

LAND USE COMMITTEE
Council of the County of Maui

MINUTES

March 20, 2015

Council Chamber, 8th Floor

CONVENE: 1:34 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Robert Carroll, Chair
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Elle Cochran
Councilmember Stacy Crivello
Councilmember Don S. Guzman

EXCUSED: VOTING MEMBERS:
Councilmember Don Couch

STAFF: Carla Nakata, Legislative Attorney
Scott Jensen, Legislative Analyst
Raynette Yap, Committee Secretary

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

ADMIN.: William Spence, Planning Director, Department of Planning
Clayton Yoshida, Planning Program Administrator, Department of Planning
Eva Blumenstein, Planning Program Manager, Department of Water Supply
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Glenn Miura, CDS International
Brenda Lowrey, Facility Planner, State Department of Education
Plus (4) Others

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

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting of March 20, 2015 will come to order. I am Councilmember Robert Carroll, Chair of the Land Use Committee. May I please, first of all, request that anybody that has cell phones or anything that

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

makes noise, please turn it off. We have with us this morning...this afternoon—excuse me—our Vice-Chair of our Committee, Mr. Victorino --

VICE-CHAIR VICTORINO: Good afternoon, Chair, and aloha.

CHAIR CARROLL: --and we have Gladys Baisa --

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR CARROLL: --Stacy Crivello --

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR CARROLL: --and Mr. Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CARROLL: And I believe Ms. Cochran will be joining us later, and Mr. Couch is excused. Executive Branch, we have Will Spence and Clayton Yoshida, Department of Planning --

MR. SPENCE: Good afternoon, Chair.

MR. YOSHIDA: Good afternoon, Chair.

CHAIR CARROLL: --Eva Blumenstein, Planning Program Director [*sic*], Department of Water Supply; Mike Hopper, Deputy Corporation Counsel. For our applicant, we have Brenda Lowrey, Facility Planner for the DOE; and Glenn Miura, Architect. Committee Staff, we have Raynette Yap, Committee Secretary; and Scott Jensen, our Legislative Analyst. Today, we have a single item on our agenda, Community Plan Amendment, District Boundary Amendment, and Change of Zoning for the Molokai High School (Hoolehua), LU-5. For our remote sites this morning, we have Dawn Lono in the Hana Office. Are you there?

MS. LONO: Yes. Good afternoon, Chair, this Dawn Lono at the Hana Office.

CHAIR CARROLL: Thank you. Denise Fernandez from Lanai?

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

CHAIR CARROLL: Thank you. And Ella Alcon, from Molokai?

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

CHAIR CARROLL: Thank you. And Ms. Cochran has joined us.

COUNCILMEMBER COCHRAN: Thank you very much, Chair.

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

CHAIR CARROLL: Alright, for individuals who'll be testifying in the Chamber, please sign up at the desk located at the eighth-floor lobby just outside the Chamber door. Should you be testifying from remote testimony locations specified on our meeting agenda, please sign up with the Council Staff at that location. Testimony will be limited to items on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed three minutes per item. When testifying, please state your name and the name of any organization you're representing. Mr. Jensen?

MR. JENSEN: Mr. Chair, there's currently no one signed up to testify in the Chamber.

CHAIR CARROLL: Hana, do you have anyone waiting to give testimony?

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

CHAIR CARROLL: Thank you. Lanai, do you have anybody waiting to give testimony?

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

CHAIR CARROLL: Thank you. Molokai, do you have anybody waiting to give testimony?

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

CHAIR CARROLL: Thank you. Seeing none, if there's no objection, I will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

ITEM NO. 5: COMMUNITY PLAN AMENDMENT, DISTRICT BOUNDARY AMENDMENT, AND CHANGE IN ZONING FOR THE MOLOKAI HIGH SCHOOL (HOOLEHUA) (CC 15-63)

CHAIR CARROLL: The Committee is in receipt of County Communication 15-63, from the Planning Director, transmitting the following: a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.) FOR THE MOLOKAI HIGH SCHOOL". The proposed bill would grant a request from the State Department of Education for a Community Plan Amendment from Agriculture to Public/Quasi-Public for approximately 4,410 acres...excuse me, 4.410 acres located adjacent to Farrington Avenue—yes, our difficulty in pronouncing names is prevalent today—Molokai, Hawaii, TMK: (2) 5-2-015:001 (por.), to facilitate development of upgrades to Molokai High School, including construction of science facilities, hereafter referred to as the "project". Number two, a proposed bill entitled "A BILL FOR AN

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII". The proposed bill would allow a request from the DOE for a District Boundary Amendment from Agricultural to Urban for approximately 5.766 acres located adjacent to Farrington Avenue, Hoolehua, Molokai, Hawaii, TMK: (2) 5-2-015:001 (por.), to facilitate the development of the project. Number three, a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 18.009 ACRES, FROM AGRICULTURAL DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 4.410 ACRES, AND INTERIM DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 11.802 ACRES FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, FOR THE MOLOKAI HIGH SCHOOL". The proposed bill would grant a request from the DOE for a Change in Zoning from Interim District to Public/Quasi-Public District for approximately 18.009 acres, TMK: (2) 5-2-015:001 (por.), from Agricultural District to Public/Quasi-Public District for approximately 4.410 acres, TMK: (2) 5-2-015:001 (por.), and from Interim District to Public/Quasi-Public District for approximately 11.802 acres, TMK (2) 5-2-007:001, all located adjacent to Farrington Avenue, Hoolehua, Molokai, Hawaii, to facilitate development of the project. The Committee may consider whether to recommend passage of the proposed bills on first reading, with or without revisions. The Committee may also consider filing of County Communication 15-63 and other related action. Members, we will now have a PowerPoint presentation today on this application from Brenda Lowrey with the DOE. You have been provided copies of the slides for this presentation. And Glenn Miura, the Architect, will be giving the presentation. We will now recess for two minutes to put down the screen, recess. . . .(gavel). . .

RECESS: 1:42 p.m.

RECONVENE: 1:44 p.m.

CHAIR CARROLL: . . .(gavel). . . Land Use Committee is called back to order. We will now turn the time over to the applicant. Proceed.

. . . BEGIN PRESENTATION . . .

MR. MUIRA: Thank you very much. My name is Glenn Miura, I'm an architect from CDS International, a firm in Honolulu; and we designed the Molokai science classroom. And I just wanted to say before I start that I can design a lot of complex buildings, but when we got to the planning issues I turned to my planner. And he couldn't be with us today, so I had to learn fast about how, you know, to talk the planners' language and all of the acronyms, so please excuse me. But, anyway, this is just a rendering and I'll just go...of the science classroom building from across the street. But it is located—I'm gonna use a laser pointer—it is located right here on—and this is Farrington—and so it is right at the front of the school, and it was meant...it was put there because of various reasons. An important reason was that—this is a close-up of

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

it—and it's a two-classroom building with a prep room in the center, so it's about 4,300 square feet. And the whole idea of putting it in the front, we actually looked at three sites on the campus, and they were spread through the back of the campus, you know, number four and site number one, two, three, and four. And all the ones that were in the campus were in a tight situation and we felt that number three, although it was very close to Farrington, provided a very excellent place to showcase the science building. And, too, being at the front of the school, it was a front door. And science is so important for the Molokai community. They've won so many awards, and we wanted to showcase that. And, also, it had a direct relationship to the agricultural fields next to it. But, you know, just going to the issues...oh, yeah, before I get into the planning, we did get the FONSI, or the Finding of No Significant Impact, back in February of 2014. And last year, at the end of last year, on November 12, we got the Molokai Planning Commission to vote unanimously in support of the project and all the permits. Okay. As you can see, we had placed the building right at the front of the campus, right in this location; and it crossed a line...a boundary line crossed it, and that really was not good in a sense, but in a way, opened up a lot of issues, and the Planning Department on Maui said now is the time to clean up not only that issue, but the rest of the site. So that was a good thing that happened. And with that direction, we came up with these permits that we wanted to secure. The CPA, or the Community Plan Amendment; the State Land Use District Boundary Amendment; and the Change in Zone. And real quickly, what it is, what the Molokai...we wanted to change the...the site was basically on Public/Quasi-Public and Ag. The building was actually right on that line, and we wanted to create all of that to be Public/Quasi-Public; so that was the Community Plan Amendment. As far as the Land Use Boundary Amendment, again, it was, you know, right on that line and this is the Ag and this is the Urban. So we had to call all of that Urban. And with the County having the authority to redistrict lands that are...parcels that are less than 15 acres, they could do this. And the last one being the Change in Zoning, all the land is zoned Interim, you know, that is outside the Agricultural District and you have this Ag area. And you can see, it split the building. So we wanted to make all that, you know, Public/Quasi-Public, and that was the Change in Zoning request. And basically, that's all the planning issues. But I just wanted to end with this saying that the Planning Commission voted unanimously, like I mentioned before. And then the school is so committed to, you know, science, technology, engineering, and math; and this building really supports that. And they've won so many awards and they really wanted to showcase science, and this was the best location for it, at the front of the school. And I just got an article from someone who sent it to me that in 2015, this year, they won...two people are planning to go to the Pittsburgh Intel International Science and Technology Science Fair in Pittsburgh; and two of 'em are from Molokai High School. And so they're really an outstanding school. And to think that they've done this all without the type of facilities that other schools in Hawaii have, science facilities; and if we can give them this, they'll be so outstanding. And so, anyway, I wanted to thank you for that and...oh, I'm sorry. Oh okay. There was another slide that said that this facility, with all the permits, the Plan Amendment, the Change in Zoning, and the District Boundary Amendments are all within the, you know, comply with the Maui Land Use...I mean, sorry, the Molokai High School Land Use. And, basically, I wanted to end with that. Thank you. Any questions?

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

. . . END PRESENTATION . . .

CHAIR CARROLL: Members, we are now going to take a brief recess so we...raise up the screen. We stand in recess. . . .*(gavel)*. . .

RECESS: 1:49 p.m.

RECONVENE: 1:51 p.m.

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting is called back to order. Members, I am opening the floor for discussion. I'll call on our Molokai representative, Stacy Crivello, first.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I want to thank you for hearing this, and thank the Planning Department for their hard work in trying to make it happen. But I more especially want to say, thank you to the Department of Education, 'cause this is long, long awaited for our Molokai school and for our students. You know, it was mentioned that we're in national competitions, we've been in the regionals, and the districts. I want to add that through the support of my Council colleagues that the budget that we were able to provide monies just for the students to travel in competition—'cause that's always a challenge for all of us—and through the MEDB and the support of our Councilmembers here, we were able to send our students to participate in the national competition with STEM and the different sciences as well as health competition. You know, Mr. Victorino and I were just having a discussion during lunch hour how when we were growing up, you make do with what we have; and we didn't have much. Likewise with our school, we make do. But we shouldn't have to continue to go without in the future and at the present, so that our students can truly build up on the assets they have. So, Chair, all kidding aside, your recommendation please?

CHAIR CARROLL: I think we might jump a little bit too fast for that, but thank you, I appreciate it. I have the Department of Water Supply over here first. Does anybody have any questions for the Department of Water Supply? If not, I'm going to let her go. She's smiling, she's happy. Alright, thank you very much, we appreciate you coming. And, Planning Department, before we open the floor anymore, do you have any statements you'd like to make?

MR. SPENCE: No we're just awaiting your recommendation, Mr Chairman –

COUNCILMEMBERS: . . .*(Laughter)*. . .

MR. SPENCE: --no. . . .*(laughter)*. . .

CHAIR CARROLL: I think it's becoming very clear where we're going.

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

MR. SPENCE: We're very much in support of rezoning. We've had some discussions. I assume your staff is going to go over some of the proposed changes. But we're entirely in support of getting this zoned and getting that science building built.

CHAIR CARROLL: Thank you. Alright. Does anybody have anything further they would like to discuss before I give my recommendation?

COUNCILMEMBERS: Recommendation?

CHAIR CARROLL: Thank you. The Chair will, first, entertain a motion recommending passage on first reading of the revised proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.) FOR THE MOLOKAI HIGH SCHOOL", incorporating any nonsubstantive changes.

COUNCILMEMBER CRIVELLO: I so move, Chair.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Been moved by Ms. Crivello, seconded by Mr. Victorino. Discussion?

MS. NAKATA: Mr. Chair, could Staff clarify? Are you referring to the revised bill that was distributed at the meeting today?

CHAIR CARROLL: I was going to file on the last one.

MS. NAKATA: No, you're referring to the revised bill that was distributed today?

CHAIR CARROLL: Oh, alright, yes. Could we add filing to that, please?

MS. NAKATA: Oh no.

VICE-CHAIR VICTORINO: No. I think what she's asking, Mr. Chair, if we are looking at the revised one we just handed, not...

CHAIR CARROLL: Oh, excuse me.

VICE-CHAIR VICTORINO: Yeah, that's all she's asking, Mr. Chair.

CHAIR CARROLL: Yes, this is the revised bill.

VICE-CHAIR VICTORINO: Yeah, so that's the one we're working off of.

CHAIR CARROLL: Yes, this is the revised one, I'm sorry.

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

VICE-CHAIR VICTORINO: Okay, okay. I don't think she was worrying so much about filing, 'cause you can do that at the very end. But if you wanna file each and every one, that's fine with us, too.

CHAIR CARROLL: Oh no, no.

VICE-CHAIR VICTORINO: Okay. Thank you, sir.

CHAIR CARROLL: That was a failure to communicate right there. Alright. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I think that it's pretty evident that what we have before us is a matter that has been thoroughly vetted. I've had the opportunity to read the documents in the binder, and the Molokai Planning Commission and everybody else, as far as I'm concerned, has done a very thorough job of looking at this and I'm very comfortable in moving it forward. Anything like this that is so needed for our youth and for education, and that fact that, you know, DOE here is asking, come on, let's get this done, I am in full support of. So I just wanted to express my position, thank you.

CHAIR CARROLL: Thank you. Mr. Victorino?

VICE-CHAIR VICTORINO: And I'll add to that. And just I've been there, I've had the people and teachers and students asking for this for quite a long time. Some of this goes back to almost the time when I was on the Board of Education and this was things that were brought up to our attention. So it's been many years in the working, so I can fully support this. And whatever we can do to expedite it, Mr. Chair, let's do it. Thank you.

CHAIR CARROLL: Thank you. Any further discussion?

MS. NAKATA: Mr. Chair? Mr. Chair, Staff would just note that the main revision to this particular bill is the change in the first condition: to change the phrase referring to the 34.21-acre parcel to the subject TMK.

CHAIR CARROLL: And that's what you have before you. Any further discussion? All in favor of the motion on the floor, please signify by saying, "aye".

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes", one excused.

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

NOES: None.

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Couch.

MOTION CARRIED.

ACTION: FIRST READING of revised proposed bill.

CHAIR CARROLL: Moving on. And we have another revised bill that we are hearing. The Chair will, next, entertain a motion to recommend passage on first reading of the revised proposed bill...excuse me, one moment . . .*(coughs)* . . .

VICE-CHAIR VICTORINO: God bless you.

CHAIR CARROLL: I'm sorry, there's nothing like trying to talk when you wanna cough. One more time. The Chair will, next, entertain a motion to recommend passage on first reading of the revised proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.), FOR THE MOLOKAI HIGH SCHOOL", incorporating any nonsubstantive revisions.

COUNCILMEMBER CRIVELLO: I so move, Chair.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Been moved by Ms. Crivello, seconded by Mr. Victorino. Discussion? Ms. Crivello.

COUNCILMEMBER CRIVELLO: No, I support the amendment to the Molokai Community Plan. And just I am filled with excitement because I recall being on the...community representative for the students and schools. And it's been years since we've been working on this, so we look forward so that we can move forward. Thank you.

CHAIR CARROLL: Staff, is there any comment on the revisions, on the revised bill?

MS. NAKATA: No, Mr. Chair.

CHAIR CARROLL: Thank you. Any further discussion? All those in favor of the motion on the floor, signify by saying, "aye".

COUNCILMEMBERS: Aye.

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

CHAIR CARROLL: Opposed? Motion carried, six “ayes”, no “noes”, one excused

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Couch.

MOTION CARRIED.

ACTION: FIRST READING of revised proposed bill.

CHAIR CARROLL: Finally, the Chair will entertain a motion to recommend passage on first reading of the revised proposed bill entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 16.654 ACRES, FROM AGRICULTURE TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 4.410 ACRES, SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, FOR THE MOLOKAI HIGH SCHOOL”, incorporating any nonsubstantive changes and to file County Communication 15-63.

COUNCILMEMBER CRIVELLO: So move, Chair.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: It’s been moved by Ms. Crivello, seconded by Mr. Victorino. Discussion? Ms. Crivello?

COUNCILMEMBER CRIVELLO: No further discussion, except I appreciate Planning working on this to lift us up from Interim District. You know, we’ve just started our community planning process, so hopefully Interim will be lifted and the community will start really identifying what they want happening on our island. But this does it, this does it for our students at Molokai High, so mahalo.

MS. NAKATA: Excuse me, Mr. Chair.

CHAIR CARROLL: Thank you. Any further...

MS. NAKATA: Excuse me, Mr. Chair.

CHAIR CARROLL: Yes?

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

MS. NAKATA: On the Change in Zoning bill, it may be worthwhile to get some input from Planning as to the need to reduce the footprint of the property that's getting rezoned. The Chair did recommend revisions to this bill to reference or to clarify that this is the P-1 Public/Quasi-Public District. The new zoning will be P-1 Public/Quasi-Public. The change from Interim to P-1 is for 16.6504 acres rather than 18.009 acres; so that was reduced slightly. And we've also revised the bill to omit the Change in Zoning from Interim to Public/Quasi-Public for the 11.8-acre parcel that's across Farrington Avenue where the athletic fields are. And it may be a good idea to get Planning to state on the record the reason for that reduction in acreage.

CHAIR CARROLL: Any further...Mr. Spence?

MR. SPENCE: Yes, thank you, Mr. Chairman and Committee Members. When we looked at this a little bit closer—and thank you, Council Staff for being as detail-oriented as they are—we were a little bit uncomfortable changing the portion across from the high school that is designated on the Community Plan as single-family. And we went through a lot of gyrations within our own heads on how can we find consistency between Public/Quasi-Public and this Single-Family designation, and we just thought it...and even up above, there's a little panhandle on the map that is on the regular high-school side that's currently designated Park and that one's a lot easier to find consistency within Public/Quasi-Public and the Park designation. But, all the same, I think it would probably better if the Planning Department initiates a Community Plan Amendment to change those to Public/Quasi-Public and a Change in Zoning to Public/Quasi-Public; and then it's all nice and clean and we don't have to wonder, okay, is it really consistent, is it not consistent? We don't have to wonder about those things. So the Planning Department will take it upon itself to initiate those changes and get those through the Planning Commission. But for the purposes today, the actions that's before this Committee to change the existing school and this new site where the science building will be on, we are just absolutely, perfectly comfortable and supportive of that.

CHAIR CARROLL: Thank you. Any further discussion to the motion on the floor? Seeing none, all in favor, please signify by saying, "aye".

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes", no "noes", one excused.

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

NOES: None.

ABSTAIN: None.

LAND USE COMMITTEE
Council of the County of Maui

March 20, 2015

ABSENT: None.

EXC.: **Councilmember Couch.**

MOTION CARRIED.

ACTION: FIRST READING of revised bill, RECORDATION of unilateral agreement, and FILING of communication.

CHAIR CARROLL: Members...you have anything else, Staff, to bring forward? Alright. Members, this'll bring us to the end of our meeting today. We have conducted all the business. I'm sorry we dragged it out so long, but sometimes it's like that.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR CARROLL: Thank you very much, and thank you to all that attended. And to Molokai, Hoolehua, we look forward to seeing their new building. This Land Use Committee meeting stands adjourned. ...*(gavel)*...

ADJOURN: 2:05 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee

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Transcribed by: Raynette Yap