Kelly.King@mauicounty.us, Riki.Hokama@mauicounty.us,

Yukilei.Sugimura@mauicounty.us, county.auditor@mauicounty.us

ORDINANCE NO. 4152

BILL NO. 59 (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.16, MAUI COUNTY CODE, RELATING TO B-1 NEIGHBORHOOD BUSINESS DISTRICT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 19.16, Maui County Code, is amended to read as follows:

"Chapter 19.16

B-1 NEIGHBORHOOD BUSINESS DISTRICT

Sections:

- 19.16.010 [Generally.] Purpose and intent.
- 19.16.020 Permitted uses.
- 19.16.030 [Required conditions.] Accessory uses.
- 19.16.040 [Area regulations.] Special uses.
- 19.16.050 [Height regulations.] Development standards.
- 19.16.060 [Yards.] Rule making authority.

19.16.010 [Generally.] Purpose and intent. A B-1 neighborhood business district is one wherein retail businesses or service establishments supply commodities or perform services to meet the daily needs of the neighborhood.

19.16.020 Permitted uses. Within the B-1 neighborhood business district, the following uses shall be permitted:

- A. Barber or beauty shops;
- B. Baker goods stores;
- C. Book, stationery, or gift stores;
- D. Candy stores;
- E. Churches;
- F. Day care centers and nurseries;

Other uses that are determined by the director of planning to be clearly incidental and customary to a permitted use	
--	--

B. The following uses, located on a nearby lot are also deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the B-1 neighborhood business district:

<u>Accessory uses</u>	<u>Criteria or limitations</u>
<u>Energy systems, small-scale</u>	<u>Provided the system is within a distance of four hundred feet of the nearest point of the lot it serves and there will be no detrimental or nuisance effect upon neighbors</u>

19.16.040 [Area regulations. The minimum lot area shall be six thousand square feet and the minimum lot frontage shall be sixty feet.] Special uses. The following are special uses in the B-1 neighborhood business district, and approval of the appropriate planning commission shall be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

<u>Special uses</u>	<u>Criteria or limitations</u>
<u>Transient vacation rentals</u>	<u>One to twenty bedrooms; except on Molokai, where the maximum number of bedrooms and use shall be determined by the planning commission</u>

ORDINANCE NO. 4153

BILL NO. 60 (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.15,
MAUI COUNTY CODE, RELATING TO COUNTRY TOWN BUSINESS
DISTRICTS AND AMENDING CHAPTER 19.510, MAUI COUNTY CODE,
RELATING TO APPLICATION AND PROCEDURES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 19.15, Maui County Code, is amended to
read as follows:

"Chapter 19.15

COUNTRY TOWN BUSINESS DISTRICTS

Sections:

19.15.010	Purpose and intent.
19.15.020	Permitted uses.
19.15.025	<u>Accessory uses.</u>
19.15.030	Special uses.
19.15.040	Development standards.
19.15.050	[Limited conditional uses.] <u>Rule</u> <u>making authority.</u>
[19.15.060	Design guidelines and standards.]

19.15.010 Purpose and intent. A. The B-CT country town business district is intended to establish development standards for businesses in [the rural] smaller and/or more remote communities.

B. It is intended that the unique [urban] design character of [the more remote] these business districts be preserved and maintained to promote the "country town" atmosphere of [the various rural business] these communities in Maui County.

C. This B-CT country town business district zoning ordinance establishes the means of implementing

<u>Special uses</u>	<u>Criteria or limitations</u>
<u>Public utility substations</u>	<u>Provided there will be no detrimental or nuisance effect upon neighbors</u>
<u>Storage facilities not associated with a permitted use within the district</u>	
<u>Telecommunication offices and facilities</u>	<u>Provided, that all exterior telecommunication equipment shall be set back at least twenty-five feet from any property line and that such telecommunication equipment shall be screened from public view by appropriate means, including, but not limited to, landscape planting</u>
<u>Transient vacation rentals</u>	<u>One to twelve bedrooms</u>
<u>Upholstery, canvas, sign painting, and surfboard making shops</u>	<u>Conducted wholly within a completely enclosed building</u>
<u>Vehicle bodywork, frame or body parts straightening, steam cleaning, painting, welding, storage of non-operating vehicles, and tire recapping or re-grooving</u>	<u>Conducted wholly within a completely enclosed building</u>
<u>Other uses that are similar in character to permitted and special uses and consistent with the unique character, identity, and needs of the country town, and that are not detrimental to the welfare of the surrounding area</u>	

19.15.040 Development standards. The
[Development] development standards for the B-CT
country town business district shall be[:] as follows,
unless otherwise specified in adopted design
guidelines pursuant to section 19.510.100:

ORDINANCE NO. 4088

BILL NO. 92 (2013)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040,
MAUI COUNTY CODE, AND CHAPTER 19.18, MAUI COUNTY CODE,
RELATING TO B-2 COMMUNITY BUSINESS DISTRICT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.04.040, Maui County Code, is amended
by adding new definitions to be appropriately inserted and to
read as follows:

"Entertainment establishment" means any indoor
and/or outdoor establishment where entertainment,
either passive or active, is provided for patrons,
either independently or in conjunction with another
use.

"Farmer's market" means the temporary use of a
specified land area managed by a single operator who
leases space/stalls for the outdoor sales of fresh
fruit and produce, meat and fish items, plants and
flowers grown, raised or caught within the State of
Hawaii, including value added products derived from
said products.

"Recycling collection center" means a structure
or site designated for collection, weighing, temporary
storage, and small-scale (low technology) segregation
of recyclable materials.

"Redemption center" means a facility that accepts
and redeems deposit beverage containers.

"Swap meet or open air market" means the
temporary use of a specified land area managed by a
single operator who leases space/stalls for the

determined by the director of planning to be clearly incidental and customary to a permitted use	
--	--

19.18.040 [Height regulations. The maximum height of any building shall be limited by the total floor area which shall not exceed in square feet two hundred percent of the total lot area; and provided further, that no building be more than six stories in height.] Special uses. The following are special uses in the B-2 community business district, and approval of the appropriate planning commission shall be obtained, upon conformance with the intent of this article and subject to such terms and conditions as may be warranted and required:

<u>Special uses</u>	<u>Criteria or limitations</u>
<u>Mortuaries</u>	
<u>Transient vacation rentals</u>	<u>Twenty-one to fifty bedrooms; except on Molokai, where the maximum number of bedrooms and use shall be determined by the planning commission</u>
<u>Other uses that are similar in character to permitted and special uses and that are not detrimental to the welfare of the surrounding area</u>	

19.18.050 [Yards. No yard spacing shall be required, except such areas that shall be required for off-street parking; with the exception that where the side or rear of a lot in a B-2 community business district abuts a lot in any residential, apartment house or hotel district, the abutting side or rear yard shall have the same yard spacing as that required in the abutting residential, apartment house or hotel district, respectively; and provided further, that any apartment shall provide yard space in accordance with the requirements of the apartment district.]

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

SPECIAL MANAGEMENT AREA ASSESSMENT/EXEMPTION FORM (SM5)

Project Name:	PAIA TOWN CENTER – TVR UNITS
Proposed Development:	Nonstructural interior alterations to convert three (3) existing unoccupied office spaces into five (5) one-bedroom transient vacation rental (TVR) units within an existing commercial structure in the County B-2 Business Community District
SMA App. No.:	SMX 2017/0204
Project Address:	120 Hana Highway, Paia, Hawaii 96779
Tax Map Key:	(2) 2-6-005:033
Applicant:	Nicholas Argyropoulos, 1244 6th Street, Santa Monica, California 90401
Owner:	Same as Applicant
Consultant:	Jordan E. Hart, 115 North Market Street, Wailuku, Hawaii 96793
Valuation:	\$350,000.00
Approved Plans Dated:	June 2017

The proposed activity is determined to be:

X 15. Nonstructural improvements to existing commercial structures.

Per Section 22, Chapter 205A of the Hawaii Revised Statutes, as amended, the rules of the Planning Commission of Maui County, and the Department of Planning's Special Management Area (SMA) Assessment; the proposed activity has been determined not to be a development and is EXEMPT from the applicable requirements of Chapter 205A.

Comments/Remarks: Per plans titled, "Architecture Drawings Paia Town Center Floor Plan," prepared by Chris Hart & Partners, Inc., dated June 2017.

Reviewed by: EAA

Date: August 1, 2017

Permit No.: SM5 2017/0160

Approved by: 
for CLAYTON I. YOSHIDA, AICP, Planning Program Administrator
WILLIAM SPENCE, Planning Director

Date: 9/7/17

xc: John S. Rapacz, Planning Program Administrator (PDF)
Evelyn A. Aako, Staff Planner (PDF)
Jordan E. Hart, Consultant (Original)
CZM File (SMX)
SMX File (.txt)
Project File (with plans)
General File

WRS:CIY:EAA:PAD

K:\WP_DOCS\PLANNING\SM5\2017\0160_PaiaTownCenter_IntAlteration\SM5_Approval.doc



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Permit Summary

Permit:	SMX 20170204	Flags:	NO
Description:	SMA ASSESSMENT		
Project:	PAIA TOWN CENTER PAIA TOWN CENTER-TVR UNITS		
Status:	OPEN	Entered:	05-Jun-2017
Issued:	05-Jun-2017	Completed:	
Decision:			
Expiration:		Last Renewal:	
Location Desc.:			

Parcel Information		
Address	TMK	
120 HANA HY	2260050330000	GIS Parcel

Scope of Work
PROJ DESC: Paia Town Center TVR Units - Interior Alterations to Convert 3 offices spaces to 5 1 bedroom transient vacation rentals in the County B-2 Business Community District GEN LOCATION: 120 Hana Highway, Paia LAND AREA: 1.23 acres

Professionals / Contractors
There are no professionals for this application.

Structure Classification			
Initial Value:	\$0.00	Calculated Value:	\$0.00
Standard Plan:		Public Project:	
# of Structures:		# of Res. Units:	
Total Floor Area:			
Model:			

Occupancy Group	Construction Type	Structure Class
None attached.	None attached.	None attached.

[QUANTITIES]

Inspections							
Inspection	Result	Completed Date	Completed By	Schedule	CORR		N
					O	C	
There are no inspections for this permit.							

Activities								
Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date
		Beg	End					
<u>SMX - INITIAL CHECK (APPL COMPLETENESS)</u>		1	2	4	09-Jun-2017	09-Jun-2017		
<u>SMX - ROUTE TO ZAED/CURRENT PLANNING</u>		2	3	1	13-Jun-2017	13-Jun-2017		
<u>CURR DIV AGENCY TRANSMITTAL</u>		3	4	45	28-Jul-2017	28-Jul-2017		
<u>ZAED AGENCY TRANSMITTAL</u>		3	4	45	28-Jul-2017	28-Jul-2017		
<u>DLNR-SHPD, MAUI</u>		4	5	7	08-Aug-2017	08-Aug-2017		
<u>SMX - SMA ASSESSMENT</u>	EAAKO	5	6	15	23-Aug-2017	23-Aug-2017	A	01-Aug-2017

Permit Flags		
Flag	Description	Status
There are no flags on this application		

LU Committee

From: Michael <baskindesign@gmail.com>
Sent: Tuesday, March 13, 2018 1:14 PM
To: LU Committee
Cc: Donald S. Guzman; Alike A. Atay; Robert Carroll; Yukilei Sugimura; Mike White; Elle Cochran; Kelly King; Riki Hokama; Stacy S. Crivello
Subject: Paia Community Plan Update - (LU-54)
Attachments: Letter to Aaron re Gate and Easement Ae Place.pdf; Mopsy Letter Support Goya STRH 2017.pdf; Map of Ae Place and Easement.pdf; Mopsy Video.MP4

March 13, 2018

Re: LU 54; CC 18-52 and

Neighbor Matters Related to Community Plan Update

To LU Committee:

I am writing on behalf of Paia Life, LLC, our Permitted Short-Term Rental Home ("STRH") in Paia, to support that section of the proposed Bill of LU 54 and County Communication No. 18-52 ("CC No. 18-52") that updates the Paia-Haiku Community Plan to be consistent with Ordinance 3941 (2012) by allowing STRH in the Community Plan.

As stated in the Planning Director's letter to the County Council dated January 11, 2018, the bills as listed in LU 54 and CC No. 18-52 would resolve apparent inconsistencies in the County policy for STRH in the Paia-Haiku Community Plan ("Community Plan"). The Planning Department initiated this legislation to ensure consistency between the County Code and the Community Plan.

However, as a consequence of these inconsistencies, there has been debate amongst neighbors in the Paia and Haiku communities. For example, Francine Aaron (Mopsy) has been an opponent of STRHs in the Paia community, including mine, based on her argument that this use is not included in the Community Plan. She has testified before the Planning Department and the Planning Commission to oppose STRHs in Paia that she is against for her personal reasons.

While Mrs. Aaron opposes STRHs in Paia, we note the following actions she has taken that run contrary to her testimony:

1. While Mrs. Aaron has testified against STRH in Paia, she has given and continues to give beach access for vacations rental guests of nearby STRHs through Ae

Place (a private roadway). She has an agreement in place with nearby STRH owners. She does not have permission of all the owners on Ae Place to allow such beach access. (**See, attached video clip of Mopsy** allowing beach access to STRH guests and stating the guests these tourists are her "friends".

2. While Mopsy has testified against STRHs, she has provided oral testimony and written support for an STRH renewal application for a neighbor adjacent to her property on Ae Place that she has an arrangement with. (See, attached letter of support).
3. While Mrs. Aaronson opposes STRHs, she has removed our beach access gate for the Ae Place residents and now controls beach access to only who she chooses based on her arrangements with nearby STRH owners. We have asked her on numerous occasions, without success, to meet with us to resolve this access issue. Finally after years of attempts by us, our attorney had to reach out to her as well (See, attached Letter dated December 7, 2017 with photographs of the old and new gate, and a map of the property and beach access). To date, this matter is ongoing.

We urge the County Council to clear up the ambiguity in this matter for the Paia-Haiku Community by amending the Community Plan to allow for STRHs. The County Council has already vetted and passed the ordinance allowing for STRH.

By updating the Community Plan, it will help the community come together through a clear understanding of the STRH ordinance and its application and will help to stop neighbors disagreements with each other.

Please be sure to click on the short video clip attachment below.

Mahalo,

**Michael Baskin
Paia Life, LLC**

808.870.1800 - Direct

REVERE & ASSOCIATES, LLC

A LIMITED LIABILITY LAW COMPANY
PALI PALMS PLAZA, 970 NORTH KALAHEO AVENUE, SUITE A301
KAILUA, HAWAII 96734

ANDREW D. CHIANESE
AMANDA L. DUTCHER
CLARISSE M. KOBASHIGAWA
MALIA R. NICKISON-BEAZLEY
TERRANCE M. REVERE

TELEPHONE: (808) 791-9550
FACSIMILE: (808) 791-9551

December 7, 2017

VIA CERTIFIED MAIL & REGULAR MAIL

Francine M. K. Aaronson
Viola Jean Okanani Banks
Yvonne P. Cox
Patricia Ann Feiteira
Lita Leiahiki Kahihikolu
Ida K. Dec'd Koprincz
Debra Paleka
Benjamin Reverio
Henry Reverio
Roland Reverio
Healani Aida San Miguel
Alton Melvin Tavares
Howard Brendan Tavares
Kevin James Tavares
E. Haunani Valente
c/o P.O. Box 792002
Paia, HI 96779

Kekahuna Family Partnership
1639 Nakula Street
Wahiawa, HI 96786

Ione U Nobriga
P.O. Box 1032
Puunene, HI 96784

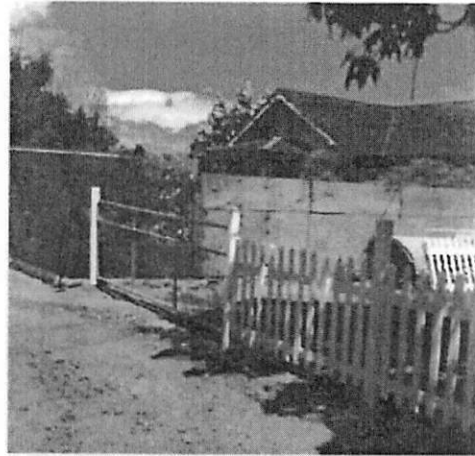
Re: Your Prescriptive Easement Violation Re Denial of Beach Access from
Ae Place

Dear Mrs. Aaronson:

We represent Michael Baskin for various legal matters. We understand that you are one of the current owners of 37 Ae Place. It is our understanding that the pedestrian gate to the beach access had been removed, and you had installed a personal driveway gate in its place, as shown below:



Before



After



My client has a deeded and recorded easement for his property at 40 Ae Place. This easement is intended for access to the beach for all owners on Ae Place. However, on November 6, 2017 at around 11 a.m., Mr. Baskin was walking within said easement with another individual, and Mr. Aaron denied them access to the beach. He displayed

aggressive behavior towards them and demanded that they leave. They complied by turning around and walking off the subject property.

My client has reached out to you in the past in an effort to resolve this issue, without any success. In an email dated October 24, 2014, he requested that the 3-foot gate for beach access be reinstalled. Again, on June 21, 2016, my client notified you of his deeded and recorded access and requested that said gate be reinstalled. He also offered to pay for the reinstallation of the gate and a lock system. To date, the 3-foot gate has not been reinstalled and your family has now denied my client access to his easement. Copies of the October 24, 2014 and June 21, 2016 emails are attached hereto as Exhibit 1.

We fully intend to regain our client's access to the easement. As such, please reinstall the old gate or a similar one within the next 30 days. If you no longer have the old gate or wish to pay for one, my client is willing to install one at his expense as well as all expenses to move your driveway gate over onto your property.

In order for there to be no confusion as to the property line and boundaries of the legal easement, we can also order a survey to mark the boundaries ensuring the easement is in the proper legal place to reinstall the gate.

Please confirm within seven days of receipt of this letter how you wish to proceed.
If you wish for us to contact your attorney instead on this matter, please let us know.

Very truly yours,



TERRANCE M. REVERE
CLARISSE M. KOBASHIGAWA

REVERE & ASSOCIATES, LLLC
A Limited Liability Law Company

Cc Jim Geiger, Esq.

To whom it may concern;

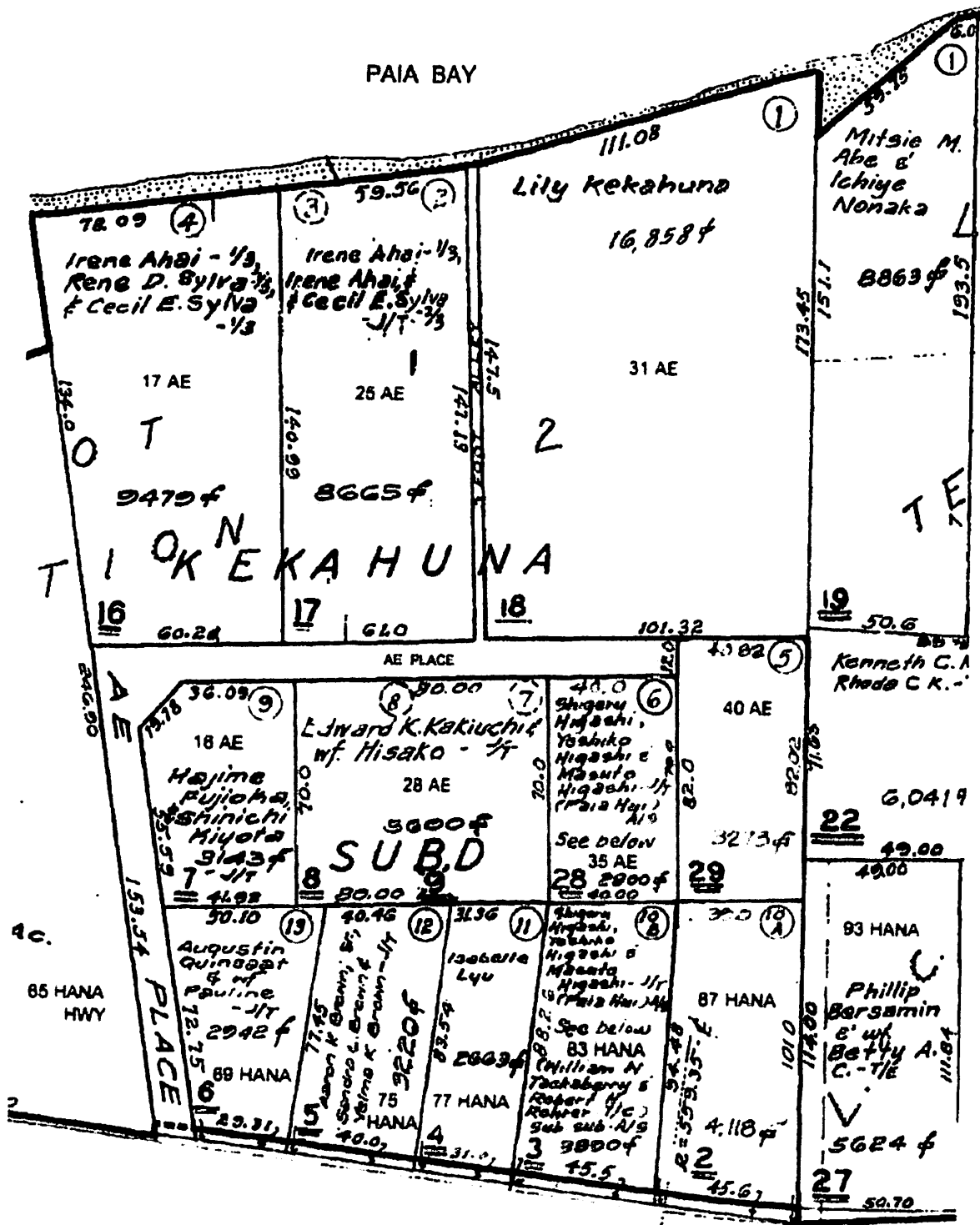
My name is Francine K.Aarona and I live at 37 AE Lane. Francisco and Tamara Goya are my neighbors who have a Short Term Rental. They are very respectful to their neighbors and so are their guest who come for a vacation. We have never experienced any problems with their guest. We have come to know some of them who come back every year. On behalf of my family and I, please renew their permit request to continue their Short Term Rental.

Respectfully submitted,
Francine K.Aarona
I (808) 927-7637
mopsaarona@gmail.com

EXH

14

PAIA BAY



HANA HWY

LU Committee

From: Michael <baskindesign@gmail.com>
Sent: Tuesday, March 13, 2018 12:53 PM
To: LU Committee
Cc: Donald S. Guzman; Alike A. Atay; Elle Cochran; Kelly King; Yukilei Sugimura; Robert Carroll; Mike White; Riki Hokama; Stacy S. Crivello
Subject: Paia Haiku Community Plan Update - (LU-54)
Attachments: SMA Assessment-Exemption Form.pdf

Aloha LU Committee:

I own a permitted STRH in Paia. I am a 40 year resident of Paia and was the past vice-chair of the Paia Main Street Association of which I served for 8 years. We also own commercial properties in Paia. I wish to offer the following observations and suggestions regarding LU 54 (County Communication number 18-52):

1. After the Planning Commission July 25, 2107 hearing, we attended the 2 community meetings both in Paia and Haiku for input from the community to be considered in the Community Plan Amendment.
2. We are in favor of the Community Plan Amendment for STRH allowable use in the Community Plan.
3. The Community Plan is outdated and should have been updated long ago and was meant to be a guideline only.
4. What was decided at the hearing is different than the final version from the Planning Department and therefore we recommend removing the language regarding abutting the shoreline and simply update to allow for its use.
5. Not in favor of STRH language prohibiting no new STRH for property abutting shoreline as the shoreline is where STRH homes are popular to both visiting locals and global visitors.
6. Also, if there is a change in the Community Plan, it should include TVR use as Council passed 8-0 Ordinance No. 4153, 4152, 4088 allowing TVR in the business districts. There has already been an application to have TVR in Paia and the Planning Commission debated its use per the community plan, but the Planning Director has approved TVR in Paia already. This needs to be clarified so as to avoid legal disputes in the future.
7. If the Council is not able to outright vote to include the TVR ordinance in the Community Plan, we request that the language be sent back to the Planning Commission to recommend amending the Community Plan to include TVR.
8. We therefore recommend the following language be considered to update the community plan:

"13. Limit visitor accommodations to permitted transient vacation rentals and short-term rental homes and owner-occupied bed and breakfast homes that are residential in both scale and character. Illegal visitor accommodations can diminish the availability and affordability of housing for residents and should be subject to strict enforcement action."

Mahalo,

Michael Baskin

Baskin Design, LLC
Architectural Designs

808.870.1800 - Direct

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

SPECIAL MANAGEMENT AREA ASSESSMENT/EXEMPTION FORM (SM5)

Project Name:	PAIA TOWN CENTER – TVR UNITS
Proposed Development:	Nonstructural interior alterations to convert three (3) existing unoccupied office spaces into five (5) one-bedroom transient vacation rental (TVR) units within an existing commercial structure in the County B-2 Business Community District
SMA App. No.:	SMX 2017/0204
Project Address:	120 Hana Highway, Paia, Hawaii 96779
Tax Map Key:	(2) 2-6-005:033
Applicant:	Nicholas Argyropoulos, 1244 6th Street, Santa Monica, California 90401
Owner:	Same as Applicant
Consultant:	Jordan E. Hart, 115 North Market Street, Wailuku, Hawaii 96793
Valuation:	\$350,000.00
Approved Plans Dated:	June 2017

The proposed activity is determined to be:

X 15. Nonstructural improvements to existing commercial structures.

Per Section 22, Chapter 205A of the Hawaii Revised Statutes, as amended, the rules of the Planning Commission of Maui County, and the Department of Planning's Special Management Area (SMA) Assessment; the proposed activity has been determined not to be a development and is EXEMPT from the applicable requirements of Chapter 205A.

Comments/Remarks: Per plans titled, "Architecture Drawings Paia Town Center Floor Plan," prepared by Chris Hart & Partners, Inc., dated June 2017.

Reviewed by: EAA

Date: August 1, 2017

Permit No.: SM5 2017/0160

Approved by: 
for CLAYTON M. YOSHIDA, AICP, Planning Program Administrator
WILLIAM SPENCE, Planning Director

Date: 9/7/17

xc: John S. Rapacz, Planning Program Administrator (PDF)
Evelyn A. Aako, Staff Planner (PDF)
Jordan E. Hart, Consultant (Original)
CZM File (SMX)
SMX File (.txt)
Project File (with plans)
General File

WRS:CIY:EAA:PAD

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TESTIMONY

October 17, 2018

RECEIVED

2018 OCT 19 AM 7:31

Council Chair Mike White
and Members of the Maui County Council
200 S. High Street
Wailuku, HI 96793

OFFICE OF THE
COUNTY CLERK

RE: TESTIMONY IN SUPPORT OF CR-185, RESOLUTION ESTABLISHING A SISTER CITY RELATIONSHIP WITH SAN JUAN, METRO MANILA, PHILIPPINES

As more than four million Filipino-Americans celebrate Filipino American History Month in October, there is no better time to express my support to establish a sister city relationship with San Juan Metro Manila, Philippines. As someone who was born and raised in the Philippines, I knew about the city of San Juan as the place where you go shopping. But it has a completely new reputation to me now that I got to know its people.

My name is Kit Zulueta, Marketing Director of UH Maui College and last June led a small delegation of our students with Professor Lorelle Peros to the Philippines for a study abroad program called I.M Ready, or international-mobility ready.

A group of Filipino leaders such as Erlinda and Grelyn Rosario, Vince Bagoyo, Alan Manibog, and Debra Nakama fundraised to make this program a reality. We made it happen and it was a tremendous success.

When a Maui County delegation in 2013 visited San Juan, we became friendship cities. Since then, our relationship grew- they visited us twice and they were immediately sold and approved a resolution establishing a sister city with us – it was them saying “we’re ready to take this “friendship” to the next level.”

Our exchanges with San Juan since we met them is by far the most active than any other Philippine sister city to date. I cannot tell you enough how much from our program budget we saved because of San Juan’s generosity.

Our Maui students developed such a deep connection with new friends made in the schools they attended. They learned and met fellow students who are being dropped off by personal chauffeurs and body guards, and met students who commute SIX hours every day just to get to school and choose whether to eat or buy a book with their own money.

Our students were able to share their personal struggles as well, correcting the misconception that students in America are all well-off. Their new friends are surprised to know that they, too, needed to work to pay for school.

Officials from San Juan allowed us to participate in their annual festival celebrating St. John the Baptist. It was called the “Wattah-Wattah” festival where the entire community get doused in water.

We boarded a firetruck and met the entire community. We sat on the VIP row along with the San Juan mayor and watched all the colorful performances prepared. Mayor Guia Gomez invited us to her home, fed us, and provided us support until the completion of our program.

The program's impact was physical and seen in the students' smiles and tears. One of the program's graduates had already booked a trip back to the Philippines next year.

I have been privileged to help organize several international programs for the county and when I see how the study abroad program changed the lives of our students, it was that moment I knew we were ready for a sister-city resolution.

I urge your support for this resolution. Elevating our relationship into a SISTER CITY will only open more doors of opportunity for our Maui community. Attached are supporting photos and information that you can review.

Mahalo,

KIT ZULUETA
UH Maui College
zulu@hawaii.edu

SAN JUAN CITY, METRO MANILA

SAN JUAN CITY is a HISTORIC CITY right in the heart of Metro Manila. It is geographically small but very big in terms of cultural significance, social prominence, economic progress and tourism potential. It has a population of 204,382 as of the year 2006.

The city is known historically for the site of the first battle of the Katipunan, the organization which led the 1896 Philippine Revolution against the Spanish Empire. Notable landmarks today such as Pinaglabanan Shrine and heritage homes are located in the city. Other locations include Greenhills Shopping Center and Santolan Town Plaza, making the city a major shopping hub with a range of upscale, boutique and bargain retail.



Of the city's 5.94 square kilometers total land area, about 64 percent is residential, 16 percent is road network and 21 percent is combined commercial, institutional and industrial.

Strength: Governance and Economic Development

In January 2018, Business Mirror Philippines reported the number of business establishments in San Juan City increased by 10 percent in 2017.

San Juan officials said the 10-percent increase compared to the previous count of 10,301 registered businesses (mostly food and retail) reflects the trust and confidence of investors to the city government. The total number of business establishments in 2017 was recorded at 11,001.



Mayor Guia Gomez said that aside from the policies of the local government, the state of peace and order in the city enticed more businessmen to open shop in San Juan. She reminded business owners to comply with the ordinance requiring them to install closed-circuit cameras as a crime deterrent under City Ordinance 7 Series of 2013. He noted She noted that the growth means more employment for the people of San Juan.

The city government of San Juan is resolute in maintaining the high confidence of business sector in the city and will exhaust all means to prevent heinous crimes from happening within its jurisdiction.

Wattah Wattah Festival

San Juan residents commemorate the Saint John the Baptist, with their biggest community festival called Wattah-Wattah Festival. Locals and tourist come to San Juan to witness this festival.

Children and grown-ups line up the streets of San Juan and generously douse passersby or unsuspecting commuters and visitors with water, with the traditional "basaan" or "buhusan" (dousing of water)- supposedly to remind them of their baptism. They also enjoy engaging in water wars and other wet games using dippers, pails, hoses and even water pistols. This popular custom is practiced as they recall San Juan's life and mission.

The festival concludes with a presentation contest among the 21 barangays of San Juan. Each unit prepares a colorful dance ensemble while a big firetruck douses performers in water.

This year, the delegation from UH Maui boarded the top of a firetruck to witness the festival, with our students even being pulled in to dance the famous Wattah-Wattah theme song.



Above photo: UH Maui College delegates had refreshments at Mayor Guia Gomez's home after a full exhausting-but-enjoyable day at the Wattah Wattah Festival



Polytechnic University of the Philippines, **San Juan**

Polytechnic University of the Philippines San Juan Campus lives up to the institution's commitment to democratize access to educational opportunities for economically challenged but deserving youths in the very heart of the National Capital Region, the historic city which served as the site of the first battle of the Philippine Revolution against Spain.

Through the relentless effort of the City Government of San Juan, the long cherished dream of the people of San Juan to establish a public college in the city was brought to fruition in 2007.

PUP San Juan is one of 21 branches and campuses of PUP, with 70,000 students enrolled across the system - the largest state university in terms of student population.

UH Maui College and PUP

In January 2018, the two universities penned an MOU for student exchange. Two students from UHMC – Princess Cainguitan and Sam Peralta, attended classes at PUP for a week. They exchange program allowed them to visit their classmates' homes, and experience their lifestyles. They were able to compare teaching styles in the classroom, and learned about opportunities beyond the island of Maui.

PUP officials customized a special program for the UHMC students, spent their personal resources and dedicated time to tour them around San Juan, its history and contributions to society.

PUP has a wide array of programs in engineering, hospitality, law, environmental studies, history, etc.

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