

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 10, 2012

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, APRIL 10, 2012, BEGINNING AT 9:05 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui regular meeting of April 10, 2012 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, VICE-CHAIR JOSEPH PONTANILLA, AND CHAIR DENNIS A. MATEO.

EXCUSED: COUNCILMEMBER MICHAEL B. WHITE.

(Councilmember White was not present when the roll was called; however, he arrived at 9:07 a.m.)

DEPUTY COUNTY CLERK LANCE TAGUCHI: Chairman, there are eight Members present, one excused. A quorum is present to conduct the business of the Council.

CHAIR MATEO: Thank you. Members, this morning our colleague from East Maui will be providing the opening remarks for us.

Member Carroll.

OPENING REMARKS

The opening remarks were offered by Councilmember Robert Carroll.

(Councilmember White arrived at 9:07 a.m.)

CHAIR MATEO: Thank you, Mr. Carroll. Will everyone please rise and join us in reciting the Pledge of Allegiance.

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, Mr. Carroll, for those opening remarks.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, proceeding with testimony on ceremonial resolutions. We have no requests from individuals who wish to offer testimony on the ceremonial resolution. Shall we proceed?

CHAIR MATEO: Proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with ceremony, the ceremonial resolution.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 12-31

CONGRATULATING SCOTT FISHER FOR BEING
NAMED SUNSET MAGAZINE'S 2012
ENVIRONMENTAL HERO UNDER THE AGE OF 40

CHAIR MATEO: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes. Thank you, Mr. Chair.

I MOVE THAT RESOLUTION ENTITLED "CONGRATULATING
SCOTT FISHER FOR BEING NAMED SUNSET MAGAZINE
2012 ENVIRONMENTAL HERO UNDER THE AGE OF 40", BE
ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: It's been moved by Mr. Victorino and second by Mr. Couch to adopt the proposed resolution.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. I, with your permission, may we have the resolution read in its entirety?

CHAIR MATEO: Mr. Clerk, please read the resolution.

(The resolution was read in its entirety.)

CHAIR MATEO: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair, and my fellow Councilmembers, and all our honored guests. This morning I am extremely honored to present this resolution honoring Scott Fisher for the tremendous honor bestowed upon him by the Sunset Magazine.

We all know that the ongoing work to preserve precious coastal lands, dunes, and places of special to the islands, and we'd like to thank him for all his efforts. This national acclaim brings Maui County into the spotlight as a place that cares about its eco-system, waterways, cultural practices, and have Scott Fisher to thank for. And it's a well-deserved honor that I also wish to recognize the Hawaiian Island Land Trust who also, Scott's employer for their vision to preserve and protect our very special places and keeping Maui County truly no ka oi.

I humbly ask all my fellow Councilmembers to support this resolution and join me in recognizing Scott for his tremendous contributions to Maui County and the State of Hawaii. And Mr. Chair, I will close with saying that it is always an honor to recognize people, but especially young people, because many times we do not look upon our young as being active members of our community; it's that "I" generation. But Scott's a shining example, a shining star amongst this generation that will continue to preserve what we love most about Maui County: our open wetlands, our coastal lands, dunes. He has been a true shining star in that respect, Mr. Chair. I humbly ask all my colleagues to support this resolution. Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion?

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Chairman, I, I too would like to congratulate Scott Fisher for being named Sunset Magazine 2012 Environmental Hero Under the Age of 40. As, as you know, Chairman, further in our agenda this morning we do have a resolution also to preserve coastal lands for Maui County. You know, a, and it's going to bring, brought up on, on first reading, the purchase of 67 point somewhat acres in North Waihee. So, you know, I, I think Maui County is very environmental conscience in regards to preserving our coastal lands and, and I really appreciate what Mr. Scott Fisher has done for this County. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? Hearing none, all those in favor of the motion to adopt the resolution entitled "CONGRATULATING SCOTT FISHER FOR BEING NAMED SUNSET MAGAZINE'S 2012 ENVIRONMENTAL HERO UNDER THE AGE OF 40", signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH HOKAMA, VICTORINO,
WHITE, VICE-CHAIR PONTANILLA, AND CHAIR
MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. With your permission, I'd like to call Mr. Fisher up for, to say a few words and to present him with his certificate.

CHAIR MATEO: Thank, thank. Mr. Fisher, please join us at the podium.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. I take great honor and pleasure to introduce Mr. Scott Fisher, the Sunset Hero Under 40 Environmental Award winner. Congratulations. Here is your certificate. And would you bless us with a few words, both in Hawaiian and English. How's that sound?

MR. SCOTT FISHER: On the spot.

COUNCILMEMBER VICTORINO: On the spot.

MR. FISHER: (*Spoke in Hawaiian.*)

And it's, it's truly an honor and, and I'm not too often at a loss for words as my co-workers will, will attest. But I just want to say how much I appreciate your support, your support over the years, the Council's support in particular. Maui is truly blessed with an incredibly healthy environment and we need to do everything we can to protect that environment.

And I also want to recognize both my co-workers who really make everything that I do possible. We all work together, it's a, it's an incredible team, as well as our Board of Directors, our Island Councils and all the, the people who really contribute so much, both volunteers and everybody who contributes. So thank you so much, really can't tell you how honored I am. Mahalo.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

CHAIR MATEO: Mr. Clerk, proceed.

Mr. Clerk.

DEPUTY COUNTY CLERK: Oh, for the record, RESOLUTION NO. 12-31.

Chairman, proceeding with the presentation of testimony on agenda items. We have received 22 requests from individuals who wish to offer testimony on agenda items. Shall we proceed?

CHAIR MATEO: Mr. Clerk, thank you. Prior to proceeding, the Chair would like to recognize the presence of Councilmember White with us this morning. Thank you, Mr. White.

For those individuals wanting to provide testimony this morning, the Chair would like to set the parameters for all of the testifiers. We welcome anyone wanting to share your comments with the Council this morning.

You will be allowed to speak for three minutes on any of the items posted on today's agenda. When your name is called, please advance to the podium, state your name for the record. And 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 three-minute mark, the red light will be lit. If you need an additional minute to conclude your testimony, that time will be provided for you.

For those of us with cell phones or other noise-making devices, this would be a good time to either turn them off or set them on the silence mode. Disruptions in this chamber will, will not be tolerated. Decorum will be maintained at all times.

Mr. Clerk, can you once again tell us how many individuals signed up for testimony this morning?

DEPUTY COUNTY CLERK: Chairman, there are 22 requests from individuals.

CHAIR MATEO: Thank you. Call up our first testifier please.

DEPUTY COUNTY CLERK: The first person to testify is Jonathan Starr, testifying on Committee Report 12-44, followed by Kathleen Phillips.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JONATHAN STARR (testifying on Committee Report No. 12-44):

Good morning. My name is Jonathan Starr, and thank you, Chair Mateo, Vice-Chair Joe Pontanilla, and, and Councilmembers for the opportunity. And thank you for honoring Scott Fisher who's really becoming a leader in the world of environmental conservation.

I'm here about a resolution, I believe it's 12-44, relating to complete streets. And I just want to thank you for the, this step and the process of moving forward with making our communities safer, more walkable, more bike-able. And I just urge you to continue this process in the months and years ahead.

And every time, you know, we build a road, every time, especially, we work on an intersection we need to be aware that young children will need to be able to safely cross this and move on their way to school so that it becomes safer for them to walk to school. Think about young children on bicycles, think about Kupuna who walk very slowly and really have a difficult time crossing six, seven lanes of, of traffic in one go. So we need to give them refuge and make it so that they can move through our, our wonderful islands with safety and enjoy doing it. So thank you, Members, and I give you aloha.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Kathleen Phillips, testifying on Committee Report 12-44, followed by Duke Sevilla.

MS. KATHLEEN PHILLIPS (testifying on Committee Report No. 12-44):

Good morning, Chair Mateo and Councilmembers. My name is Kathleen Phillips and I'm an advocacy volunteer for AARP Hawaii as well as President of the Kula AARP Chapter.

AARP is a membership organization of people 50 and older with more than 18,000 members on Maui. We support CR 12-44, which establishes a Complete Streets policy for Maui County. AARP supports complete streets because complete streets facilitate multimodal transportation options by making it safer and more convenient for walking, bicycling, and accommodating people with disabilities. Complete streets are physically responsible. Complete streets promote physical activity. All of these complete streets benefits can contribute to an individual's ability to age at home in his or her community and maintain important social connections that benefit both the individual and the community.

Hawaii is the most dangerous state per capita in the Country to be a pedestrian age 60 plus. Maui County needs a Complete Streets policy, which will ensure that all

users of the road are considered when new projects are being developed and maintenance, and . . . are being completed.

On a personal note, I'm very concerned about the safety for our schoolchildren, seniors, and pedestrians, who have to walk along Haleakala Highway and many of our other streets. The conditions are bad. There is little or no walking space in many areas. Safety conditions for the pedestrians must be addressed.

Several months ago, I personally saw a child walking home from school, slip and fall onto oncoming traffic. I was terrified. It was a miracle that he was not hit. I also had an, I was driving home from work late at night one day and this lady had car trouble. There was nowhere for her to walk. She was walking along the highway and a car almost hit her. I was terrified for her also. I worry about myself someday if I have car trouble and I must walk along that highway.

We really must take a look at complete streets. We urge you to vote yes on this, on this resolution. Thank you for allowing me the opportunity to testify. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Duke Sevilla, testifying on Committee Report 12-41, followed by David Lanning.

MR. DUKE SEVILLA (testifying on Committee Report No. 12-41):

Aloha Kakahiaka. Aloha Councilmember Mateo and Councilmembers. First of all, I want to say, I want to support them too, on that roadways thing. Boy that was a good thing. Anyway, I'm Duke Sevilla and I represent myself, my family, and the members, the community members of Paukukalo.

I am here again in requesting that acquisition of Ka`ehu be approved and not delayed. We all have a great opportunity in keeping Ka`ehu clear of development and to have restoration done on the land.

We have been having community meetings with positive input and representation of the families that live in the area and groups who want to help in the preservation.

Now, most of you know of me and the work that I do in the community. You have my word and confidence that if this land is acquired that I will do the best that I can in

helping as one of the leaders to move forward to help guide all the groups involved in the restoration of Ka`ehu.

Please kokua to say "yes" to the acquisition of Ka`ehu. Let this "yes" decision be a legacy for all of us for the future generations to acknowledge that this County Council of 2012 made a pono decision.

Before I end, I want to read a little thing that I got out of this book from Inez Ashdown, a historian, "Ke Alaloa O Maui". And it says over here, it's kind of interesting because you know, Scott Fisher just got an award from Waihe`e and I'm going to start from that paragraph on. It says over here, "Over at Waihe`e, on the former dairy lands of Wailuku Sugar Company, where Harry Penhallow founded a dairy while he was manager back in the days of 1915 to 1925, the Heiau and the houses of Ko`i remain as ruins. Ko`i had an underground pool with fish that entered via secret canal that opened on, that opened on the beach below. That place and the temples of Hale Ki`i and Pihanakalani at Paukukalo, have all strong mana. The spirits continued to walk on certain nights and people often hear their chants and drums. Below Paukukalo, parts of the twin fish ponds remain, and the spring still flows there, or it use to flow, just below the house of A.B. Sevilla, and that was my dad's house. Old Hawaiians keep the name of that spring as a loved secret, because their ancestors making pilgrimages to the twin temples use that spring and it was very sacred water. The name means all that is pure and life giving." Thank you. Have a great day. Aloha.

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

MR. SEVILLA: Okay.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, David Lanning, testifying on Committee Report 12-41, followed by Arnold Wong.

MR. DAVID LANNING (testifying on Committee Report No. 12-41):

Good morning, good morning. Aloha. Oh, can you, can you hear me? Okay. Yes, I'm recently, my wife and I adopted, I should say we purchased some land on Kukona Place. And just a little story, in the process of purchasing that land I went out with the realtor and we walked to the back, it's a, there's a little stream back there. And immediately I got a feel that it's a power spot, that it's, it's got a, a spiritual sense to it. And I thought this is home, you know, we, we found home. And then as we, as time

went on we got to know the community and then some of the issues that were going on with this land that we're talking about.

We're talking about the adoption of this resolution to purchase TMK, the 63 acres down there. And it brought back memories. I'm from Wyoming and I've seen a lot of land go this way where it starts out land of the people and it becomes land of big industry. And in the case of Wyoming, it was oil and gas. And it was never the same. I mean they said it was going to be the same and it was never the same. It's, once it's touched, it's, it's gone. And, so it's, it's a, it's a sad thing. It's not a, it's a sad thing to see that happening and I see that happening with this land and that's something that we need to keep with the people.

We need to keep this land with the people that has such a historical background to it that's magnificent and, and, and I'm afraid if we don't purchase this land, the County and we, we protect it from now on, that it will be lost forever.

And, and, and like, I would like to say something from Chief Seattle, "We do not inherit the Earth from our ancestors, we borrow it from our children." And that's it. Thank you. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Arnold Wong, testifying on Bill No. 30, followed by Lea Hong.

MR. ARNOLD WONG [testifying on Bill No. 30 (2012)]:

Morning, Mr. Chair and Members of the Council. My name is Arnold Wong speaking on behalf of the Ironworkers Stabilization Fund. I just wanted to say we're in strong support of Bill No. 30. The reason for this is we have a lot of members who are out of work right now and some of them had to move to the mainland while leaving their ohana here just to pay the bills. And we believe that this bill will assist in bringing back our members back home. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Lea Hong, testifying on Committee Report 12-41, followed by Mark Tracy.

MS. LEA HONG (testifying on Committee Report No. 12-41):

Aloha. My name is Lea Hong. I'm the Hawaiian Islands State Director for the Trust for Public Land. I'd really like to thank the Council and the Finance Committee for their support and careful scrutiny and guidance throughout this process. And I apologize very respectfully for some of the timing issues that arose during this process and hope that we can work with the County very productively from this day forward.

And I'd also like to thank the Council; the Administration; the Director of Finance, his staff; and the Corporation Counsel, Richelle Thomas *[sic]* and Pat Wong for their hard work on this matter. I did submit written testimony that I won't repeat, but I will stand by as a resource person for questions. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Mark Tracy, testifying on Committee Report 12-41, followed by Ki'i Kaho`ohanohano.

MR. MARK TRACY (testifying on Committee Report No. 12-41):

Good morning Chairman, Councilmembers. My name is Mark Tracy. I've been a resident of Maui County since 1976. I'm here to offer my testimony in regards to CR 12-41 in support of the resolution of Maui County to purchase the 64 acre Paukukalo coastal wetlands property that faces Ka`ehu Bay.

This property is unique for many reasons. Not the least of which is it is most likely the last opportunity to preserve a significant chunk of oceanfront open space so close to the County seat and urban center of our island. By purchasing this property, the County of Maui will realize a tremendous opportunity to preserve this open space in perpetuity.

As well planned communities benefit from greenbelts and open space being dispersed amongst the developed areas that often reside near it, excuse me, any well-planned community benefits from that. We have an opportunity today to decide

that this land is too important to chance it not being kept open. So I ask you, our representatives, to do the right thing and buy this land for what seems to me a bargain basement price I might add, under \$16,000 an acre for land that's simply irreplaceable. And if this opportunity is not acted on, I can't even imagine an alternative coming around the corner anytime soon.

By purchasing this land, Councilmembers, you will do so knowing that it for, will forever remain available to the community as a view plain, a natural and cultural resource, a visual and actual respite from the increasing density of Central Maui.

I want to acknowledge the work that the Trust for Public Land has done in bringing this opportunity to us today and I hope that the Council can carry it forward to the next logical step. Thank you very much.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Ki'i Kaho`ohanohano, testifying on Committee Report 12-41, followed by Bud Pikrone.

MS. KI'I KAHO`OHANO (testifying on Committee Report No. 12-41):

Aloha no. I'm here to testify on behalf of Ka`ehu once again. I represent a few various groups: Wahine Ho`opa`a; Na Wahine a Kauhiakama; Na Makua `o Punana Leo o Maui; and Women Who Care, a non-profit organization. We've all had various attachments to this property. We've, you know, done various things to malama this place throughout the years and have run amazing programs, which we hope to continue in the future here on this aina.

I also represent my keiki and my ohana who have genealogical ties to this place, kala mai. We have shared many memories at this place and hope to be a part of lifting it up in future restorations so that it can remain a resource for generations to come. I have witnessed your enthusiasm in the past to support this project and we have an amazing management team that has continue, that continues to grow and expand.

I truly hope that you folks stand by your commitment to supporting our vision that we hold for this place to be a resource for all, for years to come. It is a monumental opportunity we have here and the bottom line is we are at your mercy. The time is now to save Ka`ehu. We will fulfill our commitment to care for this place. I promise you that. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Bud Pikrone, testifying on County, Committee Report 12-45, followed by Pohaku Kaho, excuse me, Pohaku Kaho`ohanohano.

MR. BUD PIKRONE (testifying on Committee Report No. 12-45):

Good morning, Chair. Good morning, Councilmembers. My name is Bud Pikrone. I'm here representing members of the Wailea Community Association. As I have testified previously on the vacation rental bill, that we consider this basically bad law, taking a blanket approach to an issue that we believe needs to be handled in the Maui General Plan and in the community plans.

The County website states that "Hotel districts are intended for short-term rentals. Residential districts are intended to provide for long-term housing to our residents. Agricultural districts are intended for farm uses." It goes on to further state that "The Planning Department prepares draft zoning plans. Public hearings are held by the County Council, who then adopts ordinances designating the different zoning districts." This bill in essence basically eliminates one of those districts: residential, the district intended to provide for long-term housing for our residents.

The reasoning has been said that, well it's to control the over for, 1,500 illegal rentals existing today. But as we have seen, enforcement is not always forthcoming, it's very difficult. And we have also seen there is no increase in enforcement personnel in the County budget to assist with it. The illegal rentals operate today illegally to avoid the additional cost of management and taxes, and they do it with little fear. So what does this bill do to change that that couldn't be done today without changing zoning districts?

This bill has also been touted for providing jobs. But again, you aren't creating anything that isn't already being done albeit illegally. The only profits will be for the investors and for the realtor managers handling the properties. And at the expense of who? Those residents seeking long-term housing. I believe it was not too long ago that this Council was debating on how to find more housing for residents. And now you're discussing giving it away to basically the highest bidder.

People have moved into these residentially zoned districts with the concept of being part of neighborhood communities; a place where people settle down to live and develop friendships, a sense of place, somewhere they can call home to enjoy; all with the belief that their County was protecting their chosen lifestyle in a residential district. This bill erases that security, that sense of place, that dream; all for a small number of people, many of whom don't even live on Maui.

Specifically for Wailea, we have quite a variety of vacation rentals; whether they're condos, villas, townhomes, hotels; and now to potentially add in homes. We have a good mix there. So why not put zero? You've put a limit on Maui Meadows, why not put zero?

So anyway, I again, would like to say that, finish by saying that this should be discussed in the community planning process so that it can be properly planned in the areas of greatest need and not by wiping out a zoning district with what I think is an ill-fated blanket approach. Thank you.

CHAIR MATEO: Thank you. Members, is there a need?

Go ahead, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Mr. Pikrone, are you representing the Wailea Community Association on this?

MR. PIKRONE: Yes.

COUNCILMEMBER COUCH: That is their stance?

MR. PIKRONE: Yes.

COUNCILMEMBER COUCH: Odd because several of the members said that that wasn't their stance as an association. Okay. And then the other thing, in your testimony you are advocating for illegal jobs?

MR. PIKRONE: No. I'm saying--

COUNCILMEMBER COUCH: You said we already have the jobs and they're albeit illegal.

MR. PIKRONE: Albeit illegal.

COUNCILMEMBER COUCH: Thank you.

CHAIR MATEO: Members, further need for questionings? Thank you, Mr. Pikrone.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Pohaku Kaho`ohanohano, testifying on Committee Report 12-41, followed by Charles Jencks.

MR. POHAKU KAHO`OHANO HANO (testifying on Committee Report No. 12-41):

Aloha Chair and Councilmembers. My name is Pohaku Kaho`ohanohano. I'm here on behalf of the acquisition of Ka`ehu properties down in Waiehu.

I remember this place as a child, going there with my grandfather. This is a place where he fished. He, he was born and raised up in upper Waiehu. So we're familiar with the mountain and the ocean. My first food as a child was the poi from the taro that my grandfather grew in upper Waiehu and the fish down at lower Waiehu. My ancestors go far back in Waiehu and, you know, I'd like to see it. My descendants, you know, say the same thing for us.

I feel good. I, I think this property, you know, is, is going to sustain, you know, a lot of people just culturally, physically, and probably nourish us in the future. I have a, a thing that I had shared with the last time I testified. This was, this is a great mahele claim from Charles Kanaina, which was the father of King Lunalilo. He claimed these properties at Waiehu for his son, Lunalilo, who was to become king. So this was in 1848. So, William Lunalilo was only 13 at the time. So they were claiming these lands for William Lunalilo. Being 13, you know, it's pretty amazing. They saw the future in this, for their, you know his son.

I want to see the future of that area. It's never been developed, ever. I don't want to see it developed. I would love for my children to walk on it, to go to the ocean, you know, feel the land, get their hands dirty, have pride in, you know, the, the area they come from.

The, in the, in the great mahele claim, Charles Kanaina had said, you know, (*Spoke in Hawaiian.*). So everything associated with these lands from the ocean to the mountain is kapu. (*Spoke in Hawaiian.*). So places of work and places to be left open forever. So he put this, stated this over 150 years ago. And then he goes on and says, (*Spoke in Hawaiian.*). So for, for them to, all the, the rock fisheries or the fishponds, these, these fishponds sustain the kings, our kings and queens for generations, many generations and I just want to be able to eat from these areas still

and share with my kids and grandkids forever. So I just, you know, this is made for all of us. This place is for all of us, all of your children, grandchildren, and ours. If it's lost then we may never be able to step foot here again, you know. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Charles Jencks testifying on Bill 30, followed by Becky Collins.

MR. CHARLES JENCKS [testifying on Bill No. 30 (2012)]:

Good morning, Mr. Chair, Members of the Council. My name is Charles Jencks. I'm here today to lend support to the status of Bill 30. It was revised at the last meeting of the Council on first reading. I'm just here to tell you today that I urge you to pass it out as presently drafted. Appreciate your efforts on our behalf.

I would also ask that you, of course, properly vet and evaluate the proposals from the Department of Water Supply in their, in the current budget with regard to source development and supply development in Maui County. I would say to you that I think they're on the right track with some of their proposals. Listening to the Director, David Taylor, I think hopefully if you follow the line of logic and, and their plans properly vetted, perhaps we can get rid of this bill in the future and get into a system where we have water for everybody and there is no need for legislation like this. So thank you very much for your efforts. Urge you to pass it out on second and final reading today. Thank you.

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

MR. JENCKS: Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Jencks.

Mr. Clerk.

DEPUTY COUNTY CLERK: Becky Collins testifying on Bill 30, followed by Chris Hart.

MS. BECKY COLLINS [testifying on Bill No. 30 (2012)]:

Good morning, Chair Mateo and Councilmembers. My name is Becky Collins, I'm with Stanford Carr Development and ATC Makena Holdings. I'm here today in support of Bill 30.

Thank you for making the changes that we requested last time, returning the language, "such as, but not limited to", to the bill so that it will allow for large lot subdivisions that do not require improvements or need water service to move forward. Thank you for your hard work on this bill and your continued support to work to improve this bill and others so that we can get people back to work here in Maui.

Again, I strongly urge you to approve this bill as amended. And also as you're working through budget sessions to fund water improvements so that as Mr. Jencks stated, possibly we can someday look back at that bill as a piece of history and not a piece of legislation that is currently at the, in the future in affect. So thank you for your time, thank you for your hard work.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Chris Hart, testifying on Committee Report 12-44, followed by Thomas Croly.

MR. CHRIS HART (testifying on Committee Report No. 12-44):

Good morning, Chairman Mateo, Members of the Council. My name is Chris Hart. I am the Built Environment Chair for the Nutrition and Physical Activity's Coalition for Maui County. Mike Morris, our Chair, was not available today so I was asked to give some testimony. I'm testifying on Report No., Committee Report No. 12-44, regarding the Complete Streets policy.

We have come a long way in Maui County. I am a landscape architect and a land planner. When I first started practicing in Maui County, there were, there was a prohibition of planting trees in the County right of way and all the County right of ways, rights of way; and Kahului, parts of Kahului, are certainly an example of that.

Regarding the issue of complete streets, I'd just like to read just a, a sentence from Mike Morris's letter, which you have received, Chairman Mateo. "For at least the last

50 years, we have planned and developed our community based on what best accommodates cars, automobiles, to the detriment of those who wish or need to use their bodies to get around or to get exercise." And, you know, essentially that's been the approach and in some of the communities, especially Kahului was designed for automobiles.

Complete street is really a term used to describe a set of design principles to promote safe access for pedestrians, bicyclists, motorists, public transportation users of all ages and abilities.

In, in Pukalani there's a street called Iolani Street, which runs mauka and makai. If a child starts out at the bottom of Iolani Street to go up to Pukalani Elementary School, actually has to cross the street four times in order to get to the school. These are the kinds of, basically, rehabilitation type projects that need to be implemented in the context of existing streets. Also in the context of where we, we've come, Maui County has adopted a policy plan. We're also in the process of, of adopting a Maui Island Plan, which incorporates smart growth principles that are really complete streets.

I'd like to congratulate at this point, Councilmember Don Couch, Mayor Alan Arakawa, and our Director David Goode for the dedication on this yesterday, of the roundabout in Kihei. We have come a long way and complete streets are Maui County's future and I urge you to adopt this resolution and to initiate this policy going forward in Maui County's future. Thank you very much.

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

MR. HART: Thank you.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Thomas Croly, testifying on Committee Report 12-45, followed by Carol Reimann.

MR. THOMAS CROLY (testifying on Committee Report No. 12-45):

I'm Thomas Croly speaking on behalf of the Maui Vacation Rental Association. Aloha, Chair. I'm asking for your support and the support of the entire Council for the short-term rental home ordinance reporting out of your Planning Committee. This ordinance is about Maui County adopting two emerging travel trends and is

necessary for Maui to continue its distinction as the most desirable island in the world.

This ordinance is about jobs, jobs for people like Shabid, Sue, and Shereen. These are three single mothers that the Committee heard from over the months of, of, of meetings who make their, their living in Haiku cleaning and, and taking care of homes that are used in this manner. This ordinance is about jobs for people like Nuku, the fellow who builds the rock walls and, and, and, and trims the palm trees and so forth in, in Lahaina that you heard from. This ordinance is about jobs for people like Kimberly Ashdown, who lost her job as a caretaker for a vacation rental when the crackdown hit. This ordinance is about jobs for people like Melody and AJ, who you'll hear from, who worked for rental agents who handle the bookings and hire the people who keep these properties in tip top shape, the envy of their neighborhoods.

More importantly, this ordinance is about protecting our neighborhoods, protecting our neighborhoods from the negative impacts that come from unregulated, poorly managed properties. The MVRA supports the notification requirements contained in this ordinance and supports that these operations be managed either by a family member or professional property managers.

I want to thank the Planning Committee for all their work on this ordinance over the past six months. I also want to thank the members of the public who made many suggestions to help improve this ordinance. However, I have spoken to some people who are unhappy about the caps or some specific part of this ordinance and some people feel that it's their right to do what with their property whatever they want to.

Other people feel, and you've heard from some, that this ordinance doesn't go far enough in its restrictions. However, we think that this ordinance strikes the right balance between protecting neighborhoods and not being so onerous and so burdensome in its regulations as to discourage compliance.

While your coun, while your Council's work on this ordinance is coming to a close with this vote to turn this ordinance into law, the Planning Department's work continues and the Maui Vacation Rental Association stands ready to help the Planning Department in the successful implementation of this ordinance. And I'm calling out anyone who wishes to operate a short-term rental or a bed and breakfast to follow the lead that has been set and come forward, follow the process, and get a permit. I believe in the very near future you will regret it if you don't.

Finally, Chair, I again ask for the support of this ordinance and offer my sincerest mahalos for your consideration on my, on this issue.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Carol Reimann, testifying on Committee Report 12-45, followed by Katrina Buchanan.

MS. CAROL REIMANN (testifying on Committee Report No. 12-45):

Morning, Chairman Mateo, Members of the Maui County Council. My name is Carol Reimann and I represent the Maui Hotel & Lodging Association.

We are the legislative arm of the visitor industry and our membership includes 40 property members that comprised of hotels, timeshares, resort condominiums, and bed and breakfasts; and over 90 allied business members, all who understand the importance of the visitor industry.

The Maui Hotel & Lodging Association believes that Maui County's strength as a top tourism destination depends on our ability to provide a diverse mix of choices to the various visitor markets. Short-term rental homes/transient accommodation rentals, bed and breakfasts, as well as our hotels, resort condos and timeshares all contribute to a varied mix of visitor accommodation offerings on Maui. This diversity gives Maui a competitive edge by appealing to a wide range of visitor types from business travelers to family vacationers and repeat guests.

Visitors want choices and the fact that Maui has offered such choices in the past has contributed to our overall success. Additionally, given the highly competitive nature of tourism and the global marketplace, Maui must provide what consumers want or we will lose business to other destinations. The Maui Hotel & Lodging Association believes that there is a place for diversified accommodations in Maui County.

We also believe that all businesses operating in the short-term rental business should be regulated, assessed, and taxed, equitably with hotels, resort condos, and timeshares. This is a very fair and balanced position, as we believe that there should be a level playing field for all in the visitor accommodation market. Attached to my testimony, which I provided, you will see our position statement on TVR's.

We can all agree that tourism is a major economic engine on Maui and what comes with that is a diversity of accommodations available that will only continue to grow. We encourage you to support the regulation of short-term rental homes. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Katrina Buchanan, testifying on Committee Report 12-45, followed by Margit Tolman.

CHAIR MATEO: Katrina Buchanan?

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Next person to testify, Margit Tolman, followed by AJ Palmeira.

MS. MARGIT TOLMAN (testifying on Committee Report No. 12-45):

Aloha kakou. My name is Margit Tolman, I'm testifying in behalf of the Realtors Association of Maui, representing more than 1,300 licensed realtors in Maui County. I am taking the opportunity to lend its voice in support of the, the proposed short-term rental bill.

Our association would like to thank and congratulate the Council's Planning Committee for the hard and thoughtful effort that has gone into crafting this exceptional piece of legislation.

Our association has been actively involved in crafting legislation to regulate and legalize the residential vacation rental industry on Maui for over 20 years now and we are proud that we had the opportunity to play an active part in the creation of both the existing bed and breakfast ordinance and this proposed short-term rental bill. The time is right to get good legislation drafted with an exceptional open-minded County Council.

In this process, RAM gave the committee copies of a white paper on short-term rental ordinances, which highlighted best practices from around the country. The ordinance compares quite positively to those national standards. It will allow for, for these residential rental activities to exist in our neighborhoods, providing exceptional service to our visitors while assuring peace and quiet for our neighborhoods.

Maui County should be proud to offer diversified accommodations to our visitors. Licensed short-term rentals will have a high standard and provide more jobs in the local economy. These types of properties will be rented and utilized by families

enjoying a home away from home. It is our experience that with proper management, short-term rentals can successfully fit into our neighborhoods and stimulate our economy without impact or incidents. This bill, this bill will aid that process by requiring adequate management, Planning Department oversight, proper level of usage, controls against on-street parking, loud noise or parties, and protects against too many rentals in our neighborhood. It also takes into consideration the concerns of various commu, commit, communities, as stated in their CC&R's.

We are convinced that this bill achieved a balance between pro and cons. RAM asks that this bill will be passed as drafted by the Planning Committee. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: AJ Palmeira testifying on Committee Report 12-45, followed by Hoku Padilla.

MS. AJ PALMEIRA (testifying on Committee Report No. 12-45):

Aloha and good morning, Chair Mateo and County Councilmembers. I'm testifying on the short-term rental agenda 12-45. My name is AJ and I work in the vacation rental and hospitality industry.

I was born and raised on Kauai and I am a single parent of two. I've always worked multiple jobs to keep and support my family so we can reside in Hawaii. I made Maui my second home back in 1997 but then had to move back to Kauai for three years to take care of my grandmother and help my mom to save her home. Unfortunately, we were not able to save our home and I was forced to try and relocate where there was better opportunity for me in the hopes of not having to relocate to the mainland. I was blessed with the opportunity to come back to my second home, Maui, and, am happy to be employed in the vacation rental and hospitality industry.

I can only hope that this industry will grow as it provides great opportunities for many who currently unemployed and are in need, in need of sustainability in the number one driving industry in Hawaii, which is the tourism industry. At some point or another we are all linked to what keeps Hawaii thriving. Unfortunately, there are too many local families who are still losing their properties due to financial lack and have to move out of Hawaii to more, to a more affordable surrounding.

Vacation rentals give current homeowners the opportunity for a second chance to possibly save what they have struggled so hard to hold on to or in my case who have grown up at, and we can share it with others who come to visit the beauty of Hawaii and invest in our businesses in Hawaii.

It does not only provide a way of income for homeowners to keep their homes but it also provides many jobs for the local businessmen and women in many different fields; just to name a few: property management, administrative work, maintenance and labor contractors, landscapers, irrigation, pool, housekeeping, and the list goes on and on. It creates jobs for our local people while visitors come and invest here.

I'm proud to be employed by a company whose owners embrace and take part in the culture and people of Hawaii and show the true aloha spirit. They give back to our community and support the local businesses as much as possible by keeping the business here in Hawaii and that should be a concern for all of us. It's no secret that you need, you need to make a pretty penny to survive in Hawaii with a family. Many of us have been born and raised here and count on this industry especially to provide a decent living opportunity for our families.

This is also an opportunity to create much needed revenue in our local and state economy. Most concerns can be regulated through licensing process and implication of reasonable expectations by educating tenants of property rules and documentation sign agreements. By working together, we can all benefit. Thank you. Mahalo.

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

MS. PALMEIRA: Thank you.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify, Hoku Padilla, testifying on Committee Report 12-41, followed by Daphne Sing.

MS. HOKU PADILLA (testifying on Committee Report No. 12-41):

Aloha. Thank you very much for allowing me the opportunity to speak to item 12-41. My name is Hokulani Holt Padilla and firstly I represent Kauahea Incorporated and am the President of that non-profit organization established here on Maui. I support the purchase of Ka`ehu Bay, Bay coastal area in Paukukalo from the Trust for Public Lands.

It is extremely important that the lands and ocean be protected for open space for our community and is the last open space of its kind in the area. As President of Kauahea Inc., we also support this purchase and offer the possibility of being the non-profit stewards of the area. We look forward to protecting and restoring Ka`ehu Bay.

Secondly, I also represent my family who are the lineal descendants of that land. And we also support the Trust for Public Lands purchase of the, that they purchased that we now ask for you to purchase back from them so that it can be used for the greater good of the whole community. For that I am, I humbly ask that you do fulfill 12-41 and purchase the land from the Trust for Public Lands. Mahalo.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

Good morning.

MS. PADILLA: Good morning.

COUNCILMEMBER COCHRAN: Ms. Padilla, nice to see you. You mentioned having lineal and, you know, ties to the area.

MS. PADILLA: Yes.

COUNCILMEMBER COCHRAN: We are in receipt of testimony from a Mr. Edward Kalu, Kaluau Jr.

MS. PADILLA: Yes.

COUNCILMEMBER COCHRAN: So, and he sort of also claims this.

MS. PADILLA: Yes.

COUNCILMEMBER COCHRAN: So are you folks related? And--

MS. PADILLA: Yes.

COUNCILMEMBER COCHRAN: --and he seems to be opposed.

MS. PADILLA: Yes.

COUNCILMEMBER COCHRAN: Okay.

MS. PADILLA: It's a large family.

COUNCILMEMBER COCHRAN: Right. So that just raises a little bit of concern and just curious, you know, what your, I guess take is on having your own family not in support?

MS. PADILLA: As I said before, it's a large family. Our, our common great-grandfather was the Konohiki of the area. He had nine children. Of the nine children, the descendants that come out of there live on the two corners of the bay, with the central part being the part that we're talking about here, which was taken over by Wailuku Sugar, that became Wailuku Agribusiness, and that became C. Brewer. And so they, the Reinhardt's and, and those parts of the family live on the Wailuku Stream side of the bay and the Long's and the Kailiponi's live on the Waiehu Stream side of the bay with the middle, and they're all descendants from the same common great-grandfather.

So, I represent my family. I don't represent his family. It does not bother me that he does not believe that it is the right thing to do because I believe we all have our own right to say that. And we all have our own right to work inside and outside of the fam, I don't agree with my family on lots of things. But I believe that over the course of time, that we can come to a greater understanding of what is best for the whole bay. That time has not been given yet.

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

CHAIR MATEO: Thank you, Ms. Cochran.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. I, I, I just want to make some comments in regards to, first of all a question to Ms. Padilla. I understand that, you know, you've been working pretty hard with the Trust for Public Lands in, in trying to oversee the land itself. So your group is able to do that?

MS. PADILLA: Yes. You mean, Kauahea, the non-profit?

VICE-CHAIR PONTANILLA: Yeah.

MS. PADILLA: Yes.

VICE-CHAIR PONTANILLA: Yeah. Thank you. And, and again, Ms. Padilla, you know, I'm so grateful in the sense that, you know, yourself along with Dukey Sevilla, that represented the Hawaiian community, in our discussions, to iron out things that we saw that needed to be corrected. And, and I think our meetings, several meetings that we had, we really looked at the land itself and now that, you know, we've ironed out the, the title and, and, and the like and you know we're, in fact I'm happy to move this bill forward for the Trust for Public Lands. So thank you for your participation in our discussion earlier. Thank you.

MS. PADILLA: Thank you.

CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah. Thank you and, Hoku, thank you for being here. The differences, as you mentioned, and all our families have differences, no family gets together 100 percent of the time, but you believe his difference and your difference, you can iron this out through the, through the years and work for the common good of the community at preserving this land?

MS. PADILLA: We've already started by having several community meetings over the course of the last two months and he has been in attendance at the, the community meetings. And, and like I said, I believe in order for things to work out everybody needs to come a little bit, everybody needs to give up a little bit, everybody needs to hold on a little bit. And so I think I, I cannot answer for him whether that is possible for him. But I believe that we are willing to try and still make that possible.

COUNCILMEMBER VICTORINO: And I think that's all we can expect from everyone is the, the willingness to, to work together, to collaborate and to, to come to some consensus where all of us feel like we are part of, not left out of and I think that's very important. And we've worked hard to get to this point. We don't want to lose it now. So I hope, Edward, if you're listening, if you have concerns, let's sit down and continue to dialogue and get it, get it worked out. Thank you, Mr. Chair.

CHAIR MATEO: Thank you. Members, further questions? Thank you very much, Ms. Padilla.

MS. PADILLA: Thank you.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify , Daphne Sing, testifying on Committee Report 12-41, followed by Susan Bentley.

MS. DAPHNE SING (testifying on Committee Report No. 12-41):

Aloha. I would like to ditto what Hoku said. I am Daphne Sing. I am the Secretary for the Kauahea Inc. organization. I am also a descendant from the same grandfather that is, that we're concerned about this land that we're meeting about.

I was raised in that area and so, for me, having that particular area the way it is now is, is very nice to see. We not only lived on the beach area but we spent a lot of time up, you know, going across the road and up to the sand hills. And that's gone, you know. So, you know, I don't know if you as in, as a child, what kind of memories you have.

As, as the family home was on the beach and the cousins would come every summer and whenever we'd get together now, I mean we're old, we're 70 already, but we only talk about how nice it was to be able to have that area. And I would like to see that for my children, my grandchildren and also my great-grandchildren. And so I would like to encourage you to support this endeavor and know that there are many people in support of it.

And you know, Kauahea is not a big organization but I know that with the organizational skills and with all the other people that are interested in maintaining it for cultural purposes that it's something worthwhile, something that we should really consider. I've been able to see a very small glimpse of what can be done, having my grandson with one of his classes go down there on one of the excursions and being able to plant coconut tree. Going down just by chance and seeing Pohaku and his wife doing lauhala weaving. These are the kinds of things that are possible for there.

It amazes me to be able to find out now that there were taro patches and fishponds. We only saw the . . . that we hid out, you know, played hide and seek in and would be nice to see taro patches and fish ponds again. And that's possible only if we have access to that land. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Susan Bentley testifying on Committee Report 12-45, followed by Bill Gundry.