M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

June 17, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JUNE 17, 2016, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the County Council of Maui will please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER ELEANORA COCHRAN AND VICE-CHAIR DONALD S. GUZMAN.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are seven Members "present" and two "excused". A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And for this morning's opening remarks we have them provided by Ms. Baisa.

OPENING REMARKS

The opening remarks were offered by Councilmember Gladys C. Baisa.

CHAIR WHITE: Thank you very much for those words, Ms. Baisa.

Mr. Clerk.

Actually, it's back to me, thank you. Members and the audience, will you please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: And if you all would please put your phones on silent mode, I would appreciate it.

Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, we have received no testifiers at our District Offices or the Council chamber who have signed up to testify on ceremonial resolutions. Shall we close testimony on ceremonial resolutions?

CHAIR WHITE: Without objections, Members, we'll close public testimony on ceremonial resolutions.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 16-84

CONGRATULATING BALDWIN HIGH SCHOOL'S
GOLD MEDAL WINNERS AT THE 2016 STATE
TRACK AND FIELD CHAMPIONSHIPS

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I'M HONORED TO MOVE THIS MOTION, "CONGRATULATING BALDWIN HIGH SCHOOL GOLD MEDAL WINNERS AT THE 2016 STATE TRACK AND FIELD CHAMPIONSHIPS".

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. With your permission, may I have the Clerk read the entire resolution?

CHAIR WHITE: Yes. Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. As Maui News has reported, Laakea's performance were rank as, as one of the best in State history.

But, it was not just Laakea's outstanding performance and breaking of records that was important that evening; it was his team. And the 4X400, their record also stands tall in helping Baldwin accomplish what they did on that faithful night.

It is amazing when you think our children here, in Maui County, again stand tall on State premises, on State records, and in State competition. I am proud to say that these young men and their future has been started with this event, with the State Track and Field meet. I look forward to seeing them do bigger and better things.

As far as Laakea is concerned, not only did he, was he named the Athlete of the Year for the MIL, which I remember another young man sharing that same honor, but also to the Hall of Fame. And this is something that is amazing, cause not many athletes from the neighbor islands get recognized in that respect.

But most importantly, it's the team effort on behalf of Baldwin High School, their coaches and their supporters, that made this evening a very special evening. Laakea will walk away knowing the great things that were accomplished, but also the support he had from this teammate, teammates. Jocel, Sean, and Bradley *[sic]* also contribute greatly, and they will always have that memory. So I wish them nothing but continued success.

Thank you for bringing, again, a championship back to Maui County, making us proud of your performance, and may, and may, and may God bless you in every way possible in your future endeavors and wherever they may lead you. Mahalo, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Victorino. I also would like to join your congratulatory remarks in appreciating the achievements that these young people set for those that will follow them.

And I would like to acknowledge that your achievements will leave impressionable imprints for all of us to follow, and work towards. Thank you.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I too want to congratulate everybody, and echo Mr. Victorino's remarks, and of course, remember that it's the parents who, who sacrifice as well.

But these guys have done, you know, Maui proud, as usual. We have, and I like that we have more and more people coming up here winning State awards, doing, setting records. It just shows that Maui's, Maui's there, Maui's No Ka Oi. Thank you.

CHAIR WHITE: Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, here we go again, Maui No Ka Oi. My congratulations to everyone. Thank you.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. They're here today, it didn't, it didn't just happen that they're here today that we're honoring them. They made it happen. And I can't tell you how proud I am of their dedication and their sticking to it, otherwise they wouldn't be here today. And to them I say mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Let's make it unanimous. One thing I do want to comment on regarding our champions from Baldwin High School, is that normally State championships you hear of the private schools; the Punahou's, the St. Louis's, Kamehameha Kapalama. Well, I take great pride that in this County, our public schools are able to excel to the highest levels.

I'm a public school graduate. I take pride coming from public schools. And I commend our youth, our scholar athletes from Baldwin High School, from a public school that has now lead the State and become our State champions. So, kudos to Baldwin High School, the curriculum, their staff, as well as the students and their families. Mahalo.

CHAIR WHITE: Thank you, Mr. Hokama.

I'd just like to add that the amount of work that it takes to get to the level of winning the State championship is really significant. So, I take my hat off to the four of you for doing what you've done and bringing great honor back to Maui once again. And, once again, Maui rocks.

COUNCILMEMBER VICTORINO: Mr. Chair.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea and one more thing. And it's a little thing, but it's very important, and thank you all for your comments. But again, Laakea and his team, their hangout, don't forget to continue hanging out there, is Taco Bell. I get to see him there at Taco Bell. There's a lot of baseball guys too. So, that's the in place, and I guess those burritos and those tacos rocks. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNCILMEMBER VICTORINO: Mr. Chair, with your permission, may I ask them to come up and say a few words?

CHAIR WHITE: Yes, please. Please come forward.

COUNCILMEMBER VICTORINO: Chair, if I may, these are the representatives and their coach from the Baldwin Track and Field Team. We wish all of them could have been here, but it's really, really difficult at this time of the year.

La`a, even though you may have gotten the most notoriety, the rest of the team, along with your coach, made a big difference in all of these accomplishments all of you were able to achieve. So, at this time if any, La`a, would you like to start off? And then if you want to say a few words, gentleman. Again, congratulations, my friend.

MR. LAAKEA KAHOOHANOHANO-DAVIS: Hello. I just want to say thank you for inviting us here and welcoming us over here. And I'd like to thank all my teammates, my coaches, for you know, spreading good knowledge and, you know, teaching me well and not just athletic-wise, but you know, building good character. And I'd like to thank my parents for coming out every single practice, every day, and not complaining about it.

And, and winning State's is, it feels, it feels good, but still don't want to be satisfied, just want to keep pushing and moving on to bigger, better things. And just not reminiscing on this moment, but just focusing on the moments to come. Thank you.

MR. BAILEY KAOPUIKI: Hello. Again, what La'a said, thank you guys for inviting us to this. I also want to thank the coaches and my teammates for, you know, pushing each other during practice, making each other better people. And I want to thank my mom and my dad for supporting me at the track meets. Love you guys. And, thank you.

MR. SEAN FUKUHARA: I give them credit. I, I would have a very hard time following up La`a's speech. But, I want to say thank you to you guys for inviting us. And thank you to the coaches for helping me achieve stuff that I didn't think I could achieve. And I'd like to thank my parents for always pushing me.

COACH ARDIS ANGUAY: I too would like to thank everybody, especially the Council for inviting us here and recognizing these athletes. You know, on behalf of Baldwin High School and my coaching staff, and the parents, and all, you know, the entire team, our baseball team as well, we'd just like to say thank you for this great recognition.

COUNCILMEMBER VICTORINO: Before you leave, before you leave, no, no before you leave, I only have one to present now, but the rest will be coming, so don't need to worry. And, one more thing. I wanted to let you know that I was with Shane this past week, and he passed on his congratulations to you cause he knows how it is; records are being, records are made to be broken. And so hopefully, one day, 50 years from now, that record may be broken, maybe. And to the rest of you, thank you very

much, and he says congratulations to all of you, even though he came from St. Anthony, he still thinks Baldwin rocks. Thank you. Thank you.

CHAIR WHITE: And Members, we will be making one small correction to the reso. The relay race was actually 4X100, not 4X400.

COUNCILMEMBER BAISA: No objection.

COUNCILMEMBER VICTORINO: That's what I thought.

CHAIR WHITE: With no objections, we'll make that adjustment.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-84.

RESOLUTION
NO. 16-85

CONGRATULATING BALDWIN HIGH SCHOOL
FOR WINNING THE WALLY YONAMINE
FOUNDATION DIVISION I STATE BASEBALL
CHAMPIONSHIP

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

AGAIN, WITH GREAT PRIDE, I MOVE TO "CONGRATULATE BALDWIN HIGH SCHOOL FOR WINNING THE WALLY YONAMINE DIVISION I STATE BASEBALL CHAMPIONSHIP".

COUNCILMEMBER COUCH:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: May we have the Clerk read the resolution in its entirety please, Mr. Chair?

CHAIR WHITE: Yes.

Mr. Clerk, please proceed.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Once again, Maui can be very proud. It's been many years since we had won a State championship. And if my memory serves me right, the last State championship we won as a, in this County, was in 2000 when Molokai won the baseball tournament. And I know, the last time, I think, and if I may be wrong, Jon, if, you correct me if I am. I think 1995 was the last time Baldwin had won a State championship. And if I, I'm incorrect, please correct me when you come up.

But, what really stands out is this fact that Baldwin has won five, five State Championships, the most of any of the neighbor islands. But, more importantly it's under his guidance, under Jon's guidance and Kahai, that have really led Baldwin to be one of the forces within this State when it comes to the baseball program. They've had many players that have come out, that have gone to the professional ranks and collegiate ranks; none other than Kurt Suzuki, who now plays for the Minnesota Twins; Brandon Kaupe and others who have in, in minor league programs.

And this program develops young men to be good productive citizens. And many of the names that you heard as far coaching were, were concerned, were, were young men that played at times when my son Michael and Shane played for St. Anthony. And so these gentlemen have come back and given. The parental support, the booster support, is outstanding when it comes to Baldwin.

And like Mr. Hokama said, it always sweet when we can beat those private schools. No offense to the private schools. They have the facilities, they have the money, they have the, the ability to take championship after championship. Our public schools have to work twice as hard.

So, I want to congratulate the young men who put in all that time, and sweat, and effort, to be successful. To their coaches, who made the right decisions at the right time. But more importantly, their boosters, their supporters, and their families who were there for them each and every day at games and at practice, as you heard earlier.

I wish all of them continued success. I wish all the seniors, who are leaving, continued success in their endeavors whether it's collegiate or in any other part of baseball. And most importantly, Maui will say mahalo once again for helping us stand tall in this State when it comes, not only to baseball, but in athletics in general. Mahalo, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, you know, ditto from the last comments I made; Maui No Ka Oi. Again, I concur with Mr. Victorino's remarks.

And also, just for the, the young men in this team, they learn, team sports are very important to, to work together with a group of people. Individual standouts as we had in the last one, as well as a team are good for certain things, but team sports introduce you how to work with other people. And together the, you know, the sum is greater than the individual. So, I think that's a very important lesson that these boys have learned, especially taking home the State trophy again. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Ms. Baisa, I saw your hand starting to go up when Mr. Couch raised his.

COUNCILMEMBER BAISA: I could wait after Mr. Couch. He makes it a lot easier for me. There's been some great accolades given to the team, and I just want to add mine. And to say, again, you know, it's really noticeable in the time that I've been here, how often we have our youngsters here winning titles both here in Maui, and in the State,

and all over the mainland. And so it's very, very impressive and I want to say congratulations to them, and to their parents, and their coaches, and everybody. Job well done, thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I can't say how proud I am of them. And I'll just say one thing, I wouldn't be at all surprised if we didn't see them here again next year. Thank you.

CHAIR WHITE: Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. From our island of Molokai, I'd like to extend our fondest congratulations. I hear the names on your coaching staff and some of your team members, and we all have the connection of transplants from Molokai to Maui. And that's because we're all connected one way or the other.

Congratulations to Mr. Viela and his coaching staff, and to the parents; especially the parents. And, and to these young people who takes more than just their athletic skills, it takes focus, it takes concentration, you know, academics. And, I join the pride of Maui County to say chee-hoo.

CHAIR WHITE: Any further discussion?

I'll just add my remarks. I think it's another example of how great the Maui public school system is in providing us championship after championship. And it's, it, as Ms. Baisa said, it's really fun for us because we get to see these kids and other kids coming through this chamber time after time, showing that Maui does an incredible job competing at the State level. And, we have nothing but pride in all the efforts that you put in. We have nothing but pride in all the family support that I know comes in to make things like this happen.

And so to the parents, I take my hat off to you. To the coaches, you've done a great job guiding these young gentlemen. And to those of you players, you've done a super job, and thank you for bringing pride to Maui once again.

So with that, if there's no further discussion, I'll call for the vote. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

Oh, I guess we'll go back to Mr. Victorino.

COUNCILMEMBER VICTORINO: With your permission, I'd like to call up the team and their coaches, and along with their Athletic Director, please.

CHAIR WHITE: Yes, please come forward.

COUNCILMEMBER VICTORINO: Boys, gentlemen, will you come this side?

Again, ladies and gentlemen, I take great pride in introducing the 2016 Hawaii State Wally Yonamine Baseball Champions, the Baldwin High School Baseball Team. I know all the accolades have been said, the teamwork, the effort, the hard work all of you have put in, your coaches, your parents, your supporters.

There's not much that can be said. So, I'm going to call upon your Athletic Director to say a few words. Your coach, I know he doesn't like to say much, but I'm going to put him on the spot. So, come on Mr. Shishido, get back up here. He thought he just was going to come back and sit back there. I'm sorry.

And then, of course, I'm sorry to say you're going to lose your coach to Kamehameha Upcountry. So now you guys know what you need to do next year, right guys? Repeat, okay. But, I want to congratulate Jon on his new endeavors and I want him to say a few words.

So, first of all the Athletic Director and former baseball coach, Kahai Shishido.

MR. KAHAI SHISHIDO: If I knew I had to do this, I would have worn my good shoes.

I just wanted to thank all of you for having us, you know, and recognizing our boys. Jon did a great job, and his staff, with these boys. You know, just a super job. And they did it the right way.

I also wanted to thank Ardis and her staff. You know, they did a great job as well. And, the most important thing is, is teaching our young athletes how to be good people. And, I think these two coaches and coaching staffs, they do that very well. So I want to thank them for that, and thank you for having us.

COACH JON VIELA: First, I'd like to thank you guys for having us. And, I wanted to apologize, I only have seven of our boys here. But as summer comes along, the plans change for our boys, and work, and travel, and everything. Nevertheless, you know, I thought about our track team and our baseball boys who, who represented, you know, not only our school very well, but they also represented Maui.

You know, as we go into competition in the MIL, you know, everybody has their, their school pride and they, they play hard and they do everything right, and they do it for their school. But, as they win the MIL and they move onto the State championship, you know, they don't only represent their school, but they represent the island of Maui. And, that's what you guys was echoing today.

And, you know, when, when the State championships come around, you know, I know our teams at Baldwin High School do a very good job in representing the island of Maui. And, we are very proud to represent the island of Maui, and very fortunate to win the State championship this year, which is pretty illusive in, in baseball.

But, nevertheless, you know, we, we have great leadership at our school, you know, starting from our Principal to our Athletic Director, and down to all of our assistant coaches. You know, so you know, the, the dynasty that I want to say, you know, at Baldwin High School is very strong and, you know, and it starts from the top. And, we're very fortunate to have good leadership there.

And, I'm going to miss the school very, very much, you know. Nevertheless, I'm going to take all the values that I learned from Coach Shishido and, and try to instill it at, at my new job.

So, again, thank you guys very much for having us. And, I really appreciate you guys time. Thank you.

CHAIR WHITE: Thank you.

COUNCILMEMBER VICTORINO: On behalf of the Council, I only have one copy again, you'll all get your own copies, but I want to present to all of you and, I'll give it to you Coach. Any of your boys want to say anything? Nah, nah, nah, nah, nah, nuff already, nuff said, yea. Okay, congratulations. Best of luck to all of you. And, thank you and good luck to you, Jon. Thank you, Kahai for being here.

And, if we could scan the audience, will all the parents that came today from Baldwin High School please rise. Please stand up. We want to recognize you too. And thank you for taking your time from your busy day to be here with your, your, your sons. Thank you very much. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-85.

Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Currently, we have no testifiers waiting at our District Offices. We'll proceed with testimony in the Council chamber.

Mr. Chair, we have six members, six individuals who have signed up to testify in the Council chamber. First person to testify is Jim Smith, testifying on County Communication 16-109 and 16-105--

CHAIR WHITE: Mr. Clerk--

DEPUTY COUNTY CLERK: --as well as Bill 67.

CHAIR WHITE: --let's, let's take a brief recess and let the, the lobby clear out, so we can hear a little bit better. Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:37 A.M., AND WAS RECONVENED AT 9:37 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting shall please come back to order.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we have Jim Smith testifying, and he'll be followed by Lloyd Fischel.

CHAIR WHITE: Good morning.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JIM SMITH, [testifying on County Communication Nos. 16-105 and 16-109, and Bill 67 (2016)]:

Aloha. Good morning, Chair White, Members of the Maui County Council. I have three items I will testify for. The first one is, I want to thank Member Couch for bringing for the, forth the resolution to return the Lanai Community Plan back to his Committee.

I think that it is not going to harm anything. It's not going to expire on its own term. It's not going to be repealed. But, what's going to happen is there's some significant problems that are going to be addressed, and they are bigger than Lanai. If you look at a May 4 letter from the Mayor to your Committee, there's allegations about designations and failures to include conservation districts from the Planning Director informing you of these problems.

And I think it's significant that Member Couch will do what I think is a difficult thing for him to do, is to remove something like this and bring it to his Committee. And, I think that is what community is. I think that's what separates our culture from any other. That's why we don't have, have violence. It's because we are actually included, people like Jim Smith are included, you give me a break.

So, thank you so much for returning this. I hope you will support the resolution. That's my testimony on, on the resolution, which is County Communication 1609 *[sic]*.

The next topic of my testimony, or my next testimony is regarding a Corporation Counsel opinion that you received. And, it is identified as County Communication 16-105, okay. And this to me, is very significant because it actually helps us to understand what the problem is, and where the problem is, okay.

What this attorney does is he takes the word designation, and he uses it indiscriminately. He uses it for community plan boundary. He uses it for a State land use designation, and that reflects a certain ignorance. You see, because a community plan boundary, okay, really has the effect of informing neighbors. It has the effect of requiring assessments. That's the only tangible effect it has on development is the fact that when you change your community plan boundary, you have to inform people, and you have to assess the effects. So, that is what community plan boundaries do, okay.

Now, a State land use district, okay, is different. That affects the private property rights of an individual, okay. That says this is the use you can use. They are totally different animals. But, for some reason, this has been interwoven into this process to where it becomes dysfunctional, to where the individual who is telling you the definition rules if he has the proper status. And so, dysfunction follows.

So, this opinion needs to be taken back and looked at for its absurdity. Because that's what we're faced with, is this language of control that they're putting on us and saying designation. What designation? Where is the meat of that? And you don't get that, because if you got that you'd know. And if you know, well they can't have power over you, because it's known.

So, I would say please view this Corporation Counsel opinion as part of the problem. Thank you very much.

The next topic that I wish to comment on is the, the Bill 67, okay. Now, this is another example of the problem I've just described. Bill No. 67 sets up a model that is non-regulatory, basically.

If you look at the existing plan, you'll see a simplified contents. And you'll see under that, a very specific problem, which is interregional issues, okay. And this model takes that out. And when you take out interregional issues, Lanai becomes a separate island, district voting is, is pursued. If you separate Lanai, and you separate, and there's no interregional action, what is there to keep from district

voting? Nothing. But, Lanai and Lahaina interact. Haiku, and Kula, and Kahului interact on water. And, we're all there in the plan. In the Haiku community plan lists interregional issues. Why are you losing that? Why are you taking that out? Because it looks good?

There's nowhere in that plan in which these interregional issues are specifically addressed, and there should be. So, when you take this preliminary plan back, please return interregional issues as a specific problem that needs to have the consideration of anyone who's implementing the plan. And so, that is, is my concern regarding that interregional issue.

If you look at what I've testified to, it's all the same. It's the same thing. It's all about knowing. It's all about us respecting each other and presuming that what we say are understood, is understood, because it's common. It's not an expert. It's not a technical drawing or a diagram. It's right here in the common place, where common words are used. And, thank you for being so common.

CHAIR WHITE: Thank you, Mr. Smith.

Members, is there any need for clarification of his testimony? Seeing none, thank you for being here once again.

MR. SMITH: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Lloyd Fischel, testifying on Bill 67. He will be followed by William Spence.

MR. LLOYD FISCHEL [testifying on Bill 67 (2016)]:

Good morning. Good morning, everyone.

CHAIR WHITE: Good morning.

MR. FISCHEL: Just a few things to think about as we are looking at the second reading of the Lanai Plan. The letter from Michael Hooper. I hope I pronounced the name right. Hopper?

CHAIR WHITE: Hopper.

MR. FISCHEL: Thank you. Indicates that the, that the, there's an inconsistency. And, this is so interesting, because when, of course, the Maui Island Plan was first put forward, it was put forward to solve the inconsistencies between the general plan and the community plans. But, here we see, after all these years, there's still inconsistencies.

And I'd like to say that the whole process has been inconsistent. And we, in Haiku, are very concerned that this is going to come down to us. And how will we be treated as well?

The Charter, this is for an example, the Charter allows for revision of the community plans. But look what's going on here. We're repealing. You're, you're asking us to repeal a community plan. It go, this goes against our Charter, our laws, our democracy.

We just had these young people come up and we told them how we're, they're No Ka Oi, Maui's still No Ka Oi, and you know, wonderful. But yet, here you're being asked today to actually work against the Charter that protects all of us by repealing law that many people put hours, and hours, and hours.

In Haiku, the last community plan took nine months. And now you're going to ask to repeal it? What's wrong with it? What's wrong with the Lanai Community Plan today? Why does it need to be revised? Why does it need to be repealed? Who's driving this? What's driving this?

The process is being used to dilute the peoples will. The Citizen Advisory Committees are charged, have been changed now to the Community Plan Advisory Committees. Change the language some more so that we really don't know what's going on. That, this is the problem in our government today. The Planning Department is driving its plan like a stake through the heart of the people that you're elected to protect.

We don't want this process this way in Haiku, and Lanai folk don't either, and the Molokai folk don't either. In any case, please ensure that the scope of the citizen review is disclosed before there is deception that's brought, brought to Haiku.

And in concluding, I ask that you take this back to Committee. Thank you very much.

CHAIR WHITE: Thank you, Mr. Fischel.

Members, any need for clarification of his testimony? Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is William Spence, testifying on Bill 67. He will be followed by Michele McLean.

MR. WILLIAM SPENCE, PLANNING DIRECTOR, [testifying on Bill 67 (2016)]:

Good morning, Members.

CHAIR WHITE: Good morning.

MR. SPENCE: We had submitted a letter to the County Council dated June 14, 2016, urging the passage of this, of the Lanai Community Plan on second reading. But also, noting some exceptions that we have to the amendments that were proposed on July 3, and we explained briefly why that is.

I, I want to step outside of my normal demeanor for just a moment. And, I have to say we take exception, I take exception, to the disparaging remarks regarding Planning Department staff. We should be proud of the planners who have worked so hard with the community, who have reached out beyond what the call of duty for what they needed to do, and work with that community and go line by line over what those people wanted to put in the plan. And they worked very hard to do so. I am extremely proud of the professional planners in my Department.

Okay, now I would like to urge the passage of this plan without the proposed amendments, and I'll tell you why. The old plan, the 1998 plan, 18 years old, says the number one problem with, on Lanai, is economic, is economic opportunity. It, it says we have only one landowner. There's no other opportunity on the island. But, then the plan goes on and says nothing to resolve that. There's a bunch of policies and stuff, promote small business, etc., but there's no community plan designations. There's no expansion of anything. There's no resolution to that issue.

This new plan, as proposed, also identifies luxury housing and resort as the only economic opportunity on that island. But, the plan goes on to resolve that as an issue. It proposes a university campus. It proposes professional sports, film studios. It goes on to provide a way out of only resorts as, as a, as the economic means.

That '98 plan is 18 years old and is stagnant. Nothing has changed. I was there when it was first adopted. Nothing has changed. It's been 18 years and we're still dependent on one landowner. And we're still dependent on luxury housing and resorts. This new plan offers a way out of that, to diversify, to, to provide opportunity

for the residents there. And I would urge the passage of the plan un-amended, as it came out of Committee.

CHAIR WHITE: Thank you, Mr. Spence.

Members, any need for clarification of his testimony? Seeing none, thank you for being here this morning.

PLANNING DIRECTOR: Thank you, Members.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Michele McLean, testifying on County Communication 16-105 and Bill 67. She will be followed by Pam Eaton.

MS. MICHELE MCLEAN, DEPUTY PLANNING DIRECTOR [testifying on County Communication No. 16-105 and Bill 67 (2016)]:

Good morning, Council Chair White and Members of the Council.

CHAIR WHITE: Good morning.

DEPUTY PLANNING DIRECTOR: I'm Deputy Planning Director Michele McLean, testifying on County Communication 16-105 and Bill No. 67, both relating to the Lanai Community Plan update.

In addition to the testimony that Planning Director Will Spence just gave, and to the testimony that Long-Range Division Chief Pam Eaton will also give, we request that you remove the 14 pages of amendments that were made to Bill 67 at first reading on June 3, and pass the plan on second reading today.

As Corporation Counsel stated in County Communication 16-105, one of those amendments creates inconsistencies with the plan, and should clearly be removed. That and other amendments all touch upon issues that were discussed openly and extensively by the Community Plan Advisory Committee, the Lanai Planning Commission, and your Planning Committee, at meetings where the document had been made available to the public, unlike the June 3 amendments. These issues include landscaping, water use, airport improvements, design standards, project district standards, coastal erosion, and open space. These issues were discussed and they were adequately and appropriately addressed in the plan.

The CPAC, the Commission, and Planning Committee all plainly and decisively chose not to use the language from the 1998 plan, and instead chose the language that was included in the bill presented to you at first reading. That language should be retained.

Our written testimony includes a table, not a matrix, that cites the locations in the plan where these issues were already addressed by other policies and actions. The amendments create inconsistencies, contradictions, and confusion, because they state one thing while the plan already stated another.

For example, the first of the amendments added language that native Lanai plants species, shall be, shall be utilized for public and quasi-public uses. But, the plan already makes several references to appropriate landscaping including non-invasive drought tolerant plants, as well as native plants. The amendment was unnecessary and creates contradiction. The existing language of the, is appropriate, underwent extensive review and discussion, and should be retained un-amended.

Our written testimony provides specific references and other comments to support our request. Please remove the 14 pages of amendments that were adopted at first reading, adopt no other amendments, and allow what is otherwise a very sound, clear, and implementable plan that we can all be proud of to become law. Thank you.

CHAIR WHITE: Thank you, Ms. McLean.

Members, any need for clarification of testimony? Seeing none--

DEPUTY PLANNING DIRECTOR: Thank you.

CHAIR WHITE: --thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Pam Eaton, testifying on Bill 67. She will be followed by Rosemary Robbins.

MS. PAM EATON, PLANNING PROGRAM ADMINISTRATOR, [testifying on Bill 67 (2016)]:

Good morning, Council. My name is Pam Eaton, and I'm the Planning Program Administrator for the Long-Range Planning Division for the past year and a half. I'm

here to speak to you about two very critical aspects of community planning: implementation, and community trust.

One of the things I want to say about the Lanai Plan and the Molokai Plan, which we transmitted in May, is that the meaning of a community plan is only in so far as it can actually be implemented. I know many of you had very strong feelings about that with the Maui Island Plan experience. I heard that quite often, and I, we're hearing that now, whether it's community members, staff members, or whatever. But, the community plan is as meaningful as it can be implemented.

I am speaking personally when I say that in the Molokai Planning experience, and then staff is here with the Lanai experience, we had many, many, many meetings. Very difficult, very challenging where we had to explain to the public, and the CPAC, and the Planning Commission, to try to clean up the language in existing community plans.

Many of the community plans existing, some of the language in it is overreaching and cannot be implemented by the County, any of the, or any of the departments. And, I'm asking you to please break this cycle. Let's please come out with community plans that have actions of which the County can enforce and implement. That's absolutely critical.

Right now, the Lanai Community Plan, the updated version before you, has 150 implementable actions. As you heard from the Director, the Maui Island Plan, Countywide Policy Plan, and existing community plans have over 1,015 implementable actions. Let's please think about what can truly be implemented in these community plans.

Which leads me to community trust. You've heard a lot of very angry, frustrated people attesting to this process, being frustrated with the process. Well, I ask you to look at the outcome of the process, and many of them are frustrated. And, I'm telling you this now, because my staff and I have spent the last three months speaking with folks in West Maui to get ready for the West Maui Community Plan. And let me tell you what the sentiment is. The sentiment is why bother. Why bother? These community plans don't mean anything.

So I am begging and imploring you to please respect the process, and that it be transparent. That when we do have amendments that are made, they can be implemented and reviewed by the CPAC, the Planning Commission, the Planning Department, and Corp. Counsel.

I am more concerned about this bigger issue as we are doing community plans, we come back to Maui. Right now, the public is disenfranchised and they're not trustful. And they're not trustful because we're producing community plans that cannot be implemented. So, please take the language out. Please stick with the original community plan, which was fully vetted by the community, and language was put in, appropriate language through policies and actions in which they can be implemented. Thank you very much.

CHAIR WHITE: Thank you, Ms. Eaton.

Members, any need for clarification? Seeing none, thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins, testifying on General Communication 16-3. Ms. Robbins is the last individual who has signed up to testify in the Council chamber.

MS. ROSEMARY ROBBINS (testifying on General Communication 16-3):

Good morning everybody.

CHAIR WHITE: Good morning, Ms. Robbins.

MS. ROBBINS: I came down yesterday to do the homework, as far as today's agenda was concerned, and was caught about the very first thing in the binder, which was a communication to the Department of Water Supply, appointed by the Mayor, Director. It came from the State Department, Commission on Water Resource Management. And it says that the Wailuku Shaft 33 Water Use Permit has been violated. The, this is so tough.

It identifies in here that the assignment to third parties and allocations use other than on the original footprint of the area, in violation of a decision and order from contested case hearing has already gone for this hearing, puts the Council in jeopardy. There's no question that this Council had all of this information, which has been known for quite some time. I'm afraid maybe it got hoodwinked in this one.

And the person from Honolulu is saying that the assignment to third parties and the allocation use of them, other than on the original footprint, under this decision that had already been made, is a threat. And indeed, when you folks were given the

paperwork to sign, and signed in there that it should go through, who knew that there had been a re-appropriation of that to Makena? Not exactly in Kehalani's geography.

So, now we've got the State looking in on us and saying, we're letting you know that can't go on. Here it is. Who made that decision? Certainly not the person that the Director of the Water Department was working with, because that's the person that's after him and has filed an official complaint. So, something happened to that marriage between the Director of the Water Department and Kehalani.

And you folks, without knowing that, did go ahead and sign the resolution saying that, yup, sounds good. You didn't get all the accurate information.

CHAIR WHITE: Ms. Robbins, your time has expired. Could you provide a concluding remark? And as you know, this will be going to Committee for further review.

MS. ROBBINS: Thank you. Thank you very much. The Kehalani outfit got water permits going through that were not indeed what was supposed to have happened. And when it comes up to Makena--

DEPUTY COUNTY CLERK: Four minutes.

MS. ROBBINS: --yikes. Thank you.

CHAIR WHITE: Thank you.

Members, any need for clarification of her testimony? Seeing none, thank you for being here this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. It's our understanding that there is a testifier on Lanai.

Lanai District Office, would you be able to introduce your first testifier? Lanai Office, please introduce your first testifier.

Can I have a short recess?

CHAIR WHITE: Okay. Members, we're going to take a short recess to reestablish connection to Lanai. Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:03 A.M., AND WAS RECONVENED AT 10:04 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk.

DEPUTY COUNTY CLERK: Lanai Office, please introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning. This is Denise Fernandez on Lanai, and our testifier is Debbie Dela Cruz, testifying on Bill No. 67.

MS. DEBBIE DELA CRUZ [testifying on Bill No. 67 (2016)]:

Hi. My name is Debbie Dela Cruz. I was on the CPAC. And as I was saying earlier, I was here at the beginning of your meeting and then decided I didn't need to testify, so I actually went home, was watching it on TV and saw all the Planning Department's people in opposition to the amendment that was passed to our plan. And as I was leaving, my husband says, why the hell is the Planning Department testifying in, in mass.

Let me just explain that when we started the deliberations in January of 2013, we were presented with a, a draft from the Planning Department and, you know, facilitated the process. What we failed to do was sit down and compare the draft that was presented, I guess what was in the 1998 plan, like line for line. And a lot of what we realized we had missed in the end are presented in Councilman Hokama's amendments.

And by the time we realized that, you know, we have been accused, we, a group of us community people have been accused of mistaking this and being basically, obstructionists. So at that point, we decided not to, or I decided not to present the things that Councilman Hokama has, has since introduced in his amendment. So I'm in favor of the amendment. And I think more people would have been here today if we had realized that there was going to be such opposition. Thank you.

CHAIR WHITE: Thank you, Ms. Dela Cruz.

Members, any need for clarification of her testimony?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you Ms. Dela Cruz for your comments. I just wanted to see if, to clarify, get some clarification. It was testified earlier that the, all of these items were discussed by the CPAC and Lanai Planning Commission. And that those items were chose, were deliberately left out by choice, by the two committees; the CPAC and the Lanai Planning Commission. And are you agreeing with that comment?

MS. FERNANDEZ: Are you asking for Debbie's response?

DEPUTY COUNTY CLERK: Yes, Denise, thank you for muting the TV. Yea, Councilmember Couch is requesting a response.

MS. FERNANDEZ: Okay.

MS. DELA CRUZ: Let me just bring up the runway expansion. We did not specifically look at the '98 plan where it says, you know, it will be extended away from town. I think if we had addressed it, I mean, addressed that point specifically, we would've included it, because when you expand the runway towards town it affects what people can plant in their gardens, because the airport is so close to town. So, that's just one example.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR WHITE: Members, any other need for clarification? Seeing none, thank you very much, Ms. Dela Cruz, for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, as you note, we've received some testimony this morning. Without objection, we'll enter it into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM WILLIAM SPENCE, PLANNING DIRECTOR, WAS MADE A PART OF THE RECORD OF THIS MEETING:

CHAIR WHITE: And, without objections, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 16-96 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-86, entitled "AUTHORIZING SETTLEMENT OF IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF CLINTON GOUVEIA AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT, SHOPO CASE NO. M-2014-009," be ADOPTED.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE OF THE WHOLE COMMITTEE REPORT 16-96.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Victorino.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Committee met on May 31, 2016, to consider a request by the Department of the Corporation Counsel to authorize settlement of the, settlement of this case.

The case involves the termination of Clinton Gouveia, a former police officer, in 2013.

The Council previously authorized settlement of this matter by Resolutions 15-138 and 16-12.

A Deputy Corporation Counsel said arbitration is ongoing. She also noted the Department of the Corporation Counsel was prepared to present a counteroffer from the plaintiff to the Council's prior authorization.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution to authorize settlement of the matter under the terms proposed in the executive meeting.

I ask for the Members support of my motion.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", two "excused"; and those Members are Ms. Cochran and Mr. Guzman.

Mr. Clerk. Oh I'm sorry. Yea, Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-86.

COMMITTEE REPORT
NO. 16-97 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. That Resolution 16-87, entitled "INDEMNIFYING KYLE GINOZA IN TRACY N. TAKAMINE V. COUNTY OF MAUI, ET AL., CIVIL NO. 14-00335 JMS-KSC," be ADOPTED; and

2. That Resolution 16-88, entitled "AUTHORIZING SETTLEMENT OF TRACY N. TAKAMINE V. COUNTY OF MAUI, ET AL., CIVIL NO. 14-00335 JMS-KSC," be ADOPTED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE OF THE WHOLE COMMITTEE REPORT 16-97.

COUNCILMEMBER VICTORINO:

I SECOND, CHAIR.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Victorino.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Committee met on May 31, 2016, to consider two requests by the Department of the Corporation Counsel relating to this case.

The first request was to indemnify Kyle K. Ginoza, former Director of Environmental Management, who has been named in his individual capacity as a defendant.

The second request was to authorize settlement of the case.

The complaint alleges, among other things, Constitutional violations, defamation, and intentional infliction of emotional distress arising out of Tracy N. Takamine's March 2014 termination as the Solid Waste Division Chief for the County's Department of Environmental Management.

A Deputy, a Deputy Corporation Counsel noted Mr. Takamine filed a lawsuit in the United States District Court for the District of Hawaii alleging, among other things, a violation of the First Amendment of the United States Constitution based on his speaking as a private citizen about matters of public concern. Other claims asserted against the Department of Environmental Management involve the issue on whether he was terminated appropriately.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of both proposed resolutions.

Mr. Chair, I ask for the Members support of my motion.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Cochran and Mr. Guzman.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-87 and 16-88, respectively.

COMMITTEE REPORT
NO. 16-98 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That County Communication 15-119, from the Director of Parks and Recreation, transmitting a semiannual report regarding park dedications for the period covering October 1, 2014 through March 31, 2015, be FILED;

2. That County Communication 15-269, from the Director of Parks and Recreation, transmitting a semiannual report regarding park dedications for the period covering April 1, 2015 through September 30, 2015, be FILED; and

3. That County Communication 16-84, from the Director of Parks and Recreation, transmitting a semiannual report regarding park dedications for the period covering October 1, 2015 through March 31, 2016, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

ON BEHALF OF THE CHAIR AND VICE-CHAIR OF ECONOMIC DEVELOPMENT, ENERGY, AND AGRICULTURE, AND RECREATION COMMITTEE, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-98.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on May 31, 2016, to review the three semiannual reports from the Director of Parks and Recreation regarding park dedications for each community plan area.

The reports collectively cover the period from October 1, 2014 through March 31, 2016.

Your Committee notes Section 18.16.320(B), Maui County Code, requires subdividers, as a condition of approval of a subdivision, to dedicate land for park and playground purposes, pay the County an in-lieu fee, or provide improvements to existing park in the community plan area; or an equivalent combination of these.

The Director advised your Committee: 1) Kehalani Mauka Park is scheduled to open in early 2017; 2) Kehalani Makai Park, also known as "the slump basin" was dedicated to the County recently, but issues of flooding, safety, and lack of parking and infrastructure remain to be resolved; 3) Maui Lani Park is expected to open within three months, but parking may be insufficient as the Park will include only thirty parking stalls.

Your Committee suggested the Department of Parks and Recreation consider improving the existing parks and expediting the completion of the park dedications when negotiating future park assessment agreements, and recommended filing of the communications.

I respectfully ask for the Council's full support of your Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-99 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 71 (2016), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO R-3 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That the County Clerk RECORD the unilateral agreement; and

3. That County Communication 15-215, from Councilmember Stacy Crivello, be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 16-99.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Victorino.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. On March 16, 2016, your Committee met to consider a proposed bill to grant a Change in Zoning from Interim District, R-3 Residential District, Conditional Zoning for 14.56 *[sic]* acres at Kawela, Molokai, Hawaii.

The property is owned by the Welmont Kamakani *[sic]* Revocable Trust dated November 15, 2007; William H. Grambusch; Nanette Grambusch; and Pilialoha Napoleon-Grambusch.

Your Committee previously reported on this matter through Committee Report 15-119, which recommended a proposed resolution be adopted to refer to a proposed bill to grant a Change in Zoning from Interim District to Agricultural District to the Molokai Planning Commission. At its meeting on September 4, 2015, the Council adopted Resolution 15-111.

Your Committee received the Molokai Planning Commission's recommendation to grant a zoning to R-3 Residential District rather than Agricultural District, with a single condition of zoning. The proposed condition requires any future subdivision lots to be a minimum of two acres.

The Planning Director said there were no objections or concerns raised to the proposed change at the public hearing on Molokai. He noted the Department discussed the recommendation with the Kamakana family and they are in agreement.

Your Committee is in receipt of a unilateral agreement executed by the landowners, and approved as to form and legality by the Department of Corporation Counsel.

Your Committee voted 5-0 to recommend passage of the proposed bill on first reading, and filing of County Communication 15-215.

I ask for the Council's support on these recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I'm in general support of this proposal. My question for Mr. Carroll, this morning, since I'm not a member of his Committee. Is with the two-acre requirement on subdivision, did the Committee or the applicant, the Grambusch's, consider a rural two-acre category instead of R-3, since it allows them to do the agricultural activities they would like to do? They're still allowed to do single-family dwelling units. And if the two-acre minimum, I would think that that's one of the areas we have through the last couple of decades, set up so that property owners can consider those things, especially regarding potential subdivision or improvement requirements to the lot upon subdivision.

So I just bring that up, because I think the Grambusch's can save some money on a rural lot versus a Residential R-3 lot. And, I just bring that up, if that was part of a consideration, and that at the end of the discussion, this is the best option for that property owner. Thank you.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: I appreciate Mr. Hokama's concern. But, the short answer is no. Thank you.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: So, the, the options were, were presented to the, basically, the applicant is Brother Weymouth Kamakana, and with his nephew and niece, William and Nanette Grambusch. Then, they would have to again go through a community plan, because in a community plan, the existing community plan, it's noted for single-family units on that.

And, I have been trying to assist the, the kupuna to navigate through this process, because he spent thousands and thousands of dollars and, and, and tried to come to this point so he can actually have the subdivision completed for his family. And, and you know, his, feels that it's important for him to put things in order for his family.

And, it's taken us over a year. It's taken us over a year to reach this point of the unilateral agreement. So, I think there, any further delays for us to go for the amendment to the community plan, as Mr. Hokama, appreciate his consideration. But, I think, for the family, is to be able to move forward, the next step of subdividing this, these lands between the two families.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I want to reiterate some of the things that have been said, that that land is in the community plan as single-family. So, they're going by the community plan's wishes, and chose not to make the community plan amendment. So, you can still do farming in residential, so it's not prohibited at this point. Thank you, Chair.

COUNCILMEMBER CRIVELLO: So, I just want to add that originally they did try the agricultural approach. And because the community plan had to go through an

amendment process, it went that way. It's, it's just all of our bureaucratic navigation that we have to deal with. And you know what, everyday people like this, what they have to go through is ridiculous. That's what I have to say. It's just.

CHAIR WHITE: So noted. And well, and well documented, unfortunately.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Chair, I understand what Member Hokama is bringing up, and it's a great thing to have an option. But you know, the Committee looked into this and we have a whole lot of reassurance from our Member from Molokai, who is very close to the family and the situation. And so I'm going to support her recommendation. Thank you.

CHAIR WHITE: Thank you.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: And, finally, I, I, I agree with Ms. Crivello. You know, just sometimes it's just mindboggling what we go through. But, we've gotten to this point, and I too will support the motion as presented, and wish them nothing but success through a, through the rest of the bureaucracy that they might have to go through in the future. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 71 (2016).

COMMITTEE REPORT
NO. 16-100 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-89, entitled "RELATING TO THE APPOINTMENT OF ZOLTAN MILASKEY TO THE BOARD OF WATER SUPPLY," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE REPORT 16-100.

COUNCILMEMBER COUCH:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Mahalo, Mr. Chair. At the meeting of June 1, 2016, by a vote of 9-0, your Policy and Intergovernmental Affairs Committee recommended the adoption of the proposed resolution, entitled "RELATING TO THE APPOINTMENT OF ZOLTAN MILASKEY TO THE BOARD OF WATER SUPPLY".

The purpose of the proposed resolution was to approve the appointment of Zoltan Milaskey to the Board of Water Supply, for a term expiring March 31, 2021, to fill a vacancy.

The Council has until July 5, 2016, to approve or disapprove the Mayor's nominee, or the nominee is deemed appointed.

I would like to tell, thank Mr. Milaskey for volunteering to serve on this very important Board.

I respectfully request my Members to support this motion. Mahalo, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-89.

COMMITTEE REPORT
NO. 16-101 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 14-70, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO CLARIFY THE DUTIES OF THE COST OF GOVERNMENT COMMISSION", be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

SO MOVED, TO FILE THE COMMUNICATION.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Okay, we have a motion to file County Communication 16-101 and a second from Mr. Couch.

DEPUTY COUNTY CLERK: I'm sorry. Mr. Chair, excuse me, we're here to either adopt the recommendations in the Committee Report or to file the Committee Report, that's the Council's--

COUNCILMEMBER VICTORINO: May we have a quick recess?

CHAIR WHITE: Quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:26 A.M., AND WAS RECONVENED AT 10:26 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting shall please come back to order.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes, thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16, WAIT A MINUTE--

CHAIR WHITE: 101.

COUNCILMEMBER VICTORINO:

101, YEA, 16-101.

COUNCILMEMBER COUCH: Mr. Chair, point of order. I believe he has to withdraw his previous motion. There's a motion on the table.

COUNCILMEMBER VICTORINO: To file that communication.

CHAIR WHITE: Yea, so just withdraw your previous.

COUNCILMEMBER VICTORINO:

OKAY, I WITHDRAW.

CHAIR WHITE: Okay.

COUNCILMEMBER VICTORINO: I think you're incorrect, but that's okay.

ANYHOW, MR. CHAIR, I WITHDRAW THAT ONE, AND THEN I MOVE TO ADOPT RECOMMENDATION IN COMMITTEE REPORT 16-101.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. At our meeting of June 1, 2016, by a vote of 9-0, your Policy and intergovernmental Affairs Committee recommended the filing of, the filing of the Resolution 14-70, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO CLARIFY THE DUTIES OF THE COST OF GOVERNMENT COMMISSION".

The purpose of the Resolution 14-70 was to place on the next General Election ballot, the question on whether chapter, Section 3-9.3 should be amended to state the Cost of Government Commission acts only upon the request of the County, County Auditor, to whom it is advisory.

The Council passed the Resolution 14-70 at its first reading on June 20, 2014, as a recommend, and recommended by the Policy Intergovernment Affairs Committee Report 14-66. The Council recommitted the Resolution 14-70 on July 8, 2014.

Resolution 14-70 reflects a concern that there may be a duplication of services between the Cost of Government Commission and the Office of the County Auditor.

The County Auditor stated that the Commission works independently from his office. The Commission reports on different, differences that the County Auditor's reports. Where, whereas the Commission provides recommendation on future County

practices and procedures, the Office of the County Auditor provides audits on the past County activities, which may or may not be included in the suggestions for the policy changes.

After considering the independent value of their role, your Committee decided the proposed Charter amendment was not needed.

I respectfully request the Council's consideration of this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-102 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-90, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO CHANGE THE NAME OF THE CIVIL DEFENSE AGENCY TO THE MAUI COUNTY EMERGENCY MANAGEMENT AGENCY," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Mahalo, Mr. Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE REPORT 16-102.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a, I'm sorry, motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Mahalo, Mr. Chair. It's that type of morning. At our meeting of June 1, 2016, by a vote of 8-0, your Policy and Intergovernmental Affairs Committee recommended the passage on first reading a resolution entitled "PROPOSING A AMENDMENT TO, TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO CHANGE THE NAME OF THE CIVIL DEFENSE AGENCY TO THE MAUI COUNTY EMERGENCY MANAGEMENT AGENCY".

The purpose of the proposed resolution was to place on the next General Election ballot the question on whether the Charter Sections 8-7.2 and 8-16.1 should be amended and, and to rename the Civil Defense Agency to the Maui County Emergency Management Agency and that the Civil Defense Administrator be changed to the Maui County Emergency Management Administrator.

The name of the agency was originally selected to address defense during the times of war. The name the "Maui County Emergency Management Agency" is more adequately reflects the duties of this agency today. The title "Emergency Management Administrator" would also reflect the agency's change in the name.

And I would like to thank Mr. Couch for bringing this forward. So, I would respectfully ask the rest of the Members if they would please consider this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-90.

Mr. Chair, proceeding with county communications.

CHAIR WHITE: Actually, Mr. Clerk, I'm sorry. At this point, Members, we'll take our morning break. Please be back in your seats at quarter to eleven. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:32 A.M., AND WAS RECONVENED AT 10:45 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will please come back to order.

Mr. Clerk, proceeding with county communications.

COUNTY COMMUNICATION

NO. 16-104 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, (dated May 27, 2016)

Informing of the acquisition of Waterline Easements "W-6A", "W-6B", "W-6C", "W-6D", "W-6E", "W-6F", and "W-6G", in the Maui Lani Phase 6 Subdivision, Tax Map Key Numbers (2) 3-8-099:182, 183, 184, 185, 186, 187 and 188.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION 16-104 BE FILED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, you know, with all respect, I would, I'd like to give the opportunity to our, our Water Resource Chairman, if she has comments because this is regarding the waterline easements, or Mr. Victorino as the Vice-Chair. I would be very open if they would like to share comments. Thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: I'd like to support the Committee's decision, Chair. I think it's very important we need to have this done. Thank you.

CHAIR WHITE: And, Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, thank you, Chair. And, I, again, these are issues that have been long in, in, in, in the making. And, you know, this were issues that were, when I was the Chair and now Ms. Baisa's the Chair. And, I, I'd also like to support and say we need to get this done and, and so that we can complete our redevelopment of our water system in the Kehalani and upper mauka area of Wailuku Heights. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

NO. 16-105 - MICHAEL J. HOPPER, DEPUTY CORPORATION COUNSEL, (dated June 8, 2016)

Relating to a bill for an ordinance amending Section 2.80B.070, Maui County Code, to adopt the updated Lanai Community Plan.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request that this item be move, moved to, be heard with Bill 67?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

(COUNTY COMMUNICATION NO. 16-105 WAS LATER DEFERRED TO THE JULY 1, 2016 COUNCIL MEETING. See pages 69 through 110 for discussion and action.)

CHAIR WHITE: Mr. Clerk.

NO. 16-106 - ALAN M. ARAKAWA, MAYOR, (dated June 1, 2016)

Informing of a vacancy on the Civil Service Commission due to the resignation of Ivy Waller on June 1, 2016.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I, I MOVE TO FILE COUNTY COMMUNICATION 16-106.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: No discussion other than thanking Ivy Waller for her services, and wishing her continued success. Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

NO. 16-107 - ALAN M. ARAKAWA, MAYOR,
(dated May 24, 2016)

Informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Gabriel Johnson on May 23, 2016.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 16-107.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Again, I'd like to thank Gabriel Johnson for his services on the Commission for Persons with Disabilities. Other than that, no other discussion. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

NO. 16-108 - RIKI HOKAMA,CHAIR, BUDGET AND FINANCE COMMITTEE, (dated June 9, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (SECTION 8 HOUSING PROGRAM)".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE TO DISCHARGE YOUR BUDGET AND FINANCE COMMITTEE FROM FURTHER CONSIDERATION OF THE BILL ATTACHED TO COUNTY COMMUNICATION 16-108.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. Your Committee is in a difficult position. We have a request by the Department for a Fiscal Year 2016 Budget amendment, which ends on June 30, 2016, which is in exactly 13 calendar days.

We discussed the increase of the $721,737 for the Department, regarding Section 8 Housing Program, at our meeting of June 14.

Since timing is a critical factor, Chairman, of various components, because these funds will take care salary and wages, operations, as well as additional housing vouchers, I'm going to be recommending that the body support this motion at this time.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any discussion on this item? For everybody's information, we will be scheduling a special Council meeting on the 28th of this month to deal with this matter as well, to get it out and make the funds available before the end of the year.

So, with that, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and zero "noes".

Back to the waiver, Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO WAIVE RULE 7(E) OF COUNCIL, REGARDING COMMITTEE REFERRAL AND REPORT.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Victorino to waive Committee, Council Rules.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, we need six affirmative votes by this body to move this motion forward.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and zero "noes" to waive.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE PROPOSED BILL ATTACHED TO COUNTY COMMUNICATION 16-108 BE PASSED ON FIRST READING, BE ORDERED TO PRINT, AND THAT WE FILE COUNTY COMMUNICATION 16-108.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Members, any discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 72 (2016).

NO. 16-109 - DON COUCH, CHAIR, PLANNING COMMITTEE, (dated June 8, 2016)

Transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, may I request that this be moved to the end of the calendar?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 16-109 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 16-91. COUNTY COMMUNICATION NO. 16-109 WAS THEN FILED. See page nos. 111 through 113 for discussion and action.)

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 16-110 - RIKI HOKAMA, COUNCILMEMBER,
(dated June 8, 2016)

Relating to amendments to the Fiscal Year 2017 Budget to authorize transfers between categories of use that are within a program or department.

The recommended action is that County Communication No. 16-110 be referred to the Budget and Finance Committee.

NO. 16-111 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 25, 2016)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2015.

The recommended action is that County Communication No. 16-111 be referred to the Budget and Finance Committee.

NO. 16-112 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 25, 2016)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of January 31, 2016.

The recommended action is that County Communication No. 16-112 be referred to the Budget and Finance Committee.

NO. 16-113 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, (dated May 27, 2016)

Reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2016.

The recommended action is that County Communication No. 16-113 be referred to the Budget and Finance Committee.

NO. 16-114 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 26, 2016)

Transmitting a status update of affordable housing projects in the County of Maui.

The recommended action is that County Communication No. 16-114 be referred to the Housing, Human Services, and Transportation Committee.

NO. 16-115 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS, (dated May 27, 2016)

Transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS".

The recommended action is that County Communication No. 16-115 be referred to the Infrastructure and Environmental Management Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with general communications for referral. The following general communications are recommended for referral to the following Committees as noted:

GENERAL COMMUNICATION

NO. 16-3 - JEFFREY T. PEARSON, DEPUTY DIRECTOR, COMMISSION ON WATER RESOURCE MANAGEMENT, (dated May 23, 2016)

Transmitting an official complaint from Hearthstone Kehalani 217-Maui LLC regarding Wailuku Shaft 33 Water Use Permits.

The recommended action is that General Communication No. 16-3 be referred to the Water Resources Committee.

(See pages 55 and 56 for discussion.)

NO. 16-4 - GRANT CHUN, VICE PRESIDENT, A&B PROPERTIES, INC., (dated May 31, 2016)

Submitting the 2016 Annual Report in accordance with Condition No. 19 of Ordinance No. 3559, relating to Maui Business Park Phase II – Change in Zoning.

The recommended action is that General Communication No. 16-4 be referred to the Planning Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Ms. Baisa.

DISCUSSION AND ACTION RELATING TO GENERAL COMMUNICATION NO. 16-3

COUNCILMEMBER BAISA: Mr. Chair, if we can kind of back up a little bit. I would like to refer Committee Report 15-69, and Resolution 15-72 to the Water Resources Committee, along with General Communication 16-3.

CHAIR WHITE: Any objections, Members? Those are items that were--

COUNCILMEMBER VICTORINO: Wait, wait, hang on.

CHAIR WHITE: --handed out at today's meeting.

COUNCILMEMBER BAISA: You have these on your desks.

COUNCILMEMBER COUCH: Oh, oh these. Oh, okay.

CHAIR WHITE: Yea, that are on your desk, these two documents.

COUNCILMEMBER BAISA: They will become part of the item in Committee.

COUNCILMEMBER COUCH: Okay. No objections.

CHAIR WHITE: Yea, we, they're all items that we've acted on previously. So, no objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Thank you, Ms. Baisa.

So, the other item going to the Planning Committee is without objection as well, correct?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with resolutions, second and final reading.

RESOLUTIONS

RESOLUTION
NO. 16-82

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE

DEPUTY COUNTY CLERK: Resolution 16, oh excuse me, Mr. Chair.

CHAIR WHITE: Yea, don't get ahead of yourself.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Okay, thank you.

I MOVE TO PASS RESOLUTION 16-82, ON SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At its meeting of May 23, 2016, by a vote of 9-0, your Policy and Intergovernmental Affairs Committee recommended the passage of the resolution.

The purpose of the proposed Resolution 16-82 was to place on the next General Election ballot the question whether Charter Section 11-5 should be amended to require individuals wishing to withdraw their name from their supplemental, supplemental petition to do so within three days of receipt of the supplementary signature by the County Clerk.

I respectfully ask the Members to pass this motion.

CHAIR WHITE: Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

RESOLUTION
NO. 16-83

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE, REGARDING THE TIME FRAME TO REVIEW SUPPLEMENTAL PETITION SIGNATURES

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Mahalo, Mr. Chair.

I MOVE TO PASS RESOLUTION 16-83 ON SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. Again, at its May 23, 2016 meeting, by a vote of 9-0, your Policy and Intergovernmental Affairs Committee recommended the passage of the resolution.

The purpose of the Resolution 16-83 is to place on the next General Election ballot the question of whether Charter Section 11-5 should be amended and allow the County Clerk 20 days, instead of the 10 days, to review supplemental initiative petition.

I respectfully request the passage of this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___63___(2016)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR SETTLEMENT OF ALLEGED VIOLATIONS AT MAUI RACEWAY PARK

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO PASS BILL 63 ON SECOND AND FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Crivello, with a second from Mr. Victorino.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. If enacted, Bill 63 would authorize the Mayor to enter into an intergovernmental agreement with the United States Environmental Protection Agency to settle alleged violations of the Safe Drinking Water Act relating to a large capacity cesspool at the Maui Raceway Park, now known as the Maui Motor Sports Park.

I ask for the Members support of my motion.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, is there any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___64___(2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May, without objection, may I ask that the Clerk read, bring up Bill No. 65 as well.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing none, all those in, no.

ORDINANCE NO._____
BILL NO.___65___(2016)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, BOARD OF LAND AND NATURAL RESOURCES, RELATIVE TO THE OPERATION, USE AND MAINTENANCE OF THE CENTRAL MAUI REGIONAL SPORTS COMPLEX

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO PASS BILL 64 AND 65 ON SECOND AND FINAL READING.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Bill 64 would revise policies for the Kula Agricultural Park, which is a County program to support diversified agriculture.

The Office of Economic Development manages the 445-acre Kula Agricultural Park, which supports more than two dozen farmers.

Bill 64 would improve operations at the Kula Agricultural Park and support the agriculture community in Maui.

I respectfully ask for the Council's full support of this bill.

Bill 65 would authorize the Mayor to execute a proposed agreement with the State Board of Land and Natural Resources for the operation, maintenance, and use of the complete, completed portions of the Central Maui Regional Sports Complex.

The State of Hawaii, through its Department of Land and Natural Resources, is constructing the complex in four phases on 65-acres owned by the State in Wailuku. The property is to be set aside to the County by Executive Order of the Governor when the construction is completed.

To date, the State has appropriated more than $31 million for the complex. The County has had, has had to use, has had use and maintenance responsibilities of Phase 1 of the complex since its completion in March 2016, through a temporary right-of-entry permit, set to expire June 30, 2016.

The proposed bill will allow the County to have similar use and responsibilities of each subsequent phase of the complex as it is completed.

I respectfully ask for the Council's full support of this bill. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion on these two items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___66___(2016)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY CREDIT REQUIREMENTS AND DEED RESTRICTIONS

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mr. Chair, thank you.

I MOVE TO PASS BILL 66 ON SECOND AND FINAL READING.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Mr. Chair, Bill 66 provides for the use of residential workforce housing credits to satisfy residential workforce housing requirements, and reduces the time within which the County shall exercise its first option to buy back a residential workforce housing unit from 120 days to 90 days.

I am hopeful that these changes will assist our residents with obtaining favorable financing options, and becoming homeowners in Maui County.

I ask for the Members full support of my motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item?

I would just like to say, I think this is a, a very good move. And it is going to help reduce mortgages by up to $400 a month for people moving into affordable housing units. So, thank you for taking the initiative on that, Ms. Crivello.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

And Members, without objection, we've got three other, three other ordinances to vote on. And without objection, I'd like to move Bill 67 to the end of calendar.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay.

COUNCILMEMBER COUCH: Mr. Chair, as well as County Communication 16-105, since it was--

CHAIR WHITE: Yea, that, yea, I mean the, everything connected to that.

COUNCILMEMBER COUCH: Okay.

CHAIR WHITE: Mr. Clerk.

ORDINANCE NO._____
BILL NO.___68___(2016)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A JOINT TRAINING AGREEMENT BETWEEN COWLITZ 2 FIRE AND RESCUE OF THE STATE OF WASHINGTON AND THE COUNTY OF MAUI'S DEPARTMENT OF FIRE AND PUBLIC SAFETY

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO PASS BILL 68 (2016) ON SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino, and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: At its meeting of May 23, 2016, by a vote of 9-0, your Policy and Intergovernmental Affairs Committee recommended the passage of this bill.

The purpose of the Bill 68 is to authorize the Mayor to enter into an intergovernmental agreement with the Cowlitz 2 Fire and Rescue Department out of, in Kelso, Washington, to establish a joint training program with the County Department of Fire and Public Safety.

I respectfully request my Members to consider this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___69___(2016)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
WAILUKU-KAHULUI COMMUNITY PLAN AREA, WATER SUPPLY,
IAO WATER TREATMENT FACILITY REPLACEMENT PROJECT;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. I would ask, with no objections, we bring up Bill 70 also.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___70___(2016)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4227, BILL NO. 34 (2015), AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE IAO WATER TREATMENT FACILITY REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2016 BUDGET ORDINANCE

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS 69 AND 70 PASS SECOND AND FINAL READING.

COUNCILMEMBER BAISA:

MR. CHAIR I.

COUNCILMEMBER VICTORINO: Mr. Chair, I second the motion.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Baisa.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is regarding a CIP project regarding the Iao Water Treatment Facility. Your Committee continues to be concerned about the type of bids this County is receiving in this current construction climate. And while we are going to be paying a lot more money than we had anticipated in the budget, it is a critical infrastructure improvement that I would ask the Members to support in allowing us to go forward. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on this?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I would like to thank the Members very much, and thank Chair Hokama for moving this forward. This is critical. Thank you very much.

CHAIR WHITE: Thank you.

Any further discussion?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, thank you. And again, like Ms. Baisa had mentioned and thank Mr. Hokama also, this is not only critical, but a big, the big piece of this changeover from Shaft 33, which when we need to shut down, this will be the integral piece of that puzzle to complete that changeover.

So, unfortunately our bids have come up a little higher than we had expected. With the booming construction, you know, it's going to cost us a, a lot more than we had hoped for. But without this, we may eventually have a disaster of, or collapse of Shaft 33, which will then cripple about 50 percent of the Central Maui water system.

So, I support this wholeheartedly, and thank Mr. Hokama for bringing this forward. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___67___(2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED LANAI COMMUNITY PLAN

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. If there are no objections, may I request that the Clerk also bring up at this time County Communication 16-105, because it relates to the adoption of the updated plan.

COUNCILMEMBER BAISA: No objections.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 16-105

NO. 16-105 - MICHAEL J. HOPPER, DEPUTY CORPORATION COUNSEL, (dated June 8, 2016)

Relating to a bill for an ordinance amending Section 2.80B.070, Maui County Code, to adopt the updated Lanai Community Plan.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO PASS BILL NO. 67 (2016) ON SECOND AND FINAL READING.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, there's been a lot of discussion, a lot of testimony back and forth on this item. I, I really have some concerns with comments that were made, both today and at other times.

I think the Planning Department did a fantastic job with all the obstacles they've had to deal with. I, I really think that this bill with some amendments, I, I agree with, I just read the letter today on this, needs to be passed by this Committee, this Council.

You know, the community has had very, many opportunities and has expressed their opinions over and over again. They had a chance to see pretty much everything that we put in front of them, except for this last set of amendments. I, I voted to approve those amendments before, because I assumed that they were innocuous.

After reading the comments from the Department, where they consistently say, cannot be enforced or implemented, cannot be enforced or implemented, cannot be enforced or implemented, all the way through this.

I'm going to have to ask that we amend this, this bill by removing the amendments that were brought up last meeting. I, after reading this, I, I can, I was only going to do one, the one that Corp. Counsel talked about. But, Members, if you read the comments from the Department, it's rather obvious that a lot of this cannot be enforced or implemented. And we heard a testifier saying the Department's criticized because they're not enforcing or implementing the community plan.

SO RIGHT NOW, JUST TO START THE DISCUSSION, I MOVE TO AMEND THE EXISTING COMMUNITY PLAN AS IT IS TODAY, THE, THE BILL, BY REMOVING THE 14 AMENDMENTS THAT WERE PASSED LAST MEETING.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: You know, there's 14 of these amendments, and I don't, I don't know how many people had a chance to read these either before the meeting or at the break.

But, you know, just for the public's information, I, I, Mr. Chair, if you don't mind, I would like to bring the Department down here to discuss what their issues are with these. Cause they're, I think they're, they're very valid, and they're very important. And we heard conflicting testimony saying that we didn't, the community didn't discuss it, and then we had the Department saying, oh yea, they discussed it over and over again. So, I would like to bring them up and discuss that if there's no objection.

COUNCILMEMBER HOKAMA: Objection.

CHAIR WHITE: I have an objection. Members, you, I have one objection.

The Chair has no problem asking the Department to come down and, and provide for--

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yea, Mr. Hokama.

COUNCILMEMBER HOKAMA: This is the Council's time to discuss this proposal, not the Department's time; the Council's time. And, I expect the discussion to be between the Members. We make the final policy decision, not the damn Department. So, let's have a discussion, cause that's where I think it's more appropriate, between the Members.

CHAIR WHITE: Well, the Chair feels that we didn't allow for much discussion at the last meeting. And, I think it's appropriate for us to have time for them to explain the various items that are on the, that we, that we passed last time around, so.

COUNCILMEMBER HOKAMA: Then, Chairman, I want to speak on the motion.

CHAIR WHITE: Go ahead.

COUNCILMEMBER HOKAMA: Chairman, I speak against the motion for a couple of reasons. You know, a lot of the concerns, I would say over the last six months, have come from members of the CPAC and the Lanai Planning Commission, besides the general community. What does that say? And, that is the source of a lot of the concern regarding the current proposal or what was presented by Department.

For our people on Lanai, and I think all the Members can appreciate this, Department has no clue what it is to live and be a part of Lanai, okay. They have no ma`a about what is our culture, what is our roots. You know, these people who are bringing up concerns, my family, we've been there, help build the pineapple industry, let it grow, and we've put to the grave the pineapple industry, okay. Our families have now helped to move it to this area where we have the visitor industry, okay.

Implementation of Lanai isn't about a plan. It's whether or not the one 98 percent landowner will cooperate and consent to moving certain things forward in implementation. It ain't the bloody County that's going to make it happen. It's the landowner, the landowner, the employer of our island. They don't get that? We had to live with that for a 100 years. We understand it. We are ma`a to it, cause we live it. We don't have to be told what our culture is, or what way we want to go as an island.

What we have in the plan, through the amendments and whatnot, is what the community's saying is important, okay. Whether it can be implemented or not is another question, but they have expressed their desires on how they want to look at things, okay. A lot of it may be just conceptual. And as we're told with the maps, it's not regulatory. So, what the hell?

If you think this is, you know, you guys trying to find a model to fit the eight other districts, I'm going to tell you, Molokai is not one district that can just fit in any model. Molokai is Molokai, just like Lanai is Lanai. We have to look at each plan uniquely and separately.

But I agree with the, one of the testifiers about there is a need to have a sense of what is interregional issues, whether it be on transportation, agricultural issues, or whatnot. I understand there is a component to tie into interregional.

But, I would say do not look at the Lanai plan and see how it's going to fit for your district, Members. Look at the Lanai plan for what it means for Lanai, and what our people are saying. Those that have the roots, those that have the culture, is the one that are saying we have issues with the proposal, okay. This shouldn't be a departmental proposed plan. This needs to be a community proposed plan, okay. We are the policymakers. They may disagree, the Department, and that's fine. But, if they want to make policy, they can run for office like us.

I'm going to continue to fight for this island, and what I believe is my community's understanding and support of. And, we'll let the people watch and make their calls come November. That's fine with me, Chairman.

But, I know where Lanai wants to go. I live with them. I've been there this past weekend, being told how wonderful the Council was to finally support the community's proposal, okay. So, they're watching. You heard Ms. Dela Cruz. You think they're not going to be talking about this at Blue Ginger tomorrow morning, people? Think about it. You don't think they're going to talk about this in the park at all those booths, food booths and craft booths. This is about our people, not the Department. And I would ask that we support our people first.

And so, I speak against this amendment at this time. I have some amendments I would like to, because I believe Mr. Hopper has brought up a true concern that I am happy to address, Chairman. But, to ignore what the people of Lanai has wanted to their existing plan, and feel important enough to continue in the new plan, I can respect, I can support, because people like me has to live it, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I, I truly understand where Mr. Hokama's coming from. We do need to listen to the community of Lanai. We spent hundreds of thousands of dollars, many, many man-months, man-years, to listen to the community at the Community Plan Advisory Committee, of which quite a few people that have been concerned about the things that are currently in the plan were part of.

We then had Lanai Planning Commission spend many hours, many dollars, and listened to the community. We, nine of us, don't know that community; only one, the one that's sitting in the Chair representing that community. I understand that.

We went to the community as a Committee first. And some people who were not on the Committee, both Members who were not on the Committee went to the community and heard the community over and over again. They had objections. We listened to them. I went to Blue Ginger myself and sat with several of them and said, what do you need. And we put in what they needed, and they still are complaining.

So, I'm not sure what community we're listening to. We had thirteen people on the Community Plan Advisory Committee. We have nine people on the Lanai Planning Commission. We have all the people that came and testified with us. We listened to the community.

Now, in every community, especially mine, people don't agree on everything. And so, they continue to say, I don't agree, I don't agree. But, we as Members here, have to say, look when we spend all this time, all this money, to come up with a plan that we listened to the community that can be implemented, then I think its incumbent upon us to support the community in the plan.

We have heard one testifier this time, and yes, if, if they had known about the amendments last time, they would have come in and talked. It's the same five every time. There are 3,000 people that live on that community, and we don't hear from them saying no don't do it. We hear from a lot of them, including written testimony, that yes this is a good plan.

So, I understand where, where Mr. Hokama is coming from. He has his constituents that he needs to work with and, and I appreciate that. But we as a body have to go with what we've been presented from the community; Lanai Community Plan

Advisory Committee, Lanai Planning Committee *[sic]* are all members of that community. So that's why I'm supporting removing these. Thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair, for the opportunity. I totally understand where Member Hokama is coming from. I think every single one of us have that same feeling. You know, if you're brought up in an area and you live in it for many, many years, you're historically part of that community. You have this sense of ownership, knowledge, history, that other people don't have. And, I totally can appreciate that, because I feel that way about Upcountry. That's where I've spent most of my life. So I understand where he's coming from.

But today, we are here as a group, all nine, well seven of us, and we have a matter before us that has been discussed unbelievably in depth, over and over and over, and we have these amendments before us. And what we're hearing today is our Planning Department is very, very concerned about moving them forward because they feel they're unenforceable or they are just not appropriate. And, I think that it wouldn't hurt any of us. And, yes, it is our decision, and eventually we're going to sit here and vote yes or no.

I think it's our responsibility to listen to both sides of this. And I for one would be okay with having the Planning Department explain why they're saying what they're saying. Because, eventually, we're going to sit here and make a decision, and we will try to make the best decision for everyone. But, it's our responsibility, I think, to listen to both sides. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Making decisions is always difficult. It's supposed to be, because you're supposed to look at everything that you can and come to what you feel in your heart, and with the knowledge you have, make the best decision you can.

Mr. Hokama, of course, born and raised on Lanai. He has a good knowledge of it. But we are responsible for Lanai, every one of us. I worked over there for many years. I have family over there. I love the island. I considered moving over there just before I got hurt, to work for the telephone company at that time to take Mr. Evans place.

But, we have gone on long. All the information is before us right here. I cannot believe that any Member is not up on everything that has transpired since we started this process. It is time for each one of us to look at the appropriate action to take. If there is no further discussion, I would ask to call for the question, and to have a roll call vote. Thank you, Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I, I respect the Department of Planning. I respect community, and I respect our representation from our districts. And we do come together to, to represent and support what can come forth from the, the districts that, that has a feel for who they are. And I, I have to say that whether it's one Member, I have not heard any Lanai community member object to these amendments. I've heard, yes, we've heard one voice, and it's to support. And, if I look at this, I think it came from the old plan. And, and if it was from the old plan, why wasn't, why was it wrong at that time? And why was it okay to have it in there?

Too often, we, we don't listen to the heartbeat of our communities. And, I know I am going to have to experience going through our Molokai Community Plan. And I'll, I've already been, have receive expression from the Department some of these cannot be implemented.

But I remind myself, and I remind the Department, the community wants to be heard. The community has expressed themselves among themselves, and have made whatever process, and whatever way they can navigate, so that their voices are heard. We are here to bring forth their voices, whether it's the minority or the majority. And, the difficulty we have is to balance it with what is the professional side of it, like with the Planning Department.

Will it hurt the plan? Will, will these amendment be a detriment to the plan? For me, I don't see it that way, but I'm not a planner. I'm a community person. I live in an area that we're quite vocal, and we don't leave any words out that we want to be heard. And I, I'm going to give credit to Lanai that they're no different. And, and yes, I don't believe it's incompatible. And maybe the Department, you know, feels like they're not being heard also.

But, we are here on behalf of our constituents. And, I am going to respect Mr. Hokama's representation for the voices of Lanai. I know how it feels that you come and express yourself and your colleagues are not hearing you on behalf of your community. And I think Mr. Hokama is bringing this forth, hopefully, we can come together and, and understand what it is that we're, that he and his people on the island is trying to say. And if it's a detriment, then maybe, I mean, what kind of a

detriment is it? It may not have its polished professional process, but you know, communities are not polished, they're not professionals. They're just down to earth people who just feel, I, we value this, hear us, please put it in our plan. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

I'm going to stop any further discussion at this point. The Chair is willing to hear from the Planning Department, because I think it's appropriate since we passed 14 amendments without much discussion, I think it's appropriate for us to give them an opportunity to come down and, and explain their concerns.

Mr. Hokama is absolutely right, it is our decision. But, I think it's appropriate for us to have an understanding of their concerns before we make that decision. And I have a deep respect for Mr. Hokama's connections and understanding to his community. I have a deep respect for Ms. Crivello and her connections to her community. But this is a, this is a tough process, and it's not set up to be easy.

As Mr. Carroll said, decision-making, when we get right down to the, the you know, the final strokes, is often very difficult. I would like to make it at least an, a situation where we can be clear on what it is we're deciding upon. If we decide on leaving all or some of them in, it should be a knowledgeable decision. If we decide to remove them, it, it should also be with due consideration to the, you know, the, the desires of the people of Lanai.

All of us care deeply about the people of Lanai. We don't have the same understanding of the, of the island as Mr. Hokama does. So we all, in every case that comes before us, if it's Mr. Hokama, we generally defer to the, the district representative. Same with Ms. Crivello on Molokai.

So, I would like to hear from the Department. If you would please come down, Members; Mr. Spence and whoever else you feel is appropriate. We would like to hear an explanation of your concerns so that we can make a, a knowledgeable decision. And I'll turn it over to you, Mr. Spence.

And Members, if it's all right, I'd like the Department to make their presentation and then, then we'll open it up for discussion. And as, as you know, the Chair is not excited about doing committee work, but, but sometimes we've just simply got to do it that way.

Mr. Spence.

PLANNING DIRECTOR WILLIAM SPENCE: Thank you, Mr. Chairman. Good morning, Members. I am looking over the proposed amendments, and I'd like to go, if you want to go through all of them that's fine, if you want to go through portions of them that's fine as well.

I'm looking on the table labeled 3-7 *[sic]*, 3.13, "Native plant species which are found on Lanai can be utilized for public and quasi-public facilities.", that's assigned to the Department of Planning. We have to go back and look through our planting plan. We're going to, I don't, I don't know why that is assigned to the Department of Planning, because that, so many of those things are not our choices. And we have no laws that, to do those by. 3.14, "Protect and enhance the island's native plant and animal species by prohibiting the importation of alien species", that's also assigned to the Planning Department. We have no authority.

I mean, first off, what is an alien species? Kiawe is an alien species. Plumeria trees are alien species. You're saying with, somehow the Department of Planning is going to sit at the dock and wait for these plants to come, and say no you can't do that. So, that's why we're, that's why we're saying we are not, we don't have that kind of authority. We're not inspectors. We don't have those kinds of personnel. That's an unenforceable proposal.

So, the next page 7-5, support the use of recycled water for irrigation and prohibit, the amendment is prohibit, the use of potable water for golf course irrigation. I believe that's assigned, I'm looking for the assignment. But, that one's under the State. That's in the Water Resources Commission. They have a private water system. If, if, that's certainly not under the Department's authority to be able to say that, and you're doing zoning. We've long been criticized by doing zoning conditions through our community plans. And that's exactly what that is. It's we're trying to change the zoning, change regulations through the community plan.

7-7, "Prohibit the use of high-level aquifer for golf course irrigation purposes, consistent with the Water Use and Development Plan for the Lanai as provided by law". That's assigned to Pulama Lanai. We really can't, again, that's a Commission on Water Resources responsibility. I don't, I don't see how we can enforce that, except possibly through some kind of litigation. I don't know the conditions on their approvals, but that's not, it's certainly not a County function.

"Prohibit the extension of Lanai's airport runway in the direction of Lanai City". That, by the way, that was discussed at length during the community plan process. But in short, that's an FAA issue. Feds override the County in all aspects. If the, if the FAA feels that's the only place to expand the runway, that's their, they may look at our plan and go, okay that's nice but it's not, it's not our kuleana.

"Prohibit tree removal from portion of Hotel Lanai site". And I believe that's assigned to the Parks Department, Department of Parks and Recreation. Oh no, no that's a different one. I don't know how we can prohibit somebody from cutting trees on their property. And a specific, you're putting a condition through a broader community plan on a specific property like this.

Designate all lands, and I, within the coastline Open Space, with the exception of existing appropriate designated urban areas. I understand that may be the one, the one proposal that, or amendment that Mr. Hokama does see that there's a problem with.

"Prohibit the removal of plant material necessary for water recharge. Plant material necessary for water recharge shall not be used as a source of landscape planting materials". That's assigned to the Department of Parks and Recreation. I don't know how we can get the Department of Parks and Recreation out to the island of Lanai to monitor people removing plants, or how they would regulate that. That's, that again, the difficulty of enforcing that is I don't see how the County can possibly do that without hiring ten more people, monitoring constantly.

Native plant species are, which are found on Lanai shall be, okay that is, shall be utilized for public and quasi-public facilities. That's assigned to the Mayor's Office. I would say that there are State facilities on the island as well. I don't think we're going to be able to tell the State what plants they can and cannot use.

Protect and, I covered that. Mr. Chairman, that pretty much covers it. The, I think the, and I see that Pam has some comments.

The problem is, is that you can put these things in a community plan, we are, as been said before today, we're so often accused of not doing anything with the plan. But, it says in the plan to prohibit the removal of plant material. I, you know, and so Mr. Spence, you're not doing your job. Well, I'm sorry it's not my responsibility to do that. I don't have staff. I don't have a program in place. We're going to have to go in for additional budget and additional people. And at the expense of actually having to do these things, it's going to be huge. We have enough stuff to do without policing whether people are removing plants for water recharge or not.

To me, these are unenforceable, they're unrealistic. And so much of the time, we have these plans that have these unrealistic actions in them, and then we're accused of not doing anything with the plans. So, I request that these be removed.

PLANNING PROGRAM ADMINISTRATOR PAM EATON: Chair, could I just--

CHAIR WHITE: Ms. Eaton.

PLANNING PROGRAM ADMINISTRATOR EATON: Thank you very much. We really appreciate you guys giving us the opportunity. And I want to address a comment that Councilmember Crivello made, which I think is a very, very good question. And that is, what would be the harm? What would be the harm? And I, I, I can appreciate that Councilmember Hokama is trying to appease certain members of his constituency. I, I appreciate that.

Here's what the harm is. The harm is that when you put in these amendments, they have little to no meaning; that's the harm. And it waters down all the integrity behind the true meaning of the plan. So, the question is you're sort of teeing up for the remaining community plans to put language, lots of language in there that the County cannot implement. So essentially what's happening is not only is the Planning Department, but as Will vocalized, there's other departments that are basically being teed up for failure. So again, and again, and again we get criticized for not implementing these community plans; that's the harm.

I think, I think Councilmember Crivello had a very, very good question. And I am very appreciative and understand Councilmember Hokama's concerns about trying to appease certain members of a, of his constituency. Moving forward, though, this is a critical issue. This is where many of these special interest groups, and stakeholders, and individual members of the community are angry and frustrated, and there's this broken trust because we are not implementing these community plans. How can we? How can we when there's actions put in and we do not have the authority to implement?

So that's, that's really my, my primary concern in moving forward, is, is how can you implement community plans, or move forward? Or, how can they have meaning when there's language and amendments put in that cannot be addressed and cannot be implemented? Thank you.

CHAIR WHITE: Members, questions for the Department?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Thank you for having them up. I have a simple question that might not be a simple answer. But, we've had two conflicting testimonies that say that these items were discussed at the CPAC and Lanai Planning Commission level, and some that said not really they weren't discussed. Can you tell me whether or not all of these issues were discussed?

PLANNER MARY JORGENSEN: Yes, thank you. Mary Jorgensen. All of these issues were discussed at the CPAC, or the Planning Commission, or at your Planning Committee. There was a question by a community member about the airport as to whether that was discussed as the way it is in, in terms of the extension. And during the CPAC, the proposal was for two runways. And so the, any kind of extension was not an issue. The new runway was going to go in the opposite direction.

It wasn't until the Planning Commission discussed the airport when it came back, that the FAA was saying with the, the design of plans and the existing runway that you could accommodate, the, the airport could accommodate the planes that were needed to bring the people to the airport. And they, and the shorter runway would work.

And so, at that time, the Planning Commission went into an extensive discussion about the airport, what was needed. They looked at what was in the '98 plan and they made just a, a fraction of, I think it's about five-acres along Miki Road. And then within the existing footprint, they had a 500-foot extension. But there was, so it wasn't that that language wasn't known. All the, all the community members knew that the '98 plan was there, and that language, they went over it, and had the opportunity to discuss it.

And same with all this about the planting material. The existing, the changes that the, that the committee's made were to broaden, and it, to include non-native plant material to be used in an effort to conserve native plant material. And that, because most of the native plant material is up in a very wet area. Bringing it down to where there's a dryer climate, it's in, it's not appropriate. So they, they understood that, the people there, that, that you don't, you want to use non-native species in many cases. And, but you want them to be non-invasive species as well. And they discussed that. So, there's a number they discussed, how to control that as it came in through the harbor or the airports. They discussed all of these that are in here, in depth. They had ample opportunity to discuss them.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. First, I would like to say, the amendments, the concerns that Mr. Spence brings up, and I appreciate his perspective, is already part of the existing plan. So, it's in the plan. It's not a consideration. It has been decided and it is our policy currently. Those amendments are in the current plan.

What I expected from the Department, if there was concerns, was to tell them if this was still an important component of the plan that needs to move forward in the new revised plan, what would be the recommendation to revise it to make it more appropriate? I find it interesting that they're, they chose rather just to eliminate it.

Why do we have certain components? He brings up the trees and what not. Well, for Lanai, the Norfolk Cook Island Pine Trees is a critical identification. It's part of pine, or Pine Isle, the Pineapple Isle, the Pine Tree Isle. And why is Parks, because Parks has the Arborist. And under State law, what is the Arborist . . . potential designation of important trees, okay.

So, we look at, the community looked at it as part of what the State's responsibility, regarding special trees or historical trees needed. And part of the community believed that that was a key part of what is the true essence of Lanai since the pineapple, okay. So, we made decisions on what we thought was important as a statement of who we are.

Part of the plan is also to express the community's position on certain things. It's not necessarily needs to be part of an implementary or regulatory component. But, if we looked at, whether it be the FAA's, State of Hawaii DOT Airports, if they look at our plan, they know the community is not in support of going toward the city for runway extensions. You're going toward the mountain.

Isn't that one of the issues with Ho`olehua and the State airport there? There's a hill at one end of the airport, okay. It impacts ability of those carriers to fly certain types of aircraft to service the community of Molokai, okay. We're not there yet, but we got one mountain in line of the runway direction. So, it's a concern for us.

Like Spreckelsville, they have concerns of aircraft noise. So does our people. It's a statement of what we want considered before a decision is made, Chairman. That's part of the plan's purpose.

And, it's interesting to know, because I've been told by more than one individual on the island, we all can live with the current plan. I'm happy to live with the current plan for another ten years. Yea, I know certain things cannot be implemented, but it's the way it is. Even with this proposed plan, it's not going to happen unless the landowner cooperates and consents. So, so much for implementation, okay.

For those of us that have to live it, you know when it comes to a small fish bowl, not everybody wants to speak. When you know our history, what it was like prior to unions and the ability of worker's rights, you only had one voice, the owners. At least

now you have multiple voices; you have the landowners, you have some independent businessman, retirees, people who have built this island, worked it, die for it. My thing to all of you is I'm willing to die for my island, my district, literally die for it, okay. That's my commitment to my island and my community. I hope you folks have that same commitment and desire to make it better for us there.

But I can tell you this, this is going to come, be, I'm looking for something that will bring our community together, Chair. This is a part of what is splitting our community. I'm tired of this cycle right now, in this current cycle of issues and entities, finding ways to split our communities. This is not who we are as a people. We're a people who believe in ohana. After a family decision is made, you stick together as a family. You may not always agree, but that's why you argue before you make the call. But, the family should stick together once the decision is made.

And I find that, instead of bringing my community together, our people together from difference, what they unifying is they don't trust the Planning Department, no one listens to us, and they don't understand what is important to Lanai people. We understand the implementation issues. We understand the legal issues. But as you all know, Chairman, like we craft laws, sometimes it doesn't fit all, okay. So, I'm trying to find something that works for Lanai, because it is for Lanai. It may not work for Molokai, East Maui, and our island. And that's fine, because I would hope we would find the proper option and solution for those areas. And not say, well this is, or you did this for Lanai so you should do this for so and so district. I don't believe that.

I'm tired of this one-size fits all mentality. We are a unique County; multiple islands with multiple communities made up of different components and historical factors. I cherish those factors, because it has made us a stronger County, a stronger community.

And so for me, people, what the, I have proposed and you have already put in is not for consideration, Mr. Couch, is asking just to delete it. I don't want to go back to generics. What we have is specific as it relates to Lanai, okay. It's an expression of their desire on certain issues.

I may not agree with all of it, but I will support their right to have their expressions in their own community plan. Who is this plan for? Is it for the island and the community, or is this for Planning Department or for somebody else? Who is this plan for? Because if the community's happy with the plan because it's their product, it's what their desires are, it's their statement of where they want to be and who they are, I think we've achieved a goal.

Because I tell you now, I have no problem voting down the new version to keep the older, the current version. And that's how strong I feel about the current version. Yea, it's not perfect. It's maybe outdated in certain place. But, as a Member of this Council, I can initiate my own community plan amendments to rectify those areas and have it expedited. Lanai knows that. They're willing to consider it as a key option for us to keep the current plan. Or, we happy to wait until the Department figures out what it wants to do with the other eight districts and then come back to Lanai?

But, I can tell you now, Lanai is not going to go with Mr. Couch's motion currently. And if it passes, it ain't going to go with the plan. That's my understanding of our community there, Chairman.

CHAIR WHITE: Thank you.

Members, I'd like to limit this to questions for the Department. But, I'd like to give the Department an opportunity to respond to any portion of Mr. Hokama's comments.

PLANNING PROGRAM ADMINISTRATOR EATON: I, I guess I have a question as we do move forward, so it's important. I appreciate your comments about the challenges of one-size fits all. I certainly appreciate having gone through the Molokai community planning process. Uniqueness of not only the islands, but quite frankly every single community.

So then my question would be, what is the meaning of 2.80B? 2.80B is County legislation that we follow. We are simply doing our jobs following. It is very detailed, very spelled out in terms of process, in terms of the community having an opportunity to weigh in, in terms of the selection of the CPAC members, and in terms of the actual substance of what needs to be in these community plans.

So now, my question is, so what is the role of 2.80B, which by the way was passed and implemented by the Council?

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, that is a great question from the Department, and hallelujah they asked it. Thank you, Pam. That's a great question.

The current ordinances was an attempt to rectify the previous ordinance. If you, if those Members who are sitting here recall that, right? We tried to make an improvement. I was part of that Council, Chairman. I will agree, that was a bad call. So, part of this current process definitely tells me we got to amend that Chapter, part of the Code, again, because it doesn't work.

Mr. Couch has already, I think, put in an item in Committee to have that discussion, because I think we're all agreeing, with, as well as the community. Our attempt to make it better isn't working, okay. So, I don't have a problem revising it and trying something else, because it doesn't work the way the Code is currently.

So I appreciate that question. Because, my thing is we need your recommendations on how you think it should be revised. And we need to move forward and take that consideration, and make the appropriate adjustments, Chairman. I've got no problems with that. So, I appreciate question, because it has shown the weaknesses of the current ordinance. And I'm happy to make those revisions, Chairman. Thank you.

CHAIR WHITE: Further questions for the Department?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, and thank you for that question as well. And I'll be looking forward to your proposed changes, sooner rather than later I would think.

When you mentioned that this "cannot be enforced or implemented", and you hear Mr. Hokama say that we're okay with that, why is that an issue with you in that, you know, yea, we can't tell the FAA what to do. They, they can do whatever they want. They can look at the thing and say, oh the community would like not to do this but too bad so sad, this is what's safe or what we feel is the most, that the best way to extend the runway, whether it's the other way or whatever. So, why do you have this issue with, if it can't be enforced and implemented, okay, that's just the community's desire?

PLANNING DIRECTOR: The, excuse me, Mr. Chairman.

CHAIR WHITE: Please proceed.

PLANNING DIRECTOR: During this whole process, and first off, I will say this plan, the way it came out of Committee, I think is highly representational of the Lanai community, as you know, a very small community.

The CPAC members are Blue Ginger friends with so many of the people on the Planning Commission. I mean, it's basically, what you have in front of us is a plan representational of all those discussions, and all those people, and all the sentiments.

And they went over line by line so much of this stuff, three or four times. So it's not, I don't know where the understanding comes from that the Planning Department is interfering with that, because this is their language, what's in front of, in front of the Council.

The, why it makes a difference that we can't implement things is what Pam has already said; that, that we get accused a lot of not implementing the plans. So, you say, Planning Department go prohibit the extension of the runway. I don't know how to do that. You know, the FAA will look at the, if they have to do something, they'll look at the community plan. But, we have so many things in all of our plans that we cannot implement like this. It's not the Planning Department's authority or responsibility to prohibit something.

And we could go down through all of these and say, how it's not the say so of Pulama to prohibit use of the high, high-level aquifer. That's a Commission on Water Resources Management thing. They are not going to implement this. It's a government agency that's going to lay down the law. A different one with that authority.

Throughout the process, as we went through each level, we made those clear distinctions. We made the distinctions. We have no authority, okay, so make it a policy. Make the, the FAA thing, the runway extension a policy, not assigned to any department who has no authority over it. But, just put it in so the FAA, if they ever look at this, and say okay that's what they want well, good or bad, whatever they decide.

One other comment, Mr. Chairman, we do have a--

COUNCILMEMBER HOKAMA: So, Chairman--

PLANNING DIRECTOR: --we do have a column.

COUNCILMEMBER HOKAMA: Mr., Mr. Spence.

CHAIR WHITE: Wait, wait, wait, let him.

COUNCILMEMBER HOKAMA: I'm sorry to interject. But, just let me ask you one quick question, then. Is your objections to the amendments that Council passed last meeting, is because it was, most of it was placed under an implementation action? And so you're saying if these amendments were adopted under a policy component instead, then you wouldn't have that much objections because it's a statement of the

community's desires as a policy, than an implementation requirement? Is that the basic objection, that we are, I've proposed it as an implementation action or as a policy?

I think that would help the Members.

PLANNING DIRECTOR: I think it would help if it, there were more policy statements rather than implementing actions.

The, I think, the other objection is there, so many of these things are already covered. We've said that, but in the table, not a matrix, that we proposed, that we included with our correspondence, there's a whole, there's a whole column that says where the particular item is already addressed. For instance, the native plant species on Lanai used for public and quasi-public facilities, there's Policies 10-2, 10-7, Action Item 10.5, that covers that kind of thing.

PLANNING PROGRAM ADMINISTRATOR EATON: One comment, I, I just like Will is saying, if you look at the matrix, I mean the table, and if you look at one, two, three, four, the fifth column. Because it was very important. I think, I think that the point and the position that Councilmember Hokama is being put in is these things need to be addressed in the plan. And they are. They're very important issues. And so, in our updating the plan, our intent is to try to come out with a plan where we can do what we can do.

We are not ignoring these issues, and so the reason for that column, why it was put in, was to show Councilmember Hokama, as well as those constituents, that and as they should know, they were involved in the discussions, that these specific things he brought up were, are actually, and we have it right here specifically, where they are contained as Policies, right down to the page number, and Action Items, when they appropriately can be an Action Item.

So I think that's a very good question, asking about that. And that is what staff tried to do in the Lanai plan, and we did it throughout the Molokai plan, is to put it in the appropriate language, which can be implemented. Because then, what follows is, all right who's going to implement it and how much? That's why these actions are so important. Because in the end of the, in the end of the plan, we also, by 2.80B, have to prioritize those actions. Let's give them some meaning. Assign a lead agency. And then, also a scope of where, a scope of time as well as the amount of money. That's what makes them real.

So, that's why they're important as to have implementation actions that mean something. So, what we tried to do in your specific amendments that you suggested is to show where they were addressed in the plan, that they were not being ignored, but they are already appropriately addressed in the plan.

CHAIR WHITE: It's the, the Chair's feeling that that is a important distinction. If you're comfortable with them being included as policy statements, because you know it, it is the, to some degree, the wishes of the community be heard in that manner.

You know, Members, it's 12 o'clock. I don't see us getting to quick resolution here. But, but I think that it might be--

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Wait, just let me finish. The, the Chair's tendency is to take a, a one-hour break for lunch, and come back at, at say one o'clock. But during that break, have the Department point out exactly where the, each of these implementing items are covered as policies in the plan.

And, is that something that you all would be comfortable doing in an hour, or do you need more time?

PLANNING DIRECTOR: Yea, shouldn't take, shouldn't take an hour.

CHAIR WHITE: Okay, Members are you--

COUNCILMEMBER COUCH: And Mr. Chair, I'm, I would be happy to change my amendment or withdraw it and change it to putting that stuff into policy, so, but--

CHAIR WHITE: But, I want to be sure, before we do anything, I want to be sure that the implementing items that are covered in this, this table are in fact covered in the plan. And so, I'd like to take that time, unless there are objections.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yea, Mr. Hokama.

COUNCILMEMBER HOKAMA: You know, I don't have a issue with the recess. I'm getting grouchier.

I need food. But, I will say this though, for my, our community, our island, I don't want to rush this because we already still have an existing plan. Whatever we do, we should be very deliberate, very thoughtful, very informed.

And so, what I would ask you and the Members to consider during the break is Mr. Couch has a reasonable extension that I had think I had proposed earlier. Why not make it till December and allow the Committee to do its job for the Council. Because, I think Mr. Couch is sincere that he would like to make this plan work.

And so I don't have a problem with us considering extending the deadline, hearing comments from the Department and Mr. Hopper. I have, I will be willing to support some amendments to make those adjustments to form and legality, and go back and deal with the policy component instead of a implementation action.

But, I will tell you this, Chairman. There's reasons why we chose certain words, and why the word "prohibit" is a very important word in our community, okay. It is a very important word, in our plan, in our community, and how we look at things. So, are we looking at their, Department's comments? Because if anything waters it down, I will not be supportive. Thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Chair, I see that, you know, we want to do some work on this, and I think I'm hearing a compromise that I really like. I think the difference between policy and implementation is very clear. You know, all good strategic plans have: who's the party responsible, deadlines, and costs. And you know, this can't be done because we're talking about policies. We're not talking about implementing any actions.

CHAIR WHITE: Right.

COUNCILMEMBER BAISA: But, I really don't want to see this delayed until December. I think it's been too long already. I don't think that it's going to take reasonable people very long to sit down, work this out, and bring it back to us. December is a long way off. And for Mr. Victorino and I, you know, we're getting to the end of the, our thing here, and we'd certainly like to settle this, because we have extra, another community plan that'll be coming to us right after this. And I'd like to see some of this settled while I'm still here. Thank you.

CHAIR WHITE: Thank you. And the Chair agrees that we don't want to delay this if we can, if we can come to an agreement at this point.

So with that, Members, let's take a break until 1:15. Please be back and ready to go at 1:15. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:08 P.M., AND WAS RECONVENED AT 1:27 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will please come back to order.

And Members, as you will recall, we, we took a shorter recess over lunch, and asked the Planning Committee, or Planning Department, come back to with, with recommendations as to how the amendments could be addressed as policy statements as opposed to implementing actions.

So, Department, what can you share with us at this point?

PLANNING PROGRAM ADMINISTRATOR EATON: Yes, thank you, Chair. So, what you all have in front of you, this table. It's Friday. So, what we did, and I'm try, I want to make this clear with Councilmember Hokama, is we took each one of his amendments, in terms of trying to address his concerns and making them so that they are implementable in the community plan, and we can walk you with number one and right on through, using his language and the amendments, and having showing them either where they are already in the community plan as a policy or an action, or where we could put language in so that they could be implemented in the community plan. So, we're happy to walk you through.

And it's really only, if you're looking at the table, it's really only the first 12 actions, because then number 13 through 18 is just really reference, cross-referenced to an implementation table. So, it'll be 12 actions we could just walk through real quickly and show you how they're addressed, and how we dealt with the language.

CHAIR WHITE: Okay, please proceed.

PLANNING PROGRAM ADMINISTRATOR EATON: So, is that okay? Okay, great. So, the first one is basically, if we're all looking on page 1, this is already addressed as a policy. And so right now in the community plan that's before you today, Policies 10.2, or 10-2 and 10-7, and Action 10.5 addresses landscape planting comprehensively, including the use of native and non-native species.

And the language, basically is enhance, that is in the plan right now before you, "Enhance the landscape of Lanai City and the other settlement areas through the use of native or other appropriate landscaping, such as using non-invasive and drought-tolerant plants", which I believe gets to the concern with regard to water conservation and planting, and so forth. And, that's Policy 10-2. So, that's in the plan right now.

Any questions, or?

CHAIR WHITE: Okay, I think, yea, I'd like to take these one at a time and--

PLANNING PROGRAM ADMINISTRATOR EATON: Sure.

CHAIR WHITE: --and let the Members ask questions or make comments as we go. Any questions on this item?

Mr. Couch.

COUNCILMEMBER COUCH: So, I, I guess, Department, the, the recommended, if this was acceptable, then the recommended action for us would be to remove whatever amendment was made at the last meeting. Is that what you're saying?

PLANNING PROGRAM ADMINISTRATOR EATON: Yes, yes.

COUNCILMEMBER COUCH: Okay.

CHAIR WHITE: Okay, any other questions?

COUNCILMEMBER COUCH: And I guess the question would be, if it, if it satisfies the concerns of the community, of the Lanai folks.

PLANNING PROGRAM ADMINISTRATOR EATON: In this particular situation, we're showing where that language is in the plan. But as we go through this, we've tried to work with Councilmember Hokama's language to make it so that it could be in the plan, it could be implementable. But, in this we've shown, as you can see in the last column, Policy 10-2, and 10-7, and Action 10.5, how that specific concern is addressed in the plan right now. And that's one, by the way, we can go to, but that, that's just gives one verbatim example. But, we could read them verbatim in terms of what's already in the plan.

CHAIR WHITE: Okay. Mr. Hokama are you, are you comfortable with the answer and the wording that's already in the plan, for this particular item?

COUNCILMEMBER HOKAMA: I just find it interesting. And again, I appreciate the effort, don't get me wrong. Department thank you so much, and thank you for your explanation, Pam.

I just find it interesting, we say Lanai City and other settlement areas. What's a settlement?

PLANNING PROGRAM ADMINISTRATOR EATON: So, developed areas such as Manele, Koele, other areas that are developed, the future growth protected areas. So, it leaves the flexibility to address the, the existing areas that you see, as you mentioned, Lanai City. But then, also future areas as they are developed and settled.

COUNCILMEMBER HOKAMA: Would Club Lanai or Halepalaoa be considered a settlement?

PLANNING PROGRAM ADMINISTRATOR EATON: Well, no. And then that was taken--

COUNCILMEMBER HOKAMA: Cause they have a structure, they had a house there, they had operations there, commercial activities, they did improvements. So, is that, that's why I'm asking, does that, would be considered a settlement on our north shore?

CHAIR WHITE: Would it be considered a settlement if it was further developed?

PLANNING PROGRAM ADMINISTRATOR EATON: Yea, if, if it was further developed and, and you know, has such concerns, for example, with potential water recharger withdrawal, infrastructure, things like that that would turn it into more of an urban settled area, urbanized area.

COUNCILMEMBER HOKAMA: Okay. And again, I, I'm asking because I just want to be able to respond to the community if they ask me what about this area of the island.

PLANNING PROGRAM ADMINISTRATOR EATON: Okay.

COUNCILMEMBER HOKAMA: Is this being, is this going to be, encompass this under this type of language? And, again, I just want to be able to give a, as accurate a response to the community as possible.

Or, is a settlement, where there is, you still need to have a person or a body living in that area. Is that then a settlement? Cause this portion of Kaumalapau Harbor--

PLANNING PROGRAM ADMINISTRATOR EATON: Right.

COUNCILMEMBER HOKAMA: --it was a very active camp, with many, hundreds of residents came. Basically, you just have now, one prior residence with two people, at the beginning of the entry to the so-called Kaumalapau Harbor Camp. But, basically that camp is gone. There's still remnants of structures, but is that then considered a settlement area?

PLANNING PROGRAM ADMINISTRATOR EATON: If, if there's remnants of structures, I, Councilmember Hokama, I would say no. But if it was proposed for future development for a future area with growth, with full-time residential, or tourism, or that sort of thing, then I would say yes. So, that would be the difference between the two in terms of its use and proposed density.

COUNCILMEMBER HOKAMA: Okay. Cause, I don't want the community to misinterpret and then say, did we just allow them to develop in this area that we, we didn't want them to move forward in, because we are approving settlement areas? Again, I want this discussed, and have us be able to comment before I get those questions posed to me back home.

And, I think it'll help my colleagues on their districts when they come up to their turn.

PLANNING PROGRAM ADMINISTRATOR EATON: Would it be better to take out "settlement" and put in "developed"? Cause if that's, that's hitting your concern right, future developed areas?

COUNCILMEMBER HOKAMA: Well, I just wanted to be able to explain what a settlement area is.

PLANNING PROGRAM ADMINISTRATOR EATON: Well, maybe it's clearer to use the word "developed" as opposed to "settlement".

COUNCILMEMBER HOKAMA: No, no, and that's why, you know, I'm looking at you. You know, what was the intent of the term "settlement areas"? Cause I, you know, I'm not clear on it either.

PLANNING PROGRAM ADMINISTRATOR EATON: Okay.

COUNCILMEMBER HOKAMA: You know, I don't know if the Deputy has a, you know, some other comments, Ms. Chouteau you want to share. But, you know, I haven't seen too many places where we put the term "settlement areas" in our documents.

DEPUTY PLANNING DIRECTOR MICHELE MCLEAN: Again, this is language that has been in the plan. Our exercise during lunchtime was to try to match up your proposed amendment with language that was in there. We didn't go back and look into when that language was formulated and how that language came about. That wasn't what we were after at lunch time. So, looking at it now--

COUNCILMEMBER HOKAMA: Yea, and again, you know, I just, I just want us to have, be able to give guidance when asked the question. Because in Palawai Basin, we have old settlements from the pre-Mormon missionary components and whatnot, you know, the historical areas. That was a, at one time I guess, a settlement. So, are we still going to consider that, even if currently not in use in for that manner, a settlement area? I just need clarification, please.

CHAIR WHITE: But, you know, I'm not really terribly interested in getting into trying to define words that are already in the plan. You know, I understand that you want to be clear, but I think it's, for me, I'm interested in going through the, the various changes and making sure that the items are covered in the plan.

But, to try to go back and, and define words that are already in the plan, and I'm assuming understood by the, the Planning Commission and the Advisory Committee. You know, I think we've got a lot to cover, and I, I would prefer that that be, maybe, asked of the, the folks that were involved in doing the plan, cause we've got a, a number of these to get through, if you don't mind, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, you know, I appreciate your comments. Again, I will support your request, Chairman. But I will take all of these proposals back to Lanai before I make my determination on whether or not I'll vote for the plan or not. Thank you.

CHAIR WHITE: No, that, that's fair. So, let's move onto the second item.

PLANNING PROGRAM ADMINISTRATOR EATON: Okay, so the second item, essentially is addressing these, you know, as we discussed before, about alien species. So, what was proposed in the amendment, "Protect and enhance the island's native plant and animal species by prohibiting the importation of alien species".

So because, as the Director and others had testified earlier, that's not within the authority of the Planning Department as was discussed on the island. The way to address that is currently in the plan before you, and it's before you in Policy 3-11, then also in Actions 3.02 and 3.11, basically address the protection restoration of native species and the control of invasive species. And basically, what it says is "Encourage the State to adequately fund quarantine and inspection programs."

That's Policy 3-11, so it actually can be implemented, asking for funding. And "Work with the State to develop a quarantine and inspection process for imported plant species", and that's Action 3.11, and that's in the plan before you.

CHAIR WHITE: Okay. Members, questions on that one? Seeing none, okay, let's move to the next--

COUNCILMEMBER HOKAMA: One, one question quickly, Chair. You know, budgetarily, we put in a lot of money for invasive species through a County department. So, why wouldn't we look at that from one implementation action?

PLANNING PROGRAM ADMINISTRATOR EATON: And, and absolutely.

COUNCILMEMBER HOKAMA: Council, budget support.

PLANNING PROGRAM ADMINISTRATOR EATON: And this is consistent with that. This is, this is basically supporting your efforts through budget in doing that, and that's why we had that as an action item.

"Work with the State to develop a quarantine and inspection process." So, so absolutely right now, what is happening with various departments like you're talking about, there is a very vigorous program to deal with alien species and invasive species. But, the problem is the watershed partnerships, the Department of Water Supply, the OED, they can't deal with, or they can't, like the Director said earlier, they don't have any authority over quarantine.

So instead, to take that a step further, it's basically allowing the State, or allowing, you know, encouraging the State to work with the County to then target those species so that it can be implementing, stopping them from coming to Lanai, Molokai, and Maui, respectively.

COUNCILMEMBER HOKAMA: Why wouldn't the Planning Department, in the applications for permit approvals of developers' state that this is a policy and action that we're going to enforce. Which means when you landscape, you present your landscape plans, we're going to see.

Because on Lanai, I'm going to tell you now, I got toads and frogs we never had in my whole life, okay. Coqui frogs, what are all of these things doing on Lanai? We never had it before; no mongoose, nothing, and now we got all these invasives that I get complaints on all of the time, when we never had 'um. It came because of the development, and their landscaping products.

And it's going to cost this County more taxpayers money to take care of those issues that we could have had, maybe, an ability to stop or reduce. You know, I mean, again, this is something we got to live with on Lanai, and we don't like it.

CHAIR WHITE: So, are you recommending that we need to add an additional language to the policy?

COUNCILMEMBER HOKAMA: I would say, you know, I, I still think our Departments, because of their importance in approving permit applications, have the ability to implement certain policies, even if it's not an action or whatnot, by knowing that, eh, this is something that's important for this whole County; our battle with invasives. The hundreds and thousands, or up the millions we put forward to battle things that we should try and mitigate or prevent as best as possible.

For me, if we had the right standards, right language, I would have hoped we could've protected Lanai a lot better from this invasion of toads, frogs, coqui, everything you want to call it. We got, we got it in our small little fishbowl, microcosm of our environment of Lanai, and it sucks, because we know we not going to get the financial support to deal with it.

PLANNING PROGRAM ADMINISTRATOR EATON: So, Policy 3-11 and Action 3.11 addresses those specific points and concerns of Councilmember Hokama's. It calls for looking specifically at how invasive species affect, and in this particular case it's Lanai because it's a Lanai Community Plan, and then calls for funding and better implementation to address those concerns.

COUNCILMEMBER HOKAMA: Thank you, Pam.

CHAIR WHITE: Okay, so I think we've, we've covered that issue with the, that wording.

Number 3, and I'd, I would also like to point out that, you know, the coqui frogs come in, in pots that are not, we're not importing invasive plants, but they're coming in. And that's something, unfortunately that's Department of Ag as much as anything else. Okay, number 3.

PLANNING PROGRAM ADMINISTRATOR EATON: So, Actions 3 and 4 really can go together, or rather the, the amendments, which is dealing with water, and water allocation, and water conservation. And that is a very critical issue on Lanai, of course, with the lack of fog drip and so forth.

So essentially what was addressed under number 3, the alternative is because it's already addressed in Chapter 7, with water, under 7, 7-8, 7-10, and 7-11, which

addresses the concern of water resources and conservation issues. And what we're suggesting, suggesting is to change the word "prohibit" from "prohibit" to "discourage".

And, and the reason why the word "prohibit" is problematic is as passionate and as important as we think this is, and it doesn't take away from the importance is the actual prohibition and regulation of water use and water allocation is the Commission of Water Resources Management. But, it's still calling attention to the fact that this is a highly prioritized issue and should be addressed. So, we're not taking away the Chair's language, excuse me, the Councilmember's language. We're basically saying to make it more realistic, put in the word "discourage".

CHAIR WHITE: Okay. So, those, you've covered those in the policy statements, correct?

PLANNING PROGRAM ADMINISTRATOR EATON: Yes, Water Policy 7-8, 7-10, and 7-11.

CHAIR WHITE: Okay.

PLANNING PROGRAM ADMINISTRATOR EATON: And, that's for number 3 and number 4, both.

CHAIR WHITE: And moving onto number 5.

COUNCILMEMBER HOKAMA: Chairman, Chairman.

CHAIR WHITE: Yea, Mr. Hokama.

COUNCILMEMBER HOKAMA: On number 3, Department, if I understand my ordinances right, this is something the landowner agreed to, to get Koele and Manele project district approvals, okay. So, this is our standards of development also. This is not just a law, it's a standard. So, why would I be willing to change "prohibit" to "discourage"? That was part of the agreement to allow the development to go forward. They could do their golf courses, but they were not to touch high-level aquifer and potable water. They agreed to that.

PLANNING PROGRAM ADMINISTRATOR EATON: No, you're absolutely right.

Here, I'll have Michele --

DEPUTY PLANNING DIRECTOR: Yes, it is true. That is a, it's in the zoning. It is a condition of the zoning. And so, that, that's established by the zoning ordinance.

For the community plan, and that's for the project district, for the community plan though, that's much broader language, it's not specific to that one location.

COUNCILMEMBER HOKAMA: Well for the, our island, it's not going to matter anyplace where it is, we, our island is not going to agree to using potable water.

DEPUTY PLANNING DIRECTOR: If there is--

CHAIR WHITE: But, it sounds, it sounds to me like they can't use it currently.

DEPUTY PLANNING DIRECTOR: For the existing zoned, for the existing zoned golf course.

But, the community plan, you know, if, and with the community plan as it is now, that would be the only area where it would apply.

But, the community plan is forecast for a longer planning period. And should changes come about at that point, it would be a policy rather than a prohibition. Because, again, this is for the County to implement. These are County actions. And the, the water use on Lanai is not under the direct authority of the County. It's under the State, because it's a private water system.

COUNCILMEMBER HOKAMA: You know, Chair, that's part of the uniqueness of our island. We're just like the ping-pong ball; what is more convenient for the State or the County to say it's the other guy's job for certain things.

Well, for me, our community is clear. We know what we want. It's part of zoning conditions, because that's what the community wants. It should be part of the plan because that's what the community wants. And that's, to me, straight.

Just like how I got to say, Pulama Lanai was very conscientious in understanding the current plan. Because when they first put forth an application to allow helicopter operations from Manele and Koele, they're assuming the new language that's being proposed. Once they were made aware of the existing language, Pulama Lanai respectfully withdrew their application for Koele, because there's language of a prohibition of flying over the city. They understood that, the community understood it, and the, thank goodness the company was very respectful and withdrew their application because that is the island's policy and wishes. I don't see a problem why we cannot continue to put this type of language.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I think what I'm hearing the Department say is this is for potential future golf course irrigation, or just the two that are existing now? Oh, two, two and a half. Is the other one?

DEPUTY PLANNING DIRECTOR: The proposed--

COUNCILMEMBER HOKAMA: Chairman. I'm sorry, Michele. Chairman, I understand your point now. I'm happy to go through all of their proposals and then make my recommendation on deferral. Thank you.

DEPUTY PLANNING DIRECTOR: The proposed amendment is not limited to any particular area on the island. The proposed amendment says "Prohibit the use of high level aquifer water for golf course irrigation purposes", or wait, excuse me. The current language says, "Support the use of recycled water for irrigation", and the proposed amendment would add, "and prohibit the use of potable water for golf course irrigation".

COUNCILMEMBER COUCH: Understood. So, you--

DEPUTY PLANNING DIRECTOR: And so that's island-wide.

COUNCILMEMBER COUCH: Island-wide. Okay.

DEPUTY PLANNING DIRECTOR: Right now, the golf courses have, are subject to their project district zoning.

COUNCILMEMBER COUCH: Right.

DEPUTY PLANNING DIRECTOR: Which prohibits, has, has the water restrictions in it.

COUNCILMEMBER COUCH: And, Mr. Chair, generally what the community plans are for is to guide this body, as well as the Planning Department, and as well as anybody else who wants to develop in that area, of what is requested by the community. So in my opinion, if the community says prohibit the use of potable water for golf course irrigation, that's telling the Council if there's another change in zoning somewhere else for a golf course, that Council has to put that condition in.

And I, I don't see anything wrong with that, but I, I would like to, the Department to kind of see if I, I mean, if I'm thinking in the wrong direction there. But, I think this is giving guidance to us or whoever is going to be sitting at this Council, if there's another golf course that comes in. And if it says "prohibit", I don't, yea, they can enforce it, that's totally up to us at this point, or whoever sits here. When they get a

change in zoning for a golf course, it says in the community plan "prohibit", so you've got to put a condition in there to prohibit. So, then that would be directing Council, another Council what to do.

So, I think, I know I could live with that, only because of the way the community plan is, it works with Council and everybody else. But, correct me if I'm wrong on that.

DEPUTY PLANNING DIRECTOR: Okay. Well, let's just, crazy hypothetical. Some new water source is developed on Lanai, and a new golf course is proposed. If the language stays in as "prohibit", you would have to prohibit when that entitlement came in.

COUNCILMEMBER COUCH: Correct, unless you did a community plan amendment, which the community would be, if there's a new source of water, I think that they would be okay with that. Or if they're not okay with that, then that's, that's fine too. That's the way I would, what would interpret. I don't know if that's, I'm not the professional, so I would defer to them. But, I think the relationship between those two is important.

PLANNING PROGRAM ADMINISTRATOR EATON: I think the intent would be, you have, you have a great point in that. So, if another source of water is developed and you have a future golf course developed, what is important is for future Councils to understand that this type of water should not be used at golf courses, absolutely.

So, why not use the words "discourage" so then you don't have to do a community plan amendment? Because that still is, gets across the point that you, you should not be using this water, absolutely, on golf courses. It's in two project districts right now. But, for future development, I, I'm just saying, otherwise, you're right. You've got to go through, then, a future community plan amendment and, and so forth.

CHAIR WHITE: Okay, let's move on to the next item, 5.

PLANNING PROGRAM ADMINISTRATOR EATON: Okay. Response number 5. And again, this gets to our language problems. With the amendment regarding the Lanai Airport, currently in the plan before you, Transportation, Chapter 7, Transportation Policy 7-8, currently addresses airport improvements: "Support the improvement of the airport, including enhancement of the existing runway and possible addition of a second runway."

So, what we're, you know, to, to again, to work with the proposed amendments to try to make this work. What we're suggesting is put in, "Discourage the extension of Lanai Airport's runway in the direction of Lanai City. Discourage the aircraft flight patterns over Lanai City as a means of noise mitigation. Encourage other aircraft

noise mitigation measures such as the prohibition of late-night aircraft operations". Recognizing the fact that, of course, ultimately it is within the purview and authority of the FAA, but this is a really important concern to the community.

CHAIR WHITE: Okay, questions on this item?

COUNCILMEMBER HOKAMA: Chairman, just quickly. Enhancements of the airport requirements, and the extension of runway, I will say our people see this in two different ways. It's not the same thing. Enhancements, whether it be for navigational purposes, terminal security, parking, lighting, whatnot; we don't have an issue.

Extension to the, the existing city, yes, it is a top priority. And that is why we use strong words such as "prohibition". Thank you, Chairman.

CHAIR WHITE: My understanding is that, within the old footprint of the runway, there is enough, enough distance for them to provide additional safety for, for additional safety concerns.

But, any other questions or comments on this item?

Okay, moving to number 6.

PLANNING PROGRAM ADMINISTRATOR EATON: With regard to Planning Principles and Standards. So essentially, appendix, this gets to the language as you have before you on, I believe 5, page 9, 9-4. And it's a box, Land Use Planning Standards and Principles.

So, the concern here from the Planning Department is with regard to the specificity of the language. Generally speaking, Land Use Principles and Standards should be implemented island-wide. They should be more conceptual, more general, not targeting a specific property which is the concern.

So, what we're basically saying is it should stay as it already is, that in Appendix 9.3, and Appendix 9.3 states "No trees shall be removed in the, from the additional one-acre Hotel area behind Hotel Lanai, as identified as a portion, and it gives a tax map key number, because of hotel or related use." So, that was discussed, I know, at length. And we're saying to just leave it as it is of a, as a historical reference in Appendix 9.3, because of the concerns with the specificity in terms of what land use planning standards should be, and targeting a specific property.

CHAIR WHITE: Okay. Questions on this? Okay, so that seems to be well covered.

Number 7.

PLANNING PROGRAM ADMINISTRATOR EATON: This one is adding, again, speaking to Planning Principles and Standards. Right now, currently, it is in Chapter 9, Land Use Planning Principles and Standards, adding number 7.

What we're suggesting is that this should really be moved to Chapter 10. And again, it's taking your concerns, it's not getting rid of them, but it's putting them in Chapter 10 in the Urban and Rural Design Principles. And, it's a box that's on 10-3 and 10-4. So, it's moving it out of Land Use and putting it into, because it's more appropriate as an Urban Design, Urban Rural Design Principle; so moving it to Chapter 10 in the Design chapter.

COUNCILMEMBER HOKAMA: One technical question, Chairman, please.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: So Department, whether it's from my, our, my, our island or other districts, would this then take another enabling legislation to create the, the principles in an Urban and Rural Design component for Lanai? So I would need to work on and have the Council adopt a ordinance. Because I think Mr. Couch and other Members would like to know if we need enabling legislation done.

DEPUTY PLANNING DIRECTOR: Not necessarily. The, the language already references the design guidelines for the Lanai City Country Town Business District. Those are in place now, and are proposed to be revised.

COUNCILMEMBER HOKAMA: Right, correct.

DEPUTY PLANNING DIRECTOR: They really do need to be revised. So, those are already codified.

If you were to look at other areas outside of the B-CT District, these standards can be imposed as you and Councilmember Couch have both referenced when those entitlements come before the Council. So, that would be implementing the community plan at the time, whether you restrict building height, or whether you put in--

COUNCILMEMBER HOKAMA: Okay, what if for existing developed areas? Like the current business around Dole Park's Seventh, Eighth Streets.

DEPUTY PLANNING DIRECTOR: They are subject to the existing B-CT Design guidelines.

COUNCILMEMBER HOKAMA: Okay. Because, I like this, the word you put, "apply appropriate development and design standards", because that was the issue with Corp. Counsel and the Department . . . upon guidelines. That's just a recommendation, doesn't need to be followed. And that's my experience, Chair.

And that is why I am very hard on certain words, because that was, is my experience. It's not a standard, it's not a law, dah, dah, dah, so.

DEPUTY PLANNING DIRECTOR: And actually the--

COUNCILMEMBER HOKAMA: Thank you for your thoughts, but it'll mean nothing to us as regulators or implementers.

DEPUTY PLANNING DIRECTOR: The recent changes that Council adopted to the Business Country Town District has new language about the design guidelines, saying that when there's a conflict between those and other parts of the Code, that the design guidelines prevail.

COUNCILMEMBER HOKAMA: For the specific areas.

DEPUTY PLANNING DIRECTOR: So, it puts it, it does give a lot more teeth to those. And maybe we should stop calling them design guidelines, and maybe call them standards instead, because they, they are specific. They're not just something to reach for. They're, they're requirements.

COUNCILMEMBER HOKAMA: Okay. Thank you, Director.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: So, just so I understand, the language is, you're asking to keep the same, just to move it in a different box?

DEPUTY PLANNING DIRECTOR: Correct.

COUNCILMEMBER COUCH: And I, I, I'm pretty sure, I would assume that that would be okay with Mr. Hokama.

COUNCILMEMBER HOKAMA: No, I, and again, that's why I'm just asking though, because this, they're saying standards. I'm just concerned whether, actually I need one more ordinance.

COUNCILMEMBER COUCH: Oh yea, yea. We already have that in the B-CT though.

COUNCILMEMBER HOKAMA: Yea, yea.

COUNCILMEMBER COUCH: Okay, thank you, Chair.

CHAIR WHITE: Okay, moving on to number 8.

PLANNING PROGRAM ADMINISTRATOR EATON: Okay. So, with number 8, the Land Use Policy, "Establish a fifty to one hundred year coastal erosion rate analysis". So, essentially what we're saying is, first of all, this has been addressed currently in the plan before you. It is addressed in Action 3.09.

And it's also addressed in Hazards, which is also very important in terms of the vulnerability of critical infrastructure. And so, it is currently addressed in Hazards, under Policy 4-7 and Action 4.10. And that's critical because it will therefore qualify for future funding from FEMA and other Federal agencies.

So, what we're saying is essentially to put it in, put in "Establish a coastal erosion rate analysis and develop an erosion-based shoreline setback".

DEPUTY PLANNING DIRECTOR: Chair, if I may. That is in line with the presentation that you just received from Tara. She's briefed the planning commissions, and she was able to brief the Planning Committee yesterday, about the new erosion-based studies that are going on, and the new setback formulas.

So, rather than fifty to one hundred years, because maybe a shorter period or a longer period would be justified by the analysis.

COUNCILMEMBER HOKAMA: Chairman. On this one, I would like to inform you and the Members that, and I've already had a chance to check with Chair Couch of the Committee, Mr. Wong as Corporation Counsel have, and I have discussed a potential amendment that addresses the concern from Mr. Hopper. And I believe we have a reasonable proposal at the appropriate time, Chairman.

So, thank you, Department, for this concern.

CHAIR WHITE: Okay, thank you.

So, does that take care of number 8? Okay. So moving on to number 9.

PLANNING PROGRAM ADMINISTRATOR EATON: With regard to number 9, so that gets to what Councilmember Hokama's discussed. And so what we're suggesting with regard to the project districts, because this is currently in ordinance in Title 19, is to put language in, specific language, that says "Implement Project District 1 (Manele) pursuant to Chapter 19.70, Maui County Code".

So, it's giving a specific reference point in the zoning ordinance, which addresses his concern.

COUNCILMEMBER HOKAMA: Okay.

PLANNING PROGRAM ADMINISTRATOR EATON: Great. Then, the next one--

COUNCILMEMBER HOKAMA: Koele.

PLANNING PROGRAM ADMINISTRATOR EATON: --is Koele. So, it's essentially the same thing, again, addressing your concern. But, it's actually putting it in here, you know, look at Maui County Code, Chapter 19.71.

COUNCILMEMBER HOKAMA: Thank you.

PLANNING PROGRAM ADMINISTRATOR EATON: Are we okay?

CHAIR WHITE: Any questions on that, Members?

Mr. Hokama, any concerns?

COUNCILMEMBER HOKAMA: No. So, I would ask the Department go straight to 12, cause number 11 is, basically, we've already touched that on the, the earlier item. And again, with Chair Couch and Mr. Wong's input, I'll be recommending a proposal for the Council. Thank you.

CHAIR WHITE: Okay.

PLANNING PROGRAM ADMINISTRATOR EATON: Okay. So, we'll jump to then, response number 12 on our table, page 3. And so this was with regard to Chapter 10 Urban Design. And what we're suggesting is, currently, and this is again a critical

issue, a very important issue that you're bringing up and the community's bringing up, and that is addressing the issue of watershed protection and water recharge.

So currently, that is in the plan in Action 7.02, which is the chapter on infrastructure specific to water. So, essentially Action 7.02 reads, which I think is important to hear because I, I'm hoping it gets to Councilmember Hokama's concern. Action 7.02 "Develop and implement a comprehensive watershed protection plan that would plant more trees and foliage on Lanai and other areas to maximize fog drip and recharge the aquifer".

Action 7.3, "Develop and continue to support public and quasi-public partnerships to protect and restore the island's watershed and maximize aquifer recharge".

So, what we're saying is, currently, and that's an, that does exist as actions, and so with regard to your removing plants and so forth, that particular language and being consistent with what you can implement, we're suggesting to add a new policy. So, add a new policy 7-12, which is on your page 7.5: "Discourage the removal of plant material necessary for water recharge. Plant material necessary for water recharge should not be used as a source of landscape planting materials".

So again, it's addressed, it's already addressed in two separate action items, so they can actually be implemented. And then we're trying to work with your language to put in as a policy.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Okay, any questions on that item?

Moving to number 13.

PLANNING PROGRAM ADMINISTRATOR EATON: And actually, I should have said 12 and 13. So, again 13 gets to that same issue about native plant species which are found on Lanai and should, should be utilized for public and quasi-public facilities, which are also addressed by using Chair, Councilmember Hokama's language and adding that new policy on 7, adding new policy 7-12. And then they are, that too is also addressed through Action 7.02 and Action 7.03.

CHAIR WHITE: Okay, any questions?

COUNCILMEMBER HOKAMA: And, Chairman, thank, I thank the Department for their recommendations at this time. And again, the community is aware, where appropriate, where appropriate, you know, because we do have all the very small

micro-climates. We do have small micro, but again Chairman, we, we take great pride because we believe we are one of the few islands left that has its own subspecies called the Hawaiian, Lanai Hawaiian Gardenia Plant left, that's still viable and we take very special care because, I malama that because it's a very rare sandalwood, the iliahi. So, you know, we, we take great pride that we have that unique resource of our old culture, and we wish to preserve it as best as we can. So, we appreciate the Department's support to think of the special types of local species. Thank you.

CHAIR WHITE: Okay. Moving onto the next.

PLANNING PROGRAM ADMINISTRATOR EATON: So for, just to remind the Council the format of the, of the community plan. Response numbers 14-18 now essentially gets to the earlier recommended amendments. So, this takes you to the actual implementation table. So, without getting too repetitive and too wordy, essentially what we're asking to do is to look at our responses we previously given.

And then number 18 I do have a comment on, but when you're ready.

CHAIR WHITE: Okay, is everybody clear on the items 14-17?

COUNCILMEMBER HOKAMA: Yea.

CHAIR WHITE: Okay.

COUNCILMEMBER COUCH: Just a real quick. So you're, you're suggesting the same response. For instance, let's see, number 17, Chapter 13 Implementation Monitoring, we "Prohibit the removal of plant material necessary for water recharge". And we go to 12 with, which already addresses that. So, you would ask that we remove this from the new implementation action?

PLANNING PROGRAM ADMINISTRATOR EATON: Right, because--

COUNCILMEMBER COUCH: Because it's addressed in, in response 12?

PLANNING PROGRAM ADMINISTRATOR EATON: Right. And so, Action 7.02 and 7.03, for example, will, will already be covered in that master table of implementation actions. It's just, it's a matter of being consistent.

COUNCILMEMBER COUCH: Understood. Thank you, Chair.

CHAIR WHITE: Okay, number 18.

PLANNING PROGRAM ADMINISTRATOR EATON: Okay, so for the final one, with regard to Historical Planning Standards, and this calls for the Land Use Standard 1.e, "No trees shall be removed from the one additional 1 acre Hotel area behind Hotel Lanai, identified as TMK 4-9-11: portion of 1, because of hotel or related use". So essentially, what we're recommending is that this just be retained, it be not put into where it was, but be retained as Standard 1.e. The language can be referenced as historical, but cannot be included in the updated plan's Planning Principles and Standards.

CHAIR WHITE: Okay. Questions on that?

Mr. Couch?

Mr. Hokama?

COUNCILMEMBER HOKAMA: Chairman, I, you know, I appreciate the Department's proposal and our community is aware. We have no issues with tree removal when it comes to public health and safety issues, especially with Lanai. We either have termite issues with our trees, at their age currently, or dry-rot issues. And, and so we understand the need for appropriate removal of trees for public health and safety purposes.

Again, what the community is trying to protect is that unique ambiance that our community has when you step off the plane, that first hit of the fresh wind at the airport as you're driving through the city and see all those matured Cook and Norfolk Pine Trees. It is part of what has made us the character of our community, and that is why they take great protection, if I can use that word, of our unique factors, Chairman. So, thank you.

CHAIR WHITE: So Members, I think it would be helpful if we could go, go down the list. And, and Mr. Hokama, if you could simply tell us which ones you agree that are, with the Department's actions, so we can get a few of these off the list and take the, so that we can craft a, a redraft of the bill by the next meeting.

PLANNING PROGRAM ADMINISTRATOR EATON: I, I just have one, cause it gets to, it gets to your point, and I'm sorry. I was furiously looking in the plan, and that is with regard to the trees, and understanding and wanting to keep that character, which is very important.

In Chapter 10, because it is, it's very important to keep it in and to recognize that. In Chapter 10, under Urban Design, policy number 7, it just, it does say "Encourage the

planting of suitable tree, street tree species in new and existing areas; encourage the replacement of Cook Pines, if appropriate". Sorry, I didn't mean to interrupt.

CHAIR WHITE: No, that's fine.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you for your question. And I appreciate the, your openness, Chairman. And I first want to thank the Department for their recommendations this afternoon.

I'll be real upfront with all of you, my fellow colleagues. I am, my plan is I would ask you to defer this today. I would like to take this home over the weekend, allow my community to give some comment, and then be able to work with Mr. Couch, or whoever is appropriate, with Mr. Wong and the Department, to be able to come up with a proposal for final Council action at the next scheduled meeting, Chairman. I rather not make choices today, and then tomorrow when I'm home, be told that wasn't the right choice.

So, I will give them their opportunity to weigh in before I make my recommendations to Mr. Couch's Planning staff and Mr. Wong. But, I will be making proposals after hearing the comments from the Department to address some of their concerns, as well as Mr. Hopper's legal issue, which I am happy to address, even today if that's what the body wishes. But, I would like, I would hope we would just take it at one, at one time; a revised submittal.

And, Chairman, this would be my understanding, and what I would say to our community is that even with this revisions that we may consider, it doesn't change the status of the bill. It will still be for second and final reading.

COUNCILMEMBER COUCH: Correct.

COUNCILMEMBER HOKAMA: It will not go back to first reading. As I understand our law, our regulations, our rules of operation and procedure, that is not so substantial that it requires to be referred back for first reading.

And so, I would just ask Mr. Wong if that is a accurate understanding of my part that I can communicate to my community, regarding the status of the legislation.

CORPORATION COUNSEL PATRICK WONG: If the matter's to be deferred, the answer would be yes.

COUNCILMEMBER HOKAMA: And then even with this type of potential amendments to take care of the concerns from Department and others. We've already discussed most of this in previous meetings. Some of it has been taken out of the proposals and whatnot. So, my, my question to you is more if we make these adjustments, as some of these recommendations are, it doesn't need to go back for a first reading approval.

CORPORATION COUNSEL: Correct.

COUNCILMEMBER HOKAMA: Okay. I just wanted that to be clear, so all the Members and the community is understanding that upon this next meeting, potential, we can do second and final reading on the plan, Chairman. Thank you.

CHAIR WHITE: Thank you for bringing that up.

The Chair's intent is to have a vote at the next meeting, because I think we're close enough that we, I would ask you to take it back to the community and then Monday begin working with the Department, or staff and Mr. Couch, to come up with what the final language should look like. Because I think we made some good progress today.

And I think, I thank the Department for their flexibility and being willing to come back with, with explanations of where we can locate the, the action items in policy. And so--

COUNCILMEMBER COUCH: Mr. Chair.

CHAIR WHITE: Wait if I could--

COUNCILMEMBER COUCH: Okay.

CHAIR WHITE: --just finish up.

Mr. Hokama, I'd like you to commit to doing that work so that we can have the changes that you all agreed to put forth, so that they can be posted in time for the July 1 Council meeting. We'll take it up at that meeting.

And I would just want to be sure that we, we have an opportunity to post it so that everyone on Lanai can take a look at the recommended adjustments.

COUNCILMEMBER HOKAMA: Chairman, I am happy to make that commitment to you and my fellow colleagues, because I would like to get resolution on this also, Mr. Chairman, trust me, okay. The community wants final resolution on this.

CHAIR WHITE: I'm sure we're all in the same boat on that.

Mr. Couch.

COUNCILMEMBER COUCH: So, Mr. Chair, procedurally, I, I will withdraw my motion to amend just so we're clean.

CHAIR WHITE: Okay, so at the next meeting, we will, when we come to this item there is already a motion--

COUNCILMEMBER COUCH: There is already a motion to pass, yes.

CHAIR WHITE: --to pass. Okay.

Without objections, the Chair would recommend that we defer this until the next Council meeting.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay.

Mr. Clerk.

COUNCILMEMBER HOKAMA: Chairman, next regular scheduled Council meeting.

CHAIR WHITE: I'm, I, thank you for that correction, because we do have one on the 28th. So, this will be deferred to the July 1 Council meeting.

Mr. Clerk.

DEPUTY COUNTY CLERK: And, Mr. Chair, if there is, is it the direction of the Council to, to refer CC 16-105, or would the Council like to take action on that today?

COUNCILMEMBER COUCH: Refer. Defer that.

CHAIR WHITE: Defer that as well.

COUNCILMEMBER COUCH: Mr. Chair, I'm going to have to--

CHAIR WHITE: We may need to take action on--

COUNCILMEMBER COUCH: Yes.

CHAIR WHITE: --16-109.

COUNCILMEMBER COUCH: Yes. We ready, cause does he have to bring it up?

CHAIR WHITE: As long, as long as we have agreement that we're deferring Bill 67 for future action?

COUNCILMEMBER COUCH: Yup.

CHAIR WHITE: Okay, thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Does, can I ask the Clerk to bring up 16-109 please?

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 16-109

NO. 16-109 - DON COUCH, CHAIR, PLANNING COMMITTEE, (dated June 8, 2016)

Transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll for a waiver.

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, this matter relates to the Council's extension of the deadline to enact the Lanai Community Plan, which is currently June 30, 2016, therefore time is of the essence. And we need six Members to pass this; six affirmative.

CHAIR WHITE: Okay. Any discussion on the waiver, Members? Seeing none, all those in favor of the waiver please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO THE COUNTY COMMUNICATION 16-109, ENTITLED "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN", AND TO FILE COUNTY COMMUNICATION 16-109.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This resolution would extend until December 30, 2016, the deadline for the Council to approve the Lanai Community Plan. Hopefully we'll actually do it on July 1.

The extension until the end of the year will allow the Council time to complete the review of the plan. I urge support of this resolution.

CHAIR WHITE: Members, discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Very short, Chairman. I support the motion and I will do my darndest to try and get it done next month, because I prefer not to wait till end of the year also. So, thank you.

CHAIR WHITE: Here, here.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COUCH, CRIVELLO, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER COCHRAN AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-91.

Mr. Chair, there is no further business before the Council.

CHAIR WHITE: I want to thank all of you for a spirited discussion today. And with that, we are adjourned.

ADJOURNMENT

The regular meeting of June 17, 2016 was adjourned by the Chair at 2:19 p.m.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

160617/lks:jm

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

RECEIVED
2016 JUN 17 AM 7:48
OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
2016 JUN 14 PM 3:58
OFFICE OF THE MAYOR

RECEIVED
2016 JUN 14 PM 4:00
OFFICE OF THE COUNTY CLERK

June 14, 2016

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White, Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Acting Mayor 6/15/16 Date

Dear Chair White:

SUBJECT: BILL NO. 67 (2016) – A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDTAED LANAI COMMUNITY PLAN

This letter provides comments on the amendments adopted by the Council on June 3, 2016 at first reading of the above-referenced bill.

We would have appreciated being given the opportunity to review the amendments prior to the June 3rd meeting and would have been prepared to provide comments for your consideration prior to the amendments being adopted. Despite recent inappropriate and hurtful comments that have been made about the Planning Department's role with the community plans, the Charter of the County of Maui plainly states that the Planning Director "[serves] as the chief planning officer of the county and as the technical advisor to the mayor, council and planning commissions on all planning and related matters" (reference Section 8-8.3.2).

As such, attached is a table entitled "Planning Department Comments on the June 3, 2016 Amendments to Bill No. 67 (2016)." It provides our recommendation on each proposed amendment and additional comments with further detail.

Our primary concern is that most of the amendments cannot be enforced or implemented. Many assign responsibility where there is no authority; for example, the Planning Department does not have authority over the airport or harbors. As you know, we have endeavored with the Lanai Community Plan update, and with the other community plan updates that are in progress, to make them realistic, viable and implementable – unlike many plans in the past that were largely "wish lists" doomed to failure. We should learn from the past and not repeat what has been unsuccessful.

Another concern is that the amendments were not made available to the public prior to the June 3rd meeting, nor were they reviewed by your Planning Committee, the Lanai Planning Commission (LPC) or the Lanai Community Plan Advisory Committee (CPAC). During your Planning Committee's deliberations, members of the LPC and CPAC repeatedly testified against what they believed to be "secretive" amendments to the plan when such amendments were not reviewed by the LPC or CPAC; the community plan update process must be transparent. It was frankly shocking, then, that 14 pages of amendments could be adopted at first reading on June 3rd with virtually no discussion among the Council members and with no review whatsoever by your Planning Committee, LPC, CPAC, Planning Department or Corporation Counsel, let alone the general public. It is also our understanding that none of the Council members had ever seen any of the amendments prior to their last-minute distribution at the June 3rd meeting.

Community plans are meant to be updated to address the changing needs, demographics and issues faced by communities over time. It is also critical to provide an implementable community plan that can provide solutions in a manner that is realistic, transparent and viable. As such, we request your sincere and thoughtful consideration of this letter and the attached comments.

Sincerely, -

WILLIAM SPENCE
Planning Director

Attachment

xc: Michele McLean, Deputy Director (pdf w/att.)
Pamela Eaton, Planning Program Administrator (pdf w/att.)
Mary Jorgensen, Planner V (pdf w/att.)
Patrick Wong, Corporation Counsel (pdf w/att.)
Michael Hopper, Deputy Corporation Counsel (pdf w/att.)

WRS:MCM:PE:atw

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Planning Department Comments on the June 3, 2016 Amendments to Bill No. 67 (2016)

Response Number	Type of Amendment	Page	Adopted Amendment	Planning Department Recommendation	Comments
1	Added new action	3-7	Action 3.13 "Native plant species which are found on Lāna`i shall be utilized for public and quasi-public facilities."	Delete action. Policies 10-2 and 10-7 and Action 10.05 address landscape planting comprehensively, including use of native and non-invasive species.	Cannot be enforced or implemented. Planning Department does not regulate landscaping materials other than street and parking lot trees per the Maui County Planting Plan.
2	Added new action	3-7	Action 3.14 "Protect and enhance the island's native plant and animal species by prohibiting the importation of alien species."	Delete action. The protection and restoration of native species and control of invasive species is already addressed in Policy 3-11 and Actions 3.02 and 3.11.	Cannot be enforced or implemented. Planning Department does not have authority over alien species importation at harbors and airports.
3	Added new language	7-5	CH 7 Infrastructure and Utilities, Policy 10 "...and prohibit the use of potable water for golf course irrigation."	Delete language.	Cannot be enforced or implemented. The Commission on Water Resources Management has sole authority in determining water use and allocation.
4	Added new action	7-7	CH 7 Infrastructure and Utilities, Action 7.11 "Prohibit the use of high level aquifer water for golf course irrigation purposes, consistent with the Water Use and Development Plan for Lāna`i as provided for by law."	Delete action. Supporting use of recycled water for irrigation purposes is already addressed in Policy 7-10.	Cannot be enforced or implemented. Language "*provided for by law*" is problematic in that the Water Use and Development Plan is not a regulatory document; it is a guidance document used by CWRM in addressing issues of water resources allocation and use.
5	Added new language	7-22	CH 7 Infrastructure and Utilities, Policy 8, add "Prohibit the extension of Lāna`i Airport's runway in the direction of Lāna`i City. Prohibit aircraft flight patterns over Lāna`i City as a means of noise mitigation. Identify and implement other aircraft noise mitigation measures such as the prohibition of late-night aircraft operations."	Delete language. Alternative: replace "prohibit" with "discourage" and replace "identify and implement" with "encourage."	Cannot be enforced or implemented. Regulating airport runways and air traffic is under the authority of the Federal Aviation Administration and State Department of Transportation.

Response Number	Type of Amendment	Page	Adopted Amendment	Planning Department Recommendation	Comments
6	Added new Planning Principles and Standards	9-4	CH 9 Land Use, Land Use Planning Principles and Standards, add "6. Prohibit tree removal from a portion of the Hotel Lāna`i site. No trees shall be removed from the additional one acre Hotel area behind Hotel Lāna`i identified as a portion of tax map key (2) 4-9-011:001, because of hotel or related use."	Delete language.	Cannot be enforced or implemented. The County cannot restrict a private property owner from removing trees. The intention of Planning Principles and Standards is to provide general guidance for sound planning, not target a specific private property.
7	Added new Planning Principles and Standards	9-4	CH 9 Land Use, Land Use Planning Principles and Standards, add "7. Apply appropriate development and design standards...."	Delete language.	The intention of Planning Principles and Standards is to provide general guidance for sound planning, not target a specific private property. Specifically, the use of "story" is no longer used; the BCT design standards do not apply to heavy industrial areas
8	Added new policy	9-12	CH 9 Land Use Policy 13 "Establish a fifty to one hundred year coastal erosion rate analysis."	Delete policy. Action 3.09 states "Revise the Special Management Area (SMA) boundary and make changes as necessary to comply with the objectives and policies defined in Section 205A-2, HRS." Also addressed in Hazards Policy 4-7 and Action 4.10.	Proposed language is vague and does not include how the data from the analysis would be used, or for what purpose.
9	Added new policy	9-12	CH 9 Land Use, Policy 14. "The total area within Project District 1 (Manele) shall be approximately 868 acres..."	Delete policy.	The Manele project district ordinance was adopted by Council in 1986, with amendments being adopted in 1992, 1995 and 1998. These would have to be reviewed along with the proposed language to ensure consistency and prevent non-conformities.

Response Number	Type of Amendment	Page	Adopted Amendment	Planning Department Recommendation	Comments
10	Added new policy	9-13	CH 9 Land Use, Policy 15. "Continued implementation of Project District 2 (Ko`ele) shall be based on the following requirements..."	Delete policy.	The Ko`ele project district ordinance was adopted by Council in 1986, with amendments being adopted in 1992, 1995 and 1996. These would have to be reviewed along with the proposed language to ensure consistency and prevent non-conformities.
11	Added new action	9-15	CH 9 Land Use, Action 9.08 "Designate all lands within the coastline Open Space, with the exception of existing and approximately..."	Delete action.	Cannot be enforced or implemented. The proposed action is not consistent with the proposed updated Land Use map and therefore creates a clear inconsistency and confusion. Also see County Communication No. 16-105 from the Department of the Corporation Counsel. Also see response #8 above.
12	Added new action	10-8	CH 10 Urban Design Action 10.07 "Prohibit the removal of plant material necessary for water recharge. Plant material necessary for water recharge shall not be used as a source of landscape planting materials."	Delete action. Watershed protection and water recharge are already addressed in Actions 7.02 and 7.03.	Cannot be enforced or implemented. The Department of Parks and Recreation does not have authority over plant material in areas necessary for water recharge. The County cannot restrict private property owners from their use of plant material.
13	Added new implementation action	13-9	CH 13 Implementation and Monitoring, Action 3-13 "Native plant species which are found in Lāna`i shall be utilized for public and quasi-public facilities."	Delete action.	See response #1 above.
14	Added new implementation action	13-9	CH 13 Implementation and Monitoring, Action 3-14, "Protect and enhance the island's native plant and animal species by prohibiting the importation of alien species."	Delete action.	See response #2 above.

Response Number	Type of Amendment	Page	Adopted Amendment	Planning Department Recommendation	Comments
15	Added new implementation action	13-17	CH 13 Implementation and Monitoring, Action 7-11, "Prohibit the use of high level aquifer water for golf course irrigation purposes consistent with the Water Use and Development Plan for Lāna`i as provided for by law."	Delete action.	See responses #3 and #4 above.
16	Added new implementation action	13-24	CH 9 Land Use, Action 9.08 "Designate all lands within the coastline Open Space, with the exception of existing and approximately..."	Delete action.	See response #11 above.
17	Added new implementation action	13-25	CH 13 Implementation and Monitoring, Action 10.07, "Prohibit the removal of plant material necessary for water recharge. Plant material necessary for water recharge shall not be used as a source of landscape planting materials."	Delete action.	See response #12 above.
18	Deleted Historical Planning Standard	A-19	Appendix 9.3 Historical Planning Standards , Land Use Standard 1.e "No trees shall be removed from the additional 1 acre Hotel area behind Hotel Lanai, identified as TMK 4-9-11:portion of 1, because of hotel or related use."	Land use Standard 1.e should be retained for historical purposes.	See response #6 above; this language can be referenced as historical only but not included in the updated plan's Planning Principles and Standards