

AFFORDABLE HOUSING COMMITTEE
Council of the County of Maui

M I N U T E S

September 1, 2022

Online via BlueJeans Link

CONVENE: 1:31 p.m.

PRESENT: Councilmember Gabe Johnson, Chair
Councilmember Michael J. Molina, Vice-Chair (In at 1:32 p.m.)
Councilmember Tasha Kama, Member (Out at 3:16 p.m.; In at 3:18 p.m.)
Councilmember Kelly Takaya King, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member (In at 1:54 p.m.)

EXCUSED: Councilmember Keani N.W. Rawlins-Fernandez, Member

STAFF: Paige Greco, Legislative Analyst
Wilton Leauanae, Legislative Analyst
Richard E. Mitchell, Legislative Attorney
Stacey Vinoray, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Lei Dinneen, Council Services Assistant Clerk
Nalani Fujihara, Hawaiian Language Communications Specialist

Kate Griffiths, Executive Assistant, to Councilmember Johnson
Roxanne Morita, Executive Assistant to Councilmember Johnson
Ana Lillis, Executive Assistant to Councilmember Molina
Evan Dust, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember
Kama
Axel Beers, Executive Assistant to Councilmember King
Ellen McKinley, Executive Assistant to Councilmember King
Dawn Lono, Executive Assistant to Councilmember Sinenci

Mavis Oliveira-Medeiros, Council Aide, Hāna District Office
Denise Fernandez, Council Aide, Lānaʻi District Office
Anabelle Hernandez, Makawao-Haʻikū-Pāʻia District Office
Zhantell Lindo, Council Aide, Molokaʻi District Office
Daniel K. Kanahele, Council Aide, South Maui District Office
Christian Balagso, Council Aide, West Maui District Office

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

ADMIN.: Mimi DesJardins, Deputy Corporation Counsel, Department of Corporation Counsel
Clyde “Buddy” Almeida, Housing Administrator, Department of Housing and Human Concerns
Jennifer Crouse, Assistant Housing Administrator, Department of Housing and Human Concerns
Michele Choteau McLean, Director, Department of Planning
Jordan Molina, Director, Department of Public Works
Shayne Agawa, Deputy Director, Department of Water Supply
Wendy Taomoto, Engineering Program Manager, Department of Water Supply
Robert Schmidt, Deputy Director, Department of Environmental Management
Scott Rollins, Wastewater Reclamation Division Chief, Department of Environmental Management
Gregg Okamoto, Assistant Chief, Department of Police
Oliver Vaas, Lieutenant, Department of Fire and Public Safety

OTHERS: Alaula Builders:
Lawrence Carnicelli, Alaula Builders, Project Representative
Doyle Betsill, Alaula Builders, President
Ron Ped, Ronald James Ped, Architect
Ashley Otomo, Otomo Engineering, Civil Engineer
Kelcee Fujimoto, Austin Tsutsumi & Associates, Traffic Engineer
Mike Dega, Scientific Consulting Services, Archaeologist
Bill Mitchell, Hawaii Land Design, Landscape Architect
Charlene Shibuya, Munekiyo Hiraga, Planners
Karlynn Fukuda, Munekiyo Hiraga, Planners
Robert Hobdy, Biologist
Jeffrey Ueoka, Mancini Welch & Geiger, Attorney

Testifiers:
Donna Ting
Gary Elster
Additional attendees: (3)

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR JOHNSON: . . .*(gavel)*. . . Aloha. Will the Affordable Housing Committee please come to order? I’m Gabe Johnson, the Chair of...the Committee Chair. And Members, in accordance with Sunshine Law, if you’re not in the Council Chamber, please identify yourself by name and who, if anyone, is present with you. So, today, we’re going to have Committee Vice-Chair Mike Molina, who is

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

going to be running a little bit late, but we'll move on to Councilmember Tasha Kama. The greeting of the day is xin chào, Councilmember Kama.

COUNCILMEMBER KAMA: Aloha 'auinalā, Chair, and xin chào to my colleagues. I'm looking forward to a very robust Affordable Housing meeting, and I'm looking forward to having a great time today. Thank you, Chair. And I am alone in my workspace.

CHAIR JOHNSON: Okay, great. Let's move on to Councilmember Kelly Takaya King. Xin chào to you, Councilmember.

COUNCILMEMBER KING: Xin chào, and good afternoon, Chair. Nice to be here. And I am still broadcasting from my home office. No one else is in the room with me. It looks like we have no testifiers at our South Maui District Office. And I just have one request for Council Chair Lee, if you can give us something from Egypt next time. I just found out I'm going to be requested as a delegate to COP27, so I'll be headed to Egypt in November.

CHAIR JOHNSON: How exciting.

COUNCILMEMBER LEE: Good for you.

COUNCILMEMBER KING: Yeah.

CHAIR JOHNSON: Duly noted. I also want to mention for the record there are no testifiers at the Lānaʻi District Office. So let's move on to Council Chair Alice Lee, our creator of greetings. Xin chào to you, Chair Lee.

COUNCILMEMBER LEE: Chair Johnson, xin chào to you, and to my colleagues. I'm here in my workspace alone. And yes, Member King, I will send you a nice greeting, and congratulations for being chosen to go to Egypt.

COUNCILMEMBER KING: Thank you.

CHAIR JOHNSON: Great. Okay, let's move on to Councilmember Paltin. Xin chào to you, Councilmember.

COUNCILMEMBER PALTIN: Aloha 'auinalā, and xin chào kākou. I'm broadcasting live and direct from the kitchen table in Nāpili, and I have one minor child and one pocket pit in the room with me. No testifiers at the Lāhainā District Office at this time. Thank you.

CHAIR JOHNSON: You're welcome. Okay, so Councilmember Keani Rawlins-Fernandez is excused today, and let's move on to Councilmember Shane Sinenci. Xin chào to you, Councilmember.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER SINENCI: Xin chào, Chair, and [*Hawaiian spoken*] mapa ekahi kākou, mai Maui Hikina. We're here this afternoon at the Hāna Cultural Center with my Staff Mavis Medeiros and Dawn Lono. There are no testifiers here. Thank you.

CHAIR JOHNSON: Thank you for that. So, right now, Councilmember Yuki Lei Sugimura is excused, she's running a little bit late. And from the Administration, we have Deputy of Housing and Human Concerns, Housing Administrator Buddy Almeida --

VICE-CHAIR MOLINA: Chair.

CHAIR JOHNSON: Yes.

VICE-CHAIR MOLINA: I'm here.

CHAIR JOHNSON: Oh, Councilmember Molina...Councilmember Molina came in. I was expecting you a little bit later. So, thank you for...I apologize, we have Committee Vice-Chair Mike Molina with us today, and xin chào to you, Councilmember.

VICE-CHAIR MOLINA: Xin chào and aloha to you, Mr. Chairman. My apologies for being a little bit late today. For the record, I am transmitting out of my residence here in Makawao, with...accompanied by my German Shorthaired Pointer, and birds, and no human beings here. No testifiers to report from the Pā'ia District Office. Mahalo, Chairman.

CHAIR JOHNSON: Everybody and their pets, right. Okay. So let's...we introduced Housing Administrator Buddy Almeida, and then we also have from Deputy...or Department of Public Works, we have Director Jordan Molina. Deputy of Water...or from the Department of Water Supply, we have Deputy Director Shayne Agawa, and Engineering Program Manager Wendy Taomoto. Planning Department, we have Director Michele McLean, and we...we have Deputy Corporation Counsel Mimi DesJardins. We also have representatives from the following Departments on call. We have from...on call, there is the Department of Transportation, Department of Environmental Management, Department of Police, Department of Finance, Department of Fire and Public Safety, and Maui Emergency Management Agency. Our Committee Staff is Legislative Analysts Paige Greco and Wilton Leauanae, Legislative Attorney Remi Mitchell, Committee Secretary Stacy Vinoray, Assistant Clerks Jean Pokipala and Lei Dinneen. Okay, Members, on to the agenda items. Our agenda is as following. AH-35, the Kuikahi Village Workforce Housing Project, and AH-36, Bill 127 (2022), Relating to the Reclassification of the State Land Use District for the Kuikahi Village Workforce Housing Project in Wailuku. So, let's begin with public testimony. Information on providing testimony can be found on today's agenda. In

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

accordance with the newly revised Sunshine Law, testimony can occur at the beginning of the meeting, but cannot be limited to...to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting, and as the item is called up on the agenda. When testifiers sign up to testify, they must let the Staff know whether they wish to testify at the beginning of the meeting or before the agenda item. Otherwise, Staff will assume the testifier will testify at the beginning of the meeting. Testimony is limited to three minutes per item, and while waiting for your turn to testify, please turn off your microphone and video. When you're called upon, please unmute yourself, state your full name, and if you're testifying on behalf of an organization or if you are a paid lobbyist. Staff will do their best to add names to the testifiers list in an orderly fashion. The link to the list will be posted in the chat, and you may chat to be added or removed from the list. Chat should not be used to provide testimony or comments during the meeting. I appreciate that. If you do not wish to testify, please disconnect from BlueJeans and instead, view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas. Written testimony can be sent using the eComment links found next to the posted meetings on mauicounty.us/agendas. As always, mahalo for your cooperation and patience. And at this time, we'll call upon testifiers wishing to testify at the beginning of the meeting. Mr. Leauanae, will you please call the first testifier.

MR. LEAUANAE: Thank you, Chair. First testifier is Donna Ting, followed by person listed as Facetime User.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. TING: Good afternoon, and thank you for having me today. My name is Donna Ting, and I have...I am a broker, and I have sold real estate on Maui for many years. Kuikahi Village is a dream that Alaula Builders, Doyle Betsill, envisioned. We are now in the process of finishing up our workforce housing from Alaula Builders in Kihei, and there has just been such a tremendous response for this. The people that are buying it are the core of our community. They are the EMT people, they're the nurses, they're the teachers, they're the firemen, and they are the policemen, and everybody else, all the workers of Maui County. This is their opportunity to own a home. Their payments, even though the interest rate is rising, is about the same as rent. So, with the careful planning of Hawai'i Community Assets, they are able to build a financially responsible foundation for their families. Because renting is good, but owning is better. And it provides them the opportunity to have a foundation for their family, whether they need help later on as elderly people, or they need to educate their children. So, I am totally in favor of Kuikahi Village. I know that there are some challenges, but Alaula Builders has been incredibly creative and responsible, and they've certainly met the needs of the people, the workforce housing people on Maui. So, that's my testimony, and I think it's a...I think that it's a good project to happen.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

We need more.

CHAIR JOHNSON: Amen to that, Ms. Ting. Members, do we have any questions for our testifier? We have one from Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ting, for your testimony. I missed...I think I didn't hear what project you were saying...you were talking about in your testimony that...and if you could --

MS. TING: Kuikahi Villages.

COUNCILMEMBER PALTIN: Or the one that you were selling...you were selling as a broker.

MS. TING: Oh, that we've sold? Yes, it's being built right now, is Hale Kaiola. That's over on the corner of Ohukai and Kaiola. There's 40 units.

COUNCILMEMBER PALTIN: Okay, thank you. I didn't hear that one.

MS. TING: Sure, sure. And they range in price from, I think, 360 to 590. So, I mean there's nothing else out there, believe me.

CHAIR JOHNSON: Okay, thank you.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR JOHNSON: Members...all right. Thank you, Councilmember. Members, any other questions for our testifier? Seeing none. Thank you for your testimony. Okay, Mr. Leauanae, will you call the next testifier please.

MR. LEAUANAE: The next testifier is listed as Facetime User, followed by Gary Elster.

CHAIR JOHNSON: Facetime User, are you here to testify? If so, you can state your name for the record. Okay, I don't hear anything. So, Mr. Leauanae, will you please call the next testifier.

MR. LEAUANAE: The next testifier is Charlene, it appears that Gary Elster fell...dropped from the meeting. Charlene, if you're on the --

CHAIR JOHNSON: Okay. Having not heard anything, we can always come back.

MR. LEAUANAE: Chair, next testifier is listed as Guest, followed by Jeff.

UNIDENTIFIED SPEAKER: Hi, I'm not able to testify at this time. Thank you so much though.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Okay. Thank you, Jeff.

MR. LEAUANAE: Chair, next testifier is Gary Elster.

MR. ELSTER: Good afternoon, Chairman, and Members of the Council. I'm here to testify in favor of Kuikahi Village Project, just not in the location, but down the hill, and let me explain why. I spent some eight years getting the first roundabout built in Kihei. Through two Councils, I met with every one of the Members. Two Mayors. Public Works slowed the project, and finally got it built. I think I understand a whole lot about having...in with experts and whatnot. I am extremely concerned about the viability of the proposed roundabout, or any other intersectional control device in that location on a steep hill. A County that was reluctant to build one at all, now has built two, I don't think should be involved in one building an experimental one...one on a slope to, as far as I know, and as Mr. Carnicelli has not...obliged to tell me of any others, one has never been built on a slope in Hawai'i, or anywhere else in the State, as far as I know. Now, why don't I think it would work? First of all, there's grade issues, there are stacking issues, there's all kinds of expert issues would say, wow, take a look at that, and be careful. And then there are traffic issues. What we have here is several hundred people driving down Kuikahi every day. I don't know the exact number, of course, but there's a large number, and it's all in a very short period of time during the rush hour. At that same time, if this Workforce Housing Project is there, it too, would deposit what, 200 units, at least 100 cars, to go into that same...come out into that intersection, exactly the same time. At the same time, they propose a crosswalk to go across Kuikahi in which, what, might there be 50 children that would come from that project, more or less, to cross all at the same time, going to school a mile and a half away. Now, I say that that...ask that question, I would say, what could possibly go wrong with that? What I think is going to happen, if that happens, is there would be a mass buildup of traffic at the roundabout, exactly the opposite of why roundabouts are created. There would be people jockeying for position to get into the roundabout from the project, and from coming down the hill. There would be children going across, and probably with mothers going across, or fathers, and then coming back across after they deposit their children on the other side. Another 50 possible interruptions of the traffic flow down that hill. Now, I think we'd create a disaster if we do that. The safety issue...I would say, if the roundabout can't be built--because no engineer is going to sign off, no expert engineer--then we have traffic signals and stop signs. . . .*(timer sounds)*. . . And to me, those are even more dangerous, is why...which is why you build roundabouts in the first place. So I have extreme, extreme doubts about there. And if it's built down on the highway, it's a viable project, and the best one we can build. Please, before you approve this, get some expert opinion somewhere that tells you this is viable. Thank you, Mr. Chairman.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Okay, thank you. We have some questions for you, so hold on a minute.

MR. ELSTER: Sure.

CHAIR JOHNSON: We have one from Councilmember Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you for your testimony, Mr. Elster, is it?

MR. ELSTER: Yes.

COUNCILMEMBER PALTIN: Oh, thank you. You know, I just was wondering...so, I did ask the developer about your comments because you made them at the Council meeting when this was referred, and the water availability at the bottom is the holdup on that. And so I was wondering, given that there is no water availability, then would you support it at its location?

MR. ELSTER: You know, I just had this discussion with Mr. Carnicelli outside in the hallway, and he tells me there's none available. And I say that there's 133 acres of remaining in this project, in the parcel, that he is going to have to find water for. So to say there's none now is really just chasing one's tails . . . *(inaudible)*. . . Anything can be done if you work at it. And I offered to work with Mr. Carnicelli, and he wasn't too interested in talking to me. I'm not trying to kill this project. I want to see it be great. And down there at the bottom of the hill, adjacent to the highway, it's great. It has bus, it has services, it has walk to the school...it's a half a mile as compared to over a mile and a quarter to go from the upper location for children. It has safety, there's a signal in place there at the bottom of the hill, and signals or stop signs on a steep hill with traffic that's for 40 or 50 years --

COUNCILMEMBER PALTIN: Okay, and then my other question was that he had mentioned that their project doesn't trigger any sort of traffic improvement. So, if that's the case, would you prefer not having a roundabout, not having a stop sign, and not having a stop light?

MR. ELSTER: Well...

COUNCILMEMBER PALTIN: Because it doesn't trigger until Kehalani Parkway is done or something?

MR. ELSTER: Actually, Mr. Carnicelli and I had that discussion because we ran through that same quandary. If a roundabout, which is the safest, doesn't work there because of all of the traffic backing up, and a stop sign and a signal are more dangerous than a roundabout, what could work? And here's what I would

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

suggest...I suggested to Mr. Carnicelli some time ago. Traffic calming devices. One way out of the project to go downhill. No crosswalks for children to go across that street. A pocket left turn into the project coming up the hill. Does that make sense? So coming out of the project, going downhill, immediate right turn, and a kind of a pocket to get in...to get into the flow of traffic. And coming up the hill, a turnout lane, a pocket if you like, where they can take five, six cars, and sit there, and wait for an opening to make a left turn. And that, to me, is --

COUNCILMEMBER PALTIN: Okay, so right turn only with a left turn stacking lane is what you're saying. Right turn only out on the bottom, and left turn with a...like a suicide lane in the middle.

MR. ELSTER: I don't like to use that term, but yes.

COUNCILMEMBER PALTIN: Sorry, that's what my Aunties call it. Sorry.

MR. ELSTER: Yes.

COUNCILMEMBER PALTIN: Okay, thank you. Thank you, Chair

MR. ELSTER: So...and that situation...but no crosswalk. Because sending children across that road under any circumstances is dangerous, and I...I don't even want to fathom. I see...and why not stop signs or signals? I see people run those all the time, like they're just a suggestion of what they shouldn't do. And they take a peek, and they go.

CHAIR JOHNSON: Okay.

MR. ELSTER: So, yes, I think that situation, to me, is the safest I could come up with. Mr. Carnicelli, he didn't agree because he wants to be able to send children across that street, which would be appropriately called what you just referred to that lane, as far as I am concerned.

CHAIR JOHNSON: Okay, Mr. Elster.

COUNCILMEMBER PALTIN: Thank you.

CHAIR JOHNSON: Thank you for your testimony. Members, do we have any other questions for our testifier? Seeing none. Thank you once again for coming to testify.

MR. ELSTER: Thank you. Can I just say one last word? Mr. Carnicelli has said the County was going to pay for that roundabout up there. Please don't put County money to do that. I just think that is the worse thing you can do, and I am a large proposer of roundabouts. Thank you very much for your time.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Thank you. Okay. Mr. Leauanae, will you call the next testifier please.

MR. LEAUANAE: Thank you, Chair. Just double checking on Jeff, he was going to testify, and then following that would be Ron.

CHAIR JOHNSON: Mr. Jeff? If you would like to...if you would like to testify, you can. If not...I'm not hearing him, so we can go on to...was it Ron? Mr. Leauanae, will you call the next testifier then, I'm not hearing from Ron.

MR. LEAUANAE: Thank you, Chair. The last person signed up is Conrad Garrero.

CHAIR JOHNSON: Mr. Garrero, are you on the call? You can testify now if you'd like. Okay, so I haven't heard from him yet. So, Mr. Leauanae, will you call the next testifier, if there is any.

MR. LEAUANAE: Next testifier is WCA Design.

CHAIR JOHNSON: I'm not hearing anything from WCA Design. If you are here to testify, now would be your chance. Okay. Mr. Leauanae, will you call the next testifier please

MR. LEAUANAE: Chair, there are no other...others signed up to testify.

CHAIR JOHNSON: Okay. So, there is no others. And if you wish to testify, please unmute your audio and/or your video, and identify yourself now at this time. Okay...oh, perfect timing. We have...Councilmember Yuki Lei Sugimura has joined us on the call, and xin chào to you, Councilmember.

COUNCILMEMBER SUGIMURA: Xin chào, and good afternoon, everybody.

CHAIR JOHNSON: Good afternoon.

ITEM AH-35: KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT
(WAILUKU)

CHAIR JOHNSON: Now...okay. So, I will now proceed with our first agenda item. And just to remind everybody, if you want to testify after this presentation, public testimony is still open. So this is now AH-35, Kuikahi Village Workforce Housing Project. An application for the development of the Kuikahi Village Workforce Housing Project, under Chapter 2.97, Maui County Code, was submitted on August 15th, 2022. The Council has 60 days, or until October 14th, to approve, approve with modifications, or disapprove of the project, or the project will be

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

deemed approved. The proposed project will be located at Tax Map Key (2) 3-5-002:003 in Wailuku, Maui, on 14.97 acres owned by Kuikahi Properties, LLC. Kuikahi Properties, LLC is also the developer for this project. Kuikahi Village consists of 202 units, including multifamily, duplex, townhomes, live-work, studio, and single-family units. The deed restriction period is set at ten years under Section 2.97.090, Maui County Code. By using the 2.97 fast track process, the project may request exemptions from certain requirements and fees in the Maui County Code. The Council may also propose modifications to the project. Now, as a reminder, public testimony is still open, and we'll receive a presentation from the developer following...followed by public testimony on AH-35. Then we will hear opening comments from our Department representatives, and Members may only ask clarifying questions before public testimony is closed. I'm going to say that again, Members, because it's a new rule now. Members may only ask clarifying questions before public testimony is closed. I'll have the developers' representatives introduce themselves, and I'm going to recognize Lawrence Carnicelli. Lawrence, the floor is yours. Wait, hold on one second, we have a question from Councilmember Paltin. Go ahead, Councilmember.

COUNCILMEMBER PALTIN: Thank you. Sorry, Chair, I just had a clarifying question before the presentation. The items on the agenda, we're going to take them up separate, but they're for the same project? We couldn't approve one without the other? Is there a reason to take it up separate or together?

CHAIR JOHNSON: The reason, I'm told...well, they're...they're different, but they're for the same project. And if you want to have Mimi DesJardins come speak on the reason why we did that, I think it's just because one's DBA, and one's the actual project. But we can have the lawyer speak to the reason why.

COUNCILMEMBER PALTIN: If you didn't mind, I just was curious.

CHAIR JOHNSON: Sure. Sure, here's Ms. DesJardins.

MS. DESJARDINS: Thank you, Chair. Good afternoon. So the District Boundary Amendment Ordinance is a separate requirement. So in other words, you can approve this project, but without a district boundary amendment, the project cannot be developed, and vice-versa...well, not vice-versa, you could still approve the DBA, but you wouldn't do that unless you approved the project. But one of the exemptions that's being requested is a waiver of a review of this by the Maui Planning Commission, and we do have some comments on that. So, we would prefer to have those done separately, to go ahead and listen to the project first, and then the issues about the DBA will come up in that discussion.

COUNCILMEMBER PALTIN: And sorry --

CHAIR JOHNSON: Councilmember.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER PALTIN: I just was wondering if...if you could let us know the time frames...how that affect the time frames. Because there's the 45 days. And then how would the Planning Commission review, or not review, play into that?

MS. DESJARDINS: So there are no time...

CHAIR JOHNSON: Ms. DesJardins.

MS. DESJARDINS: Yeah, sorry. There's no time frame for the DBA. So, in other words, you would go ahead and you use your time limitations for the project. But once that's done...for example, if the DBA is heard by the Maui Planning Commission, and you folks consider that it takes longer, that's not going to affect the time limitation for the project. It's separate dates.

COUNCILMEMBER PALTIN: Okay. Kind of weird because I thought the Planning Commission did review the project, they just didn't review the DBA.

CHAIR JOHNSON: Ms. DesJardins.

MS. DESJARDINS: I don't believe the Maui Planning Commission has reviewed this project, but I could be wrong. But they certainly have not reviewed the DBA.

COUNCILMEMBER PALTIN: Okay, weird. Okay.

CHAIR JOHNSON: Okay. We have...you opened up a can of worms here because we have another Director here who wants to answer that question. So go ahead, Director McLean.

MS. MCLEAN: Yes, very quickly. I believe that they commented on the draft EA, but there wasn't a mechanism for them to review this particular title . . . *(inaudible)*. . . Thank you.

COUNCILMEMBER PALTIN: Okay. Sorry, Chair. Just trying to figure it out, understand what's going on.

CHAIR JOHNSON: No, I understand. Okay. So I want to...I'd like to take this time to designate Lawrence as a reference...or resource person. So, Members, without objection, I'll designate Lawrence Carnicelli as a resource person under Rules 18(A) of the Council, given his expertise in this project. Any objections, Members?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR JOHNSON: Okay. Okay, Lawrence, the floor is yours.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

MR. CARNICELLI: Xin chào, Chair, and Committee Members. Thank you very much for having us. My name, as you said, is Lawrence Carnicelli, and I guess I probably should have just done this from my office, but...do you guys...can you see that?

CHAIR JOHNSON: Yes, we can see it.

MR. CARNICELLI: Okay. I need to go full screen. Paige is going to help me.

CHAIR JOHNSON: Lawrence?

MR. CARNICELLI: Yes, sir.

CHAIR JOHNSON: Mr. Carnicelli, while you're...while we're getting that set up, can you introduce your team and, you know, all of you guy's, you know, positions?

MR. CARNICELLI: Yes, gladly. Thank you, Chair. Again, my name is Lawrence Carnicelli. I am the Vice-President of Development for Alaula Builders. Also in the gallery with me today is Doyle Betsill, who is...what is he...no, your wife's the CEO. You're the President of Alaula Builders. Ron Ped is our architect. Ashley Otomo is representing Otomo Engineering. Kelcee Fujimoto is our Traffic Engineer with Austin Tsutsumi and Associates. Mike Dega is with SCS, and he's our archaeologist. Bill Mitchell is our landscape architect with Hawai'i Land Design. And Charlene Shibuya and Karlynn Fukuda are with Munekiyo and Hiraga, and they are our planners. And all of them are awesome, I appreciate every single one of them. So here we go, Chair. I will go ahead, and I will do this as fast as Lawrence can. But Kuikahi Village, we are asking for a 2.97, 100 percent workforce housing application, and a district boundary amendment approval. Here's...I'll go ahead and go through today, is we'll go to the location, the overview, we'll talk about the site, go through some renderings of what the project looks like, we'll address some of the environmental stuff, and then some of the things that came up when we talked to the community. So first, with the location. If you look at this, Chair...this thing is kind of dragging a little bit. Right here along here is the Honoapiilani Highway, and then this is Kuikahi Drive going up. Here's the project site. This is Kehalani Mauka Parkway, right there. There's the proposed roundabout, right where the mouse is. As you can see, on the right-hand side is Kehalani Subdivision. To the left is Waikapu. Down here, below this street right here, is Waiale, and it says reference, there's Long's Drugs right there, and that is Foodland. The larger parent parcel is 148 acres, which kind of comes across over here, and then up. And as a reference point, right where the mouse is...or the hand is right there, that is the County's water tank. So, here's the existing conditions right now. Again, along the right-hand side, this is Kuikahi Drive and Kehalani Mauka Parkway right there. So, the project goes essentially across right there to this...to the right-hand side of this tree line, and then up underneath the water storage tank. This is looking makai, awesome

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

views for these folks. Again, from the water tank, right about here is Kuikahi Drive, so it'll go across, and there is where the new neighborhood will go. This is looking sort of northwest. If you look up in...right about there is the water tank, so the project site will be roughly right there. And as you can see, all four sides are housing. DHHL is going to go right here on this big parcel right there. So, an overview of the site itself. As you guys are all aware, this is...2.97 is 100 percent workforce housing. This is for-sale homes, not for rent. A hundred percent of these people that that we are targeting will be Maui residents, and they'll be owner occupied. There is going to be no market rate sales, there's no market rate component to this, there's no vacation rentals, and there's no mainland buyers. So we've talked about this in your Committee before, Chair, about how we like to target the missing middle. And also, I would like to say as well, Chair, that...that per your instructions--and I thought it was a really good idea--is we have met with each one of your Committee Members and/or their Staff to go over this. And when you and I met, we talked about how, you know, you guys have done a really good job of approving for-rental projects, which targets the 60 percent and below, but that 60 percent to market rate are being kind of left behind right now. So, we're really happy to go ahead and try to target that missing middle using smart growth principals, mixed use. There's six different home types...there's actually seven different home types. It's infill, there's all of housing all the way around it. We really want to try and promote generational home ownership. I think that that's important to try to keep our families here on Maui, using environmentally sensitive design. We'll go over some of the other amenities, and then the regional infrastructure coordination. This Committee passed the Maui County Comprehensive Affordable Housing Plan, which you guys are in the middle of doing, and this is a Tier I project in that Maui County Affordable Housing Project. Here's an overview of the home summary right here. Is...as you can see, there's seven different home types, Chair, is tiny homes, two-bedroom condos, three-bedroom condos, duplexes, townhomes, live-work and single-family. The live-work, some people don't understand. What it'll be is a three-bedroom, two-bath townhome with a studio underneath, in which it is possible that they might be able to have some sort of a home-based business out of that. As you can see at the bottom, if there is any business that will be done in the neighborhood, it would have to follow 19.67, which is a home-based business requirements. And also, when I met with Member Keani Rawlins-Fernandez, she had also mentioned about how a neighborhood like this, really...it's going to be important that we try to really focus on and try to accommodate aging in place. And so, of course, we're going to follow Fair Housing and ADA, but we also want to look at that as well. So, of course, everyone wants to know what the price is, and these aren't them. But this is what the Affordable Sales Price Guideline is now, 2002 [sic] model at 5 and a half percent. So this is really for demonstrative purposes, to be able to see at least, you know, kind of what would it be in a snapshot right now. So, as you can see right down here is the count of how many different units there are in each housing type. There's 202, and then across here is the distribution of where they are, we're trying to

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

hit all the way down to the low income, which is what a lot of people don't do. And Chair, we've been working with your Staff, and you, and Department of Housing and Human Concerns to either use the deferred payment mortgage buydown program or affordable housing funds to try to get these to, I think what you like to call, truly affordable. So, we're going to really try to work with you on that, and we've got some time to be able to...to really accomplish that. So, going to the site...here's the site itself. If you look along the top here, what we have is the multifamily homes. Through the middle is going to be the town homes and duplexes. Where the mouse is right now, that is a playground pavilion area with sort of in a courtyard setting. We've got the single families down here, the tiny homes in this area, and then here is the live-work component of the project as well. And again, here's the proposed roundabout in Kuikahi Drive up at the top. Parks and connectivity is a big thing that we really worked with, with our team. I think that the team did a very good job. You can see in the orange, there are five spot parks within the neighborhood, three along Kuikahi Drive up here at the top, and then two a little bit further down. The purple is your walking and biking paths all throughout the neighborhood to be able to connect everything. Again, playground and park area in the middle. The spot parks will have exercise equipment, as per your request, and we're also going to put a bathroom down where the pavilion is. The hope is, is to be able to design a playground area in a way with which you can have the proverbial kid's birthday party. Also, I'd like to note that up along Kuikahi Drive, we put a 40-foot buffer, as to try to be a little bit respectful for the neighborhood. There's also a natural drainageway, with which we're really trying to accommodate and work with, is in that area, and I think that's it I have on there. Landscaping, I've had lots of conversations with your Members about landscaping, Chair. We're not asking for any exemptions from types or from species, is everything that we've done, and Bill Mitchell is on the line, and will be able to talk about this, but we're following what is recommended...or what is in your Code as far as types of species, and numbers of species. We're not asking for any exemptions from any of that. But of course, we want to focus on native, and drought-tolerant plants, and zeroscaping. The other thing that we also consider, and we talk about in this, is at some point in time, this all just gets handed over to a Workforce Housing Homeowners' Association, and they have to...they have to pay for ongoing maintenance, so that's another thing that we do. So here, I'll click through some renderings of what it might look like. Unfortunately, in the translation, this one didn't come...but if you look just over here on the side, you can kind of see, okay, you're standing on Kuikahi Drive right here, this is about where the roundabout would be, and then the Kuikahi Village is here on the left-hand side. This is from the top looking down, again, Kuikahi Drive right there. The Koa Subdivision on the left-hand side, Kuikahi Village on the right, and then obviously, beautiful views all the way out to the North Shore and of Haleakalā. And then we'll just walk you through some of the...what the renderings...what it could potentially look like. There's single families and duplexes, there's some duplexes, tiny homes, and townhomes. There's some of the tiny homes, single families. This is the back

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

side of the multi-families from the corporate side, or from the parking lot side. There's the townhome. There's a duplex. That's the live-work with the studio, say, in the bottom down there and then townhome on top. There's the back side of the live-works. There's townhome...I'm sorry, tiny home. Environmental assessment. So, we did a full-blown EA starting in November of 2020, reaching out to 48 different Federal, State, and County agencies, community associations, and companies as well. We did presentations, and reached out to the Waikapu Community Center...or Association, Wailuku Heights, Kehalani, and the Aha Moku O Wailuku. We published the draft EA in October of '21, with the anticipated FONSI, Finding of No Significant Impact. And then in May 23rd of this year, we published the FONSI and the final EA. Again, this is the consultant team which we talked about. They get all the credit for the heavy lifting, not...not me. I don't think I need to read these, but this is the studies and due diligence that's been done in the EA. The findings show to...the flora and fauna found that no native plants were found, no native forest birds, seabirds, water birds, or Nene, and no hoary bats were recorded. The archaeological inventory survey was conducted in 2005 over a larger site, but included this 14.9. And sugar cane cultivation things were found, but no burial features or human remains. The Cultural Impact Assessment Report was done in March of '21, with no cultural practices, house sites, burials, or cultural resources found in connection with the site. The Traffic Impact Assessment Report, TIAR, showed that there was need to optimize the signal timing at Waiale Road and Kuikahi Drive intersection, and consider a mini roundabout at the intersection of Kuikahi Drive and Kehalani Mauka Parkway, which we'll talk about. And then the Preliminary Engineering Report showed that we need to retain all of our subsurface drainage on site. So here's the infamous intersection and proposed roundabout. So, there's a couple of things, Chair, that I think is important to talk about this, and we sort of alluded to, is one, is this project doesn't trigger a roundabout and/or street light here. It would most likely...I mean, it's not going to trigger nothing. Of course, there would have to be stop signs or something to that effect on our side of it. But what we really felt was even though it's not triggered by us, is that this is regional infrastructure that will go in. It's going to go in. It's going to be triggered by Kehalani Mauka, not by us. So eventually, it's going to go in. So, what we did is we worked with your Staff, we worked with Department of Housing, Public Works, and we talked about it, and we said, hey, listen, this is an important safety issue that really needs to be done. We can't have nothing here. We can't say okay, listen, kids, you're going to have to walk down to the signal, and come back up...it's not going to happen, right. So, it's...it's...we need to do something. So, we said, hey, listen let's go ahead and work with the County, and do this proactively rather than reactively, and so that's what we're in the process of doing. But we don't determine whether...what it is, or what it is not, which is another part of this that I would like to say is whether this is going to be...oh, and here...this is...this roundabout is off a little bit, it probably should be a little bit lower, so it's more on our property. But the...what goes there is also not determined by us or our consultants. It's Engineering and Public Works, they're

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

the ones to determine what will go there, whether it's traffic calming measures, whether it's speed bumps, whether it's...excuse me, a traffic signal, or a roundabout. That's actually done by engineers at the Department of Public Works, not by us. So, whatever it is that that study shows, and whatever it is that they want to do, then that's what we're going to work with the County on to provide. But, of course, obviously, always safety is going to be first, especially since we're putting kids in harm's way. So here's the preliminary drainage plan...excuse me. Ten minutes, I better start ripping. Okay, this is the preliminary drainage plan...again, everything onsite. You have this big red thing here, that's the retention basin, but you can also see through the...throughout the site, there's retention. So here is our water storage allocation. Through this entire area, there is source, storage, and delivery, and when it comes to storage, there are three tanks. At the very top is...and these are lines drawn by...not by us, but this is Department of Water Supply. At the top up here is the upper-upper tank, the middle portion is the upper tank, and the bottom is the lower tank. There is allocation in the upper tank here in the middle, and since we're in a housing shortage, and we need to try to build housing, we said, let's go ahead and build it where there's water, and that's why we picked the middle. The reservoir...so, Reservoir 10 sits on this property, it is not owned by us though. So there is a reservoir at the top of the property, which I think you saw in some of the pictures, is actually owned by Wailuku Water Company. It was built in 1951, expanded in '67. In the 71 years in its existence, it's had zero failures. The system itself has different reasons, or it has different services. One is cultural and traditional practices to the lo'i farmers, irrigation for the people downstream from there, which is in Waikapu all the way out to Mā'alaea. Wailuku Heights drainage, which we will talk about, and the County surface water treatment plan over on Alu, right about there, is...it also has drainage from that. It is part of the Nā Wai 'Ehā ruling, and we have zero rights to any of that water. People have asked us like oh, why don't you just take that water? Not ours, we have no rights to it, we can't touch it. The reservoir itself is...the oversight is by DLNR. It is a regulated dam. I might every once in a while call it Dam 10 instead of Reservoir 10 because it is technically a regulated dam due to the size of it. Wailuku Water does daily inspections, and there are ongoing upgrades and remediation, which we'll talk about. So, I think one of the biggest pieces to this...and again, when we talk about health and safety and things of that nature. So, the reservoir basically has two functions currently. One is Wailuku Water, and then the second one is runoff from Wailuku Heights up here. When there's a storm, the runoff is actually...the reservoir is used as retention. So, we're actually working with Department of Public Works right now to put a retention basin on our property to take that function of this reservoir away. So any sort of storm water, whatever it is, doesn't go into there, and 100 percent of the water that goes into there is actually controlled by Wailuku Water Company. So the remediation, maintenance, and monitoring that's going on is...again, it's classified as a dam. There was an NOD issued in September of '21, which gave three things it had to do...three things that had to be done; contract to the consultant, submit technical

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

studies, and then do a safety permit package by December of '23. So again, is...is...it wasn't like this is failing or something like that, but it's just like, hey, listen, we wanted to do something in the next two years and get that done. And essentially, what they want is a hydrological and hydraulic analysis to see if the dam...the 71-year-old dam meets the requirements of minimum design requirements, and it has adequate free board. Part of that process is also going to be embankments analysis...embankment stability analysis. So, here is the reservoir itself. You can see, Chair, at the top here, this is where the inlet is from 'Īao Valley, the 'Īao-Waikapu Ditch. Here's the inlet. There is now electronic monitoring, so they know exactly how full or not full that dam is at any point in time. There is a spillway here at the southern end delivery system, and there's about...right here is the size of where is the bottom portion of this. This is what it was in 1951 before it was expanded in '67. We're trying to work with Wailuku Water Company to actually bring that back down. There was a site inspection just a couple of weeks ago. We walked around with the DLNR, had a site inspection, they came up with an emergency action plan in...in...just this...let's see, it was in July. Again, 100 percent control of the water by Wailuku Water. In doing some of the community outreach, some people...you know, obviously lots of different concerns, what is its soil? It's 'Īao cobbly silty clay, and 'Īao clay sand is over a mile away, and it's, say, way down here by Waiale, or it's way down there. Waikapu Community Association was really concerned, they wanted to make sure that their...that the buffer that was put in the Maui Island Plan is...it stays in place. So, there is reference to a 500-foot open space buffer in the Maui Island Plan. And so, yeah, we stayed away from that. Another thing that came up was...are there Land Commission Awards, or LCAs. There are...in a larger site that was researched, there are three LCAs over here. It's not on our parent 148-acre parcel, nor within our project area, but it's over here along Honoapiilani. Schools...this is something that we talked to the DOE over...about a year and a half ago. We reached out to the DOE because where these kids will go is Pu'u Kukui, and it's full. So, we said okay, you know, what do we do? And their response was saying, it's kind of like a larger issue. Because you have Waihee Elementary, Wailuku Elementary, Pu'u Kukui, and Pōmaika'i, kind of all feed off of each other. And some of these are way under, and some of them are over, so it's a district issue, not a capacity issue. They weren't able to redistrict this year, but we're hoping that they do it next year...or if nothing else, the following year after that to make that happen. And of note, the Waikapu Country Town, Mike Atherton's project, has a super school that will also accommodate a lot of these children. Member Paltin brought up the DBA, the District Boundary Amendment. For projects of less than 15 acres, the LUC says that it's in the jurisdiction of the County, and then we're also asking for the resolution of the 2.97 application. And...sorry --

CHAIR JOHNSON: Lawrence, let me jump in real quick. You don't have to rush it so much. If you go over ten minutes, it's fine.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

MR. CARNICELLI: Oh, okay.

CHAIR JOHNSON: Take your time.

MR. CARNICELLI: But this is actually my last slide, Chair.

CHAIR JOHNSON: Oh, okay.

MR. CARNICELLI: But I guess I'm just...I thought it was a little presumptuous when I made this to say the residents of Maui request this...sorry. But it's just...I've been touched by the amount of support that I received, especially over the last six weeks. There's about...I checked right before I came up here, there's 50 people that logged onto Granicus that gave support. I've received phone calls, texts, emails of people that say, we need workforce housing. I'm sorry, I get so choked up, Chair, but this is...I truly put my heart into this, and I...I do respectfully ask for your support. So, thank you.

CHAIR JOHNSON: Okay. Thank you, Mr. Carnicelli. Thank you so much. Now, I have to do a little housekeeping here. So, Members, without objection, I'll designate the individuals introduced by Mr. Carnicelli as resource persons under Rule 18(A) of the Council, given their role in this project.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR JOHNSON: Okay. So, as you know, our new system is we're going to open up public testimony again. So at this time, I would like to open public testimony for AH-35, Kuikahi Village Workforce Housing Project. Staff, is there anyone wishing to testify on this item?

MR. LEAUANAE: Chair, there was no one new listed for this item.

CHAIR JOHNSON: Okay. If there is...this will be the last call then, last call. If there is anyone else wishing to testify on this item, please unmute and identify yourself. Okay. So, Members, seeing there are no more individuals wishing to testify, without objection, I will now close oral public testimony for AH-35, Kuikahi Village Workforce Housing Project.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR JOHNSON: And Members, are there any objections to receiving written testimony into this record?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR JOHNSON: Okay. Members, if there are no objections, I will now close public

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

testimony for AH-35.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . END PUBLIC TESTIMONY FOR ITEM AH-35 at 2:25 p.m. . . .

CHAIR JOHNSON: Okay, so ordered. All right. Let's move on to our Departments now. We'll receive opening comments from our Department representatives, and I'll just go down the list here. We'll have...we'll receive opening comments from DHHC, Housing Administrator Buddy Almeida, followed by Public Works Director Molina, followed by Planning Director McLean, followed by Water Supply Deputy Director Agawa and the Engineering Program Manager, Wendy Taomoto, and then Corporation Counsel. If the Mayor's office can come, that would be great...and then Corporation Counsel Mimi DesJardins. So let's start with Housing Administrator Buddy Almeida. Mr. Almeida, the floor is yours.

MR. ALMEIDA: Thank you, Chair, and good afternoon, Committee Members. My name is Buddy Almeida. I'm the Housing Administrator, filling in for Deputy Director Linda Munsell, who is currently on leave. I wanted to thank you, Chair, for hearing this project. It is supported by the Administration. Mr. Carnicelli did a great job of going over the parameters and the breakdown of the project. The Kuikahi Project is a much needed, 100 percent for-sale workforce housing project. The Department is pleased with a variety of homeownership options the developer is creating at Kuikahi, providing much-needed housing opportunities to our Maui County families. The Department, of course, will be available for questions with...throughout the proceedings. And again, we thank you for taking this up so quickly, and we'll be here as needed. Thank you, Chair.

CHAIR JOHNSON: Thank you, Mr. Almeida. So, Members, just to remind you, we'll have the questions after the...we can all...we'll have round robins after we have all of...all of the Departments. So, thank you, Mr. Almeida. Let's move on to Public Works Director Molina.

MR. MOLINA: Hi. Good afternoon, Chair. Can you hear me all right?

CHAIR JOHNSON: Yes, we can hear you loud and clear.

MR. MOLINA: Okay. Thank you. Thank you for the opportunity to comment. In general, we have no objections to the proposed projects. We have been in communication with the developers and, you know, they...they are willing to accommodate us as far as meeting the infrastructure improvements we require. And I think they did a good job laying out the exemptions that they'll need to make these projects get through the approval process a little easier. So, we'll be available for questions. Thank you.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Okay. Thank you, Director Molina. Let's move on to Planning, which would be Director McLean, followed by Water Supply.

MS. MCLEAN: Chair and Committee Members, good afternoon. The Planning Department, in general, supports the project. There are ten exemptions that relate to us in some way or another. Three of those relate to landscaping, one relates to sidewalks, and one relates to zoning standards. We do have comments more like fine tuning on those. When you get to that point, there really isn't anything major with those. But we...we did want the opportunity to make those clarifications when you get to that point in your deliberations. Thank you, Chair.

CHAIR JOHNSON: Okay. Thank you so much, Director. All right, let's move on to Water Supply. We've got Deputy Director Agawa and Engineering Program Manager Wendy Taomoto.

MR. AGAWA: Good afternoon, Chair, Members. Shayne Agawa, Deputy, Water Supply. We...same as the other Departments, we are, in general, in favor of the project. There are two exemptions related to water system that we can address later on when we get to that point also. Thank you.

CHAIR JOHNSON: Okay. Thank you so much. And then did Engineering Program Wendy Taomoto like to speak now, or she wants to hold off for that?

MS. TAOMOTO: Thank you, Chair. I can hold off for now. Thank you.

CHAIR JOHNSON: Okay. Thank you so much. Let's see...and let's go on to Corporation Counsel, Mimi DesJardins.

MS. DESJARDINS: Hi. Good afternoon, Committee. I don't have any remarks to make, other than I'm here to support if you folks have questions. I do anticipate there will be some discussion regarding District Boundary Amendment issues, which I think we can take up, you know, when you folks are ready to...to hear that. But otherwise, I don't have any general comments.

CHAIR JOHNSON: Okay. So that's...oh, hold on a minute, Councilmember, let me just do a little bit, and then we can get to your question. So I'll now propose a round of three minutes for further discussion and questions about --

MS. GRECO: Chair?

CHAIR JOHNSON: Oh, yes.

MS. GRECO: This is Staff.

CHAIR JOHNSON: Yes.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

MS. GRECO: Can we have a two-minute recess please?

CHAIR JOHNSON: Certainly. Okay, so it's 2:30 p.m., and the Affordable Housing Committee is in recess until 2:35. . . .*(gavel)*. . .

RECESS: 2:30 p.m.

RECONVENE: 2:35 p.m. (Excused: KRF)

CHAIR JOHNSON: . . .*(gavel)*. . . Okay. Will the Affordable Housing Committee of 9/1/2022 come back to its short five-minute recess to sort out some issues here with our...with our application. So I'd like to call upon some of our experts here before we move forward with the idea of the pricing that was posted, okay. So in Section 2.97.060(5), Section D, requires the applicant to state the proposed sales prices for monthly rental fees, but this is a for...all sale. And so, I want to ask Lawrence if he has that in the application, and is that yellow chart that he did have.

UNIDENTIFIED SPEAKER: Yes.

CHAIR JOHNSON: But before we do that, Lawrence, I want to kind of bring up Mimi DesJardins to kind of speak on this, that if the sales price guidelines change before this, what do we do? Ms. DesJardins.

MS. DESJARDINS: So, if I understand your question correctly, Chair, you're looking at 2.97.060, Application? Was that the section that you're referring to?

CHAIR JOHNSON: 2.97.060(5)D, as in delta.

MS. DESJARDINS: Okay. So what 2.97.060 requires is, like you said, they have to state what the proposed sales price shall be for the project upon submitting its application. However, right now, that sales price guidelines amendment has not gone through, correct, it still has not --

CHAIR JOHNSON: That's true. But if...so we'll call up Buddy next to speak to him. Because if the Administration agrees to a different sales price guidelines, whether or not that passes...that bill passes, how do they do this? So let's...if you're finished, I can call up Mr. Almeida. But is there anything else you want to add?

MS. DESJARDINS: No, I'm sorry, I was just going to continue what I said. What the law says here is that they shall submit, in its application, that information...so at the time that the application is submitted to DHHC. Now, if the law changes in the interim, the question is whether or not the new law would apply, or does it not apply to applications that have already been accepted. And I would defer

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

to Mr. Almeida on how DHHC . . .*(inaudible)*. . .

CHAIR JOHNSON: Okay. Let's bring up Mr. Almeida. Mr. Almeida, can you clarify this for us?

MR. ALMEIDA: Yes. Thank you for the question, Chair. How the Housing Division monitors the price guidelines is when the developer begins their marketing plan--in other words, they publicly notify, you know, when the lottery is going to be, their schedule--and they implement their marketing plan, that is when they are locked in to whatever the prevailing interest rate and prices are at that time. So that is not going to happen immediately, even if the project is approved. Obviously they're going to have to go through a process before they get there. So if you do end up passing that legislation, if that is in place at the time they do their marketing plan, then that's what would be enforced.

CHAIR JOHNSON: Okay. Mr. Almeida, let me ask...if the Administration before it, like whether or not if that legislation passes or not, if the Department of, you know, DHHC says, yeah, we want to work with you on the different set of price guidelines, and the builders, you know, is amicable to it, how do we go forward with that when you're...and when this is requiring them to say, on record, what their prices are.

MR. ALMEIDA: Yeah, Chair. If you wanted to put specific language as far as what this body would deem reasonable or if the price guidelines that you would deem acceptable for it, I believe you can confer with Ms. DesJardins that you have the right to do that, if you wanted to modify --

CHAIR JOHNSON: Okay.

MR. ALMEIDA: -- the prices for this particular project.

CHAIR JOHNSON: Would that make us in compliance?

MR. ALMEIDA: I believe so, yes.

CHAIR JOHNSON: With 2.97?

MR. ALMEIDA: If you set it as a requirement per the resolution, then it would be enforced by the Housing Division.

CHAIR JOHNSON: Okay. All right. All right. So, does that clear everything up for our lawyer folks and everything? Are we clear on that? Let's bring up Remi Mitchell one more time to get another point of information. Mr. Mitchell.

MR. MITCHELL: Chair, are you asking the same question addressed --

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Yes.

MR. MITCHELL: -- by Mimi...Ms. DesJardins. I'm not sure I quite heard whether Ms. DesJardins said that...said that the fees...or rather the sales price has to be submitted now or later. Could we have that clarified please?

CHAIR JOHNSON: Ms. DesJardins.

MS. DESJARDINS: Sure. So 2.97.060, in the application itself, one of the things that's required under D is the proposed sales prices for the project. What I hear this conversation being that there may be a modification to the project that would establish a certain sales price. And if that's the case, then what I would say is that you would want to get...I would encourage you to get the consent of the developer to that modification before adopting it to make sure that that's something that the developer could agree to. Because I mean...I'm just saying otherwise, all 2.97.060 requires is that the State . . .*(inaudible)*. . . in the application.

CHAIR JOHNSON: Okay. And does that...all right. Is that that clear for everyone? All right. I think so. I don't see any hands being raised from our experts. I know that Councilmembers have a lot of questions, but before we get there, I just wanted to see that if...if he has to bring up this slide again, and as long as we're in compliance with him saying that. All right. We're going to go to --

COUNCILMEMBER PALTIN: Can you clarify that one more time, what you said...what you just were saying was the outcome of that, can you clarify it one more time?

CHAIR JOHNSON: Okay. So let's have...let's have Buddy explain that from...from his point of view because they're the ones that are really going to...Mr. Almeida, can you explain that one more time?

MR. ALMEIDA: Sure. Absolutely, Chair. So basically, my understanding is that the body would want to impose a set of price guidelines specific to this project to comply with. And if you want to identify that and, as Ms. DesJardins just said, definitely I would bring Mr. Carnicelli in to make sure that whatever parameters you set for those price guidelines are acceptable, then as long as it's in the resolution, that's what the Housing Division will enforce and hold them to with regard to prices and sales.

CHAIR JOHNSON: Okay.

COUNCILMEMBER PALTIN: Thank you. Thank you for . . .*(inaudible)*. . .

CHAIR JOHNSON: Yeah. Thank you, Mr. Almeida, for that clarification. So we're now

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

going to get into deliberations, all right. It's a proposed three...a round of three minutes for further discussion and questions about this project. We can then do an additional round if Members need it. I would then like to discuss a list of requested exemptions, and receive any amendments or modifications from the Members. So, let's...as a reminder, we have Departments on call, and if Members have questions for Departments not currently logged into the meeting, we can always send them a letter. So, we're going to go round robin, and let's...let's start with Council [sic] Vice-Chair Mike Molina, followed by Councilmember Kama. And just before we start, Chair Lee, I think your mic is open. I'm just seeing a little button there. So, Committee Vice-Chair Mike Molina, followed by Councilmember Tasha Kama.

VICE-CHAIR MOLINA: Mahalo, Mr. Chairman. My question will be for Mr. Carnicelli, if he's available.

CHAIR JOHNSON: He's coming up to the podium right now.

VICE-CHAIR MOLINA: Okay, thank you.

MR. CARNICELLI: Xin chào.

VICE-CHAIR MOLINA: Xin chào, Mr. Carnicelli. I've got a series of quick yes and no questions, and then one big one in the end in my time that I have.

MR. CARNICELLI: Uh-oh. Okay.

VICE-CHAIR MOLINA: First of all, this is a 100 percent private monies that are being used to fund this project?

MR. CARNICELLI: Yes, sir.

VICE-CHAIR MOLINA: Okay. And then do you anticipate...so you don't anticipate applying for any affordable housing funds at this point yet?

MR. CARNICELLI: Not for the project itself, but we do anticipate using affordable housing funds for the regional infrastructure and...and the offsite improvements.

VICE-CHAIR MOLINA: Okay, any...no underground utility is being proposed at this time?

MR. CARNICELLI: No, we are undergrounding everything.

VICE-CHAIR MOLINA: Oh, you are undergrounding. Oh, okay. Okay, that's good.

MR. CARNICELLI: Yeah. It's...Kuikahi Drive is underground, and the project site itself

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

will be underground.

VICE-CHAIR MOLINA: Oh, okay. Well, thanks for that clarification. Okay. And for the rest of the time that I have left, I'd like to give you an opportunity to respond to some of the current concerns that have been expressed with regards to the roundabout, and the suggestion to relocate the project. Go ahead.

MR. CARNICELLI: Thank you. I appreciate the opportunity. I mean Gary and I are sitting here next to each other having a good conversation. I do feel as though the presentation addressed a lot of it. The roundabout...whether it's a roundabout, whether it's a traffic signal, traffic calming, whatever it is, is I'm...you know, we're leaving that in the hands of the engineers. That's just...you know, is they're the ones that are the experts. I don't know traffic. I don't know civil engineering, they do, so I'm just going to leave that in the hands of them. And as far as moving it down to the bottom, again, is water engineering. You know, as they say, no more water down there. So is...this the...it's a fast track process. This is going to be the fastest way for us to get homes, and so we would like to just proceed with it as proposed. But I appreciate the opportunity to say that. Thank you.

VICE-CHAIR MOLINA: Okay. And then lastly, if I still got a few seconds left, your drainage plan because you are...you're building on a slope. Can you just go on to a little bit more detail on your drainage...I guess flood mitigation plan?

MR. CARNICELLI: Yeah, I guess I would want to defer to probably Ashley Otomo, she's the expert on that. But essentially, you know, we're going to comply with everything that Department of Public Works throws at us. You know, all of our runoff will be retained onsite and we...you know, is through a myriad of things, you know. I see Ashley turned on her thing, I don't know, Ashley, if you want to respond to the PER.

CHAIR JOHNSON: Ms. Otomo.

MS. OTOMO: Hi. Thank you, Lawrence. And thank you, Members, for hearing our presentation today. In regards to the drainage system, Lawrence is spot on. So we're going to take the onsite drainage and route it through a onsite drainage system, which will consist of perforated pipes, and then it will . . . *(timer sounds)* . . . overflow into a onsite basin on the mauka end of the project...I mean makai end of the project. In terms of offsite flows, we're still kind of working out the details there, but it will be able to flow through the project.

VICE-CHAIR MOLINA: Okay. Thank you, Ms. Otomo. Thank you, Mr. Carnicelli, and thank you, Chair.

MR. CARNICELLI: Thank you, Mr. Molina

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Thank you. Members, I think we have...we didn't have that many testifiers, so I think we can do five-minute rounds. So, Staff, could you...would you mind setting it for five minutes? And Vice-Chair Molina, would you like to add any more? I'll give you extra couple minutes.

VICE-CHAIR MOLINA: Yeah, that's okay. I'll yield to my fellow colleagues, but I'll definitely want a second round.

CHAIR JOHNSON: Yeah, we can do a second round, of course. Okay. Councilmember Tasha Kama, followed by Councilmember Kelly King

COUNCILMEMBER KAMA: Chair, I don't have any questions at this time, so I can pass and come back again. Thank you, Chair.

CHAIR JOHNSON: Okay. Thank you, Councilmember Kama. Let's move on to Councilmember King, followed by Chair Lee.

COUNCILMEMBER KING: Thank you, Chair. Thanks for giving us a few extra minutes. So I have a couple questions. One is, I'm still...I still didn't get clarity from--and I don't know if it was Corp. Counsel--on the price guideline issue. I thought I heard Ms. DesJardins saying that we were...that...that the prices were supposed to be provided at the time of application. So, is that now? Is that...the application...I mean we're looking at an application, but I was told--and I had a meeting with Mr. Carnicelli about this too, earlier--but I was told those aren't the real prices, the prices are coming later. So, are we supposed to be only reviewing this if we have firm prices?

CHAIR JOHNSON: Ms. DesJardins.

MS. DESJARDINS: So, at the time of the application, which is what you have in front of you, is transmitted to Housing, what the law requires is that the...it just says proposed...proposed sales price guidelines...so, sales prices or monthly rental fees. So, I supposed at the time the application is processed, they're giving you proposed prices. But of course, during the process of modification, exemptions, the cost of these buildings obviously are going to change depending on what is the outcome of their request for exemptions, et cetera, because they're worth...consuming quite a bit of money. So, I don't know that you can ask for anything more than proposed at the point that they transmit their application. That's what the law requires.

COUNCILMEMBER KING: Okay. So, maybe Mr. Carnicelli. Because, you know, when I met with you, Lawrence, you said these aren't really the prices, they're just sort of thrown in there. So they didn't even seem like they were really proposed prices. So, maybe you can speak to that.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

MR. CARNICELLI: Thank you, Member King. The proposed prices are that we will adhere to the 2022 Affordable Price Guidelines as distributed by the Housing Division. As you know, and because we've done this before, we understand that that actual number...like, you know, it's a big huge matrix, you know, based on interest rate, AMI table, you know, is the number of bedrooms. And so, it is a moving target until we've completed our...our marketing plan, and that is when Housing says, okay, this is now your price. So, that is essentially why I've said, okay, our proposed is that we'll follow the 2022 Guidelines, that's what's proposed.

COUNCILMEMBER KING: So if the...if the proposal that we have on the table, or the new price guidelines changes, then you're prepared to follow that as well.

MR. CARNICELLI: If that's the law, we're going to have to follow the law.

COUNCILMEMBER KING: Okay. It's on record. All right. Thank you.

MR. CARNICELLI: Well, we can't not follow the law.

COUNCILMEMBER KING: Well, I just want to make sure that you weren't looking to get grandfathered in because you do have a long list of exemptions that you're requesting. So, you know, that's...that was my concern is, I thought I heard you have to have a proposed list, but I know when I met with you, you said just don't really pay attention to these prices because they're not that realistic. So, that's why I was --

MR. CARNICELLI: Well, I didn't say they weren't realistic, I just said that they weren't...they weren't the okay, here it is, here's the number. It's 554, or whatever the number is. It's just like we can't pull that number right now. We can't because of the nature of what the affordable...how the affordable housing guidelines are structured.

COUNCILMEMBER KING: Okay. And then the other question I had was on the roundabout. I know Mr. Elster said, don't let the County pay for it. But I thought we paid for the other two roundabouts...you know, that the County paid for the other two roundabouts that are on the island that I know about. The one on Liloa, and then the one...I know that we paid for the one in Maui Lani because I was on the Council that approved that...that payment. So, I'm assuming that that's you're considering that part of the infrastructure. But are you guys going to be installing, or are you expecting Public Works to install it?

CHAIR JOHNSON: Mr. Carnicelli.

MR. CARNICELLI: Thank you, Chair. Is...thank you for the question. As it's...you

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

know, we've had conversations with Housing and with Public Works about it. It is a regional infrastructure component that is ultimately going to be the responsibility of Public Works. They're going to...excuse me...they're going to decide what it is...you know, again, whether it's a roundabout or not, or whatever it is. We will work with them in Engineering and Design, we will install it. We can't wait for Public Works to install it. We're going to install it because it's, you know, an integral part of the safety of our neighborhood, whatever...again, whatever it would be. And, so, we worked with Chair Johnson's office and the Department of Housing and Human Concerns to say hey, listen, since this is regional infrastructure that needs to go in, let's go ahead and use affordable housing funds to do that, which we will have to come back here in front of you guys to do that.

COUNCILMEMBER KING: Okay. So you are using affordable housing funds. So you're...but your plan is to, with your own labor, do the installation, or is that going to be charged to the County?

MR. CARNICELLI: I'm sorry, I don't understand the question. I didn't hear it all. . . .*(timer sounds)*. . .

COUNCILMEMBER KING: The installation...even if you're installing it, you're going to charge that labor back to the County, or no?

MR. CARNICELLI: Again, whatever it costs, the County will...will pay for, whatever that is. You know, I mean there will be contractors, there will be contracts. I mean it's not like we make something up and send it to you. It'll be contract work, just like any other...you know, any other project.

COUNCILMEMBER KING: Okay. So, you said we'll install it, but you're meaning at the cost to the County?

MR. CARNICELLI: Correct.

COUNCILMEMBER KING: Just wanted to clarify that. Okay. I think my time is up. Thank you. Thank you, Chair.

CHAIR JOHNSON: Thank you. Let's move on to Council Chair Alice Lee, followed by Councilmember Paltin.

COUNCILMEMBER LEE: Thank you, Chair. Hi, Lawrence. When we spoke, we talked about the buffer. The 500-foot buffer runs the length of your project on the Waikapu side, right?

MR. CARNICELLI: Correct.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER LEE: Okay. Just wanted to make sure I got you on the record on that one. Now, I think it's highly unusual that you would commit to prices, to a price guidelines that may be two or three years old by the time you start your project. Because this has been done in the past, and it rarely happens where a developer can deliver on a price that's two or three years old. So, I just thought I'd bring that up. Maybe your project will be different, but which project that...have we ever heard of moving in one year, in two years, it's more like three and four years. Then too, when it's time to set your prices, you have no idea how the interest rates are going to go. Right now, it's going to go...they're going up. And then hopefully they'll go back down, but it's so volatile, you know, nobody knows what the interest rate will be. And that determines what your selling price will be, the interest rate. So, without knowing that, to me, it would be very risky to commit to prices in advance. So what's your comment on that? Do you have a special crystal ball?

CHAIR JOHNSON: Mr. Carnicelli.

MR. CARNICELLI: Thank you for that, Chair Lee. No, you're spot on everything. You know, you've been doing this a long time, you see it. This is the scary part of doing 100 percent affordable housing is that we don't have any upside to know is...is...you know, whatever the prices are, they are. And we don't bump the market rate, we don't wait things out and suddenly, you know, the prices change, and we're held hostage to that. If...you know, if material costs go up, it's on us. If there's supply chain issues, that's on us. If interest rates...I mean, you know, you guys see it in the news every day that, you know, the Fed raised interest rates, they're going to continue to raise interest rates. It's scary for a 100 percent affordable housing developer right now. We still want to do this. You know, when we look at our team, John Varel, who is committed to this, he's saying, we need to do this. And so, yeah, it's...it's super scary because we don't know what the future holds. And there's a lot of downside, and there's not a whole lot of upside, but it's a worthy...it's a worthy thing.

COUNCILMEMBER LEE: Thank you. And I want to just add my concern about a roundabout as well. I'm not sure that that method is the best. Because I...I go through the Maui Lani roundabout a lot. And the scary part is after school, when the kids start walking home. You just pray that nobody hits you from behind so that you're going to hit the child in front, you know...because some people speed around the roundabout, which is unfortunate. But that would be my concern, the school kids using the crosswalks within the roundabout. But thank you, you said that's subject to further study, right?

MR. CARNICELLI: It is subject to further study, and I've learned more about roundabouts due to Mr. Elster's communications back and forth with me. I'd never thought I'd do as much as research on roundabouts as I have. And they're awesome, but yeah, there...there...in this location, there's concerns. I can't say

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

that there's not concerns. You know, you're on a grade, sight line issues, things of that nature. People really like to speed on that road...they really like to, they enjoy it. So, yeah, there's concerns, and we're going to do everything we can to mitigate it. And actually, as Gary just said earlier, I mean whatever is going to be best for that neighborhood is really going to be what we want to do. Whatever's best for the neighborhood.

COUNCILMEMBER LEE: Thank you. So thank you for your presentation. I know you put a lot of work into this. Thank you.

MR. CARNICELLI: Thank you very much. I appreciate that.

CHAIR JOHNSON: Okay. Members, it's 3:00 right now. I'd say we take a 15-minute break because we are halfway through. Oh, go ahead.

MR. CARNICELLI: I'm sorry, Chair, is...I think Member Paltin had something as well.

CHAIR JOHNSON: Right. We'll continue our round robins, but --

MR. CARNICELLI: Oh, sorry. Why don't you be the Chair instead of me.

CHAIR JOHNSON: This guy. So let's take a 15-minute break, and we'll come back and we'll continue our round robins of discussion. So the time is now 2:59, September 1st, 2022. The Affordable Housing Committee is in recess and come back at 3:15 p.m. . . .(gavel). . .

RECESS: 2:59 p.m.

RECONVENE: 3:16 p.m. (Excused: KRF)

CHAIR JOHNSON: . . .(gavel). . . Will the Affordable Housing Committee of 9/1/2022 come back from its short afternoon recess. The time is now 3:16. Okay, Members, let's do a quick catch up on...for...let everybody know where we're at. We're halfway through our first round robin of discussions that . . .(inaudible). . . questions that we can ask either the developer, or any of their resources, or any of our Departments. So we left off with Chair Lee, and we're going to move on with Councilmember Tamara Paltin, followed by Councilmember Shane Sinenci. Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My first question will be...it's not really my question, it's to help out our fans on Facebook Live. You know, in regards to the pricing guidelines questions, I just was wondering, from the developer's standpoint...I mean, it seems as though we haven't committed to a price. But would you say that it wouldn't be more than whatever the current HUD Multi-Family Guidelines are for those income brackets?

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Mr. Carnicelli.

MR. CARNICELLI: So if I understand the question correctly, is that it will be the...according to the Affordable House Price Guidelines, not more than the Affordable House Price Guidelines.

COUNCILMEMBER PALTIN: Of whatever it is when the project is ready to sell. It won't be more than whatever the HUD Multi-Family House Guidelines are at that time?

MR. CARNICELLI: I don't believe, via Code, you can do that. I...I guess that would be more of a question for either Housing or Corporation Counsel. I don't believe that you can be higher than what the...what the guidelines are.

COUNCILMEMBER PALTIN: So, it'll be at the guidelines or below whatever HUD is at that time. The other question I had was, there is no HUD guidelines for tiny homes. And so, I was wondering how that pricing would go.

MR. CARNICELLI: One bedrooms. They are one bedrooms.

COUNCILMEMBER PALTIN: Okay. Okay. So, just basically a one-bedroom multifamily.

MR. CARNICELLI: Correct.

COUNCILMEMBER PALTIN: Okay. And then the next question is my question. On page 294, Volume I of II, and I believe this question would probably be for our Corp. Counsel or Mr. Mitchell. My concern is the letter that was sent by Public Works that classified the reservoir twin (*phonetic*) as a high hazard in unsatisfactory overall condition. So right now, we're discussing a land change, DBA stuff, between the County and Kuikahi Village LLC, and we're all getting our stuff together, and we're agreeing on stuff and like that. Separately, on another piece of the property upstream, there's Wailuku Water Company and DLNR doing something with their high hazard unsatisfactory reservoir with like so many millions of gallons. So, I just was wondering, like to our lawyers, how can we remove ourselves from that liability? Like, you know, if we get a colloquial dam situation or whatever, would they come back and say, hey, you guys let this happen, . . . (*inaudible*). . . this letter from DPW, page 294. And we can't necessarily wait until they're under contract with the timeline and so forth because they want it built out by...you know, if 2023 is the...they're under contract...to get a contract with a contractor to do something. So, that's my question for the lawyers. How do we...we're having two separate conversations, and there is this, you know, reservoir that's unsatisfactory . . . (*inaudible*). . .

CHAIR JOHNSON: Okay. Ms. DesJardins or Mr. Mitchell, would you guys like to speak

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

on that?

MS. DESJARDINS: I'll take a stab at that. I've read the December 22nd, 2021, letter from Public Works, and I've also seen the DLNR notice of deficiency . . . *(inaudible)*. . . And Mr. Carnicelli can correct me if I'm mistaken, is that that reservoir is owned by Wailuku Water Company, it has an easement onto Mr. Carnicelli's property, we are approving an affordable housing project on that property. I cannot anticipate for you what potential liabilities that could create for the County, I don't know. We are not sanctioning the reservoir; we're not approving anything that has to do with the reservoir. The reservoir is a separate situation that we have notice of because of the fact that it's being discussed today, and it's part of this application. But I would also remind you folks that this reservoir being classified as a high hazard, there's also documentation where it says that the stream of hazard falls far below just this piece of property, you know, into other projects, other homes, et cetera. So, your question of our liability . . . *(inaudible)*. . . . *(timer sounds)*. . . regardless of whether it's this property or another property, and I don't have a real definitive answer.

COUNCILMEMBER PALTIN: That was five minutes? Wow, time flies. I guess for the next round then. I just was wondering if, you know, like how sometimes they say, add the County as an additional insured, or some sort of hold harmless clause, or something like that. That's not a possibility?

MS. DESJARDINS: No, that could be. And I would not want to shoot from the hip on that because it's a real important question. So, I would have to look into that for you, and get back to you on what...talk to Risk Management, for example, and see what we...what might be a good plan of action.

COUNCILMEMBER PALTIN: Okay, second round.

CHAIR JOHNSON: Okay, we'll come...we'll follow up with you on that, Ms. DesJardins. Okay, let's move on to Councilmember Shane Sinenci, followed by Councilmember Sugimura.

COUNCILMEMBER SINENCI: Thank you, Chair. And just following on the lines of Member Paltin's about the reservoir. Clarification, Mr. Carnicelli. You mentioned that...was there going to be a spillway or...within the buffer? You showed a map of this area within the 500-foot buffer that was next...the Waikapu side of the reservoir. Was that...has the County...can you elaborate on that?

MR. CARNICELLI: Yes. Thank you, Member Sinenci. It's not a spillway. What it is, is it's going to be a retention basin. The...the risk is...say, in the dam, it is the either the dam completely fails or overtops. It's impossible...once the runoff comes out of it, Wailuku Water controls all of the water that goes into it. So, as far as runoff happening, something, you know, catastrophic, if the runoff from mauka,

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

Wailuku Heights, goes into this new retention basin on our site, then it will not be going into that reservoir/dam, so it's mitigating that. It's working...we're, again, being proactive with Public Works, and taking that runoff into a different retention area instead of within the reservoir.

COUNCILMEMBER SINENCI: Okay. And that would fall under the Department of Water Supply or Public Works?

MR. CARNICELLI: Public Works.

COUNCILMEMBER SINENCI: Public Works. Okay, all right. Okay. Thank you for that. And then my next question was for...oh, clarifying question. That one slide you showed, was that the prices? But instead of set prices, you had a range of home prices? Was that one of the slides that you showed?

MR. CARNICELLI: Correct. That's how the...the Affordable House Pricing Guidelines works, is there is a range for each AMI type, bedroom type, and interest rate. There's a range, it can be between this and this. So, that's just...I just showed the ranges that come. It's just...truly, those numbers were pulled straight off of the 2022 Guidelines.

COUNCILMEMBER SINENCI: Okay. But at the time of application, you would have to set those rates?

MR. CARNICELLI: You set the rates when you have completed your marketing plan, and you submit it to the Department of Housing, and they approve that. Then that is when your pricing is set. And if I'm misstating that, Mr. Almeida, please jump in, but that's how it has worked is, it's set at that time...that's when Housing locks in your pricing.

COUNCILMEMBER SINENCI: Okay, thank you. And then for the...the...back to the roundabout. Is that the only design...I know that Mr. Elster came and he spoke about the...you know, the turning lane. I was wondering--and I don't know if Director Molina is on the call--but is there a two-lane roundabout where there would afford a turning lane within the two-lane roundabout, or is there other designs beside that...that one basic Maui Lani roundabout, is there a possible other extension, or a different type of roundabout that could be more safe for people crossing and stuff like that?

CHAIR JOHNSON: Okay, let's ask Director Molina that question. Director, are you on the call?

MR. MOLINA: Yeah, I'm here. As far as the roundabout's concern, you know, the primary driver has actual standards to make sure that those conditions are met to ensure the roundabout will be feasible. The design of roundabouts are pretty

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

standard, for the most part. You can accommodate additional turn lanes if space is provided. But typically speaking, the alternates would be a traffic signal or a stop controlled intersection at that location. Thank you, Chair.

COUNCILMEMBER SINENCI: Okay, thank you. And because...from the...the views up ahead, it doesn't show the slope, and it looks like okay because it's kind of flat looking from the...from the air, but it doesn't take into account that...the slope of that Kuikahi field. That's all my questions for this first round. Thank you, Chair.

CHAIR JOHNSON: Okay. Thank you, Councilmember Sinenci. Let's move on to Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Lawrence Carnicelli and Mr. Betsill. So I wanted to also talk about the sales guidelines and just...I think you might have already explained it with Shane's question, but confirming that. Could you do that again, just so that I make sure we get this correct?

MR. CARNICELLI: Sure. Thank you, Member Sugimura. So, I do understand that you guys are looking at what is proposed. And so...and because it's a moving target, I just said that the proposed is the 2022 Guidelines. And then, you know, what Member Lee...Chair Lee brought up was, you know, as far as fixing pricing. There is a point to where...as much as we're committed to workforce housing, there is a point where you can't do it, right. Like you just...the project doesn't happen, it just doesn't make any sense. We...there is these projects all around the island, right, that we know...we've heard about, that they're killed by conditions, right? And so as much as we're saying, okay, 2022, and say, adhering...you know, Member King had brought up like a, you know, what if. There are some proposals that come that if you guys pass, this thing dies, right. Like if you said, hey, listen, you know, allow the builders, Kuikahi Properties, we want X pricing, or we want you to adhere to...as...X whatever that is, there is a point where it's math, and it doesn't work. You know, you guys are in this Committee proposing some things that put this project on the balance that it may not happen if...if those things are, you know, passed in a particular manner. That's just the reality of affordable housing. And so, I appreciate you giving me the opportunity to say that. But yeah, this isn't just like hey, whatever is whatever and, you know, we can do whatever. It's just not.

COUNCILMEMBER SUGIMURA: Okay.

MR. CARNICELLI: So as of the snapshot today, 2022, we still can try to do that.

COUNCILMEMBER SUGIMURA: Okay. So you're going to come back to us...or you're going to ask Buddy Almeida with Housing and Human Concerns, or talk to them about that, and get that all squared away, right? So we're going to hear from you again.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

MR. CARNICELLI: Yes.

COUNCILMEMBER SUGIMURA: Okay, okay. That's just...and keep...and all talking about it, right. So, just...thank you very much.

MR. CARNICELLI: But it's important. I appreciate you bringing it up. I mean it's important.

COUNCILMEMBER SUGIMURA: Yeah, it's super important. And I think it speaks volumes that I thought today we're going to be all day listening to public testimony or, you know, how other projects have been, and I think it speaks volumes to me that there were not, you know, that we can actually get to this point right now. And I wish we can get to a point--because it's only 3:30--to really look at approving the project or not. So I just want to...I just want to throw that out for the other Members to hear me say that. Thank you for confirming with Alice Lee the Waikapu buffer, the 500-foot buffer and that, because that was one of the questions that I had even when we met. And regional infrastructure, which is a roundabout, or other projects...like DPW, are there any other regional infrastructure? You said roads, yeah, the roads, as well as the roundabout.

MR. CARNICELLI: Yeah. Not necessarily associated with this particular neighborhood. There's a lot going on, you know, in Wailuku, and Kehalani, and down Waiale, and things like that. And so, you know, there is other things going on. I actually did speak with Director Molina in regards to that. So yeah, there's a lot of different things going on in piecing together and changes happening.

COUNCILMEMBER SUGIMURA: Okay. And then water. So, Shayne Agawa mentioned there are two exemptions relating to water. And I don't think he expounded upon that, and I don't know if you already know what it is, but is Shayne there so he could explain that to us?

CHAIR JOHNSON: Mr. Agawa.

COUNCILMEMBER SUGIMURA: See what you mean, yeah.

MR. AGAWA: Yeah, I don't know if you guys was going to talk about exemptions later, but...so, to address your question, Member Sugimura, there is...there are two exemptions as to water. One is for the water system development fee. You know, that is something that the Department uses to generate revenue. That is one of our main revenue generation streams. So, for us to have that exempt, we would ask the body to not approve that exemption because it does fund our CIP programs, and storage, and also source development. That's money we use every year as part of our budget. . . .*(timer sounds)*. . . So, to exempt that, it takes it out of our budget, and there's no way for us to gain that, to balance that, for

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

future projects.

COUNCILMEMBER SUGIMURA: That...and a quick follow up, Chair, if I could. Then I know in other projects, Water asked for it to be covered if we were going to exempt it from the Affordable Housing Fund. Is that the same? Yeah, okay. So I guess we didn't get the second exemption, but I understand that. So thank you for explaining that.

MR. AGAWA: Yeah --

COUNCILMEMBER SUGIMURA: Thank you for that. . . .*(inaudible)*. . . second one.

MR. AGAWA: Oh and the second one is an exemption regarding temporary water meter, the fee for that. Again, it's a revenue generation source for the Department. It's not that much, but everybody that applies for that temporary water meter pays that fee. And there's also...you had a question, I wanted to ask for more clarity on the second part of that exemption, which was...let's see...and from the restrictions on water use of the temporary meter during construction of the project. So, it was an exemption from the fee of the temporary water meter for construction, and also an exemption from the restrictions on water use of the temporary meter during construction of the project. So, if I could get little bit more clarity from Mr. Carnicelli on that request, then I can comment on it.

CHAIR JOHNSON: Mr. Carnicelli.

MR. CARNICELLI: Sure. Thank you, Deputy Director. As...as we understand it, the temporary construction water meter has very limited uses as to what you can use it for. Like you can't use it for dust control, you know, you can use it to test your pressure test, clean things, you know, and that's it. So what we would have to do is if we can't use the temporary construction water meter, per se, dust control, then we just have to drive down the street, use the fire hydrant, and then drive back. So, that...that's essentially what the...you know, the ask is. We understand that the rate is higher for construction, you know, water meter, but really, we're not asking for an exemption of that rate. We're willing to pay the additional rate for the convenience of being able to use that temporary water meter for additional things.

COUNCILMEMBER SUGIMURA: Thank you. I think I went over my time.

CHAIR JOHNSON: Yeah, okay. It was good line of questioning, Councilmember Sugimura. Okay. We're at the end of the first round, so I'm going to ask a few questions from...Councilmember Rawlins-Fernandez has emailed me some of these, and these are important questions, I want to get them on record. So, if you'll allow me five minutes, here I go. Okay. So this idea of a space for community gardens, okay, so this...correct me if I'm wrong, this is one of the...the

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

prime...the prime agricultural zoned...it's great ag land. So could you have space for community gardens and food production to meet at least a minimum of food production for ag? Is there space for that, maybe in one of those parks, or maybe on lots, I'm not sure you guys have thought about that?

MR. CARNICELLI: We have thought about it. And Chair, I would like to defer to Bill Mitchell, who is our landscape architect, and I think he would...he would enjoy talking about that. He's very versed.

CHAIR JOHNSON: Okay. Mr. Mitchell, are you on the call?

MR. MITCHELL: I am. Can you hear me?

CHAIR JOHNSON: Loud and clear.

MR. MITCHELL: Thank you for the question. No, we...we love incorporating edible components into the landscape. And this...this site's a bit challenged because of the slope we have running across it from mauka to makai, but those terraces do afford some opportunity in side yard conditions to do more fruit trees and small garden areas. So, to the degree that we can create those, they not only make a super useful landscape component, but obviously, an edible landscape component. So yes, we...we look forward to trying to incorporate those where we can. And there also...we work...like to work with the civil engineer to the degree that we can direct any kind of rain water into bio swales as part of an edible garden/use area as well. So, kind of looking at it holistically, not just in the...the aspect of the visual component of landscape, or the maintenance, but also the...certainly making landscape elements usable and edible is...is a great, great idea.

CHAIR JOHNSON: Okay. Well, great. That's great to hear. So I'm going to pivot a little bit here, and ask about a different topic. So it's about the dam and the potential flooding. So I'd like to hear from Public Works about this, and whether the most recent plan is good and safe. DLNR has issued a notice of deficiency, and we'd like to hear from our...from our Public Works Department in regards to that. So that would be--Director Molina, are you on the call

MR. MOLINA: Yeah, Chair, I'm here.

CHAIR JOHNSON: Okay.

MR. MOLINA: Yeah. So, the Department had become aware of the deficiency for some time now, and since then, we've been working to develop an alternate reservoir for the stormwater so that the stormwater is no longer contributing to those flows to those dams. And so, yeah, this has been an ongoing issue for some time now. I know that a property owner and Wailuku Water and ourselves have been in

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

touch with BLNR, and I think one of the key characteristics which help mitigate some of the concern is the ability of Wailuku Water to manage the flows going into that dam, you know, relatively quickly. So, we think that...and, you know, of course, as noted in the EA, they are...Wailuku Water is working to have those evaluations done, and look at those modifications to, you know, make the dam less...less of a risk of failure. So, you know, we think that's...that's adequate moving forward that those efforts are in motion to kind of mitigate the concern there. Thank you, Chair.

CHAIR JOHNSON: Thank you. So, you said it's adequate. Okay. Thank you for that. Let's see...oh, this is an interesting question. All right, this is for Mr. Carnicelli. You know, the idea that we're going to be putting down a lot of concrete, you know, a lot of...and the rainfall doesn't have time to seep into the...to the ground, you know, as usual, and sometimes that create major runoff, right. We all know that. So, let's...can you talk about the permeability, I guess that's the word, you know, and can parts of the walkways be natural materials that would...more absorbing for the rainfall...or any...any part of your project, you think could make it a little bit more permeable for the rain so it's not always runoff?

MR. CARNICELLI: The...you know, I guess the short answer is, of course, we're going to try and do that, you know, of course, we're going to try and do whatever we can as far as natural surfaces, things of that nature. I think would also...if you're looking for something a little bit more specific, I would defer to Ashley and Bill. Ashley Otomo is, you know, the civil engineer. She understands that, you know, much better than I, and then, of course, Bill Mitchell just recently talked and . . .(timer sounds). . . So, Ashley.

CHAIR JOHNSON: Let's see if Ms. Otomo can answer my question.

MS. OTOMO: Thank you, Chair, for your question. In terms of permeability, I would think that we could look into permeable pavement. But other than that, we're collecting a runoff in the driveway areas, which will then go into a series of perforated pipes. So that's kind of the same as what you're talking about, where it goes into the perforated pipe system, and the perforated pipes are allowed to drain into, or percolate into, the natural ground. And then if those overflow, it will go into the retention basin on the makai side of the site. But as Lawrence has mentioned, we're also going to try our best to incorporate bio swales and other natural features that will allow rainwater to collect and infiltrate into the ground as well.

CHAIR JOHNSON: Okay. Some of that water could be used for your little community gardens, that would be great.

MS. OTOMO: Yeah.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Okay, thank you. My time is up, and we're going to do another round robin, and we're going to start from the top. Let's go with Committee Vice-Chair Mike Molina, followed by Councilmember Tasha Kama.

VICE-CHAIR MOLINA: Yeah. Thank you very...oh, sorry. Thank you very much, Mr. Chairman. With regards to the...I guess the...what was found in the FONSI, any...anything of significance? So, I didn't get a chance to look, but apparently it seems everything is okay with the FONSI, right? I don't know who would best be able to comment on that.

CHAIR JOHNSON: Mr. Carnicelli.

MR. CARNICELLI: Thank...thank you, Vice-Chair Molina. The FONSI stands for Finding of No Significant Impact, so it's...you know, we're riding on that. It was approved as such. The final EA was published in May of this year. There is a 30-year...I'm sorry, 30-day appeal process that it went through, so it went through all of the proper channels to go ahead and have that be issued.

VICE-CHAIR MOLINA: Okay. And with regards to homeowners' association fees, are you folks flexible to, I guess, adjust fees for folks in the lower AMIs?

MR. CARNICELLI: Yeah. Is...the intent is to try to design and build in a way with which is going to have the minimum impact without sacrificing amenities. That's the...that's the balance. How we will work the homeowners' association's fees is very common, and that is it will go by square footage. And so, the larger homes will pay a larger percentage, and then the smaller homes will pay a smaller percentage. So, yeah...and we can also make it, you know...you know, we look at a lot of different factors. It's a very complicated matrix to try to get there, but I think the lower AMIs, that...that makes a lot of sense for them to pay less. But they're typically smaller homes as well though too. So, yeah, there is a certain accommodation naturally.

VICE-CHAIR MOLINA: Okay. Yeah, you know, what's interesting about your project, you have this wide variety of types of homes. The tiny homes, are those going to be like prefab types of homes, or it's going to be built from the ground up? I'm just curious. And they look pretty large for a tiny home, at least from the visuals.

MR. CARNICELLI: Yeah, you know, is...you can look up Boxabl, B-O-X-A-B-L. It's what...Elon Musk has one. But is...it's a really great design, great use of space. There's Ron Ped, our architect, is also adding lanais, you know, to add additional square footage, you know, outside living space for here in Hawai'i is a big thing, so that's there. We're still researching the most cost effective, efficient way of doing it. If it's prefab, we're going to do prefab, you know. If it's tilt ups, we'll do that. You know, we're really trying to be on the cutting edge of what's the latest and greatest, and try to do a lot of preconstruction research on stuff like that.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

VICE-CHAIR MOLINA: Okay. And my final question, just with regards to the arborous...I guess the tree...tree planting plan, I guess, for the project, can you comment on that?

MR. CARNICELLI: Actually, I think I'd rather have Bill Mitchell comment on it because he's the guy that has to go through that, and he knows it. So, Bill.

CHAIR JOHNSON: Mr. Mitchell.

MR. MITCHELL: Yeah. Thanks, Councilmember Molina. We intend to comply with the County Codes, Off-Street Parking and Loading Ordinance. The exemption we're asking for is just to have flexibility with tree placement. Because we have so much slope on the site, we're going to have a series of terraces with retaining walls, and sometimes that becomes prohibitive to placing a tree at every five stalls. So we're just asking for the flexibility to be able to move the trees around, but to comply with the required tree quantities...if that answers the question.

VICE-CHAIR MOLINA: Okay. That's great. Okay. Well, thank you for your responses. Thank you, Mr. Chair.

CHAIR JOHNSON: Okay. Thank you, Committee Vice-Chair Molina. Let's move on to Councilmember Tasha Kama, followed by Councilmember King.

COUNCILMEMBER KAMA: Thank you, Chair. Just a couple of things. You know, in the FONSI reports, the...who determines if the finding is of no significance on that...who makes that determination? The archaeologist on the site, or --

MR. CARNICELLI: You know, I'm going to...I'm going to...I might butcher this one...Karlynn with Munekiyo and Hiraga. Karlynn, would you please weigh in? I do believe that DHHC was the person that was the entity that issued it. But I want Karlynn to weigh in, she's smarter than me.

CHAIR JOHNSON: Karlynn.

MS. FUKUDA: Good afternoon, Chair, and Committee Members. Karlynn Fukuda from Munekiyo Hiraga. Yes, our office did work on the Environmental Assessment for the project. And Mr. Carnicelli is correct that the draft Final Environmental Assessment was submitted to the Department of Housing and Human Concerns for their review and determination if the project met the...the standards to be issued a Finding of No Significant Impact on the final EA.

COUNCILMEMBER KAMA: Okay. Thank you. And then my next question is back to you, Lawrence. Everything in this project...if everything goes perfect, you get the DBA, you mitigate all the concerns of the Council and the different Departments,

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

when is the...when do you think you're going to be able to give out those homes and those rentals, those units?

MR. CARNICELLI: That's a fantastic question, and Doyle and I were talking about that a lot this week. Is...I'll just sort of walk you through it. Is...you know, we started this whole thing two years ago, so it takes roughly two years to get it to you guys, and then work, quote, unquote, fast track, 60 days. We're saying that in our minds, let's just say, nine months to get permitting, so that takes us to summer of '23. A year to build before the first family moves in, so summer of '24. Probably finish it in another year, summer of '25. So that's...fast track housing is roughly a five-year process to try to get families in homes.

COUNCILMEMBER KAMA: Okay. Well, thank you. I like that timeline.

CHAIR JOHNSON: Okay.

MR. CARNICELLI: I wish it was faster.

CHAIR JOHNSON: We're working on that. Okay, let's move on to Council...Councilmember King, followed by Chair Lee.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I agree with you, Lawrence, I don't like that timeline. I think it should be faster. We actually had a little over a two-year timeline with Kaiwahine Village. But I wanted to ask you a couple of things. One is when we were talking about permeable surfaces, are you aware that the Planning Department is proposing--I think it was Jacky Takakura who brought this proposal to the Council--changing the requirement to...I think she said 65 percent permeable surface for homes, and...because of the drainage issues. So, can you...have you checked with Planning to see if those permeable pipes that you're talking about would qualify, how that would affect the...if this...if this requirement went through, you know, how would that...how that would qualify or exempt you from this 65 percent?

MR. CARNICELLI: That's a great question, and I did talk briefly with Jacky about it. And this might be a better question to be answered by Director McLean. As I understand it, it's not the hard surface that needs to be permeable, but the whole project.

UNIDENTIFIED SPEAKER: Whole project.

MR. CARNICELLI: I do believe that...right now, I do believe that that is...that we would already fit that...I do believe, but I'm not certain. So, is...anyways, I don't know the exact percentages, you know, it's us versus what will ultimately get passed. But yeah, we're in...in the ballpark.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER KING: Okay. So you feel like the way you have it designed, it's not going to be more than 35 percent impermeable surfaces for each lot.

MR. CARNICELLI: Yeah. That...again, is...I would have to defer to the engineers and...and the directors.

COUNCILMEMBER KING: Okay. Because I thought that was a really forward-thinking proposal that they made. And then I wanted to ask you about the landscaping. You know, I'm not...I think it's really good to give flexibility, and look at potential edibles, but one of my concerns is the requirement for that. Are we also going to be responsible for fencing the entire subdivision when the deer come and start eating the gardens and the fruit trees and, you know, all the things that's happening in other people's yards? And we've...we've allowed them to now to do fencing without getting a permit, but we're not paying for it. But if we start requiring it, are your tenants going to be wanting us to now pay for fencing because we've required these edible landscaping components?

MR. CARNICELLI: Again, a great point. And that's the balance between, you know, workforce housing is, you know, if it's a cost that these homeowners are going to have to bear, then their homeowners' fees go up --

COUNCILMEMBER KING: Right.

MR. CARNICELLI: -- is really what it comes down to. So, you know, when it comes to the landscaping, it's going to come down to a consensus of the body, and then we'll try to work the best we can with it.

COUNCILMEMBER KING: Okay. And then also...because individual homeowners may or not...may or may not be good gardeners. So, you know, you don't want to put somebody in a situation where they're going to...they're having their gardens dying every time, and they have to keep putting it in, but you know, they don't know how to do that. So, those are some issues. I think you have to be, you know, fairly experienced to have that kind of success on an ongoing basis. We have programs that are trying to train people how to do backyard gardens, but I don't think everybody either knows how, or really wants to do that. So I would just...you know, that's a little bit of cautionary. And then I think the last one, I just wanted to bring back up...when you and I talked was the idea that that workforce housing, you know, I just wanted to press that point too that if it was...if it was switched to be towards the entrance, then if you have customers...if you have an office or a business, and you have customers coming to your house, they're not going to have to drive past other neighbors to get there. So, you know, I noticed that you have it set inside the neighborhood where there's a bank of buildings they have to drive past. And it could become annoying for people to live in an area where there's no workforce housing and then there's, you know, customers driving past their house all day long, back and forth. So, I just kind

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

of wanted to reiterate that concern that I had. Anyway, that...you said it was too late to change those two buildings?

MR. CARNICELLI: I do believe it is because it's been proposed.

COUNCILMEMBER KING: Okay. Well, proposed...proposed is different. I mean obviously, we've got price guidelines that are proposed, but are not going to be finalized, so I just wanted to double check. All right. That's all my concerns right now until we get to the exemptions. Thank you.

CHAIR JOHNSON: Okay. All right.

MR. CARNICELLI: Thank you.

CHAIR JOHNSON: All right. Thank you, Councilmember King. Let's move on to Chair Lee, followed by Councilmember Paltin.

COUNCILMEMBER LEE: Thank you, Chair. Lawrence, what is your position on deed restrictions?

MR. CARNICELLI: We will follow the Code.

COUNCILMEMBER LEE: Okay. From your experience, is...what the Code states, is that reasonable, or do you think a longer period could be considered, or should be considered?

MR. CARNICELLI: You know, thank you for framing it that way. I...you know, I've been in this Chamber talking about deed restrictions a lot over the last 10, 12 years, and it really has kind of shifted in the last, you know, year or two in talking to buyers. Talking to people that are filling out applications, and going to classes, and they want to buy. And these are the families that are moving in. Because I'm standing here as a builder saying, okay, I'm going to agree to whatever deed restriction. And it doesn't impact me personally necessarily, but talking to the people that it does because it makes a huge difference in their lives. And we had a handful of people...I don't--oh, Donna is still not here--but we had a lot of people at Hale Kaiola that said 20 years, we can't do it. It's just...you know, we know that ten years is...I can muscle through ten years, let's just say, with a couple of kids and things like that, and then, say, trade up or move on...move to a bigger house. But most people, you know, they can...they'll...they can tolerate ten, but anything more than ten, and people really start to...you know, the actual buyers start saying, like gosh, I don't know if I can do this. And so, that's what's really impacted me more than anything else is...is talking to them.

COUNCILMEMBER LEE: Okay. Because my concern is because of some abuses in the past, the tendency now is to be restrictive, and sometimes overly restrictive, on

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

deed restrictions. But my concern is we keep the poor, poor. I'm...I'm all for a poor mobility starting from the bottom moving people up, up, up, up. We can't move people up if they...if they don't earn that much equity, they don't gain much equity in their homes. So, you know, I see...I look upon you guys as different types of developers who...who actually build with a heart. So, that's why I'm asking you these questions because we need to come up with policies that are reasonable, and that work for the lower end, as well as the middle class. Because we are losing our middle class. Your comments on that?

MR. CARNICELLI: No, you're 100 percent correct. I mean I'm personally a product of that. I come from an immigrant family that my mother and father bought a duplex and slept on a, you know, blow-up mattress, and traded up to a three-bedroom house. And...and I'm a product of that personally. Dr. Ben Carson, when he was the Chair of HUD, said that home ownership is the way that working class people can become middle class, and middle class people can accumulate wealth. And that's why we focus on the affordable for-sales, is because literally, you can change a generation...you can change a family's generation. You can change a generation with your home ownership. I think that the rentals are important. I think that they are a very needed part of our community, but I think that the for-sale component is...is, as you say, Chair Lee, it's just vitally important, especially for the middle class. I had a friend of mine recently say that his cardiologist has to move. It's like we need to take care of all ranges of our community.

COUNCILMEMBER LEE: So you're thinking the deed restrictions up to ten years is reasonable, and beyond that is...it becomes questionable?

MR. CARNICELLI: I think that when you talk to the families that have to move into that, yes, that is what they say. It is...you know, they understand that there's got to be some...you know, there can't be no deed restriction, they understand that. But the families that have to move into this, they do...they say the ten years is tolerable, that they...they can do that.

COUNCILMEMBER LEE: Okay. All right. Thank you. Thank you, Chair.

MR. CARNICELLI: Thank you.

CHAIR JOHNSON: Thank you, Chair. Excellent, excellent discussions. You know, I want to remind the Members that in my previous meeting, we had...on my agenda for affordable housing was deed restrictions, so we can have discussions and legislation to address that, in addition to that managed appreciate model, which is another way. So there is definitely discussions that were...you know, we're trying to focus on that. So, thanks for bringing it up again, Chair Lee. Okay, let's move on to Councilmember Paltin, followed by Councilmember Shane Sinenci.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify a conversation that Mr. Carnicelli had with me, and I didn't hear it in the presentation, or maybe I missed it. In our private conversation, he was saying that the frontage was going to be sidewalk, curb and gutter, into Planning and Public Works. Is that still the case, or no?

MR. CARNICELLI: Yeah, you're...you're a couple of chess moves ahead. The...when we get to the exemptions, either...either and/or Public Works and Planning are both going to ask to not be exempted from those road improvements on Kuikahi Drive, and we have verbally agreed to that as well. And what we will do is incorporate that into whatever the roundabout or whatever else it is to...to go ahead and take care of that. But yeah, we're going to go ahead and make all of it...you know, make the required road improvements to Kuikahi.

COUNCILMEMBER PALTIN: So, by saying that, you just mean that the general offsite improvements will come out of the Affordable Housing Fund?

MR. CARNICELLI: Correct.

COUNCILMEMBER PALTIN: Those are included in that?

MR. CARNICELLI: That's what...that's what the intent is, is to do that...is to include all of those offsite improvements in whatever it is that we, you know, package together with Public Works and --

COUNCILMEMBER PALTIN: Water.

MR. CARNICELLI: -- gave the office in Housing and Water and everybody, yeah.

COUNCILMEMBER PALTIN: And then to clarify too, Mr. Agawa's point, you're asking to use potable water for construction? Because Kukui had asked for that, and they got denied...just letting you know.

MR. CARNICELLI: We may get denied. Right now, you know, for...for using dust control, we also go to a, you know, fire hydrant and get potable water now. You know, so whether it's coming out of the construction water meter or we go down the street and use a fire hydrant, it's still going to be all the same.

COUNCILMEMBER PALTIN: So, anybody can go to a fire hydrant and just get water from it?

MR. CARNICELLI: No, you got to get...you've got to get permission. You can't just go do it. But we just get permission and say, okay, let's...we've got to drive down the street and get it there rather than onsite.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER PALTIN: Okay. And then wondering if any attorney has any answer on that hold harmless. I guess part of my concern is like we're having this conversation here with the landowner/developer, but Wailuku Water Company is not a part of this discussion, DLNR is not a part of this discussion, they have time frames and things that they need to do, and we're not in a position to ensure that they do that. So, it's two separate conversations. Who's the enforcer of that situation? What if somebody dies or whatever happens? And so, any possibilities of like an additional insured, or hold harmless something?

CHAIR JOHNSON: Ms. DesJardins.

MS. DESJARDINS: Thank you. So, Mr. Carnicelli, if I can ask...and my understanding is, is that although Wailuku Water Company owns the reservoir, you folks are the landowners, and therefore were also notified by DLNR as to the notice of deficiency. That's my understanding; is that correct?

MR. CARNICELLI: Yes, my name was on there too.

MS. DESJARDINS: Okay. That's what I thought I saw up there. Okay. So, in other words, we can try to work out an indemnification agreement with a party that we have interest with, which would be the developer here. So I would offline maybe talk to Mr. Carnicelli about some kind of indemnity language, and see if we can come to an understanding about that, just in terms of liability in this particular instance for this particular project. So, if you would like, I can...I can work on that between now and next...the next time this matter gets taken up.

COUNCILMEMBER PALTIN: I love that. Thank you so much. It's kind of in my ASF, but I didn't have the correct lawyer wording.

MS. DESJARDINS: I took a peek. Yeah, I saw that.

COUNCILMEMBER PALTIN: Okay. Wow, this round seems a lot longer. And then...let's see, what else. You're okay with the owner occupied in perpetuity and putting that in the HOA?

MR. CARNICELLI: We are.

COUNCILMEMBER PALTIN: And you're okay with no outdoor pets in response to the letter from DOFAW, and rodent, mongoose bait stations, covered trash receptacles, in response to DOFAW's letter as well?

MR. CARNICELLI: You know, I have to admit, I didn't get your entire . . . *(timer sounds)*. . . I didn't read your entire letter prior to...as far as like the additional things. But as far as the indoor pet thing that you and I talked about, yeah, we're good with

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

that. And I'm sure...the bait stations, I mean that's...that's going to be an HOA function. So if that's what DOFAW wants, then...then we're okay to do that.

COUNCILMEMBER PALTIN: Okay. Thank you. So the bell rang and I'm going to go mobile, I'm leaving on a jet plane. I'll continue --

MR. CARNICELLI: Safe travels.

CHAIR JOHNSON: Okay. Thank you, Councilmember Paltin. Excellent lines of questionings. Let's move on to Councilmember Shane Sinenci, followed by Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SINENCI: Mahalo, Chair, and mahalo for the continued discussion. I just had one more question. I guess we all...we all agree that Maui County, we're in an affordable housing crisis. And what I like about this project is all the different varieties, and you've kind of addressed all of the different AMIs with...with the way you've designed the...the units. So with that said, would Alaula Builders be open to submitting your certified plans as preapproved plans to kind of help with...streamline the permitting process within the County?

MR. CARNICELLI: Oh, I see what you're saying. Yeah, I think that that helps everybody. I would have to...I'm going to have to get the approval of my architect because, you know, he's the guy that stamps them, and he's ultimately the guy that, you know, would have to do that. But I think that...yeah, we've got a cool product that...that people can copy, and it works, and it creates more workforce housing. Let's do it.

COUNCILMEMBER SINENCI: All right, great. Thank you. Thank you, Chair.

CHAIR JOHNSON: Okay. And finally, let's go to Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: I just want to make sure Water, Shayne Agawa, said everything he needed to say. I think I took over...I took too much time. I just want to finish that conversation with Shayne, if he's still there.

CHAIR JOHNSON: Deputy Director Agawa.

MR. AGAWA: Thank you, Chair. Thank you, Councilmember Sugimura. Yeah, you know, prior to getting to the exemption, since that was brought up earlier, with regard to the water system development fee, although, you know, we suggested and asked the body to not grant that exemption, there are different avenues, as Councilmember Sugimura mentioned, in assistance to the developer when it comes to that fee. I want to reference the Fiscal Year '23 Project, Hale Pilina. There was a proviso made for that project in the Affordable Housing Fund...to use the Affordable Housing Fund for that purpose. So, I suggest that the body look

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

into that for this project as well. We understand that it is a big fee for the developer.

COUNCILMEMBER SUGIMURA: Thank you. I agree. But on the...the tenth request in the chart is talking about what you...the second item that you mentioned, which is temporary water meter fees also. So would that be covered under the Affordable Housing Fund too? Are you asking for an exemption for the requirement to pay that temporary water meter fee?

MR. AGAWA: We would also suggest the body to consider using Affordable Housing fee [sic] for that as well. The fee is not that great, but it is part of our revenue stream. With regards to the second point that was clarified by Mr. Carnicelli, as you all know, we're in a severe drought to...drought crisis here on Maui. So, to...for the Department to allow the use of potable water for dust control, we would not allow that. However, the use of the temporary meter, we would allow that for the portion that potable water would be required for the project, which would be the pressure testing, chlorination, and flushing of the...the water system. My understanding, in talking to Staff, is there are additional sources of nonpotable water in the area that the developer can look at for dust control.

COUNCILMEMBER SUGIMURA: We can have that conversation with the...I'm sure they would like to do that, right? Okay, so that's number 9 and 10 on your list of exemptions. So, I just wanted to make sure you got that covered. So, thank you very much, Department. And I guess, Public Works, you're fine with everything...by Department?

CHAIR JOHNSON: Director Molina.

MR. MOLINA: Hi, Chair, it's Jordan. Yeah, I mean we're comfortable that the project is paying attention to all these different factors going on, and they're responding to...to them.

COUNCILMEMBER SUGIMURA: Okay, great. Yeah, it sounds like it, right, they . . . *(inaudible)* . . . infrastructure and all of that that would impact the Department. So I want to make sure with that. Did you ask Eric Nakagawa to also be here? I didn't hear his name in the list of Departments...because I know there's Wastewater too. No, yeah. You didn't...you didn't mention Eric Nakagawa.

CHAIR JOHNSON: No, I don't see him as one of them that we --

COUNCILMEMBER SUGIMURA: Yeah, you didn't. Okay.

CHAIR JOHNSON: Oh, he's on call. I beg your pardon.

COUNCILMEMBER SUGIMURA: On call. Okay. Because I want to make sure that

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

Environmental Management...oh, we have to call him. So he's not ready yet, is that what you mean, Chair? Okay, I'll wait then.

CHAIR JOHNSON: Right. If you'd like, we can try to get him on...I can do . . . *(inaudible)*. . . I can do my questions, and we can call him in the meantime if you want to come back, if you'd like.

COUNCILMEMBER SUGIMURA: Okay. Okay, could you?

CHAIR JOHNSON: Sure.

COUNCILMEMBER SUGIMURA: I just want to make sure he's okay with this project, yeah. Thank you.

CHAIR JOHNSON: Okay. And then...okay. So then I'll go on to mine if...unless you have any other?

COUNCILMEMBER SUGIMURA: Yes, yes.

CHAIR JOHNSON: Okay. All right. Thank you for your questions, Councilmember Sugimura. So let me move on to some questions that was given to us from Councilmember Keani Rawlins-Fernandez. Okay. So, Department of Water Supply, in case the project may not qualify for exemptions under Title 14, can we hear some clarification on that?

MR. AGAWA: Could you repeat the question, Chair Johnson? Sorry.

CHAIR JOHNSON: Yeah, that's fine. It says that Department of Water Supply indicates the project may not qualify for exemptions under Title 14. Is that a thing you want to expand on, or is...that's...I think it...it's a question from the other Councilmember, she's not here, so I just read it off. Is that true, that you guys are not going to exempt them from Title 14?

MR. AGAWA: If that is in regards to exemption 9 and 10, then we stated our position on that already.

CHAIR JOHNSON: Okay. All right. Thank you so much. So the next one is about...probably for Director McLean. The County Code doesn't specify what types of businesses are permitted. So, you know, there's going to be some businesses in there. Is there...do we have a limit, or type of businesses that we're speaking on, Director Mclean?

MS. MCLEAN: That's an interesting question. I...yeah, I think the exemptions would have to reflect that because there is no reference to those kinds of uses. So, we would need to hear from the applicant what would be expected.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Right. Okay, then let's ask Mr. Carnicelli. What types of...what types of businesses are you talking about?

MR. CARNICELLI: The intent was to follow 19.67, which is the home-based business ordinance.

CHAIR JOHNSON: Okay. But within that Code, Director McLean is saying there isn't any types of a listing--or is that right, Director McLean, there's no listing in that Code on types of businesses?

MS. MCLEAN: There are...there are some restrictions on the types of businesses, and then there are pretty strict guidelines in terms of parking, number of clients that would come per day, things like that. So we would want to look at the exemptions to make sure that it's clear that that use would be allowed. So...or we can...we can work on some tweaks to the language down the road.

CHAIR JOHNSON: Okay. All right. Thank you so much. Now, I have a question from myself, and this is for Mr. Carnicelli. So, as you know, the past project that is coming along right now is Hokuau over on Lānaʻi. And we...during some of our modifications of that project, we asked if they could put aside some homes for our teachers because we're in such a crisis. So, along those lines, would...would you guys be amenable to having--I'm just giving you a rough ballpark figure--there's 10 homes at Hokuau out of 150 put aside for teacher housing. Would that be something you would be amenable to, or...it doesn't have to be teacher, it could be, you know, critical workers, or anything that we think of like a critical worker shortage. Our...our healthcare workers have been talking about how hard it is--your example of the cardiologist--but those types of things. Like for...based off of your...your...you know, your job.

MR. CARNICELLI: Right. Thank you, Chair. I appreciate that. And the hope is that all 202 families are that, right, that's...that's the design, that's the hope is that, you know, it's filled with teachers and essential workers and...and, you know, critical members of our community. You know, and to say, hey, listen, we would...you know, we want to go ahead and set aside, say, ten homes for teachers, of course, we want to do that, you know. But as we talked about, it's...it is going to come down to logistics, right, like how...how does that happen. Because right now, we're going to have...you know, because Hokuau is all rentals, right, so it's a little bit of just a plug and play. We've got seven different home types, over four different AMI categories. We're going to have four separate lotteries. So, does this add a fifth lottery, does it come before or not? Do they get to go into any AMI category, you know? It can get real complicated real quick. So, if there is some ways with which, you know, we can figure that out, let's do it. But it's...you know, but...you know, I also don't want to get into a situation . . . *(timer sounds)* . . . where we don't know how to follow the rules in actually trying

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

to, you know, say, do the lottery, just as an example. So, yeah, let's figure out how we can get some teachers in there, and if we can do that, great. But without some specifics, it's really hard to, I guess, get it done. So that's where we are with that.

CHAIR JOHNSON: Okay. And then my timer went off, but --

MR. CARNICELLI: I don't think they reset it when you went from Keani's questions to yours.

CHAIR JOHNSON: Well, I know, I still have time. . . .*(inaudible)*. . . Thanks. And we're at 4:15. So, Members, we're kind of at a crossroads here. I think what I...what the Chair would like to do is maybe have every...you know, we're doing a really good discussion here, round robin, but if anybody has any questions right now...because I don't really want to get into all of the modifications when we only have, you know, 15 minutes of it. So, maybe we can just wrap this up with so many last questions, and then we could...and then...or recess the meeting until our next time. But I figured if...since we're all here, and we can have this discussion, and then next round we get into that, as well as the...any amendments that you folks would like to propose. Because if we propose amendments right now, I don't think we'll get out by 4:30. So, does that sound good to you, Members...if you want to raise your hand for a question right now. I see Chair...or Councilmember Sinenci and Councilmember King. We can do a couple more rounds, and then we'll recess the meeting. So, Councilmember Sinenci, followed by Councilmember King.

COUNCILMEMBER SINENCI: Mahalo, Chair Johnson. Yeah, just a question for you. You're going to recess this, I believe you had a recess date of September 6th at 9:00?

CHAIR JOHNSON: That is correct. Thanks, and we'll put that on the record. So, the recess will be September 6th, 9:00 a.m., using the same meeting link.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR JOHNSON: Okay, and Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. So I had one more question for you, Lawrence. Because I'm really impressed that you put those tiny homes, even if they're not, you know, typical tiny homes, or one bedrooms. And when we tried to do a tiny home project several years ago in Kihei, we were told by Public Works that--you know, previous Director--that you would not be able to have prefab homes, every one would need to be inspected. So have you...have you had that same discussion? . . .*(inaudible)*. . .

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

MR. CARNICELLI: Yeah, the prefab home conversation is...is one that goes deep. Because if you...if you make a prefab home, they can't inspect it as you build it. So that's, you know --

COUNCILMEMBER KING: Right.

MR. CARNICELLI: -- it's just like okay, there's wiring in the walls, and plumbing, and everything like that. I know that FABMAC is doing it. We have talked to her, but there is a process that they're doing, you know, on the mainland before they ship them over. You know, there's 3D printing too. There's some things like that that are going on. So the prefab thing is still an ongoing conversation. Again, if it's something that we can do a better product for a better price, we're trying to ferret that out right now.

COUNCILMEMBER KING: Okay. You might want to check with Ray Phillips because he was the one that I was working with to try to do this project. And, you know, in order to make them as cheap as possible, they were going to be made in China. And then we were told by Public Works, you can't prefab them and ship them over because we then have to pull them apart so we can inspect them all. Even though they were all being built exactly the same, that was the whole idea of, you know, getting a preapproved plan, so that you could just replicate it and save so much time. So anyway, I just wanted to throw that out to you, and maybe talk to Ray about those conversations he had with Planning and Public Works back then, and why it wouldn't work. Even though we have an avenue called...I think it's Special Zoning for Experimental and Demonstration Housing, it doesn't seem to be usable in that way because of this issue of prefab. So anyway, I wanted to just maybe point you in that direction because I know you know Ray, and maybe find out if there is a way we can get around this. Because that would make things go so much easier and faster.

MR. CARNICELLI: Great idea. Thank you.

COUNCILMEMBER KING: Okay, that's all. Thank you, Chair.

CHAIR JOHNSON: Thank you, Councilmember King. Good points. Councilmember Sugimura, you requested the DEM to come back on to answer a question. And we have Bob Schmidt here, and he's online right now. So Deputy Director Schmidt, are you on the call right now? There he is. Okay. So Councilmember Sugimura has a question for you.

COUNCILMEMBER SUGIMURA: Thank you. It's exemption number 11 from the developer. So, I wanted to get the Department's comments, and I'll read this. It's requirement for payment of wastewater assessment fee, exemption to pay the Kahului-Wailuku assessment fee for the expansion of the wastewater treatment

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

plant will advance it. So not to pay that fee. I just wanted to get the Department's comments on that.

MR. SCHMIDT: Yeah, we're in support...we're in support of the project, but I like the direction Mr. Agawa was taking, if possible...if Council could make a way to help the Wastewater Department to receive those fees. Because it is...again, it's part of rates, you know, it's part of --

COUNCILMEMBER SUGIMURA: Operation.

MR. SCHMIDT: Right. And again, it's...it's up to you folks if you want to exempt that, but if there is a way, a possibility to reimburse us. or somehow fund it, it would be our preference.

COUNCILMEMBER SUGIMURA: Here's Mr. Rollins too.

CHAIR JOHNSON: Yeah. Mr. Rollins would you like to pontificate?

MR. ROLLINS: Thank you. That's a good question. Already in the Code, there's an exemption for 100 percent workforce housing from those assessment fees. Also, we are not collecting any assessment fees right now in the Wailuku area. We've repaid the loans that was set up as original.

COUNCILMEMBER SUGIMURA: So, you're saying not necessary?

MR. ROLLINS: Not necessary at this point. In the future, we may come back and try...and develop a new assessment fee based on where construction is done to increase capacity, but we haven't got to that point yet. But at the time that that happens, you know, there is the exemption for workforce housing already in Maui County Code.

COUNCILMEMBER SUGIMURA: Okay. Thank you very much. That's it. Thanks for joining our meeting.

CHAIR JOHNSON: Thank you. Okay, we have a question from Councilmember Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I did ask Mr. Carnicelli about this, but since we have Mr. Schmidt there, I was of the trust, but verify, to...just double checking that the Lower Main improvements that would allow that hook up until the Central Maui plant is finished has been completed?

MR. ROLLINS: I'm not sure Bob knows this, but yeah, all the improvements on Lower Main have been completed for us...to allow this hook up as were in our original conditions, but those improvements are done.

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER PALTIN: Okay. Thank you. You know, I trust Mr. Carnicelli, but just who did the . . .*(inaudible)*. . . Thank you, Chair.

CHAIR JOHNSON: Thank you for that. Okay, anyone else have any final thoughts before we move forward? Because I want to remind the Members that if you go onto Granicus--and I'll check it out, I think it's number 8, yeah--Granicus number 8 has the...it has the workforce...the Kuikahi Workforce Housing Project requested exemptions. So that's going to be your quote, unquote, homework for next round, okay. That's going to be all of their requested exemptions, and I think if...it's number 8 on Granicus. So, we'll come in on our next meeting, we'll be prepared, and we can go through one by one. The way we set it up was...it's going to be out of order, but don't worry. The reason why we set it out of order is because we put like the standard ones...you know, quite often, these projects, 2.97s, have standard requested exemptions, so we put those up front, just to kind of speed it up. The more controversial ones will be at the bottom of the list, the ones that we want to...maybe want to debate on will be lower. But the ones that we tend to give consensus on and just move forward, they're going to be at the top of that matrix list. So, that's...that's the plan moving forward, Members. And I think...one thing that I'm thinking about is the idea of...we're supposed to start at 9:00 a.m. on September 6th, but having gone pretty fast through this, I think we could start at 10:00 a.m., and I just want to kind of poll you guys, if you think 10:00 a.m. would be okay?

COUNCILMEMBER KAMA: Yes, no objections.

CHAIR JOHNSON: Any objections to starting a little later?

UNIDENTIFIED SPEAKER: No, Chair.

CHAIR JOHNSON: Okay. I see Councilmember King, go ahead.

COUNCILMEMBER KING: Is it already noticed for 9:00 a.m. though to the public?

CHAIR JOHNSON: It is noticed for 9:00 a.m. Staff, can we change that, or do we have to notify anybody? Okay. It seems to me that Mr. Raatz says it's doable, we can push it up to 10:00 a.m.

COUNCILMEMBER KING: But do we have to gavel out at 9:00, and then start it again at 10:00, or we can just go ahead and start at 10:00?

CHAIR JOHNSON: Maybe we should bring out Mr. Raatz on that one. I think...Staff is telling me we can start it at 10:00 a.m. That's what I --

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

COUNCILMEMBER KING: I...that's . . . *(inaudible)*. . . not violating any kind of Sunshine Law issue.

CHAIR JOHNSON: Right, okay. Here comes Mr. Mitchell, and he can speak on that. Mr. Mitchell, have you been following the questions? Do you understand what we're asking?

MR. MITCHELL: Thank you, Chair. Yes, you're actually setting a time for the recessed meeting today. So, if you decide to set it at 10:00, then you can do that.

COUNCILMEMBER KING: Oh, okay. I thought we had already set that meeting.

MR. MITCHELL: No, it hasn't.

COUNCILMEMBER KING: Okay.

CHAIR JOHNSON: Okay. So, Members, are you okay with a 10:00 a.m. meeting? All right.

COUNCILMEMBER KING: I'm fine.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR JOHNSON: All right. So, I want to thank everybody who participated in today's meeting. I look forward to our continued discussion on this topic. And Members, without objection, I'll recess this meeting until Tuesday, September 6th, 2022, at 10:00 a.m., using the same meeting link. The Council Chamber will continue to be our designated in-person testimony site. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

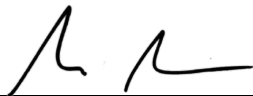
AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CHAIR JOHNSON: Okay. This...the 2022...or 9/1/2022 Affordable Housing meeting is now recessed until Tuesday. . . .*(gavel)*. . .

RECESS: 4:25 p.m.

APPROVED:



GABE JOHNSON, Chair
Affordable Housing Committee

ah:min:220901-d:slv:ta

Transcribed by: Terianne Arreola

AFFORDABLE HOUSING COMMITTEE MINUTES
Council of the County of Maui

September 1, 2022

CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 58 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 10th day of October 2022, in Wailuku, Hawai‘i

A handwritten signature in black ink, appearing to read 'Terianne Arreola', is written over a horizontal line.

Terianne Arreola