

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

MINUTES

Council Chamber

June 17, 2014

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Don S. Guzman, Chair
Councilmember Robert Carroll, Vice-Chair (excused 3:02 p.m. - 3:45 p.m.)
Councilmember Gladys C. Baisa
Councilmember Elle Cochran (arr. at 2:40 p.m.)
Councilmember Stacy Crivello
Councilmember Michael P. Victorino
Councilmember Mike White (excused 3:11 p.m. - 3:19 p.m.)

NON-VOTING MEMBERS

Councilmember Donald G. Couch, Jr. (arr. at 3:13 p.m./left at 3:25 p.m.)

STAFF: Erin Fleming, Legislative Analyst
Pauline Martins, Committee Secretary

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

ADMIN.: Jeffrey Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel
Douglas McLeod, Energy Commissioner, Office of Economic Development, Office of the Mayor (Item 1(4))
Erin Wade, Planner, Department of Planning (Item 1(4))
Ryan Rodrigues, Lieutenant, Department of Police (Item 37)
Brienne Savage, Acting Director, Department of Parks and Recreation (Item 37, 32, 40)
Jason Lopez, Recreation and Support Services Division Chief, Department of Parks and Recreation (Item 37, 32, 40)

OTHERS: Brad Segal, Partner-Owner, PUMA Consulting Firm (Item 1(4))
Rena Leddy, Vice President, PUMA Consulting Firm (Item 1(4))
Mike Moran, President, Kihei Community Association
Dennis Fitzpatrick

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

Milton Kaha, Coach and Board member, Wailuku Phillies Baseball
Pamela Shingaki
Fred Fisher
Jason Dagenhardt, Volunteer, Friends of Upcountry Dog Park
Bernard Napa Kaupe
Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR GUZMAN: . . .*(gavel)*. . . Welcome. The meeting of the Economic Development, Energy, Agriculture and Recreation Committee shall now come to order. The time is 1:30 p.m. I'm Don Guzman, the Chair of the Committee. Before we begin, I would like to ask everyone to turn their cell phones on silence. I would like to introduce our voting Members of the Committee starting to my left Vice-Chair Robert Carroll.

VICE-CHAIR CARROLL: Good afternoon, Chair.

CHAIR GUZMAN: Member Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR GUZMAN: Member Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR GUZMAN: Chair Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon.

CHAIR GUZMAN: And Member Mike Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR GUZMAN: Thank you. I'd also like to introduce the representatives for the Administration today is Jason Lopez, Chief of the Recreation, Department of Parks and Recreation. From the Department for the Police representing that Department would be Lieutenant Ryan Rodrigues, also Erin Wade from Planning Department. As well as Doug McLeod from the Office Of Economic Development. And Jeff Ueoka, Deputy Corporation Counsel. I'd like to also introduce my Committee Staff as my Committee Secretary Pauline Martins, as well as our Legislative Attorney Erin Fleming. I'd like to also check in at this time with our District Offices. From Lanai District Office we have Denise Fernandez. Good afternoon.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR GUZMAN: And from Molokai District Office Ella Alcon. Good afternoon.

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR GUZMAN: And, Members, Dawn Lono will not be present today and therefore our Hana District will be unable to join us this afternoon. At this time we'll go ahead and proceed with public testimony. A few notes for public, people who are wishing to testify. The testimony will be limited to today's agenda only. Pursuant to our Council Rules, you'll have three minutes to testify with one minute to conclude. And when you testify please state your name and/or the organization in which you represent. Ms. Fleming, can you please call the first testifier.

MS. FLEMING: The first person signed up to testify is Mike Moran.

... BEGIN PUBLIC TESTIMONY ...

MR. MORAN: Aloha, Chair and Committee members. Chair, I would ask your indulgence, when I signed up I only put down EAR-37, if I may be able to just state one sentence on EAR-32, I would appreciate it.

CHAIR GUZMAN: Yes, you may proceed.

MR. MORAN: Thank you, sir. Okay, this is on EAR-37. My name is Mike Moran speaking for the Kihei Community Association. We appreciate the opportunity to submit testimony on this proposed ordinance which would directly affect our community, and we want to personally also offer our sincere appreciation to the Chair for having someone advise our association that this topic was on the agenda. I know legally up, if it's up on the website, all the notices are out there, but volunteer organizations sometimes can't keep up. So it was marvelous, we really appreciate you giving us the heads up on it. If this is approved it would be the fifth Kihei shoreline park to have an alcohol prohibition. Most of us consider Charlie Young Beach and Kamole I to be a single entity as it's a rare community member who can discern where one ends and the other begins. Similar consideration for Kalama Park and Cove Beach Park. While the original reasons for this prohibition at these adjoining beach parks, Charlie Young and Kam I and Kalama Park were varied, our observation of the result is the same, consumption of alcohol continues in all areas. The impetus for the Charlie Young Beach/Kam I ban was an almost daily very active beach volley ball game in the sand on the north side of the area, and much of the objectionable related activity as reported by beachside residents there. Part of the discussion of this proposed ban at that time mentioned Kalama Park seemed to be much...to have a stronger need for this action, particularly due to the large number of children there which seemingly led to the next ban

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

there at Kalama Park. So what is the reason for today's proposed action? The community input we received is the root problem is the large number of homeless who congregate there, many consuming a lot of alcohol. Then some of these people are annoying or even menacing other park users. This was also a consideration at Kam I. So this seems to be an action to respond to the outcry about the homeless congregating there but you can't ban homeless from a public park, but if we make it illegal to consume alcohol and it is enforced the outcome seemingly will be that the homeless will go somewhere else. The flipside to such a prohibition is numerous residents and visitors cannot have a cold beer at a picnic at the beach park on a hot afternoon, and those who gather to watch the impeccable sunsets cannot do so with a glass of wine. In that sense those who are behaving reasonably are penalized because of the action of others who do not. This leads to allowing or accepting that numerous normally law-abiding residents and visitors will choose to violate the law with the expectation of selective enforcement by MPD, never a good practice to foster. We trust you will seek input from Maui Police Department --

MS. FLEMING: Three minutes.

MR. MORAN: --concerning the result. Thank you. So when it comes down to a yes or no, support or not, unfortunately we will say yes with reservations since we understand the intent but are not content with all the consequences for our community. Mahalo, Mike Moran, KCA. And then if I can just say that just as now I'll just be speaking as a private citizen and a dog lover on EAR-32. I live in Kihei but I'm speaking for all the canine that I associate with on the island. Please do everything possible, get this Upcountry Dog Park. I go to the Kahului ones often and it's a marvelous thing for both the community on two legs and the community on four legs. So please do all you can. Sorry, that was way more than a sentence. Mahalo.

CHAIR GUZMAN: Thank you. Thank you, Mr. Moran. Also thank you for your service in the community.

MR. MORAN: Thank you, sir.

CHAIR GUZMAN: Members, do you have any follow-up questions for Mr. Moran? Seeing none, thank you very much.

MS. FLEMING: The next person signed up to testify is Dennis Fitzpatrick, followed by Milton Kaha.

MR. FITZPATRICK: Aloha. My name's Dennis Fitzpatrick, I represent myself. I've been involved in the...I wasn't really involved in the ballpark...the dog park. For over seven to eight years I've been aware of it and worked indirectly with them. I had health issues. But I'd like to read the mission statement. It says after seven years of efforts including letter writing campaigns to Maui County officials...I'm mean sorry, this is an article in the *Maui Weekly*. After seven years...and it was dated May 16, 2013. After seven years of efforts including letter writing campaigns to Maui County officials advocating for ordinance changes to allow for off-leash areas, helping to

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

draft dog park rules, testifying at Maui County Budget Committee meetings, marching in the Makawao 4th of July Parade with invisible dogs in tow, and holding countless organization meetings, the Upcountry Dog Park Committee has been notified that funding has been allocated for the County park. The park is on target to open and it says it was going to open in the summer of last year. I've been involved indirectly through this project for, since about 2006-2007, but I have a few concerns. Okay. Volunteers have worked cleaning that area off and on for many, many years, trees, rubbish, things like that. The County hauled stuff away. Months later it was bulldozed, nothing happened for a long period of time. I stopped walking and told the group I was told that they had to pay for the waterline, and I researched Federal dog parks and found out that was a Federal requirement that water should be there. I wrote the Council, the Mayor, and the County, and they all agreed, said they were going to put water in. I think that was 2008-2009. Okay. Then they all agreed they were going to do it. Nothing happened again for many, many months. After that it got bulldozed again, and then nothing happened for a while. Then somebody came in and put a trench and they trenched it apparently for the waterline. Nothing happened. To this day nothing has happened. Volunteers have worked hard for that park, I feel the County hasn't done their share. It's time for you guys all to step up. If the money was allocated for that, where's the money gone? I talked to the Parks lady the other day, she said the money never was allocated and I said no, we were told it was. So I'm not sure what's happening with that. Regarding...she also told me there was another thing they're looking into, some kind of study needed to be due to the flooding in the area and that dog park, it was concern and all that because of all the recent water we had. Well you know what, I can tell you I walked that park with my new dog, my other dog died waiting on the park. I walked that dog with my new dog and the area inside the park was full of water, kids were boogie boarding in Eddie Tam. Okay. But the dog park area had no water in it, no runoff. I see this as another obstacle that's put up before this group. The coconut wireless going around Upcountry --

MS. FLEMING: Three minutes.

MR. FITZPATRICK: --you should be aware of. Okay. It says to the fact that the new superintendent up there possibly doesn't want the dog park. That she's putting...she's saying that...let's see...let me find it, excuse me. The coconut wireless of dog park Upcountry has said the new superintendent thinks the park is too large, is a waste of land, would cause demand on workers to maintain, and has put obstacles to completion. All who have waited for this project can only wonder. Now most of the volunteers have gone. Some of the dogs have died. People are not involved in the project and it's just weeds again. It's time to get the thing done. And if you can't get it done in a timely manner, if I can make a few suggestions. Okay. I would...I have three questions for the Council. Can the temporary baseball fields that are chained and locked and get very little use except for Little League season or a few high school games --

MS. FLEMING: Four minutes.

MR. FITZPATRICK: --can they be...okay. Can I finish another minute?

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

CHAIR GUZMAN: If you can just...

MR. FITZPATRICK: Yeah. Can they be opened up temporarily until the dog park is put in place? Secondly, is the Council...is this the project that you guys are still committed to and you want to fund? Okay, thank you.

CHAIR GUZMAN: Okay, thank you, Mr. Fitzpatrick. Can you stick around, hold on a second.

MR. FITZPATRICK: Sure.

CHAIR GUZMAN: Members, do you have any follow-up questions for Mr. Fitzpatrick? Seeing none, thank you very much for your perseverance and your dedication. Thank you.

MS. FLEMING: The next person signed up to testify is Milton Kaha, followed by Pamela Shingaki.

MR. KAHA: Good afternoon, Members. And, Mr. Chairman, I think you know who I am.

CHAIR GUZMAN: Yes.

MR. KAHA: My name is Milton Kaha. I'm a volunteer coach for the Wailuku Phillies Association and actually backers. I'm 1 of 32 coaches that we coach over 6 or 12 teams, or 6 teams. Two...four...six...eight, eight teams, sorry. I'm in support of the building of the batting cage up at Wailuku Elementary School. The only cost to the County for that I think is today's meeting, everything else is being donated by the coaches and by supporters. We already have a blueprint to get it started, and all we need is your support and the word yes, go ahead and do it. If it is, we'll start as soon as we can, and you can guys can come take a look at it for your approval. We have an architect and structural engineer that is helping us with this project, and everything is right now sitting in everybody's hands and all I ask is for your support. That's all I have. Any questions?

CHAIR GUZMAN: Yeah, thank you. Thank you, Milton. Also thank you for all the work that you've done with the Little League and I know that --

MR. KAHA: Thank you.

CHAIR GUZMAN: --my boy played against your team, I think it was last month, and it was a good game. It was a very good game.

MR. KAHA: You know on days like this when everybody is working you can't get everybody to come out and support but I'm here with two coaches of mine, Kal Chaves and Bernard Kaupe. They're

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

the head coaches for the upper division, I'm the head coach for the lower division, and the rest of the coaches are working.

CHAIR GUZMAN: Right on.

MR. KAHA: But again thank you.

CHAIR GUZMAN: Thank you. Any questions for Milton, Members? Seeing none, thank you very much.

MR. KAHA: Thank you.

MS. FLEMING: The next person signed up to testify is Pamela Shingaki, followed by Fred Fisher.

MS. SHINGAKI: Aloha kakou. I'm Pamela Shingaki and I'm speaking about the Upcountry Dog Park. I've been involved with the dog park since the first meeting that was held by John Buck during Alan Arakawa's first Administration, so that's over eight years ago. And so we were asked to come and give an update on what's happening or not happening. So I'm going to spare you the details of before the Mayor allotted us the park. So in December 10, 2012, the Mayor allotted us the seven and a half acre parcel at Eddie Tam Center that was all brush with weeds and cane grass. So we had a Memorandum of Understanding that we would clean it up, we would get the volunteers, we would be like ambassadors for the park. And the Park's commitment was to put in the fence and the water. So we had multiple workdays, we started on February 9th and we had several of 'em. Donna Caires who was supervisor at the park at the time, she helped out a lot, and we have Jason Dagenhardt who did a lot of the tractor work. So everybody put in a lot of man hours and expense. Then in December we, there was a meeting, the Parks Department held a meeting and...to discuss about the park, and this has been going on, we've helped with the rules and regs for the park and dog park etiquette and all of that. So in the meantime we've gotten somebody to design the park and we've cleared it up, so in December 18th there was a meeting at Parks and Rec and...with the Parks Department. And so at that meeting at first we were supposed to...we were not planning to plant grass because the maintenance was supposed to be ours and I couldn't see having volunteers twice a month to go mowing. But since the Parks person said that she would be in charge of the mowing and because the area was cleared, a neighbor was concerned that the runoff would all go into his property at the bottom. So at this October 18th meeting the Parks Department agreed that we would need to plant grass to hold the soil back. So I said when...if we do the grass we need irrigation.

MS. FLEMING: Three minutes.

MS. SHINGAKI: So we got, I got a class, the UHMC's irrigation class to take this on as a project. The student...and if I may indulge because he put so much work into it, he did the drawings, he did all the irrigation work, made the list of parts, and so we were ready to go. So I notified the Parks

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

...*(tearing up)*... Sorry. I notified the Parks that we were going to put it in on November 23rd. November 22nd and actually on November 19th I get a call from the Deputy Director that she was going to try and find us help to buy irrigation supplies, so that was a great relief. December 23rd was the installation date and the class had everything planned, everybody was excited, they were looking at this as a --

MS. FLEMING: Four minutes.

MS. SHINGAKI: --servicing for the community as well as their project. So on the 22nd I got a call that said we don't have water, they're going to move us. So...and the trenches were all dug by Jason. So they were going to move us ...*(tearing up)*... sorry, to the slope around the ballfield. So needless to say it's not going to be ADA compliant because how can you roll up and down a slope. So the 23rd was an Around the Corner with the Mayor at Pukalani Superette, so we talked with him and he looked at these drawings, and I'm assuming he didn't look close enough because he said there's no way they could do the irrigation. But with this design the max GPM is 28 gallons per minute, and we could have downed it, we could have worked on it, but we weren't given the opportunity. So at that meeting he says that next week, the following week --

MS. FLEMING: Five minutes.

MS. SHINGAKI: --they would put the park, they would start it, but it never got done. And here we sit, the weeds are this tall. So the only thing I want to say is that now we had a meeting and Fred is going to continue with the second half, but we are, we're just at a standstill. So...

CHAIR GUZMAN: Thank you. Thank you for your testimony.

MS. SHINGAKI: Thank you.

CHAIR GUZMAN: Members, do you have any follow-up questions? Yes, Mr. White.

COUNCILMEMBER WHITE: First of all I want to thank you for all the work you've put into it, and I'm...I think all of us can feel your pain and your --

CHAIR GUZMAN: Yes.

COUNCILMEMBER WHITE: --frustration. What is the latest as to funding either for irrigation or for clearing or anything else moving the park forward?

MS. SHINGAKI: Well for the irrigation because we got everything donated or we paid it at cost and somebody helped us out with the cost...and mind you, this is five pages of parts. We returned most of it. The instructor was so upset that she said she will never do a County project again. So we would have to get the irrigation parts again.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

COUNCILMEMBER WHITE: Do you have any commitment from the County Parks Department at this time for covering any expenditures?

MS. SHINGAKI: No. And Fred can... 'cause he's taken over. After this happened I decided to step back and he's taking over for now, so you can ask him.

COUNCILMEMBER WHITE: Thank you for what you've done, and I can understand your need to step back. Thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. Any further follow-ups? Okay, thank you. I'm going to turn to our neighbor District Offices to see if there's any testimony. From Lanai District Office, Ms. Fernandez, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: Thank you. And, Ms. Alcon from Molokai District Office, is there anyone wishing to provide testimony?

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

CHAIR GUZMAN: Thank you. And we'll proceed back to the Chambers.

MS. FLEMING: The next person signed up to testify is Fred Fisher, followed by Jason Dagenhardt.

MR. FISHER: Chair, everyone, thanks for giving us a chance to talk today. Again my name is Fred Fisher. My wife and I volunteered to help out with Friends of Upcountry Dog Park about a year ago, a little bit more than a year ago. We met Pam who's the president of our committee, Liz Suter who is no longer with us, she's resigned. And my wife set up a website and a Facebook page, you can see a lot of activity there, a lot of support that we have Upcountry. Pam is taking a well needed break from all of this as you can see after seven and a half, eight and a half years of working on this, it's kind of frustrating. I can tell you the latest. I've been in touch with Parks and Rec, Brianne Savage who is filling in over there. As a matter of fact she called me about an hour before I left the house to give me the latest. I had let her know that I would be testifying and out of fairness I thought if she had something to tell me she could do it before the meeting which she has done. So this is the latest. What they've done, the County has done is they kind of locked us out after that disagreement over the irrigation at the end of November when we met with the Mayor and Glenn up at the Superette. They put a lock on the gate there and that was the end of our ability to go back in there and keep things clear or make any progress forward. Since then we've had the wettest winter in ten years from what I understand, and as Pam said the weeds are back up to about this high. I have photos of what it looked like when we cleared it either with machinery or by hand and work parties, the Maui Landscaping Association got

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

involved, and since then again, weeds are really high. We had a meeting with Brianne at the park on a very rainy day, April 31st and at that time she told us that yes, the County was in the process of bidding a fencing which is one of the few things they committed to, fencing, an ADA concrete pad for, you know, Federal requirements. And also drinking water for the dogs and for people. And we'd asked about well what about irrigation for the park and she said no, that's not happening. I pointed out that there's a water source at the County maintenance building right up at the corner of the park. And by the way, we're not talking about seven and a half acres anymore, we decided at one point that just take the upper portion near the recycling center, it's about three acres. We thought seven and a half acres would be way too much for somebody, you know, trying to catch up with their dog. So anyway we have that smaller area there. We had a professional landscaper do a plan for an area for large dogs, an area for small dogs, and a safety gate area where there's two gates to go through so, you know, they're not running around all over the place. So we have a plan, we submitted that to them. The plan that they came back with is similar, it's not exactly like it but we really don't care at this point, we'd just like to have a fenced-off area for both dogs. The challenge now is to clear all the weeds that have grown up over the past winter. When I spoke with Brianne this morning, she said well they're going to work on that somehow, either the County would do it or they would bid it out. They recognize that we spent a lot of work getting that all cleared, and then being locked out there was nothing to do but watch the weeds grow. So she also said they just finished the topographical study that they were going to do to make sure that water runoff was not an issue. If they had to any changes in grading or topography to the park that would be done before the fencing was installed. So that's really where we're at right now is the County Parks and Rec moving in their glacial-like manner to get the weeds cleared, get the fence up, put the pad down, and where we go from there with no ability to plant grass or irrigate the landscaping is the question that we're facing. That's pretty much it. How'd I do?

CHAIR GUZMAN: Thank you very much for the update. Members, do you have any follow-up questions? Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. You know I don't hear that there's much that's changed since our last meeting. All...the fence was proposed back then, the water was proposed pretty much the same way it is. Have you got any date certain that they're going to start working on this or the bids are going to come in for the fencing?

MR. FISHER: Brianne told me this morning that they had just awarded a bid to a company to do the topographical work, whatever that involves. I think what she's saying is they're going go out there and assess what needs to be done in terms of any drainage issues. It's funny because the meeting that we had on April 31st, we had at the park and we got drenched it rained so hard, and there was water running everywhere, and that's I think what triggered her idea that we needed to do some kind of study on the water. But from timeline-wise what's she's told me is they now have 30 days that they're going to use to study what needs to be done, and then some kind of work will be done, she was very unclear as to how all the weeds would be cleared, whether it

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

would be a County or whether it would be bid out. And then they would do the fencing and all that, but the timelines from their office have been somewhat unreliable in the past or confusing, or just plain lack of communication. There was a gentleman by the name of Paul Taylor who was assigned as the project manager for the Upcountry Dog Park around the same time that I took the leash if you will from Pam, and he talked about getting the fencing done and all that. And we talked back and forth and e-mailed and everything, and then eventually he just kind of said, you know, just let's...just let us do it, and he stopped returning calls, he stopped returning emails. I will send an e-mail to somebody at Parks and it might two or three weeks before I hear back, and so the communications are somewhat vague, I wish I could give you a better answer, Mike, Mr. White.

COUNCILMEMBER WHITE: Thank you. Mike works too.

MR. FISHER: Okay.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR GUZMAN: Thank you. I have a follow-up question. You mentioned that the Department, Parks Department said that basically no irrigation?

MR. FISHER: Yes.

CHAIR GUZMAN: And did they give you a reason?

MR. FISHER: And she confirmed that to me today. The only water that the County would be providing would be for drinking water for the dogs and people, and that we would not be allowed to tap into any water sources. The Mayor told us pointblank, he said I'm waiting for a water meter, you're not getting a water meter, and we don't need a water meter. But there...right after that meeting with the Mayor, with Mr. Correa, I went over to the County maintenance building that is adjacent to the recycling center and there are two spigots right there. My idea was maybe we could take some long hoses and do it a section at a time, maybe, you know, do a sprinkler of 100 square feet or so, get some grass growing and then fence that off while it's growing, move along. You know I thought maybe we could use that water to get patches of grass growing. But she's saying pointblank that the County will not be providing any irrigation water for our park.

CHAIR GUZMAN: Okay, thank you. Any other follow-up questions? Mr. White.

COUNCILMEMBER WHITE: Yeah, just do you have a cost estimate for the irrigation installation in the reduced size of the park?

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MR. FISHER: Well I think that's something that Pam worked on was it was a lot of volunteer effort. Jason dug trenches. Pam got ahold of a lot of equipment, and I think that the cost was something that we could handle with fundraising certainly now.

MS. SHINGAKI: *(NOTE: Speaking from the gallery.)* It's quite a lot . . . *(inaudible)* . . . It's not at the state where . . . *(inaudible)* . . .

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR GUZMAN: Sorry. Why don't you come down just briefly just to answer this one --

COUNCILMEMBER VICTORINO: Thank you.

CHAIR GUZMAN: --question. Thank you.

MS. SHINGAKI: You know because we got a lot of it donated and in fact I had two people that donated, and one 'em he just says, you know, I'll just donate the more expensive stuff and try get the other stuff from somebody else. So, you know, he didn't even add it up but it's in the thousands of dollars and it would have all been donated.

COUNCILMEMBER WHITE: So the cost to the County would have been negligent?

MS. SHINGAKI: The fencing and the pad.

COUNCILMEMBER WHITE: Right.

MR. FISHER: And the drinking water.

MS. SHINGAKI: And the drinking water.

COUNCILMEMBER WHITE: Okay.

MS. SHINGAKI: So and can I just say that the concern with the neighbor is probably still real, because he's worried about the runoff if we don't plant grass. So somebody has to deal with that issue.

COUNCILMEMBER WHITE: Okay, thank you. Thank you, Chair.

MS. SHINGAKI: Thank you.

CHAIR GUZMAN: Thank you, Mr. White. Seeing no other questions, thank you very much for your testimony.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MR. FISHER: Thank you for inviting us. Thank you.

MS. FLEMING: The next person signed up to testify is Jason Dagenhardt, followed by Bernard Kaupe.

MR. DAGENHARDT: Good afternoon. My name is Jason Dagenhardt. Mr. Chair and the Council members. I was asked by Pam or actually let me back up, I'm speaking on behalf of the dog park, the Upcountry. I was asked by Pam to help make a dog park. I have equipment, a backhoe and dozer, skid steer, things like that, and I'm a dog lover. And I jumped on board and I'm committed to it or I was. The, you know, like Pam I'm pretty upset and disappointed, and I'll read my letter so I stick on point. Thank you for taking the time and interest to look into the lack of the progress concerning the Upcountry Dog Park. It is very frustrating and disheartening for myself and other volunteers. I have donated time and equipment to facilitate construction of the Upcountry Dog Park. I estimate the value of the services I rendered is approximately \$5,000. I would like to express my dissatisfaction with the lack of cooperation, coordination, and general overall leadership the County Administration has provided for this community park project. I know that this will sound like a contradiction but I was impressed with and appreciate the efforts of two County employees in the Department of Public Works. Donna Caires to my knowledge facilitated the majority of the land clearing with the Public Works which was a huge help. Public Works did a great job of clearing the land, they were efficient and organized. Brianne Savage was and is the acting Director of Parks and Rec at the most recent meeting that we had. I suspect that she is walking on eggshells with her hands tied as the acting Director. I was impressed when she humbly admitted faults her Department had made. She took responsibility for them and apologized. In my 12 years as a County employee, I have seen some management accept responsibility but I don't think I've ever seen any County management apologize. The volunteers that have tried to make this dog park a reality have invested a lot of their time. The time spent by these volunteers is a gift to the community. When people volunteer or donate they expect their efforts and gifts to be respected and worthy of the investment. It feels like the County does not value the success the volunteers, Donna Caires, and the Public Works have accomplished by clearing the land. It is disheartening to see the state of the property it is in, and I have made it clear that I will not clean up the mess caused by the County. Basically the County has allowed the irrigation trenches and the property to become overgrown and has caused us to miss the rainy season. Growing grass will have to wait until next spring. Parks and Rec is unwilling to let us have access to irrigation water for grow in and normal maintenance during the summer months to maintain our investment. Personally when I volunteer for a County community project, I expect those who are getting paid to work at least as hard and at the same pace as the people volunteering.

MS. FLEMING: Three minutes.

MR. DAGENHARDT: From my perspective this project has been met with resistance, apathy, and stumbling blocks. The question is at what point in the chain of command did these bad attitudes get introduced? This project is relatively simple and obtainable. The volunteers of the dog park

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

have set reasonable goals, made good plans, and have spent personal and professional favors to accomplish the goals of the Upcountry Dog Park. The volunteers have done in good faith what they said they would do, it's time for the County Administration to get organized, motivated, and effectual concerning this project. Currently the upper portion of the property has about 2,000 feet of open irrigation trenches which need to be backfilled due to the potential liability hazards they present.

MS. FLEMING: Four minutes.

MR. DAGENHARDT: Can I continue?

CHAIR GUZMAN: Can you wrap it up?

MR. DAGENHARDT: Okay.

CHAIR GUZMAN: Thank you.

MR. DAGENHARDT: The entire property including the open trenches is overgrown with weeds approximately four to six feet high. The overgrown weeds are also a potential fire hazard. The County has suitable equipment and manpower to correct this problem that they have caused. I suggest they view this as an opportunity to train lower-level employees on operating skills and operating equipment. With training the employees have a chance to advance professionally, Parks and Rec Department has better and more qualified employees, and the public service will be rendered. It is a win-win situation for all involved.

CHAIR GUZMAN: Thank you, Mr. Dagenhardt. Is there any follow-up questions? Seeing...I have a couple questions. How many years have you been working on this project as an individual?

MR. DAGENHARDT: I've been involved probably about a year and a half.

CHAIR GUZMAN: Oh, in that year and a half, how many meetings or meetings that you're aware of with the Parks Department occurred in that year and a half?

MR. DAGENHARDT: I think I've been to three.

CHAIR GUZMAN: Three.

MR. DAGENHARDT: There was only one real...the last one that I went to was, you know, had all the department heads, and the other meetings were with our group and with Donna Caires, the head of the Upcountry park.

CHAIR GUZMAN: When was the last meeting you had with the Parks Department?

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MR. FISHER: *(NOTE: Speaking from the gallery.)* April 30th.

MS. SHINGAKI: *(NOTE: Speaking from the gallery.)* March 31st.

MR. DAGENHARDT: March 31st.

CHAIR GUZMAN: March 31st. Okay, thank you.

MR. DAGENHARDT: Thank you.

MS. FLEMING: The last person signed up to testify in the Chamber is Bernard Kaupe.

MR. KAUPE: Aloha, Council Chair. My name is Bernard Kaupe. I'm here to support the batting cage at Wailuku Elementary School. I've been coaching Little League and Bronco Baseball for just about 27 years, and also been a football coach for about maybe 10 years. I could stay here and talk to you guys like hours but just to knock it off the top, we're trying to support the batting cage at Wailuku El because of safety-wise it's a County park that people walk their dogs, kids go out there and play basketball, there's Pop Warner practice, and we start our baseball season like in December. And the kids hit baseballs, we're there yelling head's up, look out, you know. There's also a kiddy playground there and, you know, these kids, you know, they can hit the ball. I mean my other subject is I've been right now helping kids get to college and pro baseball. My son right now plays for the New York Mets. He's trying to be the next Shane Victorino or Kurt Suzuki. I have just about eight kids right now that I've been coaching that is playing college ball, and when they come home to get practice we can't even use the stadium. These kids are college players, my son comes home he's a pro player, we can't even use the stadium. We need a big field, on a high school field. Sometimes we go out to Maui High and nobody's using it, that's fine, but with a closed-in batting cage it'll help out a lot that people around who's walking their dog, playing with their kids at the playground, shooting hoops at the basketball court, no one gets hurt. So that is all what I have to say.

CHAIR GUZMAN: Thank you.

MR. KAUPE: Thank you.

CHAIR GUZMAN: Members, any follow-up questions? Seeing none, thank you very much for your service and your time.

MS. FLEMING: There's no one else waiting to testify in the Chamber.

CHAIR GUZMAN: Thank you, Erin. I'm going to go ahead and check in with our District Offices. On Molokai, Ms. Alcon, is there anyone wishing to testify?

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

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

CHAIR GUZMAN: Thank you. And, Ms. Fernandez on Lanai District Office, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: Thank you. Members, without any objections, I would like to close public testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

... END OF PUBLIC TESTIMONY ...

CHAIR GUZMAN: Thank you.

**EAR-1(4) COMMITTEE'S PRIORITIES AND PROCEDURES; PRESENTATIONS FROM
COUNTY ADMINISTRATIVE AGENCIES (PRESENTATION ON THE PAIA
TOWN STRATEGIC PLAN BY THE OFFICE OF ECONOMIC DEVELOPMENT)**

CHAIR GUZMAN: Members, turning to our agenda items today, we have four items on today's agenda starting with EAR-1(4) is the presentation on the Paia Town Strategic Plan by the Office of Economic Development. The Committee is in receipt of a presentation from the Office of Economic Development relating to the Paia Town Strategic Plan. I'd like to start by asking Doug McLeod from the Office of Economic Development to please give us some background information about the presentation and introduce any of your staff or plan consultants that you may have here today in the Chambers. Thank you.

MR. McLEOD: Thank you, Chair Guzman, Members. I'm here today on behalf of OED. Our Director Tina Rasmussen is in Oahu. We're here today to receive a presentation on the strategic plan for Paia, and you're going to hear from people with a company called Progressive Urban Management Associates, they usually go by the acronym PUMA, P-U-M-A. PUMA has worked on Maui before in connection with redevelopment efforts in Wailuku. In 2010 the PUMA team worked with the MRA to develop the Wailuku Redevelopment Area Market-Based Plan. In the process, they became familiar with the fact that all of the small towns on Maui have their own unique character. In 2013 the Paia Town Association applied for and received a small-town grant from the Planning Department to do strategic planning. This effort was originally planned as a team-building exercise but the group realized they had bigger issues to address and needed a more sophisticated approach. The Paia Town Association sought the assistance of OED and we became involved as a funding source for the project. In essence the project has been paid for so

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

far about one-third by the Planning Department, one-third by OED, and one-third by private property owners and other involved stakeholders. The OED funding in this case was a matching grant and we provided approximately \$10,000 in funds that matched the private investments made by the property owners. The strategic plan will be presented by two representatives from PUMA. Brad Segal has nearly 30 years of downtown management and community development experience and is viewed as one of the nation's leading authorities on downtown trends and issues, strategic planning for organizations involved in downtown and community development, and creating and renewing business improvement districts. Prior to establishing PUMA, he designed and managed economic development programs as a senior director of the Downtown Denver Partnership. Rena Leddy has 20 years of downtown management experience. Her specialties include business improvement district feasibility formation and renewal, as well as the operations of other downtown organizations. At this point, Chair, unless there are immediate questions I would propose that we get set up and allow the consultants to make the presentation.

CHAIR GUZMAN: Yes, thank you. We'll take a three-minute recess so that we can set the Chambers. . . .(gavel) . . .

RECESS: 2:16 p.m.

RECONVENE: 2:18 p.m.

CHAIR GUZMAN: . . .(gavel) . . . The EAR Committee shall now reconvene. Mr. Segal, can you proceed with the presentation.

... BEGIN PRESENTATION ...

MR. SEGAL: Well aloha and thank you for having the time today to look at the findings from the Paia Strategic Plan. I'm going to provide an overview. It shouldn't take more than 15-20 minutes, and then we'll have time for questions certainly from the Council. Next slide, please. I do want to acknowledge Rena Leddy, my partner in crime who's in the back and has the duty of toggling slides today but also is available as a resource as we move forward. The strategic plan for Paia as you heard has been in the works for a while. These are the objectives that we're trying to accomplish through this process. So we're really trying to balance the competitiveness of Paia along with its quality of life to make sure that both of those can coexist as we move forward. It is a market-based approach so we're looking at how the real estate works, and we're also looking at the quality of life of the community, and the balance between new investment and also traditional businesses and families that have been there for generations. One of the priorities of this process is to revive the mission and the vitality of the Paia Town Association, and the association has been in existence for a couple years after the Main Street Association. So it's looking for direction and a way to be self-sustaining moving forward. Lastly, our goal was to engage as many business and property owners, residents, and other stakeholders in this process moving forward. Next slide, please. In terms of the planning process, we've tried to build on the

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

work that's already been done, so there are a number of recent studies that relate to Paia including the strategic plan that was completed back in 2000. Also more recently there was a market analysis that was completed for the Paia 2020 project. It's a market analysis that was completed this past January. We're able to use that as well to get current market information and identify trends. We've convened a series of interviews and stakeholder meetings. A community online survey was distributed and we received more than 240 responses from that. Also we have a steering committee that has been composed of stakeholders in the community. Next slide. And as I indicated we've really tried to involve a broad cross section of the community, so there are families that have been there for generations, there's also new blood, and there are a lot of folks in between. We have many of...several of the individuals that are on the slide are actually with us today, including many of the property owners and the stakeholders in Paia. I also want to acknowledge the leadership of Martin Brass who is here who's been a leading property owner in this effort, and also Rose Potter who's been the quarterback for this effort keeping all the pieces moving forward. Next. So what we learned. What we learned from our discussions and from our interviews and our surveys with stakeholders, we found that...and this should be no surprise to the Council but Paia is at a critical crossroads, critical crossroads in its future and really at risk of losing its distinctiveness and competitive edge. So as the market continues to heat up for Paia, what's at stake is really the distinctive sense of place, the qualities of the town that make it vital in the first place. So there's some very significant challenges that are being caused primarily by the market, by changes in the market which I'll touch on here in a moment. And the community really needs a strategy to try to balance all these different forces moving forward. We have found and this is what we learned from the different stakeholders that we talked to that there's a sense that there is a need for a private sector leg community organization that could really take a strong role, a stronger role in partnership with the County to lead these efforts moving forward as the community find its way. And then the last thing that we found from our stakeholder interviews is the timing really seems to be right. Like a lot of communities that we work in nationally like our past experience on Maui, there are a variety of personalities in Paia, and what we have found is now seems to be a good time where folks are really ready to work together and move forward in a more unified way. Next. I mentioned we received more than 240 survey responses. These were almost all from the four zip codes right around Paia so it does reflect local use of the business district. We were able to glean some significant information from this. The top attractions, dining, groceries, shopping. Top impediments and again this should be no surprise to the Council members, parking and traffic congestion. The...we call that a word cloud. The word cloud there on the right, what that is is we had a open response question where we asked individuals to say what do they like most about Paia and the more frequent the response the larger the word in the word cloud. So you'll see that Mana Foods really stands as an anchor, an anchor destination for the whole business district, particularly for the locals, that certainly is valued. Next. We asked about improvements, what do residents want to see improved in Paia Town, and certainly parking but also walking and biking routes, trees and green space, public restrooms. The most important, we asked people to just choose one thing, what would be the most important moving forward, parking and less transients. There's concern with growing transients and homelessness in the area. What's not important to local folks,

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

brand-name stores. Just not important, not something that locals necessarily wanted to see. The...can you go back. The word cloud, we love these word clouds. On the right that word cloud is we asked people to identify improvements for the future, what are three words to describe what they would like to see in the future in Paia Town. Again you see the domination of parking but also local, unique, authentic sense of place. Moving forward, next. Market reality. So we've...these slides have talked about what the community would like Paia to be and the values they'd like to see the community embrace. Then what we do as outsiders is we try to balance that with the realities of the marketplace, what's going on in the market. So we were able to obtain the Paia 2020 market study, it was just done this past January by a international market research firm called Colliers. We found the market information very credible, but these are our conclusions while reading the Paia 2020 market analysis. One is that the Paia market is limited simply by population, there's not a lot of folks living in the Paia area. The town itself is about 3,500 people. The market area defined by 5 miles is about 10,000. So in terms of a market being in balance, Paia Town has about 150,000 square feet of space and that's in balance with those 10,000 local residents. And our key conclusion there is that future retail demand is really going to be driven more by visitor segments than it is by resident segments. And that's what you're seeing, that's why you're seeing increasing pressures on rent and why you're seeing some of the changes in the retail, because the local market demand is pretty well served. So if there is growth these visitor segments come into play, and we'll talk more about that. The last piece of market reality, we put our own spin on this. Our firm, we work with the University of Colorado and we chart trends that are shaping communities all over the country, and there's some key demographic trends that are going to reinforce what we found in the Colliers study and what we're seeing on Baldwin and Hana. And those trends really are demographic and I think you'll be seeing this more and more in Maui. And what's happening is younger people, people 20 to 35 and also older people, people who are over 50, I'm in that club, what's happening nationally is we are seeking, both age groups are seeking more walkable, bikeable compact environments, villages if you will. So Paia Town becomes ideal for that but what that means is more market pressure. There's going to be more market pressure. That environment that is provided by Paia Town will continue to increase in value because of all these market pressures. Next. So what do we do about all that? We want to preserve the authenticity, we have this great town, we have this history, all these wonderful attributes about it, meanwhile we've got market pressures to fundamentally change the town. So we worked with the steering committee, again, made up of many of the property owners, business owners, residents that you saw in the slide, and really came up with values. What are the core values that we want to protect moving forward for the town, and this slide reflects those core values. So we definitely want to retain the small town sensibility, walkable, bikeable, we want to be better organized, speak with one voice, be inclusive of multiple generations, be family friendly, community-oriented. Next. And that leads us now to what's...how are we going to do all this? You know how are we going to make these things happen, how are we going to guide the future of the town, how are we going to finance the type of improvements that we want there? And that's what the remainder of the presentation talks about which is really a business plan if you will for the Paia Town Association moving forward. So we talked about objectives for the association and what do the leaders of the group

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

really want to see moving forward. They want a group that's efficient, effective, credible, respected. They want to be transparent, they want to be very open in how they do business, diverse, inclusive, and really relatable not just to the business community but also to the residents, property owners, the variety of interests that are in Paia Town. We did come up with a mission, we ran it by our steering committee yesterday. We're going to be a little more expressive was one of the pieces of feedback, but essentially the mission is to, for this association to provide a unified voice and lead and manage the district as it continues to evolve really for the benefit of the entire community. Next. Different initiatives that we see the Paia Town getting involved with. There are four of these that I'll go through quickly. Physical improvements so making the district cleaner, safer, greener, and that could be through lighting, through signage, through more green space, public art, North Shore Greenway. I had the opportunity to walk through that yesterday which is an interesting experience, and I assume most of the Council members have done that. But that's a key piece as well, that's the large piece of land that's between Baldwin Beach and the town itself which is an opportunity not just for Paia but perhaps for the whole island. But that fits into this as well. Next. Small business support, a key, key function for the Paia Town Association. How do we support the local independent businesses, the businesses that make the place unique that are driving what we all want Paia to be? And so we're suggesting a number of services that the association could undertake. Liaison services to help with development review and permitting for small businesses. Shop local campaigns to encourage local businesses. Property own education to help them understand that the long-term value of a place like Paia is really in the authenticity of the place which is difficult when you've got chains and you've got franchises and you've got high-rent-paying businesses knocking on your door. But really we think the longer term play and ultimate value is trying to retain, retain that authenticity of what you have. So we have spent some time trying to come up with ideas on what's the best way to retain independent businesses. Next. And we actually came up with a decision matrix that we went over with our steering committee yesterday 'cause there's been talk of do we use a regulatory approach, do we try to prohibit formula or chain businesses, do we use an incentive approach where we're trying to help small independent businesses survive, do we do a little bit of both? And yesterday we didn't come to a conclusion, we had some spirited debate. This is something that will continue to be out there, but we're hoping to create a decision framework so there's more certainty moving forward and less controversy as we sort this out in the future. Next. Community building, this is a third area for the association, and this really gets to the notion of building a sense of community between the businesses and the residents that live around the business district. Small events, not big marketing events where we're inviting the whole island or tourists. There's plenty of success with Paia Town right now, but more community-based events to really bridge the businesses and the residents. Next. And then lastly planning, advocacy, and parking, parking management. Is there a role to play for the Paia Town Association in coming up with solutions here? There's a number of big issues, there's some needs in terms of updating design guidelines, some of the zoning regulations are a little out of date. The bypass, big issue, big expenditure, but certainly a unified voice from Paia on the bypass would be helpful, it would be helpful to the Council, it'd be helpful to the State. And then parking management, there are a variety of ideas we have on how to better manage the

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

existing supply of parking which I'll touch on in our final slides. Next. So this is the construct, this is the business plan if you will for the new Paia Town Association moving forward, and really what we see is the association is an umbrella or a toolbox if you will for a number of tools that fall under it. Next. The association itself is a nonprofit and it would have a board that would be widely representative of the community, so property owners, business owners, residents, also County officials. Providing leadership and program management. We view some sort of membership structure to help get that going. Next. Business improvement district, this is perhaps the most important element of this plan, because this is the only way that the business community can create revenue to actually support many of the initiatives that we've talked about. So all these plans we come up with, we can come up with a wish list of a hundred things but, you know, how are we actually going to finance these things and get them done? Business improvement district, it has been floated before on Maui, it was floated for Lahaina a few years back. This is widely used on the mainland, there are more than a thousand of 'em on the mainland in downtowns and neighborhood business districts. It's also used in, on Oahu, and there is one on the Big Island as well. But essentially what a business improvement district is it's when the property owners agree to assess themselves and use those assessments for the type of improvements that we've talked about. So it's a self-assessment mechanism. This is something that the property owners would petition the Council, you do not see this until the property owners sign petitions that they want to assess themselves and they would deliver them to the Council. You would create the district through an ordinance and then the assessments would go back to the district and be governed by the property and business owners. We are floating the idea and the County staff people that we've been working with, they haven't had us erase this off the slide yet, but we are floating the idea of potentially asking the County to consider matching any self-assessment that comes from a business improvement district. We feel that about \$150,000 a year is a minimum budget to get some of these things done. There's about 150,000 square foot of space in the business district. We're feeling that a dollar a foot per year might be a little high; however, if we could work out a match or a contribution to incent the property owners to act we feel it could be a viable partnership with the County. By statute County interests would be represented on the business improvement district. Both the Mayor and the city Councilman for the district would have voting members on the improvement district. We also feel it would create a useful precedent on Maui. For a fraction of the investment in the old Main Street program we're talking about an investment in an improvement district where the property and business owners are already vested for the long term. So that, it's a very strong idea, we talked about it at our steering committee yesterday. We've been talking to property owners this morning, we're going to continue over the next couple days. And I must say it's getting some traction, it's getting some traction among the property owners, and certainly any of them who are here today could comment if you're further interested. Next. The last idea and I believe this is the second to last slide, on parking. And not necessarily the first thing we do but we have a bundle of ideas on parking on how to better manage the parking supply in Paia. We're suggesting some sort of parking management district. This could be managed either from the County or it could be managed through a business improvement district if it's formed, and the idea is to better manage the on-street supply so that there's more turnover for the shops. So there

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

are two-hour zones. They're not as zealously enforced as when we did work in Wailuku we learned about...and visual, very zealous but that parking is kept, you know, the turnover happens. So perhaps Paia needs its own Taguma to really free up some of that parking. If we did look at enforcement or if we did look at other revenue-producing options, charging for the lots, perhaps even on street. The idea behind a parking management district is any revenue would then be reinvested in the district to help increase the supply of parking. So that's another idea and we think it has again a lot of potential for Paia over time, but we think the business improvement district is probably the first logical step. Next slide. So in conclusion, that's an overview of the process to this point, the findings from our community outreach and the business plan that is suggested for the Paia Town Association. We are joined by property owners, by representatives of the association, and certainly Erin Wade has been involved with this for a very long time. So if there are at this point just questions, is that where we go?

... END PRESENTATION ...

CHAIR GUZMAN: We'll go ahead and take a recess to reset the Chambers.

MR. SEGAL: Okay.

CHAIR GUZMAN: Then we'll follow up with some questions and answers.

MR. SEGAL: Great. Thank you.

CHAIR GUZMAN: ...*(gavel)*...

RECESS: 2:38 p.m.

RECONVENE: 2:40 p.m.

CHAIR GUZMAN: ...*(gavel)*... The EAR Committee meeting shall now reconvene. I'd also like to welcome Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Thank you, Chair.

CHAIR GUZMAN: Thank you for joining us --

COUNCILMEMBER COCHRAN: Thank you.

CHAIR GUZMAN: --this afternoon. Okay, going back to our presentation with the Paia Town Strategic Plan. Do you have any other comments you may have, Mr. Segal? And would you like to introduce your partner here?

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MS. WADE: I'm not with Progressive Urban Management, I'm with the Planning Department.

CHAIR GUZMAN: Oh, yeah. You're...sorry.

MS. WADE: My name's Erin Wade, I'm a _____ planner.

CHAIR GUZMAN: Will Spence, can you introduce yourself and if you have any comments.

MR. SPENCE: Good afternoon, Mr. Chairman, Committee members. I'm Will Spence, I'm the Planning Director. With me today is Erin Wade, she is, has a great involvement with our small towns and Paia especially so.

MS. WADE: Essentially my role with this has been the grant manager as the, with the small town grant that they receive, so I've been assisting with the coordination and the grant review for the project.

CHAIR GUZMAN: Okay. And do you have any comments to add and address the Committee members?

MS. WADE: No, not at this time.

CHAIR GUZMAN: Okay. Mr. Spence, is that it in terms of your comments? Do you have any?

MR. SPENCE: Yes. We look forward to hearing the Committee's comments and, you know, cooperating with the Council on making things happen for our towns.

CHAIR GUZMAN: Okay, very good. Members, I'm going to open up the floor for any comments or questions starting with Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. And thank you to the Department for managing the grants, and thank you for the, to the community for stepping up and taking part in PUMA's efforts to pull the thoughts and wishes of the community together. 'Cause, you know, it's we've seen areas like Lahaina go through the same growing pains, and I think we all have the concern that we want to maintain as much of a country feel, an older feel. And I think the work looks as though it's moving in the direction of trying to help us preserve what a lot of us feel is what makes our plantation towns and country towns really special and helps us preserve what makes them a great place to visit and a great place for us residents to go and recreate as well. So I really am heartened by the fact that the community has come together in a way that makes it possible for us to move ahead with some of these initiatives, and I look forward to learning more about the BID and the parking management system. And I think it's safe to say that if the

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

community is willing to step up to the plate and take the bull by the horns that we should at least be somewhere in the same corral and do our part to help out as well. So thank you, Chair.

CHAIR GUZMAN: Thank you.

COUNCILMEMBER WHITE: And thank you.

CHAIR GUZMAN: Any other questions or comments from the Members? Wow.

COUNCILMEMBER COCHRAN: Chair?

CHAIR GUZMAN: Yes --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR GUZMAN: --Ms. Cochran.

COUNCILMEMBER COCHRAN: I'm very excited to see there's a parking management aspect because for me that's sort of the big, you know, hindrance to want to even go to Paia. I mean I love the town because it is very similar to Lahaina and in the historic, you know, feel and character, but I'll tell you one time I was heading in bumper to bumper and I just drove right around and drove out and because it was just a total scene. So hopefully it can be managed and figured out because I'd love to spend time but it's just where am I going to park? And so it's...but it's a wonderful quaint town I still love very much, but again, that's kind of number one in my book at this point. But thank you. I'm sorry I missed your presentation but I am flipping through your handout. Thank you. Thank you, Chair.

CHAIR GUZMAN: Do you have any response for Ms. Cochran in terms of the parking management district? Maybe you can elaborate more in terms of any future projects or I guess plans that you may have to facilitate a, more of a range in terms of the parking. 'Cause I do have that problem as well when I go to Paia.

MR. SEGAL: Yeah. Well you're certainly not alone. So that was the number one impediment to people wanting to go to Paia was the lack of parking and the frustration and the traffic that's related to it. There really are a couple components to it. One is the parking itself, the other is the congestion, and they have different solutions. The congestion is a bigger solution which is the bypass which is out there hopefully, you know, within the next five to ten years. But in the meantime what we are hoping that we can bring to Paia is a sense of best practices about how other successful districts have been able to better use their parking supply. So several components to this, one is expanding the supply. Are there additional lots that we can find that we can acquire, and whether it's the County or perhaps a business improvement district in partnership with the County. Can we allocate places where employees would park, because a lot...some of the problem with the

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

on-street parking is employees and owners are parking there and taking those very valuable spaces away from customers. So can we find areas where employees can park? On-street parking, are we ready to be a little more maybe certainly not popular but a little bit more courageous in how we manage the on-street parking. The enforcement is limited at best. With more enforcement of two-hour zones, it could create that turnover that certainly the retail is looking at. Also alternative ways to get in and out of Paia or another part of this, so it's not just about parking cars, but there are some bike routes that are incomplete that perhaps would induce people to ride bikes. We see that as a trend nationally and you're fortunate here, you have 365 days a year when you can ride a bike. More walkable type environment is also part of this. It also gets...and the last point I'll make on the parking management, it also gets into are we at some point going to be ready to charge for that privilege to park? And I know that's controversial and again it's not popular, but at some point there is demand on that space, that space for the merchant, for the business is worth tens if not hundreds of thousands of dollars in terms of business. So at some point do we meter it and do we try to create additional turnover through that, capturing any new revenue for the district so we can continue to invest in the parking supply? Long, rambling answer, I apologize for that, but a lot of different actions taken together we feel could have an impact.

COUNCILMEMBER VICTORINO: Chair?

CHAIR GUZMAN: Mr. White, and then followed by Mr. Victorino.

COUNCILMEMBER WHITE: Thank you, Chair. Could you give us an explanation of the building improvement district concept and how they've been applied successfully on the mainland and what failings there have been and how we can avoid those?

MR. SEGAL: Wow, that's kind of a big question. I'll try to be brief. But the question relates to business improvement districts and how they work and what are the pitfalls, what we should be weary of. This would be new for Maui, we do understand that, but there are more than a thousand now business improvement districts throughout the mainland, both in downtowns of cities and also in neighborhood business districts that look more like Paia. Overall they've been wildly successful. They're successful because they do engage the property and business owners in a very different way from any sort of voluntary association. What we're finding in town after town is when the property owners have a vested interest, they tend to get more motivated, they tend to get more involved. There's also the services that property owners tend to take care of. They tend to take care of the details through a business improvement district, so that's where my colleague Rena Leddy has had her camera has been nonstop with some of the cosmetic issues that really wouldn't take a lot of money. Can we keep the weeds from growing in the sidewalk, can we take the stickers off the poles, can we have trashcans and have reliable ways to empty those things? Business improvement districts are very effective at the cleaning and also the beautification, the attractiveness of a district. I'll also add I think one of the greatest values of a business improvement district particularly for Paia is the ability for 60 property owners to speak

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

with one voice, and this can be helpful for the County, too. So instead of trying to interpret the needs of one or two, the improvement district provides an ongoing association of property owners and businesses that can speak with one voice and can be very helpful as a partner with the County. Pitfalls, what to watch out for. There really are two things to worry about with a business improvement district that we've seen. I should mention that they tend to have terms, we're proposing a ten-year term on this proposed district; however, nationally more than 95 percent of them are renewed by property owners, so again, another indicator of the success. But where they have problems, we are creating a new business, we're creating a new organization, and the new organization is only going to be as successful as how it's managed. So it does require that the property business owners, residents, be engaged on, in a board, that they're professional about how they manage the board, and that they hire an administrator that will manage it on a very professional level. So management, that's number one. Sometimes these things go sideways because they aren't managed properly. Two is we've seen partnerships start with great intent, particularly between local governments and business improvement districts, but if one of those parties pulls out of some sort of commitment that can cause problems. So we are encouraging the County to consider participating in the improvement district, but we would also encourage the County if you do consider that to consider it a multi-year commitment, not just an initial one-year deal. The last thing I'll mention and we've been very straightforward with the property owners on this, where we also see improvement districts struggle is when they are undercapitalized, when they don't raise enough funds to actually do much. So we want to make sure that if we go through this process of forming a district that the property owners, the businesses, the district has enough funds to make a visible, tangible improvement to the district. That's why we're suggesting the \$150,000 annual budget would be a minimum. That would allow them to hire an administrator or a part-time administrator. More importantly it would allow them to have more than \$100,000 a year to invest in cleaning, in beautification, in planning, in some improvements that could make a visible impact.

COUNCILMEMBER WHITE: Just a follow-up, please. Do you have...how many examples can you share with us...not a whole lot actually, but examples where there's been a cost sharing by the local government. Is that a norm or is that more the exception?

MR. SEGAL: I would say in our experience, in our experience, I've been doing this for a while now, we've been...I used to work for the improvement district in Denver and then the last 21 years have been involved in putting about 60 of these together nationally. I would say in half of our situations we've had some sort of participation or cost sharing by the local government, and then half of those situations, a quarter overall the State statute would actually mandate that participation. So for example in California the local government has no choice, they pay, that's what the law says. In those voluntary associations which is what we're suggesting here, where we've seen that happen is in the smaller districts more than the larger districts. So the smaller districts, a similar situation to what we have here. We're actually working on two of these in my home state currently that are similar in budget, and we have two local governments that are willing to match those funds. So I guess in summary I would say in about half of the cases there

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

is local government participation either through a match or through a payment in lieu of some sort of tax.

COUNCILMEMBER WHITE: And are those generally a dollar-for-dollar match or is there a percentage?

MR. SEGAL: Dollar for dollar is great. I would suggest that if the County considered that, that you cap that at some amount, so let's incent the property owners to raise funds but there may be a limit, particularly if we're creating precedent for other communities. So that's a common safeguard I've seen with other local governments is they'll match up to a certain dollar amount after which, you know, the property owners can certainly raise more of their own funds.

COUNCILMEMBER WHITE: Okay, thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. Mr. Victorino.

COUNCILMEMBER VICTORINO: I'll yield to Madam Chair, she was --

CHAIR GUZMAN: Oh, sorry, Chair.

COUNCILMEMBER VICTORINO: --trying to get . . . *(inaudible)* . . .

CHAIR GUZMAN: Go ahead.

COUNCILMEMBER BAISA: It's okay, it doesn't matter, I can wait, but I will go ahead. Thank you for the presentation, it's very interesting. You don't know this but my roots are Paia. I was born and brought up in Paia, third generation there. My folks are sugar cane people, my dad worked in the Paia Mill, my grandfather drove the locomotive. And so it always is a difficult thing for me when I go to Paia. It doesn't look anything like the town that I grew up in, and I do like to go. I really like going to Mana Foods and I agree with you, I think it's a mainstay of the town; however, trying to park is a real problem, and so I'm real happy to see you thinking about parking situations and solutions. The other thing that is a little frightening to me is I think it was mentioned casually that there's a problem with vagrancy and people hanging about, and I don't like to go by myself. I'll generally go if I can get my husband to go with me but I don't want go alone. And so the other issue of course would be the restrooms which I think is very important if you're going to have that many people in a town, you better have some public restrooms that are appropriate. And so it sounds like this is very well thought-out, very well researched, and we'll look into the recommendations when they arrive here. I think it's a very good idea. It's very historic, very important, be nice if we can preserve it. Thank you.

CHAIR GUZMAN: Thank you. Mr. Victorino.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

COUNCILMEMBER VICTORINO: Thank you. And, Madam Chair, I can relate. I'm not any generational from there but my grandparents were at Camp Maui which doesn't even exist today but it's about two and a half, three miles down the road, and we spent many a day in Paia Town. And I agree it's changed tremendously. All the old local restaurants and bakeries are gone, all the local stores are gone. Most of them has been replaced with other retail and other types of food eateries which is fine, you know. You don't feel the same ambience as you did as you grew up, and it's really hard, it's a difficult thing to walk in there and say this is the town I spent time in as a youth and I cannot remember anything that was there. So, you know, that makes it real difficult, you know. But I do like the spirit of collaboration, I think this is important. I like the idea that the owners of the properties as well as the retail and others, the lessors of these properties are willing to work together, and I don't think you're going to be able to find another Taguma. So that's really, really hard. I mean that kind of person doesn't come along very often that does their job so genuinely and intuitively and as precisely as he does. Ask anybody in Wailuku and they'll tell you that, including myself, you know, I've gotten a ticket from him also, it don't make no difference. The other question, the one question I have is as we know the sugar industry will be phasing out, especially on the Kahului side of Paia Town, that will be, you know, slowly but surely. There'll be a lot of want for development, a lot of want of housing in this area, and that's, you know, I know you understand that. That'll be another pressure --

MR. SEGAL: Yes.

COUNCILMEMBER VICTORINO: --because it will change the dynamics of the small quaint town into having more young families who will want more "brand-name store or stores". Yeah. So, you know, so you can work on this but I think you see this coming, and so how do you kind of balance that to make sure that as it comes to fruition which over the next 20-25 years it will, how do we balance it so that those who decide to live there and raise their families there can have the small town but yet with the necessities of a family? 'Cause you don't want to always drive to Wailuku or drive to Kahului for your needs. What do we keep there that could be good for them?

MR. SEGAL: Let me address that by...I will get there but let me start by saying we took great pains to try to understand the cultural underpinnings of the place, and we've tried to take great pains to talk to individuals who have, go back a generation or two or three to really understand that. Also we not only have talked to some of the older individuals, we've also talked to some of the youth. In fact this morning we had a focus group at the youth center, and we had eight or ten middle school age kids who are growing up in that town right now. Amazing to me how they share the same values. And so it's not only the multigenerational, it's the kids who are growing up there now. And also instructively I think the businesses that we are working with and a lot of these business people are not, you know, they haven't been there for generations. Some have been there 20, you know, 10-20 years, but I understand on this island that's, you know, that's yesterday. So they also share this concern of protecting the essence of what makes this place special. So I think everybody is unified in that vision, I think they're struggling with how, you

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

know, how do we do that. To answer your question, our contribution maybe of thought to how do you protect the town long term, you know, if and when the development comes, and it will come, is related to the bypass. And we suggested that in the bypass planning that we be very methodical about actually creating some sort of greenbelt, some sort of greenbelt that the bypass then could create a buffer and then protect the town if you will through a greenbelt. And the way to do that we felt was to create some higher density opportunities adjacent to the town, because it is a walkable town and through design you could create higher density development that could compensate for the value of trying to obtain something like that. So I think there are ways to actually protect the town. Now if subdivisions are built beyond that and more market is created I think you're right, there will be increased pressure for the type of retail you were talking about; however, that's still another I don't know, five, ten-plus years away. So there's an opportunity now. There's an opportunity. And that's why this business improvement district and really the timing of this project is so critical, now is the time to sort of lock in the town's character and it's the essence of what makes it a special place. 'Cause there's only going to be increased pressure. It's going to be much harder to have this conversation ten years from now.

COUNCILMEMBER VICTORINO: And, you know, I agree that...and again I'm not trying to put a damper on what you're saying, I agree with you wholeheartedly, it's just that I know and you know...five or ten years by the way go like that.

MR. SEGAL: Yeah, I...yeah.

COUNCILMEMBER VICTORINO: You know I've been here eight years and it went like that so--

MS. SEGAL: Yeah.

COUNCILMEMBER VICTORINO: --you know, when you say that, that's just like okay --

MR. SEGAL: Yeah.

COUNCILMEMBER VICTORINO: --now you just created...you know you tell me 25 years, maybe you got some time to breathe.

MR. SEGAL: Yeah.

COUNCILMEMBER VICTORINO: So I agree having this business district and all this other stuff is going to be very pivotal along with greenbelts and some separated, but the rest will come.

MR. SEGAL: Yeah.

COUNCILMEMBER VICTORINO: The pressure will come, and so how do we compensate for that to make sure that the, the two can coexist? That's I think what I was looking for. But thank you.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

CHAIR GUZMAN: Yes, Mr. Spence.

MR. SPENCE: Yes, thank you, Mr. Chairman. Just to follow up on Mr. Victorino's questions in some of this discussion. The, you know, we adopted growth boundaries for Paia Town, it does allow for some growth. And I think that's actually a good thing for that town because you have more residents, it's not going to be just, you know, it's not going to be so tourist oriented. It's going to be more...it will lend itself to more of a resident-oriented town, so you're going to get some of that mixture, you're going to get some of the local goods and services that, you know, we want to see there. For the Paia Bypass, I recently participated in a Statewide traffic improvement plan with the State. A lot of us, a lot of people testified specifically about the Paia Bypass, that it stay in the plan, that it be...I mean what I heard was this should be like number one or right up there with finishing the Lahaina Bypass. And so they're keeping money in. As far as I know they're keeping money in for design, and the way that the design was, everything that I've seen is to go far enough around the town that you could still have a greenbelt below and you could keep sugar or some other crop viable within that greenbelt but not so far down close to Hana Highway that you're going to induce growth in that infill area. So it's going to be far enough up that it will actually go around the town; however, so that was thought of a long time ago with the whatever, 1990-whatever community plan. So it, you know, that's still on the books and still chugging along.

COUNCILMEMBER VICTORINO: Okay, thank you. I mean again, you know, development does come, I no care how hard you try.

MR. SPENCE: Yeah, it does.

COUNCILMEMBER VICTORINO: And so I just want to make sure that like Lahaina Town it's somewhat protected in its area but you look all around it you got development.

MR. SPENCE: Sure.

COUNCILMEMBER VICTORINO: You know so, you know, how do we make sure that development doesn't go there, you know, that's the whole key. And we all may not be sitting in these chairs in 20 years to keep it out. Maybe some of us will, others of us may have retired by then. Thank you, Mr. Chair.

CHAIR GUZMAN: Thank you, Mr. Victorino. I have a few questions for the Planning Department, Mr. Spence. On...just as an elementary explanation, the business improvement district, it's...correct me if I'm wrong, it's basically the residents or the businesses put forth a...I guess they're able to retain the revenues and then take those revenues and put it towards projects they feel are necessary within that area. Is that my understanding? Or if you could give me just an elementary explanation of the business improvement districts. And I know that we may have had

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

one but we don't have any in Maui. And what are the pros and cons for having a business improvement district and any of your opinions as to, you know, we should have more, we should proceed cautiously?

MR. SPENCE: Just...thank you, Mr. Chairman. I think as a general comment...well two things. One, I did not participate in these sessions, it was more the Deputy Director, she's off at a KIRC meeting however today, so I'm standing in for her. She is much more familiar with this process than I am. So I'm going to defer the answer to either Erin or the gentleman from PUMA. But just as a overall comment, you know, we wonder how we're going to accomplish so many things, we wonder how we're going to accomplish, you know, the improvements we want to see in Paia without floating bonds, without, you know, taxing more, et cetera. We should use some of these tools and certainly give 'em a try, see what's going on with these and make the exploration on are these things going to work for us or, you know, do we need something different. I think it would be a really good thing to go ahead and give this kind of thing a try. And I would defer to...

MS. WADE: For the business improvement district there is one in place right now in Waikiki --

CHAIR GUZMAN: Waikiki.

MS. WADE: --and there's one in Kona District as well. Both have done wayfinding improvements, trash collection, clean and safe kinds of things, the vagrancy and homelessness, traffic management, parking management kind of efforts with their funds. The way that both of those communities have executed the collection of the revenue is through the tax bill so that the finance department in the tax bill issues it, and then there's, you know, as you see on your own tax bill there's the line item that says this is your commercial property square footage and your tax rate and the total. And then there would be another line item that would say and this is for the Paia Business Improvement District and whatever that total fee would be. And in those other districts that revenue then gets directed to the business improvement district. So comes in to the county and then redirected to the business improvement district. We have a meeting scheduled with Finance tomorrow to find out if it's...what's the feasibility of setting it up the same way and then what would the scheduling requirements be for when it could, when the petition can be received to get on the tax roll.

CHAIR GUZMAN: Would that...I guess I have one more follow-up question before...*(inaudible)*... When you're taxing the residents in Paia would they have an option to not pay that additional tax or is that just a mandatory it goes to the improvement district fund?

MS. WADE: So the way you phrased the question was residents and the goal is not actually to tax the resident, it's for the commercial properties --

CHAIR GUZMAN: Oh, all commercial properties only.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MS. WADE: --only specifically. Yeah. And then it is a mandatory assessment, so once the, once there's a certain percentage of the community that agrees and requests to have the assessment from you folks, you create the district, then it does, that assessment does go to all the property owners within the district --

CHAIR GUZMAN: Okay, very good.

MS. WADE: --as a mandatory payment.

CHAIR GUZMAN: Chair Baisa.

COUNCILMEMBER BAISA: I think I was trying to get where you were going but my thought was so they would pay regular property taxes and a special assessment?

UNIDENTIFIED SPEAKER: Correct.

COUNCILMEMBER BAISA: And that would be set aside for that? Okay, 'cause I was worried about setting aside more of the General RPT Fund, you know, we have 2 percent here and 1 percent there. And okay, thank you.

CHAIR GUZMAN: Interesting. Any other further questions from the Members? Seeing none, so at this time I'm going to without any objections, defer the item.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR GUZMAN: Thank you. And I thank the Planning Department as well as the --

MS. WADE: Thank you.

CHAIR GUZMAN: -- . . . *(inaudible)* . . . --

MR. SPENCE: Thank you, Mr. Chair.

CHAIR GUZMAN: --for joining us. Thank you.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

**EAR-37 PROHIBITING CONSUMPTION OF ALCOHOL AT KAMAOLE BEACH
PARK II (KIHEI) (CC 14-59)**

CHAIR GUZMAN: Moving on, Members, to the next item on our agenda it will be EAR-37. The Committee is in receipt of County Communication 14-59, from Councilmember Don Couch, transmitting a proposed bill entitled A Bill for an Ordinance Amending Section 13.04.044 of the Maui County Code, to Prohibit Consumption of Alcohol at Kamaole Beach Park II. The purpose of the proposed bill is to make unlawful the consumption of any intoxicating liquor within the boundaries of Kamaole Beach Park II except as otherwise provided by permit, license, lease or concession. I believe that Mr. Couch was to join us because he was the introducer of this bill, but since he is not here I would request that the, any opening comments from the Department of, the Police Department.

MR. RODRIGUES: Basically as stated in the earlier letter written by Officer Aylett Wallwork, our Department is in support of this measure that promotes the safety, health, and security of our community.

CHAIR GUZMAN: And any comments from the Department of Parks and Recreation?

MS. SAVAGE: Thank you, Chair. Just again the additional, you know, support, just adding it to again the list of the other parks that are already in this area that don't have the consumption, and then just the importance of making sure we have the ability to enforce and maintain the safety of the parks.

CHAIR GUZMAN: Okay, thank you, Ms. Savage. Is there any comments from the Department of Corporation Counsel?

MR. UEOKA: No, sir.

CHAIR GUZMAN: Okay, thank you. Opening up, I see that we have Councilmember Don Couch joining us, our non-voting Member. Mr. Couch, since you were the introducer of this bill would you like to make any comments?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And yes, thank you for bringing up this bill at this time. The reason I brought this bill up is it was requested by several citizens in the vicinity, quite a few actually, and they have had some issues with a lot of people drinking excessively right near the restrooms and right near where everybody goes down to the beach. So and the police asked that, you know, if, in order for them to kind of move them along they have to not be allowed to be drinking on the...and it's up on the grass portion. And I'm not sure where the drinking goes in down to the beach because I don't know where the beach, you know, where the beach park ends and the State portion begins, so I'm not sure what's there, where that line is.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

But the reason we were, that I brought it up is that they've had some issues and the police also requested it. I believe there's a letter from the police in the packet as well. Thank you.

CHAIR GUZMAN: Thank you. Members, any questions? I have a couple of questions for the Police Department. On the amount of citations given in regards to let's say disorderly conduct or intoxication, are there, is there a high amount in terms of the historical counts or convictions that are within that area?

MR. RODRIGUES: Well as far . . . *(adjusts mic)*. . . Sorry. As far as the convictions go I don't have any numbers for you at this moment in time; however, I did review Officer Aylett Wallwork's letter and according to his research in regards to disorderly conducts, there were approximately 90 reports that were generated between 2012 and 2014, which included disorderly conducts, assaults, harassments, fights, and other cases. In his research 43 of those reports were alcohol associated. I recently pulled, yesterday I pulled some data for disorderly conducts, and for this year for the year-to-date it, we've only had two, and mind you this is just disorderly conduct --

CHAIR GUZMAN: Okay.

MR. RODRIGUES: --okay, for the area of Kamaole II. But in recent years for just this one offense 2013 there were 9 and 2012 there were 14, but this is just raw numbers. It doesn't specify if the incident moved from that location just outside the perimeter of the park.

CHAIR GUZMAN: Okay, thank you. So it looks like well over 100 arrests or potential violations.

MR. RODRIGUES: Calls for service and reports generated, yes.

CHAIR GUZMAN: Oh, okay. Thank you. Okay. Any other questions from the Members?

COUNCILMEMBER COCHRAN: Chair?

CHAIR GUZMAN: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And just in reference to the other prohibition for alcohol, I think Kalama and how has that been working? Is there comments as to that area and the effects --

MR. RODRIGUES: Yeah.

COUNCILMEMBER COCHRAN: --of . . . *(inaudible)*. . .

MR. RODRIGUES: In my recent appointment to the Kihei District which has only been about three months, what we've seen is that the calls for service has changed to more vagrancy, homeless

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

type of issue versus the alcohol. Granted, those two issues are hand in hand, but the complaints seem to be more of the vagrancy after hours in the park.

COUNCILMEMBER COCHRAN: Okay.

CHAIR GUZMAN: So but you've seen a substantial decline --

MR. RODRIGUES: Yes.

CHAIR GUZMAN: --in criminal activities since the imposition of the prohibition in regards to the other parks?

MR. RODRIGUES: That's correct.

CHAIR GUZMAN: Okay, thank you.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR GUZMAN: Any other questions from the Members? Seeing none, at this time the Chair will entertain a motion to recommend passage of the proposed bill entitled A Bill for an Ordinance Amending Section 13.04.044 of the Maui County Code, to Prohibit Consumption of Alcohol at Kamaole Beach Park II; and filing of County Communication 14-59.

COUNCILMEMBER VICTORINO: Mr. Chair, I move. I make that motion.

CHAIR GUZMAN: Moved by Mr. Victorino, seconded by?

COUNCILMEMBER CRIVELLO: Second.

CHAIR GUZMAN: Seconded by Ms. Crivello.

COUNCILMEMBER COCHRAN: I was waiting for Mr. Couch.

CHAIR GUZMAN: Oh, I'm sorry. Okay.

COUNCILMEMBER VICTORINO: They're all waiting for Mr. Couch but he's not a Member.

COUNCILMEMBER COCHRAN: I know, I was waiting for Mr. Couch.

COUNCILMEMBER VICTORINO: Oh boy.

COUNCILMEMBER COCHRAN: Sorry, I didn't know you were...

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

COUNCILMEMBER VICTORINO: Voting Member, I should say.

CHAIR GUZMAN: Okay. So there's a motion on the floor from Member Victorino, seconded by Member Crivello to the, to recommend passage of the proposed bill entitled A Bill for an Ordinance Amending Section 13.04.044 of the Maui County Code to Prohibit Consumption of Alcohol at Kamole Beach Park II; and filing of County Communication 14-59. All those in favor of the motion, say "aye".

COUNCILMEMBER VICTORINO: Mr. Chair? Before you...

COUNCILMEMBER COCHRAN: Discussion.

CHAIR GUZMAN: Oh, excuse me. Discussion.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR GUZMAN: I apologize. I want to zip through this.

COUNCILMEMBER VICTORINO: I know, I know.

CHAIR GUZMAN: Any discussion, Members?

COUNCILMEMBER VICTORINO: Real quickly, real quickly.

CHAIR GUZMAN: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. I got it, I got it. My Baisa was hoping but I was, I got that. No, you know, the sad chronology in all of this is a few makes it really bad for the majority, and again as Mr. Moran had pointed out, many locals as well as visitors like to go down to the beach and have a cold one. I don't drink so it doesn't bother me but I have many family and friends who do that and this is a real challenge, and they go down there and they still want to have a cold one. And, you know, it just makes it real hard when the police have to go enforce all of these rules because people have lack of respect, but it is what it is. So I thank Mr. Couch and others 'cause we've been doing this for all of our parks. I mean it's been...and we'll get to a point pretty soon that every park in Maui County will prohibit alcohol, and we're getting there. It's kind of sad that people cannot be responsible for their actions, and that's why we're doing this. So I hope maybe the public will get a little more judicious in this and try to, you know, curb this, because I'm just getting tired of stopping everybody from having a nice time at our parks, you know, and a cold one doesn't make you a bad person. It's just unfortunate there's others that just don't know when to stop. Thank you.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

CHAIR GUZMAN: Thank you for that comment.

COUNCILMEMBER VICTORINO: Well maybe not in Couch's case but I apologize.

CHAIR GUZMAN: No, I really concur with you, Mr. Victorino. I think there's a few bad apples out there that make it, causes the rest of us to suffer the consequences. But that being said, any further discussion? Seeing none, all those in favor of the motion, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no"? There are--you can't vote--six ayes, no noes, and one excused. Motion carries.

**VOTE: AYES: Chair Guzman, Councilmembers Baisa, Cochran,
Crivello, Victorino and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Carroll.

MOTION CARRIED.

**ACTION: FIRST READING OF BILL AND FILING OF
COMMUNICATION.**

CHAIR GUZMAN: Thank you.

COUNCILMEMBER COUCH: Thank you.

EAR-32 UPCOUNTRY DOG PARK (MAKAWAO) (CC 14-10)

CHAIR GUZMAN: Moving on, Members, going to EAR-32, Upcountry Dog Park (Makawao). The Committee is in receipt of County Communication 14-10 -- oh, excuse me, thank you very much -- 14-10, from Councilmember Mike White, relating to the Upcountry Dog Park. I would like to have this opportunity to, since Mr. White was the introducer of this item, if you could please give us a few comments in regards to why this came forth.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

COUNCILMEMBER WHITE: Thank you, Chair. I think you can understand from the frustration in the voices of the people who have volunteered all these years that their dreams of having a place where they can take their dogs simply have been thwarted over time. I know with Ms. Savage coming into the Department's top position as the replacement for the person who was on leave, she's been doing a great job and we hear so many wonderful remarks regarding progress in many areas. But this is one unfortunately that we have not yet been able to pick up the ball and run with as successfully as I think these folks deserve. And I think the most challenging thing for me is that as you can see there's a volunteer spirit and a willingness to put the, you know, the shoulder to the plow and make things happen. And for me the challenge for us as a County and as the Department is to do as much as we can to foster volunteerism, to support the efforts, and to make volunteering fun and easy and productive. And I think that's where my biggest concern is because I see so much value in sweat equity. And, you know, many of us have put in many hours in volunteering for things that we believe in. And when people have a desire to help make something happen for their community, it's very difficult to stand by and see that they're just not able to fulfill the dreams that they have for themselves and for others that they were hoping to help. So I look forward to Ms. Savage's comments on it. I was given the assurances that things...by the organization that things were moving along well enough that there was no need for additional funding, because there were commitments for the fencing and drinking water and so on. But this has been something that I think we could have done a much better job on, and I certainly don't put it on Ms. Savage because it's been a long time in the making, and it's probably going to take some doing to get through it and make it happen and make the Upcountry Dog Park come to fruition in a way that we can all be proud of. So I look forward to Ms. Savage's comments and the other perspectives.

CHAIR GUZMAN: Okay. Thank you, Mr. White. I commend your ability to bring this forth and put it on the table. It's something that since I've been elected I was unaware of, it wasn't on my radar, and I'm glad you did put this forward in terms of referring it to our Committee. And listening, based off the testimony it does appear that it's been a long process of eight years or plus since the, I guess the inception of the dog park. And there's been a lot of, you know, sweat and tears provided, you know, in terms of our volunteers. And I couldn't help but feel a little bit of outrage listening to the testimony and feeling their pain and the sacrifices that they've made so far. And you're absolutely correct, when our community as volunteers come out and really put their best efforts to give back, they should be acknowledged and we should be more responsive. And I do appreciate Ms. Savage taking the responsibility and the role of apologizing. It appears that one of the testifiers did say that it was the first time that they had ever heard a department head apologizing for anything, but I do appreciate that humility and that sincerity coming from the Parks Department. And as we sit here today I definitely would like our Committee members to put our heads together and see what we can do to get this thing going and further the process in any manner we can. And we'll go ahead and start off with Ms. Savage if she has any comments and responses. I'm not sure if you were here for the testimony but I can bring up some issues that were presented. But go ahead and start off with any opening comments that you may have.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MS. SAVAGE: Thank you, Chair. And yeah, maybe I'll kind of start off with more of a...I mean there's definitely a lot that you can go through in the past years of this project and all the different places that maybe there's been communication breakdowns or misunderstandings by all the different parties. And as I think even people, you know, anytime there's shift in the people that are involved in projects, kind of that same thing sometimes, there's pieces of information that get lost along the way. But as far as an update with where we are currently starting from the last meeting that we all had, I believe it was March 31st up at the site. The purpose of that meeting was to go over at that point in time the final site plan, the layout. The committee had come up with initially where they wanted the small dogs, the large dogs, the fences, the entryways, and so it was really just using, you know, the work that they had already put in, identified what spaces, making sure that those worked, and having that meeting before we initiated to have the fencing done. The fencing was something that pushed the project out a little bit longer. Initially it was thought that it would be able to be done. We thought some of the existing fencing onsite would be able to be used and only be repairing in certain areas. After inspecting it, it was determined that all of the fencing would need to be replaced, so that shifted it from being under 25,000 that we could just get the quotes for which was what was initially anticipated to needing it to actually go out to formal bid. And so we had bid opening was March 17th, and so that meeting afterwards was again just to verify both the sites and the location with all the members. While we were there it was during the very, very rainy season that we had and we were there in the middle of inches and inches of rain coming down very quickly. Everything was running directly through where the entry to the park was supposed to be, and so at that meeting we had all of our maintenance, planning and development, as well as the dog park committee members, handful of recreation district members as well. And there was just a lot of concern with this, especially if we're going to have to do the ADA parking and the entryway and this becomes not necessarily all of it but a portion of it is either paved or there's concrete put in, is that going to do anything to this water that's coming through, is it going to move where it's running off the property. And we know that the property directly below it serves as a gulch and they do get a lot of the runoff, and we have been working with Public Works to make some adjustments and actually putting a grate in on that drain because there has been issues with just stuff pushing through and then ending up onto the other property owner's place. So again, from that meeting it was said there needs to be a drainage study looked at to make sure that we don't put up something and we end up just creating more erosion because the fence is in a place where everything is just going to build up against it and it's going to wash itself out. So from there, there was a, again an engineer, we have to go through the process of selecting someone to do that work and then getting the PO for that. We just received that PO back on Monday. Notice to Proceed was issued I believe yesterday for that drainage review to just be looked at. What we would anticipate from that is possibly we need to adjust the site plan, do the entry in a different location or they might say the amount of water that's going through and it's not going to, you know, change the path by having, you know, an ADA parking stall in this location, and then just the concreted double entry gate. So it may be that everything is fine and we can move forward. So from there the Department would then go in, do whatever clearing is needed to be done, there's definitely some large

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

grubbing that'll need to be redone and then some small work that'll have to also be redone just to get the different height levels of the grass and weeds that are currently in there, as well as the filling of the irrigation trenches that had been dug I believe last late October I think and early November. Those would need to be filled as well. So that's kind of the current I guess where we're at today or the timeframe and more of just the immediate interactions that have taken place. You know definitely have to agree that it's, I mean it's very disheartening to know, you know, and to hear, you know, that you have again especially for Parks and Recreation we have to have strong partnerships within the community in order to get everything that needs to be done done. You know we know that the budgets are always tight, you know, and our ability to work with the community really determines the success of our programs in a lot of different areas. So it's, you know, I know that's a topic, volunteerism, the ability to, you know, have partnerships and give donations has been something that's come up multiple times, you know, in this Committee, and that's something that the Department recognizes that we need a better program, I mean an actual program and a system. Because a lot of the issues specifically with this dog park as well as with other community type projects is there's just a lot of ambiguity with who is the point of contact, who is the person that has the ability to speak or make decisions on behalf of the Department and behalf on the County when it comes to working with the community groups. You know and also making sure that, you know, we want to do these things with the community but we also have to make sure that we're doing it at a level that's going to be appropriate, that Corp. Counsel is okay with the way that the projects are working. You know that the Department isn't, you know, kind of stepping off and doing things that we normally wouldn't do, you know, if we were contracting out the work. Making sure the integrity of the work I guess is still at the quality needed for the County. So yeah but it is very frustrating, you know, to know and to see the heartache that people have gone through in just trying to do something good for their community. Yeah.

CHAIR GUZMAN: Thank you, Ms. Savage. Any further questions or comments? Yes, Chair Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much, Ms. Savage, for being here. I want to thank you because I know that you've been working very, very hard to pull things together and move things along as quickly as you can; however, you're caught up in a system and we all know that the system is not all that effective or fast or responsive. And I understand the frustration of the volunteers because these folks have a passion, and that passion is for this cause and for the animals and, you know, they're very involved and don't understand why with all that energy and all that willingness we can't do our part. But I do understand what you're dealing with and I'm very thankful for your candidness. I appreciate your responses. You know my constituents have asked and we made a request from Brianne and she's answered right away very completely, very thoroughly trying to explain to us what she's dealing with, and I find that very refreshing. And I understand, you know, when people get together around an issue there's a great amount of excitement and volunteerism. And we have to make sure that when we get this off the ground that we are able to maintain that. And that I think might be part of, you know, how do we work things out long term to make sure that we have the care and the

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

commitment and that it continues. And so I trust that you're going to try to work this out. And I ask our people to please have a little bit more patience while Brienne tries to untangle not just this but a whole bunch of issues in her area of responsibility. Thank you, Chair.

CHAIR GUZMAN: Thank you. Ms. Savage, on the...one of the testifiers said that they reduced the acreage from seven to three acres. Is that correct? Is that your understanding?

MS. SAVAGE: I would probably have to go back and look at...I was sitting in the December 2012 meeting, it was before I was with the Department, but did sit on that meeting initially with the committee. And at that point I believe they had two different phases they were looking at for the dog park, and they were, the total Phase II was all of the acreage but originally they were saying let's just take this smaller portion, get that started, get that off the ground. And then you would have the ability if they wanted to later on and if it worked out to be able to expand it out. But I mean as far as any official determination that, you know, this is the size of the dog park and what's dedicated, and I think that the site's been intended, you know, since those meetings, at least the first one that I participated in in December of 2012 was for that site location to be utilized --

CHAIR GUZMAN: Okay. So that --

MS. SAVAGE: --for the dog park.

CHAIR GUZMAN: --site location in which you're doing the topographical study is inclusive of I guess your understanding of I guess the three acres or the...

MS. SAVAGE: Correct. We're...

CHAIR GUZMAN: I just don't want there be a misunderstanding in terms of they're thinking it's the whole seven acres or I would like the specific location, and is in fact that location that they're I guess citing, is that the same location that the topographical study is being conducted on.

MS. SAVAGE: Yes. And we can provide copies of the map that's being used that was created by the dog park committee. That's mapped out of the area that shows the boundary lines, where the entry gates would be, and that was a lot of the reason for our meeting on the 31st was we wanted to physically walk the property with them and make sure that what we're reading on the map, you know, and what they're envisioning it looking like are in fact the same things.

CHAIR GUZMAN: Okay. And then another question that the or I guess issue that was brought up in the testimony is irrigation. If the lower property, the abutting property is subject to potential drainage issues one of the testifiers said that it would be I guess somewhat a requirement or it would be better to have grass there on the dog park and how could you not have irrigation for grass. And I guess the subject matter of irrigation came up heavily, that they had, you know, they

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

had produced or accumulated some free materials and services and it was never utilized. And so I guess they were at a loss in terms of cost as well. So I wanted to get to the bottom of that issue in terms of irrigation.

MS. SAVAGE: So in the original December 2012 meeting when this park was first, you know, being...I guess not first but most recent first of the latest rendition, the conversation was that this group of volunteers were going to, you know, do most the work, they had the support, they had the energy, they were going to go in, they wanted to grub it, clear it. Parks Department and Public Works would assist in, you know, some of the bigger equipment or the removal of the green waste as it was being taken out, and then once they got it to the point of where it was, you know, ready to be fenced in and the Department would step in, pay for the fencing, and run the line for water for the dogs and humans, you know, as they're entering into the parks. The group at that time also said they were going to do all ongoing maintenance for the park, so this was not going to be added to any maintenance that the districts were already, they're already doing. And so with that there was the talk of that there's lots of other parks or dog parks that they had researched that aren't necessarily all grass, you can do different types of terrain. You know that everything doesn't need to be flat, you know, and level in a dog park, that you can just have different areas, and there was talks of using crusher waste in different areas and that, you know, they were going to be working to actually come up with a little bit more of a detailed, you know, landscaping plan and layout that would not have to have grass. Because that was something that currently the irrigation system up at the park coming from our Parks maintenance and our irrigators is there is not enough water to irrigate any more space up there with what we currently have. And the analogy that our guys use is, you know, if you have a glass of water and you're drinking it with a straw and you keep poking holes in the straw, you know, at some point you're not going to get any more water to come back up through the straw. And that's, you know, what they're saying is we're at capacity with the water that we have available at that park and with the irrigation systems that we're currently running. And so that is where the decision for no, that there wouldn't be any irrigation, that's kind of where that was coming from. You know there are other places where, you know, when we plant, you know, trees or we have different planting projects where temporary irrigation is brought in to get things started, you know, and that's definitely something that could be looked at, you know, that it may not be, you know, a traditional automatic underground irrigation system. But if we're looking at just trying to start getting vegetation growing in different areas, you know, we can look at probably the temporary fix. But again from that initial meeting that I was at in 2012 there never was an intent for irrigation at that point in time. When I looked through and in talking with a lot of the people that have been a part of the dog park committee and even people within the Department, there definitely have been conversations between that December 2012 meeting and now that have everybody very confused on what was said and who said what and who agreed to different things happening. And that's where, you know, there definitely has been miscommunication about the project.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

CHAIR GUZMAN: One of the testifiers mentioned an agreement of mutual understanding. Would that not be updated or followed or is...or does one even exist or is that something that was just put out there?

MS. SAVAGE: I have no record or knowledge of there being any MOUs. It's come up in previous meetings and I've asked for, you know, copies of it, because I know it had been discussed at that 2012 meeting that there should be something written, you know, to identify what everybody's responsible for, you know, how is this going to work if there are going to be donations of things received, you know, we would be back at this committee, you know, saying again anything over \$750 we would be here accepting the donation so that it could be, you know, provided. So the Department as far as I am aware has no MOU or MOA was ever drafted for this location.

CHAIR GUZMAN: Would the Department be open to I guess speaking with the volunteers and entering into a future agreement of mutual understanding just to get things clear, out in the open, and communication isn't misunderstood? Yeah.

MS. SAVAGE: Yeah.

CHAIR GUZMAN: It would be a good idea, yeah?

MS. SAVAGE: Yeah, from the last I think e-mails and communications that we've had, you know, they've...again, when you go through that much and you've put out and you've put out and you've put out and nothing, you know, for them feels reciprocated, I don't know that they're interested in that anymore. You know they have already said that, you know, they won't have volunteers that maintain, you know, they still they want it to happen and granted if it happens then there may be, you know, another wave of energy that comes out of people that want to be more active and participate in it. But, you know, we find with a lot of projects that are, you know, heavy with the volunteers is, you know, everybody cycles out and what their people's interests are, where your family is, those things change, and so in order to make sure that long term the project's really going to be able to work and be maintained, it's good to make sure that it is I guess created so that the Department has I don't know, the right level of not necessarily buy-in but accountability to maintain it so that it is something that we don't just, you know, lose a volunteer group and now the park is closed because it's not being maintained. Yeah, and so yeah, from the last meetings again with those groups I think they're in a place where they would like to just see to the County follow through with, you know, the portions that the County was going to follow with and see the park, you know, become a useable dog park. Yeah, and then I think at that point the volunteer groups would be looking at maybe possibly how they would want to be involved past that.

CHAIR GUZMAN: And maybe Corporation, Deputy Corporation Counsel can correct me if I'm wrong but does the ordinance on the dog parks, does that require that we have a dog park in every district?

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

MR. UEOKA: I don't believe so.

CHAIR GUZMAN: Okay. And then my second question could be to Mr. White, if you could help me out. On the...was there any appropriations in our budget for this particular dog park?

COUNCILMEMBER WHITE: Not for this year or previous years. But the comments that I heard was that there were adequate funds available, and there was the talk of as you heard from some of the testifiers that there was a promise of an allocation. But I'm not aware of any specific numbers.

CHAIR GUZMAN: Okay. Ms. Savage, do you have any comments to or input on this subject matter?

MS. SAVAGE: Yeah, just that there, yeah, there weren't any specific allocations dedicated towards this but just the understanding that the Department was just going to fund it.

CHAIR GUZMAN: And do you have appropriate funds for this project?

MS. SAVAGE: The scope of the project keeps gradually getting a little bit bigger and a little bit bigger, but yeah, I mean we committed to doing it and so we'll follow through with it.

CHAIR GUZMAN: So I guess my last question is can you give us at least a timeline of when we can expect I guess Phase I, Phase II, and final completion? At least some type of I guess light at the end of the tunnel.

MS. SAVAGE: Yeah, if...I would probably want to get the results from the drainage work that's being done by the engineer which we should have in hand by end of the day July 23rd, because that information's really going to heavily determine if we need to, you know, go back with the committee and say is there another way that we can set up the park that we're all agreeable to as far as layout, you know, and different fencing in areas, determining where parking will go. I think from --

CHAIR GUZMAN: So in a perfect world would it be...

MS. SAVAGE: --that date we could probably look to transmit a timeline from after we're able to record --

CHAIR GUZMAN: Oh, after July 23rd.

MS. SAVAGE: --that drainage report. Yes.

CHAIR GUZMAN: Okay, okay. Okay, any other questions from the Members? Yes...I got two hands at the same time. Would you like to yield to Ms. Cochran first, Mr. White?

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

COUNCILMEMBER WHITE: Sure.

CHAIR GUZMAN: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, thank you. Thank you, Chair. And maybe it's just elementary 'cause I have not heard of this dog park issue prior to today actually. And so I'm just trying to gather the information in my head here. So basically this is at Eddie Tam? Okay, decipher that. Narrowed that down, and it's around 3.25 acres currently is what you're looking at? The water issue though that you brought up, so you're saying water for people and animals but not for irrigation purposes. And I guess in some discussions back in October 2013 it was, there's some type of standpipe hydrant nearby or somewhere in the vicinity that was looked at to be utilized for irrigation? Are you aware? Was that...is...so that's not in the discussion to utilize some...I'm just reading some of these timeline notes from I think a Mr. Fred Fisher here. So I'm just trying to...so without that you're looking to do rather than grass or turf...what do you call that? Astroturf I guess in a sense? Not real live plant, is that what you're looking to utilize in this park then?

MS. SAVAGE: No, it was just going to be the, you know, the natural terrain and what's there, cleaning out some of the larger, you know, brush and bushes, and again this is where the Department, we're going to have to go back in and look at it because that was a portion of it that we were never really heavily involved in. It was the volunteer group that was going to, you know, had this plan for how it was going to be its natural terrain. So I mean that's something we're going to have to go back and look at and say how is this going to work, what is, you know, with the rainfall that there is, what possibly things could we still have growing here so that it's not just, you know, creating, you know, that it's not just a dirt space that's eroding and right, everything's running down into the property below.

COUNCILMEMBER COCHRAN: And that's what it currently naturally does in this area? 'Cause I can't picture it, I don't know exactly what part of --

MS. SAVAGE: It's very...

COUNCILMEMBER COCHRAN: --Eddie Tam this is.

MS. SAVAGE: I mean the terrain, it's very hilly, you know, it's not a flat space. There's a lot of brush, a lot of trees, and a lot of now just very, very tall weeds.

COUNCILMEMBER COCHRAN: But it's County property?

MS. SAVAGE: Yes. Yes.

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

COUNCILMEMBER COCHRAN: And...okay. Well I'm just trying to think of...I don't know if we can utilize when it does rain, it's Upcountry and all, rain catch. Also you mentioned that the runoff that travels down slope we can capture that and turn it into rain gardens for when it does occur, so it's being utilized and gets captured and, you know, used in a good way. And I guess there's a Mr. Freitas down below who says it runs off directly into his, onto his property and things of that nature. So it's kind of hard for me to really comment visually because I don't know exactly what this looks like. But totally for, you know, trying to figure out a way to create such a park, because I know as a dog lover and dog owner it's important that our, you know, our family friends have place to run and roam and play with others and stuff. So however we can assist, by all means, you know, looking forward to making this move forward, and it sounds like volunteers or people of the community have been very active and passionate as Ms. Baisa mentioned, you know, in the effort. So thank you, Ms. Savage, for bringing...paying attention, and my fellow Members to bring this to the table for discussion. Thank you, Chair.

CHAIR GUZMAN: Thank you. Any further comments or questions? Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. Is Public Works able to handle or able to assist again with the grubbing and clearing and possibly dealing with some of the grading issues if the drainage is identified as a concern?

MS. SAVAGE: We've initially...well we worked with them when we, you know, did some of the initial clearing with the volunteers, and then again recently we have discussed 'cause they've been working on the actual grading or and providing recommendations for what that drain should actually look like and how that should function. What we've kind of said is that once we get this information, you know, for the drainage, have it actually looked at, then we would, you know, go back and have that conversation with them again to determine what of this is something Parks can do in-house, is there any of it that possibly they can assist with. So it has, we have talked about it on numerous occasions but we're just waiting to get more from the, kind of the drainage assessment.

COUNCILMEMBER WHITE: Okay. And the other question, on the irrigation I can understand the concerns about having not enough water, but the question that comes to my mind is that when you've got irrigation going it's generally going during the evening hours or through the night. Do you know how long the irrigation is running currently?

MS. SAVAGE: I would have to verify that but I believe from the last time we talked about it we were running all the way through the night, so from when it gets dark and we cannot have people on the fields all the way until the early morning hours. Again, so it was the schedule for the watering was pretty already maxed out.

COUNCILMEMBER WHITE: 'Cause even having it irrigated once or twice a week would certainly be a whole lot better than nothing at all. And I, you know, the feeling I have is that if you have a

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

group that was able to get most of the irrigation equipment donated and the digging of the trenches donated and all we're supplying is the water, it's kind of a no-brainer to allow them to irrigate from time to time. So, Chair...anyway, Ms. Savage, if you wouldn't mind taking another look at that, I would appreciate it, because it's...

CHAIR GUZMAN: Yeah.

COUNCILMEMBER WHITE: I'm lucky enough to have enough area to play with my dogs on grass, and I can't imagine throwing a Frisbee or a ball on, you know, a real hard surface or gravel 'cause they, you know, it just, it's just not a good thing. So I...

CHAIR GUZMAN: Mr. White, well I'll have my Staff I guess transmit a request to the Department if they could look into the irrigation issue one more time --

COUNCILMEMBER WHITE: Okay, thank you.

CHAIR GUZMAN: --on your behalf. Thank you.

COUNCILMEMBER WHITE: Thank you very much.

CHAIR GUZMAN: Members, any further questions? Seeing none, at this time, Members, without objections, I will defer this matter until after July 23rd. And I believe July 23rd, that's when the topographical study will come in, so we'll revisit this matter again and put it on the agenda.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

CHAIR GUZMAN: Thank you.

EAR-40 DONATION OF A BATTING CAGE FROM PHILLIES YOUTH BASEBALL ORGANIZATION (CC 14-126)

CHAIR GUZMAN: Moving on, Members, to EAR-40, the donation of the batting cage from the Phillies Youth Baseball organization. The Committee is in receipt of the County Communication 14-126, from the Director of Parks and Recreation, transmitting a proposed resolution entitled Authorizing Acceptance of a Donation of a Batting Cage to the Department of Parks and Recreation, County of Maui, Pursuant to Chapter 3.56, Maui County Code. The purpose of the proposed resolution is to authorize the acceptance of the batting cage and related improvements valued at 12,000 for the use at the Wailuku Elementary School Park from the Phillies Youth

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

Baseball organization. Do we have any opening comments from the Department of Parks and Recreation? I believe we have Mr. Jason Lopez.

MS. SAVAGE: No I guess opening comments other than, you know, we would like to be able to move forward with this and work with, you know, the group that's willing to donate this, you know, again the time and the equipment, materials, and expertise. Yes.

CHAIR GUZMAN: And I think it...yeah. It's a wonderful donation. I think the kids will thoroughly enjoy this and it's really something that's very much needed. So any questions to the Department? Seeing none, the Chair will entertain a motion to recommend the adoption of the proposed resolution entitled Authorizing the Acceptance of the Donation of the Batting Cage to the Department of Parks and Recreation, County of Maui, Pursuant to Chapter 3.56, of the Maui County Code; and filing of County Communication 14-126.

COUNCILMEMBER VICTORINO: So move, Mr. Chair.

CHAIR GUZMAN: Moved by Mr. Victorino --

COUNCILMEMBER CRIVELLO: Second.

CHAIR GUZMAN: --seconded by Ms. Crivello. There's a motion on the floor from Member Victorino, seconded by Member Crivello. Any further discussion? Opening up for discussion.

COUNCILMEMBER VICTORINO: Chair, real quickly.

CHAIR GUZMAN: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: --'cause I know everybody wants to get out of here. But, you know, I want to thank the Phillies organization for doing that. I think this is not only good for their organization but for others to use the facilities. Also protecting our children who traverse that park, whether they're little ones or older ones, we've got children all over that park, it is a heavily used park, and many times there's as Mr. Lopez can tell you there's two or three teams practicing whether it's soccer and football and baseball and, you know, all these, basketball. There's all kinds of things going on on that one little park, and I just hope the message gets out to the developer up here at Kea Lani to get going on our park that's been promised for us eight years, right, Ms. Baisa, since we walked into this Chamber. So we'd like to see that done so our kids can spread their wings like the dogs and fly like an eagle. Thank you. That's all I have to say.

CHAIR GUZMAN: Thank you, Mr. Victorino. Again I concur with Mr. Victorino, I do thank the Phillies organization, and thank you very, very much, Milton, I know you do a great job with the

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**

Council of the County of Maui

June 17, 2014

kids. And this is something that's very much needed. And my boys, my two boys also practice there, too. So all those in favor of the motion, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no"? Let the record reflect seven ayes, zero noes. Motion carries.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION AND FILING OF
 COMMUNICATION.**

CHAIR GUZMAN: And that is...will conclude today's agenda, Members. And thank you for the participation from the Departments and all those who were patient enough to sit in the gallery. Aloha. . . .(gavel). . .

ADJOURN: 4:00 p.m.

APPROVED BY:



DON S. GUZMAN, Chair
Economic Development, Energy, Agriculture,
and Recreation Committee

ear:min:140617:ds

Transcribed by: Daniel Schoenbeck

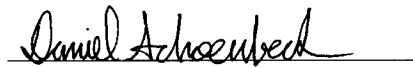
**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

June 17, 2014

CERTIFICATE

I, Daniel Schoenbeck, 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 the 30th day of June, 2014, in Kula, Hawaii



Daniel Schoenbeck