

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 4, 2011

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, NOVEMBER 4, 2011, BEGINNING AT 9:03 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui regular meeting of November 4, 2011 will come to order.

Mr. Clerk, may we have the roll call, please.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., G. RIKI HOKAMA, MICHAEL P. VICTORINO, MICHAEL B. WHITE, VICE-CHAIR JOSEPH PONTANILLA, AND CHAIR DENNIS A. MATEO.

EXCUSED: NONE.

COUNTY CLERK: Mr. Chairman, all nine Members of the Council are present.

CHAIR MATEO: Thank, thank you, Mr. Clerk.

Members, this, this morning our colleague from the Makawao-Haiku-Paia area will be providing the opening remarks for us.

Mr. White.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael B. White.

PLEDGE OF ALLEGIANCE

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

CHAIR MATEO: Thank you very much, Member White, for your opening remarks. Definitely let us not forget the sacrifice and the commitment, not only of our vets, but of the families of all the, the vets as well who also contributed much in the sacrifice.

Mr. Clerk, proceed.

COUNTY CLERK: Mr. Chairman, proceeding with the presentation of testimony on agenda items. We have received requests from four individuals wishing to offer testimony. Shall we proceed?

CHAIR MATEO: Thank you. Before the Clerk calls up the first individual to provide testimony to the Council this morning, the Chair would like to set the parameters for testimony. We welcome anyone wanting to provide your comments to the Council. You will be allowed to speak for three minutes on any of your items posted on this morning's agenda.

When your name is called please advance to the podium, state your name for the record. If you represent a group or organization, please so state the name of that group or organization as well.

A lighting system on the podium is there to assist you with your testimony. At the start of your comments, the green light will be lit. At the two-minute thirty-second mark the yellow light will be lit, letting you know you have thirty seconds to conclude. And at the conclusion of three minutes, the red light will be lit letting you know you will need to stop. If you need additional time to conclude your remarks, an additional minute will be provided to you.

And for those of us with cell phones or other noise-making devices, this would be a good time to please turn them off or set them on the silent mode. Decorum in this chamber will be maintained.

Mr. Clerk, call up the first testifier.

COUNTY CLERK: Calling, Dr. George Lavenson. Mr. Lavenson will offer testimony on Bill No. 62.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

DR. GEORGE LAVENSON [testifying on Bill No. 62 (2011)]:

Good morning, everybody. And first, I'd like to, having been involved in a few of the conflicts that were mentioned by Councilman White, I'd like to thank him for his acknowledgement and comments.

What I'd like to, I'm a, not only a physician, but a private pilot which is not always a good combination. But I would like to speak to the location of this project near the Kapalua Airport on the Westside. I spoke to that once before. But I think it is really inappropriate and almost crazy to put a development right next to an airport for the following reasons.

Almost invariably, even though people are warned beforehand and sign beforehand, those 800 families will complain about the noise and danger and will affect political decisions that almost invariably lead to the closure of small community airports. Not big ones, I think there was some misunderstanding about that before, not San Francisco, but the community airports. And we need the airport in West Maui, not only for convenience for the community, but for safety, medical evacuation, all kinds of transport in the face of emergencies.

The AOPA, airport, the Aircraft Owners and Pilots Association established a separate organization, the ASN or Airport Support Network to try to prevent this kind of incompatible land use next to an airport because it leads to the closure of the airport and hurts the community. Very often, such land is used by developers because it's cheap and it's cheap because of the danger and because of the noise.

If additional houses and developments of this stature are needed on the Westside, in spite of cars backing up at streetlights, the smell of sewage almost continuously along the highway, the school situation, etc., if such a large development is to be done, there is other land and it doesn't need to be right next to that airport. And so, I would ask that you reconsider perhaps table and delay. I have provided information for you to look at and see if we can't find a better site for such a development and next to a very essential airport because of the risk of closure. And I thank you very much for letting me come and address this issue again.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

COUNCILMEMBER COCHRAN: Chair.

CHAIR MATEO: Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Good morning, Doc Lavenson. So, I was just curious, is this Kapalua Airport represented in this AOPA? They--

DR. LAVENSON: It was evaluated by the FAA. And the FAA in okaying it, all they do is indicate there is no risk to the approaching and departing aircraft from a high structure, either blocking Runway 02 and Runway 20. And it does not attest to the safety, it's a good question, it does not attest to the safety of the people on the ground.

There is a good deal of the noise involved because the runway's only 3,000 feet long and requires power, not only a lot of power taking off, but power to come in in order to exactly hit the end of the runway.

COUNCILMEMBER COCHRAN: So--

CHAIR MATEO: Go ahead.

COUNCILMEMBER COCHRAN: Chair. Doc, so we do or do not have a representative from this organization that speaks for Kapalua? That's what I was asking. This organi, the AOPA, the group.

DR. LAVENSON: Oh, the AOPA.

COUNCILMEMBER COCHRAN: Is there this, is Kapalua represented by this group? Is there a voice in this group for Kapalua?

DR. LAVENSON: No.

COUNCILMEMBER COCHRAN: No.

DR. LAVENSON: There isn't, the national organization, and they have a, a network at different communities to address this.

COUNCILMEMBER COCHRAN: Right.

DR. LAVENSON: They do not have one specifically for that airport and that is why I am, as a member of AOPA, attempting to represent them. I'm sorry, my hearing isn't too great. I missed your question.

COUNCILMEMBER COCHRAN: Okay, thank you. Thank you, Doc. Thank you, Chair.

CHAIR MATEO: Thank you. Members, further clarification? Thank you, Doctor.

DR. LAVENSON: Thank you very much.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Neith Maddox. Ms. Maddox will offer testimony on Committee Report No. 11-119 and 11-122. She'll be followed by Irene Bowie.

MS. NEITH MADDOX (testifying on Committee Report Nos. 11-119 and 11-122):

Good morning, Council Chair. My name is Neith Maddox and I would like to talk about the items on the Civil Defense. The first one is about some of the grant money that is being given to the Civil Defense. I agree that is a good thing, though I just would like to point out that the Civil Defense is not truly prepared.

I have been doing my research on what the multi-hazard mitigation plan is about and it's all good that this \$20,000 is going to be for training but it's not going to accomplish but just a little band-aid.

I also read these papers that this right outside because right now we have some flood possibilities, right? And one of the things that comes to my mind right now, it says that, the Maui County show coastal . . . that are likely to be affected by the waves. You know, all the island is going to be affected because almost all the development on Kahului, Paia, Kihei, Kaanapali is on the tsunami zone. So what I really would like you to consider at this time is to revamp the Civil Defense. It, it, it doesn't have what it needs. It doesn't have the future vision to acknowledge these problems.

There is a, a few things that are possible to do. They don't have to cost too much money but the, the really root of this is land planning so not to plan in areas, not to develop in areas. We don't have to start putting band-aids, we have to address the problem from the root. So land planning has to stop in areas where we have tsunami zones so that we don't lose lives.

Building codes have to be revamped too. We have in the multi-hazard mitigation plan says that we will have so much . . . if one of these situations happens, and it's basically because we have a lot of wooden structures and that, you know, wooden structures work at certain point. But when we have typhoons, tsunami, earthquakes, I think getting a better building code will really help in this issue and also in the life of the buildings so that we don't have problems with the . . .

CHAIR MATEO: You can go ahead and continue on your next item.

MS. MADDOX. Okay. Well, the next one is, I'm also happy that some of this money from Civil Defense is going to the Police. And let me just put you an example of what I'm talking about. If you will be, well maybe not you but one of your dear family members will go to the Makena Beach, and I talk to this about with Ms. Anna Foust, if you will go to the Makena Beach and there is a tsunami coming in the next 20 minutes which could happen too, right? What is your road to evacuate?

There is so many people there, so many tourists there. You are in flip flops with swimsuit maybe with some kids and all the tourists are going to be in panic just like you and everybody is going to try to run into their cars and try to go in that one road from Makena to where? Because everything is flat, right? There is no way that people is going to be safe.

So I propose for example, this is just an example, to have a tsunami shelter right there on Makena, right on Big Beach. It, it may cost some money but allocating some of this money to the police to put a patch when we can actually solve the problem, save all these lives, tourists lives, right, and your lives probably too. We don't really have to wait until one of these big problems happen for us to say, all right, yes, we need a tsunami shelter at the Big Beach or Paia because in the last tsunami 50 people die and now our tourists went down. Do we, do we really have to wait until that time? I mean can't we do some things before that happens?

Update our building codes. You know, maybe not move the whole town but start developing up so that we don't have to be having problems with now you know planning of moving the Kahului Plan because it's in the tsunami zone to begin with, you know, we can start already thinking about how to plan.

I'm here to help. I have told Anna Foust, I have sent emails to the Mayor, and I'm just a concerned citizen. I'm here to help. Sorry, makes me upset, too. And if you the Council wants, I have my email. Email me, I can help save so many lives, possibly your life, you know my children's life. I go to the Paia Beach, I wouldn't like a situation like that. Just need to email me, I will be really happy to come and help the County to take a vision on what needs to be done. You got any questions?

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

COUNCILMEMBER COCHRAN: Chair, Chair.

CHAIR MATEO: Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Ms. Maddox for being here. I appreciate your heartfelt testimony. I'm just curious, what kind of feedback did you get from Ms. Foust or, or Mayor's Office?

MS. MADDOX: From Ms. Foust, there is really, she doesn't have the capability to do that right now. You can see right now in the item, 11-122, 250,000 are going away from her department. That's just a, an example but even in her department the, there are some things that need to be accomplished that, as I say, it's a long-term vision.

I think the, one of the major issues, you know we are in an island, one of the major issues that we have is that we are looking at the Civil Defense Department as a side department and or land planning and building codes, everything comes first and then we, as the Civil Defense for recommendations, it can be a recommendation.

Really, the Civil Defense is there to help us and it seems like there is not the opportunity for their part to do it because they don't even have the resources. I ask, Ms. Anna Foust, if there is an employment opportunity for me there to help. And she said, "well, if I will have the resources". You know, I believe she doesn't. I mean, I see it here, so I can help with whatever is needed. This island needs not use patches, band-aids, it needs, you know, an overall vision.

COUNCILMEMBER COCHRAN: Thank you, Ms. Maddox. Thank you, Chair.

CHAIR MATEO: Thank, thank you, Ms. Cochran. Members, further needs? Thank you very much, Ms. Maddox.

MS. MADDOX: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Irene Bowie. Ms. Bowie will offer testimony on Committee Report 11-125. She will be followed by Navayo Caiserman.

MS IRENE BOWIE (testifying on Committee Report 11-125):

Good morning, Chair and Councilmembers. I'm Irene Bowie, Executive Director of Maui Tomorrow Foundation and I'm happy to be here this morning to see the steep terrain ordinance before the full Council.

I'd like to point out an article that was in Wednesday's Maui News, "Climate Scientist World to See More Extremes", and it states in this "experts on extreme storms have

focused more closely on the increasing number of super heavy rainstorms. By the end of the century, the intense single-day rainstorms that typically happen once every 20 years will probably happen about twice a decade". So I think this is a timely article in the, in the consideration of the steep terrain ordinance.

The Council has been discussing this since 2009. It, it has passed through the Infrastructure Committee and we're, we're very happy about that. At, at the last meeting of the Infrastructure Committee, I was a little disheartened how the representative of the Hawaii Professional Engineers Association come before you and state that the average degree of slope that's looked at in these ordinances was 50 percent.

In 2006, our State Legislature issued this report, which studies similar ordinances across the country. There's 24 statutes at the time that this was put together in 2006 and the slope percentage ranged anywhere from 15 to 20 percent up to 40 percent so I don't know where a 50 percent figure would come from. Honolulu has the ordinance at 40 percent as I think just about all of you are familiar, we've talked and talked about this.

I think our ordinance is better than that. We've had Public Works weigh in on this, they're comfortable with it. I think it's really ready to go, it's timely. I just hope that that it can finally move forward. We owe it so much to the folks, not only in Wailuku Heights but concerned citizens now in West Maui and other areas where, where different events have begun to happen. We've got a, a storm today, you know, we, we need to move forward on this. So I appreciate everybody's input and consideration and I hope we can finally make this final. Thank you so much.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you, Ms. Bowie.

Mr. Clerk.

COUNTY CLERK: Calling Navayo Caiserman. Mr. Caiserman will offer testimony on Bills 62, 63, and 64.

MR. NAVAYO CAISERMAN [testifying on Bill Nos. 62 (2011), 63 (2011), and 64 (2011)]:

Aloha, my name is Navayo Caiserman. Aloha, Members of the Council. You know, I'm kind of surprised actually to, I came down here today I thought that it would be a lot more people here in support of this bill or even against it. Even just on my way here from the, I stopped at the store, and people made comments. Normally I'm dirty and I got, not shaven, my work clothes on and they ask me where I'm going.