M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

October 21, 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, OCTOBER 21, 2016, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, will you please call the roll.

COUNTY CLERK: Thank you, Mr. Chair.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS ROBERT CARROLL AND MICHAEL P. VICTORINO.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, seven Members present and two excused. Quorum is set to provide business for the Council today.

CHAIR WHITE: Thank you, Mr. Clerk.

And, Member Carroll is stuck in Hana or is on his way, but they've had some power outages and so he's, he'll be delayed for a while. So, we will forgo our opening remarks and have him provide those when he gets here, if he gets here before the meeting's over.

So with that, I would like to ask everyone to 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: Thank you. And before we move forward, please make sure your cellphones are placed on silent.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone 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 the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

And pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. And when testifying, please state your name, and the name of any organization you may represent.

Hana Office, please identify yourself and introduce your first testifier.

CHAIR WHITE: They have a power outage out there, so that may be the reason they're not responding.

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

Molokai Office, please introduce yourself, and introduce your first testifier.

Mr. Chair, we seem to have an issue with our communication at this time.

CHAIR WHITE: Let's proceed with testimony in the chambers, and maybe staff can reconnect the District Offices, if that can be done without interrupting testimony. Okay, so please call the first testifier and then.

COUNTY CLERK: Mr. Chair, the first testifier who have signed up to provide testimony in the chamber this morning, Cassandra Abdul, providing testimony on Bill 96 and 97, to be followed by Tom Blackburn-Rodriguez.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. CASSANDRA ABDUL [testifying on Bill 96 (2016) and Bill 97(2016)]:

Good morning, Chair White.

CHAIR WHITE: Good morning.

MS. ABDUL: --Councilmembers. Na Hale O Maui was created as a grassroots organization that became a non-profit entity "To secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County."

We support all efforts to develop affordable housing in Maui County. Our business model is based on a 99-year sustainable ground lease; renewable for another 99-year term. The home can be inherited by children or repurchased by Na Hale O Maui and sold to another income-qualified family.

CLT homes help families build and accumulate wealth. They may share up to approximately 25 to 50 percent of any appreciation. To date, two homeowners received more proceeds under our two-step resale formula than they originally invested in their home.

Na Hale O Maui updates and rehabilitates the homes before reselling them to a new income-qualified family at an affordable price. This reassures us that public funds invested in the CLT home today will act as a kind of perpetual endowment of Community Land Trust affordable housing, generation after generation, buyer after buyer.

We respectfully request your support to further Na Hale O Maui's program and contribute to Maui County's goal of delivering affordable housing solutions. Your favorable approval of Bill 96, awarding 660,000 from the Affordable Housing Fund,

will assist Na Hale O Maui with the vertical construction of Community Land Trust homes in the Kahoma workforce housing subdivision in Lahaina. This grant will be a catalyst, empowering Na Hale O Maui to deliver 12 new affordable homes in perpetuity for income-qualified families who work and/or live on the West Side.

Mahalo for your unwavering support of affordable housing and for the Na Hale O Maui's CLT model that provides affordability in perpetuity.

CHAIR WHITE: Thank you, Ms. Abdul.

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

MS. ABDUL: Thank you. I'd like to also testify on Bill 97, just briefly.

CHAIR WHITE: Oh please proceed.

MS. ABDUL: Okay. We need to use all of the tools that we have for affordable housing here in Maui. I know that no one organization can do it all, and no one way is the only way to accomplish our goals. I ask that you support and pass Bill 97 for Habitat for Humanity's 10 homes and lots in the same Kahoma subdivision.

Habitat serves a different income-qualified group than Na Hale does. But, together we can build 22 homes for families earning less than 120 percent of AMI. Mahalo for your support.

CHAIR WHITE: Thank you, Ms. Abdul.

Members, any need for clarification? Seeing none, appreciate your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Tom Blackburn-Rodriguez, consultant, testifying on Bill 96 and 97 on behalf of Go Maui, Hawaii.

MR. TOM BLACKBURN-RODRIGUEZ [testifying on Bill 96 (2016) and Bill 97 (2016)]:

Good morning, Mr. Chairman.

CHAIR WHITE: Good morning--

MR. BLACKBURN-RODRIGUEZ: --Members of the Council. Thank you very much for the opportunity to testify. I'm representing Go Maui. It's a nonpartisan, nonprofit, 501(c)(4) organization, focusing on issues of employment, housing, water, and other issues that may come up before the community.

We are in strong support of both Bills 96 and 97, Na Hale O Maui and Habitat for Humanity. And while I will be supporting both bills, I do not intend to take additional time beyond my three minutes, Mr. Chairman.

I simply want to thank yourself, the Council, Mr. Hokama, the members of the Administration, and also the folks in Housing and Human Concerns, for all the work that you put in in order to make this happen on this particular day.

Nonprofit development will not solve the problem. But it can, it can show the way with models that can be followed, and with pilot projects, and do that in a way that allows us to learn the lessons we need to learn in order to build affordable housing. Lessons that are being discussed in the TIG report, which I think is a major step forward.

I want to thank Member Cochran, and also Member Baisa, and Member Couch, for their work on doing that, as well as their staffs.

So in conclusion, we'd like to say that Go Maui really, really appreciates the fact that this Council will not walk away from this issue no matter how difficult it is, and how challenging it may become. Thank you very much. And we urge your support for both Na Hale O Maui and for Habitat for Humanity. Aloha.

CHAIR WHITE: Thank you very much.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. If I might have just a second of personal privilege. I'd like to wish Mr. Blackburn a happy birthday. Today is a birthday day here. We have him and Sandy.

MR. BLACKBURN-RODRIGUEZ: Thank you. And to my brother Sandy Baz, a very happy birthday. Aloha.

CHAIR WHITE: Thank you very much.

Members, any need for clarification of his testimony?

Seeing none, appreciate your offering your mana`o this morning.

MR. BLACKBURN-RODRIGUEZ: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the last individual who has signed up to testify in the chamber is Eric Romanchak, testifying on County Communication 16-249.

MR. ERIC ROMANCHAK, (testifying on County Communication No. 16-249):

Good morning--

CHAIR WHITE: Good morning.

MR. ROMANCHAK: --Council Chair Mr. White, fellow Councilmembers.

COUNCILMEMBER COUCH: Mr. Chair, can we get him to?

CHAIR WHITE: Yea, if you could please bring the mic a little closer to your--

MR. ROMANCHAK: Sorry. My name is Eric Romanchak. I am here as indicated, to briefly ask for this Council's support to forward the bill for an ordinance amending Section 14.13.065.

This is the matter that has been before the Council now for a couple of years. It relates to exemption from fire protection dealing with the Upcountry water meter list, a matter that has been before the Council. I know a number of times I've been in Council chambers when these issues have been discussed. I've been following this issue for probably 25 years, going back to the mid-1990's.

But this particular effort on the part of the Council, I think, is important. It does recognize that sometimes ordinances have such strict requirements to try to address issues countywide. And you come into situations as we have Upcountry that sometimes it just doesn't make sense. And the bill that was passed last year was a major step in the direction of recognizing that, I believe.

The, the matter that is at this time being asked to be forwarded to the Water Resource Committee I think is important, because the bill should be looked at, in my view of course, again. The idea here is that it, rather than being a exemption for two lots or less subdivision. Makes sense that it included what we would normally refer to three-lot subdivision. Something that has been going on Upcountry for years, have in the past been given certain exemptions recognizing the small subdivision sometimes are just overburdened by a very strict rule that applies countywide.

I think the Water Resource Committee should look at it again. See whether or not three lots or less makes sense as it did when you passed it for two lots or less. I think that was the original intent of the bill, as I remember from last year. And, thank you.

Addressing it again, I think is important. So I'm here simply to say pass it on to that Committee. Let them look at it again. See whether the bill needs to be tweaked in anyway. But, look at the benefit that it really does provide for those of us Upcountry that have so long been waiting for something that makes sense, and I believe this bill does. So, I would urge the Council to refer it to that Committee as soon as possible so that Committee can take a look at it and hopefully report back and move forward. Thank you.

CHAIR WHITE: Thank you, Mr. Romanchak.

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

MR. ROMANCHAK: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Sherman Dudley DePonte, testifying on County Communication 16-249. And Mr. DePonte will be followed by Dane Dingerson.

MR. SHERMAN DUDLEY DEPONTE (testifying on County Communication No. 16-249):

I'm Sherman Dudley DePonte from 17529 Haleakala Highway. I've been in front of the Council, in front of the boards, in front of everything. Eric has been here since 1990, I've been 1992. But, I've been doing land surveying, which I'm a professional land surveyor in this community for 41 years now.

And, and I keep butting heads with the Water Department, basically for the Upcountry people. At first it was basically for the Upcountry people. Now, I've hit home with my own. We need this fire protection looked at really seriously, because right now we have nothing. Councilmember Baisa helped push a bill that at least got us one water meter. So, the people Upcountry can at least do one, one extra lot, subdivision.

We're not asking for rezoning. What we're asking for is what is rightfully ours. We have been overlooked through the years. I feel that it is, you know, it's a shame for this County. We're part of this County. Upcountry people is a big part of this country, County, and country. We supply food, grow crops, we, we come out here as professionals and we do our work. We've tried praying, the red shirt, we've tried baking, we've tried begging, and we still haven't gotten what we needed for Upcountry.

This water bill makes sense because I, and I said it on one-hand. If you put ten fire hydrants in my, in my, on my property, right up against the house if you may, and let's, let's say that a fire breaks out. And ten with that 3.1 million that I have to put in, which I consider extortion, and a lot of people do also. But in any case, we put ten, give them more, the fire truck can't reach there. What happens to my house? Because it takes them 40 minutes to reach the, reach my house from a call. We've tested it. Okay, so 40 minutes, the house is down to the ground.

On my right hand, if we do private fire protection, sprinkler systems in the house, this one, when a fire goes off, it gets turned off. It, when you have a fire, it gets turned off almost immediately, already it's dousing; it's getting down. It just makes sense to me. This saves lives, this one won't. I mean, how do you save life in the ashes? This one does.

Councilmember Couch, you've followed up on the Fire Department. When you asked them how much of the fire would be out when they reach with the sprinkler system? They said, 90 percent. Ninety percent is better than zero. We need that. We can use that. Upcountry, we cannot go with the rules that we have down here in, in the city, because we have hills, we have mountains, we're, we're far away. We have roads that you can't reach us. And is this stopping me?

CHAIR WHITE: If you, if you need a minute to conclude, please continue.

MR. DEPONTE: Okay. But, in any case, we need bills that make sense. I wrote the, I wrote it from a professional point of view. I've interviewed professionals in the community. Fire protection professionals all went into this. What came out of this was one water meter that Councilmember Baisa finally got through.

We need more. The, I came in here and when they went down to the one water meter, I said I would yield because I'm looking for four lots for my, for my family. I can't get it. I'm going to get maybe one, maybe two, whatever extra. We need the, we need the second one. I was yielding to the two, three lots or less because that was in our codes before. We had three lots or less. It made sense.

You have two and a half kids. The . . . have kid, we no need. Anyway, the idea is it just makes sense to . . . for one more, one more water meter. But, I seriously ask Councilmembers to look at what, what we put into this--

COUNTY CLERK: Four minutes.

MR. DEPONTE: --what the professionals in our community put into this, and relook at it. And try to bring something better for Upcountry not only for the people on the water list, but for everyone. This is a community. This is for everyone. Not just for me, but for everyone. Thank you very much for your time. And I appreciate your efforts, and I, Councilmember Baisa and White, and everyone else for helping get this thing go through.

CHAIR WHITE: Thank you very much, Mr. DePonte.

Members, any need for clarification?

Seeing none, I appreciate your testimony this morning.

MR. DEPONTE: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Dane Dingerson, testifying on County Communication 16-249, to be followed by Rosemary Robbins.

MR. DANE DINGERSON (testifying on County Communication No. 16-249):

Good morning, Council. I appreciate the opportunity to speak to you. This is my first time every testifying, but this is something that's important to me. You know the affordable housing--

CHAIR WHITE: If you could just mention your name for the record.

MR. DINGERSON: Oh I'm sorry. My name is Dane Dingerson.

CHAIR WHITE: Thank you.

MR. DINGERSON: You know the, I think the affordable housing problem is a reflection of the housing problem. Maui has a shortage of housing everywhere. And, the small developers provide a portion of that, the big developers provide a bigger portion. This law restricts the small developer, and makes it harder for a person to, to develop a two or three lot housing division, excuse me, and the rule that it reflects on is important. And to a large developer, this is really essential. But, to a small person, I believe that allowing us to use alternate methods of fighting fires is going to be actually better, and it's going to bring more housing.

I've had a small two, three lot subdivision that's been waiting for a year, year and a half, it could wait longer. This just holds up housing, and I don't think it increases public safety. Thank you very much.

CHAIR WHITE: Thank you very much, Mr. Dingerson.

Members, any need for clarification?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Dingerson. Are you saying you don't support this bill that's going through?

MR. DINGERSON: I support the change from a two lot to three, which is what the bill refers to.

COUNCILMEMBER COUCH: Okay. Thank you.

CHAIR WHITE: Thank you very much for your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next individual is Rosemary Robbins, testifying on County Communication 16-249, and Bill No. 100.

MS. ROSEMARY ROBBINS [testifying on County Communication 16-249 and Bill 100 (2016)]:

Good morning, everybody. Rosemary Robbins, concerned citizen.

Bill 16-249 is a popular one on the agenda this morning, and rightfully so. I'd just like to mention that there's a lot of unrest in the community out there. Four items of the 26 items on our agenda today require executive meetings, meaning that folks in the community are barred from participating or attending these sessions. That's not a popular thing. I understand some of the reason for that. But, it seems to be a situation that's getting out of hand. Those meetings are for expenses to taxpayer settlements in cases filed against, not the taxpayers, but the people who have been appointed primarily within our government; not the people who were necessarily elected. Something's wrong with that in this government of, for, and by the people.

So, when we take a look at the 16-249 item on today's agenda, over on page 7. It talks about an ordinance amending Maui County Code relating to exemption from fire protection mainline infrastructure improvements for the Upcountry water system. We've heard good testimony this morning from that. We heard good testimony the other day in one of the other meetings where we were here. If somebody just wants to put in a bathroom in a house, it's the same thing as what's going to be held accountable for multi-units. It really isn't. So, I would ask us to be careful about that.

The other item that I would address this morning is Bill, excuse me, Bill No. 100. It's about crosswalks. Probably well-intentioned, many of the bills that get brought up before this Council. I have a particular one that I would like to thank for the situation in Makawao. We had security staff member at that library who got in touch with this body, and said there needed to be a very attractive crosswalk in the middle of, not the intersection of, a situation on Makawao Avenue. And you, thank you, came up to speak to her, that now has a flashing light, can't miss it, in terms of people crossing Makawao Ave., to be able to get across in safety without cars ripping through having just taken off from the intersection of Olinda. So, thank you for having responded to her. It's wonderful to see people with canes, with carriages, etc., safely walking across that road. And she and the rest of us who have born witness to that are very appreciative of the fact that you listened and acted, not just put it on an agenda for the future when the kids would be grown up and the senior with the cane would be dead. So, thank you for your timeliness on that.

I would also like to be able to draw attention to the fact from Maui Time that came out yesterday that talks about--

CHAIR WHITE: Ms. Robbins.

MS. ROBBINS: Yes.

CHAIR WHITE: You've testified on 16-249 and Bill 100. Are you testifying on a separate measure at this time?

MS. ROBBINS: No, I'm talking about what's driving this situation on all of these, is that we've got people who are appointed folks, not elected by the electorate, who are being aced out of opportunities to participate when commissions, including commissions but not just they, are saying but we're not going to handle this. And by the way, we're appointed on commissions. Wow, says the electorate. What happens to our voice up there? So all of this is tied into the fact that we've got people who are being left out. The neighborhood plans that are not going to be considered the way they were intended to be considered by the folks who live there. So, please don't let that continue as a process.

CHAIR WHITE: Okay. Thank you very much.

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

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals signed up to provide testimony in the Council chamber. If there is any additional individual in the Council chamber or in the District Offices who would wish to provide testimony, please identify yourself to the appropriate staff or proceed down to the lectern podium at this time.

Mr. Chair, for the District Offices, all three District Offices has no one wishing to provide testimony this morning.

CHAIR WHITE: Okay. Thank you very much.

Members, we have received written testimony. Without objections, we'll receive that into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Cassandra Abdul, Na Hale O Maui;
2. Pamela Tumpap, Maui Chamber of Commerce; and
3. Jim Smith.

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

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Public testimony is closed.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of September 2, 2016 and September 16, 2016 were presented at this time.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO APPROVE THE REGULAR COUNCIL MINUTES OF SEPTEMBER 2, AND SEPTEMBER 16 OF 2016.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Vice-Chair Guzman, and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Nothing further.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Members Carroll and Victorino.

Mr. Clerk.

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

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 16-157 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-138, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PARKS AND RECREATION, FISCAL YEAR 2017 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request the Clerk bring up all reports, including up to 162.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Please bring up the reports, Mr. Clerk.

COMMITTEE REPORT
NO. 16-158 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-139, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF TRANSPORTATION, FISCAL YEAR 2017 BUDGET," be ADOPTED.

COMMITTEE REPORT
NO. 16-159 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 103 (2016), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN AMENDMENT TO AN EXISTING INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII REGARDING FEDERAL AID PROJECTS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-212, from the Director of Public Works, be FILED.

COMMITTEE REPORT
NO. 16-160 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 104 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, DEPARTMENT OF MANAGEMENT, DEPARTMENT OF PARKS AND

RECREATION, DEPARTMENT OF POLICE, DEPARTMENT OF PUBLIC WORKS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-214, from the Budget Director, be FILED.

COMMITTEE REPORT
NO. 16-161 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 105 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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 THE PROSECUTING ATTORNEY (SPECIAL NEEDS ADVOCACY PROGRAM)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-197, from the Budget Director, be FILED.

COMMITTEE REPORT
NO. 16-162 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 106 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, WAIKAPU BASEYARDS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 107 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAPU BASEYARDS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

3. That Bill 108 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIKAPU BASEYARDS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 16-157 UP TO AND INCLUDING 16-162, WITH ITS COMMITTEE REPORT AND RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, quickly, most of these are housekeeping requirements to assist your departments in their operations.

I would just quickly make a comment on 162. This is funding to start the master planning of lands that the County has purchased within the Wailuku-Kahului area, more specifically in the Waikapu region. And again, nothing is definite. This is a master planning funding proposal that will allow us to see what could be placed within the lands owned by the County. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Members Carroll and Victorino.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, CR 16-157, RESOLUTION 16-138. Committee Report 16-158, RESOLUTION NO. 16-139. Committee Report 16-159, BILL 103 (2016). Committee Report 16-160, Mr. Chair, it's BILL 104 (2016). 161 is BILL NO. 105 (2016). And CR 16-162, these are BILLS 106, 107, 108.

CHAIR WHITE: Thank you, Mr. Clerk.

COMMITTEE REPORT
NO. 16-163 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-140, entitled "AUTHORIZING SETTLEMENT OF ROBERT LOW V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 8-15-00560," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF THE COMMITTEE OF THE WHOLE REPORT NO. 16-163.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION, CHAIR.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 7, 2016, to consider a request from the Department of Corporation Counsel to authorize the Department to settle a case read by the Clerk.

Deputy Corporation Counsel said the workers compensation case involved an injury sustained by a fire fighter on Molokai who was engaged in a training exercise at that time.

Following the executive meeting, your Committee voted 7-0 for recommendation of the adoption of this proposed resolution.

I ask for the Members support on this matter. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 16-164 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-141, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 2014-2034-10-0001 OF KAREN HUNTER," be ADOPTED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN REPORT 16-164.

COUNCILMEMBER CRIVELLO:

CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 7, 2016, to consider a request from the Department of Corporation regarding this authorization to settle this case.

The claim alleges that Ms. Hunter sustained injuries from a police vehicle which was operated by a County employee on July 2, 2014.

The Deputy Corporation Counsel further said that the police vehicle operated by the officer struck Ms. Hunter while she was in the crosswalk near the Longs Drugs in Kula. The officer was executing a left-hand turn and did not see Ms. Hunter.

Following an executive meeting, your Committee voted 7-0 recommending the adoption of the proposed resolution requesting that the Members support this motion. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record RESOLUTION 16-141.

COMMITTEE REPORT
NO. 16-165 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-142, entitled "AUTHORIZING SETTLEMENT OF A CHARGE OF DISCRIMINATION FILED WITH THE HAWAII CIVIL RIGHTS COMMISSION AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON MARCH 11, 2014; FEDERAL EMPLOYMENT PRACTICES AGENCY NO. M-16340; EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NO. 37B-2011-00145," be ADOPTED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN REPORT 16-165.

COUNCILMEMBER CRIVELLO:

CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 7, 2016, to consider this case which involves a settlement of the charge of discrimination filed with the Hawaii Civil Rights Commission and the Federal Equal Employment Opportunity Commission on March 11, 2014.

The Deputy Corporation Counsel advised, or at least discussed, that the case involved the charge of disability discrimination filed by a former County employee, and that the Hawaii Civil Rights Commission is taking the lead on this case.

Following executive meeting, your Committee voted 7-0 to recommend the adoption of this resolution.

I ask the Members for support on this reso, motion, sorry.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-142.

COMMITTEE REPORT
NO. 16-166 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 16-143, entitled "AUTHORIZING SETTLEMENT OF APRIL FREELAND, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 11-00617 ACK-KSC; NINTH CIRCUIT U.S. COURT OF APPEALS NO. 14-15014," be ADOPTED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-166.

COUNCILMEMBER CRIVELLO:

CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 7, 2016, to consider a request from the Department of Corporation Counsel to authorize settlement of this case that is related to an appeal read by the Clerk.

Your Committee notes that the Plaintiffs April Freeland and Norman Freeland allege unlawful seizure, unlawful arrest, unlawful search, inadequate supervision and training, false arrest, etc., regarding an incident that occurred on April 15, 2011, involving several police officers as well as naming the former police of, Chief of Police.

Your Committee further notes that the Council previously authorized indemnification of the individual Defendants by Resolution 13-41.

The Deputy Corporation Counsel also briefed the Committee on the overall case. She said that the case stems from a search warrant executed on April 5, 2011, at the residence of the Freelands'. The officers had a search warrant, but executed it on the wrong home.

Your Committee further notes that the only two remaining individual Defendants in the case are Officer Perkett and Bigoss, and request the resolution be revised accordingly.

Following an executive meeting, your Committee voted 7-0 to recommend adoption of the proposed resolution as revised.

I ask for the Members support of this motion. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I don't mean to correct the Chair of the Committee, but I did vote "no" on that; it was 6-1. But I will take what the Committee recommends. So, just wanted to, I want to do what the, follow what the Committee recommendation. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 16-143.

COMMITTEE REPORT
NO. 16-167 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That Resolution _____, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO BOYS & GIRLS CLUBS OF MAUI, INC. (HAIKU CLUBHOUSE)," be ADOPTED; and

2. That County Communication 16-170, from the Director of Parks and Recreation, be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-167.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 4, 2016, to consider the proposed resolution authorized by the Mayor to enter into a lease with the Boys & Girls Club of Maui, Inc., of Haiku Clubhouse, for a term of 30 years, to expire on June 30, 2046, for an annual rent of $1.

The Boys & Girls Club of Maui, Inc. has operated these programs since 2000 on a permit basis, serving over a hundred children daily, which many come from Haiku School to participate in the after-school activities.

The nonprofit intends to continue the use of the premises for a drop-in youth center for ages 9-17, with programs addressing character, leadership, education, career development, health, skill lifes *[sic]*, and arts, and fitness and recreation.

Pursuant to Section 3.36.090 of the Maui County Code, the Council may authorize, by resolution, the grant of the lease of the real property at less than fair market value.

The Director of Parks and Recreation said that the nonprofit provides a much-needed service in the Haiku community, and the Department fully supports the lease.

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

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I have to do a disclosure in that I am on the board of the Boys & Girls Clubs of Maui, and request that I be recused from this.

CHAIR WHITE: Your request is granted.

Any further discussion, Members?

COUNCILMEMBER HOKAMA: Chair.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. You know, I have a concern with, and I appreciate Mr. Couch's disclosure, I think that is very appropriate. And yet, it came out of Committee with Mr. Couch voting as a Director of the Board. So, one, I have a concern of the Committee's vote on whether or not it was appropriate to put Mr. Couch in that situation. But regardless on the ruling, whichever way you folks, you want to rule, Chairman.

My concern about this proposal, I understand the intent, I understand the mission of Boys & Girls Club, and I don't have an issue with that. What I am concerned about, cause it's happening on Lanai, is, does Boys & Girls Club have full use, cause I cannot read it in the terms, 24/7, of the areas that we leasing to them? Or does a portion go back for regular community use and needs during their non-hours of operation? Cause on Lanai, we have a concern of lack on facilities, and a lot of demand to use facilities.

So, I'm just wondering because it's not clear. I look at Exhibit "B", is it that whole portion that is under the term of this agreement? I would ask if Mr. Guzman can maybe help me get an understanding of, is it a portion of the community center or is it the whole complex of the community center that we are leasing to Boys & Girls Club?

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I'd like to take on the first matter on Mr. Couch's, I guess abstaining from voting at this stage. That is correct, we were at bare quorum at the time that this subject matter was brought forward in the EAR Committee.

I did ask several questions of Mr. Couch to, of his interest, and he had indicated that he had no other, you know, self-interest or individual-interest other than being on the board. And so, he had, I guess, believed, and I also believed that there was no conflict.

But at this stage, as it's coming out and on the floor, he has decided that there is a conflict, so therefore, I would, I would ask this, I guess, for your consent or at least permission to defer this back to the Committee for a proper vote on passing it through the Committee. Because it seems as though that without Mr. Couch's vote, if he believes that there was a conflict, then it definitely was not legitimately passed out of Committee. So, thank you.

CHAIR WHITE: Well, we deal with bare quorum every now and then. And so, let's take a brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:49 A.M., AND WAS RECONVENED AT 9:52 A.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBERS CARROLL, COCHRAN, CRIVELLO, AND VICTORINO EXCUSED.)

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Yes, thank you, Chair. I would request that this be recommitted to the Committee for further discussion, as well as a vote.

CHAIR WHITE: Do we need a vote on recommittal or?

COUNCILMEMBER HOKAMA: No objections.

CHAIR WHITE: Okay, you move to recommit?

COUNCILMEMBER COUCH: Mr. Chair, point of order. We have a motion on the floor to adopt the committee report at this point.

CHAIR WHITE: If you would withdraw your--

VICE-CHAIR GUZMAN:

CHAIR, I WOULD LIKE TO WITHDRAW THAT MOTION.

CHAIR WHITE: Thank you. So there's now a motion.

VICE-CHAIR GUZMAN:

YEA, I'D LIKE TO MOVE TO RECOMMIT THIS MATTER BACK TO THE EAR COMMITTEE.

COUNCILMEMBER HOKAMA:

SECOND.

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

Mr. Guzman.

(Councilmembers Cochran and Crivello returned to the meeting at 9:52 a.m.)

VICE-CHAIR GUZMAN: Thank you, Chair. I would like to request that the, at least ask the support of the Members so that we can re-evaluate some of the issues that had been brought forward by Mr. Hokama, as well as making sure that we have a legitimate vote that, that will actually pass this through without any conflicting votes or abstentions. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? All those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 16-168 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 16-144, entitled "AUTHORIZING AN AMENDMENT FOR AN EXTENSION OF A GRANT OF A LICENSE OF COUNTY REAL PROPERTY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLES QUICK CHARGERS AND LOCAL BATTERY UNITS," be ADOPTED; and

2. That County Communication 16-216, from the Economic Development Director, be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I WOULD MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-168.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 4, 2016, to consider the proposed resolution authorizing an extension of the grant of the license of County real property to Hitachi Advanced Clean Energy Corporation, to March 31, 2018.

In March 2015, the Council authorized the grant of a lease of County real property to Hitachi for the installation, operation, and maintenance of electric vehicle quick chargers and local battery units at the Haiku Community Center, Kihei Community Center, Lahaina Aquatic Center, and the County of Maui's Kalana building in Wailuku. The grant is part of the JUMPSmartMaui project – a pilot program and, that demonstrates a smart-grid technology and test how electric vehicles and stationary devices, including chargers and batteries, can stabilize Maui's electric power grid and support the use of higher levels of renewable energy on Maui.

The license agreement expired on March 31, 2016.

Pursuant to Section 3.36.090 of the Maui County Code, which requires the Council to approve any grant of a license of County real property at less than fair market value.

The County Energy Commissioner said the JUMPSmartMaui charging project has shown value to the grid, and the following phases will demonstrate virtual power plant design whereby vehicle contributes excess power back to the grid. He also said that the project has proven to be useful economic activity, bringing more than 700 clean vehicles to the County. And he added the Office of Economic Development supports the program.

I respectfully ask the, that the Council full support of this Committee recommendation. Thank you, Chair.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-144.

COMMITTEE REPORT
NO. 16-169 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-145, entitled "RELATING TO THE APPOINTMENT OF CARON GREEN TO THE LANAI PLANNING COMMISSION," be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request, without objection, that the Clerk bring up 16-170 too please?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objection. So ordered.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-170 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 16-146, entitled "APPROVING THE INSTALLATION OF SIRENS IN THE COUNTY OF MAUI RELATING TO THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM," be ADOPTED;

2. That Resolution 16-147, entitled "APPROVING THE INSTALLATION OF SIRENS IN THE COUNTY OF MAUI RELATING TO THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM," be ADOPTED;

3. That County Communication 16-135, from the Mayor, be FILED; and

4. That County Communication 16-189, from the Emergency Management Officer, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

MAY I, I MOVE THAT THE RECOMMENDATIONS OF COMMITTEE REPORT NO. 16-169 AND 16-170 BE ADOPTED.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Regarding 16-169, at its meeting of October 3, 2016, by a vote of 5-0, your Policy and Intergovernmental Affairs Committee recommended the adoption of a resolution entitled "RELATING TO THE APPOINTMENT OF CARON GREEN TO THE LANAI PLANNING COMMISSION".

Your Committee notes Council must approve or disapprove the nomination by November 13, 2016, or the nomination will be deemed approved.

In an interview with the Committee, Ms. Green stated that she is committed to attending Commission meetings and noted her recent relevant experience on the Lanai Community Plan Advisory Committee.

I respectfully request the Council's consideration of this motion.

Regarding 16-170, your Committee met on September 12, 2016, to consider two proposal, proposed resolutions to authorize the Mayor to enter into lease agreements with the State of Hawaii for the installation of emergency outdoor warning sirens at a total of 17 locations throughout the County.

Section 3.40.040(a)(3), Maui County Code, requires a lease of real property exceeding five years to any agency of the State government be authorized by the Council resolution.

The 17 sirens are solar-powered and include both upgrades and new installations. The sirens can be heard from a range of approximately 1.5 miles, and will add to much-needed emergency notification capabilities for the County.

The cost of the sirens and installation will be paid by the State.

I respectfully ask that the Members support both of these motions. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NOS. 16-145, 16-146, 16-147, respectively.

Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 16-238 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated September 23, 2016)

Transmitting 48 contracts/grants for August 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask that any Member make known at this time if they would please, any contracts or grants that they would like Budget and Finance to review, if they can make their request known at this time.

CHAIR WHITE: Members, any request?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Hokama.

YES, IF YOU DON'T MIND, I'D LIKE TO PULL CONTRACT NO. C6061, ROUNDABOUT DESIGN CONTRACT; AND ALSO C5530-4, CONTRACT FOR COVER MATERIAL TO CENTRAL MAUI LANDFILL.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Okay, any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Mr. Clerk, do you need the numbers read again?

COUNTY CLERK: No, we got it.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER HOKAMA: Okay.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

IF THERE BE NO FURTHER REQUEST BY THE MEMBERS, I'M GOING TO MAKE A MOTION THAT ALL CONTRACTS, EXCLUDING THOSE TWO AS REQUESTED BY MS. COCHRAN, AS WELL AS CONTRACT NO. WC0880, IAO SURFACE WATER; C5713-2, REGARDING SKATE PARKS DESIGN; C5867-1, COMPUTER SYSTEM SERVICES, OFFICE OF COUNCIL; WC0869, PROJECT MANAGER FOR WATER SUPPLY; WC0886, ORACLE CC&B CONVERSION UPGRADE WATER SUPPLY; C5857-2, ADMINISTRATIVE SERVICES

FROM THE COUNTY OFFICE OF AUDITOR. SO, THOSE WOULD BE REFERRED TO COMMITTEE, MEMBERS, ALL OTHERS TO BE FILED.

COUNCILMEMBER COCHRAN: No objections.

COUNCILMEMBER HOKAMA: I need a second please.

CHAIR WHITE: Yea.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Members, any further discussion?

COUNTY CLERK: Mr. Chair.

CHAIR WHITE: Yes.

COUNTY CLERK: For clarification purpose, all of those contracts pulled, is it all to be referred to BF.

COUNCILMEMBER HOKAMA: B and F.

CHAIR WHITE: Correct.

COUNTY CLERK: Including Ms. Cochran's?

CHAIR WHITE: Ms. Cochran, yours was to have your, those two referred to B and F as well?

COUNCILMEMBER COCHRAN: I, well, the roundabouts, I wanted to see if it'd be appropriate for IEM. And then the other was also a solid waste, perhaps issue. But either, so I'm not sure. I was thinking maybe they would be a fit into IEM.

CHAIR WHITE: I think it's appropriate if you want to have them go to IEM, and then if it's a financial issue, you can refer them to Mr. Hokama's.

COUNCILMEMBER COCHRAN: Take the financial components to BF?

CHAIR WHITE: Well no, I think we can refer it to your Committee for review. And then if there's a determination that there's action needed, then it can be referred onto Mr. Hokama's Committee for financial action if necessary.

COUNCILMEMBER COCHRAN: Yea, if that would be appropriate?

COUNCILMEMBER HOKAMA: That's fine.

COUNCILMEMBER COCHRAN: Okay.

COUNCILMEMBER HOKAMA: That's fine, Chairman.

COUNCILMEMBER COCHRAN: Yea, I'd prefer that please. Thank you.

CHAIR WHITE: Thank you.

COUNTY CLERK: Thank you, Mr. Chair.

CHAIR WHITE: So the first, the two that you mentioned will go to IEM--

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: --and the remainder will go to Budget and Finance. Okay, so ordered.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

NO. 16-239 - JEFFREY A. MURRAY, FIRE CHIEF,
(dated September 28, 2016)

Transmitting a notice of grant award from Department of Homeland Security, Assistance to Fire Fighters in the amount of $527,046.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE 16-239.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: The Fire Chief is, by requirements, notifying Council of a grant notice. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

NO. 16-240 - ALAN M. ARAKAWA, MAYOR,
(dated October 4, 2016)

Informing of the following vacancies:

1. Committee on the Status of Women, due to the resignation of Ana Sorote on October 4, 2016; and

2. Affirmative Action Advisory Council, due to the resignation of Diana Marie DeLouise on October 4, 2016.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION NO. 16-240.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This is just a letter informing the Council of the resignation of two people. And we just want to thank Ms. Sorote and Ms. DeLouise for their services to the County.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

NO. 16-241 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY, (dated October 6, 2016)

Transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending September 2016.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I MOVE TO FILE 16-241.

COUNCILMEMBER COUCH:

SECOND.

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

Ms. Baisa.

COUNCILMEMBER BAISA: These are just routine reports, Chair, and we'll file them. And if anyone wants to find them, they're available. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 16-242 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, (dated September 21, 2016)

Reporting on transfers from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of August 31, 2016.

The recommended action is that County Communication No. 16-242 be referred to the Budget and Finance Committee.

NO. 16-243 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, (dated September 28, 2016)

Informing that the detailed records and reports regarding County property for the period ending June 30, 2016, are available for inspection in the Department of Finance.

The recommended action is that County Communication No. 16-243 be referred to the Budget and Finance Committee.

NO. 16-244 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 10, 2016)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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 THE PROSECUTING ATTORNEY (HAWAII CRIMINAL JUSTICE DATA CENTER)"; and

2. A copy of the Memorandum of Agreement between the Department of the Prosecuting Attorney and the Hawaii Criminal Justice Data Center.

The recommended action is that County Communication No. 16-244 be referred to the Budget and Finance Committee.

NO. 16-245 - ROBERT CARROLL, COUNCILMEMBER,
(dated October 13, 2016)

Relating to including trash pickup fees in real property tax bills.

The recommended action is that County Communication No. 16-245 be referred to the Budget and Finance Committee.

NO. 16-246 - ROBERT CARROLL, COUNCILMEMBER,
(dated October 13, 2016)

Relating to residential refuse collection.

The recommended action is that County Communication No. 16-246 be referred to the Infrastructure and Environmental Management Committee.

NO. 16-247 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated September 21, 2016)

Relating to a Conditional Permit application filed by AAAAA Rent-A-Space, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING AAAAA RENT-A-SPACE - MAUI, A LIMITED PARTNERSHIP A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF A 29,900 SQUARE FOOT PAVED PARKING LOT FOR OFF-STREET STALLS AND PLACEMENT OF TEMPORARY PORTABLE SELF-STORAGE PODS, SMALL BOATS, AND VEHICLES WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 3560 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII", and related documents.

The recommended action is that County Communication No. 16-247 be referred to the Land Use Committee.

NO. 16-248 - ELLE COCHRAN, COUNCILMEMBER,
(dated October 13, 2016)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO RECOGNIZE NOVEMBER 28 AS LA KUOKOA, HAWAII'S INDEPENDENCE DAY".

The recommended action is that County Communication No. 16-248 be referred to the Policy and Intergovernmental Affairs Committee.

(See pages 43 and 44 for discussion.)

NO. 16-249 - MIKE WHITE, COUNCIL CHAIR,
(dated October 4, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.065, MAUI COUNTY CODE, RELATING TO EXEMPTION FROM FIRE PROTECTION MAINLINE INFRASTRUCTURE IMPROVEMENTS FOR THE UPCOUNTRY WATER SYSTEM".

The recommended action is that County Communication No. 16-249 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

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

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 16-248

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: For 16-248, I was going to do a Committee, waive the Rules to try and push this item out today due to time constraints on this particular item to get it to the State Leg. So, it's a reso to help support this effort to move up to the State Legislature.

CHAIR WHITE: To include in the Maui County package?

COUNCILMEMBER COCHRAN: Yea, and to include in our, which is time sensitive as well.

CHAIR WHITE: It's my understanding that Mr. Victorino has another bill that he's going to be considering in Committee as well.

COUNCILMEMBER COCHRAN: So to--

CHAIR WHITE: There may be time for that to take place.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Let's take a quick recess just to be sure.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:09 A.M., AND WAS RECONVENED AT 10:10 A.M., WITH ALL MEMBERS PRESENT; EXCEPT COUNCILMEMBERS CARROLL AND VICTORINO.)

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea okay, thank you, Chair. Yea, I just wanted to make sure I didn't miss the boat on this one. And, if the boat's still here, then okay we can refer it then. Thank you.

CHAIR WHITE: Okay, thank you.

Members any other objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing none, all those will be referred as read by the Clerk.

Mr. Clerk.

COUNTY CLERK: Thank you. Mr. Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO.___95___(2016)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017,
ANIMAL MANAGEMENT REVOLVING FUND

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask the Clerk, with no objections from the Members, to bring up Bill 96 and 97.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___96___(2016)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017,
AFFORDABLE HOUSING FUND,
NA HALE O MAUI KAHOMA PROJECT

ORDINANCE NO._____
BILL NO.___97___(2016)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017,
AFFORDABLE HOUSING FUND,
HABITAT FOR HUMANITY KAHOMA PROJECT

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS NO. 95, 96, 97 PASS SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, just a quick comment regarding the two bills regarding funding for what we call affordable housing. Your Committee did have discussions. There is still great interest that public funds be utilized for housing in perpetuity under affordability. And I look forward to the appropriate standing Committee to continue that discussion in the near future.

Other than that, your Committee has vetted the request, and we recommend final adoption this morning. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___98___(2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS FOR DOG RESTRAINTS, AND SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO PASS BILL 98 (2016) ON SECOND AND FINAL READING.

COUNCILMEMBER BAISA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Bill 98 amends Section 6.04.0101 *[sic]*, Maui County Code, by adding a new definition for a service dog as being the same as defined in the Americans with Disabilities Act.

It further amends Section 6.04.040, Maui County Code, by adding the following exemptions from the requirement that dog owners must restrain their dogs: dogs actively engaged in farming, agriculture activities, or ranching; and service dogs, where being under restraint interferes with the service dogs work of the individual's disability prevents them from placing the service dog under restraint.

I ask for the Council's full support for passage. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___99___(2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.050, MAUI COUNTY CODE, RELATING TO STOPS REQUIRED AT NON-THROUGH STREET INTERSECTIONS AT MIKIOI PLACE AND AKALA DRIVE, KIHEI, MAUI, HAWAII; AND LIMAHANA PLACE AND HINAU STREET, LAHAINA, MAUI, HAWAII

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 99 (2016) ON SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, Chair, if there's no objections, may I please request that the Clerk also bring up Bill 100?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

ORDINANCE NO._____
BILL NO.___100___(2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: I think you should withdraw your initial motion and make a new motion to include both bills.

COUNCILMEMBER COCHRAN: To include both 99, okay.

SO, I'LL WITHDRAW MY FIRST MOTION.

COUNCILMEMBER COUCH:

SECOND.

COUNCILMEMBER COCHRAN: With no objections from the seconder.

AND SO, I MOVE TO PASS BILLS 99 AND BILL 100 ON SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. I'll explain a little bit. Bill 99, and the purposes of the bill are to: 1) delete the stop requirement at Mikioi Place for vehicles traveling along Akala Drive, Kihei, Maui Hawaii; 2) establish a stop requirement at Limahana Place for vehicles entering from Hinau Street, Lahaina, Maui Hawaii.

And the bill will update the Code to reflect the traffic configuration at Mikioi and Akala implemented in 2014, from a two-way stop to a four-way stop.

The Department recommended removing the stop requirement on Hinau and adding a stop requirement on Limahana in the northbound direction to prevent traffic from Hinau backing up onto the Lower Honoapiilani Highway.

And Public Works Commission also voted unanimously to approve these proposed bills at its meeting on November 19, 2014.

On Bill 100, the purpose of this one is to establish a mid-block crosswalk fronting Kihei Holiday Resort, which is located at 483 South Kihei Road, approximately 1,525 feet south of Ohukai Road, Kihei, Maui, Hawaii.

And Public Works also unanimously recommended approval of this proposed bill at its meeting on December 16, 2015.

So, a crosswalk in this area is necessary to address traffic and safety concerns for pedestrians on South Kihei Road, allowing them to safely use the beach access located directly across the street, especially since the nearest crosswalk is located about 700-feet away on the north and south sides of Kihei Holiday Resort.

I please ask for Council's support on both these bills. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

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

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

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

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___101___(2016)

A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO PASS BILL NO. 101 (2016) ON SECOND AND FINAL READING?

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Bill 101 would allow transient vacation rental use in planned developments with residential zoning containing a combination of single-family and multi-family dwelling units. But would not allow the use in planned developments containing exclusively single-family dwelling units.

The Planning Director advised that the proposed bill will apply only to the Alaeloa development on the island of Maui. Alaeloa is a planned development containing a combination of single-family and multi-family dwelling units.

This would have gone through with the bill that passed the Puamana development, and, but at the request of Ms. Cochran, we pulled it out just to make sure that the folks there wanted it. And we did get a letter from the AOAO requesting that it be put back in.

So, I ask for the Council's support of my motion. Thank you.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. And yea, and that was the reasoning I had doubts the first time around. I, as people know my feelings about STR's, TVR's, what have you. But, in this particular area, it's a very secludedly built sort of contained, I guess development, and these types of uses are happening. And, so the, as Mr. Couch said, the association is in favor.

And so, and it only, the bill itself only reflects properties such as these, from 1981 and prior. So from here on out, it's not like going to allow a free for all for every other similarly built projects to be included in this. So, that's where I gain my support, making sure that it's strictly, only addresses that particular development at this time. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, and I, I neglected to mention that this was a grandfathering type thing, that they had been doing that for prior to all the laws and transient vacation rentals, and had asked to be included. Thank you.

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

COUNCILMEMBER COUCH: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER CRIVELLO: No.

CHAIR WHITE: Okay, we have, let's just do a roll call vote just to be certain.

Mr. Clerk.

COUNTY CLERK: Councilmember Robert Carroll.

CHAIR WHITE: EXCUSED.

COUNTY CLERK: Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: AYE.

COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

COUNTY CLERK: Councilmember Don Couch.

COUNCILMEMBER COUCH: AYE.

COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

COUNTY CLERK: Councilmember Don Guzman.

VICE-CHAIR GUZMAN: AYE.

COUNTY CLERK: Councilmember Mike P. Victorino.

CHAIR WHITE: EXCUSED.

COUNTY CLERK: Council Chair White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

NOES: COUNCILMEMBERS CRIVELLO AND HOKAMA.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

COUNTY CLERK: Mr. Chair, you have five "ayes", and two "noes".

CHAIR WHITE: Thank you, Mr. Clerk. Mr. Clerk. Oh, the measure passes, I'm sorry, measure passes; five "ayes", and two "noes", and two "excused".

Mr. Clerk.

COUNTY CLERK: Thank you, Mr. Chair. Chairman, there is no further business before the Council.

CHAIR WHITE: Members, would you like to remain in chambers until Mr. Carroll arrives to provide closing remarks, or shall we adjourn? Thank you. We will adjourn. Thank you all for being here.

ADJOURNMENT

The regular meeting of October 21, 2016 was adjourned by the Chair at 10:23 a.m.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

161021/lks:jm

Testimony - October 21, 2016 Maui County Council Bill No 96 (2016)

N Na Hale O Maui (NHOM) <cassandra@nahaleomaui.org>

Reply all

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Aloha, Chair White!
Thank you for bringing Bill 96 back for the second and final reading so quickly! We truly appreciate your support of affordable housing for Maui County.
Attached please find testimony from Na Hale O Maui. We look forward to seeing you again tomorrow morning.
Mahalo for your kokua,
Cassandra

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Cassandra J Leolani Abdul, RB-10162, CCIM, CPM
Executive Director
Na Hale O Maui Community Land Trust
190 N. Church Street
Wailuku, HI 96793
Office: (808) 244-6110
Direct: (808) 304-3533
Fax: (808) 244-6115
www.nahaleomaui.org

Changing lives, one home at a time.

Mission Statement: *"To secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County."*

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Nā Hale O Maui
A COMMUNITY LAND TRUST

October 21, 2016

Honorable Mike White, Chair
Maui County Council
200 High Street
Wailuku, Hawaii 96793

via: county.clerk@mauicounty.us

Subject: Bill 96 (2016) for an Ordinance Amending Appendix A of the Fiscal Year 2017 Budget for the County of Maui as it pertains to Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2017, Affordable Housing Fund, Na Hale O Maui Kahoma Project

Dear Chair White,

Housing and Land Enterprise of Maui, dba Na Hale O Maui was created as a grass roots organization that became a nonprofit 501(c) 3 entity "*To secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County.*" We support all efforts to develop affordable housing in Maui County.

The Na Hale O Maui Community Land Trust (CLT) model is based on a 99-year sustainable ground lease; renewable for an additional 99-year term. The home can be inherited by children or repurchased by NHOM and sold to an income-qualified family. CLT homes help families build and accumulate wealth. They may share up to approximately 25 – 50% of any appreciation. To date, two homeowners received more proceeds under the 2-step resale formula than they originally invested in their home. NHOM updates and rehabilitates the homes before selling to a new income-qualified family at an affordable price. This reassures us that public funds invested in a CLT home today will act as a kind of perpetual 'endowment' of Community Land Trust affordable housing, generation after generation, buyer after buyer.

We respectfully request your support to further Na Hale O Maui's program and contribute to Maui County's goal of delivering affordable housing solutions. Your favorable approval of Bill 96 (2016,) awarding $660,000 from the Affordable Housing Fund, will assist Na Hale O Maui with the vertical construction of Community Land Trust homes in the Kahoma workforce housing subdivision in Lahaina. This grant will be a catalyst, empowering Na Hale O Maui to deliver 12 new affordable homes in perpetuity for income-qualified families who work and/or live on the West Side.

Mahalo for you unwavering support of affordable housing and for Na Hale O Maui's CLT model that provides affordability in perpetuity.

Me ke aloha pumehana,

Cassandra J Leolani Abdul,
It's Executive Director

190 N. Church Street, P.O. Box 1829, Wailuku, HI 96793 • Ph. 808.244.6110 • Fax 808.244.6115 • www.nahaleomaui.org

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MAUI CHAMBER OF COMMERCE

OUR BUSINESS IS MAUI BUSINESS

TESTIMONY IN SUPPORT OF AAAAA RENT-A-SPACE'S CONDITIONAL PERMIT REQUEST FOR DEVELOPMENT AT 3560 LOWER HONOAPIILANI RD.
(No. 16-247)
October 21, 2016

Dear Chair White, Vice Chair Guzman &
Councilmembers,

Aloha and Mahalo for providing the opportunity to ring in on the bill regarding the conditional permit request from AAAAA Rent-A-Space to allow the development of a paved parking lot at 3560 Lower Honoapiilani Road. We previously lent our support on this matter to the Planning Commission and continue to lend our support as the County Council reviews this project.

We are writing in strong support of AAAAA Rent-A-Space's request to improve this parcel, which the company has leased from the State since 1986 and continues to lease, to provide additional amenities for the West Maui community.

Their proposed improvements help address community needs that have been expressed to AAAAA Rent-A-Space, including the need for additional parking at the retail center, resident's need for small boat and vehicle parking, and expanded storage areas.

It is our understanding that the State supports their development plan to provide 29,900 square feet paved parking for off-street stalls, space for small boat and vehicle parking, and the placement of temporary portable self-storage pods.

Therefore, we support and ask for your support of this project and request that AAAAA Rent-A-Space be granted a Conditional Permit for this development.

Mahalo for your consideration.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

95 Mahalani Street • Suite 22A •Wailuku • Hawaii •96793 • *t* 808-244-0081 • *f* 808-244-0083 • MauiChamber.com

TESTIMONY RELATED TO EAR COMMITTEE REPORT 16-167

Jim or Belinda <2jbhome@hawaiiantel.net>

Thu 10/20/2016 8:42 PM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha,

i have two concerns that I hope you will consider addressing and if necessary tabling action of adoption of the attached Resolution granting possession of a portion of the Haiku Community Center for a period of 30 years.

1. The Committee report contains no rationale for taking from the community a portion of its Community Center for a term other than the existing term. Did the mayor provide a justification other than perhaps legacy and a good feeling? I would ask that reasons be provided if they have not been.

2. Exhibit B is insufficient for me to identify the amount of the existing Center that will be taken from the Community; and it identifies that Paia can be reached by going in opposite directions on Hana Highway. It suggests that the Exhibit doesn't really matter

Mahalo, Jim Smith, 10_20_16.

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