

**INFRASTRUCTURE AND ENVIRONMENTAL  
MANAGEMENT COMMITTEE**  
Council of the County of Maui

**MINUTES**

**Council Chamber**

**July 22, 2014**

**CONVENE: 1:35 p.m.**

**PRESENT: VOTING MEMBERS:**

Councilmember Elle Cochran, Chair  
Councilmember Stacy Crivello, Vice-Chair  
Councilmember Robert Carroll  
Councilmember Mike White

**NON-VOTING MEMBERS:**

Councilmember Gladys C. Baisa  
Councilmember Michael P. Victorino

**EXCUSED: VOTING MEMBERS:**

Councilmember Donald G. Couch, Jr.  
Councilmember Don S. Guzman  
Councilmember G. Riki Hokama

**STAFF:** Jordan Molina, Legislative Analyst  
Raynette Yap, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone  
conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone  
conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone  
conference bridge)

**ADMIN.:** Michael Miyamoto, Deputy Director, Department of Environmental  
Management  
David Goode, Director of Public Works, Department of Public Works  
Richelle Thomson, Deputy Corporation Counsel, Department of the  
Corporation Counsel

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

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CHAIR COCHRAN: . . . (*gavel*) . . . Aloha, will the meeting of the Infrastructure and Environmental Management Committee now come to order? It is June 22, 2012 [*sic*], around 1:30 in the afternoon. And I am Councilmember Elle Cochran, the Chair of this Infrastructure and Environmental Management Committee. Members, before we begin may we please turn off or silence our cell phones or any other noisemaking devices, please? And let me introduce the Members that are present. I have Committee Vice-Chair Stacy Crivello.

VICE-CHAIR CRIVELLO: Aloha and good afternoon, Chair.

CHAIR COCHRAN: Aloha. And Vice-Chair of the Council, Mr. Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And excused, oh, sorry, and Mr. Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR COCHRAN: Aloha. Excused is Councilmember Couch, also, Councilmember Guzman and Councilmember Hokama. But with us joining us nicely is Non-Voting Committee members, Chair of the Council, Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And also Michael Victorino.

COUNCILMEMBER VICTORINO: Aloha and good afternoon, Chair.

CHAIR COCHRAN: Aloha, good afternoon. And from our Administration, it looks like we have Deputy Director of Environmental Management, Mike Miyamoto.

MR. MIYAMOTO: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And from Corporation Counsel, Richelle Thomson.

MS. THOMSON: Good afternoon, Chair.

CHAIR COCHRAN: Hi. And then Committee Staff members, we have Secretary, Rayna Yap. Aloha, Rayna and also Legislative Analyst, Jordan Molina. And later joining us will be from Public Works, David Goode. At this point, individuals who would like to testify in the Chamber, please sign up at the front desk in the lobby on the eighth floor. And also, if you're testifying from the remote testimony locations, please sign up at your District Office with the Staff and on the items that are on the agenda today. Testimony will be limited to strictly the listed items and also you'll be given three minutes to testify with one minute to conclude. And at this point, let me check in

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with our outer Districts, which we have connection to and I shall rotate through the Districts. Hana Office, are you there?

MS. LONO: Yes, good afternoon, Chair. This is Dawn Lono at the Hana Office and no one is waiting to testify right now.

CHAIR COCHRAN: Thank you, Dawn. And on our Lanai Office?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR COCHRAN: Thank you, Denise. And Molokai Office?

MS. ALCON: Good morning [*sic*], Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR COCHRAN: Aloha, Ella. And ladies, thank you for being there. If you do get someone walking in for testimony, please notify our Staff, and we will get them testifying for us. Thank you. At this point, Members, we shall open the Chamber floor for testimony, if there are any. Jordan?

MR. MOLINA: No one has signed up to testify today.

CHAIR COCHRAN: Okay. Members, there's no one waiting to testify and I'll check back in with District Offices. Anyone show up for testimony? Hana?

MS. LONO: The Hana Office has no one waiting to testify.

CHAIR COCHRAN: Lanai?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR COCHRAN: And Molokai?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR COCHRAN: Thank you. Thank you, ladies. And, Members, at this point it looks like people aren't clamoring at our front doors for testimony. So, without objections, I shall now close the floor for testimony.

COUNCIL MEMBERS: No objections.

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CHAIR COCHRAN: Thank you, so ordered. Members, and ladies, thank you very much for being there. And, Members, we have five items on our agenda today.

## **IEM-20 PLASTIC BAG REDUCTION ORDINANCE REPORT (CC 13-280)**

CHAIR COCHRAN: And the first item is IEM-20, Plastic Bag Reduction Ordinance Report. And this is County Communication 13-280, from the Director of Environmental Management, transmitting an annual report assessing the use of paper and reusable bags in accordance with Ordinance 3587 (2008), Section 20.18.030B, Maui County Code. So, at this point, Members, there has been a lot of talk over the past several months about the County's Solid Waste Management Program. And I do intend to dedicate several of my remaining IEM meetings of the year for discussion on the various Solid Waste related items pending before this Committee. And today's item is intended to serve as a lead-in item for the anticipated discussions related to the Solid Waste Management program. At this point, I shall now open the floor up to Deputy Director Michael Miyamoto to give us a presentation or update with the report. Mr. Miyamoto.

MR. MIYAMOTO: Thank you, Madam Chair. The...one of the goals of the Plastic Bag Reduction Ordinance was to eliminate plastic bags that littered our environment. And it has reduced the number of plastic bags that currently litter our environment. If you drive up Pulehu Road, you can notice the trees don't have the plastic bags. The fence doesn't have the plastic bags anymore. As the other islands implement their plastic bag ordinances, we expect to see even more of a better reduction in this plastic bags that we do have. We may never really eliminate plastic bags. And the reason I say that is because people travel outside of the State. For example, if you go to the mainland you buy a lot of things on the mainland and we tend to bring those bags back here. So, it's...we will always have a small quantity of those plastic bags that will always be in our landfill. Hopefully, with our new Waste Conversion Project where the trash will be indoors dumped on the floor indoors, we shouldn't have trash that gets blown around because it will be indoors. We should be able to control it better. Overall though based on the statistics from as you see in the report, in FY '13, we had about 48 percent of the people surveyed are using paper bags. That's where we see the largest increase in the data that we collected for FY '14. In FY '14, we see that percentage has increased to about 73 percent of the vendors are now using paper bags, which is allowed by the ordinance. You know, when you ask the businesses, you know, they say that, you know, their concern is that if they don't provide paper bags at least, they may lose their customers to other places that do provide the paper bags. So, the paper bags are allowed by the ordinance and, you know, in the future when we have waste conversion that can go into...that can be utilized as part of the feedstock for future fuels that we're developing. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you. That concludes your report, Mr. Miyamoto?

MR. MIYAMOTO: Yes, ma'am.

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CHAIR COCHRAN: Okay. So, Members, with that the floor is now open for discussion with the Department. Anyone have questions or comments? Yes, Mr. White.

COUNCILMEMBER WHITE: Thank you, Madam Chair. Mr. Miyamoto, the number of customers surveyed has dropped significantly over the last couple of years. In 2011, 4,400 were surveyed. In 2012, 2,200 were surveyed, about half of what was done in 2011. And in the most recent survey only about 1,600 were surveyed. Is there a reason for the significant reduction in how many people are being surveyed?

MR. MIYAMOTO: Initially, we wanted to survey a lot of people as the ordinance had just started. So, we wanted to get good information from a lot of the people that were out and about shopping. And some of the things that we learned, you know, from that initial one was that they didn't bring a bag because the items they were planning on buying didn't need...necessitate them bringing a bag. For example, if you're buying a case of water or some other refreshments you didn't normally put that in a paper bag or a plastic bag. You would normally carry those out so as the years went on we started to see more consistent numbers so we slowly reduced the sample size.

COUNCILMEMBER WHITE: Okay, I guess, that's reasonable. Okay, thank you. I don't have other questions. Thank you, Chair.

CHAIR COCHRAN: Okay, thank you, Mr. White. Members, any further questions? Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, Madam Chair, and thank you. And thank you for this update. So, as far as you're concerned, Mr. Miyamoto, what we brought forth in 2008 has in large part been successful here in Maui County?

MR. MIYAMOTO: Oh, yes, very much.

COUNCILMEMBER VICTORINO: Okay, and, I think, that's what most people wanted to know. How effective this was? Yes, we don't have the plastic ornaments as you go up Pulehu Road as we used to have. Some of us miss that. No, not really, not really. But, you know, all joking aside, I believe, that the ordinance we put together back in 2008, which other counties have emulated and followed has been very successful. So, as you well know that in this Committee, I have a foam ban that I would like to bring forward. And hopefully in the very near future if Ms. Cochran can find the time, which is always the biggest problem is finding time that could be brought forward because, I think, that would be our next big area of waste that we can, you know, somewhat decrease tremendously especially when you talking biodegradable, yeah. So, thank you, Mr. Miyamoto. And, thank you, Madam Chair, for allowing me that moment.

CHAIR COCHRAN: Thank you, Mr. Victorino. And, yeah, to grant your wish that will be on Monday.

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COUNCILMEMBER VICTORINO: I knew that. I knew that so I just wanted you to let everybody else know.

CHAIR COCHRAN: Just ask and you shall receive.

COUNCILMEMBER VICTORINO: Thank you, Madam Chair.

CHAIR COCHRAN: Members, any further questions or comments for our Department? Yes, Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. And thank you for the report. I really appreciate it. You know, it's always good to actually see numbers. You know, I observe as I do my marketing and I'm one of those people that markets all over the place depending on where the specials are or where my favorite things are. And I have certainly noticed that there's a huge use of paper bags. And, you know, my concern, of course, as you know, we did want to save the plastic bags. And I certainly agree that the decorations on the trees outside of the recycling, I mean, the rubbish dump were really ugly. And no matter what we did, we didn't seem to be able to get them out of there. But all of these paper bags kind of...aren't we killing the trees now? I mean, ecologically. Any comments?

MR. MIYAMOTO: I guess, when you look at it that would be one the trade-offs. You know, which one is greener to spend petroleum products to get the plastic bags or to use a renewable source such as growing trees to make the paper bags. And the technology is such that a lot of the paper bags have a certain percentage of recycled material in it. We do have in our residential drop-off, we do have cardboards and paper materials that can be utilized to recycle the paper in the paper bags. I know for myself I collect the paper bags I get from the stores and I then donate them to a nonprofit for them to use in their sales or whenever they put things together.

COUNCILMEMBER BAISA: So, those are more likely to be recycled than the plastic bags were. So, maybe it's not such a bad idea.

MR. MIYAMOTO: I guess, that would be an argument for the public to have because a lot of people say they used to use their plastic bags for those small office trash cans. So, they always liked that. I know what I used to use them to wrap my shoes whenever I travel. I used them to wrap my shoes so my shoes don't stink up my luggage.

COUNCILMEMBER BAISA: Yeah, my husband does that too and it's always good to have those plastic bags. But you know, I have mixed, you know, feelings about this 'cause I definitely didn't like the plastic bags flying around. They were bad and ugly, but I also feel bad when I see all these paper bags going out of the store. And I get them too and like you I collect them and I try to reuse them or, you know, use them for some good reason. I wouldn't throw one away unless it was totally devastated like wet or whatever. But it's really hard, you know, this whole

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business of dealing with solid waste and trash. It's such a difficult game and, of course, none of us want to see it lying around because we want to keep our island beautiful. And, I think, we've accomplished that in sense of getting rid of, you know, the tree ornaments. But I still am a little concerned about how the paper bag increase has gone. I mean, the numbers are startling. It's really, really interesting to see how high a percentage of people are using them now. And if they're not used then, you know, I stand in line at the grocery store. You know, I'm a shopper. And almost everybody that I see, you know, the rare person with their own bag is rare. Most people are using the paper bags. Maybe we need to try to continue and push the bring your own bag thing. I know for a while we did and there were signs up everywhere. And the clerk would ask you kinda you feel guilty, did you bring your bag? And you say, oh my God, I better run out to my car and get that bag I have. But, you know, we've kind of...we don't do that anymore and they just kind of automatically give you bags. So, maybe we could try pushing again to have people try and bring their own bags, Chair.

CHAIR COCHRAN: Yeah.

COUNCILMEMBER BAISA: Because that would cut down on the use of all these paper bags. Anyway, thank you for the report and thank you for bringing it up, Chair, appreciate it.

CHAIR COCHRAN: Yes. Thank you, Chair Baisa, for those comments, duly noted. Members, further comments or questions for Department? So, I have some questions, Mr. Miyamoto and Members, if you don't mind. So, is it a safe statement to say that this report was basically to assess the increase in the number of businesses using paper bags or reusable bags, that was kind of the intent of your going out and canvassing the different stores and figuring that out?

MR. MIYAMOTO: The first statistic that really isn't listed that probably everyone overlooked is that we pretty much have a 100 percent compliance. No one has those plastic bags anymore. The distributors won't bring 'em in and the only ones that are on the island are basically what people have left over from years of saving them versus what your people are bringing in from their trip out of State or what our visitors are bringing in for to the island. So, basically we don't even worry about...we assume 100 percent. So, then this tries to show what is the breakdown as to what bags are they using like you're saying bring your own bag. We wanted to see, you know, are we achieving that desire? So, in the FY '14 Report that will be coming in pretty soon, we recategorized things like, for example, if you use your own bag or you didn't take a bag, that would be one category 'cause then that way you might be getting the message that, hey, either bring your own bag or don't take a bag. You might be getting the message there and then everybody else will fall into, you know, whether they're using paper or something other than that. For example, on Molokai, they reutilize the boxes which the materials came in. So, they rather than paper they're reusing cardboard boxes, which is gonna be a small amount, but we'll have that in there.

CHAIR COCHRAN: Oh, okay. Well very good. Thank you, yeah, 'cause I'm just trying to figure out. And so another question is then but this possibly could come out in your next report. What has

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been the impact with, you know, as Ms. Baisa brought up, now the heavy uses of paper, you know, versus the plastic? We shied away from that. That's all good. But now, we got a huge influx obviously to our landfills and wherever else in the paper. And so, have you folks come up with some type of, you know, concrete kind of impact of that at this point? Or is that what's going to come up next?

MR. MIYAMOTO: On the surface, we really didn't do like you're saying the economic impact of having it, you know, people shifting toward paper. The one thing it did bring up to us that as, you know, Member Baisa had said, we're thinking about how can we do a better job at bring your own bag...BYOB? And, you know, so the staff is looking at those. How to convince people to do that? Either don't take a bag or utilize bring in a bag on your own. Like for myself, I don't bring the bag in. I leave it my truck. I have that Costco mentality that I'll just put in the wagon, take the wagon to my truck, and then I'll dump it in there, rather than try to do at the store. But so we're trying capture those people also that don't bring a bag also.

CHAIR COCHRAN: Okay, well good, yeah, the BYOB. We better define that "B", as bag. And I completely agree. I think, I finally trained my brain to bringing that bag where it took a good...I don't know. It seems like a couple of years, go to the store, and go oh my God, my bag is in the car. And now I kind of have it down, but that's great to hear that we wanna all, you know, get towards BYOB, and not have to utilize whether it's plastic, paper, or anything else. But I do commend our outlying districts, such as it looks like the numbers are really high for their reused boxes on Lanai, Molokai. And, you know, that's wonderful. It's a source that sits there empty and you can thereby use it for another purpose. And, I guess, Mr. Miyamoto, hopefully in your next report, yeah, the impacts to our landfill, economic type impacts, of course, environmental impacts, if any, things of that nature. But, I think, if there are any negative impacts with no matter what type of product the bags are made of, I think, just the BYOB concept is the key. But, again, education awareness in keeping that forefront of people's minds when they go shopping. But anyhow, Members, any further discussion or comments with Department in regards to this Plastic Bag Reduction Ordinance Report? Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Oh, you went through the whole dissertation. That's great. You know, Mr. Miyamoto, you know, the Costco mentality, I find that more and more, even in Walmart, and others that people are going out with their whole cart, not getting bags, just taking 'em out. And what else I've seen in Walmart and I use Walmart because that's another place where a lot of people buy stuff, right? And I see a lot of people, including myself, if I got three or four items I just carry 'em in my hands. Just walk out. And they like to see your receipt. So, you know, what the ladies really appreciate that they can see everything one time. They don't have to open the bag and you're right through. In fact, so, you give 'em the receipt and walking out they say thank you and they just. And so, I think, many people on Maui have changed. But, I think, the bags 'cause I have four or five in the back of my cars, and I always walk in just like you, Madam Chair, and I forget. So, if I'm gonna buy a number of items, five, six, eight, ten items, then I'll run back and go get 'em. If it's only two or three items, I carry 'em out. And, I notice more and more people doing that, Madam Chair, more and more people. So, I think, the

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brown bags even though they're out there and they're being utilized, I don't think it's as big a threat as they were years ago. And, again, I think, a good campaign, Mr. Miyamoto, might be at this time, might be a great idea to get people's awareness back to where it needs to be. Thank you, Madam Chair.

CHAIR COCHRAN: Okay, very good. Thank you, Mr. Victorino. Members, further discussion needed? Yes, Ms. Baisa.

COUNCILMEMBER BAISA: Yes, Chair, I wanted to thank you for having this report because I had wanted to see more or less a scorecard before we launched onto the next initiative, which is the Styrofoam initiative. I kind of wanted to see, you know, what has really happened with this. So, I want to thank you very much. Thank you.

CHAIR COCHRAN: My pleasure, thank you very much. And so, Members, if no further discussion needed on this topic, I, without objections, I shall defer this item for future reports can thereby just be submitted into this already existing item.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS

**ACTION: DEFER pending further discussion.**

CHAIR COCHRAN: Thank you very much. So ordered.

**IEM-47 ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE LAHAINA PLACE ANNEX (CC 14-127)**

CHAIR COCHRAN: Okay, on to the next item, Members. This is IEM-47, and this in regards to Accepting Dedication of a Road Widening Lot for the Lahaina Place Annex. And this one, let me see here, the Committee is in receipt of the County Communication 14-127, from Director of Public Works -- Director Goode has joined us -- transmitting a proposed resolution entitled ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE LAHAINA PLACE ANNEX, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE. And the purpose of this reso is to accept "Lot 2" along Dickenson Street, consisting of 1,259 square feet, identified as Tax Map Keys (2) 4-6-008:029, portion, and (2) 4-6-008:065, portion, Lahaina, Maui, Hawaii, dedicated in compliance with the requirements of Subdivision File 4.484. And with that, I shall now turn the floor over to Director of Public Works, David Goode. Hello, Mr. Goode.

MR. GOODE: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon.

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MR. GOODE: Members, thank you. This particular item is a road widening lot that for some reason actually was approved in the late '80s... '87 and for whatever reason no one knows was not processed. The current owner of the property had contacted our staff. They found the deeds in a file and we brought them up. So, at the time everything was in place and up to standards. And we kind of feel that this is one, you know, is an item that is something we probably should have processed years ago, but we didn't. And, in any case, it's a standard road widening lot and so we're bringing it up today. It's about 13 to 14 feet wide on Dickenson Street. There's a curb, gutter, and sidewalk there. The original subdivision consolidated two small lots, each about three, four thousand square feet, consolidated those two lots together, and created the road widening lot. And that's about all I have, Chair.

CHAIR COCHRAN: Thank you, Mr. Goode. And, Members, I neglected to point out that Ms. Yap handed out a map, just to give a little bit more clarity as to where this area is 'cause I was kind of confused with the real, the sketch in our binders. So, this is the aerial, probably Google Map type photo of the lot that we're discussing. And the floor is now open for any questions or comments you might have for Director Goode at this point. So, it runs along Dickenson and it looks like just up from Kobe Steakhouse area?

MR. GOODE: Correct.

CHAIR COCHRAN: Mr. Goode, so the...was the subdivider required to complete roadside improvements for this? Is that what?

MR. GOODE: Yes, they were.

CHAIR COCHRAN: Yes.

MR. GOODE: And that was done some time ago.

CHAIR COCHRAN: Okay. And it just happened to come to your Department's attention that it was never, I guess, officially accepted, and that's why we're here today?

MR. GOODE: Correct.

CHAIR COCHRAN: Okay. All right, seems pretty straight forward, Members. Do you have any questions or comments? Seeing none, alrighty, then with that, the Chair, will entertain a motion to recommend adoption of the proposed resolution entitled ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR LAHAINA PLACE ANNEX; incorporating any nonsubstantive revisions; and filing of this County Communication 14-127.

VICE-CHAIR CRIVELLO: So moved.

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COUNCILMEMBER CARROLL: Second.

CHAIR COCHRAN: Thank you. It has been moved by Ms. Crivello and seconded by Vice-Chair Bob Carroll. And, Members, any further discussion on the motion? Seeing none, all those in favor of the motion, say “aye”.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any opposed? No opposed. Motion carries with four “ayes”, and three excused.

**VOTE: AYES: Chair Cochran, Vice-Chair Crivello,  
Councilmembers Carroll and White.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Couch, Guzman and Hokama.**

**MOTION CARRIED.**

**ACTION: ADOPTION of resolution and FILING of communication.**

CHAIR COCHRAN: Thank you very much, Members.

**IEM-42 AMENDING SECTION 10.68.110, MAUI COUNTY CODE, PROHIBITING  
LARGE COMMERCIAL AND CONSTRUCTION VEHICLES FROM USING  
MAKAALA DRIVE, WAIEHU (CC 14-80)**

CHAIR COCHRAN: And on to our next item. We have our third item on our agenda and it is IEM-42, and this is Amending Section 10.68.110, Maui County Code, Prohibiting Large Commercial and Construction Vehicles from Using Makaala Drive, which is in Waiehu. And this is County Communication 14-80, from Director of Public Works, transmitting proposed bill entitled A BILL FOR AN ORDINANCE AMENDING SECTION 10.68.110, MAUI COUNTY CODE, RELATING TO PROHIBITING OR REGULATING THE USE OF ROADWAYS BY CERTAIN CLASSES OR KINDS OF TRAFFIC. And the purpose of this bill is to prohibit non-exempt vehicles with a gross vehicle weight of more than 10,000 pounds from traveling on Makaala Drive, Waiehu, Maui, Hawaii. This correspondence was dated May 29, 2014, from Director of Public Works, and also transmitted comments on this proposed bill from the Public

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Works Commission. With that, Members, I shall turn the floor over to Director Goode again to give us comments.

MR. GOODE: All right. Thank you, Chair.

CHAIR COCHRAN: You're welcome.

MR. GOODE: I think most Members are familiar with Makaala Drive. It's a mauka/makai road in Waiehu. It connects from the makai side, the Beach Road to Kahekili Highway near Wailuku Country Estates. It does go through the entire subdivision and is the only road really that connects those two roads before they join together as you head out towards Waihee. We did receive a request from a resident. We felt that there seemed to be a lot of heavy truck traffic unnecessarily driving through the subdivision. And so we took look at it. We do have other roads in the County that have vehicle weight limits. Waiko Road is one example...East Waiko from the ditch up to the highway is an example where there's homes there. We have speed humps and years ago they had made that request. And because there's other routes for trucks to go, it seems that's an example of one where we had implemented it. We took this request to our newly formed Public Works Commission. In fact, this is one of the first items they had. They reviewed it. They agreed that it made sense 'cause there is an alternate route. As you know, of course, Kahekili and Waiehu Beach Road do join, farther to the north or to the west, northwest. I did a quick takeoff. Makaala itself is about a mile long, almost exactly a mile. It's 20 mile an hour posted. From the intersection of Makaala at the Beach Road to the intersection of Kahekili is about one mile. And coming back on Kahekili, no, excuse me, its six-tenths of a mile. Then coming back on Kahekili towards Makaala is a mile. So, it's about 1.6 miles. So, the alternate route is 1.6 miles at 30 miles an hour. So, if you're doing the speed limit it's within seconds, timewise. Although if you turn up Makaala and then make another left, you're making two lefts versus one left down at the intersection. So, for all intents and purposes from the time perspective it's identical. So, anyway, again, we did send it to, we took it before our Public Works Commission. They concurred and we've sent their recommendation along with you...along with this as well. That's it, Chair.

CHAIR COCHRAN: Thank you, Director. Members, the floor is open for comments or questions. Mr. White and then Mr. Victorino.

COUNCILMEMBER WHITE: Oh, let Mr. Victorino go. It's his district --

CHAIR COCHRAN: Oh, okay, all right.

COUNCILMEMBER WHITE: --his area.

CHAIR COCHRAN: You are giving the floor to...okay, Mr. Victorino.

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COUNCILMEMBER VICTORINO: Thank you, Mr. White. And thank you, Mr. Goode, for bringing this forward. You know, we've discussed this before. You and I have discussed this matter and when the person had called me the second time, I had told that person to give you a call directly so that we could start working on this. So, I'm thankful that you finally brought it forward. Also, I wanted to make a point that Makaala also has three raised crosswalks as you drive that, traverse that road, and that particular street. So, it makes good sense when you talking heavy equipment and heavy trucks going on the ulterior route time wise and not so much only time but, you know, wear and tear, because you hit those raised crosswalks, they're like speed bumps, they'll slow you down. And if you're carrying a load then it also can sometimes shift loads and things can fall off. So, thank you very much. I think, the people on that street, which is a very heavy residential area and there's a park at the lower end, about the middle portion of it, which is also there, and kids are always crossing that street from the housing down to that park. So, I'm very grateful for this. I think this is long overdue. And I wanna thank Mr. Goode for bringing this forward and one of the things that now going to make Wailuku even a safer community. Thank you.

CHAIR COCHRAN: Thank you, Mr. Victorino. And, Members, just to point your attention to the handout also that Ms. Yap had given us. And it gives a pretty general overview of the...where this road is if we're not familiar in Waihee area...Waiehu. Okay, Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. Mr. Goode, I'm assuming that this doesn't bar trucks of 10,000 pounds or over from going and doing work within that subdivision. This is just for through traffic.

MR. GOODE: Yeah, that's correct. In fact, the balance of the ordinance, which isn't in your bill says that nothing in this section shall be construed to prohibit the use of the roadways specified in Subsection A -- which will include this road -- by: public or private refuse trucks -- that will collect the trash -- school buses, and buses providing government-funded transportation services; or any vehicle delivering materials or services to a residence or location within the restricted area.

COUNCILMEMBER WHITE: Okay, thank you. Thank you for that clarification. Thank you, Chair.

CHAIR COCHRAN: Yes, you're very welcome, Mr. White. Members, any further questions or comments for Director? Seeing none, I'll make my recommendation.

COUNCIL MEMBERS: Recommendation?

CHAIR COCHRAN: All right, thanks. The Chair will entertain a motion to recommend passage of the proposed bill entitled A BILL FOR AN ORDINANCE AMENDING SECTION 10.68.110, MAUI COUNTY CODE, RELATING TO PROHIBITING OR REGULATING THE USE OF ROADWAYS BY CERTAIN CLASSES OR KINDS OF TRAFFIC; incorporating any nonsubstantive revisions; and filing of County Communication 14-80.



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back up. This is County Communication 14-79, from Director of Public Works, transmitting a proposed bill, A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.040, MAUI COUNTY CODE, RELATING TO STOP REQUIRED–THROUGH STREET INTERSECTING NON-THROUGH STREET. And the purpose of the bill is to convert the intersection of Haiku Road and Kauhikoa Road in Haiku, Maui, Hawaii from a two-way stop to an all-way stop. And the correspondence was dated May 29, 2014, from Director of Public Works, transmitting comments on the proposed bill also from Public Works Commission. And with that, again, Mr. Goode, the floor is yours.

MR. GOODE: Thank you.

CHAIR COCHRAN: Oh, and real quick, also have a map that was handed out. So, we can all get a bigger...better picture of where this is and what we're talking about. Thank you, Mr. Goode.

MR. GOODE: Okay, well first, I think, Chair, unfortunately the map -- while, it's a nice map -- is the wrong intersection.

CHAIR COCHRAN: Oh, this is not the map?

MR. GOODE: No, it is the one, I think, prepared, but it's the wrong intersection. This is a little farther down the road. This map is Haiku Road and Kokomo.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR COCHRAN: Is it?

MR. GOODE: Yeah.

CHAIR COCHRAN: Okay, I...alrighty. So, disregard the map in front of you.

MR. GOODE: But I'm going to describe it so you can visualize it, all right --

CHAIR COCHRAN: Okay.

MR. GOODE: --as best I can. It's a little farther down the road past Fukushima Store. You come to Kauhikoa Road, which is currently stop controlled on Kauhikoa Road; so, if you're traveling on Haiku Road, you go right through. It's kind of a...Haiku Road, as you know, bends, but it has some straight sections. This is one of those straight sections. It's right near the Rice Camp area where there's a fair amount of residents, and we received some concerns related to that particular intersection. And in looking at it, it really seemed best to have the four-way stop there. And so we took it to the Public Works Commission. The Commissioners agreed. There are some challenges, I think, related to sight distance perhaps related to topography on Kauhikoa Road side. If this passes and becomes law, you know, of course, we'll put up the signs. We'll also run

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as much advertisement, if you will, or notice to motorists 'cause any time we make a transition like this, it's inevitable, especially those folks that travel it frequently, are gonna forget; and so, we'll do our best efforts along those lines. A little farther down, Haiku and West Kuiaha was converted to, let's see, it's kind of an offset intersection, but that was converted also to add stop signs on Haiku Road. So those folks that do travel Haiku Road a lot, it wouldn't be totally new to them. We feel this is a good move. So, anyway, again, Public Works Commission, a newly appointed Commission, looked at it, they agreed and now we're bringing it here for hopefully it can pass today and we'll...once it becomes an ordinance, we'll work to get it up and running.

CHAIR COCHRAN: Oh, okay, thank you, Director Goode. Members, any comments or questions for the Department? Mr. White, you're...this is a needed...

COUNCILMEMBER WHITE: I'm good with it. I got more complaints about speeding and safety in my area than anything else, so this is a good move. Appreciate the Department taking the leadership on this.

CHAIR COCHRAN: Okay, very good. I don't know about everyone else, but I get really confused in these. These roads in Haiku, I mean. So, good, I'm glad, we just...to make it safe and, yeah, understand the rights-of-way. All right, well, seeing no further comments needed or questions, the Chair will entertain a motion to recommend the passage then of this proposed bill entitled **A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.040, MAUI COUNTY CODE, RELATING TO STOP REQUIRED-THROUGH STREET INTERSECTING NON-THROUGH STREET**; incorporating any nonsubstantive revisions; and filing of County Communication 14-79.

VICE-CHAIR CRIVELLO: Chair, so moved.

COUNCILMEMBER WHITE: Second.

CHAIR COCHRAN: It's been moved by Ms. Crivello, seconded by Mr. White. And, Members, further discussion needed? Seeing none, all those in favor of the motion, say "aye".

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any opposed? No opposed. So, motion carries with four "ayes", three excused.

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**VOTE: AYES: Chair Cochran, Vice-Chair Crivello,  
Councilmembers Carroll and White.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Couch, Guzman and Hokama.**

**MOTION CARRIED.**

**ACTION: FIRST READING of bill and FILING of communication.**

CHAIR COCHRAN: And thank you very much.

**IEM-60 BILL TO ALLOW THE DIRECTOR OF PUBLIC WORKS TO ACCEPT THE  
CONVEYANCE OF ROAD WIDENING LOTS AND RELATED EASEMENTS**  
(CC 13-34)

CHAIR COCHRAN: Next item, last but not least, is IEM-60 and this is a Bill to Allow the Director of Public Works -- that happens to be Mr. Goode now -- to Accept the Conveyance of Road Widening Lots and Related Easements. And so the Committee is in receipt of County Communication 13-34, from Councilmember Victorino, transmitting this proposed bill entitled A BILL FOR AN ORDINANCE TO AMEND SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO ACQUISITION AND DISPOSITION OF REAL PROPERTY. And this purpose of the bill is to allow Director of Public Works to accept the conveyance of certain road widening lots and related easements. At this point, I shall...if Mr. Goode has comments on this particular item?

MR. GOODE: Yeah.

CHAIR COCHRAN: Yes.

MR. GOODE: Thank you, Chair. Yeah, background: and a good example is today, we had a road-widening lot before you. These are, in my opinion, very standard dedications. And if you can imagine the mechanics behind it, there's a lot of paperwork. There's a lot of people who have to touch the document, starting with our staff; and then transmitting it to the ninth floor; back to the eighth floor; down to the seventh floor; back to the eighth floor; the ninth floor; back to our floor. You know, you know how it works, right? And so you can...and so, 'cause at least a year and-a-half ago or so, we had a number of them on the Committee; and Mr. Victorino, I think, brought up, you know, it sounds like maybe this is something that could be done

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administratively perhaps. And then Mr. Victorino took it upon himself and staff, and actually drafted a bill, which we're very appreciative of for taking that initiative. And we...and we looked at it and at the time my staff who does a lot of different types of acquisition, exchanges, and a variety of other things, thought this was a good step in the right direction and they had a lot of other ideas. So, we kept chipping away at it and had wanted to look at it in a broader context including the road widening lots but other things as well that we do. So, we did draft a revision, another draft if you will, and we were advised by counsel and also by Mr. Raatz that our revised bill was probably broader than the title of this particular item so it wouldn't be something we could probably take up; so, I did transmit that to the full Council. In fact, I think, it was probably on your agenda today. So, hopefully it comes back to this Committee and we can maybe talk about all of it at one time. So, I think, this is a step in the right direction. I think, by way of contrast, I think, Mr. Victorino's bill, I mean you...I don't want to put words in your mouth. No one could put words in your mouth, right? But you looked at what Water Supply has, and Water Supply actually had this law amended when they rolled out of being controlled by the Board. And Department of Water Supply has the ability to accept easements, water tank lots, and a number of other real property interests without coming to Council, but they are required to file a report with you folks; and that sounded like a really good starting place. And, I think, that's what we were looking at for road widening lots, but we're looking at it perhaps for other activities as well. We also noticed within the law, in your draft in here, there's a lot of dollar figures in there that are pretty antiquated; and so we thought we'd take a look at some of those too. So trying to do the right thing here and not talk about all of the bill that I'm looking to do, but kind of taking a more comprehensive look. We think it's a really good move that, I think, ultimately it will streamline if we can pass something here. It will streamline, you know, our time, your time, all our staff's time, and still give the Council the necessary checks and balances, and the ability to, you know, to look at things. So, in any case, that's kind of we're at. I mean, if we want to talk about this bill, more than happy to. If at...or another time we wanna talk about both bills that would be great, too. But we certainly welcome the opportunity.

CHAIR COCHRAN: Thank you, Director. And sorry, I meant to set the stage, Members, in regards to my intentions for this item being brought up today, because as we know there was a County Communication 14-187, referred to this Committee this morning in our full Council. And due to our Sunshine Law, of course, we can't discuss the bill per se today, but my intention is to have this discussion here, the dialogue to start and defer it to as you said, you know, to combine them. So, that's pretty much my intention today here, Members, just so I can set the stage for you, but would like to have some very productive discussion in the meantime. Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Madam Chair. And again, my intent and, I think, it's been very clear that whenever we can simplify and expedite our processing forms and getting things done quickly is what I would like to see. There's too much time and effort spent like you just said, up nine, down. . .*(inaudible)*. . . you spent more time going from floor to floor than getting the actual accomplished job done. So if you want to bring--and I'm all for deferring this until a future date when we have both bills and we can combine them and come up with what I call a real positive, expedient way of doing business in this County, especially when you talking

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these items and others that you have brought up--I have no problem with that because we did that with the Department of Water and it's worked very, very well, so I use that as the example. And then when we first talked about this back in early 2013, this was the whole idea to make it move along just like Water does and not have to come back every time you want to do something, come back to the Council. So the...Water, they just file their annual reports: this is what we've done, dah, dah, dah, dah, done. And so easements are not a big issue if it's done correctly; it should not have to come back to us each and every time a easement is requested for whatever, road widening and other issues that you're bringing up later on and we can't go into that right now. So, Madam Chair, I thank you for this opportunity, and I wait for the next chance we get to work on the bills in its entirety, and maybe coming up with something that, I think, the County can benefit, especially our constituents can benefit tremendously from. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Victorino. Members? Yes, Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Well this discussion has gone on ever since I was on the Council and it almost...we came really close to doing this several times. It was always blocked by one Member that always insisted that the Council cannot give away any authority, which is pretty lame really because it's not giving away authority. It's getting the authority to the party that can best serve the community. Incidentally that person also wanted the Council to delete the Planning Commission for the Council to take over the Planning Commission and I...so obvious how that would work out. So, I think, it's something that really needs to be done. It should've been done long ago, but always got tied up because Members were defending what they felt was defending their turf. It's not that way. It's what we need to do to serve our people. So, I hope we can get this through. Thank you.

CHAIR COCHRAN: Thank you for your comments, Mr. Carroll. Members, any further discussion or comments? I have...Mr. Goode, so it brings me to a situation that we did have in regards to...it was IEM-15, it's a dedication of sewerline easements for Maui Lani and Maui Lani Phase VI Subdivision. And at that time, it was one of these sort of housekeeping, let's just accept dedication and move on. But it was, you know, the historical knowledge of Mr. Hokama that brought it to light. He brought some questions out and it ended up...do you recall the issue? I think Ms. Thomson was here. And so, it ended up that we could've been in a liability predicament with that situation, and it was sort of good thing that it had come through this body to sort that out and, you know, bring up the questions on the floor at the time. And Mr. Gleason and everybody from Maui Lani decided, you know, that's fine, we can hold off. And, I believe, till today it hasn't truly been solved. But something like that could've been passed through and it, you know, it scares me in a sense that Corporation Counsel and this was DEM actually, Department of Environmental Management, I think, Mr. Ginoza, and would accept something and, you know, luckily it did not occur. But, you know, I mean, is that just a by chance circumstance? But, you know, I'd hate to have something like that occur and maybe not vetted out thoroughly and properly in a way, and next thing you know down road we're sitting in some type of I don't know liability, unfortunate situation. And so, Mr. Goode, I've just...you said that

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we wouldn't relinquish or not so much, you know, our power, but our oversight I think is for me, the key question. Yeah, there's a lot of housekeeping sort of, ah, no big deal; but then again, this one particular incident it could have been a big deal. So if you have comments, Mr. Goode?

MR. GOODE: I guess, my first thought is that's, you know, you have a good point because it...and I'd also imagine there's things that we've gone through and passed here that still had headache for us down the road. So, there's, you know, obviously you put more eyes on it, generally, you can find, you know, I guess, you're safer if you will. So, I guess, it's a question of resources. You know, do we want to continue on those resources, you know, putting those kinds of resources into it or we have things to do? I don't have the exact specifics on that one, but we can look at that and maybe there is a way to shape those concerns into the bill. I do know that when we do our road widening lots or road lots, the deeds get pretty thoroughly vetted by Council and by our Department. We do a lot of land transactions so maybe we're more accustomed to it. Another thought I have is that the Department of Water, when they do their easements and land acquisitions that they do administratively, they're required under the ordinance to come through us and Finance and, of course, Corp. Counsel reviews it anyway. So the Code does, right now...I don't know, right that is. So, I don't know if DEM has the same procedures; but per chance, whatever that concern was that was had on those easements, maybe we would have seen them. We have a land section; so we have individuals in there, three or four individuals, that are well-versed in land matters. You know, they do this every day for the County, so perhaps there's a way to fold whatever that concern was into that process. So, some food for thought.

CHAIR COCHRAN: Okay. And another question if Members don't have anything, would this--you know, I am thinking too the way it's set up now the process that, you know, would...gives us oversight as in deferral agreement situations, park dedication situations--would this thereby, you know, those things would not come to this body any longer?

MR. GOODE: Let's see, as far as deferral agreements, there's only a few. I'm not sure how many that could still be out there, but they were basically...that option was eliminated in 2007; so, it would only apply to subdivisions that have...that were applied for prior to 2007. And those never went to the Council anyway, that's an administrative matter. The second item was parks dedication. Parks is a little bit different, you know, looking at the Code again, Parks is required to come here with your agreement, right, that if the subdivider does this subdivision, we will accept the park. That's my understanding, it's the agreement. I don't know if the actual dedication of land comes back to the Council or they just accept the agreement. It's interesting the more time we spent looking at this we just realized how everybody seemed to be treated differently. So, whether it's DEM, DWS, us, or Parks, they're all treated a little bit differently. There is a limit on the dollar value of the 100,000. So like the Launiupoko purchase, you know, and that was pretty recent. And, I don't know, Chair had some concerns on that one. That's over the \$100,000 limit, and you can hardly buy anything for 100,000 bucks; we'd like to see that limit increased for instance. So but, I think, in Mr. Victorino's bill, we had every quarter we were supposed to submit a report. We'd like to look at maybe a year. And again, a quarter means every three months we're generating out a piece of paper that goes up and down. And we don't do that many per year, I

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mean if we did eight last year would be my guess. So that would be the reporting mechanism, you know, where the Council can look at it. We could look at what that report detail might entail, you know, how much detail you wanna have on that. So, a lot of options there.

CHAIR COCHRAN: Okay. Okay, well, thank you for your comments. Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, thank you, Madam Chair. And, Mr. Goode, is absolutely correct. Departments are treated differently because there are different aspects. Now, if you remember the parks issue and some of you were here and some weren't, we had been given an agreement for a park, which was right here, which is a drainage system, and that's right here on Waiale Road. And so that what was one of the big like we don't want that, not the way it was designed anyhow and we refused to accept it. So, that's why that change went to back to come to Council before you make that agreement, because it's an after-the-fact agreement where they said yes, and now we look at it and said no, we don't want it. And so, I guess, it depends on what happens, when it happens, and where it happens. And again, my whole thought with this was the simple, road-widening, everyday aspect that you go through. I wasn't getting into real human or I should say huge details. And again, maybe with what you're bringing forward and what we'll vent out and then that's what this is all about. Venting out, getting what we think is right in the bill, amending it to make sure it's right so that when get it done we have as hopefully the best bill we can possibly produce and then see what the residual effects are. So, again, knowing Public Works, knowing DWS, knowing Parks, 'cause of...they'll had an opportunity to deal with all of 'em, they are very different ambiances that are brought forward by each department. So, you cannot say one size fits all. It's not possible in this matter. You know, we've tried with that, we've tried with other things and we always find there's a difference somewhere along the line. So, we can try to get as close as possible to simplifying the everyday aspect of the job so you don't have to come back every time that you wanna make just like you just had right here a simple stop sign, road widening, or whatever, and you gotta come back and to report to us, you know, and we have to approve it. So I believe, as we vent it out, Madam Chair, we will be able to, you know, come up with what we need to get done. And I'm willing to change quarter to annual, six months, anything, you know. Again, whenever I bring out a bill that's the best I can bring out at this point, knowing that my fellow Council members, the Department and others will weigh into it, and will come out with something much better at the end. Thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Victorino. Members, any further need for discussion or comments? Department? Corporation Counsel, anything?

MS. THOMSON: Nothing.

CHAIR COCHRAN: Okay, thank you, Ms. Thomson. So, Members, as I stated a little bit earlier, the Committee has been referred a new bill this morning and which will expand upon the current proposal. And so, today's intention is to incorporate the new bill under this item IEM-60 for

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continued discussion at a later date. So, my recommendation, without objections, is to defer this matter.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS

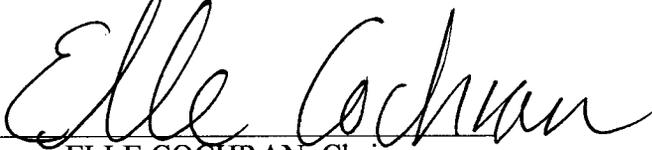
CHAIR COCHRAN: Thank you, so ordered.

**ACTION: DEFER pending further discussion.**

CHAIR COCHRAN: So, Members, without further items on our agenda today, I shall adjourn the meeting. Meeting is adjourned. Mahalo, everyone. . . . *(gavel)* . . .

**ADJOURN: 2:32 p.m.**

APPROVED BY:



ELLE COCHRAN, Chair  
Infrastructure and Environmental  
Management Committee

iem:min:140722:df

Transcribed by: Delfey Fernandez

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CERTIFICATE

I, Delfey Fernandez, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 11th day of 2014, in Wailuku, Hawaii.

  
Delfey Fernandez