

**MAUI REDEVELOPMENT AGENCY
REGULAR MEETING
MAY 24, 2013**

APPROVED 08-23-2013

A. CALL TO ORDER

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Mr. Bill Mitchell, Chair, at approximately 1:04 p.m. Friday, May 24, 2013, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Island of Maui.

A quorum of the Commission was present. (See Record of Attendance.)

Mr. Bill Mitchell: So, I think we've got a quorum, so we'll call today's meeting, May 24th, 2013, to order. Present are myself, Bill Mitchell, Don Fujimoto, Warren Suzuki, and Carol Ball. Absent are Tom Fairbanks. So what, first order of business is the approval of the minutes from April 26th. Anybody have any comments, questions, concerns, or complaints?

B. APPROVAL OF THE MINUTES OF THE APRIL 26, 2013 (via e-mail)

Ms. Carol Ball: I move the minutes be approved.

Mr. Warren Suzuki: Second.

Mr. Mitchell: We have a motion to move and a second. All in favor? So moved. Minutes from April 26, 2013 are approved. We'll open up the floor to public testimony. Anybody that would like to present public testimony on any of the agenda items can have three minutes to do so. Is there anybody in the public that would like to testify regarding any of the agenda items? He's here for – okay.

**It was moved by Ms. Carol Ball, seconded by Mr. Warren Suzuki, then
unanimously**

**VOTED: to approve the April 26, 2013 Maui Redevelopment Agency
meeting minutes as presented.**

C. PUBLIC TESTIMONY

D. PUBLIC HEARINGS - none

E. MAUI REDEVELOPMENT AGENCY BUSINESS

1. David Dwyer requesting design review and a 2 stall parking abatement for upper story construction of office space on an existing building located at 2070 Vineyard Street, Wailuku TMK (2) 3-4-017-03. Action may be taken. (E. Wade)

Mr. Mitchell: Seeing none, we'll go – we'll move from public hearings right into the redevelopment agency business. First item on the agenda is David Dwyer requesting design review and a two stall parking abatement for upper story construction at an office space on an existing building located at 2070 Vineyard Street, Wailuku. Erin, take it away.

Ms. Erin Wade: Okay, thank you. The Fujimoto Building is located at 2070 Vineyard Street which is addressed with this arrow. It's directly across from the municipal parking lot. It's three doors down from the old Maui Bake Shop. So it goes Maui Bake Shop and then North Shore Hostel, and then Fujimoto Building. And this is closer up. That, that green outline circle represents an enormous banyan tree that's in the backyard and kind of covers the North Shore Hostel a little bit and into the rear yard property. But the important thing to note here is the Fujimoto property – do I have a cursor – the Fujimoto property here in the front is land locked in the back. There's two parcels behind so there's no access from the rear of the lot for a car to be able to come and park. And the building as you'll see in the next photo takes up the entire front width of the lot.

So 2070 Vineyard Street it's within the business multi-family zoning. The building was built in 1924 so we would not recommend removal of the building and creation of parking. It is a historic resource. It is also a substandard lot size. However the redevelopment agency code, or the Wailuku Redevelopment Area code grandfathers it in so it can be, this property can be expanded and improved upon even though it is substandard. The project proposed is just over 900 square feet of office space at the back of the building, and today's request is for design review and a parking abatement. So this is the building located on Front Street, or on Vineyard Street. Sorry, I have Lahaina in the brain. You can see to the left hand is the access to the rear, but it's the only pedestrian access. This is a little bit closer up. This is where you would walk. There's a door right here to get to the second story, you peak in that door, and you know, here's their signs about how to get upstairs. This is the back elevation of the building and the anticipated expansion is here over this flat roof. The applicant can explain to you sort of his reasoning why this is an important location for him to do the expansion. Actually, let me go back. You can see very close behind the back of this building is this very large banyan tree. I actually couldn't get it all into one shot because the banyan tree is so substantial, but it's about maybe 15, 17-feet from the back of the building to the banyan tree. And then behind the banyan tree, this is the property line where the vine is growing over the fence, and then this is another property, so there isn't really any automobile access.

So he's requesting design review and a parking abatement. There are essentially – A, B, C, D, E – five, five criteria for determining whether parking abatement should be allowed or not. The first is a very general criteria about does it comply with the vision and guiding principals of the redevelopment plan. Preservation and historic preservation of building is one of the visions, is in the vision statement of the redevelopment plan, as well as continued use of existing structures, so we agreed yes. The majority of the trips generated will be expected to be pedestrian oriented, and basically draw from the people already in Wailuku. That kind of depends on who the tenant is, so it could go yes or no. We just said no for that because the other three we felt that he complied with. The floor area is less than 1,000 square feet. For –

it's not economic reasons – but the cash in lieu system has not been established so if that system was in place, we don't know if that would be able to comply or not, but we're gonna say yes that there's – we can't comply with this basically because we haven't made it available to him to be able to do that. Is it impractical to provide parking? Yes it is. The project will have little or no effect on the parking supply. We agreed yes because it's only a two stall parking abatement at this juncture. All the rest of his parking requirement is grand-fathered. And that's it for me, and the applicant, David Dwyer, is here if you have any questions. And I think he'd like to explain why this space for the office addition is important for him.

Mr. David Dwyer: Erin, that was pretty good. I couldn't done a better job. Good afternoon, my name is David Dwyer, and I'm here for a parking abatement if possible. I bought the building 25 years ago, and for 25 years I've been sweeping up the back roof because it's flat and it collects water. So I finally came up with enough money to build this addition. It's a one office. It was originally designed for an architect. August Percha leased the upstairs about 20 years ago or so, or 25, and he drew up the plans, originally, for that back unit which set up a lot of red flags when I did submit it because it had all kinds of problems. So the plans were redone, and over the period of the 20 years I was able to save money to do this addition so I would like to do it but it's depending on you folks too. And Erin said the best. I couldn't beat her one bit. Did you have any questions at this time?

Mr. Mitchell: Sure, members, any questions for Mr. Dwyer?

Ms. Ball: I have a question. So how many of the parking stalls were abated an issue? Were required. . . (inaudible) . . .

Ms. Wade: Yeah, so if, if they were not grand-fathered, originally, it's one per 500, and the entire building at this moment is used for office space. He's a little over 2,000 square feet of existing office space so that's four parking stalls.

Mr. Dwyer: The parking, the actual building, I think, it's 830 square feet. I'm still have to be 900. I don't know if you're adding the deck too.

Ms. Wade: Yeah. We talked about this. On your building permit it says a little over 900, so we, I just put the number for, so it matched your building permit. Yeah.

Ms. Ball: Could you tell me a little bit about that that parcel that's directly in back of it. Is it a . . . (inaudible) . . . that's in back of it, to the . . . (inaudible) . . .?

Ms. Wade: Yeah. So it's two properties deep. So here's the Fujimoto property. Directly behind it is this. And I don't know what these are, so possibly David can explain. And then there's another, third parcel, in between. And this is actually, it is County owned, the access road, but it's substandard.

Ms. Ball: And the zoning on those parcels that are adjacent to this, what is that.

Ms. Wade: It's all business-multi family.

Mr. Ball: All the way through. What is the closest of the back . . . (inaudible) . . . ?

Ms. Wade: So this – so Church Street turns to this. I can't remember the name of the street. But again, all this entire block shown in this kind of hatched mustard color is all business multi-family.

Ms. Ball: As you recall, all of the structures up to the, to the property line on one side so there's a back area. Right, there's a back area, but there's no ingress or egress to it?

Ms. Wade: Correct. I don't know how this property directly behind the Fujimoto, if they access it or not. To me, it looks like it was all just yard and landscape. There wasn't a structure on this.

Ms. Ball: And they're just using it for the back property in back of this, is just whatever?

Ms. Wade: Uh-huh. It's just, it's just grass and some shrubs.

Ms. Ball: Theoretically with the zoning, can each person on those parcels that are adjoining it as well as this one build to zero lot line all around?

Ms. Wade: Depending on the adjacent zoning. But in this situation – well, no. Normally we would have a parking requirement, so if they would, if they were to build new today, they would have to be able to build parking on the site without, if they weren't going to come for a variance request.

Ms. Ball: But if each of those did, what the applicant is doing, they could theoretically build to the backs and not – and have their parking abatement, right, if they –?

Ms. Wade: If you did, but one of the criteria here was the historic nature of the building. So I'm not certain that the department would support it in the event it was a brand new building where they had the opportunity and the space to be able to construct parking.

Ms. Ball: Right, but if they were to refurbish the old, they'd retain it.

Ms. Wade: Correct. Yeah.

Ms. Ball: Is this parcel a specific designation or is it just by appearance and the continuity of the neighborhood?

Ms. Wade: There's kind of two categories. So any building 50 years or older it's triggered and flagged for State Historic Preservation review. Once it's, once it gets reviewed, they determine for its eligibility and effect. So they look to see is it eligible for listing on the national register. And then if it is, what is the effect of the proposed improvements. So in this case, the building has not been altered to the extent that it would prevent it from being listed on the National

Register. It's an eligible building at this point. So they – and the addition, the addition being proposed has no negative impact. So if the applicant were interested in having it listed he could do so. But we're not requiring that as part of the process.

Ms. Ball: So let's say, though, that all the other people followed suit, and then he won't have all of them, but let's say many people followed suit and improved the structure that they buy or own, and is precedent set when you do abatement of your, of the parking or whatever you call it, so that in future years or future decades when people come forth, they can point to the fact that you've done it in the past?

Ms. Wade: Yes. Yeah. But that's part of the reason that we document the rationale behind why the specific project was granted. So the, really, the only other ones in this direct area that would be in the same situation are the North Shore Hostel because it doesn't have access to rear either. This property is David Sereno's property. But then the one directly adjacent on this side is the new, is the MEO property that was rehab. They do have onsite parking. I think that's probably the reason David is able to do his project now too because they also constructed the fire wall adjacent to his property which was probably cost prohibitive to you when you initially drew the plans. But now because it's there it made it possible. And then, so, it's just the North Shore Hostel that would be in a similar condition, and then the property on the opposite side of the MEO property right here. Right now there's the barber shop on the first floor. Those would be the only two properties in the same condition that this property has.

Mr. Dwyer: Actually the property on the other side I believe has parking, doesn't it?

Ms. Wade: Correct. Yeah, the –. Oh, yeah, they do, they have parking on the back too.

Mr. Dwyer: Yeah, they have parking. So it's basically just the Fuji Building and the North Shore Inn, I think, on that stretch. And the corner one too, I believe, they didn't have parking. I don't know if they have parking now or not.

Ms. Wade: The Bake Shop?

Mr. Dwyer: No, on the opposite corner on Market Street.

Ms. Wade: Doug McLeod's building.

Mr. Dwyer: Doug McLeod's.

Mr. Mitchell: Warren, you had a question?

Mr. Suzuki: Question. In the past, you know, my recollection is that we have required other property owners to enter into some sort of agreement where by if in the future let's say the parking structure is built or whatever, then they would be required to contribute their fair share equivalent to the number of stalls that are being abated. Are those agreements still valid or in effect?

Ms. Wade: You want to speak to that James? That's a legal question I think.

Mr. James Giroux: You threw me under the bus. Well, I, I don't think we've ever tried to, you know, get, get that even moving. And I, I think that when we reach, reach those cross roads that's when we're going to find out whether or not we're gonna be able to actually get –. The, the problem is that it's in processing the law that would actually trigger the ability for the person to pay that has been, really, the biggest stumbling block. And, and that's the disjunct between this board and Council is that we, we're trying to, you know, push the cart along from the back and trying to get Council to go along with it, and that's always been the disjuncture.

Mr. Suzuki: Even after saying that, though, James because I kind of sense, you know, Carol's concern about, you know, the abatement or like a variance or whatever from applying the stalls and what sort of precedent it might set, and once that's done, then, you know, forever, and the requirement goes away. So if we require the agreement to be entered into, and then in the future let's say the mechanism or whatever doesn't fall in place so ultimately nothing comes out of it. You know, from my standpoint, you know, that's something to be dealt with at that time. But at this point in time, I feel like, you know, when abatements are made, and this is in fairness to other prior owners that require to enter into that sort of agreement that future developers should be required into the same agreement. And we shouldn't be requiring some to enter into it and others not to, you know, whether it's one stall, two stalls, three stalls, or ten stalls, enter into it. And as I said, at some point in the future when the issue comes to head, you know, it can be dealt with. But at least there's an opportunity where, if something does come about, and additional stalls are provided, there potentially could be some assistance in terms of, you know, sharing it. Because I kind of understand his position. I mean, physically he's not able to do it on the property, but the fact the matter is, the stalls are required. And if you look at a situation in Wailuku, you know, there's already a huge deficiency as far as stalls. So to say, you know, we, two more stalls, you know, are now required is going to make the situation worse. We're not helping the situation. So for me, I'd be willing to give the approval subject to entering into an agreement similar to what is entered into previously.

Ms. Ball: Yeah. Thank you for that explanation. That was my concern. But it wasn't so much of a concern with the subject property. It was that by granting that abatement are we depriving future property owners of the same ability to ask for such a thing because previous property owners had been granted it and it's visionarily physical to envision that, that everybody's going to get. So I wanted to be able to think forward so that we wouldn't be depriving others of that same privilege if that's what you call it.

Mr. Dwyer: Could I say something to that?

Ms. Ball: Yeah.

Mr. Dwyer: Being that the existing buildings along Vineyard Street now are, they're old. So for anybody to add on to those, it's kind impossible unless you tear those buildings down. Once you tear the building down, then they should be required to do parking. But as it stands right now with only three buildings there that can't supply parking, no more work is going to be done

on those properties that I could see. So I don't think that would enter into –

Ms. Ball: It doesn't seem likely, but there are – human spirit is really . . . (inaudible) . . . So if there were people who, who have certain goals, they could potentially do a stick by stick, right, and not triggering. I mean, I've just seen people with tremendous vision and tremendous desires accomplish what they want to. I just don't want it to prevent future people from having the same privilege. That's just my concern.

Mr. Suzuki: So, the request for us today is design approval of the proposed construction, and the two stall parking required abatement?

Ms. Wade: Correct.

Mr. Mitchell: Let me just add that although we won't resolve at today's meeting, part of that discussion is also part of this parking master plan for the MRA which one of the recommendations made in the parking master plan is to abate if not all the percentage of required parking with certain conditions. And I think if we're consistent in the conditions, it's land lock, it's historic, and those are spelled out in the approval, it will be less likely that it would be, if we're not here, somebody would come in and ask for it and get that without having a similar condition.

Ms. Ball: What about that condition, though, that Warren suggested, that you apparently have levied in the past. Why can't we do that from here on?

Mr. Mitchell: I don't know what the – I don't know what the legalities of it. James can speak to it. Because the ordinance is in place.

Mr. Giroux: Yeah, it's a tricky matter. But, it's a –. If the condition is made, it's there, it's – you know, and the issue is enforcability so – and that's what Council has to understand that if they're going to pass an ordinance that we've done our part. We've set up these mechanisms. And, you know, you always see this back and forth with the Council. Why didn't you guys blah, blah, blah. Why didn't you blah, blah, blah. And it's well we couldn't because you guys didn't do your part, you know, so it's a partnership where we're over here trying to setting up the building blocks for that one day where all those lever switch at the same time and then it happens. All of sudden there's a fund, there's a program, there's a – the contracts get executed, parking is created. But, again, it's – it, it, it takes that this effort between the two. Legally, it's okay. It's just that if the County decides to go and start executing these contracts without the Council doing the bill or the ordinance that, that actually allows it to happen, then you've, you've got missing mechanisms. You've got no account. You've got no accounting. You've got –. You know, so you can't, without that second arm to, to connect with our conditions, then it's not –. And the law says we can't give them impossible conditions. This is not an impossible condition. If Council decides never to pass that ordinance, the County can't go and say, oh, you violated that. You didn't, you know, you didn't provide your two stalls and fair share because the County didn't go ahead and passed an ordinance that allowed somebody to actually donate money to a fair share program or to that extent. So –

Mr. Suzuki: Can I speak to that Carol? I think what's being considered is similar to – you're familiar with subdivisions. The three lots or less agreement which is the improvement district agreement, that you're allowed to defer road improvements. But if and when the County sets up an improvement district, you are then required to pay your fair share based upon your frontage. I don't know if that has ever been put into effect because I don't know if there's ever been any sort of improvement district. So I don't think anybody has ever been required to step forward and fulfill their requirements, you know, per the improvement district. But they are required to enter agreement so if in the future if, if it ever is put into effect, you know, then, that owner who was allowed to defer those improvements would then be required to put in. In my eyes, this would be very similar that, you know, you're not required to provide the two stalls at this point. But the same time, you are agreeing to if in the future some sort of mechanism is put into place where stalls are provided, you know, you would then contribute your fair share based upon the two stalls that are being abated for you. So it's, it's very similar to that. I mean, it may or may not happen, but at least there is that requirement where if, if it does happen and there's an opportunity to, you know, distribute the cost. And to me, you know, that's in all, in all fairness, you know, because, again, I look at Wailuku, there's such a shortage. If Wailuku was such where there is a huge surplus of parking it's not an issue. But Wailuku, especially in that area, you know, there is a shortage and, you know, the more, you know, we can have partners. I look at this as being partners in helping, you know, put forward additional parking. You know, it's going to help everybody.

Mr. Dwyer: Can I add something to that?

Mr. Mitchell: I think you need to state your name for the record.

Mr. Dwyer: David Dwyer.

Mr. Mitchell: Thank you.

Mr. Dwyer: The reclamation department sent me a letter saying that they would approve it if I put a manhole cover in it on the front street. And I went down there and talked to them in person. They said what we'll do we'll waive it this time, but any future building on that site I'll have to put that manhole in it. And I think that could be said for parking as well to where any future building then we have to supply parking. I think that might be a way around it being that the law hasn't changed in that respect. That's, that's what I was thinking.

Mr. Mitchell: Warren?

Mr. Suzuki: I'm, I'm not going to comment to that. So, Erin, so in terms of the prior agreements that were entered into, what's the general description of – because I know you don't have the language with you – but what's the general description that would cover that?

Ms. Wade: It does state that a certain percentage of the cost, per stall, when a parking structure would be built would be attributed to the person who's asking for the abatement. So we only have two on record at this point for the Main Street Promenade and for Doug McLeod's building.

And then they would be requested, or they would be asked to pay a percentage per stall for those stalls. They original –. The reason there's a legal concern for this is because there has never been a dollar amount assigned, so it's exactly what you're saying is, you know, you can't ask something unreasonable. So if we decided to build our parking structure out of 14 carat gold, we cannot ask him for the cost, you know, the percentage cost, because that's not what he would have to pay to build it on his site.

Mr. Suzuki: Right. Right.

Ms. Wade: So it, it might be more reasonable to assume and I kind of wished they had done this with the other two, but the cost of surface parking, to charge that to the applicant who's requesting a parking abatement because that would be sort of in kind to what they would have had to do on their site. Where requesting the percentage of the cost for within a garage could be excessive and likely to be a whole lot more than they would have to pay if they had the space on the site to do so.

Mr. Suzuki: Well, I guess what I struggle with is, you know, how do we word it as such.

Ms. Wade: Yeah.

Mr. Suzuki: I mean, you know, can we just kind of say in a general sense and then somebody comes up with the, the language that's put into agreement form? I'm kind of struggling.

Ms. Wade: That's how it was done for both of those cases. They actually didn't have the complete language for the agreement during the discussion. Although, it went back – with the Main Street Promenade, it went back and forth. I did not get approved the day that it was brought to the, to the Commission, as you can image.

Mr. Giroux: Yeah, I think some of the language I've seen before is that you enter into agreement to the approval of the Planning Department, or, you know, something like that. And then that –

Mr. Suzuki: For the parking?

Mr. Giroux: Yeah. In order to –. We do this with Housing. You know, we have the – the condition is that you enter into an affordable housing agreement with the approval of the Department of Housing. And then they, they bang out the details and they look at a project and they look at percentages, and they try to come out with a reasonable agreement.

Mr. Suzuki: Okay.

Ms. Ball: Thank you.

Mr. Suzuki: I can make a motion.

Mr. Mitchell: Warren, go ahead.

Mr. Suzuki: I move to approve the, the design and the parking stall abatement subject to the owner enter into agreement addressing the parking issue that will be subject to the approval of the Planning Department.

Mr. Fujimoto: Second.

Mr. Mitchell: Second. Any discussion? Don? All in favor? So moved and approved. Thank you very much Mr. Dwyer.

Mr. Dwyer: Thanks for your time.

Mr. Mitchell: Thank you. Aloha.

It was moved by Mr. Warren Suzuki, seconded by Mr. Don Fujimoto, then unanimously

VOTED: to approve the design and the parking stall abatement subject to owner enter into agreement addressing the parking issue that will be subject to the approval of the Planning Department.

(Assenting: C. Ball, D. Fujimoto, W. Suzuki

Excused: T. Fairbanks)

- 2. Maui Redevelopment Agency Orientation Workshop**
 - a. County Policy Against Sexual Harassment**
 - b. Sunshine Law**
 - c. Ethics**
 - d. Hawaii Revised Statutes Chapter 53 - Urban Renewal Law**
 - e. Wailuku Redevelopment Plan**
 - f. Chapter 701, Rules of Practice and Procedure for the Maui Redevelopment Agency**
 - g. Wailuku Redevelopment Area Zoning and Development Code**
 - h. Wailuku Redevelopment Area Design Guidelines**

Mr. Mitchell: Looks like next on the agenda is the Maui Redevelopment Agency orientation workshop, and who's gonna be the –?

Ms. Wade: You know what, normally Leilani takes care of this for me and she was off on Friday and we didn't actually ask Allan to be here for the sexual harassment orientation so we can jump right to Corp Counsel's sunshine law and ethics.

Mr. Mitchell: Wonderful. Mr. Corp Counsel take it away.

Mr. James Giroux: I thought they were gonna make me do the sexual harassment. I think most of you are familiar with this so I'm, I'm gonna go relatively quickly but if you do have questions stop me and I'll field those. But there's only been a couple of new laws passed and I'll, I'll highlight those when I get there. But the opens meeting is that's our sunshine law. It's under Hawaii Revised Statutes Chapter 92, and it's Hawaii's opens meeting law. It governs the manner in which all state and county boards must conduct their business, and this board is under that. And the general policy and intent of the sunshine law is to open up governmental process to the public scrutiny, conduct business as openly possible. Sunshine law is to be liberally construed in favor of open meeting. Exceptions to the sunshine law are to be strictly construed against closed meetings. And absent a specific statutory exception, board business cannot be discussed in secret.

Every meeting of the board is open to the public and all persons are permitted to attend. All interested persons shall have an opportunity to submit data, views, arguments in writing or on any agenda item. All interested persons shall have the opportunity to present oral testimony on any agenda item, and the board may make reasonable time limits of oral testimony. And most of Maui's boards are three minutes, which is reasonable. I think Honolulu, they're down to one minute, and they haven't been challenged as far as that.

Notice. A written public notice, at least six calendar days before the meeting has to be posted. And a list of all the items that are to be considered at the meeting are to be on that notice, along with the date, time, place. And no additions can be made once the agenda is filed unless two-thirds of the vote of all members to which the board is entitled. And no items shall be added if it is of a reasonable major importance and action thereof will affect a significant number of persons. So if there is something you want to put on the agenda that is not on there, you gotta have the two-thirds vote. And I haven't done the math because you guys only have five, so I'll get Leilani to do the math for me. But even after you get that vote to add something, it's gonna be critical for us to have a discussion of whether or not that's gonna affect the public, or affect somebody in the public significantly that they would, you know, want to be at the meeting while you're discussing that. And especially if you're gonna be taking action. If it is of, of significance, what we'll do is we'll just put it on to the next agenda meeting and then we'll discuss it. And then it will allow us to take action, and allow people who want to be there to give their testimony.

Another mandatory thing is the minutes. At a minimum you gotta have your date, time and place of the meeting, the members of the board recorded as present or absent, substance of all matters proposed, discussed or decided, and a record of any votes taken, any other information requested to be noted by members, and the public record must be made available within 30-days of the meeting. So you guys have, I believe, verbatim minutes, so it's not too much of a problem as far as what's included in the minutes. It's just if, if you're unable to approve them within 30-days, those draft minutes are available to the public.

This is really important to understanding the sunshine law and that's the definition of a meeting. And a meeting means the convening of a board for which a quorum is required in order to make

a decision or to deliberate towards a decision upon a matter over which the board has supervision. More than two members of a board cannot gather to discuss board business unless there's an exception. And in order to help you understand what a meeting is, we need to understand what board business is. And board business is matters over which the board has supervision, control, jurisdiction or advisory power, and that are before or reasonably expected to come before the board. So to help you out in, in deciphering that, one of the, one of issues that, that you'll have to clarify in your mind is what is reasonably expected to come in front of you. Because, you know, as being active members in the community there's always something going on – being active members in Wailuku, there's always something going on. The, the important thing is to understand what, what kind of decisions you as a board are going to make over those types of activity. And is that going to need a permit or is that going to need a review, a design review. Is it going to need some type of decision making by this board in order for that project to continue to go forward.

There are permitted interactions. And what I like to do is break down these interactions by the number of board members that, that are in a room, and that, that's helpful. And if you have two board members, only two board members are in the room, those two board members may discuss board business outside of a meeting as long as no commitment to vote is made or sought. Nevertheless it would be contrary to the sunshine law for a board member to discuss the same board business with more than one other board member through a series of one and one meetings, and that's a serial communication. So you don't want to be lining people up in the room, and then going, oh, there's only two people here. Then you get a commitment to vote. You go, hey, Joe is gonna vote this way and move to the next room, oh, there's only two people here, but you know, Joe and Fred are gonna vote in favor of this. So that's the serial communication and we want to avoid that.

One of the exceptions used is the investigative exception. And this is two or more but less than quorum. Your quorum is three, so I'll let Erin do the math on that. But the scope of the investigation and the scope of authority are defined at a meeting of the board. All findings and recommendations presented to board at a meeting of the board. And then deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation was presented to the board. A lot of times people ask me, why don't we use the investigative exception more because they think that that would be avoiding a meeting and we could get business done quicker. And if you look at the process it's not quicker, it's slower because you're taking two – you wouldn't be able to take three – people out into the field in order to go and investigate something. You know, on their own they would do a report, present that report to the body. At that meeting you wouldn't even be able to discuss it. You would have to agendize it for the next meeting for discussion and action. So, it really is a slower process than just, you know, let's, let's take the report, discuss it, and if necessary, let's go and do a site visit. For a board like this, that would be a more expedient than using your investigative exception. For larger boards it might help but, even –

Ms. Ball: Everything – it has to be agendized and officially transcribed in some manner as a, as a meeting outside of the –

Mr. Giroux: Well that's what you would avoid because all you would be relying on is the report from that committee. And that's why they don't allow you to deliberate the day the report is given because then you're allowed to go back and digest the report, and then the public will –

Ms. Ball: You're meaning the members of that group?

Mr. Giroux: The board –. Yeah, the board and the public. So basically it's, it's – the procedure is protecting the board and the public so that they can discuss that report. And then the public will have access to that report prior to the decision making meeting. So there's a, there's, there's a little lag there in, in the decision.

Ms. Ball: Are there definitions of what constitute an investigation?

Mr. Giroux: We've been kind of creative. You know, we've kind of sometimes it's like more of a site visit. Sometimes it's more of an education. So the, the issue of investigation hasn't been litigated or defined by OIP as far as are you, you know, misusing this process. And, and the reason is because it is so cumbersome that even if that were a grey area this whole issue of a report of being reviewed, agendized again, public coming in to testify again, it, it is a, there's a lot of redundancy in that so –. Can I turn off my phone?

Acceptance of testimony at canceled meetings. This is the new one. This one just came out recently. And what happens is sometimes you get to a meeting, there's a lack of quorum, but the public showed up, the applicant showed up. They want to present their stuff, and in the past, I've had to just say well we need to just shut the meeting down and go home. This exception allows us to continue taking testimony. And the board members present can receive testimony and presentation of the agenda items. They may ask questions as long as there's no deliberation or decision making made at the canceled meeting, and you must create a record of the meeting. So your minutes or report or, or transcript. And at the next duly noticed meeting there can be deliberation and decision making after the members receive copies of the testimony and presentation, and receive a report about the testimony and presentation. So, it's, it's very similar to that investigative exception.

And here's another one. This is new, and it's the attendance at informational meetings or presentations. And again there's a number quantum here. Two or more but less than quorum, and that's the same as your investigative exception. And you can go to informational meetings such as legislative hearings, conventions, seminars or community meetings as long as they're not specifically directed at the board members. It's not just for the board members. And there's no commitment to vote on the matters made or sought. And a report at a duly noticed meeting is made. And this one we haven't had a lot of testing on it, but there are – this will be used. It's very – situations have come up in the past where, you know, we – the Water Board wanted to have input at a water council meeting, you know, the Water Supply meeting. Or, so you know, this is gonna be very useful to, to get communication between boards and Council, and even the State, if people have issues that are affecting the board that need to get information from the State where there's going to be a legislative hearing or a convention; educational processes like seminars; and attendance at board, at neighborhood meetings, so non-governmental

meetings.

This is the big one that I use all the time. It's the executive meeting. It's a closed meeting to the public as long as a vote is taken at the open meeting of two-thirds of the members present. And that's different than changing the agenda. The agenda is two-thirds of the members that are entitled. This is for those present. And the example is to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities. And in fact, this just came up yesterday, when we were at the Board of Variance meeting, and the members wanted to vote a certain way, but the Planning report had set down criteria that didn't match. But during the hearings, there was evidence that the, that the, the Planning Department didn't take into consideration because they didn't have that information. And the board members were worried that if they voted in favor of the project that there would liabilities by not following the Planning Department. So I suggested that they go into executive meeting. But the board members were very confident that they understood what was going on, and they said, no need, and they discussed the facts and put the facts together with the law, and created a decision that was legally, legally defensible without me having to go in and, you know, try to show them how those facts would connect with certain parts of the law. But usually when I do say let's go into executive, it means because I'm very nervous that we are exposing ourselves to liabilities and that I would like to speak frankly and allow, allow you guys to ask questions that you might not want to up in front of the community.

The other exception is your contested cases, and that's when you're, you're exercising your adjudicatory functions under Chapter 91. And most permit applications are considered contested cases in their nature, but we don't treat them as formal hearings. Usually if there's not somebody intervening or not really contesting the application, we usually just treat it as a regular hearing. But you have to be aware that it – there is potential for something that looks like just like a regular public hearing to actually be a contested case. Where somebody would be asserting their rights to cross examine witnesses, or to present evidence and things like that. So usually that when something, when somebody files a petition to intervene, that's usually when we set up our little court room to say, okay, because – especially when there's multiple lawyers involved, then we have to discuss documents, discovery issues. And all of that can be done without putting out an agenda. We can just do that with the chair, the staff. We can do all of those ministerial issues that would be pertaining to putting on a mini trial. So it's important for you to know that, the contested case.

And enforceability, I like to tell people that I'm not the sunshine cop, so I don't, I've never arrested anybody for violating the sunshine law. But, you have to be aware that there is an element of voidability. If the sunshine law is violated, and somebody challenges the decision, and they take it to court and the court agrees that the sunshine law was violated, they can void that decision. And that would send the decision making back to the board to do further, either deliberation or try to cure that.

And injunction can be filed. And when a permit is granted, then the sunshine law is challenged, or there's a possible violation, the judge can make a decision to stay that permit so that permit would not – so people who got that permit wouldn't be allowed to go on and finish up their

project. Worse case scenario is somebody could be guilty of a misdemeanor. And who would be involved with that would be the prosecutors or the attorney general as far as moving such a case forward. And if somebody is found guilty of a misdemeanor they can be removed from the board so we don't want that. And again, you know, if, if I mention it, it's usually just to make sure that the process is as clean as possible so that when we get through it, the last thing that you want is to have to deal with a lawsuit after doing diligent deliberation and decision making. Any questions? We're good? Okay.

This is Maui County Charter, Article 10, the Code of Ethics. And there's basic prohibitions that govern boards and commissions of the county. And the biggest one is about accepting gifts and having business transactions or activities or have a financial interest in a project which may intend to impair the independent of judgement and the performance of your official duty. And there's also a failure to disclose financial interest. Now as far as accepting gifts, it doesn't mean that your Christmas is cancelled. It just means that if somebody does give you a gift, in your mind ask why. You know, why is this person giving me this. If somebody from the outside saw you receiving that gift, would they think that that gift was for the purpose of trying to either influence a future decision that you make as a member of the board, or to reward you for a decision that you made while you were on the board. Small gifts or, you know, gifts of aloha, that obviously, you know, you're not going to be bought off by a hotdog. But you guys have all been around so you know the difference and, and that's the importance. And again the business transactions and activities, sometimes this can be a gray area because there's not really – I mean, being on Maui, I've had people disclose, oh, I've shopped at, you know, Wal-Mart. Okay, but that's not the type of business transaction we're talking about. Are you going to benefit from this project going through the County and specifically what are your ties to that project in that do have outstanding contracts, bids. You know, are you really going to be benefitting from that project getting through the County. And, you know, a lot of times, we need the people with the expertise and the connection with the different types of project processes. So if it just so happens that that a project is coming through and you're the, the architect, we need to know that. We need the disclosure. If there's any doubt in your mind you can get a, a statement from the Board of Ethics in order to clear you of any, any doubt as to whether you should participate or not. But at the minimum if, if there's a flag that goes up, disclose it. And then we can take care of it from there. And even if you want to talk to me, you know, off the record first to see, you know, what's my take is on it. The thing is my take on it isn't the final word. It's the Board of Ethics.

If there is a, if there is a violation, you can get fined and you could be removed from office. Your rules, you have special rules in the MRA, 12-701-23. It says whenever a member has a conflict of interest, the member shall promptly make a full disclosure of the circumstances to the MRA and refrain from participating in discussion and voting. So other boards they're a little bit more laxed in that you can actually continue this in the discussion. It's just that you have to not participate in voting. The only one that I know of that's this strict is the Board of Variances because they're also if there's any type of conflict you can't even enter into discussion. But a lot of times, well, for the other boards, just having somebody who has the technical knowledge is useful in understanding the project and the parameters.

Ms. Ball: And those that you have, you have a conflict, can you, can you remain in the room or have to also absent yourself from the room?

Mr. Giroux: You can remain, but you just aren't going to be engaging in that conversation.

Ms. Ball: . . . (inaudible) . . . face, facial.

Mr. Mitchell: . . .(inaudible) . . . sign language.

Mr. Giroux: But when you are in doubt get an advisory opinion from the Board of Ethics, and if any officer – and this what we call the safe harbor is that because you are lay persons volunteering for the government that, that, if any officer obtains an advisory opinion from the Board and acts accordingly, or acts in accordance with the opinions of the board, the officer shall not held liable for violating any of the provisions of this article. So if the board's opinion says that, you know, based upon the facts, as long as you do A, B, and C, you're not going to be violating any code of ethics or the Charter. If somebody takes you to court and then the judge thinks differently, you can rest on that you're gonna be cleared of liability as long as you followed what the board said in order to make sure your participation was going to be okay.

There's another thing that really doesn't get triggered very much because in HRS Chapter 53 which is the, which is the statute that creates the MRA, there is a section in there about that no board member can have any ownership on any project that, that is being discussed within the agency. If, if there's action going to be taken on that property. So that's just another layer, but that is in the scenario where the board is actually condemning properties and having that type of sale and transaction of property. So they don't want self dealing in that situation. Any questions?

Mr. Fujimoto: This, this board is only on the state level. There's no County Board of Ethics.

Mr. Giroux: No, no. It's our county, it's the county board. Yeah, and it's staffed by the Corp Counsel, and our secretary and we have an attorney that staffs that board.

Mr. Suzuki: I've had experience with the Board of Ethics.

Mr. Giroux: He's a veteran.

Mr. Suzuki: Yeah, I'm a veteran.

Mr. Giroux: Okay, and again, you know, I have an open door policy, so give me a call any time if any of these issues are on your mind. I'd rather talk to you before hand than read about it in the paper after we've made decisions.

Mr. Mitchell: We have a question James. Erin does.

Ms. Wade: It's actually back to the sunshine law question. So last year the Kauai County

Council in its entirety went to the Smart Growth Conference in California.

Mr. Giroux: Right.

Ms. Wade: And you had that new thing about you could go to presentations and informational, is that, would you folks consider that to be okay?

Mr. Giroux: Well currently the law says less than quorum.

Ms. Wade: Right.

Mr. Giroux: And that's an issue. And that has come up, you know, in some of our other commissions where, you know, the department – what was it? The planning – you know, the issues because they throw conferences like that.

Ms. Wade: Right.

Mr. Giroux: For Maui it hasn't been that big of a problem because of the fiscal issues we've, we've only sent, you know, two or three members. But I think that's something that we're gonna have to be looking at internally and legislatively to see if that's –. Because really it's educational and you're not – I think the way we've, we've justified it in the past is that there is no discussion and there is no deliberation and there is no commitment to vote. So, you know, to have, and I think where we would get challenged is if OIP took the position that it's board business, and that's where, you know –. If you're going to California to talk about smart roads, it's kind of hard to say that you're looking at a project in Hawaii, you know, that jurisdictionally would that be board business. You know what I mean? Even though when you came back to Hawaii, if you saw a project, you know, non-descript, just a project and started looking at and going how come the roads doesn't make sense? How come there's no connectivity. You know, I don't see how that would, in the spirit of the law, violate the sunshine law. But again it's a state law we're trying to administrate, so it does get down to what's OIP's position, what's the Attorney General's position, what's Corp Counsel's position, you know, so it's one of those. It's almost like the 343 law. What's the trigger, what's substantial. Because you have lawyers in the room

–

Ms. Wade: Well in that situation, so they're governed by the same Office of Information Practices, correct?

Mr. Giroux: Uh-huh.

Ms. Wade: Okay. So the thing – the reason I asked is the fact that their leadership all attended the same conference made them eligible for a funding source that we're not eligible for. So they go HUD monies, and some EPA monies because they were deemed as being like progressive leadership. They all went to this conference, and they all came back excited and pulled together a project where I would hate for Maui to be in the position where we don't have access to the same funds because we interpreted the sunshine law differently than Kauai did.

Mr. Giroux: Yeah.

Ms. Ball: And I don't see why it couldn't be justified because that's why you go to the mainland.

Mr. Mitchell: If you want the money, you've got to break the law.

Ms. Ball: That's all it's about. . . (inaudible) . . . You can't even create this vision if you haven't seen it somewhere else where they've implemented it. What I call the point of head syndrome that developed, we see on Maui our entire life, which is possible in that case. But --

Mr. Giroux: Yeah, we will be looking at that. Because, I mean, I don't think we would want to be passing up that, that type of federal funding. That's it.

Mr. Mitchell: All the other agenda items we're not doing today?

Ms. Wade: No . . . (inaudible). . .

Mr. Suzuki: Erin is.

Mr. Mitchell: Oh, it's you. Thank you James.

Ms. Wade: I had to make mines fancy since James's is so black and white. Okay, so HRS 53, the Urban Renewal Law basically is the law that created the redevelopment agencies. Every county in the state would be eligible to create one. Maui is the only one that has. The creation of a five member agency. It defines the powers and duties of the agency and the requirement for the agency to be guided by a redevelopment plan.

In the plan the authority is defined as it is in Chapter 53, you prepare a redevelopment area plan studies, undertake urban renewal projects, acquire property, make and execute contracts, adopt, amend and repeal rules, appoint a manager, deputy manager, borrow, issue bonds and invest. The greens ones are the only ones that this redevelopment agency has really been active in. This agency hasn't been granted the authority from the County Council because you don't have your own financing source to do the three that are in white at this point. The reason for the agency is the prevention of slum and blight or to move away from an existing condition of slum and blight. There's all kinds of different definitions of slum and blight. The majority of the ones that we have are the dilapidation, the inadequate street layouts, and then the substandard lot sizes. Those are what, that's what has qualified us so far. This summer, some of you remember I had an intern, Bryan, who went property by property, and he assessed every property in the redevelopment area again which is what continues to make the MRA eligible for funds in the event that we were to apply for a grant relating to slum and blight. So he had documented the conditions once again. The majority of the reasons for it would be substandard lot size. But when I started advising this board, these were conditions that existed in the redevelopment area. Only the top right one that still exists in its condition.

Elements of the redevelopment plan as adopted are land use – I'm already now on to the next,

E, redevelopment plan – land use, vehicular and pedestrian circulation, urban design and beautification, infrastructure and market development. This plan was adopted in 2000. There's only a few tasks outlined in this plan that still have not been completed. One of which is LU-2. This is the development of an open air park which we're presently, actively working, to get built at this location. The redevelopment of the municipal parking lot, and this goes hand in hand with the next two – acquire an easement between Main and the municipal parking lot, and develop additional parking at the municipal lot. So these three all go together that need to be achieved.

VPC-4 is to improve the cross walk at Main and Church. The Department of Transportation is currently working on this right now so they'll be starting this fall on a project on Main Street. It's mostly a re-striping project, but there's opportunities to make it safer. VPC-7 is vehicular and pedestrian improvements, and this was intended to be throughout the district to make it easier for pedestrian access. These are just a couple of examples of conditions of where it's very difficult for the pedestrian to navigate town.

UDB-3 is expand Market Street design. In the budget for FY14 the Planning Department put \$100,000 for a project for Vineyard Street improvement. So what was the small town grant fund now what we've done instead of do, continue to do the small town grants for all the different small towns, now are going to be designated to specific projects. And one of those will be the Vineyard Street improvement project. So hopefully Vineyard will get addressed here shortly. The UDB-4 is to underground utility lines. And then market development continues to be an on-going one. Yuki Lei Sugimura kind of single handily took this one on with . . .(inaudible) . . . Also now that the MRA's funding of the branding activity, though, certainly works towards improving market development.

The next document is the Zoning and Development Code. That, let's see, it provides definitions of uses, development standards and parking. The goal is to assist with land use decisions and the process by which development applications should be reviewed. So that's –. Let me go back. I should illustrate. Most of you know already know this. So this is the plan that I was referring to that has the elements. This is the Zoning and Development Code which is effectively the zoning document for the redevelopment area. These are the design guidelines. And that's this next one. These were adopted in 2006. They define the community character and aesthetics. They have architectural and site design guidelines. It does provides examples of right and wrong, which is one of the really positive of this one that the other ones don't have. It catalogs the buildings and landmarks, and recommends preservation standards. Then, in addition, a series of preservation studies have been – or, redevelopment studies have been completed for the district. In 2001, the Town Assessment was completed and this has, basically, the existing status of the water, the sewer, the road infrastructure, all those types of things within town. The only improvement that has occurred since this was done are the improvements on Market and in the Vineyard Street water line project. But other than that it's relatively up to date. Oh, Bryan also did an assessment of the sidewalk conditions that we can update that with as well.

The Wailuku Parking Lot Master Plan that which was done in 2004 and lead to the request for

funding for a parking structure. The Redevelopment Area Market Base Plan in 2010, the Parking Management Plan in 2011, and then the two projects that were done in 2012 were the reWailuku project and the branding project.

The Market Base Plan was the one with the most concrete direction, I think, for this agency. It provided a market profile. It had broad base, public participation and a community opinion survey with a really excellent result. Over 1,000 people responded in that community opinion survey. The business and organizational plan proposed in that is something that's kind of yet to be dealt with by the redevelopment agency. But it proposes initiatives and programs, the sequencing of how things would best move forward, and how to organize and finance different projects in the redevelopment area. The key recommendations were to revisit the design guidelines and zoning and development code. One of those key ones we've already began working on is the parking ordinance. It's suggested creating a dining and entertainment district to capture the market – stating that for a town as dense as Wailuku/Kahului it had excessively, or a very small number of dining and restaurant opportunities – to manage parking better that parking is our best resource and it's going completely unmanaged, to prioritize keeping the town clean, to create a public market and to create an organizational structure that basically allows for the other three things in the redevelopment plan that the MRA currently isn't authorized to move forward on.

Up until now parking has really driven redevelopment and has been stalled because of the concern and discussion about the parking structure. The reason it hasn't moved forward is primarily because of direction from our leadership that there was a question that is a – there actually has never been an analysis of whether a parking structure would be a positive economic benefit to the community or not. And in the last decade or so the general movement is not to build large parking structures in a center of a downtown that it can be a really negative thing, and our Mayor now had read that is several different articles. And then he actually took that to a conference in Vegas where he was asked what to present what's one of your biggest challenges as a new Mayor. And this was it, should we build the structure or not. And the design panel that reviewed the project mostly said no. This would not be a good thing for your community to build this parking structure in this location. Which is why it hasn't moved forward. And this is also the reason that we launched the reWailuku project last year to figure out well, what does the community want to do.

This sketch was what launched the reWailuku project. It assumed that the parking garage would continue here in the middle of the block, and that uses would be built around it as well as all the additional infill uses that were defined in the plan. This was the flyer for community input. And since we've actually come up with a series of suggested implementing actions that we've been working through with the Mayor. And now that we have the branding done, that's going to be packaged and brought out in the document.

The financing tools that have been discussed for the redevelopment area are the General Fund dedication. The redevelopment agency continues to get, has always gotten, and would continue to get. And the CIP projects, which that, that Lao Square is going to be partially a CIP project.

Tax increment financing is authorized in Chapter 53. Special Assessments are also a possibility and either in the form of business improvement district or a community facility district. Then grants, like, what I mentioned a second ago about the question for sunshine. The organization is able in Chapter 53 to do fund-raising activities or capital campaign to fund individual projects. It also, in theory, would be able to capture parking revenue. And this talks about how – what funds gets used for what. This was – this was actually – I did a presentation at the, the Hawaii Conference of Planning Officials about tax increment financing and whether or not we're gonna move forward. But essentially the low hanging fruits are the types of projects that have been fulfilled so far in the redevelopment area. This is mostly because stimulus money has helped to complete the larger projects. And my formatting got screwed up, but what I can do is this. I don't know what this is. We'll skip it. The real issue for us and I have said this even with County Council and the Mayor in the room. The real issue at the moment for the redevelopment agency is political will. What's the next step for financing and funding any of these projects is going to be what is the comfort level of the County Council in terms of allowing a separate entity to move forward. Either purchase an acquisition, obtaining funds and using them for projects within a specific area. Typically other downtown development authorities, which they're called on the mainland, do receive funds and are able to dedicate them to specific projects. But it's never been done in the State of Hawaii. And as a result a lot of leadership does have some concern about it. Specifically because tax increment financing redirect funds out of the general fund and into a fund that's specifically dedicated to something else so there is uncertainty about that. Actually I won't go into this unless anybody really wants to see this slide again.

Mr. Mitchell: I have a – excuse me – I have a general question. I don't know if you can answer it. Why is uncertainty because it's worked every where else?

Ms. Wade: Well, and that's the debate, honestly, is because tax increment had such an issue in California recently. You know, all the redevelopment agencies were disbanded because it was abused. It's a tool that has been abused elsewhere where the definition of a slum and blighted area was expanded quite a bit beyond what the traditional downtown was. Some communities in California was putting their entire tax base that was in commercial use into redeveloped fund areas. And then the other issue is, we – our taxation structure is extremely simplistic so we just have, we collect taxes and it all goes into a single fund. Whereas in California and other states they have a library's fund and an open space fund, and all these separate funds that the tax increment allows you to capture everything. It's school's fund, you know, where they, they would have millage to raise funds for schools and tax increment would capture that. So it wasn't going into the state's, into the state to pay for all those facilities. And because some of the redevelopment agencies were getting pretty greedy in defining all their commercial area, that's why California had such a problem. Where when a tool is used how it's supposed to be used, it's just the downtown area that is challenged for the reasons of slum and blight, you know, it's usually less than a 1% of the tax based. Where as California sometimes 40% of their tax base was included. So it was an excessive use of the tool. And I think, but, the media coverage has been all about we got to get rid of redevelopment agencies, and therefore that has spread nationally where the concern that, you know, that it doesn't really explain the facts and why it's different in Hawaii.

Ms. Ball: Historically I think nationally there has been problems throughout the nation with the redevelopment agencies, and you know, it's called it. I don't know that's specifically what they are, but because of the interpretations that, that happened and then what they call it and who benefits and it's all personalities involved as well. In a small community like ours where we kind of all know each other, it's not, it wouldn't be as dangerous as many of the others that . . . (inaudible) . . .

Mr. Giroux: And Erin isn't it, a lot of the debate is, is are you shifting liabilities and benefits that aren't really following the free trade kind of concept or -. Because you're using condemnation, and then you're using taxation of people who aren't going to really benefit personally. But then you're giving people who are personally going to benefit, you're giving them windfalls.

Ms. Wade: Yes. That's a - so that's a separate issue from tax increment. But in terms of utilization of the powers of the redevelopment agency, and you know, my personal experience with this in a couple of different communities in Michigan, there would be projects that would occur and the, the redevelopment agency would pick up all of the public improvement costs. Whereas at this point a private developer is expected to improve the curb and gutter, add a sidewalk, do the driveway, access all of those things within the public right of way but support the development project. However in redevelopment areas normally on the mainland all of those costs are picked up by the agency. And in the case - so the case that made it evident to me that we should pursue the tax increment financing was the Four Sisters Bakery project on the corner of Central and Nani. The difference of the public improvements was what caused their project to not to be able to move forward. It was almost \$70,000 in public improvement costs which made their project unfeasible. It was also the time of the market, you know, in 2007 and this that was a really negative. However, that doesn't mean we're totally lost. I mean, I think the good news is we are finding ways around using tax increment in that the \$100,000 was dedicated for the Vineyard Street improvement project which is exactly what we would do with the money if we had it in tax increment. So, so long as the County Council is willing to continue to put money towards these types of a projects. The form in which it comes isn't as important as it actually happening, so I think that's a positive thing. So that's my quick orientation.

F. BUDGET

- 1. Cash-flow report**
- 2. Discussion on covering the costs of maintaining the landscaping on Market Street.**

Mr. Mitchell: Okay, that's it on the Maui Redevelopment Agency orientation workshop and we'll move on to item F, budget, cash flow report. I don't know - we don't really have any cash to report do we? Because we went through that last meeting, correct?

Ms. Wade: That's right. The only thing I'll be entering into an agreement with Tri-Isle RC&D for the First Friday security this month so that we can lock up those funds that you folks have dedicated. That will be it.

Mr. Suzuki: Question Chair.

Mr. Mitchell: Sure.

Mr. Suzuki: Erin, you know, this is not specific to the cash flow, but do you know what was approved by the Council for 2014?

Ms. Wade: Yeah, the same amount, the \$83,500 that you got last year, and then the additional \$100,000 for the Vineyard Street Project.

Mr. Mitchell: Okay. Item 2, Discussion on covering the costs of maintaining the landscape on Market Street.

Ms. Wade: Oh, yes. Okay, thank you. I'm sorry, I was hoping to provide you a request from the Maui Nui Botanical Gardens, but I happened to run into Tamara on Market Street servicing the planting. You know, they've been doing it on a volunteer basis now for two years. But I didn't realize she was going to all this trouble, but they've been replacing irrigation lines, they've been replacing timers and batteries. And there's a lot of costs associated with maintaining that we have just been kind of – they've been doing for us without any charge. But I asked her to put together what she thought that cost to them on a monthly basis, and suggested to her that how much would you like us to bill us quarterly if you guys were gonna do this. But, you know, of course, they're gonna give us a huge discount because we have the Ahupuaa board for them, and it explains about Maui Nui Botanical. So I requested that of them which they're, they're really short handed at the moment. They have two people out and they're only a staff of five.

Mr. Mitchell: Would they be willing to, once we get the park improvements done, be paid to overtake, to maintain the landscape and the park?

Ms. Wade: Yeah. I think they would really like to do that.

Mr. Mitchell: Okay. Great.

Ms. Wade: So, anyway, hopefully next meeting I'll have a budget amount for you. We don't have money to pay them out of this FY cycle anyway, but next year.

G. OPEN PROJECTS LIST

1. David Dwyer - Fujimoto Building

Mr. Mitchell: Right. Okay, moving on, I guess, the open projects list. We covered that one, number G, with David Dwyer, so that one's checked off. Next meeting scheduled June 28th, 2013 presumably that's a Friday. Same time, same channel.

Ms. Wade: Yeah, the only reason parking management wasn't on this, this agenda, was we have a meeting planned with Finance and Public Works next week. Because when we were talking we were thinking, well, if they're going to do something with Lahaina, we want to make sure it's all coordinated. We weren't able to actually get all those parties in the same room until next week, so we'll put it on the following agenda.

H. NEXT MEETING DATE: June 28, 2013

I. ADJOURNMENT

Mr. Mitchell: Okay. Anything else on the following agenda somebody wants to add? Everyone's good? Thank you. If no other discussion, we'll adjourn today's meeting at, is it 2:37.

Mr. Fujimoto: 27.

Mr. Mitchell: 2:27.

There being no further business brought forward to the Agency, the meeting was adjourned at approximately 2:27 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Members Present:

Carol Ball
Thomas Fairbanks III
Don Fujimoto, Vice-Chair
William Mitchell, Chair
Warren Suzuki

Others:

Erin Wade, Small Town Planner, Current Planning Division
James Giroux, Deputy Corporation Counsel