M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

November 4, 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, NOVEMBER 4, 2016, BEGINNING AT 9:02 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, please call the roll.

ROLL CALL

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

EXCUSED: COUNCILMEMBERS S. STACY CRIVELLO AND MICHAEL P. VICTORINO.

(Councilmember Victorino was not present when the roll was called; however, he arrived at 9:04 a.m.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, right now we have seven Members present and two excused.

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

And for this morning's opening remarks, we have the remarks from Member Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

OPENING REMARKS

The opening remarks were offered by Councilmember Robert Carroll.

(Councilmember Victorino arrived at the meeting at 9:04 a.m.)

CHAIR WHITE: Thank you, Mr. Carroll. Good remarks for us all to remember, and get out to vote. If you haven't done so already, show up at the polls. And I believe we're open on the seventh floor until tomorrow afternoon.

So, and I'd like to recognize the presence of Member Victorino.

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR WHITE: Good morning.

Would you all 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 just a reminder to please turn off your noisemaking devices.

And Mr. Clerk, may we proceed.

COUNTY CLERK: Mr. Chair, proceeding with testimonies on resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 16-148

EXTENDING CONDOLENCES TO THE FAMILY
OF THE LATE MEYER MASATO UEOKA

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO PASS "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE MEYER MASATO UEOKA".

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. May I ask the Clerk to have the resolution read in its entirely please?

CHAIR WHITE: So ordered. Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr., Mr. Chair. You know, today, again, we recognized another great leader in Maui County's history. The distinguished services, as you can see here, extends throughout his life, especially his adult life. He also served in a time when America was in great straits and had great bias against American-Japanese ancestry. But, he came as a little man, and everyone knew Mr. Ueoka wasn't a very big man, but he had a big heart, and he had a big, big desire to make Maui County a better place for all of us.

I had the good fortune through the years to have worked with Mr. Ueoka, not only as part of the School Advisory Council, but on the Board of Education. He was a mentor. Whenever I needed help, advice, he was always open to stopping at his office in Wells Street right down here, and talking stories, and trying to give me some ideas on what I would have to endeavor in on the Board of Education, as well as the School Advisory Council.

He also was a very good family friend. He and his son, Ladd, and the rest of the family, was always a part of my family for legal matters, in friendship, and in other areas. But, he served this community, as well as my family, in so many ways that it would take the better part of this meeting to cover all the various areas for which he and his family was a part of here in Maui County. Another great leader has been lost, but not forgotten. Another great leader that helped form and shape what Maui County is all about today, and where we can go and look forward to tomorrow.

So it's, it's really with great honor that I'm able to bring this resolution forward. I know many in this room have had connections, and workings with the late Meyer Ueoka. But, I think the best way I can sum it up; his stature may have been small, but he was a giant man that casted a giant shadow. Like so many other great leaders of this community, left us in a better place. Left it better than they got it, so that we can continue that mantra; making Maui No Ka Oi.

I want to thank the Ueoka family for allowing me the opportunity to bring forth this resolution. Unfortunately, Mr. Chair, none of the family was able to attend today. However, I will make sure I personally take it to Mrs. Ueoka. They live right up here at Sandhills, and I will drop it off with your permission.

And, finally I'll say God bless you, we'll miss you. But, we will never forget what you have done to make Maui, and Maui County, and this State, a better place. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I knew Meyer a long time, and we did things together when he was on the Board of Education. He even came to Hana and worked with us, and School Advisory Council, and other things I was involved with, and other things in the community too. But the thing I remember about him most is he was fun. He was fun to be with. He had a sense of humor. And it was really, really lucky for me to have been his friend.

If I say anymore, I'm going to start choking up. So I will just say that we really miss him. He did so much for the community. I could spend some time over here telling you things he did that I doubt that people know about. But, he was really, really a terrific man. Aloha, Meyer.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I think they, at this point, we have to remember what Meyer Ueoka left behind, and especially in the legal profession. Most of the prominent attorneys had their beginnings and starts with the Ueoka firm.

And I had the great privilege of having a case with Meyer, and when he was age 86, and that, it was in Circuit Court. And, that case took about a year and a half. And going up against Meyer, you would think it would be a person that would have been a little slow on the draw, a little bit behind in his legal efficiencies. But, he litigated it well.

And I thought that he's going to, his thought processes when, when it comes to different type of legal theories was extraordinary. And so, I really appreciated that and I appreciated the fact that when the case was finished, we became very good friends. And I will always remember a lot of his stories that he gave me when the case is, was finished, and we laughed. So, I think he's one of those legal profession, professionals that will be very much missed, both within the bar as well as the community. So, thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion, Members?

I'll just say, I didn't have the honor of working with him, but I met him on many occasions. But, what I'll remember of him is seeing him walking up and down Wells Street, and always having, whenever he engaged anyone, just had a big warm smile. And, and I agree with Mr. Victorino that we've, we've lost a giant in Maui community. And he'll be missed, but certainly not forgotten.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And this, I know, I've heard a lot about him, and actually my mom has done a lot of business through Meyer Ueoka, and as a child going there to his building. So, I didn't really, you know, know what the business was, was, but my mom has always spoken highly of him. So my mom is at the age of 91 today. And I'm sure she would, if she was here today, she would be having some good words to say about him. So on behalf of her, and knowing that he

helped my mom in her business endeavors throughout the years, that she sends her condolences to the family, and the thanks to the work that he did with her.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes" and one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with 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 at 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 of the 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. When testifying, please state your name and the name of any organization you represent.

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

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Thank you.

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

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have two individuals who have signed up to provide testimony in the chamber. The first individual to provide testimony is Rosemary Robbins, who will be testifying on Committee Report 16-176, to be followed by Sheri Thorson.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS (testifying on Committee Report 16-176):

Good morning, everybody. I didn't know Mr. Ueoka. I gather that heaven is the richer for his being there. So, amen to that.

Would like to testify today. This is on page 4 of our agenda. And this has to do with, actually there's a whole pile sort of referrals galore down here today, which should give us great hope. I read the materials that back this up and the promises of what's to come are well laid out in that. So, the work that has been done to that, to this point in time is something that I find very encouraging.

Specifics, okay, so on page 4, when we look down at item number 5, a matter of relating to prioritizing County development of off-site infrastructure, especially water - where have we heard that before – sewer, and roadway improvements, to support housing and make it more affordable to reducing some of the costs that are involved at this point. So, water, got to do something about it. We've been hearing about it for years. Now, it's mapped out in here about some timeframes and some of the requirements to pull that off. So hooray.

Also, under that 5, I've got circled on my agenda, item 5, referral the matter of "one-stop-shop" at the new County service center, wherever that's going to be, someplace convenient I hope, central, for processing permits to your Policy and Intergovernmental Affairs Committee.

When I read through the materials, it talked about the situation of permit purgatory, was the term that they used in there. I've never applied for a permit, but apparently it has been a situation that has a glimpse of hope if it's purgatory and not hell. But you don't get to purgatory without having left some stuff undone as I understand. So, hooray for that. For all of you people who are waiting and have been waiting for too long for permits, take hope.

Also, on the same page, referring items that are lands to be used, hopefully, for lands that are not being used now to be applied to the affordable housing situation. And there's material in there from the State; from other states, California, predominately in there; also from other counties. So, comprehensive. And, and I'm just really appreciative of what went into making all of this happen.

And I would just like to close with the thought of, you know, when we talk about, as an educator, I, I bring this up with my children a lot, about the "w's". Anybody, little kids will say oh yeah that's that who, what, what's the rest of it, what's the rest of it? Yeah, and the rest of the kids will fill in for them.

My point is to do that the other way around. Why? For the well-being of the folks in Maui. What? Anything that we can do, we've got a lot of talent in here, let's use it. Use it within our people recruiting other folks to help. When? We're already playing catch-up ball, let's hasten that. The where. Remember we're a three county, four island setup here on Maui, in the middle of the Pacific. That's an advantage in some cases, and an extra challenge in others. And the why. Because it's the right thing to do. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins.

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, the next individual signed up to testify is Sheri Thorson, testifying on Committee Report 16-174, to be followed by Cassandra Abdul.

MS. SHERI THORSON (testifying on Committee Report 16-174):

Hello. I came here this morning to thank all the Councilmembers for--

COUNCILMEMBER VICTORINO: Can you introduce yourself? Chair.

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

MS. THORSON: Oh, I'm sorry.

CHAIR WHITE: No problem.

MS. THORSON: Sheri Thorson.

CHAIR WHITE: Thank you.

MS. THORSON: And I came here this morning to thank all the Councilmembers for their time, and Elle Cochran for introducing the ordinance. And, just for everyone's consideration in making Baby Beach safer for all of the children on Maui, and everyone that goes to Baby Beach.

Do I need to explain what, I think everyone here knows what the ordinance is about; parking on one-side of the street, so there isn't a problem with safety vehicles and children darting in and out.

CHAIR WHITE: You, you have time to explain if you feel you need to.

MS. THORSON: Well, I think everyone knows that. But, it can be a little dangerous down there when both sides of the street are parked on, because fire trucks cannot get down, and other vehicles have to stop and then all the traffic backs up and children darting around.

Last Sunday, when we came back from the Peter Pan play, and my granddaughters got out of the car and we're walking behind the car in the driveway, a car pulled in to let another car pass and she was standing right there. It was really frightening, because when there's cars parked on both sides of the street.

So, I just want to thank everyone for their consideration in making it safer. Thank you.

CHAIR WHITE: Thank you for your testimony.

MS. THORSON: Thank you.

CHAIR WHITE: Hold on just a moment.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry. Thank you, and good morning. Thank you for being here. And so just to, it's in regards to Kealakai Place in Paia, you're speaking about?

MS. THORSON: Yes, I'm sorry.

COUNCILMEMBER COCHRAN: Okay.

MS. THORSON: Kealakai and Baby Beach, that goes down to Baby Beach and Baby Beach parking lot.

COUNCILMEMBER COCHRAN: Right. Okay, very good. Thank you for being here this morning.

MS. THORSON: Thank you. Thank you.

CHAIR WHITE: Thank you.

Members, any other need for clarification?

Mr. Clerk, proceed.

COUNTY CLERK: Next testifier is Cassandra Abdul, Executive Director, testifying on Committee Report 16-176, on behalf of Na Hale O Maui.

MS. CASSANDRA ABDUL (testifying on Committee Report 16-176):

Good morning. Cassandra Abdul, Executive Director, Na Hale O Maui. Here I am again. We are very pleased to see the timely referrals from the Planning Committee, that are the result of the Temporary Investigative Group, relating to increasing

affordable housing in Maui County. And we look forward to further discussions in the various Committees.

I was in a little bit of a mood this morning when I was writing this. And if only we lived on the Good Ship Enterprise and Captain Picard could just say make it so, and it would be so. Unfortunately, we live on earth here in Maui County. While deliberating the many merits of the referrals, I hope the Committees will keep in mind an old adage that I learned through scouting, and that's KISS - Keep it Simple, although I added silly, although that's not the way I actually learned it with the second "s".

Complexity really is not our friend. Keeping the resolution of these nine important issues simple will sharply increase the likelihood of success. The resulting bills will be clear and easy to understand while they are discussed and debated. Please listen and be willing to consider what you hear with an open mind, especially department personnel who are the experts with the experience and history to know the challenges of implementing and enforcing regulations with limited resources.

The Scouts taught me that keeping it simple is the best way to go. Consider what happens with the IRS regulations. Nobody on earth seems to understand that. And that to me is the ultimate complexity.

So, let's keep the big picture in sight. We desperately need more housing in Maui County. The upward pressure on home prices are caused by many things including the low supply of housing coupled with the high current and pent-up demand. Adding more houses can slow down and reverse this unrelenting increase in the cost to rent and own homes over time.

Thank you for all the work you do on behalf of the people of Maui. We ask that the various recommendations from the Planning Committee be referred to the appropriate committees, and that the committees work hard to keep it simple. Aloha.

CHAIR WHITE: Thank you, Ms. Abdul.

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

MS. ABDUL: Mahalo.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals who have signed up to provide testimony in the Council chamber. If there's any additional individual in the Council

chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff or proceed to the testimony lectern or District Office phones at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There is no one waiting to testify in the Hana Office.

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

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

COUNTY CLERK: Mr. Chair, there's no other individual in the District Offices or the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have received written testimony. Is there any objection to receiving that into the record?

MEMBERS VOICED NO OBJECTION.

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; and
2. Sydney Smith, Maliko Estate Coffee.

CHAIR WHITE: Thank you. Any objection to closing public testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: We will close public testimony then.

Mr. Clerk, please proceed.

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

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 16-171 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 109 (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 ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, CENTRAL MAUI LANDFILL (CML) PHASE V GAS COLLECTION SYSTEM EXPANSION," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That Bill 110 (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 (CENTRAL MAUI LANDFILL (CML) PHASE V GAS COLLECTION SYSTEM EXPANSION)," be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill 111 (2016), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S CLEAN WATER STATE REVOLVING FUND FOR THE CENTRAL MAUI LANDFILL (CML) PHASE V GAS COLLECTION SYSTEM EXPANSION, FISCAL YEAR 2017 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

4. That County Communication 16-225, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 16-171, ALONG WITH ITS RECOMMENDATIONS BE ADOPTED.

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: The Committee Report is very clear on your Committee's work, Mr. Chairman. Thank you.

CHAIR WHITE: Any further discussion on this item, Members?

Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; and that would be Member Crivello.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILLS NO. 109 (2016), 110 (2016), and 111 (2016).

COMMITTEE REPORT
NO. 16-172 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That County Communication 16-234, from Councilmember Stacy Crivello, be FILED;

2. That a PUBLIC HEARING be HELD on Resolution _____, entitled "AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO REQUEST THE GOVERNOR OF HAWAII TO DESIGNATE THE ISLAND OF MOLOKAI AS AN ENTERPRISE ZONE FOR TWENTY YEARS DUE TO EXPIRATION OF THE PRIOR ENTERPRISE ZONE DESIGNATION, PURSUANT TO SECTION 3.80.030, MAUI COUNTY CODE"; and

3. That following the public hearing, the resolution shall be SCHEDULED for further consideration.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-172.

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 18, 2016, to consider a proposed resolution to authorize the Mayor to submit an application to request the Governor to designate Molokai as an Enterprise Zone for 20 years.

Hawaii's Enterprise Zone Program was created by Act 78 (1986) and codified as Chapter 209E, of the HRS, to increase business activity, job retentions, and job creation in areas and industries where they are most needed and most appropriate

via tax and other incentives. The program was implemented in Maui County by the enactment of Chapter 3.80, of the Maui County Code, in 1994.

The program is a collaboration between the State and the County, with each providing some incentives, and allowing each county to select up to six areas meeting unemployment or income criteria for 20-year designations as an Enterprise Zone. Eligible businesses within an Enterprise Zone may apply for these incentives.

Pursuant to Section 3.80.030, of the Maui County Code, the Council may nominate an area in the County for designation as an Enterprise Zone by adopting a resolution and after a public hearing.

Your Committee notes that currently the Molokai Enterprise Zone designation will expire on December 31 of this year, 2016.

I respectfully request the Council for full support of this, of this recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Vice-Chair.

Any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. First I want to thank Committee Chairman Guzman for bringing this forward. But, I'd also like to thank my colleague Ms. Crivello, who moved this forward through her communication regarding her island's situation, regarding economic development and job opportunities for their residents.

I'm in full support of what Mr. Guzman is recommending to us today. And coming from Lanai, Mr. Chairman, I have no problem, and I'm happy to state it today that I look forward to a public hearing on Molokai, to allow the Molokai people to speak directly to the Council regarding this item that I feel is a very advantageous tool should Molokai people embrace it and use it for their economic needs.

So I'm willing to state at this time, you know, whenever you're ready to schedule, Chairman, I'm happy to go to Molokai and allow them to give their comments on this important subject. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Due to, yes, Mr. Cochran.

COUNCILMEMBER COCHRAN: No, I guess Mr. Couch and I were wondering, has that date been chosen for that meeting, or we're just urging Mayor to start the ball on that?

CHAIR WHITE: No, it's up to the Council and--

COUNCILMEMBER COCHRAN: Oh it's, okay.

CHAIR WHITE: --due to the very short timeframe within which we have, we need to act in order to go through the process by the end of December, we've already scheduled this meeting, this public hearing on the 10th. And it will be here, but we will certainly have the link, and maybe we can get the, the video link back up for the folks on Molokai to participate more fully than we're able to provide on just the audio.

COUNCILMEMBER COCHRAN: Okay. So, this month, the 10th?

CHAIR WHITE: Yes. And, and Ms. Crivello, as you can imagine, would have loved to have been here, but she is attending two funerals on Molokai today. So, she's not able to be here today. But, she will be here on the 10th.

VICE-CHAIR GUZMAN: Yea. I might add, Chair--

CHAIR WHITE: Yes.

VICE-CHAIR GUZMAN: --if I could, is that it's part of the requirements under HRS as when the County designates a Enterprise Zone, a public hearing is required.

CHAIR WHITE: Correct.

VICE-CHAIR GUZMAN: That's why we have to go through the public hearing.

CHAIR WHITE: Yea, thank you for clarifying that.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Ms. Crivello.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-173 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. That Resolution 16-149, entitled "AUTHORIZING THE GRANT OF A NON-EXCLUSIVE EASEMENT TO OCEANIC TIME WARNER CABLE FOR THE KULAMALU AFFORDABLE HOUSING PROJECT," be ADOPTED; and

2. That County Communication 16-235, from the Director of Housing and Human Concerns, be FILED.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

ON BEHALF OF COMMITTEE CHAIR CRIVELLO, I MOVE TO ADOPT THE RECOMMENDATIONS IN HOUSING, HUMAN SERVICE, AND TRANSPORTATION COMMITTEE'S REPORT 16-173.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Mr. Chair. Your Committee met on October 25, 2016, to consider a proposed resolution to authorize the grant of a non-exclusive easement to Oceanic Time Warner Cable LLC over 4.179 acres owned by the County of Maui to offer cable television and telecommunication services to the residents of the Kulamalu Affordable Housing Project.

The County is partnering with Time Warner to provide cable connection for each of the residential buildings, as well as the project's community center. The County will install interior wiring and connections in each individual unit, and the resident will have the option of subscribing to television, internet, and telephone services from Oceanic.

Oceanic was the only service provider willing to provide the cable infrastructure at no cost to the project.

I humbly ask for my Members support of the motion.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-149.

COMMITTEE REPORT
NO. 16-174 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following

1. That Bill 112 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON KEALAKAI PLACE, PAIA, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-38, from the Council Chair, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-174.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on October 17, 2016, to discuss a revised proposed bill to prohibit parking on the west side of Kealakai Place in Paia, Maui, Hawaii, at all times and on the east side of Kealakai Place from 9:00 p.m. to 6:00 a.m.

Beach parking for Baby Beach is located at the end of Kealakai Place, but often overflows onto the street. So the Director of Public Works said the current parking situation prevents emergency vehicles from safely accessing Kealakai Place and, at times, prevents residents from accessing their driveways. With no parking

restrictions in place, residents are also concerned with overnight activities taking place at Baby Beach.

So, the proposed parking prohibitions would greatly help with ingress and egress, curb unwanted activity at the beach park during evening and overnight hours, and assist emergency personnel with access to the street as needed.

Your Committee notes Public Works Commission also, after hearing resident concerns, unanimously approved approval of the revised proposed bill at its meeting of August 24, 2016.

And, your Committee voted 6-0 to recommend passage of this revised proposed bill on first and final reading, reading, first reading and filing of communication.

And, I respectfully ask for consideration on this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, very quickly, I thank our Chairman, Ms. Cochran, for moving this forward. She has heard my bitching and my gripes about enforcement. We pass a lot of smart legislation. How smart is it if it never gets enforced?

So, for me, I hope the Police Department hears this really well, that there's a lot of bad drivers out there, with a lot of bad practices called illegal parking. And I expect this to be another tool for them to start issuing what they need to, to keep the road safe for pedestrians and legal drivers that pay attention to the law. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama. I think we all share your frustration with the lack of respect with people parking in other, adjacent to other people's property and not doing so in a very thoughtful manner.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 112 (2016).

COMMITTEE REPORT
NO. 16-175 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That the matter relating to costs attributed to the processing of green waste tonnage, along with data received from the Department of Environmental Management, be REFERRED to your Budget and Finance Committee; and

2. That the Miscellaneous Communication related to Amendment 2 of Contract C5545 between the County of Maui and Nabbs Trucking Limited Liability Company, dated August 28, 2015, be FILED.

(Vice-Chair Guzman was excused from the meeting at 9:43 a.m.)

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-175.

COUNCILMEMBER HOKAMA:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on October 17, 2016, to discuss: 1) a Miscellaneous Communication dated May 28, 2015, which related to green waste service; and 2) a Miscellaneous Communication dated November 6, 2015, relating to Amendment 2 of a Contract C5545 between County of Maui and Nabbs Trucking Limited Liability Company, dated August 28, 2015.

Your Committee discussed the total cost for Contract C5545, which originated in June 2014 for an initial cost of $76,720, the cost over three additional one-year extensions. The third and final amendment of which extends the Contract to November 30, 2017, are now nearly up to $500,000.

So, your Committee discussed the costs to process green waste tonnage, and recommended the subject and associated data be referred to your Budget and Finance Committee for further discussion.

Your Committee also recommend filing of the communication relating to Amendment 2 of the Contract C5545. I therefore respectfully ask for Council's full support of these recommendations. 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, CARROLL, COCHRAN, COUCH, HOKAMA, VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Crivello and Vice-Chair Guzman.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-176 - PLANNING COMMITTEE:

Recommending the following:

1. That the matter relating to a third-party chief (not a County employee) to coordinate construction of affordable housing be REFERRED to your Housing, Human Services, and Transportation Committee;

2. That the matter relating to revising County housing policies in Chapters 2.86 and 2.96, Maui County Code, to encourage the development of affordable housing and reduce barriers and costs be REFERRED to your Housing, Human Services, and Transportation Committee;

3. That the matter relating to the sale or development of County-owned properties at the Maui Lani Fairways and Sand Hill Estates Subdivisions be REFERRED to your Housing, Human Services, and Transportation Committee;

4. That the matter relating to building affordable homes for sale or rent on County-owned properties in West and South Maui be REFERRED to your Housing, Human Services, and Transportation Committee;

5. That the matter relating to prioritizing County development of off-site infrastructure, especially water, sewer, and roadway improvements, to support housing and make it more affordable by reducing pass-through costs be REFERRED to your Infrastructure and Environmental Management Committee;

6. That the matter relating to allowing for an independent third-party building plan review process be REFERRED to your Infrastructure and Environmental Management Committee;

7. That the matter relating to amending Chapter 19.30A, Maui County Code, to decrease the minimum lot size for farm labor dwellings on agricultural land be REFERRED to your Planning Committee;

8. That the matter relating to proposing an amendment to Section 3.35.010(B), Maui County Code, to require a larger percentage (e.g., 4 percent) of real property taxes be set aside in the Affordable Housing Fund be REFERRED to your Policy and Intergovernmental Affairs Committee; and

9. That the matter relating to a "one-stop shop" at the new County service center or other appropriate location for processing permits be REFERRED to your Policy and Intergovernmental Affairs Committee.

(Vice-Chair Guzman returned to the meeting at 9:45 a.m.).

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN PLANNING COMMITTEE REPORT 16-176.

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. On October 6, 2016, your Committee received a report from the Temporary Investigative Group, TIG, formed to make findings and recommendations to increase the County's inventory of available housing. Your Committee met on October 12, 20, and 27, 2016, to discuss the TIG's recommendations.

Your Committee notes that the TIG report suggested a number of ideas were better suited for further discussion by other Council standing committees.

Your Committee recommended referral of the various matters as read by the Clerk to your standing committees as noted. Further discussion of these matters by your respective committees will allow your committees to tackle issues relating to housing inventory, using the experience, expertise of the departments for which they have oversite.

I encourage the Chair, I encourage the Chairs of your Committees to which these matters are being referred to consider expediting discussion and posting these matters for discretionary referral, so that they may be referred to the appropriate Council Committee for the 2017 to 2019 Council term.

I want to thank the TIG for its excellent work on getting this done. And I ask for the Council's full support of my motion. 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, COCHRAN, COUCH, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-177 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-150, entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE COUNTIES TO PROCESS DISTRICT BOUNDARY AMENDMENTS OF THIRTY ACRES OR LESS," be ADOPTED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE THAT, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 16-177.

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: Thank you. At our meeting of October 17, 2016, for which Vice-Chair Couch conducted, and I want to thank him for his efforts, your Policy and Intergovernmental Affairs Committee recommended adoption of the proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE COUNTIES TO PROCESS DISTRICT BOUNDARY AMENDMENTS OF THIRTY ACRES OR LESS".

If enacted, the State bill would attach, attached to this resolution would give the counties the authority to process District Boundary Amendments for properties 30 acres or less. Presently, it's 15. The State Land Use Commission has the authority for other District Boundary Amendments.

So, I respectfully request the Council's support on this measure. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, thank you, Mr. Victorino for allowing me to handle that item in your Committee.

I just wanted to make a request to whoever would be going over to the Legislature to discuss this bill should it, this resolution should it pass. You know, we talked about this number of acres. And 30 acres we figured would be something, at least, would be palatable to the State Legislature to get the bill referred to the proper Committee.

But, any chance that you guys get, if you can feel out the legislators to up that number, it would save a lot of time for a lot of different projects that may go through. So, the higher that number is, the better for getting stuff through the County as opposed to having to go through the State.

We have some good members of our Planning Commission, so I would imagine that the more we can get in front of them, it's better for home rule too. 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, CARROLL, COCHRAN, COUCH, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 16-150.

Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 16-250 - TIVOLI S. FAAUMU, CHIEF OF POLICE, (dated October 7, 2016)

Informing of the intent to expend $29,011.65 in Federal Forfeiture Funds to pay for a 2017 FLTR Trike for the Lahaina Patrol parking enforcement.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATIONS 250 THROUGH 261 BE FILED.

COUNCILMEMBER VICTORINO:

I SECOND, MR. CHAIR.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: The Clerk would be requested to bring up all other items, please.

CHAIR WHITE: Without objection.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

NO. 16-251 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated October 21, 2016)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Roadblock Grant in the amount of $355,020.80.

NO. 16-252 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated October 21, 2016)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement Grant in the amount of $57,601.08.

NO. 16-253 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated October 24, 2016)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Seat Belt Enforcement Grant in the amount of $112,170.00.

NO. 16-254 - TIVOLI S. FAAUMU, CHIEF OF POLICE, (dated October 24, 2016)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement Grant in the amount of $147,690.00.

NO. 16-255 - TIVOLI S. FAAUMU, CHIEF OF POLICE, (dated October 24, 2016)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records Grant in the amount of $86,215.00.

NO. 16-256 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated October 12, 2016)

Transmitting a notice of grant award from the State of Hawaii, Department of Education for the Play and Learn Sessions (PALS) Food Service Program in the amount of $200,000.00.

NO. 16-257 - ANNA M. FOUST, EMERGENCY MANAGEMENT OFFICER, (dated October 21, 2016)

Transmitting a notice of grant award from the State of Hawaii, Department of Defense for the Fiscal Year 2016 Homeland Security Grant Program in the amount of $589,800.00.

NO. 16-258 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 21, 2016)

Transmitting a contribution award letter from Alexander & Baldwin, Inc. for the Elderly Lunch Program – A&B Kokua Giving Contribution in the amount of $20,000.00.

NO. 16-259 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 25, 2016)

Informing of the receipt of additional funding from the State of Hawaii, Executive Office on Aging for the Aging and Disability Resource Center in the amount of $306,861.00.

NO. 16-260 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated October 25, 2016)

Informing of the receipt of additional funding from the State of Hawaii, Executive Office on Aging for the Older Americans Act Title III Program in the amount of $1,842.00.

NO. 16-261 - STEWART STANT, DIRECTOR OF ENVIRONMENTAL MANAGEMENT, (dated October 13, 2016)

Transmitting a notice of grant award from the State of Hawaii, Department of Health for the Glass Recovery Program in the amount of $99,100.00.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, these are the required transmittals by the various Departments to conform to Ordinance 4334 passed by Council. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 16-262 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 19, 2016)

Transmitting 59 contracts/grants for September 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATION 16-262, EXCLUDING THE FOLLOWING CONTRACTS: C6070, WHICH IS REGARDING THE WAIKAPU MATERIAL STORAGE YARD; C6081, LOWER NAHIKU COMMUNITY CENTER; AND C6090, THE FURNISHING AND DELIVERY OF A 1500 GPM PUMPER FOR KAHULUI STATION.

And, I am open to any other requests by the Members regarding a specific request. Thank you, Chairman.

CHAIR WHITE: Members, are there any other requests for referral to Committee?

Ms. Cochran.

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

MAY I REQUEST CONTRACT C5566-3, THIS ONE'S RELATING TO THE ARCHAEOLOGICAL INVENTORY SURVEY FOR MOKUHINIA ECO-SYSTEM, SO I'D LIKE THAT TO BE REFERRED, IF POSSIBLE, TO THE EAR COMMITTEE.

And, yea, that's the one contract out of this batch.

CHAIR WHITE: Okay. Thank you. Before we move on, we didn't get a second on that.

COUNCILMEMBER VICTORINO:

SECOND.

CHAIR WHITE: Okay. We have a second from Mr. Victorino on the motion from Mr. Hokama.

Any other referrals, or any other items that you would like to be referred to Committee?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I support Ms. Cochran's request cause it's, the contract is about the time extension and not really the financial component. So, I look forward to that being served under the other standing Committee. Thank you.

CHAIR WHITE: Thank you. I was just going to ask you if there are any objections to the referrals recommended by Mr. Hokama or Ms. Cochran. Okay, seeing no objections, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 16-263 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated October 7, 2016)

Transmitting the semiannual report regarding park dedications for each community plan area for the period of April 1, 2016 through September 30, 2016.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN:

CHAIR, REQUESTING FILING OF THE COUNTY COMMUNICATION.

This is pretty standard that they wanted to review the copy. The Members are welcome to it. Thank you.

CHAIR WHITE: Okay. So we have a--

COUNCILMEMBER VICTORINO.

SECOND, MR. CHAIR.

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

Any further discussion, Mr. Guzman?

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

CHAIR WHITE: Okay. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 16-264 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 18, 2016)

Informing of the acquisition of Drainage Easements D-1 and D-2, Valley Isle Produce Subdivision No. 3, Kahului, TMK: (2) 3-7-011:013 and 019 (Por).

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. May I request that the Clerk also bring up County Communication 16-265 and 16-266?

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: So ordered. Mr. Clerk.

NO. 16-265 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 20, 2016)

Informing of the acquisition of a Curb Ramp Easement, Hansen Road Subdivision, Lot 2-B, TMK: (2) 3-8-006:001 (Por).

NO. 16-266 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 20, 2016)

Informing of the acquisition of the Hansen Road Rehabilitation Subdivision, Road Rounding Lot, TMK: (2) 3-8-001:001 (Por).

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much. I'm looking to file these three items. These don't hit that dollar amount threshold for it to have to come through Council. It's similar to that two-foot wide easement we, we looked into during my last IEM discussion. So, these three items are very similar in that nature.

SO I, IF THERE'S NO OBJECTIONS FROM THIS BODY, I WOULD LIKE TO REQUEST THESE THREE ITEMS TO BE FILED.

COUNCILMEMBER HOKAMA: Is that a motion, Ms. Cochran?

CHAIR WHITE: Is that?

COUNCILMEMBER COCHRAN: Oh sorry, yes.

COUNCILMEMBER HOKAMA:

THEN, I SECOND THAT.

COUNCILMEMBER COCHRAN: Okay.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. No further discussion. As I stated, pretty, housekeeping, I guess, items at this time. Thank you, Chair.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 16-267 - DON S. GUZMAN, CHAIR, ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE, (dated October 26, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2016 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

DUE TO TIME CONSTRAINTS, I MOVE TO DISCHARGE THE EAR COMMITTEE FOR FURTHER CONSIDERATION OF THE PROPOSED RESOLUTION IN COUNTY COMMUNICATION 20, NO EXCUSE ME, 16-267.

COUNCILMEMBER VICTORINO:

SECOND.

COUNCILMEMBER COCHRAN: No objections, or second.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. The proposed resolution is time-sensitive because of the dates of the tournaments. I'm requesting the Committee to be discharged from this matter so that the Council may consider it today.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO WAIVE THE REQUIREMENTS OF THE COMMITTEE REFERRAL AND REPORT FOR THE PROPOSED RESOLUTION.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Motion is to waive the referral and the Rules under 7(E) of the Rules of the Council. Also, this motion will require two-thirds vote of the entire membership of the Council.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 16-267, AND THE FILING OF COUNTY COMMUNICATION 16-267.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

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

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. As, as it has been very evident in the Committee, we were advised of the circumstances of the deadlines. And it was, I believe the request for the permits came in July, however, the Parks indicated that it took a while for them to get it through. So, we're asking for this permit to be issued at the Council level.

CHAIR WHITE: Okay. Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak against the motion today. I have for one continued to be disappointed by various departments.

This Department continually puts this Council in positions that, do we really have a decision to make, Chairman? We're in a corner. If you look at the request, this is for something that is supposedly already occurring. So why are you asking us for an approval when it's already occurring, the event, if I read the dates right. They started end of October, we're in November.

Something is wrong with the process. But I find it interesting that there is an attachment by the event proposer of a July date. So, why is it before Council in November for an approval of an event that already started end of last month?

I will remember how departments function, Chairman, because this is not the right way to do things. Thank you.

CHAIR WHITE: Any further discussion, Members?

Mr. Buenconsejo is here if you have any questions for him. But I would agree with Mr. Hokama that, that we are in a bit of a corner. But, the Chair will support this motion, because I believe it's, it would be to the detriment of the private party, not, not the Department.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Just asking the Chair of the Committee, didn't we do this, last Council meeting we did this to the 10th. And it looks like it's going, wanting to change it from the 10th to the 13th. Or is that, was that another event?

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: What was the question again?

COUNCILMEMBER COUCH: Didn't we do this reso, or a resolution very similar to this at the last Council meeting or two meetings ago, where we gave the permission for the, more than five days. And it just looks like from this resolution that it's adding three more days. I'm not sure.

VICE-CHAIR GUZMAN: I believe what had occurred was, when we had the EAR Committee on a Tuesday, that was the, two weeks ago. We're, we had decided to discharge, and so we didn't make the time for the posting for that week's Council meeting. So, we had to add an additional three days for this reso, for it to accommodate being passed after the fact.

CHAIR WHITE: Okay.

VICE-CHAIR GUZMAN: So that's, we were just trying to accommodate.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: We have, the measure passes with seven "ayes"; one "no", Mr. Hokama; and one "excused", Ms. Crivello.

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 16-151.

NO. 16-268 - MIKE WHITE, COUNCIL CHAIR,
(dated October 28, 2016)

Transmitting a proposed resolution entitled "APPROVING A PROPOSAL TO REQUIRE THE DEPARTMENT OF HEALTH TO REGULATE NOISE FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Excuse me, Mr. Chair. Thank you, Mr. Chair. I recommend the adoption of Committee Report 16-177.

CHAIR WHITE: I believe we need a motion to waive first.

COUNCILMEMBER VICTORINO: Oh, excuse me. Yes, okay.

CHAIR WHITE: Thank you.

COUNCILMEMBER VICTORINO: I move, thank you, Mr. Chair.

I MOVE TO, THAT THE REQUIREMENTS OF THE COMMITTEE REFERRAL AND COMMITTEE, ON COMMITTEE REPORT BE WAIVED, AS PROVIDED IN RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: My apologies, Mr. Chair.

CHAIR WHITE: No problem.

COUNCILMEMBER VICTORINO: I move to adopt the proposed resolution attached to the County Communication 16-268, which would approve, including in the 2017 Hawaii State Association--

CHAIR WHITE: Wait, we're still on the, we're still on the waiver.

COUNCILMEMBER VICTORINO: Oh, sorry. I, I am really moving ahead.

CHAIR WHITE: So, we have a motion. Is there any discussion on the waiver?

COUNCILMEMBER VICTORINO: Okay. Thank you. The waiver requirements of the Committee referral report is in need of at least a 2,000, two-thirds vote on the Council, will enable us to consider a, this time-sensitive resolution at today's meeting. So, I would ask for your favorable vote. Thank you very much, Chair.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Victorino.

COUNCILMEMBER VICTORINO: Let's see if I can get it right from this point forward.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 16-268, WHICH WOULD APPROVE, APPROVE THE, INCLUDING IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL FROM THE, FROM THE HONOLULU CITY COUNCIL REGARDING, RELATING TO NOISE, AND THAT, AND TO FILE THIS COMMUNICATION.

COUNCILMEMBER COUCH:

SECOND.

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

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. This bill would mandate that the State Department of Health to enforce existing State laws on noise control. For background, all four counties must approve the proposal for the HSAC Legislative Package.

So far, the 2017 Package includes three proposals that have been approved by all the counties; a bill for, to permanently provide liability protection for the County lifeguards; 2) a bill to give the counties revenue for unadjudication, unadjudicated traffic fines; and 3) a bill to fund 24-hour ambulance services for the islands of Hawaii and Kauai.

Both the Maui County Council and the Honolulu City Council have approved nine other proposals. These proposals on noise control is the thirteenth and final proposal under consideration. Action today will ensure that the package is approved by the end of the month, and which would allow us to start a public relations campaign. So, I humbly ask for my Members support on this last resolution from the City and County of Honolulu.

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, COCHRAN, COUCH, HOKAMA, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 16-152.

The following communications are recommended to the following Committees as noted:

NO. 16-269 - BRUCE ERFER, CHAIR, BOARD OF REVIEW, (dated October 6, 2016)

Relating to the matter of filing Hawaii Resident Income Tax Return to enable Home Exemption.

The recommended action is that County Communication No. 16-269 be referred to the Budget and Finance Committee.

NO. 16-270 - MARK R. WALKER, DEPUTY DIRECTOR OF FINANCE,
(dated October 26, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO OLD MAUI HIGH SCHOOL".

The recommended action is that County Communication No. 16-270 be referred to the Budget and Finance Committee.

NO. 16-271 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 28, 2016)

Transmitting 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 C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, HANA COMMUNITY PLAN AREA, HANA-KEANAE-KAILUA PARKS SYSTEM".

The recommended action is that County Communication No. 16-271 be referred to the Budget and Finance Committee.

NO. 16-272 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 28, 2016)

Transmitting the following proposed bills entitled:

1. "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, HALE MAHAOLU EWALU SENIOR PROJECT PHASE II"; and

2. "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, FABMAC AFFORDABLE HOUSING PROJECT".

The recommended action is that County Communication No. 16-272 be referred to the Budget and Finance Committee.

NO. 16-273 - RIKI HOKAMA, COUNCILMEMBER,
(dated October 27, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO CONCESSIONS AND SPONSORSHIPS IN COUNTY PARKS AND RECREATIONAL FACILITIES".

The recommended action is that County Communication No. 16-273 be referred to the Budget and Finance Committee.

(See pages 48 and 49 for discussion.)

NO. 16-274 - DON COUCH, COUNCILMEMBER,
(dated October 24, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.080, MAUI COUNTY CODE, TO PROHIBIT CONSUMPTION OF ALCOHOL AT PIIKEA PARK, KIHEI, MAUI, HAWAII".

The recommended action is that County Communication No. 16-274 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-275 - MIKE WHITE, COUNCIL CHAIR,
(dated October 28, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.050, MAUI COUNTY CODE, RELATING TO STOPS REQUIRED AT NON-THROUGH STREET INTERSECTIONS AT MEHA ROAD AND KEALALOA AVENUE, MAKAWAO, MAUI, HAWAII".

The recommended action is that County Communication No. 16-275 be referred to the Infrastructure and Environmental Management Committee.

NO. 16-276 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated October 24, 2016)

Relating to Community Plan Amendment and Change in Zoning applications submitted by Lanai Resorts, LLC, dba Pulama Lanai, transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE LANA`I COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANA`I CITY, LANA`I, HAWAII TAX MAP KEY (2) 4-9-006:050"; and

2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANA`I CITY, LANA`I, HAWAII TAX MAP KEY (2) 4-9-006:050".

The recommended action is that County Communication No. 16-276 be referred to the Land Use Committee.

NO. 16-277 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated October 24, 2016)

Transmitting a Conditional Permit application submitted by Lanai Resorts, LLC, dba Pulama Lanai, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING LANA`I RESORTS, LLC, DBA PULAMA LANA`I, A CONDITIONAL PERMIT TO DEVELOP A HELISTOP PAD AND RELATED IMPROVEMENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 4-9-002:001, MANELE, LANAI, HAWAII".

The recommended action is that County Communication No. 16-277 be referred to the Land Use Committee.

NO. 16-278 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated October 26, 2016)

Transmitting comments and recommendations from the Planning Commissions and Planning Department relating to Resolution No. 16-94, "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.65.030, MAUI COUNTY CODE, TO ESTABLISH OWNERSHIP DURATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL HOME PERMIT APPLICATIONS".

The recommended action is that County Communication No. 16-278 be referred to the Planning Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

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

Mr. Guzman.

DISCUSSION RELATING TO
COUNTY COMMUNICATION NO. 16-273

VICE-CHAIR GUZMAN: Chair, may I ask the Budget Chair, Finance and Budget Chair Hokama if he would yield the referral to EAR Committee in reference to Communication 16-273? This is "A BILL FOR AN ORDINANCE RELATING TO CONCESSIONS AND SPONSORSHIPS IN COUNTY PARKS AND RECREATIONAL FACILITIES".

I had an opportunity to review the bill and the only provisions in there that I believe the Finance and Budget Committee would be interested in is the creation of the fund itself. There's provisions in there for adopting parks sponsorships and as well as, according to our resolution on Committees, the language that is designated for EAR referrals is the operations of the Department of Parks and Recreation's, including concessions, and the Office of Economic Development, including the oversight of any grants they administer. So, the wording is very clear where it says including concessions. And the bill itself is entitled under Chapter 13, so it's under the Parks ordinances.

So I would request that the Budget Chair, although it's, you know, he introduced the bill and it's a great bill, I, we've been waiting for that bill for quite some time. And it actually will enable a lot of the legislation that we've been waiting for from our revision of the previous Chapter. So, I would request that Mr. Hokama yield to EAR Committee, the referral.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. And I understand Mr. Guzman's request. I, at this time, prefer not to. My intention was to expand the scope and view concessions for all County facilities and programs.

Yea, I've structured it intently on the proposal. And Mr. Guzman is right, I've been working on this for six years at minimum. I've always wondered why we chose not to do concessions since our sister-county, City and County of Honolulu, has been doing

it for decades and have been receiving millions from pouring rights and other opportunities that they've taken advantage of.

Our department needs to catchup, our departments, I should say, because this shouldn't only be about Parks. It should be any County facility that it makes sense for us to consider concessions, whether it be this County building, operational areas, whether it be a DMV, property tax, community centers, water billing areas. I think we need to look at this as a potential revenue source that will assist the General Fund to allow the Council to provide for things that we've been asked for. And one of our basic issues is the level of resources that we have available.

So for me, Chairman, I'm looking at this in a larger scope, bigger scope. I will be up front; we will not have time to work on it this term. So again, you know, we can make a call today, but it'll be part of the new Council's organization to decide how they want to move forward with the subject.

But, my thing was to expand it to view all facilities throughout the County, for Molokai, Lanai, and as well as for this island. Thank you.

CHAIR WHITE: Yea, the Chair's feeling is that we'll, as Mr. Hokama states, we'll have more opportunity to discuss where this item is heard. I, I do agree with Mr. Guzman that from a policy standpoint, the policy generation is appropriate in the EAR Committee. But since this is not coming up until next term, I think it's okay for it to be left with the current referral, and we can bring it up at a later date.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Just want to remind the Members that pursuant to our Resolution 15-5, anything that, issues involving the responsibilities of two or more standing committees should go to the Policy and Intergovernmental Affairs Committee. Just another thought.

CHAIR WHITE: Yea. Good point.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Yes, Mr. Guzman.

VICE-CHAIR GUZMAN: The EAR Committee will yield to the BF Committee if that's the case. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Actually, we don't need, that was not a motion. That was just a no objections. Sorry about that.

Okay. Mr. Clerk, proceeding with ordinances.

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

ORDINANCES

ORDINANCE NO._____
BILL NO.___103___(2016)

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

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. With no objections from my colleagues, I would ask that the Clerk bring up all bills for second and final reading.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

ORDINANCE NO._____
BILL NO.___104___(2016)

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

ORDINANCE NO._____
BILL NO.___105___(2016)

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)

ORDINANCE NO._____
BILL NO.___106___(2016)

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)

ORDINANCE NO._____
BILL NO.___107___(2016)

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)

ORDINANCE NO._____
BILL NO.___108___(2016)

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

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Mr. Chairman.

I MOVE THAT BILL NO. 103 UP TO AND INCLUDING BILL NO. 108 PASS SECOND AND FINAL READING.

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, I'm happy to respond to any questions from the Members. Other than that, our digests is very clear and specific on the purpose of the legislation.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

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

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

And thank you, Members, for being on time. And we are adjourned.

ADJOURNMENT

The regular meeting of November 4, 2016 was adjourned by the Chair at 10:25 a.m.

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

161104/lks:jm

Nā Hale O Maui
A COMMUNITY LAND TRUST

November 4, 2016

Honorable Michael White, Chair
Maui County Council
200 High Street
Wailuku, HI 96793

Hand Delivered

Subject: Committee Report No. 16-176 – Planning Committee

Dear Chair White:

We are pleased to see the timely referrals from the Planning Committee, that are the result of the Temporary Investigative Group (TIG,) related to increasing (affordable) housing in Maui County. We look forward to further discussion in the various Committees.

If only we lived on the good ship Enterprise and Captain Piccard could simply say "make it so," and it would be! However, we live in the real world in Maui County. While deliberating the many merits of the referrals, I hope the Committees will keep an old adage in mind: KISS - Keep it Simple (Silly – although that's not the way I learned it!) Complexity is not our friend.

Keeping the resolution of these nine important issues simple will sharply increase the likelihood of success. The resulting Bills will be clear and easy to understand while they are discussed and debated. Please listen and be willing to consider what you hear with an open mind, especially Department personnel who are the experts with the experience and history to know the challenges of implementing and enforcing regulations with limited resources.

The Scouts taught me that Keeping it Simple is the best way to go. [Consider the incredible complexity of IRS regulations in mind. It's rumored that they are so complex that no one understands them fully; not Congress, CPAs, tax payers, or IRS agents!] I hope that the Maui County Council can KISS!

Let's keep the big picture in sight: we desperately need more housing in Maui County. The upward pressure on homes prices are caused by many things including the low supply of housing coupled with the huge current and pent-up demand. Adding more homes can slow down and reverse this unrelenting increase in the cost to rent and own homes over time.

Thank you for the work you do on behalf of the people of Maui County. We ask that the various recommendations from the Planning Committee be referred to the appropriate committees, and that the Committees work hard to Keep it simple!

Sincerely

It's Executive Director

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."*

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

Nov. 4, 2016

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OFFICE OF THE
COUNTY CLERK

Testimony Regarding County Communication 16-278, Resolution 16-94

Good morning Council. Good Morning Chair.

My name is Sydney Smith, I own, Maliko Estate Coffee Farm and Maliko Retreat vacation rental in Makawao.

I'm testifying today regarding the durational requirements for Short Term Rental Home Applications.

I recognize the intent behind the resolution. Everyone knows that there are not enough affordable homes here on Maui.

I would suggest a few simple changes to the bill.

Make it a 5-year residency requirement, rather than an ownership requirement of that property.

If someone has been a resident living here and paying taxes for 5 years they should be able to apply for a short-term rental home permit.

Allow local people to transfer title to their children or family members without a penalty.

Requiring a landowner to own the property for five years will not necessarily lead to more affordable rentals. My own vacation rental houses were rented long term until I had long, protracted evictions in both houses. The repairs to those houses and the legal costs exceeded all the rents I had ever received from those houses. So we chose to leave them empty rather than risk that again. One house was empty for 10 years and one was empty for 20. If I was not able to rent my houses through the Short Term Rental Home and Special Use Permit system here in place in Maui County, those two houses would still be empty and 5 people would not have great paying jobs, that clean and maintain those houses and grounds for my guests.

Giving exemptions to houses of a million dollars or more will just lead to land owners adding amenities and additions to push the land value higher, removing more homes from the million and under category.

And do you really want to add yet another reason for people to go underground with their vacation rentals. There are so many reasons already.

There are great ideas in the TIG report that will result in more affordable rental homes being added to the inventory. I would add one more. Overhaul the landlord-tenant code as many jurisdictions have already done. This will lead to more empty houses being added to the inventory and may encourage others to build them.

Sydney Smith
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