

**MAUI REDEVELOPMENT AGENCY  
REGULAR MEETING  
SEPTEMBER 26, 2014**

**APPROVED 11-21-2014**

**A. CALL TO ORDER**

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Mr. Bill Mitchell, Chair, at approximately 1:02 p.m. Friday, September 26, 2014, 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: Do we know about Tom?

Ms. Erin Wade: Yes, Tom is not gonna come today.

Mr. Mitchell: Okay, so we're --. Those who have arrived are thus. We the ones. Okay, we'll open today's, today's meeting of the MRA, September 26<sup>th</sup>, 2014. Present is Carol Ball, Jonathan Starr, Don Fujimoto, myself, Bill Mitchell. We have our Corp Counsel and our staff planner Erin Wade here this afternoon. Let me call the meeting to order. We'll open up the meeting for any public testimony items. If anyone would like to come up and share any item on the agenda at this time, or later, while that item is being discussed, please step to the podium. Seeing no one, we'll close the public testimony portion of the meeting.

**B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Agency. More information on oral and written testimony can be found below.**

**C. APPROVAL OF THE MINUTES OF THE JULY 25, 2014 MEETING (transmitted to members via e-mail)**

Mr. Mitchell: On to Item C, approval of minutes for the July 25<sup>th</sup>, 2014 meeting. Everybody had a chance to look at those minutes, make any comments, or have any discussion? Do I have a motion to approve those minutes?

Ms. Carol Ball: I so move.

Mr. Mitchell: Motion.

Mr. Don Fujimoto: Second.

Mr. Mitchell: I have a second. All those --. Any discussion? Seeing none, all those in favor?

**It was moved by Ms. Carol Ball, seconded by Mr. Don Fujimoto, then unanimously**

**VOTED: to approve the July 25, 2014 meeting minutes as presented.**  
**Assenting: C. Ball, D. Fujimoto, J. Starr**  
**Excused: T. Fairbanks III**

**D. OLD BUSINESS**

- 1. Continued discussion on amendments to the Wailuku Redevelopment Area Zoning and Development Code Chapter 30.13 Off-Street Parking Loading. (Action may be taken)**

Mr. Mitchell: Okay, on to Old Business, Item D, we're going to have continued discussion about the amendments to the Wailuku Redevelopment Area Zoning and Development Code, the Off-Street Parking and Loading section, Chapter 30.13, and I'd like to ask Erin to sort of refresh our memories where we left that discussion. That would be wonderful.

Ms. Wade: Okay, thank you. So I made series of changes that you folks requested from the last meeting, and then Jonathan actually caught, in the packet that went out, a section that I had forgotten to add in. So this, this draft that I'm passing around right now includes that section. The additions that you folks requested from the last time so have now all been incorporated. The one that wasn't in your packet is part of the parking reduction at 30.13.030. We had discussed adding a number three where applicants are considering additional multi-modal transportation facilities that the MRA might be able to give some -- just use their discretion to determine if the parking could be, requirements could be further reduced. So, basically wrote up that when the applicant requests the MRA use permit and they provide clearly presented and sound information on one or more of the following: "Access to transit -- the frequency and quality of the transit service would also be a factor. Expected demographic to residential developments. Overall auto ownership rates in the community. Implementation of programs to reduce demand for parking such as parking cash out, unbundled parking -- these are all the things we kind of discussed -- unbundled parking, priority parking for car pools, bike parking spaces and that could be motorized or non-motorized -- or car sharing. And then E, project specific parking studies including local area analysis providing data to support requests to reduce parking."

I kind of tried to leave those general so that -- because I don't think there's any way for us to possibly think of every scenario, but it maybe opens that door to allow for some parking reduction. And then everything else is just as you requested.

Mr. Mitchell: Any questions? Mr. Starr.

Mr. Jonathan Starr: I, I felt we've been through this a bunch of times and I, I feel like it's getting or gotten really . . . (inaudible) . . . I know this was explained previously, but what is the process

once we pass it out, and what is our -- what we are actually doing in approving it or passing it out? Where does it go and what has to happen next?

Ms. Wade: So to my knowledge this is the first update that would be made for the Zoning and Development Code. And at this point, the approving authority for the Zoning and Development Code has been the MRA, the Redevelopment Agency, so following the public hearing, the MRA would be able to approve, or make changes, or deny the request, and it would become part of the development code as, as I understand it.

Mr. Starr: So, to try to clear up my, my general state of confusion, our action would be to have a, to move this to a public hearing that the MRA will, will host. And then based on input on the public hearing, then we would be free to act upon it.

Mr. Michael Hopper: We're going to need to look at that, I think. Weren't the original, wasn't the original Zoning and Development Code adopted by Resolution of the Council?

Ms. Wade: Correct. It did.

Mr. Hopper: Yeah, so we may need to look at that process. It's never been amended in history of the -- this is the first time?

Ms. Wade: Not since 2002. Yeah.

Mr. Hopper: Okay. So we may need to look at actually going to the Council to have them adopt something by a revised reso. I mean, there was a -- it's a very unique circumstance because there are State law that authorize this and the Council did adopt these Zoning and Development Code by ordinance and that's always been an interesting issue because the, the Charter talks about zoning being adopted by ordinance. So, this is the first time, ever, I guess, in, over, about 12 years, I guess, since you've taken a look at actually changing anything in this code. So I don't know if there's anything that the Council would need to act on as well on this. We need to take a look at that. And I don't know if advice has been sought on this in the past. I know we've been looking at this in our, in our meetings, but that's something, I think, to definitely inquire into. Administrative Rules, if these are the status of Administrative Rules, then the adoption process is going to be exactly as you said, public hearing and then an adoption by action of the, of the Agency, after a hearing. But if it's gotta go to Council, then that would require Council action to at least look at a resolution to adopt amendments to the Code.

Ms. Ball: Mr. Chair?

Mr. Mitchell: Yes, Carol.

Ms. Ball: So, this, Erin, by looking through this there's a huge difference as far as I see. Not just incidental, and I would presume that some . . . (inaudible) . . . has been generated and . . . (inaudible) . . .

Ms. Wade: Well, you know, James was our Corp Counsel when we were developing this, and it was -- at the time that we were working on it, he had said that we could proceed as the administrative rules process as you mentioned Mike.

Mr. Hopper: That may be the case. We just need to look at the background there to see what happened with the Resolution if that authorized future changes to be made by the MRA itself or if Council needs to retain that jurisdiction.

Ms. Wade: Okay. How do we find that out?

Mr. Hopper: Read the Resolution would be, I think, the first step.

Mr. Starr: Do we have a copy of the Resolution or can we pull it right now?

Mr. Hopper: Im sure we could find it.

Ms. Ball: Is that something you do?

Mr. Hopper: It's something I can look into. I don't have the background of this that James have had because I haven't been advising the Board as long. These are things that happened a very long time ago. We can look into them and see, but it's something we'd have to look at. If you know the Resolution number we could look it up online. I just don't know if I know it off hand.

Mr. Starr: I, I'd like to request a, a short break while we look up the Resolution, Mr. Chair.

Mr. Mitchell: I guess if it's possible to look it up. Is it possible to access it?

Mr. Hopper: Sure. I mean, it's online. We just need to know the number and the year.

Mr. Starr: Can we get a short recess and, and do that?

Mr. Mitchell: Yeah, take a 10 minute recess? Whenever they can find it, so sure. So we're currently recessing.

*(The Maui Redevelopment Agency recessed at approximately 1:12 p.m. and reconvened at approximately 1:16 p.m.)*

Mr. Mitchell: We're out of recess, we're right back to class. Thank you. Mr. Fujimoto?

Mr. Fujimoto: I was, I was just wondering if this would be -- I think we, like, there should be like a review first with the different departments, in terms of, like, Police, and I don't know, Public Works or whoever, whoever may be involved. I mean, you know, it doesn't matter, but I just thought.

Ms. Wade: No, it does. You're absolutely right. It does matter. We routed it about a year and

a half ago for agency review. We have now made a few minor amendments. I would call the most major amendments probably the one we just made that allows for different, additional reduction as well as the amendment to -- the last time we met, you folks requested a waiver to some or all of the requirements of the landscaping section which hasn't been reviewed by the various departments. So pretty much it's going to be zoning that cares the most about that. So --

Mr. Fujimoto: I was thinking like for the Police Department who gotta enforce it. I don't know if there's some issues on enforcement, you know, like, the share parking and --

Ms. Wade: Right, so Police will --

Mr. Fujimoto: -- stuff like that.

Ms. Wade: -- enforce on public property. They won't be -- they wouldn't do the enforcement on the private side, and that would be our Zoning and Enforcement Division. But I'm happy to route to our zoning division, and they could probably actually provide comments back in time for the public hearing if that was -- if we wanted to do that.

One thing I wanted to mention and the reason Mr. Esmeralda is in audience is because his applicant, the Wailuku McDonald's submitted in February or March of last year, and I had some design review questions for them, but I asked them to come back and modify. They have a number of other McDonald's that they're working on. But one of the components of their plan is to increase the drive-thru from a one drive-thru lane to a double drive-thru lane. And in our ordinance now it removes the ability to even have a drive-thru. So they would be grandfathered under their existing drive-thru, but they would not be certainly permitted to have a second drive-thru. So, and this doesn't obviously apply until we've gone through the public hearing process and we'll figure what the formal adoption is, but --. And so if they're able to come in with a site plan and come before the Commission in advance of that, then the current ordinance would apply. But I wanted to make sure you were aware that there is that, that application that's sort of in process, in process right now. And they'll be subject to whichever, you know, where ever the status of the Code is at the time that they come before you folks. So I didn't know if there's any, any modifications, or changes you wanted to make as a result of that.

Mr. Mitchell: How do you -- this is a double drive-thru in the Wailuku McDonald's?

Ms. Wade: Correct.

Mr. Mitchell: How do you do that?

Ms. Wade: They're re-locating the trash receptacle and the board thing where you --

Mr. Mitchell: Right, the menu board.

Ms. Wade: -- the menu board closer to the building. So it sort of expands towards the building.

Mr. Mitchell: Okay.

Ms. Wade: Because yes, the existing drive-thru, I think is almost like right on the property line.

Mr. Mitchell: Yeah, I go through it all the time, yes. Quite often, yeah.

Ms. Wade: You like the drive-thru.

Mr. Mitchell: I'm very familiar with it.

Ms. Wade: Right, so it -- I mean, in terms of that location, it's existing, it's adding capacity to the drive-thru. Probably a good thing for us.

Mr. Mitchell: You'd lose some of parking, though, I think, if you do it.

Ms. Wade: I don't think they lose any parking.

Mr. Mitchell: Don't lose any parking, the existing stalls?

Ms. Wade: No. Like I said it's because right behind the building there's enough, kind of, ancillary equipment and things.

Mr. Mitchell: They'd have to move that shed that's in the back of building now, then you put two side by side. But everybody goes through the same window, right? You put two side by side menu boards, and then everybody goes through the same single window, is that the idea?

Ms. Ball: So, could you go through it again, I mean, what we're, what the question is right now?

Ms. Wade: The question just is, you know, we have, we've said in the revision that drive-thru will no longer be permitted. And so all existing drive-thru would be grand-fathered.

Ms. Ball: Yes.

Ms. Wade: But any modification or expansion of drive-thru would not be allowed once it's adopted. This -- it's pretty typical of down towns like this where you're trying to encourage pedestrian walkability to not allow for drive-thru. So -- but I, I -- you know that Bryan came specifically to find out sort of where we were at with this ordinance and if we're going to adopt the drive-thru section, so I wanted to make sure it was brought up if there was --. Because we've never specifically talked about the drive-thru window piece.

Ms. Ball: What our options then are right, right now, are to what?

Ms. Wade: Your options are, well, essentially to keep it or eliminate it.

Ms. Ball: Keep the –

Ms. Wade: Keep it how, what it says now where eating establishments, right now, it says non-drive-thru windows not permitted.

Ms. Ball: Okay. But they, they're grand-fathered in with their one, one driveway, right?

Ms. Wade: Correct. Yeah.

Ms. Ball: And they're proposing a second, which under the current ordinance –

Ms. Wade: Is not a problem. Yeah, it's okay, under the current ordinance.

Ms. Ball: And so their concern is that they will adopt it before they can get the current, the current ordinance amended that fit their –

Ms. Wade: Right.

Ms. Ball: -- or accepted with their second.

Ms. Wade: Right. Exactly.

Mr. Mitchell: Mr. Starr?

Mr. Starr: Is, what they're requesting to add additional curb cut and driveway or just internal to the, to the developed area that it would be, you know, a section of what's now a parking lot, and so on, would be to utilize as a second drive-thru.

Ms. Wade: It's, it's all internal. No additional curb cuts.

Ms. Ball: And you mentioned this was before since February? And so what would be the step to either, to decide on, one thing or another with it?

Ms. Wade: Well I have, I have told the applicant that we needed modifications made to -- and it's all architectural, the request for modification. The site plan . . . (inaudible) . . . But the -- we -- I asked for some architectural changes, so we're planning on meeting with the applicant. I'm going to meet with the applicant next week to discuss submitting just the site plan now, and then bringing the architectural renovations back before you at a later date so that they can do the internal modifications. But if they're not able to do that, I, I'd, I can see kind where you're going Commissioner Starr about the, maybe if it's internal of an existing drive-thru that we would continue to allow improved site circulation or something like that.

Mr. Starr: Yeah, I, I can't see much of a practical difference where I could see a practical difference to adding a new drive-thru with traffic coming across the sidewalk and in and out from the street. So, I mean, I, I would -- my tendency would be to try to move along with it and, and

see if we can, you know, give them a draft and a process as possible.

Ms. Wade: Okay. So perhaps a modification, something that would say, drive-thru existing upon the date of the adoption of this ordinance may be reconfigured to enhance site circulation.

Mr. Starr: Yeah.

Ms. Wade: And then it doesn't allow for any new drive-thru.

Mr. Starr: Is this the only -- is this the only drive-thru in the MRA?

Ms. Wade: The CPB bank have one?

Mr. Mitchell: CPB or American Savings.

Ms. Ball: Or either.

Mr. Mitchell: American Savings use to. I think they still do. On, on Market. CPB, I'm not sure.

Ms. Wade: Those would be the only ones that I would know.

Mr. Starr: So if there are more, it might make sense to say that they could be internally reconfigured.

Ms. Wade: Okay.

Mr. Fujimoto: The other stuff, Maui Lani, is outside of our area, right?

Ms. Wade: Right. Yes.

Mr. Fujimoto: So, you know, if you put in that language, we still need to keep the other stuff about stacking?

Ms. Wade: No we don't actually.

Mr. Fujimoto: No, I mean, it's out.

Ms. Wade: Oh, yeah.

Mr. Fujimoto: But if you're modifying that they can –

Ms. Wade: We'd have to put it back in.

Mr. Fujimoto: Yeah.



Ms. Wade: Because then they're allowed.

Mr. Fujimoto: Because if they're putting in another drive-thru, then we gotta do another stacking, right?

Ms. Wade: What section is that on?

Mr. Mitchell: Eating establishment.

Mr. Fujimoto: Yeah.

Ms. Wade: Oh, it's right in there.

Mr. Fujimoto: Plus five stacking spaces for drive-in window. So if there's two, then, I mean, that requirement still stays.

Ms. Wade: Correct.

Mr. Mitchell: I'd go one step further and say that drive-thru may be permitted on a case by case basis.

Mr. Fujimoto: Yeah. I think that's better.

Mr. Mitchell: Because, because there may conditions where it does make sense that I'm thinking McDonald's specifically it's a choke point for traffic. It can't move through, the drive-thru, and a new condition, I mean, it's case by case. It's hard to say what might, somebody might –

Mr. Fujimoto: Or maybe something like drive-thru are discouraged but may be considered. I don't know.

Mr. Mitchell: Something like that?

Ms. Wade: Or we could require the MRA use permit for a drive-thru request.

Mr. Mitchell: It would work.

Ms. Wade: I mean, because it would be better if it wasn't an administrative action. And you'd have to come before the MRA to request it. And then you folks can make conditions to it.

Mr. Mitchell: Right.

Mr. Starr: I would so like have some language that, at least, says that new driveways are discouraged.

Ms. Wade: Essentially, the DOT does this for us because it's the only roadway width that transportation counts for the -- the automobile counts to make it attractive to have a drive-thru, and DOT doesn't allow any additional curb cuts or additional access points within a certain proximity to Main. So they're likely not going to allow any new drive-thru as it is. But in the event they were, I suppose, that an applicant was able to convince DOT, then we could have an additional layer of review with the MRA Use Permit.

Mr. Mitchell: I think it makes sense. I mean, I guess, we see drive-thru, then somebody doesn't have to park and get out of their car and take up parking if it's the type of business that -- and all the geometric work you can get somebody in and out of the business without having to stop, get out of the car and do it. You've saved some parking and some efficiency in the circulation. But it is, really, it's dependent upon the site. It really dependent upon the site and what the use is.

Mr. Starr: I could see, say parts of Vineyard where it would not.

Mr. Mitchell: No, it wouldn't work. No, clearly it wouldn't work. I mean, it's marginal, some times at McDonald's when it gets stacked, and then maneuvering in and off of Main Street. But it works because they've got enough queue there that they can get around. And they've got the parking lot in the back too that people queue from both directions.

Ms. Wade: So, just to summarize then, you would like me to state that drive-thru are discouraged but they may be permitted with an MRA Use Permit. And it discusses else where, what, in the MRA Use Permit that the body can provide, attach conditions to that approval.

Mr. Mitchell: Any discussion? Carol, does that sound right?

Ms. Ball: Yes.

Mr. Mitchell: Yeah, that sounds good.

Ms. Wade: Thank you.

Mr. Mitchell: Okay. Any other items within the parking?

Mr. Starr: Let's stay there for a second.

Mr. Mitchell: Okay.

Mr. Starr: What does that do for the applicant that wants to double lane the drive-thru?

Ms. Wade: So their application would be upgraded basically from an administrative review to a MRA Use Permit. But because of the extent of the architectural renovations they were making I had already asked them to come to the Redevelopment Agency. So it's doesn't -- it's not a public hearing process. It's just the Board's review, so it doesn't really lengthen their

review any more.

Mr. Starr: Okay. So it's a process they're already doing, so –

Ms. Wade: Yes.

Mr. Mitchell: Other discussion on the parking? Yes, Michele.

Ms. Michele McLean: Thanks Chair. I have a couple comments I'd like to offer.

Mr. Mitchell: Sure.

Ms. McLean: One is just a typo on page 51, down at the bottom, 30.13.040, shared parking. That first sentence should read: "The Planning Director may permit shared use." It had said "joint use" before, and then it was changed to "shared" but "joint use" was left in there, so it just needs to be "shared use." On page 55, and this sort of goes from 55 to the table on page 56. On 55 about two-thirds of way down the page, section 30.13.080, there's a new language that says for businesses 5,000 square feet or less, and within 200 feet of an on-street loading zone, no off-street loading zoning facility shall be required. Then down in the table it doesn't have that qualifier so that can just be confusing. So, in that first, the first row in the table, it says 2,000 square feet to 10,000 square feet, so that's just something that could be contradictory because in the beginning you're saying 5,000 or less and within 200 feet of a loading zone. So in A there, in the new language, it should also be clarified for businesses with a floor area of 5,000 square feet or less. Cause I wasn't sure at first if that referred to the lot size because in some places things refer to lot size. So that's floor area. And then maybe in that first row, just at the end of the list, maybe put a little asterisk, something like, unless, unless exempted by paragraph A above. Something like that. Does that make sense? And then –

Mr. Fujimoto: Or should –

Ms. McLean: My last --. I'm sorry.

Mr. Fujimoto: Or should that be like, less, than 5,000 feet, zero; and 5,000 feet to 10,000 feet, one. Because the last sentence says the minimum -- I mean, off-street shall apply -- the off-street loading requirements shall apply to all zoning lots exceeding 5,000 square feet, under C.

Ms. McLean: That refers to the lot, but the table –

Mr. Fujimoto: Oh, right, right.

Ms. McLean: -- refers to the square footage.

Mr. Fujimoto: Yeah, yeah. Okay, okay.

Ms. McLean: Also to, to be exempted, it has to be within 200 feet of an off-street on an on-street

loading zone space so it couldn't –

Mr. Fujimoto: Yeah.

Ms. McLean: I mean, unless you guys wanted to do that, you could do that, I'm just saying up to 5,000.

Mr. Fujimoto: Never mind.

Ms. McLean: And then the last thing Erin mentioned was the landscaping requirements for temporary parking. I think I had raised that question before just wanting a clarification if landscaping was needed because that's something that our zoning folks will look at. I, I just question and that can be a discussion where we can provide more feedback to you guys. But, I don't really know that you'd want to require this full on landscaping for temporary parking. And you talked about the landscaping strip, and hedge, and irrigation and all that. I mean, we all know that temporary things often becomes quasi permanent. But that, that, so, that's just a question and we can have the, we can have staff give you more feedback on that. But if you're not going to require landscaping which I think might be a reasonable thing to do then it should specify that no landscaping is required for temporary parking. And those were my comments.

Mr. Mitchell: Thank you. Yeah, I thought we talked about landscape being exempted unless the parking was there for a longer period of time.

Ms. Wade: We actually talked about two things at the last meeting. We talked about exempting new business as they're first opening from having to provide –

Mr. Mitchell: That's what it was.

Ms. Wade: -- the full landscape which was now on page 60. So that's the new no. 4 on page 60.

Mr. Mitchell: Right.

Ms. Wade: Oh, wait. Yes. Correct. But also we talked about what it feels like from an experiential standpoint to walk around with adjacent to this sort of dirt lot that's temporary parking. And that we talked a little bit about the temporary parking at the corner of Nani and Central, and how they actually did the hibiscus hedge. That's all they did. They didn't do any of the trees or anything, but they did the hibiscus hedge and that we felt like that made a huge difference. And maybe we don't require them to do the shade trees if we know it's temporary. But, hedges can come in and out pretty easily. And, and then it protects the, the sidewalk experience a little bit. I thought that's -- I think that's where we ended it. But if I was not correct, please, please correct me.

Ms. McLean: Okay. And, and if this, if this ends up being the requirement of someone had a reasonable request to waive that, then they would just come to the MRA to have that waived.

Ms. Wade: Exactly.

Ms. McLean: Okay. That could be, could be the way to do it.

Mr. Mitchell: Any, any discussion?

Mr. Starr: Well, do we want to do something with the, the temporary parking and new landscaping?

Ms. Wade: So –

Mr. Starr: Beyond what we have.

Ms. Wade: So now, now condition 7 is for that -- that there shall be a minimum four foot landscape strip adjacent to the adjoining street right of way. The four-foot strip shall contain a perimeter hedge, it's not less than three feet. Which I reduced actually from the -- now that I'm thinking about this. The required parking, I felt like, or the required wall was kind of high for even within the district. The minimum of 36. So they can do a hedge or they can do a wall with a flowering vine of some kind, basically, is their option.

Mr. Mitchell: Discussion?

Ms. McLean: Good work.

Ms. Wade: So do we need to formally request something from Corporation Counsel to tell us what the approval process should be moving forward or what we need to do.

Mr. Hopper: Well either way I'm gonna have to get in touch with you about doing that so either it's formal or I give you a call and report back at the next meeting. Now, if, if you've got stuff from James from a while ago, if he's already considered the question, I can see if we find anything if it's already been done and that maybe make things a little bit easier. But if not then we'll maybe go back through some of the old Corporation Counsel legal opinions because the MRA is set up in a very odd way versus a lot of other boards and commissions where you have the Charter or other things setting it up. It's kind of set up through a State law process for a, for kind of an urban redevelopment type State law. So it, it's a bit different and it's a bit odd to be doing zoning standards through, through a board with the sole authority to do that.

Ms. Wade: Right.

Mr. Hopper: So that's why it's a bit different. But in any case you would need to have some kind of specific notice on the agenda. If you were doing these as administrative rules and the administrative procedures act applied then you'd probably need a more specific reference than you have on the current agenda to take the action to move it on to a future public hearing. And then at that future public hearing you would have that published in the newspaper and generally prior to that hearing it would be reviewed by our office for form and legality approval. That's

generally what happens with administrative rules. If it's going to the Council, then I guess it would be a communication from the, this body, to the Council saying we want to adopt a new resolution essentially adopting these as some revised standards. That's very different. Normally you'd have an ordinance that amends a current ordinance. And so it's just a very different situation. And I'm surprised there's never been any amendments to this in, in as long as it's, it's been active. So it's unfortunate we don't have any kind of a previous example to go by. But we'll have to look into that and especially if it's got any communications in the past and exactly how, how it's been done. That would be helpful.

Mr. Starr: Yeah. I'm hoping that when we come to the next meeting we're prepared to move it along to the next step expeditiously whatever that will be that we don't have to keep recycling this on our agenda for the next several years. You know, it's time for us to move on to other stuffs. Not that there's a problem with it. We can fix it. If we need to put it on especially, in a special way on our agenda, or do notice, or whatever, I'm, I'm hoping that Corp Counsel will come back to us with good time so that we can, we can proceed.

Mr. Mitchell: Well once the public notice -- how far out public notice would we go for a meeting, agenda item?

Ms. Wade: 30 days so we -- we had planned the November meeting which I've already prepared the public hearing notice. But, we'll send all of this to Corp Counsel now.

Mr. Mitchell: Okay. So we'll still might make that window if --. No we won't unless we can --. Yeah because if we notice --

Mr. Starr: So don't we -- wouldn't we need a -- or want to do a public hearing either way, in either case?

Ms. Wade: Yes.

Mr. Starr: So why can't we proceed with the public hearing in November?

Ms. Wade: Yeah. Michele's nodding yes. We can do that.

Mr. Mitchell: Alright.

Ms. McLean: Yeah, whether you have final approval authority or it needs to go to Council --

Mr. Mitchell: Either way.

Ms. McLean: -- I think the MRA can hold its public hearing in November, and then we'll know well before then whether the MRA can then proceed with decision making on that same date or whether the MRA's action will be sending a recommended Reso up to Council. And I did look for the resolution. Mike and I went through and we looked through several months in '02. I mean at that point -- because the date on, on the actual printed document is September 2002,

so we looked at Resolutions in August, September, October of 2002, and then at that point it's a needle in a hay stack so –

Mr. Hopper: Yeah, we can find it. It's just hard right at this moment.

Ms. McLean: Yeah.

Mr. Starr: Just to add one comment, if there's any way that we can do this now and in the future it would be certainly preferential to this commission rather than going through the Council process unless we absolutely have to. You know, I think electively that's not a path we would want to take, so I'm sure that Corp Counsel is hearing this.

Mr. Mitchell: Do we need to take a, any action on proceeding to public hearing or can we just -- we're all in agreement that we're going to go ahead and advertise and go for it.

Mr. Starr: Can I make a --? Would a motion be order Mr. Chair?

Mr. Mitchell: It says action to be taken. Do we need to take a formal action to --?

Ms. Wade: You have to schedule the public hearing generally the commission takes an action.

Ms. McLean: Well, that the version that you reviewed today with a couple of minor amendments that that be sent out for public hearing.

Mr. Mitchell: Okay, so that, that would be the, be the motion.

Mr. Starr: Can I make that motion?

Mr. Mitchell: Yes please.

Mr. Starr: Okay. I move that the version we have today with those non-substantive changes being discussed and any, any corrections and typos etcetera that are caught be moved to public hearing by this body in November.

Mr. Mitchell: I've got a motion. Do I have a second?

Ms. Ball: Second.

Mr. Mitchell: Any discussion?

Mr. Fujimoto: Discussion.

Mr. Mitchell: Discussion from Mr. Don.

Mr. Fujimoto: Is this -- do we need to get Corp Counsel stamp of approval on this?

Mr. Hopper: At some point we would have to review and approval as to form and legality. It's going to happen before the public hearing. It's probably going to take longer than what you've got scheduled. If you want to do it after the public hearing, we could do that. Others besides myself have to review it if it's going to be signed off formally by our office. So if there's changes after that, we'd probably ask for, in the approval after the public hearing, the authority to make non-substantive revisions. If there's a serious problem that we see, there's a possibility it would have to come back for another public hearing, but these really aren't that extensive of amendments. So it will take time to review, but, only if there's a major change or something would it need to come back to you if you authorize. A non-substantive changes would be things like putting things in the correct administrative rules language, setting things in the, in the proper areas like preambles and things like that, and, and dealing with things like that. Normally we do have it before public hearing. But, if you guys want to move quickly in this case we could do it after considering these are not particularly substantive.

Now the Molokai Rules that we did most recently, they -- we had to review them before they went out for public hearing. But that was almost a total kind of a revamp of all the different sections of their rules, so this is a bit less substantive. So, it's up to the, up to the body. And if they are -- this is another weird thing -- again, I don't know if these are true administrative rules. It's an amendment to --. Administrative Rules under the State Administrative Procedures Act, and these probably fall under those, have to be signed by the Mayor and approved by Corporation Counsel, and have this public hearing process required. Whether these are true administrative rules -- they probably are because HRS 91 gives kind of a broad definition of what those are -- we'll have to, again, again look at. Just, again, a very different situation than any -- this is a unique board among all those boards in the County.

Mr. Mitchell: Mr. Starr?

Mr. Starr: Yeah, I, I'd like to make sure that Corp Counsel begins to review this so that when we're ready to act on it, they're, they are ready with the exception of anything that may change that might be non-substantive.

Mr. Hopper: Okay. So the Department would be sending up a request for review of the ordinance, or of the change as it's written. That would be one thing that would come from the Department typically after the board decision to -- that it's basically done with its review.

Ms. Wade: Yeah.

Mr. Mitchell: Any further discussion? We have a motion to approve, we have a second. I'll take a vote. All those in favor? So move. Moving on. Alright, New Business.

**It was moved by Mr. Jonathan Starr, seconded by Ms. Carol Ball, then**

**VOTED: to forward the amendments, as discussed, on Chapter 30.13, Off-Street Parking and Loading, to public hearing before the MRA in November.**



**Assenting: C. Ball, D. Fujimoto, J. Starr**  
**Excused: T. Fairbanks III**

Mr. Starr: Just, just a last comment. We should, you know, in future know what we have to do to finalize a matter that's before us if it's been on the agenda a number of times. We end up in the past, and it's on the agenda for a current meeting.

Mr. Mitchell: We thought we did.

Mr. Hopper: Yeah, I thought we did too. I mean, I guess, it's not something that's been totally resolved. I thought before it got in the agenda that was all worked out. But it seems like we've got a little bit more research to do.

Mr. Starr: Well, we had, we had felt it was resolved based on the what we had heard for Corp Counsel in the past.

Mr. Hopper: Yeah, I thought so too. So, I mean, if we've got something real clear on that then this may be nothing. So we just gotta check that.

## **E. NEW BUSINESS**

### **1. Parking Management Plan Scope review (Action may be taken)**

Ms. Wade: Yeah. We need the resolution number. Okay, parking management. So you had requested that we develop a final scope for the parking management pricing contract.

Mr. Mitchell: Correct.

Ms. Wade: And I did contact our prior vendor about this, and he basically said setting up that scope is going to be difficult if we're only monetizing the Wailuku town on its own and we're not utilizing the other areas of the County that he had reviewed prior when he came. Because Public Works had indicated before that they wanted to include other areas. So at this point basically what I think our job is internally is to figure out how -- what is the size of the scope of this contract is going to be. Initially we thought it was just going to be Wailuku but it sort of makes some sense and that is a priority of Public Works too for it to be larger. So Michele and I with Public Works would probably be trying to work that out before the upcoming meeting, and determine if there's budget. Because if we add, if we add the scope of this beyond Wailuku, obviously, the MRA is not paying for that component of it so where is that piece coming from?

Ms. Ball: What was the scope that is anticipated?

Ms. Wade: Well we had only been talking so far about Wailuku except that Public Works has

talked about Lahaina since we started talking about Wailuku pricing. And our -- the consultants that Wailuku had used has been part of those conversations as well.

Ms. Ball: The Lahaina council.

Ms. Wade: Yeah. And said, you know, you can really been -- you can get a single vendor that's going to be doing the operations and management of both, you're going to get much better pricing from them because they'll -- there's a higher yield on the Lahaina parking than there is going to be per stall on the Wailuku. So any way --

Ms. Ball: How long would it take us to develop our, the Wailuku parking?

Ms. Wade: The parking management plan?

Ms. Ball: Right.

Ms. Wade: Well the, the consultant is extremely fast. It's kind of the County who's dragging its feet and us trying to figure out how we're going to implement it. His recommendations are within a couple of weeks.

Ms. Ball: So if we include, if we widen the scope will that impede our progress even further?

Ms. Wade: That's a good question. You know, for Lahaina -- I mean, this is just my opinion -- people are used to paying to park in Lahaina. So I don't know if, in Wailuku that's not necessarily the case. So Lahaina the, the learning curve might be less actually, or the opposition might be less than it would be in Wailuku town.

Ms. Ball: If our autonomy is established within the MRA and we expand the scope of the concept then the other areas that does that also interfere with our abilities to accomplish what we want to within the MRA.

Ms. Wade: You mean for the control of this specific contract or beyond that?

Ms. Ball: Well, just generally speaking. Now that we're thinking about including other things for the sake of the autonomy. How does it impact . . . (inaudible) . . . accomplish what we want to.

Ms. Wade: That's a good question. I mean it would. It certainly would because you'd now be lumping in more portions of the County that the redevelopment agency doesn't have oversight over. It gives you more options ultimately, you know, and so, I guess, you have to weigh those two. It could give you up a lot more options in terms of what we're able to provide to the customer who comes to Wailuku town. It might provide more pricing opportunities. But it also limits your ability to control the pricing.

Ms. Ball: Thank you.

Mr. Mitchell: Mr. Starr?

Mr. Starr: I'm a little bit nervous that we're going to be trying to drive something that is much larger geographically and socially than we are. And although I do agree that, that there will be times when negotiating with vendors that it would really make it a lot better for the County in general to be able to work together for us to drive a county-wide parking management plan is really beyond our scope and that it's going to make us not able to move this thing forward where I think that, you know, in our list of priorities we all felt we want to move it along and whatever happens with it happens but at least we're not, you know, a couple of years from now still, still sitting it and discussing it. So, I for one feel that if they are going to be joined by the County they should, we should be dealing with the scope in Wailuku and doing that. Then there can be a separate contract or whatever that adds on the rest of the County.

Mr. Mitchell: Don?

Mr. Fujimoto: I agree.

Mr. Mitchell: An answer to your question, Carol, I've got my notes from January 5<sup>th</sup>, 2012, talking about parking management and the components of it, so it's been around. In my estimation we do have recommendation Andy has already made in our existing parking analysis specifically related to the municipal lot in changing 12-hour parking to two-hour parking and etcetera. And I -- we've kind of talked about this before but maybe to make progress on this without eating the whole elephant at one time, we focus on the municipal lot and getting some of the times changed as a lead up to paid parking and a further parking analysis because --. Or I dare say someone else sitting here is going to have to talk about this again in two years. But it's, it's a process. But, any way, just throwing that out for our thought.

Ms. Ball: But we appreciate that, the suggestion about the, about the economy is scaled, but I think, our job is really to focus on this area.

Mr. Mitchell: The MRA.

Ms. Ball: Yeah. That's the only way we're going to get it done.

Mr. Mitchell: I agree. Don?

Mr. Fujimoto: If we change the parking times or whatever for the municipal lot, and that involves Council also.

Mr. Mitchell: It does.

Mr. Fujimoto: So we should just go in at one time right with this and that?

Mr. Mitchell: In perfect world. Yes, it depends on how much -- it's a function of how much do we want to take and do we want to try to do it at one time which would be wonderful.

Mr. Fujimoto: I mean, we have, we have the backup from the study saying that this is what it should be.

Mr. Mitchell: Right.

Mr. Fujimoto: I mean, you know, as far as I'm concerned, that, that's good enough for me.

Ms. Ball: Right. Me too.

Mr. Fujimoto: At least, at least to go out for public hearing. You know, and it kind of fits in with parking and all that other stuff, so I don't know if –

Mr. Starr: What's our next, what's our next step? What are we waiting to do?

Ms. Wade: Basically amendments to the existing sections of the Code, recommendations for timing on all of the streets and lots, recommendations for pricing on the streets and lots, and then the ancillary code changes that would have to go to the State and determining whether we wanted to take actions on those now, like Main Street metering that was allowed and the enforcement. That's his point is like without having enforcement revenue which is generally a big piece of operating and managing a, a parking district, it's going to be real, the margins, profit margins, is going to be extremely thin.

Mr. Starr: So what do we need to do to generate the documentation we need to do that?

Ms. Wade: That, that's why I contacted Andy was just to get him to make those changes which once, once we have the scope for that, and I can -- he can kind of give me what our ball park is. I'll know what our -- how much we have to budget for it and what kind of bid process has to happen. And then, we make the selection and it can --. Usually he's done within a few weeks, two or three weeks.

Mr. Starr: So can we do that? Can we just do that?

Ms. Wade: Well that's why I came, I had to come back to you because he said how I structured it is completely dependent on if we're just looking at Wailuku or for bigger. So now that I have that answer, we can just do that.

Mr. Starr: Yeah, and maybe at the same time, off line, you and Michele can have a discussion with David about other places maybe working parallel with us. But we should not wait, wait for them.

Ms. Wade: Okay.

Mr. Starr: And I know in discussion that I had from upstairs was that it a good time to discuss it might like be, you know, after November into, you know, early in the, in the year, but not really before then, I think.

Ms. Wade: And I do have, I do have four vendors that I can get quotes from because we have to get the, the quotes so that will be easy to do. Now that we know what the scope is which I had to identify we can do that between now and the next meeting.

Mr. Mitchell: My only, my only question for Andy's -- talking about Andy's scope -- is he had made recommendations in the, in his initial plan of roughly, giving us data on parking costs, the number of stalls. Would his plans then go in and specify specific stalls and banks on street, which one would and would not be parking?

Ms. Wade: Correct.

Mr. Mitchell: So it would be a plan of individual stalls and how they would be allocated.

Ms. Wade: The whole package that we take up to Council basically it says here's all the sections of the ordinance that needs to be modified. Here's the onsite parking plan which maps all out, you know, whomever does it. They identify the technology that's used at each location for how it gets paid and what the process is. They'd identified the creation of a fund in which the monies would go into and all of that, you know, detail that make it happen. And then that package, in totality, would get kind of, at Council.

Mr. Starr: Could we theoretically have a public hearing on this in, in November?

Ms. Wade: I don't think so. Possibly December. I think that's what we targeted at the last meeting, actually, was December.

Mr. Starr: Okay. Can we look to be doing it, having a public -- I mean, that gives us two of our own meetings to hash out details, and then December public meeting, and then hopefully up to Council.

Ms. Wade: For the selection of the contract, would you folks want me to bring back the proposals or did you want the Planning Department staff to make that call?

Mr. Fujimoto: I'm fine with staff.

Ms. Ball: Yeah, good idea.

Mr. Mitchell: Yeah, this is Andy's, Andy's proposal.

Ms. Wade: Well, I have to write up the scope and give the dollar amount, I have to notice or request written quotes from at least three vendors.

Mr. Mitchell: Right. Right.

Ms. Wade: And then once we have those back, either I bring it to you and you folks make a section or Planning Department make a selection on your behalf.

Mr. Starr: I'm happy for them to do it. I, I would just like to request -- which I'm sure it's something that you would do anyway -- you know, innovative and current technology and practices be implemented and utilized with what is beneficial. You know, it's not necessarily some guy who's got a bunch of old meters on sticks.

Ms. Wade: Yeah.

Mr. Mitchell: Historic. I mean, the historic character.

Mr. Starr: Yes.

Mr. Mitchell: Okay, any further discussion on the -- on that?

Ms. Wade: The only other item that I wanted to apprise you of was that Councilman Hokama has requested a detailed information packet about the Wailuku municipal parking lot. He had requested it by September 19<sup>th</sup> and I frankly was only in the office two days between the time that it came out, and I saw the request. So next week Friday, we negotiated a return response time, and I'm going to be coordinating with OED and the Managing Director's Office to compile the information. I will provide the MRA copies of everything that we pull together.

## **2. Reviewing Small Business Grant Initiative proposals.**

Mr. Mitchell: Okay. Great. Thank you. Item 2. Are we done Item 1, Parking Management? Item 2, Small Business Grant Initiative.

Ms. Wade: So for, the top priority that were identified when PUMA came last and you folks sort of ratified the Wailuku Incentives Program, there was sort of three components of that. One was the tax abatement which we haven't done anything except we pulled up the previously adopted ordinance. The other was a competitive challenge grant that PUMA recommended. He called it actually the Mayor's Challenge, which Mayor had already put out -- I forget how much. It was a like a million, I think -- in grant funding and you could request up to 50% of your expansion, business expansion be funded by Office of Economic Development. I checked in with OED, they have funded one, or have, so Alvin Makimoto is going to be getting one of the biggest, actually, expansion grants from OED and that's going to be before the County Council on the 30<sup>th</sup> of this month. If there's a deadline, they need support for that.

Additional grants that we were looking into were two fold. Saedene just talking to her about what we could do to help improve businesses, and she said, you know, she's done a lot of just freebie consulting with some of the businesses opening on Market Street, and that half of them, you know, they just get their doors open, and that's it. They don't have any money, they can't market, they can't fix it up. So she provided sort of a little narrative of what we could offer in terms of that if we wanted to look into that kind of a thing.

The other thing we had talked about is the parklet grant.

Mr. Mitchell: Right.

Ms. Wade: Which I, I still need to talk with Public Works about whether or not they're going to allow us to build something in the public right-of-way.

Mr. Mitchell: Oh, right.

Ms. Ball: What was that again?

Ms. Wade: The final thought was -- third item that we thought we could do was a parklet grant or the development of on-street seating space basically.

Ms. Ball: Parklet. Park lite.

Ms. Wade: Park-let. It's part of that whole practical urbanism movement. And there's a couple of spaces that it could work for that maybe the MRA could provide funding for. But we don't want to offer them until we have the approval from Public Works. There was a HCPO session about it, though, and they attended it, so, Public Works attended it.

Mr. Mitchell: They know, they know what a parklet know is now.

Ms. Wade: They know what it is. They probably already knew. Anyway, I provided you the information from Saedene. I didn't say that any action would be taken, but that it could be something to be considered. And if you would like to direct staff to do any additional research I'm happy to do that. I know Economic, Office of Economic Development is working with the folks at 62 N. Market, the old Café O Lei space, to bring a tenant in there. And then, they've also identified a series of new businesses through the Made On Maui Festival that they're organizing for this, this coming month. That -- I've just been talking with them through the planning of HCPO Conference actually, and they've said, you know, a number of these would be great in Wailuku, feature made on Maui products. So we may begin a more elaborate dialogue about how do we incent those businesses to open in Wailuku.

Mr. Mitchell: It's an MRA, a direct grant from the MRA.

Ms. Wade: Essentially. And that being said, I mean, this might be something as Michele sent our staff a note saying that we're beginning planning for FY16 so if there's things like this that we wanted to plan for requesting for budget funding.

Mr. Mitchell: Budget, right.

Ms. Wade: And which is why I asked Saedene for some numbers. Like what will, what would it cost in order for to do this sort of make over or marketing package and things like that. And we can talk and find out does it make the best sense to go through the MRA or through OED.

Mr. Mitchell: So this is her small town make over. This would kind of be it.

Ms. Wade: Right.

Mr. Mitchell: Any discussions, thoughts, comments? I guess it would be nice to put some money into our budget next year to develop some sort of a grant initiative, \$1,500, \$2,000, whatever it is. I don't know how much detail we'd have to give to it in order to qualify somebody. Can it be on a, come in and make your pitch, and if we like it, we'll give you the money kind of thing. I mean, I don't know how loose it can be.

Ms. Wade: Well maybe, you know, when the Planning Department developed the small town grant program, it just had kind of a narrative and what we wanted the grant to accomplish, you know, bullet points for what we wanted the grant to accomplish. Which is what I think we should do for this also if we created something so that it would be focused on accomplishing a goal of some kind.

Mr. Mitchell: That makes sense. Right. Right.

Ms. Wade: And then identifying how many, you know, how many are we looking to give for the total amount of whatever it is.

Mr. Mitchell: Mr. Starr?

Mr. Starr: Yeah, I think this is a good thing. I'd like to see it move forward. I know I, I have a new tenant, a boutique, a woman's boutique store that's opening up in 1980 Main Street. And you know, it's a family business, and they're designers, and they have really cool stuffs, but they don't really have, you know, retail ownership experience or much money to spend. You know, so they're in there painting, and building up and getting their inventory ready. But I bet they could really use some help with, with marketing and you know, imaging. It's a -- it seem right on when I look at them, you know, the folk who are curious, store, and people like that.

Mr. Mitchell: Would, would something -- I guess, we're going to talk about the website in a minute, but that's something that we talked about having a component on the MRA website that a business could come in and we can put them on the MRA website. We could essentially do some marketing for them as part as the MRA website. And I don't know if that -- we talked about building that in.

Ms. Wade: Yeah, that part is done actually, but we have a feature with -- it's suppose to change monthly which I can show you.

Mr. Mitchell: Okay great.

Ms. Wade: That features a business every month.

Ms. McLean: Chair, if I could comment please?

Mr. Mitchell: Yes, please.



Ms. McLean: Erin and I can brainstorm about this a little bit, and Mike, maybe get some input from Corp Counsel from the procurement side because when we did the small town grants it was actually really hard for some of those organizations to become eligible to receive grant funds. You have to, you know, register as some sort of organization, get tax clearances and for some of these small dollar amounts, I mean, the last thing you want to say, yeah, we'll, you know, we can give you a \$1,000, here's a ream of paperwork that you have to complete. So, maybe we can do some sort of proposal to an umbrella agency, you know, whatever that agency might end up being. Whether it's Sae Design, whether it's the WCA, whether it's another entity to be our grant administer, administrator basically. So like they come to us and say these are the things we got, and we give them . . . (inaudible) . . . We can give them a recommendation, but they are a vendor that, that then –

Mr. Mitchell: Distribute this.

Ms. McLean: – distributes these tiny amounts. That might be an easier way for everybody to do it. I'm not sure from the procurement side how, how quite to structure it, but that's something we'll need to spend a little bit of time on. But that might be a better way to do it for some of these small businesses. It will just, you know, get them money directly.

Mr. Mitchell: Absolutely.

Ms. McLean: Less paperwork and fewer strings.

Mr. Starr: If, if we're able to create something like that we might be able to get some other contributions into it as well, as funds. You know, I might be able to help, help with that, an organization that is willing to, you know, be the past through on it.

Mr. Mitchell: Great. That would be -- yeah.

Ms. McLean: Yeah, so we would award, you know, \$15,000 to this vendor, and they would come in and give us an accounting of, you know, these are all the awards that we gave that totaled \$14,500 and we kept \$500 for our administrative cost.

Mr. Mitchell: Right. Sure.

Ms. McLean: Something useful like that.

Mr. Mitchell: Make sense.

Mr. Starr: Yeah. Tri-Isle might be.

Ms. McLean: We'll see. I mean, we'd have to put that bigger solicitation out for bid so we'd see who, who would come in and how much they would need to process it so we could get as much money as possible.

Mr. Mitchell: Great idea. Less, less is more when it comes to getting, getting the money. Okay, any other discussion on small business grant initiative? On to item three, Wailuku Public Safety Meeting. I guess we're still trying to schedule that. Is that where that is at?

### **3. Wailuku Town Public Safety Meeting**

Ms. Wade: Yeah, I was working before HCPO to get it set up, and then we weren't able to identify a time where all of the service providers could also come. So now --. And we also have kind of determined that Good Shepherd Church is probably the best location for the meeting. But now that Pastor Folts isn't there anymore I don't have the relationship I had before. So I just gotta really go down there. I've left several messages, but I'm gonna show up and go, can I use your meeting room?

You know one of the things actually, Michele, that I don't know. I know that other entities who use that space make a donation to use the meeting room facility. But, you know, in terms of procurement, they're not going to send me an invoice for a donation. But if the MRA would like to use the space, and also, you know, they do keep staff there to keep it open and that kind of thing. I don't know how we could go about saying yes we can make a donation to use the meeting space. How does that --? How can we make that happen?

Ms. McLean: As far as I know, we would need an invoice.

Ms. Wade: We do, yeah. Okay. Okay, so I'll have to think of something creative.

Ms. McLean: Or that's something we could fold into this grant concept.

Ms. Wade: Yeah, I think, maybe Police might be able, or they actually offered to pay for the space that we rent. I mean, I don't know if they have another, like a foundation fund or something like that that they can pay for it with. I can ask the Captain about that.

Mr. Mitchell: Okay.

Ms. Wade: But I will let you know. What, what the agency asked for was three weeks lead time to make sure that their schedule are cleared, so that's what I'm going to organize.

Mr. Starr: I look forward to that.

### **F. BUDGET**

Mr. Mitchell: Okay, on to Item F, the Budget. Is that part of our package?

Ms. Wade: I don't think we had one. Charmaine is out a couple of days.

Mr. Mitchell: Do we need to do the budget or do we, we -- we know we're on budget.

Ms. Wade: Yes. Well, we're fine in terms accounting. I guess the question for me, and maybe we should make this an agenda item for next time is what you would like to see in your FY16 budget.

Mr. Mitchell: Okay.

Mr. Starr: I'd like to see continuation of clean and safe.

Ms. McLean: We would need to have that discussion today because we need to turn our budgets in to the Budget Office on October 10<sup>th</sup>, so we won't have your other meeting before then.

Ms. Wade: The clean and safe we talked with Briane, right, about having it in the Parks Department budget.

Mr. Starr: . . . (Inaudible) . . .

Ms. Wade: For 15 so to do a budget amendment for this year. But then she -- I believe she fully expected to continue funding it like she does for the Lahaina one.

Mr. Mitchell: It sounds like she had the money, just asking for it.

Ms. Wade: Yeah. So that would then be an item in her budget moving forward instead of the MRA's. But you're absolutely right, we should double back and make sure that's the intention.

Mr. Mitchell: And Parks, Parks had to go to Council to get that correct? Or did they already have the money?

Ms. Wade: They have to go to Council.

Mr. Mitchell: And they were going to go in October.

Ms. Wade: Yes.

Mr. Starr: Yeah, can we ascertain that they also intend to maintain that for 16.

Ms. Wade: Okay. Yeah. One of the things, Yuki has asked to be on the next agenda for continue Wailuku First Friday funding. But that might be something we want to build in. Because so far we just said, you know, with our \$82,000 we're going to use 20 of it to pay for the First Friday. But that might be something that we should identify specifically so it doesn't eat into our contract budget. And they're not likely to continue to get HTA funding because the HTA is suppose to be sort of a seed fund. And now they're -- our small town grants offered a whole lot more programs that now want HTA funding so they've, they've really have to move

on. HTA does though.

Mr. Starr: How much do they get from HTA?

Ms. Wade: They get \$25,000 from HTA. Wailuku First Friday.

Mr. Starr: And we look to put some of it in our budget request?

Ms. Wade: Yeah. I think that would be probably reasonable.

Mr. Mitchell: Teens On Call.

Ms. Wade: That's their biggest expense is Teens On Call for their First Friday nights. And then entertainment.

Mr. Starr: Can we also look to fund maybe Christmas or some other, some other additional events?

Ms. Wade: We had wanted to do a quarterly event in addition to -- that was one of things we talked about when they were here were the quarterly events. So we maybe we build that in and one is the Christmas season. And we have good cost numbers from First Friday, so we can use that . . . (inaudible) . . .

For me, I would really like to get a contract for the code amendments that we would like to, so all of the changes are pretty comprehensive contracts. For not just the Zoning and Development Code and the changes that need to be made, but also the package of these various different sections of the Maui County Code.

Mr. Starr: Would that be something you put out for, to a contractor to do?

Ms. Wade: Right.

Mr. Starr: Is there a way to figure out what that costs?

Ms. Wade: Yeah, definitely. I'll talk with Michele about it.

Mr. Starr: That would be great if we can move that along. That's one of our priority items.

Ms. Wade: Yeah.

Mr. Mitchell: Put some furniture in our soon to be built park.

Ms. Wade: Oh, which reminds me. One of the things that we saw at the HCPO Conference was just -- and not talk to you about this Bill -- was just furniture that shows up on the street during the day and then disappears. And if we actually have clean and safe staff we'd be able

to make that happen. And we have really wide sidewalks on the mauka side of Market Street where there aren't any restaurants but we can easily put seating all along the buildings there, just like bistro table kind of seating if, if we worked with those, those landlords to be able to fund it. So about \$15,000 would get us 30 tables and 60 chairs, like, bistro seating. Which is just like the metal fold up that gets put away, taken out and put away. And then I think it's 12 umbrellas that would go with it.

Ms. Ball: Where do they, where do they get these?

Ms. Wade: The --. Well, that -- so that's good. I'm glad you asked that because the other thing we had talked about was creating a storage facility behind the restroom. Remember that?

Mr. Mitchell: Right. Yup. There is a space back there. It just have to be reconfigured. It's got a key and everything. There is, is room back there behind the building.

Ms. Ball: So we get the furniture, and then provide the staff to do the --

Ms. Wade: That's our clean and safe.

Ms. Ball: -- cleaning up and putting it away.

Ms. Wade: Build the storage. That would be the other component.

Ms. Ball: Great.

Mr. Starr: Likewise, can we quantify that quickly?

Ms. Wade: Absolutely. Well, I know the furniture cost. Now we need the shed cost which Morgan Gerdel has often volunteered for us.

Mr. Mitchell: We'll ask him to get his volunteer hat on.

Ms. Wade: Yes. It's great that he's chairing AIA right now because . . . (inaudible) . . .

Mr. Starr: Can we authorize chair and, and staff in the next week or two to come up with our budget request and, you know, let the rest of the members know what you're, what you're recommending and if any of us have, you know, comments we can get back to, get back to Bill or Erin with it?

Mr. Mitchell: I'm fine with that if everybody else is fine. Because we can, you can send, we can send it out, everybody can look at and comment on it just like you do the agenda, right?

Ms. McLean: I, I don't -- Mike?

Mr. Mitchell: Is that legal?

Ms. McLean: That sounds like meeting by e-mail that you're sending out a proposal and asking four members to comment back to you on it. I don't think you can do that if it's not at the meeting.

Mr. Hopper: You can do it at the meeting. You could have the discussion. But -- I mean, if you want to authorize staff to look into that and report back to you that's something you could do. But, yeah, you generally shouldn't have e-mail discussions on, on board business outside of the meeting. What you could do is have members e-mail Erin, and not communicate with each other, and then Erin can, at the next meeting, reveal what, what was, what was discussed. But that can't be revealed prior to that and it should really be passed out at the meeting.

Mr. Starr: My, my recommendation was that the chair, working with staff and the department do it and let us, let us know.

Mr. Hopper: That's fine.

Mr. Starr: If one of us has an individual comment to make to chair they can do that. But I did not intend that we would circulate e-mail, e-mails, you know, and cc everyone.

Mr. Hopper: Yeah, to staff you could make, but outside communication to the chair it gets iffy. The OIP has got opinions on serial communications about one person talking to one, and then once another person would talk to the chair, their opinion would be that's a serial communication and you can't do it. It's not my rule.

Mr. Starr: So we can, we can all communicate with the chair. But if you'd rather we communicate with a staff that's fine.

Ms. McLean: You can't comment back to the chair.

Mr. Hopper: Yeah. I mean, if you would talk to the chair, and then -- okay that's fine. That's two members outside. But as soon as you or, you or anyone else would talk to the chair, there's an OIP opinion on this saying that's a serial communication even though I kind of agree with you. If you read the sunshine law it say no more than two can discuss board business. So, as long as you only have two people that's fine. But they, they say basically if you discuss with one member, and then you discuss the same issue with another member that that is not permitted. It's a serial communication and that's the way they've interpreted it. That's our problem.

Mr. Fujimoto: So can we, can we authorize the chair to act on our behalf?

Mr. Hopper: Yeah, you can do that. I mean –

Ms. Wade: And I think for this issue, you still have opportunities for dialogue with Mayor's Office after you submit something. Is that right? Or is it what you submit and then we're lucky what we get, whatever we get.

Ms. McLean: It's better to do it one time. I mean, every department in the County you can't continue to tweak it after you send it in.

Mr. Starr: Yeah, I'll –

Ms. McLean: Just get some . . . (inaudible) . . .

Mr. Starr: I'm perfectly willing to, to be happy with what Erin and Bill do. I just want to know what it is so I can go and support it outside of this group.

Mr. Fujimoto: So is a motion necessary to authorize the chair?

Mr. Mitchell: Is it an action item necessary?

Mr. Fujimoto: To act on behalf of the board?

Ms. Wade: No. There's no action –

Mr. Mitchell: No action, right?

Ms. Wade: -- identified on this. So we will -- we'll develop it and leave --

Mr. Mitchell: You'll love it.

Ms. Wade: -- it to the Planning Department.

Ms. McLean: No, it's fine for Erin and Bill to work together, and for that to get sent to the members. And if you have comments you can send them back to Erin.

Mr. Starr: Okay.

Ms. McLean: And then Erin and I can take it from there.

Mr. Starr: Great.

Ms. McLean: And the Erin will report back at the next meeting of what we ended up with.

Mr. Hopper: And at the next meeting you can have, obviously, as much discussion you want.

Mr. Mitchell: Right.

Mr. Starr: Yeah, but then it will be gone. It will done.

## **G. DIRECTOR'S REPORT**

**1. Open Application Report**

Mr. Mitchell: Okay. Director's Report. We have to do the -- are we going to look at the website? Is that on the agenda?

Ms. Wade: I must have –

Mr. Mitchell: We can look, that because that's public information.

Mr. Fujimoto: Can't look on it if it's not on the agenda.

Mr. Mitchell: We'll adjourn the meeting and then we'll look at it.

Mr. Hopper: You want to put that on the next agenda here? The web? What agenda item would this be under that you're –

Mr. Mitchell: This would be Director's Report. We're reporting on the website, status.

Mr. Hopper: There should be an item on there about that.

Ms. Wade: I'll have you guys review it on your own.

Mr. Mitchell: Seriously, we, we cannot?

Mr. Hopper: You need to have an agenda to have a discussion on an item, on an issue like that.

Mr. Mitchell: Okay.

Mr. Hopper: I mean, the agenda as they are, are pretty broad.

Mr. Mitchell: Right.

Mr. Hopper: It would be nice to have --. You can't say new business or director's report and then have a general discussion on things like that. It should be discussion of new website, review of new website or something like that, so the public could come in and see the same thing that you're seeing.

Mr. Mitchell: Right, right, right, right.

Ms. Ball: Well, the purpose of us looking at would have been?

Ms. Wade: It was just to show that they did everything they said they were going to do. The contractor provided all of the elements from what they were scope to do, and to show, you know, Bill had the question about did they list all of the businesses, and the answer is yes, so



I was going to show you how we can go through that. But I do have this which talks about -- this is for you to take -- it's website and branding information that has the link to the website and you guys can check it out on your own if you want to do that.

Mr. Mitchell: Thank you. That's it?

Ms. Wade: Yup.

Ms. McLean: And it can be reviewed at the next meeting. We'll agendize it.

Ms. Wade: Yes. Exactly.

Mr. Mitchell: Okay.

Ms. Wade: This is actually all of your top six issues that were identified and kind of the status report of where those are at.

Mr. Mitchell: Okay, thank you. Open applications, there aren't really any. I mean, there are none to be reviewed currently.

Ms. Wade: There -- right, the Wailuku one will be coming back.

Mr. Mitchell: McDonald's.

Ms. Wade: Yeah, I'm sorry, the McDonald's one. The most exciting one that we have which is going to end up being administrative is the Ralph Kato's building at corner of Church and Vineyard. It's going to be Bruddah Willy's Ribs and Grinds which used to be in the Maui Tropical Plantation. And I guess there's tons of like Wailuku town fans. Tony Takitani eats there all the time, he was so bummed that they got kicked out of the Tropical Plantation, so he's like, yes, they're right down the block now, so --

Mr. Mitchell: Where is that?

Ms. Wade: It will be the corner of Vineyard and Church, Ralph Kato's building. It use to be Unisan, and then it was Four Sister's Kitchen. It just never worked well, but they're -- they had to come to us for a permit because they're actually going to install a door right at the corner entrance, and make an entrance right off the corner now.

Ms. McLean: Church and Vineyard?

Mr. Starr: It used to be a Mexican.

Ms. McLean: Oh, like Maui Boys, a long time ago.

Ms. Ball: Ramon's.

Mr. Starr: Ramon's, yeah.

Ms. Wade: There you go.

Ms. Ball: We're all dating ourselves.

Mr. Fujimoto: Okay, how about this, Aloha Bar.

Mr. Hopper: There's been that many places?

Mr. Mitchell: Oh, yeah.

Ms. Wade: It's never, it's never worked well, and I actually, I think this door is going to make a huge difference so that's exciting.

Mr. Starr: Yeah. It's been -- it's hard to get in there.

Ms. Wade: Yes.

Mr. Starr: It's feng shui wasn't right.

Mr. Fujimoto: He has to put it in quick because we need a drive-thru.

Ms. Ball: What was this going to be called?

Ms. Wade: It's called Bruddah Willy's Ribs and Ono Grinds.

Mr. Mitchell: Oh, he's not -- that's Bruddah Willy? He got kicked out of the Plantation?

Mr. Fujimoto: Yeah.

Ms. Wade: He's got good food, right? That's what I hear.

Mr. Mitchell: Yeah, it is pretty good. Yeah. Actually he's going to do much better here in town than he did out there I would think.

Ms. Wade: That's what's he's hoping.

Mr. Starr: Is the bakery, anything happening there?

Ms. Wade: Yes. So that's actually also on our open projects list. That's the Life Foods. The Old Maui Bake Shop is owned now Life Foods, and unfortunately a whole bunch of work was done in that place without permits prior to Life Foods acquiring, so they've been having to go back retroactively and take stuff out that was put in. They, for example, had a propane tank in the public right-a-way that Fire's, like, yeah, we can't sign off on your C.O. So they came and

asked could we get a variance from MRA, and I said, you know what, I don't have the authority to grant you permission to use the right of way for a propane tank. So they said, okay they had to take down parts of their building so there was enough clearance room for fire to sign off. But, finally that's happening and they're going to have their culinary kitchen is there because they make products which are sold retail and they're sold to a lot of the restaurants. They're going to have retailed deli and a -- retailers could buy their products and also deli components.

Ms. Ball: What is it, whole food?

Ms. Wade: It's all vegan, health food, but I hear it's really, really good and they're really popular.

Ms. McLean: With the rib shop right next door.

Ms. Wade: I know. With the ribs, it's perfect. Something for everyone.

Mr. Hopper: You can balance it out.

Ms. Wade: So that's the open permits update.

Mr. Mitchell: Great. Alright, well, our next meeting will be scheduled on October 24<sup>th</sup>.

Ms. Wade: And we'll probably have a safety meeting between now and then. Probably that third week, second -- late second week, early third week of October.

**H. NEXT MEETING DATE: October 24, 2014**

**I. ADJOURNMENT**

Mr. Mitchell: Okay. Any other items, discussion? Thank you all very much. Call for adjournment. Do I have a motion?

Mr. Fujimoto: So move.

Ms. Ball: Second.

Mr. Mitchell: All in favor? Thank you all very much.

There being no further business brought forward to the Agency, the meeting was adjourned at approximately 2:34 p.m.

Respectfully submitted by,

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

**RECORD OF ATTENDANCE**

**Members Present:**

Carol Ball  
Don Fujimoto, Vice-Chair  
William Mitchell, Chair  
Jonathan Starr

**Members Excused:**

Thomas Fairbanks III

**Others:**

Michele Chouteau McLean, Deputy Planning Director  
Erin Wade, Small Town Planner  
Michael Hopper, Deputy Corporation Counsel