

AFFORDABLE HOUSING COMMITTEE

Council of the County of Maui

MINUTES

October 5, 2021

Online via BlueJeans Link

RECONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Gabe Johnson, Chair
Councilmember Alice L. Lee
Councilmember Tamara Paltin
Councilmember Keani Rawlins-Fernandez (in 9:21 a.m.)
Councilmember Shane M. Sinenci
Councilmember Yuki Lei K. Sugimura

EXCUSED: Councilmember Tasha Kama
Councilmember Kelly Takaya King
Councilmember Michael J. Molina, Vice-Chair

STAFF: David Raatz, Supervising Legislative Attorney
James Forrest, Legislative Attorney
Shelly Espeleta, Supervising Legislative Analyst
Alison Stewart, Legislative Analyst
Laksmi Abraham, Legislative Analyst
Rayna Yap, Committee Secretary
Kristeena Locke, OCS Assistant Clerk

Axel Beers, Executive Assistant for Councilmember Kelly Takaya King

Sarah Freistat Pajimola, Executive Assistant for Councilmember Keani Rawlins-Fernandez

Evan Dust, Executive Assistant for Councilmember Tasha Kama

Lois Whitney, Executive Assistant for Councilmember Tasha Kama

Davideane Sickels, Executive Assistant for Councilmember Tasha Kama

Kate Griffiths, Executive Assistant for Councilmember Gabe Johnson

Jordan Helle, Executive Assistant for Councilmember Yuki Lei Sugimura

Stacey Moniz, Executive Assistant for Councilmember Gabe Johnson

Roxanne Morita, Lanai District Office

ADMIN.: Linda Munsell, Deputy Director, Department of Housing and Human Concerns

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Jordan Hart, Deputy Director of Planning, Department of Planning
Tara Furukawa, Staff Planner, Department of Planning
Rowena Dagdag-Andaya, Director, Department of Public Works
Eric Nakagawa, Director, Department of Environmental
Management
Shayne Agawa, Deputy Director, Department of Environmental
Management
Mimi DesJardins, Deputy Corporation Counsel, Department of the
Corporation Counsel
Stephanie Chen, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Aolani Yamasato-Gragas, AGY LLC
Tyler Fujiwara, Austin, Tsutsumi & Associates
Steve Wong, SVP, Mitsunaga & Associates Hawai'i, Inc.
Chad McDonald, VP, Mitsunaga & Associates Hawai'i, Inc.
Gary Furuta, GSF LLC
Jeff Furuta, GSF LLC
Kari Luna Nunokawa, Senior Manager, Munekiyo Hiraga
Tessa Munekiyo Ng, Vice President, Munekiyo Hiraga
Thelma Akita-Kealoha, Maui Community Director, Catholic
Charities Maui
Trevor Yucha, Cultural Surveys Hawai'i

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha. Will the Affordable Housing Committee reconvened meeting, of October 5, 2021 please come to order. The time is now 9:03 a.m. Thank you all for joining us today. I'm Gabe Johnson, Committee Chair. Present with me is Kate Griffiths, my Legislative Analyst [*sic*]. As required by the Governor's most recent emergency proclamation, Members at non-public locations should be...state who is present with them. Please also note that this information on online connectivity and related procedures can be found on the last page of the agenda. Members joining us today are Council Chair Alice Lee. Dè do chor, Chair Lee?

COUNCILMEMBER LEE: Good morning, hope everybody had a nice weekend. Mr. Chair, dè do chor? And I'm here alone in my room.

CHAIR JOHNSON: Dè do chor. Okay, got it. And next we have Councilmember Tamara Paltin, dè do chor, Councilmember Paltin?

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou mai Malu 'Ulu Olele. I'm broadcasting live and direct from the West Maui District Office with my Staff Angela. And dè do chor to you all.

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CHAIR JOHNSON: Dè do chor. Next we have Councilmember Shane Sinenci from Hāna, dè do chor, Councilmember?

COUNCILMEMBER SINENCI: Aloha kakahiaka Chair, dè do chor everybody from the Hāna Cultural Center where I'm here with my EA Dawn Lono.

CHAIR JOHNSON: Aloha and good morning. And finally we have...from Upcountry we've got Councilmember Yuki Lei Sugimura all the way from Kula. Dè do chor?

COUNCILMEMBER SUGIMURA: Dè do chor? Good morning, everybody, from Kula, and looking forward to this good meeting. Thank you.

CHAIR JOHNSON: Councilmember Kelly King is excused today, and we have some Members that will be coming in shortly, so we will introduce them as they come on board. From the Administration we have Housing and Human Concerns Deputy Director Linda Munsell, Deputy Corporation Counsel Mimi DesJardins, and other Department representatives may be available to come on later to answer some of our questions. From the Hale Pilina team, we . . . are also still designated as resource people as well. So our Committee Staff is Legislative Analyst Alison Stewart, Committee Secretary Rayna Yap, Legislative Attorney James Forrest, Legislative Analyst Laks Abraham, and Assistant Clerk Kristeena Locke.

AH-2(1) HOUSING PROJECTS UNDER CHAPTER 2.97, MAUI COUNTY CODE: HALE PILINA RENTAL HOUSING PROJECT (KAHULUI)

CHAIR JOHNSON: Okay, Members so today we have...we will hopefully conclude our discussion on AH-2(1), Housing Projects Under Chapter 2.97, Maui County Code: Hale Pilina Rental Housing Project in Kahului. Oral testimony is closed, and written testimony may still be sent via comment...via eComment. If there's no outstanding questions at this time for the developer, the Chair will entertain a main motion to recommend adoption of the proposed resolution approving the Hale Pilina Rental Housing Project with modifications.

COUNCILMEMBER SUGIMURA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR JOHNSON: Okay, it's moved by Sugimura, seconded by Chair Lee, and then any discussion. So thank you, Members. Without objection, I'd like our discussion to start by reviewing and deciding on the list of requested exemptions one by one. So we'll do the exemptions first, and then later on we'll get into the modifications. So any objections for that plan?

COUNCILMEMBERS VOICED NO OBJECTIONS (Excused: TK, KK, MM, KRF)

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CHAIR JOHNSON: Okay, great. A slight change from how we've approached previous projects is as follows. The exemption should be a yes, or a no, or a consensus, meaning we approve the exemption, or it gets removed from the list that attaches with the project. If we want to place a requirement on the developer in order to grant the exemption, we can discuss it at that time, but it should be then proposed and decided during the modifications discussion. So we'll start with exemptions, and then we'll move on to modifications if we so choose. Any questions so far, Members? Okay, seeing none. Let's start with the exemptions related to land use, and then we can just follow the order of the list as provided by the project application in Exhibit A, pages 1 to 3. And Staff, if we can put up the exemptions on the screen so we can go down and look at all of them so that the Members can see exactly what we're talking about. Thank you, Staff. Okay, so what we're doing is we're going to do the standard ones first because these are pretty standard, and I can't imagine us going any...we should just go right down these pretty quick, and then it's 4, 6, and number 1, those are the ones that are pretty standard, I'll read them out for the record. So number 4 is Chapter 2.80B as in bravo, the General Plan and Community Plans Requirements for Land Use Consistency. And the exemption is to allow the project to proceed without obtaining community plan amendments or change in zoning. The project site designations are Park in the Wailuku-Kahului Community Plan, and P-1, that's Public/Quasi-Public in County zoning, the project proposes using multi-family, and A-2, Apartment District Development Standards and Permitted Uses. So Members, I think this is pretty standard. And do we have consensus on this? If I can hear from you folks and get some thumbs up and...okay.

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: All right, great. So that's consensus on the...and it's a standard request on Chapter 2.80B. All right, let's move on to number 6, Chapter 19.31, and it's up there on the screen for you. Public/Quasi-Public Districts, to allow the project to use A-2, Apartment District, development standards as set in Chapter 19.12. This is another standard request, Members. I'm not sure we need any more discussions, it's pretty self-explanatory. Can we get a consensus on this one? This is number 6. Do we have consensus on this?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: Okay, consensus on that. And then we'll just move right on to number 1, Sections 8.04.04 and 8.04.05, Refuse Collection and Landfills, to provide exemptions from obtaining disposal permits for construction waste. Again, Members, this is another standard request, so can we get consensus on this one...on this standard request, Members?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: I'm seeing thumbs up. We got consensus. Okay, wonderful. Next, number 2, and it's up there on the screen...sorry it's a little bit out of order, but that's...we wanted to give the standard ones first. Chapter 14.35, Assessment Fees for Wailuku-Kahului Wastewater Treatment Systems Facilities Expansion. And then in the

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exemptions, it's Section 14.35.080, Maui County Code, provides exemption from wastewater fees for 100 percent Affordable Housing Projects. So because it's 100 percent, we can give...they can get an exemption. Members, do you have consensus on this...on this one, number 2?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: Okay, we got all thumbs up. We got all consensus. Great, moving right along. Next, I have number 3, Chapter 16.04C as in Charlie, 16.1B...or 18B as in bravo, and 16.20B as in bravo, and 16.26B as in bravo, Fire, Electrical, Plumbing, and Building Code. And the exemption would be to provide exemption from fire, electrical, plumbing, and building permit fees, including plan review and inspection fees. This is another standard request, Members, so do we have consensus on this exemption?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: We got a thumbs up...some thumbs up here. Okay, great. We have consensus on that exemption. We're going on to number 5, Chapter 20.08, Soil Erosion and Sedimentation Control. So Section 20.08.090D as in delta already provides an exemption from grubbing and grading permits and inspection fees for 100 percent Workforce Housing Projects. So again, Members, pretty standard. Do we have consensus on this one?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: Yeah, okay, we got consensus on this one. Now we'll go on to the next page, which is number 7. Thank you, Staff. Sections 19.36B as in bravo, .020, as well as 19.36B as in bravo, .030, Designated Number of Off-Street Parking and Loading Spaces. So the exemption is to allow projects to provide one parking space per unit. A second space will be available for any of the one and two-bedroom units on a first come, first serve basis and a monthly fee. The project will provide additional stalls for visitors and loading, and the ADA stalls and access aisles. So Members, do we have consensus on number 7?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: Okay, we got consensus on number 7. Let's move on to number 8, Members, and it's up there on the screen. Section 14.07.030, Water System Development Fees, to provide exemption for paying Water System Development fees. Okay, Members, do we have consensus on this one? Okay, we do not have consensus on this one. So we can come back to this and if we want to modify it, we can modify it. All right, so I'll just check...let me take a quick note here on this one, and we can come back to this one. Okay, number 9...let's go on. Yeah, we're on number 9. Section 16.26B as in bravo, .3600, Improvements to Public Streets, to provide exemptions from requirement of underground utilities and other improvements to public streets. Okay, this is number 9. Members, do we have consensus on number 9?

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MS. DESJARDINS: Chair?

CHAIR JOHNSON: Yeah, go ahead...Mimi.

MS. DESJARDINS: It's Mimi. Real quick, on this one, the developer wanted to be...or Muneikiyo called me yesterday and wanted to be very clear that this applies both to Pu'unēnē Avenue as well as Kaulawahine, which are the two public streets at play, because they only mention the estimated cost savings for Pu'unēnē, but there...it's actually double cost for both. But just to be super clear, it's for both of those.

CHAIR JOHNSON: Did they give you the actual number of savings, Mimi?

MS. DESJARDINS: You know, they're on the line, but I think they estimated it might be possibly double. But Kari is here if you want anything further on that.

CHAIR JOHNSON: Okay, Kari. Yeah, Kari, you want to give us an actual number on that if you don't mind?

MS. NUNOKAWA: Hi. Thank you, Chair. Thank you, Mimi. Yes, so we just wanted to make clear that the project was asking for the undergrounding of the...the exemption from the undergrounding of utility lines on South Pu'unēnē, as well as Kaulawahine. But what we have realized is that Kaulawahine, it's actually on the opposite side of the street from the project, so it doesn't necessarily apply here. But DPW wanted us to be specifically clear, so we just wanted to be specifically clear that the overhead lines on Kaulawahine is actually on the opposite side of the street from the project area. But we did provide an estimate for the undergrounding of the utility line on Pu'unēnē, which was that \$887-somewhat thousand that we put in the exemption table list. And I see Rowena has unmuted, so I just wanted...I'll defer to her too right now.

CHAIR JOHNSON: Okay, thank you Kari. Director Dagdag-Andaya, would you like to speak on this?

MS. DAGDAG-ANDAYA: Sure, Chair. I just wanted to just support the exemption. This exemption...although, you know, we had comments initially, we wanted to be consistent with the Code, but there have been other 100 percent Affordable Housing Projects that have asked for this exemption in the past and have received them. So the Department does not have any additional concerns with respect to this request.

CHAIR JOHNSON: Okay, thank you so much. Members, do you have anything...any questions for what was just stated? Okay, go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Just so I'm clear then, I think Mimi popped up and said that this amount would be doubled, but from what I just heard from Public Works, they're fine with just undergrounding on Pu'unēnē Avenue. Is that correct, or did I get it mixed up?

CHAIR JOHNSON: Director.

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MS. DAGDAG-ANDAYA: Yes, Chair. In fact, we did speak with the applicant last week just to understand more about this exemption because in their matrix, they had provided the cost estimate for Pu'unēnē Avenue. So we wanted...we asked, does this also apply for anything on Kaulawahine Street? And at that point, you know, they were...I think they had indicated that they would be looking for exemptions on Kaulawahine Street too. So I just wanted them to be...to make it clear and state on the record that this exemption would apply, not just for Pu'unēnē Avenue, but for other streets as well that would be affected.

COUNCILMEMBER SUGIMURA: Can I ask a question? So Department, did you say that that's not part of the...Kaulawahine Street is not part of the project, but they're going to be required to also provide the undergrounding over here?

CHAIR JOHNSON: Director?

MS. DAGDAG-ANDAYA: Yes, so the...I think the exemption...the exemption applies when...it's triggered when you apply for a building permit and improvements are required on the adjacent...adjacent streets. In this case here, I think there are some overhead lines that we identified. And initially we had thought...well, when we talked to Kari, we wanted them to make it clear that, you know, are you guys asking for an exemption for Kaulawahine Street to also...you know, if you guys were required to underground the utilities, did you want this exemption to also apply on Kaulawahine Street? And during that discussion, it was my understanding that they wanted the exemption to apply as well, but...

COUNCILMEMBER SUGIMURA: Oh, I see.

MS. DAGDAG-ANDAYA: I guess what I'm hearing now is that it doesn't apply, so perhaps Kari can also explain that a little bit further.

CHAIR JOHNSON: Yeah, let's bring up Kari. Kari, can you speak to that?

MS. NUNOKAWA: Hi. Hi, Chair. Hi, Director. So when we looked at the street view of Kaulawahine Street, the lines are actually on the opposite side of the street from the project. So our understanding for that ordinance is that it would be...it's only applicable to the lines that are strictly adjacent to the project area, and the only line that's strictly adjacent to the project areas on South Pu'unēnē Avenue...the lines are actually on the opposite side of the street for Kaulawahine.

MS. DAGDAG-ANDAYA: Yes, and that's fine with us.

COUNCILMEMBER SUGIMURA: Okay. So this is correct then, the amounts that were given to us are correct for only Pu'unēnē Avenue then; is that correct? It's \$800,000, not double.

MS. NUNOKAWA: No, no. If the requirement is not for the lines that are adjacent to the project

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area, then we would need to get an estimate for Kaulawahine Street. It would be somewhat close to that amount, but...could be less but, you know, it's pretty comparable, I think. But because that line on Kaulawahine Street is on the opposite side of the street, it's not adjacent to the project area.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR JOHNSON: Okay. It looks like Councilmember Keani Rawlins-Fernandez has joined the call. Well, if I see her camera on, we'll give her a shout out. So for this...

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Chair.

CHAIR JOHNSON: Oh, there she is. Good morning and Oscar dè do chor [sic] I think is the word of the day.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Chair. My apologies for my tardiness. I'm here at the County Building with Sarah...my Staff, Sarah Pajimola, and dè do chor kākou.

CHAIR JOHNSON: Okay, great. I also want to mention for the record that Tasha Kama will be excused today as well. So thank you all...thank you, Councilmember Keani Rawlins-Fernandez. We were talking about the number 9 exemption...if Staff can put it up on the screen, we can share with everybody where...exactly where we're at. Okay, so number 9 states...I'll just read it again, just to...after that discussion, so we're nice and clear. Section 16.2...26B.3600, Improvements to Public Streets to Provide an Exemption from Requirement of Underground Utilities and Other Improvements to Public Streets. Members, do we have consensus on that after the discussion?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: Okay, we've got all consensus it looks like. Okay, great. Let's move on to number 10. These...this is number 10, the exemption. So Chapter 14.12, Water Availability Policy and Title 16, Chapter 201, Administrative Rules. Section 14.12.030F as in Frank, Maui County Code, and Section 16.--or 16-201-03G(1), Administrative Rules, provide exemptions from water policy and service for 100 percent Workforce Projects in the Central Water System. So okay, do we have consensus on this one Members? 100 percent affordable gets exemptions?

COUNCILMEMBERS VOICED CONSENSUS.

CHAIR JOHNSON: Okay, looks like we've got consensus on all of this one, number 10. And finally, the last exemption is number 11. Section 18.16.320, Parks and Playgrounds. So the Section 18.16.320(I)(5) provides exemption from park requirements for 100 percent Workforce Housing. Members, do we have consensus on this one? This is about the parks.

COUNCILMEMBERS VOICED CONSENSUS.

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CHAIR JOHNSON: Okay, we've got...I see some thumbs up. Okay, consensus. Okay, those are all of the exemptions. Thank you, Staff...if you can remove that from the screen. Wonderful. Thank you. So now...Members, we're just blazing along. I was planning to take a break, but we're not even at 10:00. And we're...because we're going to get on into the modifications now, Members. And so I think...let me see here. Do we want to start with Councilmember Paltin's, or just go right into this possible modifications? So I'll just read some of these here. The standard possible modifications. The resolution and exemptions will lapse and become void if construction has not started within two years of receiving approved building permits. Pretty standard modification, do we have a motion, Members? Anyone want to make a motion on that one?

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR JOHNSON: Moved by Councilmember Paltin, we got seconded by Shane Sinenci. And Members, do we have any discussion on this one? Okay, go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So can I just hear from either Kari or the project what they...

CHAIR JOHNSON: Sure.

COUNCILMEMBER SUGIMURA: Do they have any comments on that.

CHAIR JOHNSON: Kari, do you want to speak on this?

MS. NUNOKAWA: Thank you so much for the opportunity. Yes. Yeah. Thank you for that time period and timeline. I think the project is open to having a time frame set in place. And as you know, the developer for this and the project manager have 20 projects of Workforce Housing developments behind them, and all completed. And so they are very committed. They have a great track record, and are very committed to providing Workforce Housing for our Maui families. And I think...is this speaking to Councilmember Paltin's...I think her suggested modifications, project Phase I must begin within two years --

COUNCILMEMBER SUGIMURA: Yes.

MS. NUNOKAWA: -- and complete within five years? And so, yeah, we just wanted to have an option for a time extension just in case. So if that's okay, we would like to have an option to be put in for the modification to have a time extension.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR JOHNSON: Okay. All right. So any more discussion on this? Okay. So I'll call for the question. All those in favor of this modification, raise your hand and say "aye."

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COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, we got one, two, three, four, five, six “ayes,” zero “noes,” three excused. Modification passes.

**VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin,
Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Molina, and Councilmembers Kama and
King.**

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: All right. So there's only two more possible modifications that are...that I have right here. So...but we might have some more from other Members, so we'll just start off with this next one. The developer must complete construction of all units with related infrastructure within five years of receiving the first building permit, except that an extension may be granted by the Council approval by resolution. Okay, Members does anyone want to move on that? That's the...

COUNCILMEMBER LEE: So moved.

CHAIR JOHNSON: Okay, moved by Chair Lee.

COUNCILMEMBER SUGIMURA: Second.

CHAIR JOHNSON: Do we have a second by Sugimura? Okay, discussion, Members. This is kind of what Kari was just speaking to. Does anybody want to add any more to this discussion? Okay, seeing none. I'll call the question. All those in favor of this modification, raise your hand and say “aye.”

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, any opposed? We have unanimous...one, two, three, four, five, six “ayes,” three excused. Modification passes.

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VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Molina, and Councilmembers Kama and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Okay...pardon me, I got kind of a sniffle. All right, the next...the third one is, the developer must develop and manage the project in substantial compliance with all representations made to the Council in its Affordable Housing Committee and to the community to obtain approval of this resolution. The County has a right to deny the issuance of permits if, and as long as, the developer is in breach of any of these modifications.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SINENCI: Second.

CHAIR JOHNSON: Okay, we have a moved by Councilmember Keani Rawlins-Fernandez. We have a second by Councilmember Sinenci. Members, do we have a discussion on this? Okay, go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I would like to hear...if I could, I would like to hear from the project.

CHAIR JOHNSON: Certainly. Kari, can you come and speak on this?

MS. NUNOKAWA: Thank you. Thanks for the opportunity. I wanted to see if Jeff wanted to come on and say anything regarding the design of the project. But the project is committed to, again, providing Workforce Housing, and I believe this is...the standard is okay with the project, but I just wanted to give Jeff the opportunity to also concur if that's okay.

CHAIR JOHNSON: Sure, go ahead.

MR. J. FURUTA: Hi, Councilmembers. This is Jeff Furuta with the Development Team. Yes,

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we're in agreement with this. We'll build it as we represent it. Thank you.

CHAIR JOHNSON: Okay. Thank you, Mr. Furuta.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR JOHNSON: Okay. Thank you, Councilmember Sugimura. All right, so those were the three standard modifications. We do have some from the Department, as well as some Councilmembers. I think if...Councilmember Paltin, if you're ready. Oh, I beg your pardon. we forgot to vote. My mistake. Hold on one second. So let's vote on this...that was the discussion, so I'm going to call for the questions. Members, all those in favor of this modification, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, we got six "ayes," zero "noes," three is excused.
Modification passes. Okay.

**VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin,
 Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Molina, and Councilmembers Kama and
 King.**

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Okay, so...pardon me. So now we're going to move on to Councilmember Paltin. Ms. Paltin, do you want to add some modifications?

COUNCILMEMBER PALTIN: Sure thing. My first one would be developer must provide a stub out for recycled water before project completion.

CHAIR JOHNSON: Okay. Do we have a second?

COUNCILMEMBER SUGIMURA: Second.

CHAIR JOHNSON: Second by Councilmember Sugimura. Members, discussion. Chair Lee.

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COUNCILMEMBER LEE: Yeah, I'd like to hear from the project consultants on the cost of that.

CHAIR JOHNSON: Sure. Kari, would you like to speak on this?

MS. NUNOKAWA: Hi. Thank you. Yes, so there are some costs with this; however, the project can provide the R-1 stub out, but if I remember correctly from Director Nakagawa's testimony during the Department, he wasn't sure if the R-1 line was going to be coming through the project area or be accessible. So of course, the project would need to consult with DEM regarding the R-1 waterline to see if it would even be accessible as well. But there would be additional costs to the project if that were the case, but the project can provide the R-1 stub out and then determine later, you know, if the waterline does come that way to connect. And that discussion can happen with DEM.

CHAIR JOHNSON: Okay. Chair Lee?

COUNCILMEMBER LEE: Yeah. So Kari, it doesn't matter that the Kahului Treatment Plant will be closing down at some point, and a new treatment plant will be made available in Waikapu. It doesn't matter where the location of that R-1 will be coming from. You could still provide that stub out?

CHAIR JOHNSON: Kari.

MS. NUNOKAWA: The project would provide the stub out, provided that the R-1 line is accessible to them.

COUNCILMEMBER LEE: Yeah, that's my question. I'm not sure that it's going to be accessible.

MS. NUNOKAWA: Right, and that's why...

COUNCILMEMBER LEE: That's why I think you have to understand. If it's...if it's possible, or if it's probable that the Kahului Treatment Plant is going to at some point deliver R-1 water when it's going to close down at some point, yeah. Thank you.

MS. NUNOKAWA: Thank you, Chair Lee.

CHAIR JOHNSON: Okay. Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, just my recollection of the conversation with Director Nakagawa, I had asked him if the R-1 was going to be expanding, and he said within the next few years. He wasn't sure if it would be expanding in this particular direction. But, you know, it could, and a stub out, he said, wasn't a big expense. So they'd be able to hook it up if it does expand in this direction. And if it's not a big expense, I think it's worth it, because it would lessen the usage of potable water versus R-1 water for landscaping and other purposes. He said it was a very small expense.

COUNCILMEMBER LEE: Yeah, I was asking what was the expense? Nobody knows what the

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expense is. What is a small expense...\$10,000, \$5,000?

COUNCILMEMBER PALTIN: It's just as stub out, so...I mean, it's not like the whole piping, it's a fitting on the head of the piping, I believe.

COUNCILMEMBER LEE: Okay, okay.

MS. NUNOKAWA: We do have our drainage consultant on the line...our engineer, Chad McDonald, and he can speak to that expense, Chair Lee and Councilmember Paltin.

CHAIR JOHNSON: Yeah, let's bring up Mr. McDonald.

MR. MCDONALD: Good morning, Chair and Committee Members. I was trying to unmute, my camera doesn't seem to be working. But can you folks hear me?

CHAIR JOHNSON: Loud and clear. Do you need us to repeat the question for you, Mr. McDonald?

MR. MCDONALD: Okay. Oh no, I believe you're looking for a response for the cost of the T...the stub out?

CHAIR JOHNSON: Yeah, that's correct.

MR. MCDONALD: Yeah, Director Nakagawa, you know, he's correct from the standpoint of just providing a stub out. You know, a stub out and valve to the potable...to provide a non-potable connection for potential future connection, I would agree is relatively small. Again, that's assuming that the non-potable line is accessible. My rough estimate would be just a few thousand dollars to provide a stub out, valve and cap to that irrigation line.

COUNCILMEMBER LEE: Okay. Thank you, Mr. Chair. Thank you.

CHAIR JOHNSON: Okay, I heard a few thousand dollars. We got to the bottom of it. All right. Thank you. Thank you, Mr. McDonald. All right. Any further discussion on this modification, Members? Okay, seeing none. We're going to call for the question. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Any opposed? Okay, we have...it's unanimous, six "ayes," three excused, no "noes," modification passes.

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VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Molina, and Councilmembers Kama and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Member Paltin?

COUNCILMEMBER PALTIN: Sorry, I got some guys with the marriage license again. Okay, developer must provide fencing for the project park area and allow gated access to the park for neighboring community members. And if I get a second, I'll do my discussion part.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR JOHNSON: Okay. There's the modification, we got a second by Councilmember Keani Rawlins-Fernandez. Discussion, Councilmember Paltin.

COUNCILMEMBER PALTIN: So we did hear from, I think, the police that this was their recommendation to definitely do it. And then we also heard, I believe, from Deputy Director Hart that they would like to have gated access for the neighboring community because I guess the community plan had designated this area Park. And, you know, it would be a way to allow the neighboring communities to also enjoy access to a park area, but have it be gated so it can be kind of controlled and, you know, safer, I guess. So based on those recommendations from the police and the Department of Planning, I propose this modification. Thank you.

CHAIR JOHNSON: Thank you, Councilmember Paltin. Members, any other discussion on this modification? Go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So I agree with this. I just want to hear from the developer, because what this always brings to mind when you invite the community to come to a private, so to speak, development project. So what is the liability or...although I understand why, you know, the Departments are seeing that...but can we hear from the project?

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CHAIR JOHNSON: Sure. Karri (*phonetic*)...or Kari, can you speak on this?

MS. NUNOKAWA: Sure. Thank you for the opportunity to respond to that. So I think there are some...thank you, Councilmember Sugimura, for bringing that up. There are some liability issues with providing community access to the private park area. You know, I think when we went out to the community early on, the community members actually that surround the project area, they supported it being a private park, and actually asked for fencing so that the public would not be able to access that park area. Also too, I think it might do some good to talk with Parks Department about this because in our discussion with them earlier, they did support this being a private park area just for the residents. So as far as liability issues, you know, I can have either Jeff or Gary unmute and speak to that. They have provided private park areas for their other developments in the past, and they can speak on their past experiences and things.

CHAIR JOHNSON: Okay, Chair...Councilmember Sugimura, do you have any follow ups or are you okay now?

COUNCILMEMBER SUGIMURA: Oh, so I think Kari said that either Gary or Jeff would speak to it because they've done private parks before.

CHAIR JOHNSON: Okay. Okay, there's Jeff.

MR. J. FURUTA: Hi, Councilmembers. Jeff Furuta again. Thank you. Yeah, so all of our past projects that do have parks have all been private parks, and from...you know, allowing the public into these parks would be a huge liability on the project itself, you know, if something were to happen. It also adds added expenses and insurance that the project would have to cover, and it's already a very, very tight budget as it is. So if possible, we would like to keep it as private. You know, part of the concern was with safety, and that's the reason why they had us, you know, enclose the park with a fence, so that's part...that's the reason why we did add the fence to that plan. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR JOHNSON: Okay, we have Councilmember...or Chair Lee has her hand.

COUNCILMEMBER LEE: Yeah, I just wanted to let you know as part of discussion, that I'm not planning to support this modification. I'm very familiar with that area, and most of the homes close by are older people, and they probably would...that park isn't even used by the public. So I would say that it's better for the people in the project to have a private park, and also not have the burden of liability if other people come and use the park and get hurt. Thank you.

CHAIR JOHNSON: Okay. Oh, go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: I'd just like to hear from Corporation Counsel as to the liability issue. In the outreach to the neighbors, the amount of people that spoke to the project compared to all the lots was kind of minimal, and so I wouldn't take like one or two, five

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families' words to represent the entire surrounding area. But if I could hear from Corp. Counsel as to the liability?

CHAIR JOHNSON: Okay. Mimi, go ahead.

MS. DESJARDINS: Thank you. You know, this is a private park, a private development that we're not connected to, so I don't see us being liable. But I do know, in my discussions with Ms. Peters on this, she was appreciative that they were building a park at all because frankly, they're exempt from that requirement. So she was supportive of it remaining private. She's not on the line. We could probably get her on the line. But having it fenced was a really good idea. But as far as liability goes for the County, I can't imagine a scenario where we would be liable. But hey, you never know, right. But no, it's their park, it's private. We're not maintaining it, we're not going to be required to maintain it, even if it were open to the public. But certainly, liability insurance and considerations on their part would be the substantial of it.

CHAIR JOHNSON: Okay. So anybody else want to speak on this? I have...okay, let me speak a little bit on this then. In an event...let me just read it out loud. The developer must provide fencing for the project park area and allow gated access to the park for neighboring communities. So you put up a fence, but you're also going to put a gate that would allow people in, and that's where Mimi was speaking on liability and things. So hmm...do we want to make an amendment to that, or is...or are you guys okay with that?

COUNCILMEMBER PALTIN: Could it be gated access to let folks out as a second ingress/egress.

CHAIR JOHNSON: Hmm, could we have Mimi speak to that? Because I think it's liability...or maybe the developer wants to speak to that. Councilmember Shane Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just had a question. It sounds like Member Paltin's proposal is just to have an access, but it's up to the developer to keep that gate locked or private. I mean the developer, it sounds like, would have...would have, I guess, the authority over when to open the gate and close the gate; is that correct, Member Paltin?

CHAIR JOHNSON: Okay, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Can we hear from the developer? Because it sounds like they've done a lot of private parks, I'm curious to see what their experience is.

CHAIR JOHNSON: Okay, sure. Kari, you want to speak on that?

MS. NUNOKAWA: Maybe Jeff, because he's actually the one that has the experience. We're the Planning Consultants, so maybe Jeff can speak on that.

CHAIR JOHNSON: Okay, Jeff.

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MR. J. FURUTA: Hi, Councilmembers, it's Jeff Furuta again. Yeah, if a gate is needed that we can keep locked, that would be great. I mean...I'm sorry, but we can include it. But the property is also open via the Kaulawahine and the Pu'unēnē entrances as well. In our past projects, we've had our gate...we've had gates in parks and on walkways, and it basically remained locked unless there was any type of, you know, emergencies or if we needed people to get in and out of the property quickly. But yeah, putting in a gate that we can manage is not a problem. Thank you.

CHAIR JOHNSON: Okay, Councilmember Paltin?

COUNCILMEMBER PALTIN: And I just wanted to ask the developer, regardless if the public accesses the park or not, you're going to need insurance either way, right? I mean, what if the residents get hurt on the park?

MR. J. FURUTA: Hi, Councilmember Paltin. Correct. We are required to have insurance. But again, that covers only the project and the residents. So, you know, if we were to allow the public onto the property, that may add a whole another cost. And, you know, we never really looked into that at this point.

COUNCILMEMBER PALTIN: So you have no idea what the added cost would be.

MR. J. FURUTA: Not right off hand. But again, our budget on the operation side is so tight that if we were to get hit with some kind of liability or lawsuit, you know, that could totally hinder the project going forward.

COUNCILMEMBER PALTIN: So the part that I don't fully understand is are these residents not allowed to have guests on the property?

MR. J. FURUTA: No, our residents will be allowed to have guests using the park, but as far as just letting the public come in and use the park, that would be a little different.

COUNCILMEMBER PALTIN: And then I guess what is the insurance aspect...like say somebody drives in, or somebody is walking to the park and they get banged or something. Is there no insurance for that if they're not a resident?

MR. J. FURUTA: No, our insurance will cover that, and that's factored in. That would be a guest of a current resident versus again, a family or, you know, somebody deciding to use the park for a picnic that aren't affiliated with the project.

COUNCILMEMBER PALTIN: And if somebody sneaks in through the unmanaged exit, then will that be on you? Or it's because they're not supposed to come in, then it's on them?

MR. J. FURUTA: Legally, I'm not sure. But I guess that would be basically trespassing so, you know, we'd have to look at it from that angle.

COUNCILMEMBER PALTIN: Okay. Thank you.

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MR. J. FURUTA: Thank you.

CHAIR JOHNSON: Okay, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So what I'm hearing, based off of the feedback from the developer and the Councilmembers, are there's two challenges to opening up the park to the public. One, which is the added cost of modifying the existing plans; and two, insurance or liability for the park being open to those outside of the guests who is already covered. So I'm inclined to not support the modification unless the County were to receive it as a dedication and cover it. Because if we're going to open up to the public, then I think the County should assume liability. So that...to me, that would be the fairest tradeoff. And so if we're not willing to take on the liability, and if the developer isn't willing to dedicate it to the County, then I don't think it would make sense, and I don't think it would be fair to the developers or this project. So that would be my position. I don't know, Chair, if you would want to get feedback on my feedback to see if that would be something that the Members would even entertain or the developers would entertain, or even the Parks, I don't even know if the Parks would want to take that on. So that's my position. And it looks like Member Paltin has a response. Mahalo, Chair.

CHAIR JOHNSON: Sure. Okay, Councilmember Paltin.

COUNCILMEMBER PALTIN: I'd like to amend the motion to say developer must provide fencing for the project park area with a gate to be managed by the project management for exit during emergencies.

COUNCILMEMBER SINENCI: Second.

CHAIR JOHNSON: Okay, amended by Paltin, seconded by Councilmember Sinenci. Discussion. Chair Lee.

COUNCILMEMBER LEE: Clarification. Are you still proposing that this be a public park?

COUNCILMEMBER PALTIN: No.

COUNCILMEMBER LEE: Oh, no. Okay. So this will be a private park with a gate and the fencing.

COUNCILMEMBER PALTIN: Yeah. I heard Mr. Furuta say they were proposing fencing, but it wasn't...it was in the parts that I read, it wasn't for sure. So this is making it for sure based on MPD and neighbor feedback.

COUNCILMEMBER LEE: Okay, okay. I can support that. Thank you.

CHAIR JOHNSON: Okay. Look at us working together. All right, any further discussion, Members? Go ahead, Councilmember Keani Rawlins-Fernandez.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So just a clarification, this is an amendment to the motion to add the modification.

CHAIR JOHNSON: Exactly. Amended to a motion to modify. Okay. So...oh, go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So just to be clear, it's a private park, so it remains private with a gate and fencing. Is that right, Tamara?

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Yes.

CHAIR JOHNSON: Any further discussion?

COUNCILMEMBER SUGIMURA: And developer is fine. Jeff.

CHAIR JOHNSON: You want to ask Jeff. Okay, Jeff, it's to you.

COUNCILMEMBER SUGIMURA: Yeah, just to be clear.

MR. J. FURUTA: Hi, Councilmembers. This is Jeff Furuta again. Yes, we are fine with that. The fence and the gate will be put in.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR JOHNSON: All right, any other discussion on the amendment? All right, the amended modification...calling for the question, all those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, that's one, two, three, four, five, six "ayes," three excused, zero "noes" on the amended modification.

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**VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin,
Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Molina, and Councilmembers Kama and
King.**

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Now for the overall modification. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, again six "ayes"...no, wait...one, two, three, four...yeah, six "ayes," three "noes"...or three excused, zero "noes," modification passes.

**VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin,
Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Molina, and Councilmembers Kama and
King.**

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Whew. All right, spinning plates. All right, next one. Let's go, take it to Councilmember Paltin.

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COUNCILMEMBER PALTIN: Thank you, Chair. The next one is, developer must provide adequate crosswalk and traffic calming measures throughout the project and parking area to ensure pedestrian and vehicle safety for project residents and their visitors.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR JOHNSON: Okay, that modification is moved by Councilmember Paltin, seconded by Councilmember Keani Rawlins-Fernandez. Discussion. Go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. This was another point that was heavily reinforced by, you know, the Planning Commission, I think the Planning Department, maybe even the Urban Design and Review Board. And so, you know, just wanted to memorialize it. I think they thought they were going to do it, but just wanted to make sure those boards and commissions know that they were heard.

CHAIR JOHNSON: Okay, Councilmember Paltin. You know, I had a modification as well...it's very similar to this, so we're...you know, great minds think alike. And I'll just read out what I had down just to throw this out there on the floor. The developer must make best efforts to ensure internal roads, sidewalks and pathways interconnect and promote safety accessibility, multi-modal transportation and Vision Zero Maui and Complete Street principles. So really, both of these are very similar, so I can strike my...you know, so I'm just...I'm just letting you know where I'm coming from on that. So...all right.

COUNCILMEMBER PALTIN: Oh, I like yours better...let's strike mine.

COUNCILMEMBER LEE: Yeah, let's strike hers.

COUNCILMEMBER RAWLINS-FERNANDEZ: Friendly amendment.

CHAIR JOHNSON: Okay. Friendly amendment so I don't have to second that? All right. Okay. So discussion, Members. Any further...okay, go ahead...Sugimura, followed by Councilmember Paltin.

COUNCILMEMBER SUGIMURA: I think Tamara wanted to speak first.

CHAIR JOHNSON: Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, I just wanted to say I like how it's connecting the objectives to like existing stuff like Vision Zero and all that. It's really good.

CHAIR JOHNSON: Okay. Anyone else on discussion? Go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Yeah, Tamara, great...that's all MPO...that's all part of what MPO policy has been pushing for, so appreciate that. I wonder if we could hear from the developer, just as a general statement, you know, what they're...they're probably doing it, so...

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CHAIR JOHNSON: Sure. Kari, would you like to speak on this?

MS. NUNOKAWA: Sure. Yes, the traffic calming measures and pedestrian safety, all of that is included in the design plans and in the project plans.

CHAIR JOHNSON: Okay, thank you. All right. So we're going to call for the question...any further discussion, Members? Seeing none, we're going to call for the question. All those in favor of this modification, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: And any opposed, raise your hand. So six "ayes," zero "noes," three excused, modification passes.

**VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin,
 Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Molina, and Councilmembers Kama and
 King.**

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: All right, let's take it over to Councilmember Paltin.

COUNCILMEMBER PALTIN: Okay, this is my last one, and hopefully Corp. Counsel can clarify if it's all "G." I move that...to add the modification, "The developer must meet the requirements of Section 14.07.030, Maui County Code, relating to Water System Development Fees, the funding for which may be secured through the Affordable Housing Fund."

COUNCILMEMBER SINENCI: Second.

CHAIR JOHNSON: Moved by Councilmember Paltin, seconded by Councilmember Shane Sinenci. Discussion, Members.

COUNCILMEMBER PALTIN: And the reason I proposed that was Ms. Taomoto's explanation

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and that, you know, the water thing is an enterprise fund and so, you know, we'll be paying for it one way or another, and it seems appropriate to come through the Affordable Housing Fund instead of, I guess...I don't know if general funds have been transferred to the Water Enterprise Fund before, but it's just kind of like moving the money around semantics.

CHAIR JOHNSON: Okay. Thank you, Councilmember Paltin. I also want to mention that it was number 8 on the requested exemptions that you could see on Granicus. So any more discussion, Members? Oh, we have Mimi DesJardins on here. Let's have her speak. Go ahead, Mimi.

MS. DESJARDINS: Just for clarification, Member Paltin. So the developer would be seeking to be reimbursed through the Affordable Housing Fund, or the...I wasn't quite...I didn't quite follow where the Affordable Housing Fund monies were going to be coming in. What was the proposal?

COUNCILMEMBER PALTIN: It's for the requirements of 14.07.030 relating to Water System Development fees.

MS. DESJARDINS: Right.

COUNCILMEMBER PALTIN: And the logistics of it, if it's seeked [sic] before putting it in or after putting it in, it's all good to me as long as it's legal for us, because...because of what Wendy was saying with the enterprise water, like where is the money going to come from if it's not paid for by the developer.

MS. DESJARDINS: Right. So you folks, as a Council, would have to approve the use of the Affordable Housing Fund for that purpose. So I think what we would want to make clear is just the developer may request that the Water Use Development fee funds, whatever they end up being, that they can ask for reimbursement under the Affordable Housing Fund, or in the general funds...you know, Member Rawlins-Fernandez would know better. I don't know whether that can come out of general funds. But that would be something...that would be a second step that you folks would have to approve at...in a different process, but...

COUNCILMEMBER PALTIN: Okay, what she said. friendly amendment.

MS. DESJARDINS: Sorry.

CHAIR JOHNSON: Okay. Thank you. Staff, I'm sure you got that friendly amendment. Before we go any further, if you guys will indulge me, I kind of want to ask Linda Munsell to come and speak on this, okay. Deputy Director Linda Munsell, can you speak on this modification?

MS. MUNSELL: Sure. Thank you, Chair. The use of the funds can be used for infrastructure improvements. I'm assuming that this would fall under that situation. It does seem a little bit odd that the County would be paying the County, but I understand if this is a

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different enterprise...if the enterprise fund is handled differently, then of course, that would make sense. This will open up, of course, every other department who is being requested to provide an exemption, we're asking for reimbursement from the Affordable Housing Fund as well. So it just depends on how you want to use those funds.

CHAIR JOHNSON: Okay. Thank you Deputy Director Linda Munsell. Let's go to Councilmember Keani Rawlins-Fernandez, followed by Councilmember Yuki Lei Sugimura.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Member Sugimura did have her hand up before I did, but I had a question for Deputy Director Munsell. But if she's going to hang around, then I can yield to Member Sugimura first, and then I can ask her.

CHAIR JOHNSON: Sugimura seems to be amicable. Go ahead, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Member Sugimura. Mahalo, Chair. Okay, aloha, Deputy Director Munsell. So I'm not sure if there's been time for the developer to like think about this, but we have been doing amendments through...you know, like with Ikaika Ohana and Ikena Development. So through the Affordable Housing Projects we've amended from using Affordable Housing Fund as grants to using them as loans under 3.35, our new section. And so I think this modification is broad enough to allow for either a grant or a loan through the Affordable Housing Fund. And we understand that the 3.35 is a preferable method to prevent subsidy stacking. So I just wanted to get your feedback on whether you think that this amendment is broad enough to allow for that mechanism, 3.35, as well.

CHAIR JOHNSON: Deputy Director Munsell.

MS. MUNSELL: So are you...I'm sorry, just to clarify, are you asking about the financing structures then, or are you asking specifically about the use of funds for the payment of the Water Development fee?

COUNCILMEMBER RAWLINS-FERNANDEZ: For the Water Development fee. So we heard from the other Affordable Housing developers that because of the subsidy stacking, that they've amended the grant that they received from the County for the Affordable Housing Fund to a loan. And so I wanted to make sure that in this modification, it's broad enough to allow for either a mechanism of a grant for a loan under the Affordable Housing Fund.

MS. MUNSELL: Thank you for that question. I think you mean it...to make it very clear in the language here that it could be a grant or a loan. And if you do that...I'll defer to Mimi to see whether that...because I understand that it has to be approved by resolution...the funding...the alternate funding mechanism. So if it's included here, then...yeah. But we should ask Mimi to verify that. Thank you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Director. Aloha, Ms. DesJardins.

MS. DESJARDINS: Member Rawlins-Fernandez, I think just making it broad, 3.35, I think you're on the right track. Just...if it's broad enough, then we could go grant or loan later, and you folks could deliberate on that since both are included under 3.35. But that's a really good point, and that might be something the developer needs to think about.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Deputy Corporation Counsel DesJardins. I actually think, if Members are agreeable, that maybe we specify and call out to be clear about our intent of allowing for approval by Council for a grant or a loan under 3.35. Mahalo, Chair.

COUNCILMEMBER PALTIN: Friendly amendment.

CHAIR JOHNSON: Okay. Staff, you get that friendly amendment there?

MS. STEWART: No, Chair. If she can repeat that, please. Thank you.

CHAIR JOHNSON: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so the amendment would be for...and I'm looking for the specific section. But under 3.35, it allows for...okay. So there's the ability to receive a grant under the Affordable Housing Fund or a loan, and that's 3.35.040F, I believe. And so yeah, legislative intent, but basically to allow for a grant or a loan, and open to that mechanism under Affordable Housing Fund. Mahalo, Chair.

CHAIR JOHNSON: Thank you. I see Deputy Director Linda Munsell has her camera on. Did you want to add anything to this?

MS. MUNSELL: So as I recall, when we usually come back to Council to request for alternate funding mechanisms, we also allow for the subordination of the Affordable Housing Funds to superior loan debtor or creditors, and we also allow the non-profit to transfer the funds to a for-profit entity so that they can take advantage of the LIHTC funding. Again, I haven't talked to this particular developer about what their structure is, but it's more than...the grant or the loan does make sense, but there were the other things that we needed to include in there to make the entire package work. And I don't know if Mr. Furuta already knows what their structure will be, and whether they need those...also modifications as well, but maybe I can defer to him.

CHAIR JOHNSON: Okay. Sure, let's bring up the developer in regards to that comment that Deputy Director Linda Munsell just made.

MS. NUNOKAWA: Hi. Sorry, I kept getting muted, but I wanted to...the developer is acceptable and amenable to withdrawing exemption 8 and paying the assessment fee. So just

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wanted to put that out there.

CHAIR JOHNSON: Oh, okay...or we can go that route. Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Just for clarification from the developer. So they're open to withdrawing that exemption and not getting funding from the Affordable Housing Fund, Ms. Nunokawa?

MS. NUNOKAWA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MS. NUNOKAWA: They'll absorb that cost.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Nunokawa. Mahalo, Chair.

CHAIR JOHNSON: Well, then. Okay, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So I wonder if the developer understands this discussion. I think it would be a great advantage to them in the...I don't know, this sounds like a new subject, right? So therefore, in one case they're asking for an exemption, and then we're saying okay, we figured out a way that you can, you know, pay this back because of what Water said, and now they're saying that...did I get it right, that they're going to just pay for it without the exemption that they asked us for originally?

CHAIR JOHNSON: Yeah. I mean, that sounds like if they're willing to do that, then we might want to think about removing this modification. If they don't want an exemption, and they're willing to pay...

COUNCILMEMBER SUGIMURA: Then I think they don't understand this discussion. I think is something totally brand new, and that it sounds like we should take a recess so that the developer can talk to Planning. I'm not trying to conduct your meeting, but just...

CHAIR JOHNSON: No, I was totally planning on taking a recess --

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR JOHNSON: -- at this time. But I mean, that kind of changes...okay. Yeah, let's take a recess because that does kind of change things. Let's take a break.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR JOHNSON: You're right. It's 10:08, we're going to take a ten-minute recess. Oh, go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Maybe not talk to Planning, but --

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COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER PALTIN: -- talk to Housing --

COUNCILMEMBER SUGIMURA: Housing, housing.

COUNCILMEMBER PALTIN: -- and Human Concerns and Corp. Counsel. Because I don't think Planning has anything to do with it.

COUNCILMEMBER SUGIMURA: You're right. Right, right.

CHAIR JOHNSON: Yeah. Okay. It is now 10:09. We're going to take a ten-minute recess. The Affordable Housing Committee will be in recess until 10:20 on October 5th, 2021. . . .*(gavel)*. . .

RECESS: 10:09 a.m.

RECONVENE: 10:21 a.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Will the Affordable Housing Committee of 10/5/2021 come back to order. The time is now 10:21 a.m. Okay, Members. After hearing the developer say that they would be willing to take on the costs, I'm kind of implying [*sic*] to allow them and thank them for that. So I don't know, Councilmember Paltin, what say you? Would you want to remove your modification, or do you want to...what would you like to do?

COUNCILMEMBER PALTIN: I think we can remove it, because if they decide later on that they want it, would they be prevented from getting it if this modification wasn't on there?

CHAIR JOHNSON: I don't know that. I don't think so. Would you want to ask the Department that, or...

COUNCILMEMBER PALTIN: Or maybe Corp. Counsel.

CHAIR JOHNSON: You want to ask Counsel...or Corp. Counsel Mimi DesJardins.

MS. DESJARDINS: They could come back later and ask you for further modifications if necessary, or they could apply to the Affordable Housing Fund independently in the future. I think you've all made it clear you're open to that if necessary.

COUNCILMEMBER PALTIN: Okay, yeah. We're open to it, and so we can remove it because it doesn't seem like it's necessary for them to get it in the future if they want it.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: After they think about it.

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CHAIR JOHNSON: Okay. I got you. Okay. Thank you, Councilmember Paltin. Let's move over to Councilmember Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Could I ask them...before we remove it, could we ask the developer what they thought. I think this was a new concept. I hope they connected with Linda Munsell and kudos to them, I mean...good for them.

CHAIR JOHNSON: Sure, sure. Yeah, I agree. Kari, would you like to speak on this?

MS. NUNOKAWA: Thanks, Chair. Yes, this was new. Thank you for having the break. We were able to get some information from Director...Deputy Director Munsell. So the project is open to keeping the exemption in with the County's support for that cost through the Affordable Housing Fund...like that. They just...we got clarification, they just don't want to prolong or delay providing affordable homes and units for the County's and for the residents. So if that can be worked in so that they don't have to utilize any contingency funds that where...is where the money would come from, that would be best. So I think the discussion can resume as far as what you guys...what Councilmember Rawlins-Fernandez was proposing.

COUNCILMEMBER SUGIMURA: So I hear the developer then saying to proceed on the path, and they've...I guess they connected with the Department during the recess. Thank you, Chair, for doing that.

CHAIR JOHNSON: Okay. So Deputy Director Linda Munsell?

MS. MUNSELL: Thank you, Chair. So Hale Pilina had requested \$660,000 from the Affordable Housing Fund, which is a relatively small amount compared to other projects that have applied for our funding. The intent of those funds were to be used for planning and design for this project. It's very possible that their intent was not to transfer these funds to the for-profit entity that might be actually developing the project itself. I wasn't able to actually talk to the developer in person, but since it's such a small amount, it might not be...cause the difficulty that larger amounts would have caused. I mean as far as the basis points of their calculation for LIHTC. But if we do need to come back to ask for modifications to the financing structure, we would do that at a later date, I think.

CHAIR JOHNSON: Okay, it sounds to me that they can come back if they need it. So I'm inclined to move forward, Councilmember Sugimura. Because if they need it, they can always come back, and this body, I think, would be amicable to that kind of thing. So that's where I'm kind of heading. Go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Yes, I just have a question then for the Department. Because I know right now the Administration is putting together their proposed budgets for the new fiscal year. So how does this work, does this...will this have to come up during the March discussion of the budget?

CHAIR JOHNSON: Deputy Director Munsell, how would you propose this?

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MS. MUNSELL: Yeah. Thank you for that question. Yeah, at the moment we have closed the application period for the Affordable Housing Funds, and that plan is going to be forwarded to the Mayor for his approval, and then that will eventually come first to the Affordable Housing Committee for review of the projects, and then eventually to budget. For Hale Pilina to come in and request additional funding to cover the Water Development Fees, that would be outside of our normal RFP period, and probably would have to either go directly to the Mayor or through another mechanism, rather than through our standard RFP process.

COUNCILMEMBER SUGIMURA: But using the Affordable Housing Fund. It wouldn't delay...I guess I'm wondering, it's not going to delay their project, right, if they have to come back. They don't have to wait until July 1 of next year in order to have access to the Affordable Housing Fund.

MS. MUNSELL: Well, thank you for the question. Yeah, so in order to get additional funds, there would have to be a budget amendment of some sort, and it either would go through the normal process that starts in March, or there would have to be an amendment put through outside of that process and possibly, you know, this fall, you could do something like that. Yeah, I mean, so it would be a separate process in order to get additional funding. And it could be done this fall if that's the will of the Mayor, and the Mayor is willing to support that...if he is.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR JOHNSON: All right. So either way...okay, let's have Mr. Furuta, he wants to speak on this. Go ahead, Mr. Furuta.

MR. J. FURUTA: Thank you, Councilmembers. Just to kind of expand on what was already said. Yes, we are open to the exemption and using the Affordable Housing Fund. Our main concern is that we wanted a clean 2.97 without any outstanding items. Another factor that we have decided to just pay the fee out of our contingency is the timing of the next round of applications for the Affordable Housing Fund, and in the event that we do have to go in for financing again with HHFDC. Our applications would need to go in in February for HHFDC, and if I remember correctly, the Affordable Housing Fund is August...maybe August. So again, we would have go in for HHFDC financing prior to receiving that award, or notification of the award. So that was kind of our issue. It's kind of a timing issue with the financing as well. Thank you.

CHAIR JOHNSON: Okay. Okay, Deputy Director Linda Munsell, you want to add to this.

MS. MUNSELL: Yeah, only to say then in the event...to try and make their financing solid, you would either need to provide them with an exemption, just a straight exemption today, or you would have to process a budget amendment of some sort prior to their February deadline for this fiscal year.

CHAIR JOHNSON: So we can do that later then if they need it. And that sounds like, from my

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opinion, we can just move on with this one. If they need it, they can come back later on and ask. So if the body is okay with that, I'd like to move on with this one. Go ahead, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to clarify to make sure that I'm on the same page as you are. Okay. So right now, we're saying that we're going to leave number 8 as is to provide the exemption from paying Water System Development fees. Okay, you're shaking your head. So we would delete the requested exemption 8 to provide the exemption from paying Water System and Development fees. I guess I just have a quick question for the developer regarding the exemption from paying Water System Development fees. I don't know if it would be them or if it would be us. So like if we remove that exemption, then they would either have to pay out of their contingency, or they could apply for Affordable Housing Fund moving forward, and if we...yeah. Okay. And if we just exempted them, then that means we just wouldn't collect Water System Development fees, and we would just not have that money? I don't know who can answer that question, sorry. Deputy Director.

CHAIR JOHNSON: Linda Munsell.

MS. MUNSELL: Yeah. Thank you. So if you exempt them, then the Water Department won't collect that fee, and we're done. I don't know what that does to their budget, but we're finished. If you remove the exemption and they need reimbursement for it, the odds are...I do not believe that the Department will submit a budget amendment this fiscal year to support the additional cost to the project. That would require then this body to independently put in a request for budget...a budget amendment for...a budget item for next fiscal year. So that's kind of where we are at this point.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, mahalo. And I'm sorry, do we have the amount of development fees? Was that presented, Deputy Director?

MS. MUNSELL: Yeah, I don't have that right here, but Kari probably would know that, or the developer would know that amount.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ms. Nunokawa.

MS. NUNOKAWA: Hi. So on the exemptions we did provide an estimate, and this was...this estimate was based on providing two, two-inch water meters for the project, and it was \$250,000. But again, that's an estimate, and it would be dependent on what DWS would deem appropriate for the project.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Nunokawa. Mahalo, Chair.

CHAIR JOHNSON: Okay. Thank you. Councilmember Paltin.

COUNCILMEMBER PALTIN: When we asked for consensus on the number 8 request, I voted no because I thought we were going to be able to give them money from the Affordable Housing Fund. I don't want to make it harder. If we grant the exemption, then the

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Water Department Enterprise Fund is short, and then they would come to us for a budget amendment, and they would still get their exemption, and we would figure out how to give the Water...make the Water Department whole. Is that still a possibility? Because we have to figure it out one way or another. And if we're figuring it out, I'd like to give them the exemption for it. Because, you know, this is a good project, I think...I mean, in comparison to many others.

CHAIR JOHNSON: I agree with you. Yeah, I didn't want to give my consensus to that exemption. I thought that if they're willing to pay for it, then we'll let them pay for it. Okay. Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: So I hear the thought process about the Water Department, right, because they're enterprise fund, we don't want them to be short, and somehow or another we're going to end up that we should help them, right, water is really important. And I believe that the reason why the developer said that they would pay it because they didn't understand what...you know, this process, which is brand new to them. And I actually, based upon what Linda Munsell said, is that I would rather us face it today, put it in the project, and say okay, we're going to do this through the Affordable Housing Fund, and you know, cover that \$250,000, that estimate, rather than going through having to wait until the budget comes out, which is March, through Keani, and then go through the whole process, it'll be in one of the Mayor's, you know, projects to support in the Affordable Housing Fund, and the funding wouldn't be able...wouldn't be available until July of next year. And then you heard the developer was saying the reason why...Jeff was saying that they were...they had that reaction to this new process is because of all their other funding with HHFDC, which they would need to know in February, have, you know, everything lined up. So today we can help them get lined up and do this so that we don't have to wait until a budget amendment comes from the Department. So I say if Tamara would agree, you know, I kind of like her process that she was thinking from the very beginning, and Keani's question, her next questions that has taken us down this path. So Chair, I would really like us to face the realities of what we're talking about today rather than pushing it off and hoping...or waiting, you know, until it comes up through budget amendments, which would have to come from the Administration, rather than, you know, us saying okay, this is what we want now. We know where we're going to go with it already, so...

CHAIR JOHNSON: Okay. All right. Thank you for sharing that with us. Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I support the exemption and will make things right financially with the Water Department at a later time. Mahalo, Chair.

CHAIR JOHNSON: Okay. Somebody needs to make a motion then. Chair Lee?

COUNCILMEMBER LEE: I make a motion to reconsider the vote that we took. Make a motion to what?

CHAIR JOHNSON: Just make a motion to the exemption then, yeah.

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COUNCILMEMBER PALTIN: Request the exemption number 8.

CHAIR JOHNSON: Number 8, yes.

COUNCILMEMBER LEE: Okay, so we're going to reconsider that...because we already voted on that, didn't we?

COUNCILMEMBER PALTIN: No, we just did a consensus.

COUNCILMEMBER SUGIMURA: And it was no consensus.

COUNCILMEMBER LEE: Oh, just consensus. I see.

CHAIR JOHNSON: Okay. Let's go do...

COUNCILMEMBER LEE: Okay. So the idea is that I vote to approve that exemption. The water exemption, right?

CHAIR JOHNSON: Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER LEE: Water System Development fee exemption.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think we still have a motion on the floor, so we would have to clear the floor first by withdrawing the motion and the second. And then we can...I think...and then we're good because the motion...you already took the consensus to allow for the exemption of exemption eight...

CHAIR JOHNSON: I didn't consent to that. I didn't consent to that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, there wasn't consensus.

COUNCILMEMBER SUGIMURA: It wasn't approved.

CHAIR JOHNSON: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, okay. So yeah, so we would have to...procedurally would have to first withdraw Member Paltin's motion, I think...

COUNCILMEMBER PALTIN: Withdrawn.

COUNCILMEMBER RAWLINS-FERNANDEZ: I made the second?

CHAIR JOHNSON: You made the second, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I withdraw the second. And then Chair Lee...

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CHAIR JOHNSON: Okay.

MS. YAP: Hi, Chair this is Rayna.

COUNCILMEMBER LEE: And I'll make a new motion to approve the exemption request.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I'll second. And then Ms. Yap is getting your attention, Chair.

CHAIR JOHNSON: Go ahead, Ms. Yap.

MS. YAP: Thank you very much. The original motion was made by Tamara Paltin and seconded by Shane Sinenci. That's what I have. Thank you.

CHAIR JOHNSON: Okay. I'm sorry about that. I thought it was...okay, so Councilmember Shane Sinenci is removing his second. Moving forward, so go ahead.

COUNCILMEMBER LEE: And I'll repeat...to approve the exemption request on the Water System Development fee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR JOHNSON: Okay, seconded by Councilmember Keani Rawlins-Fernandez. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay. One, two, three, four, five "ayes." All those opposed, say "no." Five "ayes," one opposed, three excused, motion passes.

VOTE: AYES: Councilmembers Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: Chair Johnson.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Molina, and Councilmembers Kama and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

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CHAIR JOHNSON: Okay then, we can move on. Oh, go ahead, Chair Lee.

COUNCILMEMBER LEE: Okay. Just a footnote that the legislative intent with this motion is that the Council will...hopes to...well, there's a better word than hope, but will consider a request from the applicant to pay for...from the Affordable Housing Fund, to pay for the development fees. But that's not on the agenda today, so...but it's just as a footnote that there is a consensus to approve that in the future, the near future.

CHAIR JOHNSON: Okay. Staff, did you get that? I...for the record, I was the one that said no. Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And to Chair Lee's remarks, I will...as the Budget Chair, I'll work with the Water Department and Administration to figure out how to make the Water Department whole from this.

CHAIR JOHNSON: Okay. Whew, that was a big one. All right, Members. We're going to go on to some of the Department possible modifications. Okay. So let me start...these are all from the Department. I have one, two...I have about four, so we'll go down the list here. First one, developer must provide energy saving window treatments, photovoltaic carports, and solar water heating, as well as solar lighting for the project's parking lots and park.

COUNCILMEMBER PALTIN: So moved.

CHAIR JOHNSON: We have a motion by Ms. Councilmember Paltin. Do we have a second?

COUNCILMEMBER SINENCI: Second.

CHAIR JOHNSON: Seconded by Councilmember Shane Sinenci. Discussion, Members.

COUNCILMEMBER PALTIN: Oh, point of information.

CHAIR JOHNSON: Sure.

COUNCILMEMBER PALTIN: I moved for somebody else's motion is that...I thought I was seconding.

CHAIR JOHNSON: Oh, I'm sorry...I didn't see. Okay, do we have a first?

COUNCILMEMBER PALTIN: Was that your motion?

CHAIR JOHNSON: No, this is the Department's.

COUNCILMEMBER PALTIN: Oh, okay. I'll make the motion then. I just wanted to clarify that I didn't create the motion.

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CHAIR JOHNSON: Okay.

COUNCILMEMBER LEE: Second for discussion.

CHAIR JOHNSON: Okay. So it's seconded by Chair Lee for discussion, and this is from the Departments. All right. They have an alternative that they...well, we can talk about that later, but okay, let's have discussion.

COUNCILMEMBER LEE: Well, can we hear the...part of the discussion...can we hear the alternative?

CHAIR JOHNSON: Sure. Developer must provide a sufficient space on all building rooftops for future photovoltaic installation. But this is...the idea is, you know, the energy saving window treatments, photovoltaic carports, and solar water heating, as well as solar lighting for the project's parking lots and park. Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So I'm understanding you correctly...sorry, I was trying to find that exemption...or requirement...it's not an exemption, it's a requirement, right? It's just to make space on the rooftops and areas where PV could be installed in the future, that's all it is. All right, I support that. Mahalo, Chair.

CHAIR JOHNSON: Okay, any other discussion? Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Can we hear from the developer? And I'm looking for the...

CHAIR JOHNSON: Sure.

COUNCILMEMBER SUGIMURA: ...these modifications. What number is it on Granicus? Sorry.

CHAIR JOHNSON: Oh, it's not on Granicus, this is just...you know, I've listened to the Departments and these are things that we brought up, so it's really...

COUNCILMEMBER SUGIMURA: As part of the letter. The letter that was sent to the developer.

CHAIR JOHNSON: Right. It's from the Departments, right. So let's bring Kari up here if she wants to speak on this.

MS. NUNOKAWA: Thank you. So thank you for that. We did respond in our correspondence back before the September 27th meeting regarding this. So the project will be going for LEED certification, as it will be providing for PV carports, solar exterior lighting, as well as PV or solar panels on space for their apartment rooftops. But there are some significant costs to the solar hot water system, that's approximately \$1.25 million. So that hasn't been quite decided for the project yet and...but the project is providing for other sustainability features as well.

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CHAIR JOHNSON: Okay. Any more discussion, Members?

COUNCILMEMBER SUGIMURA: So is the Department asking them to put in the solar heaters in what you're reading, Gabe?

CHAIR JOHNSON: It's from the Department's comments that we made these modifications. So that's where this is coming from, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Right, right. So by them agreeing to this...and they're going to have to commit today to put in the solar heating, which they said they haven't factored into the project yet, is that what you're asking? Is that what the Department...not you, but the Department is asking.

CHAIR JOHNSON: Yes.

COUNCILMEMBER SUGIMURA: Okay. So Kari, then if you could comment on that, or if the Furutas would comment on that, if that would be a feasible addition to the project.

MR. J. FURUTA: Hi, Councilmembers. This is Jeff Furuta again. Yes, so we are planning on putting carports in our parking lots which will help mitigate the electrical loads. We are also looking at solar hot water for the PVACs. Again, those haven't been factored into our budget yet, but we are looking at one or the other. You have to keep in mind that those two technologies compete for roof space. So it's not like we can put both on, right, because again, they both need that footprint to generate the electricity, or the solar heating that we need. The other factor we looked at is with solar hot water, depending on the type of system that goes in, there is a lot of maintenance involved. If it is a solar hot water system...if the system does go down, the whole building goes down versus an individual water heater, you know, we can just take out that one unit, and the other units won't be an issue. So again, we are looking at those issues, but again, our energy consultants are looking at that, and they are trying to get a net zero project with Hale Pilina. Okay, thank you.

CHAIR JOHNSON: Thank you. Okay, let's move on to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. I was wondering in the motion, would it be feasible to amend to say either PVAC or PV solar water heater because of the roof space issue?

CHAIR JOHNSON: Would that be a friendly amendment? Okay, Chair Lee.

COUNCILMEMBER LEE: Can I add another friendly amendment so that we are not adding costs to this project...adding cost to this project, you know, not deliberately...unintentionally. So the words I was thinking of, "if possible."

CHAIR JOHNSON: If possible. Adding the friendly amendment...

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COUNCILMEMBER LEE: Yeah, because they're already trying to work it in, you know, so...and we're sort of like partners with them, and so we have to give them that opportunity to try and do it. And if they cannot, they have to pay for it, then that's another thing they're going to have ask for from the Affordable Housing Fund. Can we add those words, "if possible."

CHAIR JOHNSON: Okay, friendly amendment, "if possible." All right. Any more discussion, Members? Okay, let's call for the question. All those in favor of this modification, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: That's six "ayes," three excused, modification passes.

VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin, Rawlins-Fernandez, Sinenci, Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Molina, and Councilmembers Kama and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Okay. Let's move on to the next one. This is, the developer must restrict overflow parking and add tow away or no parking signs to prevent parking by project residents and visitors on Kaulawahine Street. Do we have a motion?

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER LEE: Second.

CHAIR JOHNSON: Moved by Councilmember Keani Rawlins-Fernandez, seconded by Chair Lee. Members, discussion. Okay, Councilmember Paltin.

COUNCILMEMBER PALTIN: I believe Ms. Dagdag-Andaya said that there already is no parking, and if we wanted to turn it into tow away no parking, there's a...there's a legislation we would need to pass. I forget what the number was...like 3 point something --

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CHAIR JOHNSON: Right...

COUNCILMEMBER PALTIN: -- but that would kind of be on us to...like can you put tow away parking signs if that legislation isn't passed? Because it's just no parking, and then when you pass the legislation, which would be on us and not the developer, then, you know, because...maybe Corp. Counsel wants to weigh in.

MS. DESJARDINS: The tow away zones, you folks set those by ordinance. So if you wanted it to be a tow away zone, you would amend your tow away zone ordinance to include that area, but no parking signs as long as it's on private parking areas. They can put that, but otherwise, you folks aren't in control of that.

CHAIR JOHNSON: Okay, Councilmember Chair Lee, followed by Councilmember Sugimura.

COUNCILMEMBER LEE: Okay. So we don't have the legislation in place at this point, so we'll say according to the Code.

CHAIR JOHNSON: Is that a friendly amendment?

COUNCILMEMBER LEE: So when and if that passes...when and if that passes, then they're required to do it, okay. Because we don't...we can't require them if there's no ordinance that's been passed, yeah.

CHAIR JOHNSON: Okay. I know Councilmember Paltin's hands raised up in what your comment was, but I know Councilmember Sugimura wants to say something, so...

COUNCILMEMBER SUGIMURA: Ms. Paltin can go first, and then I'll go second.

CHAIR JOHNSON: Great. Thank you, thank you. Go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: I don't think we should put this requirement on the developer, because it's, I believe, a County road, and so we're responsible for the signage, we're responsible for the legislation. If we want this to be done, it's all on us and nothing on them is my understanding. So we shouldn't put a condition on them to do the work that we need to do as the County.

COUNCILMEMBER LEE: Okay. I don't have a problem with that.

CHAIR JOHNSON: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I withdraw my second.

CHAIR JOHNSON: Okay, so yeah...oh, do we have a withdrawal?

COUNCILMEMBER LEE: Withdraw.

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CHAIR JOHNSON: Okay. So moving right along, we're just going to go down to the last two, okay. Here we go. These are the ones that I have been working on to...hopefully you guys hear this one out. The project landscape plan must include Native Hawaiian climate-adapted plants and fruit-bearing trees, such as avocados, figs, and ulus. So is there a motion on the floor?

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER LEE: Second.

CHAIR JOHNSON: We have a motion by Councilmember Keani Rawlins-Fernandez, seconded by Chair Lee. All right, discussion. Go ahead, Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry, I don't have the language right in front of me, but I heard you name some trees, and there's an "and," do you want to put an "or"? So Native Hawaiian plants, water resistant...not water resistant...tolerant...drought-tolerant plants and fruit-bearing trees. Do you want to do "or"?

CHAIR JOHNSON: Yeah, I can read it out aloud again, and then if you see where you want to put that or, it was a friendly amendment, right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Before the plant...the fruit-bearing trees.

CHAIR JOHNSON: Okay, before the fruit-bearing trees. Okay. The project's landscape plan must include Native Hawaiian climate-adapted plants and/or fruit-bearing trees, such as avocados, figs and ulus. Okay?

COUNCILMEMBER RAWLINS-FERNANDEZ: Sounds good. Mahalo, Chair.

CHAIR JOHNSON: All right. Any other discussion on this one...pretty basic. Go ahead, Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I like the idea. I want to hear from the developers as to, was that in their plan, any impacts they see.

CHAIR JOHNSON: Sure, let's bring Kari up and she can respond.

COUNCILMEMBER SUGIMURA: Their landscape architect or...

MS. NUNOKAWA: Thank you so much. Yes, I'd like to actually ask Aolani Yamasato-Gragas, who's our landscape architect, to comment on this please.

CHAIR JOHNSON: Okay.

MS. YAMASATO-GRAGAS: Hi, this is Aolani. I don't know how to turn on the video too.

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So...yeah, so the plan is...the landscape plan has xeriscape and low maintenance type of plants, using a lot of native plants. And it would be great to use, you know, edible type plantings as far as sustainability, but the landscape planting plan permit, the LPAP, has specific requirements. So it's kind of...we just kind of have to follow the County plans, and they're pretty strict about that, like what type of trees that can be used. And so they have like a list of trees, and none of it is fruit trees. So while I could...while I have a lot of native and shade trees, fruit trees aren't allowed. So...and then also for like rental projects too, a lot of Affordable Housing Rental Projects, fruit trees are not recommended just because they're . . . *(inaudible)*. . . ownership kind of thing about who gets the fruits and just kind of like...there's kind of arguments and just management kind of things, but...and maintenance, but it's mostly the ownership. But the main thing is the County requirements, so we are following the County landscape plan requirements.

CHAIR JOHNSON: Okay. Very interesting. Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, just point of information, I wanted to clarify that LPAP plan, the landscape planning is for parking lots.

MS. YAMASATO-GRAGAS: Yeah, uh-huh.

COUNCILMEMBER PALTIN: And so like if you wanted fruit trees in the park area, is that not allowed according to your interpretation? Because I believe...

MS. YAMASATO-GRAGAS: You could...they could fit it in, but when you try to...you have to get it approved, the plan...they have like a certain number of trees you have to put on based on the number of parking stalls. And just based on that, you have to...and they have a certain list of trees that you can use. They're...they're very strict about it, unfortunately. Yeah, so even though it's...yeah, even though it's like...yeah, so they're requiring parking lot type trees in the park area, but that's a County thing.

COUNCILMEMBER PALTIN: Okay, so they're requiring parking lot trees in the park area because of how many parking spaces you have?

MS. YAMASATO-GRAGAS: Yeah, uh-huh. And then if we put in...like say we put in PV, then we can't...so if there's PV in the parking lot area, then we can't put trees there because then the trees would cover the PV. So we'd put all those required number of trees in the park area. So there's like 50 trees or so.

COUNCILMEMBER PALTIN: Okay.

MS. YAMASATO-GRAGAS: And it would be located in the open space, or any kind of landscaped area that's not affecting the PV.

COUNCILMEMBER PALTIN: Okay, and you have some native trees lined up for that?

MS. YAMASATO-GRAGAS: Yeah, so there's a lot of native, so those are allowed. And then...but

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as far as like the...yeah, as far as like the fruit tree kind of things, like yeah, those aren't...I don't know how you would put that in there, unfortunately.

COUNCILMEMBER PALTIN: So can we get clarification from the Planning Department on that? Because if they're not in the parking lot, it seems like they wouldn't be parking lot trees anymore.

MS. YAMASATO-GRAGAS: Yeah, I've been trying to talk to them about that for other projects, but...

CHAIR JOHNSON: Okay. Let's see if we can get Planning to speak on this. Let's see...where's my...who's here from Planning? Oh, Mr. Hart. Aloha. Did you hear the question, or do we need to repeat it for you?

MR. HART: I think they were discussing whether or not fruit trees can be put on property.

CHAIR JOHNSON: That's correct.

MR. HART: Yeah, the Planning Department doesn't oppose putting fruit trees on property. There are specific restrictions on parking lot trees, and then there's a process to, you know, deviate from that. There's also the process to potentially deviate from it when you're putting in PV.

CHAIR JOHNSON: So if we add this modification--and I'll read it out loud just for you, Mr. Hart. The project's landscaping plan must include Native Hawaiian climate-adapted plants and/or fruit-bearing trees, such as avocado, fig and ulu. As far as Planning, that's doable? Can you speak on that?

MR. HART: Yeah, Chair. So similar to all the other regulations that are being discussed today, Council passes a resolution that modifies the project, it supersedes the planting plan.

CHAIR JOHNSON: Okay. All right. Members, any more discussion. Okay, go ahead, Chair Lee, followed by Councilmember Sugimura.

COUNCILMEMBER LEE: Okay. Under the circumstances, don't you think we need to remove the words and/or fruit trees? Or do we need this...do we need this amendment at all, is my question to you, the Chair...Chair Johnson.

CHAIR JOHNSON: Okay, well, seeing that they are trying and, you know, I appreciate that. So yeah, I'm amenable, sure.

COUNCILMEMBER LEE: How about everybody else?

COUNCILMEMBER SUGIMURA: Wait, where are we now in this discussion? We're going to...

COUNCILMEMBER LEE: We're down the home stretch, that's where we are.

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COUNCILMEMBER SUGIMURA: Right, right. So what...what is Gabe agreeing to?

CHAIR JOHNSON: Okay. We're trying...I'll just read it, it's a sentence.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR JOHNSON: Okay, the project landscape plan must include Native Hawaiian climate-adapted plans and/or fruit-bearing trees, such as avocado, fig and ulu. Now, the Planning Department said we don't have to worry about that, we're allowed to do that, I should say. The developer said we only don't want to do it because Planning tells us we can't. So now we're at this point where they already...they also mentioned that they are willing to put in Hawaiian plants. So then Chair spoke and said, well, do we even need it at all. So that's where we're at.

COUNCILMEMBER SUGIMURA: Okay, so can I speak to this?

CHAIR JOHNSON: Of course.

COUNCILMEMBER SUGIMURA: Thanks for the summary. So it sounds like the developer, from what Aolani is saying, is that they are putting in Native Hawaiian plants and they're, you know, doing...doing that already. And as far as fruit trees, I think we heard through one of the other Committee discussions, that when you have fruit trees in parks or around and people eat it, then there's some of kind, you know, liability that's created by people eating--and I'm talking about my Keokea Park here...over here--that the discussion came up and the concerns. So I...fruit trees are great, but I would like to delete that and let the developer take the project where they want it to go and not have any more, you know, concerns about people eating fruits that are...or even...you know, whatever the problems could be. But I heard it from the Keokea Park communication from the community and the Department about concerns about that. So I just would like to eliminate fruit trees. Thank you.

CHAIR JOHNSON: Okay. Councilmember Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think having the word or there allows for the flexibility of having it or not having it. So I would support keeping it so that the...as a reminder that this is something that we would like to see more of, you know, we advocate for increased food security, and I think for every square footage we're able to put edible landscaping and figure it out...figure out how to make it work for us, we should. Every square footage that is taken up with a non-food producing tree is a lost opportunity, as I see it. And I think we just need to step up our game and step into the era that we need to be in increasing food security to its maximum potential. Mahalo, Chair.

CHAIR JOHNSON: Well said, Councilmember Keani Rawlins-Fernandez. Okay, Members, I'd like to call for the question here. So all those in favor of this modification, please raise your hand and say "aye."

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COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, we have five “ayes.” Any opposed? We have one opposed, Councilmember Sugimura, and three excused. Modification passes.

**VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin,
 Rawlins-Fernandez, and Sinenci.**

NOES: Councilmember Sugimura.

ABSTAIN: None.

ABSENT: None.

**EXC.: Vice-Chair Molina, and Councilmembers Kama and
 King.**

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Okay, Members, this is the very last thing that I want to speak of, and I don't even know if it should be a modification, but I just want to put it out on the record, okay. So I'm just going to read, it's another two sentence thing, but I leave it to the body. In the interest of further enhancing the project's visual and neighborhood aesthetics, the developer must consider using a more vibrant color scheme, cultural murals, and other improvements to the buildings' facades...facades. I don't even know how to say it...facades? Is it facades? Okay, facades. So that...you know, when I looked at the drawings, Members, I saw the colors, there were some grays and some browns. And, you know, the places I grew up was poor...you know, poor people housing, and it was always that color, and it always reminded me of, you know, this is...this is not like...you know, it's not like...it kind of...it brings...it has an emotion to it. And then I see murals in a town, oh, how beautiful the murals are around Wailuku Town, those...that's where I'm coming from. So I just wanted to put that out on record and leave it up to you folks...any kind of discussion, but that's really what I just wanted to say...I wanted to add it on that to let the developers know, that's a part of...in my heart. Go ahead, Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Yeah, I speak in support of this motion, or this idea for now. You know, I think wherever we can interject art, you know, whether it's any scale...small or...you know, just to educate people about the place, or invoke an emotion, I think it's always a good idea. Because it's something collectively, like you said, can raise...raise everybody's attitude around them. So...so moved.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

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CHAIR JOHNSON: Okay, moved by Councilmember Sinenci. Seconded by Councilmember Keani Rawlins-Fernandez. Discussion, Members. Councilmember Keani Rawlins-Fernandez, followed by Councilmember Sugimura.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think that your proposal is a great one, and I agree with the rationale behind it. The proposal is just for the developers to consider having vibrant colors, including murals...and murals have been very popular. A lot of the murals that we see around Wailuku are publicly funded, so through National Endowment for the Arts is a Federal program, as well as County funds. So, you know, if they will offer their building as a canvas, then perhaps we, as the County, can help with the funds and support our local artists, who I'm sure would be super stoked at the opportunity to have their art uplift the community and preserve history and...among many other things. Mahalo, Chair.

CHAIR JOHNSON: Well said. Now, I know Councilmember Sugimura had her hand up, and then we'll move to Councilmember Paltin.

COUNCILMEMBER SUGIMURA: I was going to...I was going to talk about something similar with the murals that are going up in Wailuku Town, even on our Prosecuting Attorney's building, and that possibility and if the developer would open up their property for something like that. If they have a wall big enough that would be a fun, great addition to a brand new project. Thank you. I support that.

CHAIR JOHNSON: Okay, Councilmember Paltin.

COUNCILMEMBER PALTIN: Oh, I just wanted to put it out there too that each district has grant funding available for opportunities like this. And I believe we put in extra for Kahului, so hoping that this could be like a publicly-funded project that wouldn't cost the developers any more, and would have great returns in feelings. Thank you.

CHAIR JOHNSON: Well said. Okay, any further discussion, Members? Otherwise I'm calling for the question. All those in favor, raise your hand and say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, all those opposed, raise your hand and say "no." We got six "ayes," and three excused, zero "noes," modification passes.

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VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Molina, and Councilmembers Kama and King.

MOTION CARRIED.

ACTION: APPROVED AMENDMENT.

CHAIR JOHNSON: Okay. Members...oh, go ahead, Councilmember Paltin.

COUNCILMEMBER PALTIN: Sorry, I probably should have said this before we voted, but it would be good to just get buy-in before the mural goes up. And I think maybe the Planning Commission wanted to keep with like a Hawaiian motif. So just try to get buy-in and not let it be a like a controversial mural for the legislative intent on that...like uplifting kind of thing.

CHAIR JOHNSON: Okay, I agree with that one, yeah. Okay, Members, I think...

MS. STEWART: Chair?

CHAIR JOHNSON: Yeah, go ahead.

MS. STEWART: Chair, sorry. Would Member Paltin like that added into the modification?

COUNCILMEMBER PALTIN: If everyone is amenable to it because we already took a vote.

CHAIR JOHNSON: Everybody looks amenable...I see nodding heads and thumbs up. Yes, Alison, please put that in.

MS. STEWART: Thank you.

CHAIR JOHNSON: Okay. Well, before we go to the main motion, Ms. Stewart, was there anything else we need to address? I think that's it, yeah?

MS. STEWART: Yes, Chair.

CHAIR JOHNSON: Okay. All right. Okay, Members, the Chair will now call for the vote to recommend adoption of the proposed resolution as amended entitled, "APPROVING

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WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HALE PILINA FAMILY AFFORDABLE RENTAL HOUSING PROJECT PURSUANT TO CHAPTER 2.97, MAUI COUNTY CODE,” incorporating revisions made by the Committee today and nonsubstantive revisions.

COUNCILMEMBER SUGIMURA: So moved.

CHAIR JOHNSON: Okay. Okay, well...and the filing of the approval of this approved resolution and the correspondence...so hold on.

MS. GRIFFITHS: . . .*(inaudible)*. . . to move anything...

CHAIR JOHNSON: Yeah, we don't have to move anything, we just need to...because that's already in the beginning, yeah. So let's...all those in favor, raise your hand and say “aye.”

COUNCILMEMBERS VOICED AYE.

CHAIR JOHNSON: Okay, we got six “ayes.” All those opposed, raised your hand and say “no.” Zero noes. So motion passes with six “ayes,” and zero “noes,” and three Members excused.

VOTE: AYES: Chair Johnson, and Councilmembers Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Molina, and Councilmembers Kama and King.

MOTION CARRIED.

ACTION: Recommending ADOPTION of revised resolution approving the project with modifications; FILING of resolutions approving the project and disapproving the project; and FILING of correspondence.

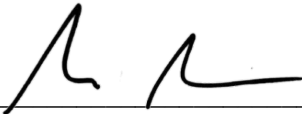
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CHAIR JOHNSON: All right. Good job everybody. Whew. These are always fun. Members, this is another exciting project for us in the entire Maui County, I'm looking forward to it. I'd like to thank the Housing Department and Catholic Charities Development Corporation and its team for bringing us this much needed and well located housing...100 percent for our Workforce Housing. So Members, this concludes our discussion, and the meeting is now adjourned at 11:11 a.m., 10/5/2021, Affordable Housing is adjourned. Thank you all. . . .(gavel). . .

ADJOURN: 11:11 a.m.

APPROVED BY:



GABE JOHNSON, Chair
Affordable Housing Committee

ah:min:211005r:ta

Transcribed by: Terianne Arreola

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 49 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 28th day of October 2021, in Wailuku, Hawai'i.



Terianne Arreola